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HEIRS OF JEAN BAPTISTE COUTURE.

JANUARY 19, 1829.

MR. CLARKE, of New York, from the Committee of Claims, to which was referred the petition of Medare Couture, made the following

REPORT:

The Committee of Claims, to which was referred the petition of Medare Couture, son and administrator of John Baptiste Couture, deceased, report:

That this is one of the River Raisin claims. The proofs as to the occupation of the buildings for which the petitioner claims compensation, by order of an officer of the United States, and of their destruction by the enemy at the time, and in consequence of such occupation, are the same as in the case of Hubert La Croix, reported on by this committee at the present session, to which report the House is referred, as containing the facts and views of the committee.

The petitioner claims compensation for the loss of a dwelling-house, store or lumber house, stable, and a bake or washing house, and also for the destruction of some personal property. On the supposition that he was entitled to remuneration, as well for the loss of the personal as the real estate, he has not furnished to the committee separate valuations of the different sorts of property destroyed. The committee, in this as in all other cases of the like kind, having come to the conclusion that the real property could only be paid for, cannot report a bill for any specific amount, the petitioner not having separated the values. The committee, therefore, report a bill, authorizing the Third Auditor of the Treasury to ascertain the value of the real estate of the petitioner destroyed; and, when thus ascertained, that the proper accounting officer pay the amount. The committee are more disposed to adopt this course from the consideration that the claim is a meritorious one, has been long deferred, and ought to be liquidated and paid without delay.

The affidavit of James Garrard, of the county of Bourbon, and State of Kentucky, taken at the request of Mr. Medare Couture, and others, of Frenchtown, in the Territory of Michigan, in relation to the occupancy of that place by the American troops, and the destruction of the same by the British and Indians, in January, 1813; which affidavit is given in reference to the map or draft of said town, accompanying this statement, and which map or draft I find, on examination, to be correct, (with a slight exception hereinafter noticed) to the best of my recollection:

I was ordered by General Winchester, on the 17th of January, 1813, to accompany Col. William Lewis, who was ordered by the said Winchester,

with a detachment of the American Army, to the relief of Frenchtown, on the river Rai-in. We arrived at the town about two or three o'clock on the 18th, when an action immediately took place between our troops and the British and Indians, which continued until dark, or nearly so, when we retreated with our wounded into the town, and took possession of the buildings, by the orders of Col. Lewis, for the accommodation of the wounded and the troops generally. I was engaged until eight or nine o'clock at night before I had posted the guard and all the sentinels, with their instructions, for the night. (I was a Major of Brigade, and on that detachment attending to the duty of Brigade Quartermaster.) After this, I attended to the wounded, and then went to see where Col. Lewis was stationed, as I quartered with him. I found him in the dwelling-house of Mr. J. B. Couture, with Cols. Allen, Madison, and some others. The orders of Col. Lewis were verbal, and all of them given through me to the other officers, and by them to the troops. I was ordered the next morning, by Col. Lewis, to get as many of our men sheltered in the buildings as possible, and to examine for supplies for the troops. In consequence of which order, I did take possession of every building marked on the said map, from No. 1 to No. 16, either in part or altogether, and that from absolute necessity, having no wish to discommode the inhabitants. The buildings of J. B. Couture were occupied as follows: No 11, as marked on the map, was a stable, in which my horse and others were kept; No. 12 was a store or lumber-house, in which we kept our baggage, saddles, &c.; No. 13, the dwelling where we quartered, and which was considered as head quarters; No. 14 was, I believe, a bake-house, or, probably, a wash-house, which was occupied by Capt. McCracken and his company, it being on the right, as marked by the dotted line on the map. There was also another building, adjoining the dotted line on the map, which formed a small avenue between the back of that and the front of No. 13, about three or four feet in width, through which many shot of the enemy passed, and in which Capt. Hart was wounded. On the 19th, I made engagements for some flour with the inhabitants, and found some that had been left by the enemy, which I distributed to the troops. I met with great difficulty in procuring fuel to prevent the men from being frost-bitten, which was the principal cause of being compelled to take possession of and occupying the buildings.

After the battle of the 22d January, that is to say, on the 23d January, when on our march to Malden, we were overtaken by Dr. John Todd, who had been left with our wounded at Frenchtown, who gave us the information of the massacre of our wounded, and the destruction, by the enemy, of the buildings which we had occupied, and within our lines; and it was then considered and believed, and I then and do now believe, that the burning of the buildings was in consequence of their occupation by us, joined to a belief on the part of the enemy that the inhabitants were friendly disposed towards us.

