

RICHARD FITZPATRICK.

MARCH 27, 1846.

Read, and laid upon the table.

Mr. BRINKERHOFF, from the Committee on Military Affairs, made the following

REPORT :

The Committee on Military Affairs, to whom was referred the petition of Richard Fitzpatrick, of Florida, have had his case under consideration, and now report :

The petitioner alleges that, in the month of January, 1836, he was the owner of an improved and well-stocked plantation, on the coast of Florida; that, on the 6th of that month, his overseer and negroes were driven off by the Seminole Indians, with whom the United States was then at war; that the Indians burned all his buildings, drove off or slaughtered all his stock, and destroyed the crops, fruit trees, and all his household goods, farming implements, &c. That, some time in the same year, (1836,) the troops of the United States took possession of said abandoned plantation and erected a military post there, called Fort Dallas, and continued to occupy the same as such up to the time of the presentation of his petition, in December, 1842; that, during all this time, the troops cut and took, for the use of the garrison and steamboats in the employ of the United States, a large amount of cord-wood, estimated by him at five hundred cords, and for which he charges at the rate of six dollars per cord. Petitioner also charges eighteen thousand dollars for the occupancy of his plantation during the time before mentioned; and out of all these items, he makes up an account against the United States amounting to the modest little sum of \$60,320!

The committee are of opinion—

1. That the petitioner is entitled to no compensation for the destruction of his property by the Indians; for if there be a principle well established in all the past legislation of Congress, it is, that the citizen is entitled to no compensation for property destroyed by public enemies.

2. That he is entitled to no compensation for the occupancy of his plantation by the troops of the United States; for, in the first place, there is no evidence that he could or would have occupied it himself had said military post not been established there; nor, in the second place, that the presence of the troops prevented his own occupancy of the plantation.

3. There is evidence that a considerable quantity of wood was cut and carried off the plantation by and for the use of the troops and steamers of the United States; but the quantity is altogether uncertain, and the

absurdly enormous price (\$6 per cord for standing timber) which he charges for this uncertain quantity, indicates a fraudulent disposition on the part of the claimant, and throws at least some doubt over the whole claim; and, at all events, the petitioner is bound to furnish some reasonable and credible evidence of the value of the timber appropriated by the troops for the service of the United States, it being no part of the duty of the committee to obtain such evidence; and, until such evidence is furnished, the minds of the committee can come to no conclusion in regard to the amount to which the petitioner is really entitled, and of course they can, under present circumstances, report no bill for his relief.

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