

PAYMENT OF CLAIMS IN ACCORDANCE WITH FINDINGS OF THE COURT OF CLAIMS, REPORTED UNDER THE BOWMAN AND TUCKER ACTS, AND SECTION NO. 151 OF THE JUDICIAL CODE.

DECEMBER 3, 1913.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GREGG, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 8846.]

The Committee on War Claims, to whom was referred the bill (H. R. 8846) making appropriation for payment of certain claims in accordance with the findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, commonly known, respectively, as the Bowman Act and the Tucker Act, and also under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code, submit the following report:

The committee recommend the passage of the bill, with certain amendments stated in detail at the end of the report, which amendments are for the purpose of adding a few claims to those included in the bill as introduced.

This bill, as indicated by its title, has for its purpose the making of the appropriation necessary to pay various claims which have been referred to the Court of Claims by various preceding Congresses, under the provisions of the Bowman and Tucker Acts, and also under section 151 of the Judicial Code. All the claims included in this bill have been tried by the Court of Claims and have been reported back to Congress by the court for final action.

The various acts under which these claims have been judicially tried are hereinafter set forth.

Owing to the fact that the last act making appropriation for payment of claims of the classes included in this bill was that approved February 24, 1905 (33 Stats., 743), the present bill represents the accumulation of claims reported by the Court of Claims under these acts for over eight years.

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The amount carried by this bill is \$1,729,012.11, and the number of claims included is 1,158.

As has been previously stated by this committee, proper legislative regard for the decisions and findings of the Court of Claims would obviously result in appropriations being made for payment of the just claims reported by the court at every session of Congress; but that has not been done, and the result of congressional inaction is that the present Congress is confronted by a large number of adjudicated claims, some of which have been awaiting appropriation for eight and nine years, owing to the fact that even the appropriation act of February 24, 1905, was not brought down to date, but left pending a number of claims previously reported by the Court of Claims.

All the claims included in this present bill have been previously passed by the House, save 67 claims, all of which, save 15, were tried by the court at a recent date and too late for consideration in connection with the various bills of similar character which have from time to time passed one or the other of the two Houses of Congress. The greater number of these claims covered by the present bill have previously passed both Houses several times, but in bills which failed to become laws.

H. R. 15372, Sixtieth Congress, passed the House, was amended in the Senate, and failed to become a law. In the Sixty-first Congress S. 7971 was passed by the Senate, covering many of these claims, but failed to pass the House, which passed instead H. R. 32767, covering only war claims, and which bill failed to pass the Senate, although the two bills were almost identical so far as concerned war claims. In the Sixty-second Congress H. R. 19115 was passed by the House, and as passed contained all the claims embraced in the present bill save the small number mentioned, which were not before the House in time for inclusion in that bill. That bill, H. R. 19115, was passed by the Senate, but with numerous amendments, and the conferees were unable to agree upon any final report.

It is thus seen that in each of the three preceding Congresses a bill for payment of war claims allowed by the Court of Claims has passed each House of Congress, but the two Houses never agreed on any one bill. The present bill is presented in the hope that it may meet favorable consideration and become a law.

PREVIOUS APPROPRIATIONS UNDER THE BOWMAN AND TUCKER ACTS.

The first general appropriation for payment of findings of the Court of Claims under these acts was made in the Fifty-first Congress. Prior to that time various individual appropriations had been made for payment of Bowman Act findings, aggregating \$128,158.73.

The total of appropriations heretofore made to pay claims allowed under these acts is as follows:

Prior to Fifty-first Congress.....	\$128, 138. 73
Fifty-first Congress (act Mar. 3, 1891; 26 Stat., 1445).....	573, 763. 30
Fifty-fifth Congress (act Mar. 3, 1899; 30 Stat., 1161).....	1, 722, 655. 79
Fifty-seventh Congress (act May 27, 1902; 32 Stat., 207).....	444, 503. 10
Fifty-eighth Congress (act Feb. 24, 1906; 33 Stat., 743).....	1, 197, 272. 60
Sixtieth Congress (individual act).....	3, 390. 00
Total.....	4, 069, 723. 52

CLASSES OF CLAIMS.

The claims covered by this bill may be divided, generally, into three different classes, as follows:

1. Claims of volunteer officers of the Union Army during the Civil War for the difference between the pay they actually received and that which they would have received had they been mustered into the service in the rank of the position which they really filled; also included are claims of Union soldiers or officers of various kinds, each depending upon special circumstances, and several claims arising from service during the War with Spain. The total carried for these former officers and soldiers is \$51,240.49 in 163 claims.

2. Claims of churches, Masonic and Odd Fellows lodges, schools, hospitals, and a few county or municipal corporations not at seat of war for use and occupation of their premises, with incidental damages thereto, and also, in several instances, for buildings torn down and used for military purposes, such as construction of quarters, etc. There are 370 claims of this general class, aggregating \$486,403.29.

3. Claims of individuals for Army stores or supplies found by the Court of Claims to have been taken under proper authority for Army use, and including some claims for rent of buildings used for military purposes at Federal Army posts during the Civil War. There are 625 of these claims, aggregating \$1,191,368.33.

Attention is called to the fact that no claims for property burned or destroyed are included in this bill, and claims of this class were not considered, and such claims are not to be prejudiced because of their not being included herein. They will be taken up for consideration hereafter.

ANALYSIS OF BILL BY CLASSES OF CLAIMS AND BY STATES.

In the preparation of this bill every claim has been scrutinized; and if included in the bill, it received that favorable consideration solely because the facts reported by the Court of Claims showed it to be a claim possessing merit.

Naturally, however, the greater number of the claims of Federal officers come from Northern States, which furnished the majority of the Union troops. Naturally, also, the greater number of the other claimants are from Southern States, where the operations of the Union Army were principally conducted during the war.

It is deemed proper, however, to inform the House just how the proposed appropriation will be distributed, both as to classes of claims and according to the States, and following is a tabulated statement conveying this information.

As explanatory of the table which follows, it is proper to state that it is prepared, as is the bill, from the findings of the Court of Claims. Many of the claims are represented by administrators or executors, and of course it is impossible for the committee to know how widely the sums appropriated may be ultimately distributed among heirs or next of kin, who are doubtless more scattered than the findings of the Court of Claims would show.

States.	Officers and soldiers.		Churches, lodges, colleges, hospitals, counties, etc. ¹		Individual claims, stores and supplies, etc.		Total amount and number of claims for each State.	
	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.
1. Alabama.....			18	\$34,374.00	41	\$49,289.66	59	\$83,663.66
2. Arkansas.....			9	10,515.00	36	60,213.67	45	70,728.67
3. California.....	5	\$1,842.69			1	480.00	6	2,322.69
4. Colorado.....	4	925.62			1	675.00	5	1,600.62
5. Connecticut.....	3	412.19					3	412.19
6. District of Columbia.....	3	636.22			3	6,015.00	6	6,651.22
7. Florida.....	1	106.21	1	1,170.00	3	7,710.00	5	8,986.21
8. Georgia.....			13	10,305.00	31	30,508.00	44	40,813.00
9. Illinois.....	16	4,647.90			4	7,082.00	20	11,729.90
10. Indiana.....	19	4,827.80			1	1,200.00	20	6,027.80
11. Iowa.....	13	3,569.54					13	3,569.54
12. Kansas.....	8	1,463.61			3	1,634.00	11	3,097.61
13. Kentucky.....	16	4,131.15	44	33,675.00	52	53,498.00	112	91,304.15
14. Louisiana.....			2	21,700.00	65	269,683.82	67	291,383.82
15. Maine.....	3	1,074.26					3	1,074.26
16. Maryland.....			15	7,028.33	32	33,109.19	47	40,137.52
17. Massachusetts.....	4	2,328.72			1	5,538.00	5	7,866.72
18. Michigan.....	12	2,542.83			1	3,040.00	13	5,582.83
19. Minnesota.....	3	536.10			1	200.00	4	736.10
20. Mississippi.....			5	5,323.00	58	110,574.90	63	115,897.90
21. Missouri.....	8	4,173.54	19	39,389.75	43	62,760.00	70	106,323.29
22. Montana.....	1	53.23					1	53.23
23. Nebraska.....	2	554.07					2	554.07
24. New Hampshire.....	1	40.33					1	40.33
25. New Jersey.....	1	20.39					1	20.39
26. Nevada.....					5	9,706.00	5	9,706.00
27. New Mexico.....	1	632.18			3	5,505.00	4	6,137.18
28. New York.....	10	3,390.92			1	9,562.34	11	12,953.26
29. North Carolina.....			10	10,986.00	16	17,367.00	26	28,353.00
30. North Dakota.....	1	260.35					1	260.35
31. Ohio.....	8	120.21	1	175.00			9	295.21
32. Oklahoma.....	2	626.48					2	626.48
33. Oregon.....	1	417.31					1	417.31
34. Pennsylvania.....	6	1,388.81	4	600.00	3	3,471.00	13	5,459.81
35. Rhode Island.....	1	701.26					1	701.26
36. South Carolina.....			9	17,773.33	4	19,160.00	13	36,933.33
37. South Dakota.....	1	391.31					1	391.31
38. Tennessee.....	2	226.59	60	138,976.88	138	290,696.50	200	429,899.97
39. Texas.....					3	3,190.00	3	3,190.00
40. Vermont.....	1	124.06					1	124.06
41. Virginia.....	2	5,277.64	123	118,401.00	47	111,038.75	172	234,717.39
42. Washington.....	1	115.41					1	115.41
43. West Virginia.....			37	35,951.00	28	18,460.50	65	54,411.50
44. Wisconsin.....	3	661.56					3	661.56
Total.....	163	51,240.49	370	486,403.29	625	1,191,368.33	1,158	1,729,012.11

