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## Report : Mr. Westcott

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IN SENATE OF THE UNITED STATES.

AUGUST 3, 1846.

Submitted, and ordered to be printed.

Mr. WESTCOTT made the following

REPORT :

[To accompany bill S. No. 250.]

*The Judiciary Committee, to whom were referred the memorial of the legislature of the State of Florida, asking for the appointment of a board of commissioners to ascertain the losses of the citizens of Florida by the destruction of their property in the Seminole war of 1836, and also the memorials of Matthew Solana and others, on the same subject, report :*

That there are doubtless cases in Florida of the character alluded to in the memorials, in which the government of the United States should remunerate the sufferers ; that all, however, who sustained losses by Indian depredations have a claim upon the government for remuneration, is a principle which a majority of the committee cannot admit. Each case should stand upon its individual circumstances and merits. There are many petitions now before Congress claiming indemnity for such depredations. The evidence supporting them is generally *ex parte*, much of it not upon oath, and therefore not of a very satisfactory character. The numerous petitions of this description which have been presented, and which, it is stated, will hereafter be presented, have induced the opinion, on the part of the committee, that it will tend to the furtherance of truth and justice, and facilitate the legislation of Congress, to make provision by law for the procurement of testimony in support of or to rebut these claims before a judicial tribunal, prior to their presentation to Congress. The committee do not deem it expedient to grant the application of the memorialists for the appointment of a board of commissioners. The duty can readily be performed by the federal judiciary in Florida, before which, too, the proper legal officers can attend to the taking of the evidence, and otherwise guard the interests of the government. In the bill reported, a provision is inserted expressly declaring that the act shall not be considered in anywise creating an obligation on the part of the government to pay the claims. The act is merely intended to afford facilities to claimants in the presentation of their cases, and to provide preventives against fraud and imposition upon Congress in regard to the proof thereof.

The committee report a bill, and recommend its passage at this session of Congress.