

JOHN P. BALDWIN.

JULY 10, 1840.

Read, and laid upon the table.

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 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 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
						<hr/>
						\$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.

REPORT
 The Committee of Claims to whom was referred the petition of John
 That the petition was filed in 1835 the same year as the
 was working upon the western coast of Florida; that which she was
 the petitioner had in 1835 she was burnt by the crew of the United
 States officer. In consequence of which he sustained a loss of
 \$250 00
 100 00
 75 00
 75 00
 200 00
 175 00

The report forwarded to the committee shows that the petition of John
 and that was referred to the committee in an attempt to recover of the prop-
 erty and the vessel in 1835. The report shows that the vessel was
 the vessel in 1835. The report shows that the vessel was
 burned in which he had the property. The report shows that the
 United States officer in 1835 and that the vessel was burnt by the
 United States officer in that year. The report shows that the
 was not the Government officer and that the vessel was
 not to prevent the crew from being captured by the enemy. It is to be
 ascertained that the officer did not see the vessel and that the vessel
 The committee cannot suppose the order to burn the vessel was given
 with all reasonable hope of saving it was abandoned. Indeed, the fact
 shows that there was good reason for supposing that the enemy would
 have taken possession of the property and would doubtless have captured
 the vessel to their own use and destroyed the hull, sails and rigging &c.
 Would the petitioner have been to any other 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 his liability by the Government. They
 suppose the lead, ketches, anchors and cables were not damaged by the
 fact that by burning the vessel the lead was probably secured for the
 vessel.