

REPORT

Of the Committee of Claims in the case of Eli Hart.

JANUARY 21, 1822.

Read, and committed to a committee of the whole House to-morrow.

The Committee of Claims to whom was referred the petition of Eli Hart, of Buffalo, in the state of New-York,

REPORT:

Eli Hart claims of the United States \$16,621 39, the value of houses and other property destroyed by the British on the 30th of December, 1813, in consequence (as he alleges) of the occupation of his houses as barracks and places of military deposit by the troops under the authority of an officer of the United States. In support of the claim, John G. Camp, late deputy quartermaster general, swears that the dwelling house of Eli Hart, was, by his orders, in the use and occupation of the United States as a laboratory; that the store house at the time it was destroyed contained a quantity of muskets, cartridge boxes, and, he believes, a large quantity of hospital stores, deposited there by his orders.

John Lay, jr. swears that the house of Eli Hart was in the military occupation of the United States as a laboratory, and so continued till the destruction of it by the enemy; that the store house was at all times, from the commencement of the late war, more or less occupied as a deposit for military stores, and at the time of its destruction there were guns, knapsacks, and, he believes, a quantity of hospital stores and whiskey belonging to the United States in said store house; that the stable was so near to the dwelling house as to be necessarily consumed by it; that he acted as a clerk to Eli Hart, and was well acquainted with his business, and is certain the account of goods and other property destroyed, is in all respects correct and true; that the buildings, &c. were destroyed in consequence of the military occupation as aforesaid.

Appraisers, on oath, value the houses destroyed at 6,670 dollars.

A. Hall, late major general, certifies, that the village of Buffalo was for several days previous to its being burnt, made use of as barracks for the New York militia and volunteers; that he had been in command at Buffalo about three days; was at that time commanding on the Niagara frontier, and authorized the occupation, and is satisfied that one particular cause of the village being burnt, was, that it was occupied as a place of military deposite and as barracks by the troops in the service of the United States.

Other witnesses in the case testify to the same effect, and their evidence is in general corroborative of the foregoing statements.

The committee are, however, of opinion, that the claim ought not to be allowed, because, it seems to them, the property was not destroyed in consequence of the alleged occupation. In support of this opinion, they refer the House to the well-known fact, that all the buildings on the Niagara frontier, whether occupied or not for military purposes, were destroyed at or about the same time. For a further view of the reasons which have induced the committee to form this opinion, they beg leave to refer the House to their report made at the present and a former session, on the claim of the Niagara sufferers. The following resolution is submitted:

Resolved, That the prayer of the petitioner ought not to be granted.

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled.

The memorial and petition of the undersigned

RESPECTFULLY SHEWETH:

That your petitioner was, some time previous and during the late war between the United States and Great Britain, a resident in the village of Buffalo, and state of New York, pursuing the mercantile business, and, at an early period of the war, it became necessary, for its preservation, to place public property in buildings of individuals, as the United States had none in that particular section of the country.

Your memorialist, feeling a disposition to facilitate and promote the interests of the United States, and at the request of the proper officers of the United States army, did receive into his buildings public property, from time to time, as desired, and not unfrequently in such quantities as to inconvenience the business of your petitioner. At no time from the commencement of the war until the time of its destruction by the enemy, in December, 1813, was the store-house of your petitioner free from having stored therein public property. The dwelling house of your petitioner, for some time previous and at the time of its destruction by the enemy, in December, 1813, was occupied and used as a laboratory.

Congress having passed a law the 9th April, 1816, promising remuneration for property captured or destroyed by the enemy while in the military service of the United States, your memorialist, believing his case was fully embraced and provided for in the provisions of that law, has complied with the manner pointed out, to establish the amount, as well as procured affidavits of facts, to shew the actual occupancy at the time of their destruction, as will fully appear by reference to the papers and documents accompanying this petition.

Your petitioner therefore prays that such relief may be granted him as Congress in their wisdom may deem fit and proper. And as in duty bound will ever pray.

ELI HART.

Washington City, 7th January, 1819.