¹ While generally classed as church claims, this class includes several claims of counties and municipal organizations not at seat of war.

MANNER IN WHICH CLAIMS WERE REFERRED TO THE COURT OF CLAIMS.

While a brief history of the legislation pertinent to the subject of these claims will be given later in this report, a few words as to the manner in which these claims were sent to the court may not be improper.

By the Bowman Act, approved March 3, 1883 (22 Stat., 485), it was provided that any committee of either House of Congress having pending before it any claim which is not barred from consideration by any law of the United States might refer such claim to the Court of Claims for judicial ascertainment of all material facts.

It would appear that the Committee on War Claims is the committee which has most availed itself of this means of learning the facts of claims. All of the findings which have been considered in connection with this bill in claims sent to the court under the Bow-

man Act show the reference to have been made by this committee. None of the Bowman Act references covering any of these claims now considered was made by any other committee.

The very fact that the Court of Claims has tried a claim under the Bowman Act shows, in law, that the claim was not barred, either by failure to duly present it or by the inherent nature of the claim itself. In its practical application to war claims it means, generally speaking, that the claim in question was previously presented to some officer or tribunal having jurisdiction to entertain it; otherwise, under the terms of the act, the court would itself have no jurisdiction to entertain it.

Many of the claims involved were referred to the Court of Claims under the provisions of section 14 of the act of March 3, 1887 (24 Stat., 505), commonly called the Tucker Act.

In every such claim a bill for the relief of the claimant has been introduced in one of the Houses of Congress. Such bill has been considered by the appropriate committee, and as the result of that consideration a formal resolution has been adopted by the House wherein the bill was pending referring the pending bill to the court for proceedings similar to those directed by the Bowman Act.

The jurisdiction of the Court of Claims under the Tucker Act was much broader than under the Bowman Act, as under the Tucker Act any bill providing for payment of a claim, except a pension, might be referred to the court. The Tucker Act therefore operated to open the door of that court to many claims of which no jurisdiction could be taken by the court under the Bowman Act, such, for instance, as claims for rent of real estate at seat of war; for supplies taken from possession of the heirs of an undivided estate, even though there was an administrator whose loyalty could not be established; and claims of classes which might have been previously presented to the Southern Claims Commission or Quartermaster General or Commissary General, and which had become barred for failure to so present them. The wide distinction between the jurisdiction of the court under these two acts is treated and very lucidly explained in the case of Dowdy, 26 Court of Claims, 220, decided shortly after proceedings were begun before the court under the Tucker Act. It is true that in case of Brandon, administrator, 46 Court of Claims, 559, the court declined to take jurisdiction under a Tucker Act reference of a claim which might have been presented under the abandoned and captured property act, the claim being for cotton alleged to have been seized and sold and proceeds covered into the Treasury. That decision was by a divided court, however (see dissenting opinion of Justice Howry, 47 C. Cls., 403), and it is noted that the reason for the conclusion there announced seems to be largely that there is danger of "conflicting claims" to the same cotton or proceeds, which could not be adjusted under a reference of only one of such possible claims, and of the enactment of section 162 of the Judicial Code, opening the court to such claims only where the seizure occurred after June 1, 1865, which is held by the court to negative the idea that Congress intended claims arising prior to that date might be adjudicated or considered.

By the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and commonly

called the Judicial Code, the Bowman and Tucker Acts were repealed, and section 151 of that code was substituted for the previous acts; that section 151 of the code is practically a reenactment of section 14 of the Tucker Act, above mentioned, with the amendment made thereto by act of June 25, 1910.

PROCEEDINGS IN THE COURT OF CLAIMS.

The reference of a claim or bill to the Court of Claims under the Bowman or Tucker Acts, or under section 151 of the Judicial Code, means merely that the claimant has conferred upon him the privilege of presenting his claim to the court for a judicial determination of the facts.

A sworn petition must be filed, under the rules of that court. Some claims, like those of former officers of the Union Army, above mentioned, may doubtless be established in a large measure by record evidence, and without the production of parol evidence to any great extent.

In the ordinary war claim, however, for Army stores or supplies, or arising from occupation of real estate, witnesses are examined, as in chancery practice. Depositions are taken in behalf of claimant, and his witnesses are subjected to cross-examination by counsel representing the Government, detailed in most instances from the Department of Justice. Lawyers in the service of the Department of Justice also make independent investigations of claims, and if any facts are found unfavorable to the claim witnesses are called for the Government and are examined in the same manner as witnesses for claimants.

After the taking of testimony briefs are prepared by counsel for claimant and also by counsel for the United States. Many cases are argued orally before the court. An active defense is made in every case by counsel representing the Government, so that the proof of a claim in the Court of Claims is no merely formal matter. Every case has been actually tried, and all proper defenses have been made by Government counsel employed for that particular purpose, under the direction of an Assistant Attorney General.

The findings of fact made by the Court of Claims, and which have been considered in connection with every claim included in this bill, represent the result reached by the court after the trial of each case. The standing expression used by the Court of Claims introductory of its findings of fact is as follows:

————— appeared for the claimant, and the Attorney General, by Mr. —————, his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following findings of fact.

By act of June 25, 1910 (36 Stat., 837), it was provided that in cases tried under said section 14 of the Tucker Act the court should accompany its findings of fact with—

such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

In cases tried since June 25, 1910, under the Tucker Act, or under section 151 of the Judicial Code, the court has added its conclusion to its findings in each case. One of these conclusions in a claim for taking of Army supplies is here quoted from a finding or report on one of the claims covered by the bill, as follows:

CONCLUSION.

Upon the foregoing findings of fact the court concludes that the claim herein is an equitable one in the sense that the United States received the benefit of the supplies for which claim is made.

The decision of the Court of Claims in case of *Smith v. United States* (19 C. Cls., 691) throws considerable light on the procedure of the court under the acts mentioned. The following is quoted from that case:

This case was transmitted to this court by the Committee on War Claims of the House of Representatives under the Bowman Act (22 Stat. L., 485), and with the letter of transmission were sent a number of ex parte affidavits filed before that committee in support of claimant's demand.

The claimant moves that those affidavits be printed and used in evidence at the trial of the case. This motion can not be allowed.

