

3-22-1892

Report : Claim of C. Relf

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IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1892.—Ordered to be printed.

Mr. DANIEL, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany S. 1584.]

The Committee on Indian Affairs, upon consideration of the bill (S. 1584) entitled "A bill for the relief of Christina A. Relf," respectfully submit the following report:

By S. 1584 it is provided that the Court of Claims is given jurisdiction to adjudicate the claim of Christina A. Relf, the legal representative of Samuel Hill Williams, for property taken from said Williams on his plantation in Volusia County, Fla., about March, 1836, by troops of the United States, and of the State of South Carolina acting in conjunction therewith, and used, removed, or destroyed by said troops; also for property of said Samuel Hill Williams taken, used, and destroyed by the Seminole Indians about the same time.

The court is authorized and directed to render judgment in favor of said legal representative for the value of said property, any statute of limitations to the contrary notwithstanding, and to designate what amount in value, if any, of any property may have been taken, used, or destroyed by the Seminole Indians. It is also provided that the court shall receive and consider as evidence the affidavits made in support of said claim between the years 1837 and 1846, except such as were made by persons now living, and that the court shall give to such evidence such weight as it may deserve.

The memorial of Mrs. Relf explains the delay in the prosecution of this case by the papers being left in the hands of an attorney, who neglected the matter and laid the papers aside. This claim is very old, and it is difficult to make any disposition of it which satisfies all the ends of justice. In support of it there is an itemized account of Samuel Hill Williams, aggregating \$20,717.10, for damages sustained by the act of troops, and for property and press by order of officers.

The affidavit of Williams to this account was made at St. Augustine on October 29, 1845. There is also an itemized account of losses by acts of the Seminole Indians aggregating \$45,739.39, with the affidavit of said Williams made July 20, 1846. There is an affidavit by John D. Shelden, made the 10th of September, 1845, giving a historic relation of the transactions; the affidavit of V. Sanchez, made October 3, 1845, in respect to the situation and losses of Williams; the statement of George R. Fairbank, clerk of the court, as to the bankruptcy of Williams; the affidavit of R. M. Kirby, major U. S. Army, made June 15, 1837, as to the occupation by the troops and the destruction of property of Williams; the discharge in bankruptcy of Williams, attested by clerk of court November 14, 1843; the affidavit of Thomas R. Hall of October 10, 1845, giving a historic relation of the losses and destruc-

tion of property of Williams; the statement of J. M. Hanson as to certain damages sustained by Williams; the affidavit of Capt. Nauman, First Artillery, as to damages to Williams's property; the affidavit of James Pellicer, planter, as to losses and damages of Williams.

Certain affidavits have been handed in of persons now living, one of John S. Masters, signed by his mark, who states that he is 85 years old; that he served in the Seminole war in 1835; was on the plantation of Williams, and found properties there destroyed by fire. This affidavit is dated 7th of March, 1892. There is an affidavit of A. Hunter, of March 10, 1892, signed by his mark, stating that he is 82 years of age, and that he had heard Williams say that he had been burned out by the Indians, with a few other facts, as also the affidavit of 29th of February, 1892, made by F. M. Sanchez, stating that he is 71 years of age; that he was a volunteer in the Seminole war; knew Samuel H. Williams, and that the Indians made great depredations on his plantation; that Williams moved from the farm on account of Indian hostilities; that they took his negroes and some bedding and household effects, with a few other general statements.

There is no itemized statement of Williams's losses save that made by himself, and the affidavits of both living and deceased persons which show that he suffered losses and damages are for the most part of a general nature. It is nearly sixty years since the matters complained of occurred. Unless Williams's affidavit be taken as a basis of account, there is very little of a precise nature to go upon.

Your committee can not see the wisdom of submitting such a case as this to the Court of Claims with the authority to it to consider the affidavits as evidence and to give to them such weight as they deserve. These affidavits are *ex parte*; the affiants were never cross-examined, and can not be. Unless they are assumed to be correct they are worthless. If assumed to be correct, it would be right to pay accordingly, but it would not be just to the Government to take the stale affidavits of deceased persons as substantiating their claims.

It is highly probable, indeed scarce to be doubted in a moral sense, that Williams was damaged by Indians and by our troops in such a way as to entitle him to some compensation; but even the affidavits were made years after the transactions, and whatever may be the misfortunes of those who have allowed or been forced to let this claim slumber for sixty years, it is evident from the nature of the case that it is impossible now to investigate it, whether by a committee or by a court, so as to arrive at any result that would be satisfactory. Were the parties in interest willing, and did they desire some small sum, comparatively, to be given them in recognition that they had suffered some loss which would be required, the equity and generosity of the Government might permit it to meet them in that spirit, but so far as the present bill and claim put forward by it are concerned, your committee is compelled to report against them.

Ancient claims like this, which have slumbered until nearly all living witnesses are dead, and those who may survive old and enfeebled, are entitled to but little consideration. It would be a much greater wrong to the people to pay them, upon the slender, unsubstantial, vague, and indefinite evidences of their justice, any amount than to discard them utterly. Individuals who, from whatever cause, do not make out their claims and substantiate them while it is possible to investigate them must abide the consequences.

The committee recommend that the bill do not pass.