The foregoing contains a true statement of facts, from the best of my recollection of the position of the town, and of the circumstances that occurred in relation to Couture's property.

Given under my hand this 11th day of December, 1828.

JAMES GARRARD.

STATE OF KENTUCKY, *Bourbon county, ct.*

This day personally appeared before the undersigned, a Justice of the Peace in and for the county aforesaid, the above named James Garrard, and made oath, according to law, that the facts contained in the foregoing affidavit are true, to the best of his knowledge and belief.

Given under my hand and seal this 11th day of December, 1828.

HENRY TIMBERLAKE. [L. s.]

STATE OF KENTUCKY, *ct.*

I, Thomas P. Smith, Clerk of the County Court of Bourbon, in the State aforesaid, do certify, that Henry Timberlake, Esq. before whom the foregoing affidavit was taken, and whose certificate is annexed to the same, was, at the time of performing such official act, and still is, an acting Justice of the Peace in and for the county aforesaid, duly commissioned and sworn, to all whose acts as such full faith and credit are due, and ought to be had and given, as well in courts of justice as thereout.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, this 11th day of December, 1828, and in the 37th year of the Commonwealth.

THOMAS P. SMITH. [L. s.]

FAYETTE COUNTY, *State of Kentucky, ct.*

Being called upon to give evidence in the claim of the widow and heirs of Captain John Baptiste Couture, for losses sustained, during the late war, at Frenchtown, by the burning of his houses, &c. by the enemy, I state that I was adjutant to the 5th regiment of Kentucky volunteer militia, commanded by Colonel William Lewis: that I was present in the battles both of the 18th and 22d January, 1813. I have seen a map of the battleground, which accompanies this and other affidavits in relation thereto, which I believe to be correct, from the best recollection I have of the topography of the place. I do not now recollect certainly the names of any of the owners of the houses, outhouses, &c. marked down in said map, except that of the above claimant, Captain Couture. I remember his property well; and I have every reason to believe that it was destroyed by the Indians after the last battle, in consequence of its having been in our occupation. I remember the stable, numbered 11, the dwelling, No. 13, and the bakehouse, No. 14; and that they were all occupied and used by our troops. Perhaps Captain Couture's family returned and occupied a part of the dwelling after the 18th, but left it again at the first alarm on the 22d, and returned no more. I know the fact of Col. Lewis, who commanded the detachment, having ordered the troops to take possession of all the houses and outhouses included in the dotted lines, in which the buildings are numbered from 1 to 14 inclusive, and that possession was retained until our surrender. Col. Lewis was in the United States' service, and commanded a regiment of Kentucky volunteer militia. Possession was taken of the above-named premises by order of Colonel Lewis, about seven or eight o'clock at night, on the 18th, directly after the bat-

tle was over ; and immediate steps were taken to put it in a good posture for defence. Given under my hand at Lexington, this 12th September, 1828.

JOHN M. McCALLA.

FAYETTE COUNTY, *Kentucky, sct.*

Personally appeared before me, a Justice of the Peace in and for the county aforesaid, the above-named John M. McCalla, who made oath to the truth of the statements contained in said affidavit. Given under my hand this 12th of September, 1828.

SAMUEL BLAIR, *J. P.*

COMMONWEALTH OF KENTUCKY, } *to wit.*
Fayette county.

I, James C. Rodes, Clerk of the County Court for the county aforesaid, do certify, that Samuel Blair, Esq. who has signed the foregoing certificate, is a duly authorized magistrate in and for the county aforesaid, and that said signature is genuine.

In testimony whereof I have hereunto set my hand, and affixed the seal of the county aforesaid, this 12th day of September, 1828, and in the thirty-seventh year of the Commonwealth.

J. C. RODES, *Clk. F. C. C.* [L. s.]

TERRITORY OF MICHIGAN, } *ss.*
County of Monroe,

On this ninth day of January, in the year of our Lord one thousand eight hundred and twenty-seven, personally came before me, the subscriber, one of the Justices of the Peace within and for the county of Monroe, aforesaid, Antoine Nadeau, of said county of Monroe, who being solemnly sworn, deposed and saith : that, on the morning of the twenty-third day of January, in the year of our Lord eighteen hundred and thirteen, he was in the house of John Baptiste Couture, situated on the north side of the river Raisin, a few moments before the said house was set on fire by the British and Indians : that, he saw in said house a large quantity of baggage and other property, belonging to the officers and troops of the United States' Army, under the command of Col. William Lewis, placed by the said troops in said house : and further, that about the house, and in the yard attached to the house, a number of dead men, belonging to the United States' service ; and that he distinctly remembers seeing one man dead, laying partly within the house, having the appearance of being killed at the door : and further this deponent states, that he heard the Indians and British say that this house was burned because it was occupied by the American troops : and further, that this deponent has no manner of interest in the subject-matter of this affidavit.