The first paragraph of the report of the Committee on Claims of the House of Representatives in favor of the Bowman bill is as follows:

"The only question presented to this committee for their consideration by the above-named bill is whether Congress and its committees and the executive departments shall have the privilege or right, if they deem it advisable, to have the facts in any case before them properly investigated by a tribunal which can ascertain those facts in a legal manner, in the same mode adopted by the courts which have jurisdiction of similar causes, and with the safeguard to the Government of the power of cross-examination of witnesses, all of which is impossible to be accomplished by Congress, its committees, or the executive departments."

We refer to this language, not as furnishing any rule to us for the interpretation of the Bowman Act, but simply as showing the intent of the House of Representatives, and presumably of both Houses of Congress, in passing that act, to have the facts of any case ascertained "in a legal manner, in the same mode adopted by the courts which have jurisdiction of similar causes and with the safeguard to the Government of the power of cross-examination of witnesses."

That act authorized this court to adopt rules directly applicable to departmental and congressional cases, and we have adopted two such rules, framed in the spirit of the language of that report.

The first of those rules is section 1 of Article XXII, as follows:

"SECTION 1. Cases involving controverted questions of fact or law in any claim or matter transmitted to the court under the provisions of section 2 of the act of March 3, 1883, entitled 'An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government,' shall be proceeded with in like manner and subject to the same rules, so far as applicable, as other cases in the court under its general jurisdiction, except as herein provided."

The second rule is in the second sentence of section 7 of the same article, the whole of which section is as follows:

"Sec. 7. Within two months after the mailing of such notices, or within such further time as the court may allow, any person directly interested in the case may appear as a party therein by filing his petition, under oath, setting forth concisely and specifically his claim and interest. Thereafter the case shall be proceeded with, in like manner and subject to the same rules, so far as applicable, as other cases in the court under its general jurisdiction."

These two rules place departmental and congressional cases, as to the matter of evidence, on the same footing as any other case against the United States brought in this court, and thereby bring them under the operation of section 1083 of the Revised Statutes, which reads thus:

"In taking testimony to be used in support of any claim, opportunity shall be given to the United States to file interrogatories, or by attorney to examine

witnesses, under such regulations as said court shall prescribe; and like opportunity shall be afforded the claimant, in cases where testimony is taken on behalf of the United States, under like regulations."

The same rule was later stated by the Court of Claims in *Carroll v. United States* (20 C. Cls., 431), as follows:

But the court is of the opinion that the purpose of the Bowman Act was not to dispense with legal evidence, but to acquire it; and that when a claim is transmitted by a committee of Congress under the act the purpose is to secure the judicial ascertainment of facts by judicial means, namely, by that which the law defines to be competent evidence.

In brief, it may be stated that every case tried by the court under the acts mentioned pursues about the same course as does an ordinary case in courts of civil jurisdiction, save that here the court, consisting of five judges appointed by the President and confirmed by the Senate, act as a jury, and determine the facts. All testimony is taken under cross-examination. It often happens that owing to the fact that witnesses are widely scattered, testimony is taken on one case in several different places or States, the attendance of counsel both for the United States and for the claimant being a necessary incident to the taking of depositions.

The interests of the Government are further safeguarded by the fact that no counsel for the Government is permitted to admit any material fact against the interest of the Government; every material fact upon which a claimant relies must be proven.

One fact the committee desires to emphasize, and that is, that this bill does not include by any means all of the claims which have been tried by the Court of Claims under the Bowman and Tucker Acts. Many such claims, in fact, the great majority of them, have been made the subject of adverse findings which have caused them to be eliminated from consideration in connection with the preparation of this bill.

The reports of the Assistant Attorney General in charge of the defense of cases in the Court of Claims show that since the enactment of the Bowman Act on March 3, 1883, and of the Tucker Act on March 3, 1887, practically two claims out of every three that have been referred to that court under these acts have been either dismissed or made the subject of adverse findings, and it further appears that even when allowances have been made by the Court of Claims the claims have been so scaled down or reduced by the court that the total of favorable findings during the long period mentioned, of about 28 years, have been only about 8 per cent of the total amounts claimed in all the cases referred.

It is thought by your committee that even this small percentage includes some claims wherein findings have been made favorable on property, but adverse on loyalty, and which under existing practice will therefore not be paid.

The facts above mentioned was set forth in House Report No. 288, Sixty-second Congress, second session, upon the bill (H. R. 19115) which passed the House in that Congress, and it was then stated by the committee:

In the natural course of events the proportion or percentage of favorable findings in war claims must be less in the cases still pending than in those already tried, owing to lapse of time and the impossibility of adducing the amount and character of proof demanded by the Court of Claims.

The records of your committee also show a decided diminution in the number of new claims presented for reference to the Court of Claims, such as leads to the belief that practically all war claims which furnish any reasonable probability of collection have been presented, and are now pending either before Congress, awaiting reference to the Court of Claims, or before the court, awaiting trial.

The correctness of the statement quoted is shown by the fact that since H. R. 19115 was introduced in the Sixty-second Congress, January 13, 1912, proposing appropriation for payment of the allowed war claims, there have been certified to Congress by the Court of Claims only 55 claims which have been favorably considered by the committee in preparing the present bill. That number of claims has been added to the claims covered by H. R. 19115, Sixty-second Congress, with a few previously inadvertently overlooked.

In connection with the bill now presented, all claims reported as late as the end of the Sixty-second Congress have been considered.

This means, therefore, that from about January 1, 1912, to March 3, 1913, only 55 claims were reported by the court of such a character as to entitle them to be favorably considered for inclusion in the present bill.

Some claims have been considered by the committee which have been omitted from this bill, as they were omitted from the similar bill in the Sixty-second Congress. This failure to include these other claims in such a bill as this one does not necessarily mean that they may not be favorably reported, either in individual bills or in bills providing payment for a number of similar claims.

In view of the interest of over a thousand claimants in the passage of the bill now under consideration, however, it has been deemed by the committee to be unwise to include any claims which might occasion serious question or possible controversy.

The committee below sets forth a general statement as to claims of the different classes covered by the bill. Following these general discussions of the claims by classes will be found the Bowman and Tucker Acts and section 151 of the Judicial Code for convenient reference, and following those acts will be found a detailed statement of the material facts of each claim embraced in the bill.

CLAIMS OF OFFICERS AND SOLDIERS OF THE UNION ARMY.

It would appear to have been a general rule of the War Department, doubtless proper in its ordinary application, to deny to an officer of the volunteer forces pay of any rank in which he had not been formally mustered. In short, the muster rolls were made the sole criterion by which to determine whether or not the officer was entitled to the pay and allowances of a certain rank; if the rolls showed him to have been mustered in as of a certain rank, he was held entitled to that pay and those allowances appurtenant to that rank; otherwise not.

It was found, however, that often this rule worked a great hardship, in that officers were duly commissioned by the governors of their States and that they actually performed the duties and functions of the rank to which they had been commissioned, notwithstanding the fact that they had not been mustered in as of that rank.

In recognition of this hardship, Congress passed the joint resolution which was approved July 26, 1866 (14 Stat. L., p. 368), reading as follows:

JOINT RESOLUTION For the relief of certain officers of the Army.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That in every case in which a commissioned officer actually entered on duty as such commissioned officer, but by reason of being killed in battle, capture by the enemy, or other cause beyond his control, and without fault or neglect of his own, was not mustered within a period of not less than thirty days, the Pay Department shall allow to such officer full pay and emoluments of his rank from the date on which such officer actually entered on such duty as aforesaid, deducting from the amount paid in accordance with this resolution all pay actually received by such officer for such period.

SEC. 2. *And be it further resolved.* That the heirs or legal representatives of any officer whose muster into service has been or shall be amended hereby shall be entitled to receive the arrears of pay due such officer or the pension provided by law for the grade into which such officer is mustered under the provisions of the first section of this resolution.

Approved, July 26, 1866.

