7-10-1840

John P. Baldwin

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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 Bias 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.