Statement of the claim of Eli Hart, for the following property, destroyed by the enemy in Buffalo, on or about the 30th December, 1813, viz:

One dwelling house, 32 by 34, two stories high, well finished and painted, as particularly described	-	\$4,250	00
One building for store, 36 by 25, 17 feet posts, well finished and painted as described	-	3,250	00
One stable, 28 by 28 feet, 18 feet posts, all well finished and painted, as described	-	1,000	00
1 hhd. lump sugar, 500 wt.	-	4s. 6d.	281 25
43 gallons cognac brandy, 4th proof	-	40s.	225 00
75 lbs. hyson skin tea	-	20s.	187 50
2 casks raisins	-	\$30	60 00
1 large box of hardware, consisting of cutlery, and shelf hard ware, amounting to	-	-	950 00
50 gallons Jamaica spirits	-	32s.	200 00
1 hhd. St. Croix spirits, 117 gallons	-	32s.	468 00
50 lbs. coffee	-	4s. 6d.	13 00
6 saw mill saws	-	112s.	84 00
2 cross cut saws	-	84s.	29 00
18 barrels whiskey, 594 gallons	-	12s.	909 00
1 box of soap 60 wt.	-	2s. 6d.	18 75
1 box Windsor soap, 3 doz.	-	24s.	9 00
1 barrel, containing 30 galls. L. P. T. wine	-	40s.	150 00
2 feather beds	-	\$60	120 00
2 coverlids	-	96s.	24 00
6 blankets	-	48s.	36 00
4 sheets	-	40s.	20 00
1 scale beam	-	-	10 00
9 cast iron weights	-	-	63 00
1 Edwards' scale beam	-	-	35 00

		<i>Amount brought forward</i>	
4	pillow cases and bolsters	-	20 00
1	cast iron weight	-	5 00
2	full sets small weights	-	7 00
1	large looking glass	-	28 00
1	do. gilt	-	33 00
1	elegant varnished cutter, and plated harness	-	150 00
1	large buffalo robe	-	18 00
10	kettles and 5 pails, each 56s.	-	70 00
10	men's saddles	-	250 00
2	women's do.	-	65 00
1	barrel of hardware	-	175 00
1	barrel brown sugar, 2 cwt. 3qr. 11 lbs.	at \$40	110 00
1250	Spanish cigars	-	30 00
1	hhd. muscovado sugar, 11 cwt. 1 qr. 10 lbs.	\$40	453 50
1	barrel brandy, cognac, 4th proof, 40 galls.	40s.	200 00
1	bale cotton wool, 370 lbs.	3s. 6d.	161 88
4	kegs tobacco, 700 lbs.	3s.	262 50
3	casks nails, 750 lbs.	2s. 4d.	222 50
3	mill saws	112s.	42 00
3	do. small	84s.	31 50
2	thousand American cigars	56s.	14 00
5	casks nails, 700 lbs	2s. 4d.	204 17
1	looking glass	-	7 00
3	do.	64s.	24 00
10	do.	56s.	70 00
1	mahogany toilette glass	-	28 00
100	lb. bees wax	3s.	37 50
½	bale cotton wool	-	76 56
80	lb. plug tobacco	3s.	30 00
Store	furniture	-	100 00
1	keg ginger, 47 lbs.	3s. 6d.	20 56
150	lbs. butter	3s.	56 25
1	elegant rifle	-	38 00
2	fowling pieces	-	24 00
50	feet window glass	-	12 00
1	large tackle fall and rope	-	36 00
2	trunks	-	10 00
100	yards tow cloth	4s. 6d.	56 25
Clover seed, flax seed, grain sundry kinds, grass scythes,			
	sickles, to the amount of	-	500 00
1	hhd. vinegar, 116 gallons	5s. 6d.	72 00
1	barrel pork	-	32 00
1	do.	-	18 00
60	lbs. soal leather	2s. 6d.	18 75
90	groce smoke pipes	20s.	22 50
10	dozen tortoise combs	120s.	12 50
½	dozen do. do.	84s.	5 25
256	lbs. dried hops	3s.	96 00

