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George F. Brott

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S. Rep. No. 909, 53rd Cong., 3rd Sess. (1895)

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 8, 1895.—Ordered to be printed.

Mr. PEPPER, 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 rebuilding of Fort Abercrombie. These logs, claimant alleges, he had collected 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 purpose 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 Minnesota, 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 compensation, 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.

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.

