

IN SENATE OF THE UNITED STATES.

FEBRUARY 11, 1851.

Submitted, and ordered to be printed.

Mr. WHITCOMB made the following

REPORT:

[To accompany bill S. No. 460.]

*The Committee of Claims, to whom was referred the petition of Mary B. Renner, made the following report:*

It appears from the testimony in this case that during the last war with Great Britain the petitioner's husband, and one Nathaniel H. Heath, under the firm of Renner and Heath, were extensively engaged at the city of Washington in the manufacture of rope and other cordage for the navy.

That when the city was threatened with invasion they had on hand in their walk, near the navy-yard, a large quantity of cordage, rope, and twine, suitable for the public use; and fearing the destruction of their property by the approaching enemy, they employed in season a sufficient number of long-boats to remove all the stock from their manufactory beyond the enemy's reach, but the long-boats were taken from them and impressed into the service of the United States to remove Young's brigade across the Potomac by order of General Winder. They then obtained carts, but these were impressed by the government to remove the books and papers from the public offices. As a last resort, they hired wagons, but these were also impressed by the United States to remove public property; and though they at first remonstrated, they finally acquiesced in the principle that "private considerations must give way for the public good." Finding their utmost industry and vigilance, as exhibited in three energetic efforts to save their property by removal, thus frustrated by the government, they were reluctantly compelled to leave it to its fate.

The enemy soon after entered the city, discovered the naval stores in the walk, and in burning these stores, mostly intended for the public service, burnt all the stock, implements, and buildings of the petitioners, comprising substantially their entire property. Of the liability of government to make compensation for at least a part of the loss occasioned by the conflagration, Congress made full admission on a former application for relief, the petitioners then being allowed \$19,803 60 towards their losses thus sustained.

That sum was awarded to the petitioners under the act of Congress for that purpose, approved February 16, 1819, by the accounting officers of the Treasury Department, to whom the subject was by that act referred,

and who were unable to make a larger allowance, notwithstanding the evidence, because they were restricted to that amount as the *maximum*, by the terms of the act itself.

The only question now is, whether Congress, in imposing the restriction in the act referred to, should not have placed it at a higher amount. The whole amount of the claim as first presented was \$31,510 75, which it was testified within two months after the burning, as from actual knowledge, was just, or rather that the amount named was under its value. The committee who reported the former bill, stated in their report "that the petitioners have a reasonable and just claim on the government for the removable part of their establishment, consisting of rope, spun-yarns and hemp, deducting therefrom what reasonably would have been the cost of transporting the same to a place of safety and back to the rope-walk after the danger ceased, and damage done to the materials by such removal, with *perhaps* some deduction from the prices at which the articles are charged." The committee then proceeded to deduct 20 per cent. from the claim for the foregoing considerations.

It is now insisted, on the part of the petitioners, that such property, from its very nature, would have been subject to little or no damage by removal; that \$2 per ton would have been an ample price for transportation at that time; that the prices affixed to the property in the petition for relief were reasonable; all of which is shown by the testimony on file. That, in fact, the prices charged were less than such articles were worth soon afterwards; and that, therefore, the deduction made by the former committee must have been on conjectural grounds.

From an examination of the evidence certified from the files of the office of the Fourth Auditor, as having been "connected with the account of Daniel Renner and Nathaniel H. Heath, which was reported for settlement to the Second Comptroller on the 25th of February, 1819," (only nine days after the passage of the act referred to, and which it is fair to presume, therefore, comprised all the material evidence in the case,) there is nothing found controverting these positions. And from evidence since taken, it seems clear that the transportation of the movable property destroyed to and from a place of safety, would not at the time have cost exceeding \$2 per ton.

A majority of the present committee, however, do not feel disposed, at this distance of time, to disturb the former action of Congress on this point.

The former committee also rejected the claim for the value of the buildings destroyed (\$5,650) on the ground that "the same would have been burnt by the enemy if the materials of cordage and hemp had been removed therefrom." It is urged, on behalf of the petitioners, that this opinion is unsustained by evidence; that the usages of civilized warfare justified the destruction of the cordage ready manufactured to be used in the navy for hostile purposes; that in burning *that*, the buildings were necessarily consumed as an adjunct; that if it be justifiable to burn an empty rope-walk which is designed and used for the manufacture of articles needful in peace as well as in war, it would be equally so to destroy the shop of the blacksmith or the clothier, which, as well as nearly every description of art or industry, is directly or indirectly of more or less advantage in the prosecution of war.

The present committee have felt more difficulty on this than on the first

point, but a majority of them (and that a bare majority) are not disposed to reverse the former decision.

The third item stands on a different footing. It is a claim for 1,750 pounds of seine twine, burnt at the time referred to, which it seems was not included in the first petition for relief, but which is, however, embraced in the testimony on file, taken within three or four years after the burning. This item a majority of the committee recommend shall be referred again to the accounting officers of the Treasury Department, to settle on principles of equity and justice, with a restriction as to amount, and they report a bill accordingly for the relief of John F. Callan, as administrator of the said Daniel Renner, who was the surviving partner of the said firm of Renner and Heath.

