

IN SENATE OF THE UNITED STATES.

MAY 26, 1842.

Ordered to be printed.

Mr. WRIGHT made the following

REPORT :

The Committee of Claims, to whom have been referred the petition and papers of David Stone, report :

That the petition prays that various claims, alleged to be due to sundry individuals, for services rendered, and losses sustained, during the late war with Great Britain, may be paid to him, he assuming to be the owner, in fact, of the claims. The papers are voluminous, and relate to more than fifty separate and independent claims, for horses lost in service, for guns and equipments lost by the surrender of General Hull at Detroit, and for supplies furnished to troops in service in the vicinity of Detroit during that war; and, among them is one claim for the arrears of pay, and the bounty land, alleged to be due to a soldier. All the papers appear to have been before the proper accounting officers of the Government, and to have been rejected, either on account of the insufficiency of the testimony, or the imperfection of the papers themselves, to authorize the payment of the claims.

To most of the separate claims there is appended an ordinary power of attorney to some person to receive the money, and execute receipts therefor; and usually, if not uniformly, with the ordinary power of substitution; but in no case, as the committee believe, does the power embrace an assignment of the interest in the claim, or of any portion of it, so that the powers of attorney are not powers coupled with an interest, in legal phrase, so as to disable the principal to revoke the power at pleasure, in every case.

In but one single instance does the original power appear to have been given to Stone, the claimant, though in one other case there is a power from the claimant to Shubael Conant, and a substitution from Conant to Solomon Sibley, and a power of a later day directly from the claimant to Stone; and in two or three other of the cases there are substitutions to Stone from the attorney appointed by the claimant. In much the largest number of the claims, however, there is not any authority to Stone to receive the money for the claimant, even if the accounting officers had allowed the claims, and tendered the payment, though in nearly all the cases there is such authority to some person.

These papers are evidently the residuum of a mass of claims presented by Stone, for himself or others, to the accounting officers, being the cases which were rejected for insufficiency of testimony, or for some other cause. The original papers generally bear date in the year 1817, though there are some which were made out as late as 1823, and this application seems to have first come before the Senate during the first session of the nineteenth Congress (1825-'6).

The claimant does not assume that, upon the papers, Congress would be authorized to pass a law directing the payment of the money to him, without regard to the rights of the respective claimants; but prays that the payment of the claims may be made to him upon his filing with the Secretary of the Treasury a bond, with sureties that, in case any claimant shall establish his right to the money paid, he, Stone, shall pay it over. This request is made under the allegation that the property in the claims is, in fact, his; and, that he, or those from whom he has received the claims, have already paid and satisfied the original claimants, or in other words, purchased their claims. Of this allegation, however, there is no proof among the papers, except that in a very few cases there is, connected with the account, or the ordinary power of attorney, a receipt, purporting to have been signed by the claimant, for the amount of his demand.

This committee has, at several preceding Congresses, reported a bill in conformity with the prayer of the petitioner, which has passed the Senate, and, upon one occasion, the present committee observes that the bill, so passed here, was favorably reported upon by the Committee of Claims of the House, with several very material amendments, but was not finally acted upon there.

The present committee could not consent to such legislation in reference to claims of this description, in the absence of all proof that the person who asks that the money may be paid to him has any interest in the claims, beyond that of a mere personal agent or attorney to settle and receipt the amounts; and certainly not, when even that interest does not exist. And if such legislation would be objectionable at any time, and under any circumstances, the Senate will not fail to see that its dangers would be unavoidably increased by lapse of time. These principals may have, long since, revoked the powers of attorney they did execute, or they may have, long since, deceased, in which cases the powers now found among these papers are perfectly null. Most of them were executed now almost a quarter of a century since, and more than the entire half of them to Joseph Watson, formerly of this city, and who is known to have deceased several years since: while there is not among the papers any substitution to Stone, the present claimant, or to any other person, from Watson. It is scarcely possible, at this distance of time, that all these principal claimants remain in life, and without evidence of that fact the committee could not consent to act upon their powers executed more than twenty years ago.