Later legislation upon this subject is that of the act approved February 24, 1897 (29 Stat. L., p. 593), reading as follows:

AN ACT To provide for the relief of certain officers and enlisted men of the volunteer forces.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That any person who was duly appointed or commissioned to be an officer of the volunteer service during the War of the Rebellion, and who was subject to the mustering regulations at the time applied to members of the volunteer service shall be held and considered to have been mustered into the service of the United States in the grade named in his appointment or commission from the date from which he was to take rank under and by the terms of his said appointment or commission, whether the same was actually received by him or not, and shall be entitled to pay, emoluments, and pension as if actually mustered at that date: *Provided*, That at the date from which he was to take rank by the terms of his said appointment or commission there was a vacancy to which he could be so appointed or commissioned, and his command had either been recruited to the minimum number required by law and the regulations of the War Department, or had been assigned to duty in the field, and that he was actually performing the duties of the grade to which he was so appointed or commissioned; or if not so performing such duties, then he shall be held and considered to have been mustered into service and to be entitled to the benefits of such muster from such time after the date of rank given in his commission as he may have actually entered upon such duties: *Provided further*, That any person held as a prisoner of war, or who may have been absent by reason of wounds, or in hospital by reason of disability received in the service in the line of duty, at the date of issue of his appointment or commission, if a vacancy existed for him in the grade to which so appointed or commissioned, shall be entitled to all the benefits to which he would have been entitled under this act if he had been actually performing the duties of the grade to which he was appointed or commissioned at said date: *Provided further*, That this act shall be construed to apply only in those cases where the commission bears date prior to June twentieth, eighteen hundred and sixty-three, or after that date when the commands of the persons appointed or commissioned were not below the minimum number required by then existing laws and regulations: *And provided further*, That the pay and allowances actually received for the period covered by the recognition extended under this act shall be deducted from the sums otherwise to be paid thereunder.

SEC. 2. That the heirs or legal representatives of any person whose muster into service shall be recognized and established under the terms of this act shall be entitled to receive the arrears of pay and emoluments due, and the pension, if any, authorized by law, for the grade to which recognition shall be so extended.

Sec. 3. That the pay and allowances of any rank or grade paid to and received by any military or naval officer in good faith for services actually performed by such officer in such rank or grade during the War of the Rebellion, other than as directed in the fourth proviso of the first section of this act, shall not be charged to or recovered back from such officer because of any defect in the title of such officer to the office, rank, or grade in which such services were so actually performed.

Sec. 4. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The case of *Henry v. United States* (6 C. Cls., 162) was a case involving the joint resolution of 1866, and the court said:

When one is commissioned as second lieutenant in a Volunteer regiment by the governor of the State whence the regiment came and is assigned to duty by the colonel commanding in a company of which he has been first sergeant and, after applying for muster in and being refused, continues to incur all the responsibilities and perform all the duties of a commissioned officer, commanding the company in battle, and being the only officer attached to it, he is entitled to be paid as such, notwithstanding that at the time he was assigned to duty it had fallen below the minimum number entitling it to a second lieutenant.

In that case the court also used the following language:

The court is not unmindful of the learned argument addressed to it by the Assistant Attorney General, but it is also remembered that this suit affects not the claimant alone, but a class of citizens who deserve well of their country and who their country desires should receive the full measure of legal justice to which they may be entitled. For them there is no appeal to the Supreme Court; for the defendants there is. If this suit be decided adversely to the claimant by this court, the decision will be final against all of these soldiers. They are men who rose from the ranks by hard fighting and good conduct, earning their commissions before they got them and working for them after they came; and it seems a strange anomaly that six years after the war ended such men should be driven to seek the fruits of their promotion in a court of justice.

On appeal to the Supreme Court of the United States the decision of the Court of Claims was affirmed in favor of the claimant. (See *U. S. v. Henry*, 17 Wall., 405.)

The Comptroller of the Treasury rendered a decision on the income tax erroneously deducted from pay of officers, to wit:

Where a right to pay and allowances accrued prior to August 1, 1870, the income tax authorized by laws enacted prior to that date is a proper stoppage against such pay and allowances, but where the right to collect pay and allowances for services rendered prior to August 1, 1870, did not exist until created by a law enacted after July 31, 1870, no part of the pay and allowances is taxable. (Decisions of the Comptroller of the Treasury, vol. 13, p. 387, Dec. 7, 1906; see also 39 C. Cls. R., case of Wellington Barry.)

The latest legislation upon the subject of these claims of officers of the Union Army is found in the act of April 19, 1910 (36 Stat., 312-324), making appropriation for maintenance of the Military Academy, the paragraph in question reading as follows:

Hereafter in administering the act of Congress approved February twenty-fourth, eighteen hundred and ninety-seven, entitled "An act to provide for the relief of certain officers and enlisted men of the Volunteer forces," the decision of the War Department as to the right of any person to be held and considered to have been mustered into the service of the United States under the provisions of said act shall be conclusive, and no claims shall be allowed or considered under said act after the first of January, nineteen hundred and eleven.

That enactment was followed by the decision of the Court of Claims in case of *Frances Acker, widow of John W. Acker, v. United States* (46 C. Cls., 63). In its decision in that case the court held that the statute above quoted absolutely prohibited the court from

going back of the report of the War Department to the effect that an officer was mustered in on a certain date. The court held, in effect, that it mattered not what parol evidence might show as to performance of the duties of a certain rank; that if the record showed the claimant was not mustered in as of a certain rank, that was conclusive.

It will be observed that the act of April 19, 1910, provides that "hereafter," in administering the law of 1897 in these cases, the decision of the War Department shall be final or conclusive.

There is nothing in the act of April 19, 1910, or in the nature of these claims, which would seem to require that act to be given a retroactive construction either by the court or by Congress.

On the contrary, the word "hereafter" would indicate the intention of Congress to make the act of 1910 prospective in its operation rather than retroactive.

In view of the decision of the court in the Acker case, it appears impossible for any claimant whose claim was tried after April 19, 1910, to secure even as much as a report of proven facts at the hands of the court. Hence, no more claims of this class can be considered by the court or reported to Congress.

Every one of the claims of this class carried by the present bill was sent to the court, was tried, and was made the subject of findings of fact prior to April 19, 1910.

It is the view of the committee, as well as that of the Court of Claims, stated in its decision in the Henry case (above quoted), that these claimants are a class of citizens who deserve well of their country; they are mostly men who rose from the ranks to hold commissions; in many instances they earned their commissions before they received them, and worked for them after they were received.

As a rule, the only reason for failure to muster in these officers as of the rank for which they claim pay was the fact that their organizations had not sufficient men to bring them up to a certain standard of size. In some instances this was caused by casualties in battle. In any event, the services were actually rendered by these officers. When rendered, the United States secured the benefit of those services, and in the absence of any express statutory prohibition it is believed that those services should, in fairness, be paid for.

Payment of the claims of this class included in this bill will necessarily conclude consideration of this class of claims, as no other claimants can be heard in the Court of Claims, in view of the provisions of the act of April 19, 1910, as construed by the court in the Acker case.

SPECIAL CLAIMS ARISING FROM ARMY SERVICE IN TIME OF WAR.

The committee has included a few claims, aggregating only a small amount, arising from military service in time of war, not of the general class above considered. Several of them arose as an incident to the War with Spain. As they are treated as separate claims they have been treated individually in the detailed report on individual claims, following the general statement of the contents of the bill.

In the tabulated analysis of the bill by classes of claims these claims have been included as a matter of convenient tabulation, with the claims of officers for difference in pay, just above considered.

CLAIMS OF CHURCHES, MASONIC AND ODD FELLOWS' LODGES, SCHOOLS, COLLEGES, HOSPITALS, AND MUNICIPAL CORPORATIONS NOT AT SEAT OF WAR.

There are 370 of claims of this general class, aggregating \$486.-403.29. The greater number of them is for use and occupation of buildings, by proper military authority, for Army purposes, usually for hospital purposes, and sometimes as barracks or quarters.

With the exception of some three or four, these claims were sent to the court under the terms of the Tucker Act.

In case of a claim for use and occupation of buildings the amount reported by the court usually includes not only rental value during the period of occupancy by the troops but also damages incident to the occupancy in excess of ordinary wear and tear, evidently on the reasonable theory that the Army should either leave the building in as good condition as when possession was taken or else recompense the church or owner for special damages done the building.

