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John P. Baldwin

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JOHN P. BALDWIN.

JULY 10, 1840.

Read, and laid upon the table.

Mr. GIDDINGS, from the Committee of Claims, submitted the following

REPORT :

The Committee of Claims, to whom was committed the petition of John P. Baldwin, report :

That the petitioner sets forth that, in 1835, the Spanish brig *Gil Blas* was wrecked upon the southern coast of Florida ; after which, she was sold to the petitioner ; that, in 1836, she was burnt by the order of the United States officers. In consequence of which he sustained a loss of—

6 tons of lead, valued at	-	-	-	-	-	\$480 00
5 tons of kentledge	-	-	-	-	-	100 00
30 water-casks	-	-	-	-	-	75 00
3 anchors	-	-	-	-	-	75 00
2 chain cables	-	-	-	-	-	300 00
Hull, sail, and rigging	-	-	-	-	-	175 00
						\$1,205 00

The proofs furnished to the committee show that the object of burning said brig was to prevent the Indians from obtaining possession of the property, and particularly of the lead on board. The owner having permitted the vessel to lie stranded upon a hostile coast so long, is evidence of the estimation in which he held the property. The water-casks, hull, sails, and rigging, are shown to have been *burnt and destroyed* by order of the United States officer commanding on that station. They were not taken for public use, nor did the Government receive any benefit from them. It was done to prevent the enemy from taking possession of them. It is to be presumed that the officer did not act without good and sufficient reason. The committee cannot suppose the order to burn the property was given, until all reasonable hopes of saving it were abandoned. Indeed, the proof shows that there were good reasons for supposing that the enemy would have taken possession of the property, and would, doubtless, have converted the lead to their own use, and destroyed the hull, sails, and rigging, &c. Would the petitioner then have been in any better situation than he now is? or would his loss have been less than it now is? The committee think not. If this be the case, he has lost nothing by the Government. They suppose the lead, kentledge, anchors, and cables were not *destroyed* by the fire; that, by burning the brig, the lead was probably *preserved* for the owner.

There is no proof showing the loss of any property, except that which was burnt. If the petitioner has not taken away the other property from the wreck, he may yet do so. The hull, sails, rigging, and water-casks, were burnt according to the known and established usages of war. Compensation in similar cases, it is believed, has seldom if ever been granted by any Government. (*Vide* American State Papers, vol. Claims, page 199; case of Thomas Frothingham.) The committee, therefore, recommend the adoption of the following resolution:

Resolved, That the petitioner is not entitled to relief.

REPORT
 The Committee of Claims to whom was referred the petition of John
 That the petition was filed in 1835 the same was
 was working upon the petition of Thomas; that which was
 the petition was in 1835 it was burnt by the crew of the United
 States officer. In consequence of which he sustained a loss of
 \$250 00
 100 00
 75 00
 75 00
 200 00
 175 00

The report submitted to the committee shows that the petition of John
 and that was referred to the committee in an order of Congress of the 17th
 of July, and on the 10th of the said month the committee reported
 the result to the House of Representatives so that it is evident that the
 petition in which he claims the property. The report of the committee
 during the session is before the House and is a copy of the report of the
 House of Representatives on that matter. It was not then referred to
 the committee. The Government reserves the right to take. It is to be
 done to prevent the claim from being considered of them. It is to be
 assumed that the effect did not set without any and without result.
 The committee cannot enforce the order to take the property without
 with all reasonable hope of saving it was abandoned. Indeed, the fact
 shows that there was good reason for assuming that the enemy would
 have taken possession of the property and would doubtless have converted
 the lead to their own use and destroyed the hull, sails and rigging &c.
 Would the petitioner have been to any other situation than he now
 is or would his loss have been less than it now is? The committee think
 not. If this be the case, he has his liability by the Government. They
 suppose the lead, ketches, anchors and cables were not damaged by the
 fact that by burning the ship the lead was probably secured for the
 purpose.