

JOHN McCARTY.

[To accompany bill H. R. No. 371.]

FEBRUARY 19, 1836.

Mr. P. C. FULLER, from the Committee of Claims, made the following

REPORT :

*The Committee of Claims, to which was referred the petition of John McCarty, report :*

The petitioner asks pay for a house burnt on the 5th of December, 1814, by the British troops at Farnham, in the county of Richmond, in Virginia ; which house, he alleges, was burnt in consequence of its having been made a place of deposite for arms, provisions, and ammunition, belonging to the United States ; and perhaps because it was a house in which a collector's office and post office were also kept.

It appears, by the depositions submitted in this case, that the 41st regiment of Virginia militia had been called out, in whole or in part, at different times during the late war ; that their usual place of rendezvous had been Farnham ; and that the cellar of the petitioner's house had been generally used as the place of deposite for whatever of ammunition and other military stores were from time to time remaining on hand.

William Settle, the quartermaster of said regiment, swears that the regiment was ordered, in October, 1814, to Lancaster county, and on its return the deponent deposited arms, ammunition, provisions, &c. in the house of the petitioner. He further says, he saw the British set fire to the house on the 5th of December.

Capt. Tebbs, commanding a rifle company attached to the 41st regiment, says, that he frequently, during the war, made Farnham his place of rendezvous ; that upon one or two occasions, he drew, by order of his commanding officer, arms, ammunition, &c. from the house of the petitioner, and that by his orders, arms, ammunition, &c. were frequently deposited in the same place. That Farnham was made, by order of the colonel, the rendezvous of the regiment on the 5th of December, 1814, at which time and place an action occurred with the British, and the deponent swears he verily believes there were public arms, ammunition, and stores, in the house at the time it was consumed, and that its destruction was in consequence thereof. Col. Joseph Palmer was acquainted with the property and the facts, and swears he has no doubt the burning of the house was in consequence of its containing, at the time, munitions of war. He states several circumstances which support this opinion.

Lieutenant Northern, of the rifle company, corroborates the statement of  
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deposits having been from time to time made of military stores in the house of the petitioner.

Olivia Downman states, that one of the British officers informed her, in a conversation, that McCarty's house was burnt because it contained camp-kettles, ovens, whiskey, &c. munitions of war.

Mary S. Saunders states, in a conversation with a British officer, she thinks it was Captain or Lieutenant Hamilton, she was, by him, told McCarty's house was burnt because munitions of war were found in it.

This claim was rejected in 1828, principally, it is believed, on the facts disclosed in the affidavit of Dr. Horace Wellford.

Dr. Wellford went with a flag to attend professionally an American officer who had been wounded in the skirmish, and taken to the enemy's camp a prisoner. While there, the Doctor observed petitioner's house in flames, and remonstrated against the cruelty, inasmuch as the petitioner was a man deaf and dumb from his birth, industrious and respectable as a mechanic, and would lose all the little property he had been long laying up. The British commander inquired of a Major Williams why the house was fired, who replied that there was a quantity of brandy in it, upon which the soldiers were getting intoxicated. The commander expressed much regret; said he had given orders that no houses should be burnt, and offered to pay for the building, which the deponent did not think proper to accept. This deponent has been some years dead; but in his lifetime expressed to Col. Palmer, whose deposition has been before referred to, and to an honorable member of this House, whose statement is before the committee, his full belief that the spirits referred to by Major Williams, formed a part of the stores placed in McCarty's cellar by Settle, the quartermaster before mentioned; and also his belief, that McCarty's house was burnt on account of its military occupancy as a depot for stores belonging to the United States.

On the whole, the conviction made on the minds of the committee, by all the facts and circumstances before noticed, that this house was destroyed in consequence of the use which had been made of it for the benefit of the United States. This conviction is strengthened by the additional fact, that the British troops burnt no other building, and destroyed no other private property, on a march of seven miles into the country and on their return, through a populous part of Virginia, and passing, in all directions, buildings and property as likely as this to have attracted their attention, but for the character given it, by its being used as a place of deposit. The committee therefore recognise the claim as within the law.

Of the value of the house, the estimate made by Col. Palmer, corroborated by the opinion of Lieut. Northern, fortified as the testimony of these gentlemen, and indeed all the witnesses who have deposed in this case, are, by the assurance of the honorable member of this House before referred to, is satisfactory to the committee, and they report a bill for one thousand dollars, the valuation put upon the building by the gentlemen above named.