A number of these claims arose from the tearing down of buildings in order to secure materials to be used for military purposes, such as construction of winter quarters, barracks, bunks, or bridges. In these cases the rule has been to report the value of the building as it stood before the demolition.

In this regard the practice in claims of religious, educational, and eleemosynary institutions is different from that in the claims of individuals. If the house belonging to an individual be torn down and the materials converted to proper military use, the Court of Claims would require that it be shown how many feet of lumber or how many thousand bricks were secured from the building, and it would then make an allowance for so many thousand feet of second-hand lumber or for so many thousand second-hand bricks. Under this rule, it might well happen that for a building worth \$5,000 when torn down the allowance made by the court would be only a few hundred dollars.

This rule (and the distinction between claims of these institutions and those of private persons) is stated by the Court of Claims in its decision in case of the Presbyterian Church at Murfreesboro (33 C. Cls., 339). The opinion in that case reads as follows:

The invariable rule which has governed the court in this class of cases—that is, of cases for war damages—is this:

The court allows only for property taken to be used and only for the value to the Government of the thing taken. That is to say, the court has never allowed for property taken to be destroyed or for the damages which the owner suffered by reason of the taking. Where houses were torn down and trees felled for military reasons nothing has been allowed. Where fruit trees and shade trees and fences were taken for fuel the owner has been allowed only for so much cordwood. Where a building was torn down and the material used the allowance has been for so much old brick and second-hand lumber. Where a blooded stallion was taken for Army use the allowance has been simply for a Cavalry horse. Where an imported cow was killed and eaten by the troops the allowance has been only for so much beef. Where the property taken was of a kind which could not properly be regarded as quartermaster or commissary stores or as hospital supplies, or engineers' material, the taking has been regarded as due to the depredations of individuals, and nothing has been allowed. In a word, the general principle which governs the court is that the amounts allowed are to be only to the extent of the benefit which the Government received by the taking, not for the injury which the owner suffered.

The present case, in finding the value of the building, may seem a departure from the rule which has hitherto governed the court—the first and only exception out of the hundreds of cases of war claims which have been tried and dis-

posed of in the course of the last 15 years. The reason for this departure from a well-settled rule is this:

The proceeding in cases coming into this court under the Bowman Act is not to obtain a judgment fixing with finality the legal rights and liabilities of the parties, but simply a proceeding to procure for Congress such facts as will be available and useful when the question of legislative relief shall come before the two Houses.

In cases of religious and charitable institutions and institutions of learning Congress have in repeated instances laid down a different rule than that heretofore adverted to as the rule of this court for what may be termed the measure of damages. In other words, whenever Congress have given relief for the destruction of such a building, the legislative rule in repeated instances has invariably been to allow the value of the building as a building. The case before us is a case of that description. The court accordingly finds the value of the building as it stood when the military authorities took possession of it. Whether the owners are entitled or not entitled to that or to any relief is not a question before the court. It rests entirely within the legislative discretion.

Even the more liberal of the rules mentioned by the Court of Claims in the above-quoted opinion, however, fail to give to this class of claimants as great a measure of relief as was accorded by Congress to the Roman Catholic Church in the Philippine Islands.

A reference to the action taken on the claim of that church would seem appropriate at this point. That claim was considered by a board of Army officers. Its findings and recommendation will be found on page 48 of House Report No. 696, Sixtieth Congress, first session, and the concluding portion thereof is as follows:

Under the provisions of the orders convening this board we have the honor to recommend that Congress be asked to appropriate the sum of \$363,030.19, United States currency, for the payment of rentals of and damages to church property, Philippine.

If Congress should, in its liberality, desire to compensate the church for the spoliation and carrying away of sacred ornaments, images, vestments, etc., we recommend that the sum of \$40,000 be paid, as, in the opinion of the board, this sum would be fully ample.

Congress did see fit to appropriate not only for the items of rentals and damages, but also for the depredations obviously committed wrongfully by individuals, and Congress did pay both the items above mentioned by act of March 26, 1908 (35 Stat. L., Part II, p. 1227), in the total sum of \$403,030.19.

It will be noted that the single appropriation so made nearly equals the entire amount carried by this bill for payment of claims of this class, for churches of nearly every denomination, and including also Masonic and Odd Fellows' lodges, colleges, etc., and none of the claims included in this bill are for depredations or wanton destruction. Several such claims have been reported by the Court of Claims, but in the preparation of this bill they have been omitted in order to obviate any possible controversy as to the propriety of their payment, although your committee can perceive no difference, in principle, between them and the claim of the Roman Catholic Church in the Philippines.

Claims involving the destruction of buildings included in this bill are those in which the destruction was really an *incident* to the use or occupation of the building, as, for instance, a case where a college building was used for hospital purposes and was accidentally burned while being so used and occupied, apparently during process of fumigation of the building.

The omission from this bill of church and lodge claims for mere destruction of buildings is not to be construed as an adverse report

on those claims. It is with a view to the preparation and report of a bill covering various claims of that general class—what may be properly termed claims for destruction of church, lodge, and school buildings—to the end that the question of their payment may be squarely presented to the House, without in any way embarrassing the passage of this present bill. In short, as above indicated, this bill covering ordinary war claims has been carefully prepared, with the express object of eliminating any claim concerning payment of which there might be any serious difference of opinion.

LOYALTY IN CHURCH AND LODGE CLAIMS.

In claims of this general class arising in seceding States the organization which makes the claim is required to prove that, *as a church* or *as a lodge*, it rendered no aid to the Confederate cause. If such proof is made, then it follows that the church or the lodge, considered merely *as an organization*, should be held loyal.

In some few cases this proof has not been made, and the court has reported adversely on the matter of loyalty. Such claims have been omitted from the bill which is the subject of this report.

It is needless to say that this proof on loyalty in church and lodge claims does not go nearly as far as it is required to go in claims of individuals, who must prove not only that they gave no voluntary aid to the Confederacy, but must also prove that they in fact adhered to the cause of the Federal Government throughout the war. A great many claims of individuals have been dismissed or rejected by the Court of Claims because of failure of the claimants to make the showing demanded on this point, while it can usually be made in claims of churches, lodges, and similar organizations.

ORDINARY INDIVIDUAL CLAIMS FOR STORES AND SUPPLIES.

Claims of this class are shown by the petitions forming a part of the statements of each case as certified by the Court of Claims to usually embrace such items as horses, mules, cattle, hogs, corn, meat, fodder, fencing used and considered as cordwood, and, in some instances, use and occupation of real estate at regular military posts, sometimes for considerable periods.

In this class of cases, covered by this bill, the Court of Claims has found the person from whom the property was taken in each case to have been continuously loyal throughout the Civil War, and that the property was taken by proper authority, for use of the Army, or, in claims for rent, that the reasonable rental value of premises occupied during the period of occupancy, with the damages incident to the occupation, amounts to a certain sum.

As set forth in the decision of the Court of Claims in the case of Presbyterian Church at Murfreesboro, no allowance is made for depredations, such as the taking of poultry, money, jewelry, etc.

The jurisdiction of the Southern Claims Commission, to which more extended reference will be hereinafter made, was a narrow one as prescribed by statute and was rendered still more so by the rulings of the commission.

That commission had no jurisdiction of a claim for rent; it held that a corporation was not a citizen and therefore that it could not prosecute a claim before the commission.

Claims of those who during the war were aliens could not be presented to that commission, as it had authority to inquire into the claims of only persons who were citizens of insurrectionary States, and who were found loyal.

It was held by that commission that a claim presented by one who had passed through bankruptcy must be rejected.

On the subject of loyalty, it held that not only must loyalty be proven of the person from whom the property was taken, but, in event of his death, of every distributee or heir or creditor.

Of course, the Court of Claims, in proceeding under the Bowman and Tucker Acts, has acted with a knowledge of law, and it may be said that in all these cases the court has passed upon two questions, as follows:

First. Was the person from whom the property was taken, i. e., the owner of the property, loyal to the United States Government throughout the Civil War?

Second. Was the property for which claim is made appropriated, by proper authority, to the use of the Army, and what was its value to the Government?

