

BAILY AND DELORD.

[To accompany bill H. R. No. 21.]

DECEMBER 14, 1837.—Reprinted.

FEBRUARY 19, 1836.

Mr. E. WHITTLESEY, from the Committee of Claims, made the following

REPORT:

*The Committee of Claims, to which was referred the petition of William Baily and Elizabeth Sweetland, late the widow of Henry Delord, report :*

That the said William Baily and Henry Delord, during the late war, were partners in company at Plattsburg, in the State of New York, under the firm of Baily & Delord; that, during the period mentioned, they sold goods to a very large amount to the officers and soldiers stationed at Plattsburg, with the expectation that they would be paid when funds should be provided for paying the troops. They say they were in a great measure induced to give credit from the strong representations made by the officer in command, and others of subordinate grade, that the troops would soon be paid, and that unless such advances were made the army would mutiny. It appears, on one occasion, many of the men did stack their arms, and were on the point of revolting, because they were not paid. The officers persuaded these men to return to their duty, and requested the firm of Baily & Delord to give credit to them so far as to relieve their immediate necessities. The paymasters frequently gave certificates to the men of the amount due to them on the pay-rolls, which being presented to the proper officer of the company to which the applicants belonged, were the bases on which the officer would issue a permit to the soldiers to purchase of Baily & Delord to an amount prescribed.

The troops, thus the debtors of Baily & Delord, were marched, in many instances, to distant parts of the United States, without having been paid, and without having discharged the debts due from them to Baily & Delord, contracted in the manner aforesaid, under the control of the officers, and, in many cases, at their earnest solicitation.

General Macomb states that Mr. Delord called on him at Castle Garden, in 1815, at his headquarters, and requested him to use his endeavors to enable him to obtain from the troops the money due Baily & Delord. He says he gave him letters to the commanding officers of detachments, then on board the transports, and about to sail to different destinations, requesting the aid of the officers in behalf of the said Baily & Delord, in obtaining their just demands against the troops. Mr. Delord went on board, but, from a change of officers and other circumstances, he was not able to make any, or but very small collections. The petitioners pray relief from their losses, occasioned, as they say, from the promises and assurances of the officers that the men would be paid before they were discharged; which promises and assurances, together with the

wants of the troops, induced them to give the credit mentioned ; and, unless it had been given, that part of the army would have been dissolved.

There is no reasonable doubt, from the testimony, that Baily & Delord did let the soldiers have goods to a very large amount ; that such credit was given under the conviction that they would be paid before the troops should be disbanded or marched to any other place ; nor is there any reasonable doubt that credit to a large amount was given in consequence of the representations made by the officers, and at their solicitation and request. The troops were not paid there generally, and debts to a large amount are due to the late firm, of Baily & Delord. The committee do not hold that the United States are liable for these debts in consequence of the assurances or representations of the officers ; but if relief was to be recommended for such causes, the testimony of such officers would be required to prove what their representations and assurances were.

The finances of the country at the time mentioned were greatly embarrassed, and the troops were not paid as soon as they should have been, nor as soon as it was the desire of those who administered the Government to pay them. The advances made by Baily & Delord to the troops in many instances relieved their pressing wants, and promoted the benefit of the service.

In the case of sutlers, the United States have authorized the accounting officers to pay the amount due from the United States to the soldier, provided it did not exceed that due from the soldier to the sutlers.

To show the manner of transacting the business, the committee will recommend that a permission to purchase, a certificate of the amount due a soldier, given by his officers to Baily & Delord, and an order given by a soldier on the paymaster to pay his debt due to Bailey & Delord, be printed with this report. The committee think this firm, under the circumstances of the case, should be placed on a footing with the sutlers, and for that purpose report a bill.

PLATTSBURG, *February 12, 1815.*

Benjamin Small has permission to get a bill on Baily & Delord, by settling for the same, to the amount of five dollars.

JAMES WILLEY, *Lieut. 33d Infantry.*

PLATTSBURG, *May 23, 1815.*

Henry Thomas, a private in the 13th infantry, has not been paid in the regiment since the 30th of June, 1814, and, I presume, has pay due him from that date.

M. MYERS, *Capt. 13th Infantry.*

Messrs. BAILY & DELORD.

*March 29, 1815.*

To Walter Shelden, district paymaster, or any other person authorized to pay me, the subscriber, please to pay to Baily & Delord, or order, the sum of five dollars ; and stop or deduct the same from my first pay due me as a soldier in the United States service ; and this shall be my receipt for the same, for I have received the value of him.

JOHN RAWLEY, + his mark.

*of Captain Carter's company 34th Infantry.*

Witness: B. EDGARTON.