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Bennett M. Dell

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Recommended Citation

H.R. Rep. No. 410, 28th Cong., 1st Sess. (1844)

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BENNETT M. DELL.

APRIL 9, 1844.

Read, and laid upon the table.

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

REPORT:

The Committee of Claims, to whom was referred the account of Bennett M. Dell, report :

That this claim is unaccompanied with any petition, but is presented in the form of an account of "\$750" against the United States "for a building erected for a jail, which was taken by the military authorities, and converted into a block-house for the defence of the post at Newnansville," in Florida. This account is accompanied with the following certificate and order, viz :

"I hereby certify that the building charged for in the above account was taken, as above stated, for a block-house for the defence of the post, at the commencement of the Indian war, and is rendered unserviceable for its original use as a jail, by having been cut down, and the roof taken off and lowered. And I further certify, that, from its position, it was important to use it, and to build the picketing and other defences around it; and that the amount of seven hundred and fifty dollars charged is a just compensation.

"FRAS. R. SANCHEZ,
"Colonel commanding 6th reg. F. M."

"The quartermaster will pay the above account.

"H. K. CALL, Gen. commanding.

"VOLUSAI, December 3, 1836."

If the statements contained in this certificate be true, the applicant would doubtless be entitled to relief; but, from the letter of the Third Auditor, accompanying this report, and adopted as a part of it, and other evidence examined by the committee, they are of opinion that the signature of Colonel Sanchez to the certificate is a forgery; and must, therefore, in the present condition of the case, recommend the adoption of the following resolution:

Resolved, That the account of the applicant ought not to be allowed.

TREASURY DEPARTMENT,
Third Auditor's Office, March 19, 1844.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, enclosing "the petition and papers of Bennett M. Dell, (Fa.)"

which have been referred to the Committee of Claims for examination and decision thereon;" and stating that "it appears, by a memorandum found amongst them, that the claim was submitted to me in 1837 for a report thereon. That, as no action has been had in the committee since that time, and as my report is not among the papers, the committee request a copy of my report, with any other information which I may (after examining the papers in the case) deem necessary, to enable them to pass understandingly upon the claim; and that the papers may be returned."

In reply, I herewith transmit a copy of the report of the accounting officers of the Treasury upon the claim in question; by which you will perceive that the ground of its rejection at that time was solely the want of legal authority in the accounting officers to allow claims of that particular character. No opinion was then expressed as to its merits, or the proof upon which it was sustained, nor was any investigation made for that purpose.

In compliance with that part of your communication requesting "any other information which, after examining the papers, I may deem necessary, to enable the committee to pass understandingly upon the claim," I would remark, that the account appears evidently to be in the handwriting of a certain William J. Mills, at that time, and for two years afterwards, a lieutenant colonel and colonel of the Florida militia; and that the name of Francis R. Sanchez, subscribed as "Col. 6th reg. F. M.," to the certificate sustaining it, was not signed by him, but appears also to be in the handwriting of said Mills. This individual, (Mills,) since the date of my report, though at that time sustaining a high character, has become so notorious for the frauds perpetrated upon the United States by him, either directly or indirectly, that the accounting officers have long ceased to have any confidence whatever either in his certificates or depositions. Two papers are herewith enclosed, to show the identity of the handwriting of the account, and the name of Francis R. Sanchez signed to it, with that of W. J. Mills; and how entirely different is the *real* signature of said Sanchez from the *pretended* one signed to this claim.

The rolls of the 6th regiment F. M., of which Francis R. Sanchez was colonel, are certified by Cotton Rawls, as "lieutenant colonel commanding;" and though Colonel Sanchez received his pay, &c. as colonel in 1839, it was on other evidence than the muster-rolls, and such as did not manifest that he was on duty therewith, so as to have any certain knowledge of the facts set forth in the certificate to this claim over his name. It is very clear that there is no testimony from Colonel Sanchez whatever in relation to the claim; the certificate purporting to be his, being that of another individual having no connexion with his regiment, and there being nothing to indicate that it was made by his authority, knowledge, or consent.

There is no testimony showing by what troop, company, or command the building was taken possession of and occupied, how long occupied, and by whose authority. This would seem to be necessary, that the fact of said troops being in the service of the United States at the time may be ascertained, and the liability of the public for the damage consequent upon said occupation determined. Neither is there any appraisement to show the value of the building when first taken possession of, and the extent of the alleged injury; nor is it shown what became of it when it ceased to be used by said troops.

The two papers herewith enclosed, to show the handwriting of William J. Mills and Francis R. Sanchez, belonging to the public files of this office, I respectfully request may be returned. The papers accompanying your communication are herewith returned.

I am, with high respect, your obedient servant,
PETER HAGNER.

Hon. HOWELL COBB,
Chairman Com. of Claims, House of Reps.