

SAMUEL AVEY AND ELIZABETH AVEY, EXECUTORS.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS,
TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT
IN THE CASE OF SAMUEL AVEY AND ELIZABETH AVEY AGAINST
THE UNITED STATES.

FEBRUARY 27, 1902.—Referred to the Committee on War Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 26, 1902.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. DAVID B. HENDERSON,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 9908. Estate of Jacob Avey, deceased, *v.* The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Jacob Avey, deceased, the person alleged to have furnished such supplies or stores or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

Filed February 5, 1901.

BY THE COURT.

[Court of Claims. Congressional case No. 9908. Samuel Avey and Elizabeth Avey, executors of the estate of Jacob Avey, deceased, *v.* The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 31st day January, 1899.

On a preliminary inquiry the court, on the 5th day of February, 1901, found that the person alleged to have furnished the supplies or stores, or from whom they were

alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 3d day of June, 1901. G. W. Z. Black, esq., appeared for claimant, and the Attorney-General, by Charles F. Kincheloe, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimants in their petition make the following allegations:

That he is a citizen of the United States, residing in Washington County, State of Maryland, where his decedent resided during the late war of the rebellion; that at different times during said period the military forces of the United States took from his decedent quartermaster stores and commissary supplies of the value of \$477.95, and appropriated the same to the use of the United States Army, as follows:

325 bushels of corn, at 65 cents.	\$211.25
13 acres of fodder.	35.00
2 tons of hay, at \$15.	30.00
20 bushels of wheat, at \$1.40.	28.00
70 bundles of rye straw.	4.20
2 saddles and bridle.	20.00
23 bushels of oats, at 50 cents.	11.50
2,680 rails, 27 cords wood, at \$4.	108.00
 Total.	 477.95

Taken September, 1862, by General Burnside's command.

The court, upon the evidence and after considering the briefs and arguments of counsel for both sides, makes the following

FINDINGS OF FACT.

There were taken from the claimant's decedent, in Washington County, State of Maryland, during the war of the rebellion, by the military forces of the United States, for the use of the Army, stores and supplies of the kind and character described above, which were then and there reasonably worth the sum of three hundred and eighteen dollars (\$318).

No payment appears to have been made therefor.

BY THE COURT.

Filed February 17, 1902.

A true copy.

Test this 26th day of February, A. D. 1902.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.