In the cases embraced in this bill the first question has been answered in the affirmative by the Court of Claims, and it has further found the property to have been taken by proper authority for use of the Army, and has reported its value to the Government, according to the then current prices being paid by the Quartermaster and Commissary Departments of the Government.

Inasmuch as proof of continuous loyalty to the United States Government throughout the war is required in these cases, surprise has been expressed at times that any considerable number of claimants have been able to establish their loyalty in the Court of Claims.

Relative to this matter, the committee includes in this report a table, compiled by the War Department from the official records, showing the number of troops furnished to the Union Army during the war by the different States, as follows:

Table showing the quotas required from, and the credits allowed for men furnished by, the several States and Territories during the Civil War.

[War Department, The Military Secretary's Office, May 15, 1905.]

States and Territories.	Quotas required.	Credits allowed for men furnished (enlistments and reenlistments). ¹						Credits for men who paid commutation.
		White troops.	Colored troops.	Indians.	Total Army.	Sailors and marines.	Total Army, Navy, and Marine Corps.	
Alabama.....		2,576			2,576		2,576	
Arkansas.....	780	8,289			8,289		8,289	
California.....		15,725			15,725		15,725	
Colorado.....		4,903			4,903		4,903	
Connecticut.....	44,797	51,937	1,764		53,701	2,163	55,864	1,515
Dakota.....		206			206		206	
Delaware.....	13,935	11,236	954		12,190	94	12,284	1,386
District of Columbia.....	13,973	11,912	3,269		15,181	1,353	16,534	338
Florida.....		1,290			1,290		1,290	
Illinois.....	244,496	255,057	1,811		256,868	2,224	259,092	55
Indiana.....	199,788	193,748	1,537		195,285	1,078	196,363	784
Iowa.....	79,521	75,797	440		76,237	5	76,242	67

¹ The numbers under this heading, which aggregate 2,778,304, are the numbers of credits for enlistment and reenlistments and do not represent individuals. Some men enlisted two or more times, but the number of reenlistments has never been officially determined. It has been estimated by this office, however, from the best data now obtainable, that the whole number of individuals in service in the Union Army and Navy during the Civil War was 2,213,365.

Table showing the quotas required from, and the credits allowed for men furnished by, the several States and Territories during the Civil War—Con.

States and Territories.	Quotas required.	Credits allowed for men furnished (enlistments and reenlistments).					Sailors and marines.	Total Army, Navy, and Marine Corps.	Credit for men who paid commutation.
		White troops.	Colored troops.	Indians.	Total Army.				
Kansas.....	12,931	18,069	2,080		20,149		20,149	2	
Kentucky.....	109,782	51,743	23,703		75,446	314	75,760	3,265	
Louisiana.....		5,224			5,224		5,224		
Maine.....	73,587	64,973	104		65,077	5,030	70,107	2,607	
Maryland.....	70,965	33,995	8,718		42,713	3,925	46,638	3,678	
Massachusetts.....	139,095	122,781	3,966		126,747	19,983	146,730	5,318	
Michigan.....	95,007	85,479	1,387		86,866	498	87,364	2,008	
Minnesota.....	26,326	23,913	104		24,017	3	24,020	1,032	
Mississippi.....		545			545		545		
Missouri.....	122,496	100,616	8,344		108,960	151	109,111		
Nebraska.....		3,157			3,157		3,157		
Nevada.....		1,080			1,080		1,080		
New Hampshire.....	35,807	32,930	125		33,055	882	33,937	692	
New Jersey.....	92,820	67,500	1,185		68,685	8,129	76,814	4,196	
New Mexico.....		6,561			6,561		6,561		
New York.....	507,148	404,805	4,125		408,930	39,920	448,850	18,197	
North Carolina.....	1,590	3,156			3,156		3,156		
Ohio.....	306,322	304,814	5,092		309,906	3,274	313,180	6,479	
Oregon.....		1,810			1,810		1,810		
Pennsylvania.....	385,369	315,017	8,612		323,629	14,307	337,936	28,171	
Rhode Island.....	18,898	19,521	1,837		21,358	1,878	23,236	463	
Tennessee.....	1,560	31,092			31,092		31,092		
Texas.....		1,965			1,965		1,965		
Vermont.....	32,074	32,549	120		32,669	619	33,288	1,974	
Washington.....		964			964		964		
West Virginia.....	34,463	31,872	196		32,068		32,068		
Wisconsin.....	109,080	91,029	165		91,194	133	91,327	5,097	
Indian nations			3,530		3,530		3,530		
Colored troops ¹			199,337		199,337		199,337		
Total.....	2,763,670	2,489,836	178,975	3,530	2,672,341	105,963	2,778,304	86,724	

¹ Colored troops not specifically credited to any State. They were recruited as follows: In Alabama, 4,969; Arkansas, 5,526; Colorado, 95; Florida, 1,044; Georgia, 3,486; Louisiana, 24,052; Mississippi, 17,869; North Carolina, 5,035; South Carolina, 5,462; Tennessee, 20,133; Texas, 47; Virginia, 5,723; at large, 5,896.

It will be noted that seceding States of the Confederacy furnished the following numbers of *white* troops who served in Federal military organizations raised in those States:

Alabama.....	2,576
Arkansas.....	8,289
Florida.....	1,290
Louisiana.....	5,224
Mississippi.....	545
North Carolina.....	3,156
Tennessee.....	31,092
Texas.....	1,965
West Virginia.....	31,872
Total.....	86,009

When the official records show that seceding States gave 86,009 white soldiers to the Federal Army, it would seem plain that there must have been many thousand loyal people in the Southern States.

The Court of Claims, in case of *Neal v. United States* (21 C. Cls., 240), commented upon this condition of affairs in the State of Tennessee. The following is quoted from that decision as showing the

relatively large quota contributed by one of the seceding States to the Federal service:

Before the military occupation of the State was complete a great number of refugees passed over into Kentucky and enlisted in Union regiments forming there. This number the adjutant general of Tennessee, in his report for 1866, computes to be about 7,000. Within the State there were raised and organized 32 regiments of Cavalry and Infantry and 5 batteries of Light Artillery, containing, according to the rolls of the War Department, 31,092 white troops. We may therefore conclude that the number of white troops furnished by the State of Tennessee was, in round numbers, not far from 38,000.

But the magnitude of this contribution to the volunteer forces of the United States will be best appreciated by comparison:

Tennessee contributed more white troops than either New Hampshire (33,937), West Virginia (32,068), or Vermont (33,288); nearly twice as many as either Kansas (20,149), Rhode Island (23,236), or Minnesota (24,020); more than twice as many as either California (15,725) or the District of Columbia (16,534); about three times as many as Delaware (12,284). * * *

These historical facts of record are here set forth in the belief that they will be of interest to those who must express themselves upon the merits of this bill. They simply go to show that, in fact, there was a very large loyal element in the Southern States, and when the Court of Claims has decided upon the legal evidence submitted, that a claimant has shown that he belonged to this large number of southern people who adhered to the Union, it would seem obvious that there is nothing inherently improbable about such being a fact.

The Court of Claims is charged with a solemn duty, that of determining the facts for the information of Congress, and when it has found the facts, that should effectually settle them, especially as that court has never yet been charged with entertaining any bias against the Government.

LACHES.

At various times criticism has been made of claims of this general class on the supposed ground that the claimants had been guilty of inexcusable delay or laches in not following up the remedies given them by statute.

As to claims tried by the court under the Bowman Act no such question can be raised with the slightest semblance of reason, for the fact that the court has tried a case under the Bowman Act shows on its face that the claim was not barred for previous failure to present it. Claims barred by any law of the United States did not come within the jurisdiction of the court under the Bowman Act. Certainly the reasonable and legal presumption is that when the court has tried a case under the terms of an act giving a very limited jurisdiction the facts of that case were such as to bring the claim within that limited jurisdiction. Any different presumption would be a presumption that the Court of Claims either was ignorant of the law under which it acted or willfully disregarded the statute. Assuredly neither of these presumptions can be properly followed.