In addition to all these difficulties, the committee find, from the last report and bill which were presented to the Senate upon this subject, that Stone himself has deceased, and, by consequence, all the powers of attorney given to him, being mere personal powers, have died with him; and now to pass a law to pay this money to his representatives, would be merely to direct the payment, to entire strangers, of claims with which they have no legal connexion, and to which they present no legal right, whatever, upon the sole condition that they will give bond and surety to pay the money over to those who shall, if any persons can do, establish a legal right to it. The committee can not hesitate to believe that Congress, with a knowledge of the facts, would refuse to pass such a law; and they certainly can not present such a law for the acceptance of the Senate, unless they do it under an express order of the body. To them it appears perfectly certain that both public and personal justice will be better secured, by suffering this money to remain in the Treasury until those legally entitled to it shall present themselves, and estab-

lish their respective rights, even if the claims be just, and should be paid at all.

The possibility of acting upon these claims in the manner suggested in the petition referred, being thus put at rest, the committee have not felt it to be their duty to go into a very minute examination of the claims themselves. They have all been presented to the proper accounting officers and rejected; and the committee know of no reasons which should take these particular claims out from among those of their class, and make them the subject of special legislation, because they have not been brought within the rules established for the payment of all similar claims under general laws.

The committee have caused an abstract of these claims to be made by one of the clerks of the Senate, which they presume is very nearly, if not perfectly accurate, and which they append to this report. It will show the name of the original claimant, the consideration for the claim, the name of the original attorney, and the name of the substitute, or substitutes, when such have been appointed, together with the amount of the claims, exclusive of that for bounty land and back pay, the amount of which is not computed in money. That amount is \$3,088 34. The committee present to the Senate the following resolution, and recommend its passage:

Resolved, That the prayer of the petition in this case ought *not* to be granted.

An abstract of the claims and papers referred to in the preceding report upon the petition of David Stone.

[Log]

Name of claimant.	For what.	Original attorney.	Substitute.	Second substitute.	Amount.
Louis Trudelle	Provisions, forage, &c.	-	Christian Brotherline	Wm. H. Puthuff	\$96 88 $\frac{1}{2}$
James Wood	Timber	John McDonald	David Stone	-	451 43 $\frac{1}{2}$
Charles Morrin	Forage	Alex. Luce Reaume	Shubael Conant	-	9 12 $\frac{1}{2}$
Asher F. Cook	Forage	Louis Dequindre	David Stone	-	264 00
Jacob Dolsen	Forage and whiskey	A. Luce Reaume	-	-	29 66 $\frac{1}{2}$
Louis Dequindre & Co	Payments to sundry persons	*David Stone	-	-	456 63 $\frac{1}{2}$
Laurent Parent	Forage	David Stone	-	-	183 50
John Bt. Provate	Horse, saddle, and bridle	Shubael Conant	-	-	87 00
Archange Gouin	Pasturage	Shubael Conant	-	-	80 00
Louis Drouillard	Loss of horse	[Power of attorney said to be on file in the Department, attached to other claims, which were paid.]	-	-	55 00
William Vandusen	Do	Shubael Conant	-	-	43 00
Francis Gobrelle	Do	Do	-	-	65 00
Merritt Scott	Do	Do	-	-	70 00
Joshua Barnard	Do	Do	-	-	80 00
William Moore	Do	Do	-	-	130 00
Antoine Monmini	Do	[Power of attorney said to be on file in the Department, attached to other claims, which were paid.]	-	-	50 00
John Bapt. Gubinville	Do	Shubael Conant	-	-	60 00
Charles Labady	Gun and accoutrements	Joseph Watson	-	-	25 00
Joseph Delile	Do do	Do	-	-	22 00
Bienvenu Delile	Do do	Do	-	-	22 00
Louis Lorran	Gun	Do	-	-	15 00
Francis Trudale	Gun and accoutrements	Do	-	-	20 00
Louis Ceicot	Do do	Do	-	-	25 00
Alexis Delile	Do do	Do	-	-	23 00
John Bt. Laran	Do do	Do	-	-	20 00
Theophilus Tullman	Do do	Do	-	-	52 00
Joseph Dubay	Gun	Do	-	-	16 00
Alexander Dubay	Gun	Do	-	-	15 00

* Louis Dequindre had previously executed a power of attorney to Shubael Conant, who transferred the same to Solomon Sibley.

