30th Congress, 1st Session. [SENATE.] Rep. Com., No. 113.

IN SENATE OF THE UNITED STATES.

April 7, 1848.

Submitted, and ordered to be printed.

Mr. Rusk made the following

REPORT:

[To accompany bill S. No. 199.]

The Committee on Revolutionary Claims, to whom was referred the claim of the legal representatives of James Le Caze, have had the same under consideration, and respectfully report as follows:

It is in evidence that Le Caze was a member of a commercial house, trading under the name of Le Caze & Mallet, in Philadelphia, during the war of the revolution. This house made large advances to the government, amounting to nearly $75,000, a large portion of which has been subsequently repaid in tobacco. In the year 1784, the account was liquidated and a balance struck in favor of Le Caze & Mallet, amounting to $4,890 82. Mallet, the second named of the firm, died, as it appears, many years since, and Le Caze, who had gone to the island of St. Domingo, was murdered by the negroes of that island in the general massacre of 1789. In the year 1794, the balance in favor of Le Caze & Mallet, above mentioned, was duly transferred to the books of the new government. It further appears that the Vincent family, of whom the present administrator is one, are relations and next of kin to Le Caze. Letters of administration were taken out in due form, in the city of Philadelphia, by Frederick Vincent, dated December 20, 1844. The reason assigned for the delay in making their demand on the government is, that the original claimant left the country about the termination of the war, and was shortly afterwards murdered in a foreign land, leaving no lineal descendant, whose duty it might have been to prosecute the claim at an earlier date.

Whilst the committee are of opinion that the memorialists are entitled to receive the principal sum transferred to the books of the new government in 1794, they can see no propriety, whatever, in allowing interest thereon, as there has been no laches on the part of the government or its officers. It may be true that the great delay

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that has taken place is to be referred to no want of due industry, yet as it has arisen from a state of things, in the production of which the government has had no agency, it is more proper that the memorialists should bear the loss than that a new principle should be introduced in the settlement of cases of this class.

Under these circumstances, the committee recommend the passage of the accompanying bill.