2-8-1895

George F. Brott
IN THE SENATE OF THE UNITED STATES.

FEBRUARY 8, 1895.—Ordered to be printed.

Mr. Peffer, from the Committee on Claims, submitted the following

ADVERSE REPORT:

[To accompany S. 1861.]

The Committee on Claims, to whom was referred the bill (S. 1861) for
the relief of George F. Brott, have had the same under consideration
and beg leave to submit the following report:

This is a claim for $5,000 for the loss of certain saw logs alleged to
have been taken by quartermasters of the United States Army in the
years 1862, 1863, and 1864, and sawed into lumber for use in the rebuild­
ing of Fort Abercrombie. These logs, claimant alleges, he had col­
clected at great expense and placed in a slough or pond at or near the
town of Breckenridge, Minn., in the year 1861, to be sawed into lumber
for use in constructing a hotel at that place.

This claim has been before one or other House of Congress frequently,
beginning with the Forty-first Congress, when an adverse report was
made on it in the Senate by this committee. Since that time there
have been four favorable and four adverse reports on same claim by the
House Committee on War Claims, and three adverse without any
favorable reports from this committee.

The following is a copy of the report made in the Forty-eighth
Congress:

The Committee on Claims, to whom was referred the bill (S. 2005) to authorize the
Court of Claims to investigate the claim of George F. Brott for logs used in the construc­tion of Fort Abercrombie, Dakota, and to give judgment for the same, have
considered the same, and respectfully report:

We do not think we ought to authorize the Court of Claims to render judgment
against the United States for a claim more than twenty years old, and for that pur­
pose to remove the bar of the statute of limitations without very strong reasons.

The bill is accompanied by two petitions, in which the claimant alleges that he
was the proprietor of 250,000 feet of timber at Breckenridge, in the State of Minne­
sota, which was taken by the United States and used in the rebuilding and repair of
Fort Abercrombie, in Dakota, in the years 1863, 1864, and 1865. He says he left said
State for the city of New Orleans in July, 1862, and remained absent fifteen years;
that he understood that the place, after he left it, was burned by the Sioux Indians,
and supposed that his timber was destroyed in that way; that in the year 1880 he
was informed, for the first time, that his logs had been taken and used by the United
States. He then applied to the Quartermaster-General's Department for compensa­
tion, but was told that his claim was barred by the act of March 3, 1879.

The petitioner's statement of his ignorance of the true circumstances of the case
rests wholly on his own affidavit. Even in that he fails to allege any facts which
indicate diligence on his part either in the care of his property before it was taken
or in making due inquiry after the destruction of the place. We think it would be
most unsafe to act upon ex parte testimony or to authorize the removal of the bar
imposed by the statute after so many years had elapsed.

We recommend that the bill be indefinitely postponed.

S. Rep. 2—13
Since said report was submitted claimant has filed an affidavit of Charles T. Stearns showing his acquaintance with claimant, and his knowledge of the fact that the logs involved were used by the quartermasters in 1862–63–64, as alleged.

There is, however, no trace of reports from said officers, and it is evident that the claimant's first thought of asking pay from the Government for the logs was suggested to him in 1882, twenty years after their taking. Besides, there is nothing to show that he had not abandoned his claim to the logs when he left the locality of Breckenridge, Minn., and engaged in business and commerce at New Orleans and on the southern coast of the United States in a time of war.

Your committee adopt the report submitted by Senator Hoar, above copied, and recommend that the bill be indefinitely postponed.