

BRITTON EVANS.

APRIL 24, 1840.

Read, and laid upon the table.

Mr. MALLORY, from the Committee of Claims, submitted the following

REPORT :

*The Committee of Claims, to whom was referred the petition of Britton Evans, report :*

The petitioner sets forth that, by virtue of a call made by the Secretary of War, he raised a company of volunteers in the city of Philadelphia, to operate against the Indians in Florida ; and that, while on his voyage with his company, in the ship Charles Wharton, from the said city to Tampa Bay, on the 19th day of December, 1837, they were shipwrecked near the coast of Florida, by which he lost his baggage, amounting to about \$318 62 in value : for which loss indemnity is claimed of the United States.

This claim was presented to Congress at the 2d session of the 25th Congress, and in the House of Representatives referred to the Committee on Military Affairs, who made an unfavorable report thereon on the 24th March, 1838 ; in which this committee concur, and adopt the same as part of this report, and which is in the following words :

*" The Committee on Military Affairs, to whom was referred the petition of Britton Evans, report :*

" That the petitioner states that he was the captain of a company of volunteers in the service of the United States ; and while on their passage to Tampa Bay, in Florida, they were shipwrecked, and he lost property of the value of \$318 62 : neither the petition, nor the depositions annexed to it, describe the kind of property, further than that it included his private baggage, and some clothing which he had furnished for the use of the company. With respect to his baggage, it has not been the usage of our service to pay officers for it, who lost, &c. To do otherwise would make the Government a general insurer against losses, however occasioned. In regard to the clothing, the petitioner had no authority from the Government to purchase it, as the volunteers were to receive an allowance in money in lieu of clothing ; and it is to be presumed that that allowance has been made to them. The committee recommend that the prayer of the petitioner be rejected."