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Report : Mr. Wade

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IN SENATE OF THE UNITED STATES.

JANUARY 20, 1853.—Ordered to be printed.

Mr. WADE made the following

REPORT.

[To accompany bill S. 585.]

The Committee of Claims, to whom was referred the petition of the administrators of John Anderson, together with the papers on file in the case, report:

This claim has been long before Congress; and several adverse reports have been made upon it, on the ground that "the buildings were not destroyed till some time after they had ceased to be occupied by the American troops."

The property for which indemnity is claimed was situated at Frenchtown, on the river Raisin, and, soon after the commencement of the war of 1812, was taken possession of by Quartermaster Reid, and made a depository for military stores of the United States.

In August the place was surrendered to the British, a drum and some muskets being left in the house; and it appears to have been occupied by them until the approach of General Winchester, when the enemy retired, leaving the house still standing. On the defeat of General Winchester, Colonel Anderson's house was again occupied by the British and Indians; and they continued to occupy it until June, 1813, when, being compelled to evacuate the place, they set fire to it and destroyed it, stating, as the reason for doing so, (as appears from the additional evidence now furnished,) that the place had been used for a military depository and as barracks for the American troops, and that that justified their destruction, to prevent their being so used again.

By the evidence as formerly presented, it did not appear that the place had been occupied by the American troops during the time that General Winchester's forces held the town, and after it had been occupied by the enemy and abandoned by them without being destroyed. But it appears from the testimony now submitted that it was occupied by a portion of a company of "spies and rangers" in the American service up to the time of, and during, the action which resulted in the defeat of General Winchester. It appears to have been then immediately reoccupied by the enemy, who, after some delay, destroyed it.

When the case was submitted to the Third Auditor, under the act of 1825, the ground of objection, as stated by him, was, "that the buildings were not destroyed till some time after they had ceased to

be occupied by the American troops." But it now appears that the American troops did not cease to occupy them until they were driven out by the enemy. Now, if the enemy had proceeded to destroy them at once, it would seem to be a case clearly within the rules heretofore recognised; and the committee do not perceive that their having delayed the destruction so long, and only so long, as suited their own convenience, can justly exclude the claimants from the indemnity to which they would have otherwise been clearly entitled.

The good character and credibility of the witnesses whose testimony is contained in the additional documents now before the committee are certified, from personal knowledge, by Senators Felch and Cass. The former says: "I have no hesitation in saying that no witnesses could be entitled to more implicit confidence than these gentlemen." General Cass says: "I have a good deal of knowledge of the occurrences referred to, and am satisfied of the truth of the facts stated. I know all the persons named, except Campan. They are respectable, trustworthy men."

The committee are of opinion that this evidence brings the case clearly within the rules heretofore recognised by Congress, and that relief should be granted. They accordingly report the accompanying bill, and recommend its passage.