

IN THE SENATE OF THE UNITED STATES.

MARCH 23, 1892.—Ordered to be printed.

Mr. VILAS, from the Committee on Claims, submitted the following

REPORT:

[To accompany S. 1537.]

The Committee on Claims, to whom was referred the bill (S. 1537) for the relief of Margaret Thierer, widow of Jacob Thierer, having given the same due consideration, respectfully report as follows:

This claim is for merchandise alleged to be of the value of \$10,000, which it is claimed was destroyed, according to the bill, in 1847, but according to affidavits filed, in 1848, by United States troops under Lieut. Col. William Gilpin, U. S. Army, near Fort Man, on the Arkansas River, while the claimant's husband was in the course of transporting them to Santa Fé, as he claims, but through the Indian Territory. Col. Gilpin makes affidavit that he was, in 1848, in command of a battalion at Fort Man, under proper authority, charged, among other things, with the duty to watch for illegal traffic in whisky in the Indian country, and his scouting parties were under orders to take and bring into camp all suspected persons found violating the laws and regulations of the Government, and that several persons were so arrested and property was destroyed; but names, dates, quantities, and values are all beyond his recollection.

This was doubtless one of those cases. According to Thierer's affidavit, a captain with a command of soldiers, doubtless on such scouting duty, found him with his train on the border of the Indian country and compelled him to go to the post. There his alleged merchandise was destroyed, but his mules were taken for Government use and paid for. He does not state himself that his merchandise was not mainly alcoholic, but there is a separate affidavit from the one giving his account of the transaction, in which he swears that he had neither sold nor offered for sale alcoholic or malt liquors, nor done any unlawful act, as he could safely swear, not having when seized reached his intended market. When it is considered that Thierer, though residing in Kansas, never took steps, so far as appears, to assert any claim until 1884, when his carefully expressed affidavit was made, the presumption is overwhelming that these officers and soldiers of the Government, after proper examination in camp, destroyed only illicit merchandise, according to their duty.

The claim presented at this date on such proofs is fairly to be characterized as preposterous.

Your committee recommend the bill be indefinitely postponed.