

WILLIAM CAMPBELL.

MAY 16, 1834.

Read, and laid upon the table.

Mr. WHITTLESEY, from the Committee of Claims, made the following
REPORT:

The Committee of Claims, to which was referred the petition of William Campbell, report:

That it appears to the committee that John Boles was indebted to the United States for the rent due for the use and occupation of a lead mine at Galena. The committee suppose security was given by Mr. Boles at the time of taking the lease, as is understood to have been the usual practice in leasing the grounds. In the fall of 1829, the superintendent placed the account against John Boles into the hands of the petitioner, William Campbell, for collection. Major Campbell at that time was an assistant to the superintendent, Captain T. C. Legate. Major Campbell admits he credited Mr. Boles with the whole amount of the lead due from him to the United States, and took an assignment of his lead ashes, but he says in a letter dated October 29, 1831, and addressed to Captain Legate, that he was induced to do this, by a remark made by Captain Legate, that he (the said petitioner) had as well return the rent paid. He says he did so return it, and at that time he believed he should be able to collect it. He urges in the letter to Captain Legate, that inasmuch as he (the petitioner) has not been able to collect the amount, and inasmuch as Boles has not obtained a receipt, to correct what he calls an error, and thereby discharge him, and reinstate the account against Boles. The ground of relief urged by the petitioner is, that he has not been able to collect the amount, and, therefore, that he ought not to have paid, or been responsible for any more than he collected, and he asks to be remunerated what he says Boles is indebted to him, and which he says he paid to the United States, to wit, 30,994 pounds of lead, which he says is worth \$1,442 11, and then he claims \$251 31, which he says he expended in collecting what he secured, and these two sums, amounting to \$1,693 42, he asks may be refunded to him. In order to prove that John Boles is indebted to him, he presents an award made by M. C. Comstock and Daniel Wann on a bond submitting their claims and accounts to them, by which it appears that the said arbitrators decided that the said Boles was indebted to the said William Campbell the sum of \$251 32, and 30,994 pounds of lead. Having established the fact that he assumed to pay the debt due from Boles to the United States, he produces this award to prove that Boles is indebted to him in the sum, and in the article mentioned in the award; and then he would wish the committee to infer that this indebtedness arose from the

debt due from Boles to the United States, which the said petitioner had assumed to pay. It appears, however, from a report made of this transaction to Colonel Bomford, by Captain Legate, on the 15th February last, the dealings between the parties since have been extensive, and that several suits were then pending between them. The committee refer to this letter for a general statement of the whole transaction, and make the same a part of this report.

Captain Legate, in his letter to Colonel Bomford, dated on the 15th of November, 1831, stated that Major Campbell had deposited in the public store-house 55,200 pounds of lead, which he credited in his, Campbell's, return made the last of February, 1830, and that in the following spring, when he (Captain Legate) was absent at St. Louis on business, Major Campbell shipped the lead on his own private account. After this, Major Campbell agreed to pay the amount thus taken, and gave his brother-in-law, Gill, as his surety. In addition to the lead ashes taken by Major Campbell to indemnify him for paying the debt due from Boles, he took a deed of sale on his mineral lease, furnaces, cattle, and implements. Captain Legate says these mineral lands are valuable, and that within two years or thereabouts prior to November, 1831, there had been made upwards of 350,000 pounds of lead at Boles's furnace, which Major Campbell then still held. There is no evidence before the committee that he has not yet the possession of the said mines.

The President having been urged to direct the payment of this claim, referred the subject to the Attorney General for his opinion, who reported on the 8th of March last that, inasmuch as the debt had been paid, (without deciding any other question) he thought the President could not take the money from the Treasury without the legislation of Congress. This opinion was approved by the President. The committee do not find any evidence that the payment has been made into the Treasury as stated in the petition; but whether it has been or not, does the petitioner present such a claim as entitles him to relief? The committee think he does not. His assuming to pay the debt was voluntary, and discharged Boles and his surety, if he gave one, and the committee are very far from believing he has not realized more from the property put into his hands than the amount of this debt, and whatever trouble he has had in collecting it; but if he has not, it was a risk he run, and from which he ought not to be exonerated, or in any way relieved.

They submit the following resolution:

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

WASHINGTON, February 15, 1834.

SIR: Immediately after I entered upon the duties of superintendent of the United States lead mines, I requested Major William Campbell, one of the assistants, to collect from John Boles a quantity of rent lead due by him to the Government. Some time afterwards I learned to my surprise that Major Campbell had purchased Boles's mineral ashes, and subsequently all his mineral ground, teams, tools, &c. for a consideration of more than \$3,500. The sale took place on the 26th February, 1830, and immediately thereafter Major Campbell informed me of the transaction, and said that the lead was stored at M. C. Comstock's warehouse, and

vember, 1831. During the season Major Campbell made repeated promises to replace the lead, and on the 16th November, 1830, he gave an would be ready for delivery as soon as the navigation was open, and he accordingly so reported it two days afterwards in his official return, for the particulars of which I refer you to my letter of the 15th November, 1830, with J. J. Gill as surety, for the payment of it; the payment of which was, by direction of the War Department, postponed until January, 1833. At the time these transactions were going on, Messrs. Campbell and Gill had a large store of goods, from which Boles made extensive purchases; and during the time there was made at the Boles furnace about 350,000 pounds of lead, which was worth from eight to ten thousand dollars. I would further remark that, on Major Campbell's report of having received the lead, it was so returned, and credited to him, (Boles,) thereby releasing Boles and his sureties from further liability for the amount. As Major Campbell has presented a copy of a letter from him to me, dated October 29, 1831, relative to the above transaction, I think it incumbent on me to state that I received the letter as I was about to leave home, (on public business,) from which I was absent several days, and on my return, I found him on the eve of embarking on board of a steamboat for Washington, being the first intimation that I had of his intended journey, which left me no opportunity to answer his unexpected communication. That letter (dated twenty months after the date of the deed, and of Major Campbell's acknowledgment of the receipt of the lead from Boles) was the first suggestion to me that he (Major Campbell) had any wish or expectation to be exonerated from the payment. The whole was an extensive and a voluntary transaction on the part of Major Campbell, at which I have frequently expressed my regret, as I believe the public business, has been greatly embarrassed thereby. Boles's mines have been, and still are, among the most abundant and profitable of any in the country: he is, however, a very troublesome man to do business with, and I have no doubt but that he has given Major Campbell much perplexity, and I understand they still have law suits pending in the courts, and, until they are decided, it appears to me that Major Campbell cannot tell whether he will be a loser or not, and the same remark will apply to Daniel Wann and M. C. Comstock, who, it appears, have volunteered their opinions in the matter, without knowing any of the circumstances of the case, either from me, or the books and papers in the office of the superintendent of the lead mines, the only source from which such information could be obtained. I take this opportunity to request that the lease houses, offices, books, and papers at the lead mines, may hereafter be inspected in the same manner as like property and concerns would be at a military post. I further request that a copy of this letter, together with a copy of my letter to you of 15th November, 1831, and the deed from Boles to Campbell, may be laid before the President, with the opinion of the Secretary of War, which it appears is called for. My wish and anxiety in making this request is to satisfy the President that I have been actuated in this business by no other motive than to perform my duty faithfully and impartially.

I have the honor to be,

Sir, your obedient servant,

THOS. C. LEGATE,

Captain 2d Artillery, and Supt. Lead Mines.

Col. GEO. BOMFORD,

Ordnance Department, Washington, D. C.

