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John P. Baldwin

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H.R. Rep. No. 695, 27th Cong., 2nd Sess. (1842)

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JOHN P. BALDWIN

MAY 20, 1842.

Laid upon the table.

Mr. COWEN, from the Committee of Claims, made the following

REPORT :

The Committee of Claims, to whom was referred the memorial of John P. Baldwin, report :

That said memorial was referred to the Committee of Claims of the House of Representatives at the 1st session of the 26th Congress, and an unfavorable report made thereon, which is hereto annexed and made part of this report.

The committee have again examined the case, and find no reason to depart from the decision then made. They therefore recommend to the House for adoption the following resolution :

Resolved, That the petitioner is not entitled to relief.

JULY 10, 1840.

Mr. GIDDINGS, from the Committee of Claims, to whom was committed the petition of John P. Baldwin, reported :

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 |
| 5 tons of kentledge | - | - | - | 100 |
| 30 water-casks | - | - | - | 75 |
| 3 anchors | - | - | - | 75 |
| 2 chain cables | - | - | - | 300 |
| Hull, sail, and rigging | - | - | - | 175 |
| | | | | <hr/> |
| | | | | \$1,205 |
| | | | | <hr/> |

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.

July 10, 1840

Mr. Groves, from the Committee of Claims, to whom was committed the petition of John P. Baldwin, reported:

That the petitioner sets forth that, in 1835, the Spanish brig *San Blas* was wrecked upon the southern coast of Florida, and that 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—

| | |
|---------|---------------------------|
| \$450 | 8 tons of lead, valued at |
| 100 | 5 tons of kentledge |
| 75 | 30 water-casks |
| 75 | 3 anchors |
| 300 | 3 chain cables |
| 175 | Hull, sail, and rigging |
| \$1,300 | |

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 be stranded upon a hostile coast so long its evidence of the destination in which he held the property. The water-casks, hull, sails,