<i>Amount brought forward</i>				
1 barrel lime juice	-	-	-	90 00
10 casks yellow ochre, 260 lbs.	-	-	2s. 8d.	84 67
160 lbs. Spanish brown	-	-	1s. 4d.	26 67
40 lbs. smoked ham	-	-	2s. 6d.	12 50
42 lb. sheet iron	-	-	3s.	15 75
56 lbs. lard	-	-	2s.	14 00
1 sett gold scales, and weights	-	-	-	20 00
40 barrels fine flour	-	-	96s.	480 00
Knives and forks, plates, bedding, tubs, pails, tables, chairs, shovels and tongs; all the furniture of the kitchen, amounting to	-	-	-	320 00
40 bushels potatoes	-	-	4s.	20 00
4 mill saws, common	-	-	-	40 00
				<hr/>
				\$17,482 59

Eli Hart being duly sworn, saith that the above and foregoing contains a just and true account of the property and effects by him lost and destroyed by the enemy at Buffalo, on or about the 30th day of December, 1813, and that he hath not received from any officer or agent of the government of the United States any remuneration or compensation for the same, and that no person or persons are under any contract or obligation to make him compensation therefor.

ELI HART.

Sworn and subscribed this fourth day of August, one thousand eight hundred and seventeen.

R. H. STODDARD,
O. C. COMSTOCK,
Commissioners.

STATE OF NEW YORK, NIAGARA COUNTY, ss.

John G. Camp, late a deputy quartermaster general, in the service of the United States, being duly sworn, saith, that the dwelling house, the property of Eli Hart, situated in the village of Buffalo, was, at the time the same was destroyed by the enemy, on the 30th December, 1813, in the use and occupation of the United States as a laboratory, by his orders; also, that the store house of the said Eli Hart, at the time that it was destroyed, as above, contained a quantity of muskets, cartridge boxes, and, he believes, there also remained in said store a large quantity of hospital stores, marked U. S. Hospital Department, which had been ordered there by him. And that he hath

no interest, direct or indirect, in this claim. And further he saith not.

JNO. G. CAMP.

Sworn and subscribed this 4th day of August, 1817, before us.

R. H. STODDARD,
O. C. COMSTOCK,
ARCHD. S. CLARKE,
Commissioners.

Examined in my presence.

JACOB DOX, *Agent.*

STATE OF NEW YORK, NIAGARA COUNTY, ss.

Josiah Trowbridge, being duly sworn, saith, that he was well acquainted with the buildings of Eli Hart, at Buffalo, and which were destroyed by the enemy, on the 30th December, 1813; that the stable of said Hart was near to his dwelling house, and so contiguous that the burning the house necessarily caused the destruction of the stable. And the deponent further saith, that the store of said Hart was very near to the house of Cyrenus Chapin, and almost connected together by a little shop between them, and the firing of the house of Dr. Chapin would cause the destruction of said store; and that he hath no interest, direct or indirect, in this claim. And further he saith not.

J. TROWBRIDGE.

Sworn and subscribed this 4th day of August, 1817, before us.

R. H. STODDARD,
ARCHD. S. CLARKE.

Examined in my presence.

JACOB DOX, *Agent.*

STATE OF NEW YORK, }
Niagara county, } ss.

John Lay, jun. being duly sworn, saith that he was a clerk to Eli Hart, at Buffalo, from the year 1810, until December, 1813, when, to his knowledge, the several buildings described and set forth in his claim, were destroyed by the enemy. And the deponent further saith, that the house of said Hart, at Buffalo, was in the military occupation of the United States, as a laboratory, and continued to be

so occupied until the destruction thereof by the enemy. And the deponent further saith, that the store of said Hart was at all times, from the commencement of the late war, more or less occupied as a deposite for military stores of the United States, and, at the time of its destruction, there were guns, knapsacks, and, he believes, a quantity of hospital stores and whiskey, of the United States, in said store. And the deponent further saith, that the stable mentioned in said claim was so near to the dwelling house as would necessarily cause the destruction of the said stable. And the deponent further saith, that he had a perfect knowledge of Mr. Hart's business, and from invoices, books, and memorandums, which were preserved, he made out the schedule or account of the personal property of said Hart in said store at the time it was destroyed, and which is hereunto annexed; and that the same is in all respects correct and true; and that the prices affixed to said articles are the wholesale prices, and in his opinion just and reasonable. And the deponent further saith, that in his opinion, the said buildings were destroyed in consequence of such military occupation as aforesaid; and that he hath no interest, direct or indirect, in this claim. And further saith not.