In claims tried under the Bowman Act, it follows, therefore, that if the claimant ever had any remedy whatsoever he followed that remedy within proper time, and that, notwithstanding this, his claim was rejected: that it has since been judicially tried, and that sufficient evidence has been produced in the Court of Claims to legally establish the facts reported by the court.

For the reasons stated any discussion of supposed laches in regard to war claims must refer to what are commonly called Tucker Act claims or to claims tried under the provisions of section 151 of the Judicial Code, which went into effect January 1, 1912.

In considering this question of laches it will be necessary to trace, as briefly as possible, the legislation affecting war claims.

At the beginning of the war the Court of Claims was open to filing of suits by any citizen whose property had been taken for public use. It was organized by act of February 24, 1855 (10 Stats., 612), and was reorganized by act of March 3, 1863 (12 Stats., 765). Under the act of March 3, 1863, it was required that claimants show loyalty, but with that condition citizens might file suits to recover compensation for property taken.

The case of *Grant v. United States* (1 C. Cls., 41) was a claim arising from the Civil War. It appeared that United States military forces, under proper orders, burned various military supplies and a flour mill owned by an Army contractor in order to prevent the supplies and mill from falling into the hands of Confederates.

On the case so presented the court held the destruction of the property to constitute in law a "taking" for public use, and Grant was given judgment for \$41,530 as the value of his property destroyed.

In the light of subsequent events it would appear that Congress became apprehensive as to the number and amount of claims which would probably be filed in the Court of Claims, and, for the purpose of taking away from citizens their then existing legal right to bring suit for compensation for property taken, the act of July 4, 1864 (13 Stats., 381), was enacted, which expressly deprived the court of all jurisdiction over such claims.

Section 1 of that act provides:

That the jurisdiction of the Court of Claims shall not extend to or include any claim against the United States growing out of the destruction or appropriation of, or damage to, property by the Army or Navy, or any part of the Army or Navy, engaged in the suppression of the rebellion, from the commencement to the close thereof.

That statute was construed by the court in case of *Corbett* (1 C. Cls., 139), and it was there held that said act must cause the dismissal of every pending claim then already before the court of the class mentioned.

These facts are important as showing the deliberate intent of Congress (doubtless as a measure of public policy at the time) to take away, even from loyal citizens, their legal right to go into the Court of Claims. That act left them with no legal right or remedy. It prohibited the court from hearing any such claim.

It is true that this same act gave a very limited remedy by conferring upon the Quartermaster General and the Commissary General jurisdiction to entertain the claims of *loyal citizens of States not in rebellion* for supplies taken for Army use.

As that act stood, a man living in Tennessee, serving in the Union Army, whose property was taken for Army use, could make no claim for payment, because no door was open to him.

By joint resolution of June 18, 1866 (14 Stats., 360), this act of July 4, 1864, was made applicable to the counties of Berkeley and Jefferson, in West Virginia; and by joint resolution of July 28, 1866

(14 Stats., 370), it was extended to apply to loyal citizens of Tennessee.

So far as concerned claims for commissary supplies, the act of July 4, 1864, had a very limited operation owing to the fact that no claims were paid by the Commissary General unless accompanied by official receipts for the property, or unless the property was found to have been accounted for on the returns of some commissary officer. As such receipts were seldom given and as such property was seldom placed upon the property returns, but few claims were allowed by the Commissary General.

As to claims for quartermaster stores, the act did afford some relief. The Quartermaster General appointed agents to investigate claims and these officers made personal investigations and took sworn statements of witnesses both for and against the claim, and a considerable number of such claims were paid in some amount. These examinations were largely ex parte in their nature, however, and therefore the result was unsatisfactory, as might be expected.

By act of June 15, 1880 (21 Stat. L., 586), however, it was provided that thereafter notice of the investigation should be given the claimant, who was accorded the privilege of cross-examining witnesses for the Government. This act, while correct in principle, was passed after the greater number of claims before the Quartermaster General had been disposed of. The right to present claims before the Quartermaster General terminated January 1, 1880.

As will be noted, no claimants in seceding States (save the State of Tennessee and two counties of West Virginia) were given any rights to present claims by said act of 1864. The first opportunity given them of making known their claims was conferred by the act of March 3, 1871 (16 Stat. L., 524), which provided for the establishment of what is commonly known as the "Southern Claims Commission."

This commission consisted of three commissioners appointed by the President. It formulated rules for the transaction of business before it, and one of the first rules announced was to the effect that in every claim for \$3,000 or upward all witnesses must be brought to Washington City to testify in person before the commission, testimony in smaller claims to be taken before subordinate officers of the commission, known as special commissioners, who acted both as commissioners in taking the testimony and also as cross-examining officers.

This rule as to the submission of testimony is set forth in the first report of the commission, made to the Speaker of the House on December 11, 1871. Obviously, compliance with such a rule was impossible to many claimants, owing to the great expense necessarily incident to bringing numerous witnesses to Washington, paying their transportation and hotel bills, etc.

Later the rule was amended by the commission so as to apply only in claims for \$5,000 or more. The hardship of even the amended rule was evidently recognized by Congress, and by act of May 11, 1872 (17 Stat. L., 97), it was provided that testimony must be submitted before the commissioners in person only in claims of \$10,000 or more.

It would seem from an examination of the index of claims filed before that commission that many claimants were unable to comply

even with this requirement, as many claims for more than \$10,000 were reported as barred for nonprosecution.

While it would appear that in providing for the establishing of this commission Congress intended that claimants should be given opportunity to secure a fair hearing of their claims, the reports made by the commission show that proceedings before the commission were characterized by anything but fairness.

Special agents were appointed by the commission, who made investigation of claims after the claimants had adduced their evidence. This investigation was purely *ex parte* and secret. The reports of the commission show that even when a claimant desired to be present, either in person or by his counsel, at the examination of witnesses called by the special agent for the Government, this privilege was denied. In many instances claims are shown to have been rejected solely upon *ex parte* affidavits thus taken by special agents, and in some instances statements were submitted in opposition to the claim, which statements were not even verified.

It is small wonder that people in general had but slight confidence in the good faith and fair intention of a tribunal which adopted such *star-chamber* methods of procedure.

Finally, only 10 months after the enactment of the statute which permitted the taking of testimony locally in claims for less than \$10,000, Congress enacted the act approved March 3, 1873 (17 Stat. L., 577), which provided :

That the commissioners of claims shall not receive any petition for the allowance of any claim or claims unless such petition shall be presented to and filed with them on or before the third day of March, eighteen hundred and seventy-three.

From the very terms of the statute, taken in connection with the date of its approval, it will be seen that it went into effect on the very day it was approved. In other words, the right of citizens to file their claims before that commission was abrogated without a day's notice.

Careful examination of the act establishing the claims commission shows that it contained no provision limiting the time within which claims might be filed before the commission, and no time limit for presentation of claims to the commission was ever fixed until the passage of the act of March 3, 1873, which cut off the right to file such claims.

In referring to this legislation the Committee on War Claims in the Sixtieth Congress stated, in House Report No. 543, Sixtieth Congress, first session (certain typographical errors being corrected) :

As it is apparent that the Government, in terminating without warning the right to file claims before said commission, acted without a proper and fair regard for the rights of citizens, who had no reason to suppose that the time for filing their claims was to be thus abruptly terminated, it would seem to follow that the failure of claimants to file their claims before said commission should not be deemed an evidence of negligence or laches on their part, but such claimants should rather be regarded as the victims of misfortune in that their right to present their claims to said commission was terminated without warning to them.

With the view expressed in that report the present committee fully concur. In connection with this phase of the subject also the follow-

ing thought is suggested in Senate Document No. 580, Sixtieth Congress, second session, being a memorandum on the subject of claims:

From the legislative history of the United States it must be apparent that its policy as to the payment of claims originating during the Civil War has been to distribute the amounts over a great number of years. However harsh this rule has been, however unjust to many worthy claimants who have been compelled to wait indefinitely for relief, the original legislation which deprived them of an established legal remedy was justified by the pressing necessities of the times, since which time Congress has from time to time enacted legislation under which various classes of claimants were successively given a hearing and a more or less tardy settlement made on the findings of various governmental tribunals.