ANTOINE NADEAU, his x mark.

Sworn and subscribed before me, this 9th day of January, A. D. 1827.

PETER P. FLERRY,
Justice of the Peace.

TERRITORY OF MICHIGAN, } ss.
 County of Monroe,

Be it known, and I do hereby certify, that Peter P. Ferry is an acting Justice of the Peace, duly commissioned and sworn.

Given under my hand and the seal of the county of Monroe aforesaid, this ninth day of January, A. D. 1827.

LAURENT DUROCHER, [L. s.]
 Clerk of Monroe County Court.

TERRITORY OF MICHIGAN, } ss.
 County of Monroe,

On this ninth day of January, in the year of our Lord one thousand eight hundred and twenty-seven, personally came before me, the subscriber, one of the Justices of the Peace within and for said county of Monroe, Medare Couture, who, being solemnly sworn, deposed and saith, that the facts stated in the deposition of Antoine Nadeau, this day taken, are all true, as within his personal knowledge and observation: that these facts he could and would have proven before, had it not have been that his legal adviser thought them superfluous and unnecessary, and saying to him that he wanted no further proof to substantiate the claim: and, further, that, on the morning of the twenty-third of January, one thousand eight hundred and thirteen, a short time only before the conflagration, he was in the house of John Baptiste Couture, on the north side of the river Raisin; and in addition to the testimony of the said Antoine Nadeau, taken as above, states there was in the house at that time two thousand five hundred dollars, placed there by Captain Hart, of the United States' service: that this money was taken by the Indians, in his presence; this money, deponent understood, was money designed for the payment of the troops. In the store-house, also, was a large quantity of provisions, belonging to the troops of the United States; and in the bake-house, which was occupied by Captain McCracken's company, there was a large quantity of military baggage; and in the stable a number of military saddles and sets of harness; and that these several buildings, with their contents, were all burned by the British and Indians, except the money aforesaid, which was in gold and silver, and distributed among the Indians. That all these several buildings were in the possession of the United States, by order of Colonel Lewis: that, as to the value of the property thus destroyed, it is before the War Department, or in the office of the Third Auditor.

That this deponent has no interest in the subject-matter of this affidavit, except as one of the sons of said John Baptiste Couture, and administrator upon his estate.

MEDARE COUTURE.

Sworn and subscribed before me, this ninth day of January, A. D. one thousand eight hundred and twenty-seven.

PETER P. FERRY,
 Justice of the Peace.

TERRITORY OF MICHIGAN, } ss.
 County of Monroe,

Be it known, and I do hereby certify, that Peter P. Ferry is an acting Justice of the Peace, duly commissioned and sworn.

Given under my hand and the seal of the county of Monroe, this ninth day of January, A. D. one thousand eight hundred and twenty seven.

LAURENT DUROCHER, [L. s.]
 Clerk Monroe county court.

Personally appeared before me, James Smith, one of the justices assigned to keep the peace within and for the county of Monroe, Dominique Couture, of lawful age, who, being solemnly sworn the truth to say, deposes and saith, that, on the eighteenth, nineteenth, twentieth, twenty-first, twenty-second, and twenty-third of January, in the year eighteen hundred and thirteen, he was at the house of John B. Couture, of Frenchtown, in the county of Monroe, and Territory of Michigan. He was present when Col. Lewis, Col. Allen, Major Garret, and other officers of the Army of the United States, (in number twenty-two,) came into the house of said John B. Couture, and, by order of said Col. Lewis, took possession of the said dwelling-house, store-houses, a stable and bake-house, all the property of said John B. Couture, for the use of the officers and soldiers in the service of the United States; and that, on the morning of the twenty-third of said January, at the time of the conflagration, the clothing, money, provisions, &c belonging to the said officers and soldiers, as well as the personal baggage of the officers, were in the said dwelling-house, stable, bake-house, and store-house, and consumed with the said buildings. And that the said buildings were the principal theatre of the awful massacre and burning which took place on that day: and further, that this deponent has no interest whatever in the above claim.

DOMINIQUE COUTURE.

Subscribed and sworn to, this 30th day of October, in the year 1827, before me,

JAMES SMITH, J. P.