

REPORT

Of the Committee of Claims on the petition of Allen R. Moore.

JANUARY 11, 1822.

Read, and committed to a Committee of the whole House to-morrow.

DECEMBER 12, 1822.

Printed by order of the House of Representatives.

The Committee of Claims, to which was referred the petition of Allen R. Moore,

REPORT:

That the petitioner states that, in the month of March, 1814, the troops of the United States, did, without his consent, enter into, and occupy for some time, a large and convenient store, situate in the village of Champlain, in the state of New-York, the property of the petitioner; and that "there were many articles of value in the store," which were either used by the troops, or by them entirely destroyed, viz: "12 pork barrels, 10 flour barrels, nearly one barrel of potash, 2 part hogsheads vinegar, say 100 gallons, 1 large sugar chest, 2 hogsheads, about 30 lbs. bees-wax, 6 bushels of flax-seed, 5 weights, 6lb. each, barrels of ashes," &c. &c. which, together, are alleged to have been worth \$138 70; and that damages were done to the building, "by cutting, and in various other ways," to the amount of \$38. To the above, a claim is subjoined, for "1 cast iron stove, and some sheet iron pipe, worth \$45, or more; and a small quantity of plug tobacco, worth \$25 or more, exclusive of several articles of less value." This latter property, is alleged to have been in a store at Plattsburgh, owned by the Messrs. Waite's, and occupied by the petitioner, and burned by order of General Macomb, during the invasion in Sept. 1814. It having been intimated by the petitioner, "that damages to the amount of about \$25 done to his store, had been appraised in 1814, and included in the account of Aaron Smith," which, if found to have been paid, ought to be deducted from the present claim; inquiry has been made by the Committee, of the Third Auditor of the Treasury Department, for information on that subject; who states, that "the regulations of the War Department provided for damages which be done to buildings

occupied by the troops of the United States, and directed the manner in which they were to be ascertained. If the proofs necessary were produced, and the mode pointed out had been observed, it is not known why compensation was not made at the time: the Quartermaster's Department in that neighborhood having made many payments for like objects, about the same time. No payment appears to have been made to the petitioner, for damages or rent, but it appears, that payment was made in April, 1814, to Aaron Smith, the person named by the petitioner, for rent of stabling, rooms occupied as barracks, and store occupied as barracks, in the village of Champlain, amounting, in the whole, to \$38, but, whether either of them were the building of the petitioner, is not stated in the account."

From the intimations of the petitioner, and the facts stated by the Third Auditor, it may, it is believed, be fairly inferred, that, the payment to Aaron Smith, was at least in part, for the store of the petitioner; and admitting the payment to have been made exclusively for rent, it is, nevertheless believed, that, taking into consideration the rules of the Department, and the fact that the Quartermasters in that vicinity were making payments for damages to buildings occupied by the troops, it ought to be presumed, that, if no payment was made for damages in the present case, it was either because none were done, or if done, were of a character to forbid an allowance. As to the personal effects, alleged to have been destroyed by the troops at Champlain, their destruction, if it occurred, must have been wanton, rather than authorized, for which no compensation can properly be made.

Upon the claim for property, said to have been destroyed at Plattsburgh, by the burning of the store of the Messrs. Waites, the committee have to remark, "That Congress passed an act on the 3d of March, 1815, for the relief of the owners of buildings destroyed at Plattsburgh, on the settlement of which accounts, those of the Messrs. Waites, (presumed to be the same in which the petitioner represents his property to have been stored) were paid for, but no provision was made, nor was there any asked, by the then petitioners, for any compensation for the property contained in the buildings, and no allowance has hitherto been made for any such losses growing out of the destruction of those buildings; and, in the opinion of the committee, this, as well as the former part of the claim, is inadmissible; they, therefore, submit the following resolution;

Resolved, That the prayer of the petitioner ought not to be granted.

TREASURY DEPARTMENT,

Third Auditor's Office, January 17th, 1822.

SIR: Your letter, dated the 14th inst. addressed to the Secretary of War, has this day been referred to this office; and I have, accordingly, the honor to state, that, on examination, it is found (from the information conveyed in your letter) that Mr. C. P. Van Ness did receive, on the 15th of August, 1815, the sum of four hundred and seventeen dollars, as the attorney of John L. Fouquet, in addition to the sum awarded him by Messrs. Saily and Ransom, as the value of his buildings destroyed; being, as it is stated in the documents on which the payment was made, for sundry articles which were left in his house at the time the British came into Plattsburg, in September, 1814, which he sent his team for, but which was impressed, and that the articles were burned in the house, as he believed.