JNO. LAY, Jr.

Sworn and subscribed this 4th day of August, 1817, before us.

R. H. STODDARD,
ARCH'D S. CLARKE, } *Commissioners.*
O. C. COMSTOCK, }

Examined in my presence.

JACOB DOX, *Agent.*

We, the subscribers, having been duly sworn, faithfully and impartially to value and appraise the several buildings of Eli Hart, destroyed by the enemy in the late war, and having heard the evidence and description of the same, do, on our oaths, value and appraise his dwelling house at thirty-five hundred dollars, his store at twenty-six hundred and seventy dollars, and his barn at five hundred dollars, amounting in all to six thousand six hundred and seventy dollars.

Dated at Buffalo, this — day of August, 1817.

J. NITTE,
ELIJAH HOLT,
RODLAND COTTON,
JOSEPH STOCKING,
WILLIAM MURRAY,
WM. DONINGTON,
JONA. B. BROWN.

BLOMFIELD, *October 31, 1818.*

This may certify, that the village of Buffalo was for several days previous to its being burnt by the enemy (being the 30th of December, 1813,) made use of as barracks for the New York state militia and volunteers then in the service of the United States; that I had been in command about three days (at Buffalo) previous to its being destroyed, and was at that time commanding on the Niagara frontier, and authorized such occupancy, and that I am satisfied that one principal cause of said village being burnt, was in consequence of its being a military deposite, and occupied as barracks by troops in the service of the United States.

A. HALL,

Late Major General New York Militia.

STATE OF NEW YORK, } ss.
Ontario county,

Be it known, that on this first day of November, one thousand eight hundred and eighteen, before me, the undersigned, Amos Hall, Esq. the person who subscribed the above certificate, who being duly sworn, made oath that the facts stated in the above certificate were true.

EZRA WAIT,

One of the Justices of Ontario Common Pleas.

STATE OF NEW YORK, } ss.
Ontario county, Clerk's office,

In testimony that Ezra Waite, whose name is subscribed to the foregoing certificate, was, on the day of the date of the same, one of the Judges of the court of common pleas in and for the county of Ontario, acting under the authority of said state, and that the same is his signature, I hereunto subscribe my name and affix the county seal at Canandaigua, this 3d day of November, A. D. 1818.

H. McNAIR, *Clerk.*

STATE OF NEW YORK, } ss.
Niagara county,

On this thirty first day of October, eighteen hundred and eighteen, before me, a Judge of the court of common pleas in and for the said county, personally came Captain William Baird, now a resident of the village of Buffalo, to me well known, who, being by me duly sworn on the Holy Evangelist of Almighty God, deposeth and saith, that at the time the village of Buffalo was destroyed by the British in

December, eighteen hundred and thirteen, that he, the said Baird, was agent for the contractor, and that, to his knowledge, there was stored in the cellar of the store-house of Eli Hart, merchant, of the village of Buffalo aforesaid, a quantity of public property, to a considerable amount, consisting of such supplies as the contractor had to furnish for the use of the army of the United States. And this deponent further saith, that he verily believes that the store-house of said Hart was occupied more or less by the United States in storing public property from the commencement of the late war with Great Britain until the same was destroyed, and that he has no interest, either directly or indirectly, in the claim of said Hart against the United States. And further saith not.

WILLIAM BAIRD.

Sworn before me, and subscribed before me, November 1, 1818.

OLIVER FORWARD,

Judge of Common Pleas Niagara County.

STATE OF NEW YORK, }
Niagara County. } ss.

On this thirty-first day of October, eighteen hundred and eighteen, before me, a judge of the court of common pleas in and for the said county, personally came John Lay, junior, of the village of Buffalo, merchant, to me well known, who, being by me duly sworn on the Holy Evangelist of Almighty God, deposeth, and, on his oath, saith: That he was in employ, as a clerk, in the store of Eli Hart, in said village of Buffalo, from June, eighteen hundred and ten, until, and at the time, the store and effects of the said Hart were destroyed by the British, in December, eighteen hundred and thirteen, and that, to his knowledge, the average quantity of goods kept on hand by the said Hart, before the late war with England, was larger than the quantity destroyed at the time aforesaid; and that he has no interest, direct or indirect, in the claim of said Hart against the United States, for property lost or destroyed by the enemy, during the late war. And further saith not.

