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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. 251.]

The Committee on the Judiciary, to whom was referred the petition of John P. Baldwin, report :

That it appears, by the evidence submitted to the committee, that the petitioner was the owner of the Spanish brig *Gil Blas*, and her tackle and her cargo; that said brig was wrecked on the coast a few miles north of Cape Florida, in the winter of 1835-'36; that she was burned and totally destroyed by the orders of the officers of the United States commanding the naval forces in that quarter, then engaged in prosecuting the war against the hostile Seminoles; that the alleged justification for the destruction of the vessel and materials was to prevent their falling into the hands of the savages, of which the officer considered there was danger.

The petitioner, in addition to the proof of the facts above recited, by the depositions of sundry witnesses, has produced an inventory and appraisement, made by two disinterested respectable merchants appointed by the county court of Monroe county, Florida, upon the written application of petitioner, by which it appears that the value of the property destroyed was twelve hundred dollars. Reimbursement of this sum, after the long delay that has ensued, will not remunerate him for his actual loss of property, which he could probably have saved but for its destruction by the officer of the United States as aforesaid.

The committee do not deem it necessary to discuss the question of the justice and policy of the government reimbursing individuals for losses sustained under such circumstances. Repeated cases have been decided by former Congresses within the principles of which this case is included.

The committee, therefore, report a bill for the relief of the petitioner.

Ritchie & Heiss, print.