35TH CONGRESS, 1st Session. } SENATE. { REP. COM. No. 244.

IN THE SENATE OF THE UNITED STATES.

MAY 12, 1858.—Ordered to be printed.

Mr. WILSON made the following

REPORT.

[To accompany Bill S. 334.]

The petitioner is the surviving partner of the firm of Benjamin & Thomas Laurent, British subjects, and merchants in the city of Mexico in 1847, where they were tenants in occupancy of house No. 1 Third street of San Francisco, the property of the convent of Purissima Conception.

On the 11th January and 4th February of that year, the Mexican congress passed laws confiscating the church property to carry on the war with the United States, and the Messrs. Laurent, being notified that the house they occupied was to be sold, immediately contracted with the Mexican government for the purchase of it for $26,000, payable a part in cash, and the balance in easy instalments. But before the conveyances could be executed a revolution broke out in that country, these confiscating laws were repealed, (on the 29th March, 1847,) and the contract of purchase was consequently annulled.

In September, 1847, Major General Scott took military possession of the city of Mexico, and promised protection to private and church property in the following words of his proclamation:

"This beautiful capital, its churches and its religion, its convents and its monasteries, the inhabitants and their property, are, moreover, placed under the special safeguard of the good faith and honor of the United States army."

But being informed of the negotiation alluded to above he served upon the Messrs. Laurent the following notice:

"Mr. Benjamin and Mr. Thomas Laurent are notified that the government of the United States seize as property of the government of Mexico the $26,000, for which they purchased house No. 1, in the Third street of San Francisco, which sum is now in the hands (in the power) of said gentlemen; two-thirds thereof payable in cash, and one-third in bonds of 26 per cent.

"By command of Major General Scott:

"G. W. LAY,
"*Lt., Military Secretary.*

"HEADQUARTERS OF THE ARMY, MEXICO, *November* 8, 1857."

This is to certify that a debt of twenty-six thousand dollars, due by Benjamin and Thomas Laurent to the Mexican government, for a house, has been seized by me, on behalf of the United States army, as lawful prize of war.

WINFIELD SCOTT.

Executed by Major General Scott, in my presence, November 8, 1847.

GEO. W. LAY,
Lt. and Military Secretary.

Major General Scott, being now assured by the Messrs. Laurent that this $26,000 had not been paid to the Mexican government, that there was no existing contract, and that they were only tenants of the convent, undertook to sell the house to the Messrs. Laurent for $15,000 in cash, and to put them in possession of it, which was done by his order to the notary Arteagor.—(See the order and his certificate A.) He also issued his order (see B) to the civil judge to suspend all legal proceedings against them, and to leave them in the peaceable possession of the premises. This amount, $15,000, was paid by the Messrs. Laurent to General Scott, (see the banker's certificate and the receipt of Garcia, General Scott's interpreter, C,) and they considered themselves the owners of the property under the authority of the United States.

After Major General Scott's absence from Mexico, the Messrs. Laurent addressed to Major General Butler a letter requesting further security of title. His answer to that letter is as follows:

HEADQUARTERS ARMY OF MEXICO,
Mexico, March 15, 1848.

The major general commanding has received the representation of the Messrs. Laurent, asking to be confirmed in their title to the house sold them by the Mexican government, the price of which was seized to the use of the United States army.

It appears to him that the most formal title which it is in the power of military authority to give has already been given by the general-in-chief in the certificate that the debt had been seized by him as prize of war, and in the order to the legal authorities to put the Messrs. Laurent in possession of the house; and the commanding general does not see what he can add to those sanctions of their title. Should the Mexican government hereafter attempt to oust them from possession, it would be a question between the governments; and to provide against that case, the commanding general will refer the matter to Washington.

W. O. BUTLER,
Major General Commanding.

It does not appear that General Butler ever communicated this matter to the War Department; and immediately after the evacuation of Mexico by the American army, the Messrs. Laurent were sued by the convent for the recovery of the house, and having no other title than the possession given them by General Scott, the suit was decided

against them; their appeal to the Supreme Court was dismissed, and they were formally dispossessed of the property, and so they remain to this day.

Thus situated, the Messrs. Laurent presented their claim for damages to the commissioners under the convention for the adjustment of claims of subjects or citizens of Great Britain and the United States against either government, where it was rejected for want of jurisdiction, as the Laurents were "at the time alien enemies." (The original decision is marked D.)

Having thus exhausted every other remedy, he now applies to Congress for relief.

In Lieutenant G. Lay's testimony before the court of inquiry, in the case of Captain McKinstry, in January, 1838, he states, that the money was received by him, and Major General Scott in rendering his account for money received by him in Mexico, on 11th November, 1847, charges himself with "debt due Mexican government collected by Lieutenant Lay," $7,000.

The committee are satisfied that the sum of $15,000 was paid by the Messrs. Laurent in the manner they state, and that they have received no value therefor, and they report a bill for the relief of the surviving partner or their legal representatives, and ask its passage.