JOHN LAY, Jr.

Sworn to and subscribed before me, October 30, 1818.

OLIVER FORWARD, *Judge of Common Pleas.*

WASHINGTON CITY, January 14, 1819.

SIR: It is with reluctance that I trespass on the time of the honorable committee, and should not, only as I feel it a duty I owe myself, to endeavor, as far as in me lies, to place my claim, now before

you, in a fair and true point of view, to do which I respectfully state, that I rely on the several affidavits annexed to my account of losses, and beg that reference may be had to the affidavits of

Major General Amos Hall,
Major John G. Camp, Deputy Q. M. General,
John Lay, Jr.
Captain William Baird,
Josiah Trowbridge, and
John Lay.

The general testimony contained in the pamphlet I do not consider particularly relevant to my claim, inasmuch that my buildings were not, at any time, occupied for barracks, but as set forth in those affidavits. As there was a difference in the opinion of the two appraisals, both equally legal in regard to the law, I thought it but just to state the difference. The last and least in amount is annexed to my account. The appraisers adopted a general rule, by agreeing upon the value of lumber and other materials, calculating the quantity necessary for each building, after which they agreed upon the price and quantity of labor; but, as the expense of building very much depends on the manner or style of the finishing, and as, in this case, that was not to be seen, I am confident the value of mine was diminished by that general rule. The first appraisal is that which is noted in the body of my account, and was made by mechanics legally authorized and qualified, on oath, and who had a knowledge of my buildings, from the fact of their having done the principal part of the labor in erecting them. Therefore, those mechanics were, in my opinion, the better judges, and I am confirmed in that belief from the knowledge I had of the cost, having erected the whole myself.

I therefore submit the foregoing memorial as the leading points of testimony establishing my claim, which is presented on its merits, with a belief that it will be found to come under the law of 1816, and that the honorable committee will grant a bill of relief.

I am, Sir, respectfully,

Your obedient servant,

ELI HART.

The Honorable

Chairman of the Committee of Claims.

WASHINGTON CITY,

January 19, 1819.

SIR: I take the liberty to offer the enclosed affidavit in further support of that part of the testimony in support of my claim that goes

to shew that I was a resident at Buffalo before the war, and that the quantity of merchandise destroyed was not an increased amount in consequence of the war.

I am, very respectfully,

Your obedient servant,

ELI HART.

The Hon. ROBERT H. GOLDSBOROUGH,
Chairman of the Committee of Claims.

WASHINGTON COUNTY, }
District of Columbia. } ss.

Jasper Parrish, being duly sworn, saith, that he is a resident of the village of Canandaigua, county of Ontario, state of New York, and that, for many years previous to the late war between the United States and Great Britain, being Indian agent, had occasion, frequently, to be at the village of Buffalo, state last aforesaid, and that, to his knowledge, Eli Hart, whose property was destroyed during the late war, was a resident in the said village of Buffalo for one or two years previous to the war, pursuing the mercantile business, and, to the knowledge of this deponent, kept on hand a large and handsome assortment of goods, consisting of such articles as are usually kept in country stores, and that this deponent has no interest, directly or indirectly, in the claim of said Hart. And further saith not.

JASPER PARRISH.

Sworn and subscribed to, this 19th of January, 1819, before
JAMES M. VARNUM.

WASHINGTON CITY,

January 26, 1819.

SIR: It having been suggested, that the amount received by each claimant on the Niagara frontier of the donation granted by the state of New York, ought to be deducted and considered as so much paid to the claimant receiving it, I would, therefore, beg leave to state, that I have not, for myself, either directly or indirectly, received any part of that donation.

I am, respectfully, Sir,

Your obedient servant,

ELI HART.

The Hon. ROBERT H. GOLDSBOROUGH,
Chairman of the Committee of Claims.