Although it appears, by the date of the settlement of this claim, that it was exhibited about the same time with those under the general provision, contained in the petition, it was not included in that settlement, but allowed on a separate account by the then Secretary of War, and a separate and distinct settlement made thereof; consequently, was not adverted to by me in my communication of the 15th ultimo. Having stated, in my report on the case of Mr. Roberts, to the Committee of Claims, that no payment had been made for property destroyed in the buildings at Plattsburgh, I have corrected the same, by a letter of this date, to Mr. Rich, so far as it regards the claim of Mr. Fouquet.

The Secretary of War having directed you to be furnished with the copies of the papers required in your letter, they will be furnished as soon as they can be prepared.

With great respect,

Your obedient servant,

PETER HAGNER, *Auditor.*

The Hon. R. H. WALWORTH,

House of Representatives.

TREASURY DEPARTMENT,

Third Auditor's Office, January 19th, 1822.

The Third Auditor of the Treasury has the honor to send to Mr. Walworth, enclosed, agreeably to the intimation contained in his letter of yesterday, a copy of the petition of sundry persons of Plattsburg, whose property was destroyed by order of General Macomb, with his certificate annexed. No other appraisement of the property petitioned for, appears to be filed with the settlement.

The Hon. R. H. WALWORTH,
House of Representatives.

To the Senate of the United States of America in Congress assembled:

Your petitioners, the undersigned, beg leave to represent, that, at the late invasion of Plattsburg by the forces under the command of Lieutenant General Sir George Prevost, Bart. Governor General of the British North American Provinces, and commander of the forces, &c. it was thought expedient and necessary, and accordingly ordered, by Major Gen. Alexander Macomb, commanding the United States' army at Plattsburg, for the safety of that army, and the defence of the post, to set on fire, and destroy by hot shot, certain buildings in that village, which was accordingly done. The buildings so destroyed belonged to the petitioners, whose names are hereunto subscribed, leaving them mostly destitute of dwellings: And whereas General Macomb, by his order, on the part of the United States, chose Peter Saille, Esq., and the petitioners, on their behalf, Lewis Ransom, as appraisers, to settle and adjust the value of the said buildings so destroyed, as aforesaid; Whereupon the same were appraised as aforesaid, and the amount of the loss of each individual established at the sum annexed to his or her name, as to this petition is subscribed:

Your petitioners, therefore, pray legislative aid in their behalf, that they may be compensated for the injuries sustained.

Your humble petitioners, &c.

Roswell Wait	-	-	-	-	-	-	}	\$1,800	00
Edward Wait	-	-	-	-	-	-			
Henry Power's store	-	-	-	-	-	-		750	00
Jonathan Griffin	-	-	-	-	-	-		5,000	00
Charles D. Bachus	-	-	-	-	-	-		1,750	00
Joseph S. Thomas	-	-	-	-	-	-		650	00
Geo. Fraligh	-	-	-	-	-	-		750	00
Margaret Beaumont	-	-	-	-	-	-		1,250	00
Lois Baker	-	-	-	-	-	-		180	00
John L. Fouquet	-	-	-	-	-	-		2,000	00
Major A. Stone	-	-	-	-	-	-		250	00
Noah Broadwell	-	-	-	-	-	-		300	00
Nathan Averill, jr.	-	-	-	-	-	-		850	00
James Savage	-	-	-	-	-	-		1,150	00
Henry Platt, store, &c. in possession of Jackson & Starks	-	-	-	-	-	-		200	00
Enoch Chase, shop	-	-	-	-	-	-		75	00
John Wells, shop	-	-	-	-	-	-		50	00
Benjamin Graves, sheriff, and court-house of the county of Clinton*	-	-	-	-	-	-	}	5,000	00
Daniel P. Clark†	-	-	-	-	-	-			200
Joseph I. Green	-	-	-	-	-	-		300	00
Levi Platt	-	-	-	-	-	-		950	00
								<u>\$23,455</u>	<u>00</u>

* Not provided for by law.

† No power produced in this case.

I hereby certify the facts contained in the foregoing petition to be true in all respects.

ALEXANDER MACOMB.

Head Quarters, Plattsburg,
January 26th, A. D. 1815.

In pursuance of an act of Congress, passed on the 3d of March, 1815, "for the relief of James Savage and others," the Accountant of the War Department will settle with the above named persons for the sums affixed to their names, respectively.

JAMES MONROE.

March 9th, 1815.

Remarks by the Accountant.

Amount brought down,	- - -	\$23,455	00
Deduct Benjamin Graves, not provided for by law		5,000	00
Authority produced and separately reported, 15th August 1815,	{ Daniel P. Clark not paid, there being no authority }	200	00
		<hr/>	<hr/>
		\$18,255	00

Paid to Cornelius P. Van Ness, August 12th, 1815.