Section 14 of the Tucker Act, under which many claims have been referred by resolution to the Court of Claims, requires that court to—report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question where there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

Careful scrutiny of this provision would indicate that Congress wished to be apprised whether there was any excuse offered for failure to resort "to any established legal remedy." It would seem only reasonable that unless there had been some established "legal remedy" to which a claimant might have resorted, he could not in reason be held guilty of laches in presenting his claim.

It is certainly a serious question whether or not it could be said that the right to file a claim before the Southern Claims Commission could be termed a "legal remedy," as that phrase is used in English or American jurisprudence. As above pointed out, that commission was a tribunal which denied to claimants the right of being present at the taking of testimony in behalf of the Government, which denied the right of cross-examination to claimants, and which often based its adverse decisions upon ex parte affidavits secured by its agents and upon equally ex parte reports of those agents.

It is the opinion of the committee that the provision of the Tucker Act above quoted was intended to apply to cases where the claimants at one time had a full, adequate, and complete remedy at law, but failed to resort to that remedy, and that the doctrine of laches has no proper or reasonable application to claims of the class covered by this bill. Acting upon this theory, the committee has included in this bill claims concerning which the Court of Claims has found that no reason appeared for nonpresentation to the Southern Claims Commission. The claims have been found to be meritorious, and that is deemed a sufficient reason for their payment.

LACHES AS APPLIED TO CLAIMS OF CHURCHES, ETC.

As to the claims of churches, lodges, colleges, and corporations, or quasi corporations, the Southern Claims Commission held that it had no jurisdiction of such claims. The jurisdiction of the commission was restricted to the claims of loyal citizens of insurrectionary States, and it was held by the commission that such institutions or associations did not fall within the definition of the word "citizens."

In the report of the commission in case of the Indiana Methodist Church, of Portsmouth, Va., on page 381 of the consolidated reports for the years 1871, 1872, 1873, and 1874 it was stated by the commission:

This claim is for and on behalf of a corporation. After full consideration and consultation we have heretofore decided that a corporation has no standing before this commission. It can not prove "loyalty" and is not a "citizen." The claim is therefore disallowed.

On pages 534-535 of said reports is found the decision of the commission in case of the Calhoun Presbyterian Church, of Charleston, Tenn., as follows:

We have no jurisdiction over claims of such associations, and therefore must reject the claim.

From the foregoing it is therefore apparent that even the doubtful and questionable privilege of presenting a claim before the Southern Claims Commission was denied to claimants of this class, under an obviously unsound view of the law, notwithstanding which the Court of Claims has reported that no reason appears why the claims of churches, etc., were not presented at an earlier date.

The theory on which your committee has proceeded is that if a claim is just it should be paid. If it was susceptible of collection years ago and was not then collected, then the claimant has lost the use of his money just that long, and the Government has had the benefit of the delay to the extent of the use of the amount due.

The position of this committee with relation to this matter of laches, so far as concerns war claims, is the same as that held by preceding committees in the Sixtieth, Sixty-first, and Sixty-second Congresses, and it was most emphatically indorsed by the House on March 2, 1911, when the House had under consideration the bill codifying the laws relating to the judiciary. Reference is made to the Congressional Record of March 2, 1911, pages 4134 and 4135.

As reported to the House by the conferees, that bill contained a provision which, in effect, made a favorable finding by the Court of Claims on the matter of laches jurisdictional in every claim referred under the provisions of section 151 of that codification, which section replaces the fourteenth section of the Tucker Act.

When this matter was brought before the House, the conference report had been already adopted by the Senate: but, as was stated on the floor by the chairman of the committee and also by another member of the committee having charge of that bill, it was evident that the enactment of such a provision would practically nullify the effect of section 14 of the Tucker Act and of the substituted section 151 of the codification, and so clear was the demand for the elimination of that provision that the two Houses of Congress agreed to an extraordinary manner of elimination by the adoption of a concurrent resolution to that effect, directing that the provision be stricken from the bill before final enrollment.

That action, taken by both Houses, would seem susceptible of no construction other than that of an express approval of what has been said by this committee, to the effect that when a claim has been found by the Court of Claims to possess merit, and it is a case of a class in which no real, complete, adequate, and legal remedy had been afforded,

then no laches is imputable, but the claim should be paid regardless of delay in its presentation.

With relation to this matter of delay or laches, it is further the view of your committee that if a line is to be drawn against any claims by reason of delay in their presentation, and the drawing of which line would preclude their payment, then, as a matter of plain justice to the claimants, it should be drawn when the claim is presented to Congress, so that the claimant in such case could be apprised at the outset that his claim is not such a one as will receive favorable consideration.

When the claim has been entertained by Congress, however, and has been referred to the Court of Claims; when the claimant has secured services of counsel; has adduced his evidence in support of his claim, and has brought his case to trial before the Court of Claims; and when that court has actually heard the arguments and has tried the case, and has reported that the claimant remained loyal throughout the Civil War, and that property of a certain value was taken from him for the use of the United States Army or Government, on which report it is evident that the claim is of a general class which has been heretofore paid by Congress, as constituting at least an equitable demand upon the United States; when all these steps have been taken, it is the judgment of your committee that it is then too late to hold the claimant precluded by the delay which may have occurred in the presentation of his claim.

In brief, after having been informed by the findings of fact made by the Court of Claims that the claim is a just one, Congress can not in fairness refuse to render effective the report of the Court of Claims, but should appropriate for payment of the claim.

STATUTES UNDER WHICH THE CLAIMS INCLUDED IN THE BILL HAVE BEEN TRIED BY THE COURT OF CLAIMS.

THE BOWMAN ACT.

[22 Stat. L., p. 485.]

AN ACT To afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

SEC. 2. That when a claim or matter is pending in any of the executive departments which may involve controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the department by which it was transmitted for its guidance and action.

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the War for the Suppression of the Rebellion, or for the use and occupation of real estate by any part of the military or naval

forces of the United States in the operation of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of military or naval forces of the United States for their use during the late War for the Suppression of the Rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of United States, and the fact of such loyalty shall be a jurisdictional fact; and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

SEC. 5. That the Attorney General, or his assistants, under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under this act, with the same power to interpose counterclaims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is now required to defend the United States in said court.

SEC. 6. That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

SEC. 7. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

Approved, March 3, 1883.

THE TUCKER ACT.

[24 Stat. L., p. 595.]

AN ACT To provide for the bringing of suits against the Government of the United States.

(This is an act providing for the prosecution of general jurisdiction cases, except section 14, which relates to congressional cases, and is as follows:)

SEC. 14. That whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, who shall proceed with the same in accordance with the provisions of the act approved March third, eighteen hundred and eighty-three, entitled "An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government," and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

Approved, March 3, 1887.

ACT OF JUNE 25, 1910.

[36 Stats., 837.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fourteen of the act of March third, eighteen hundred and eighty-seven, entitled "An act to provide for the bringing of suits against the Government of the United States," be, and the same is hereby, amended by adding at the end thereof the words "together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity, against the United States," so that when amended it shall read as follows:

"SEC. 14. That whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person,

the House in which such bill is pending may refer the same to the Court of Claims, who shall proceed with the same in accordance with the provisions of the act approved March third, eighteen hundred and eighty-three, entitled 'An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government,' and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim, or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed, or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy, together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

It will be noted that the following section of the Judicial Code is practically identical with the above-quoted section 14 of the Tucker Act, as amended June 25, 1910, with an added proviso.

SECTION 151 OF THE JUDICIAL CODE.

[36 Stats., 1138.]

SEC. 151. Whenever any bill, except for a pension, is pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may, for the investigation and determination of facts, refer the same to the Court of Claims, which shall proceed with the same in accordance with such rules as it may adopt and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy, together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity against the United States, and the amount, if any, legally or equitably due from the United States to the claimant: *Provided, however,* That if it shall appear to the satisfaction of the court upon the facts established that, under existing laws or the provisions of this chapter, the subject matter of the bill is such that it has jurisdiction to render judgment or decree thereon, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and it shall report its proceedings therein to the House of Congress by which the same was referred to said court.

REPEAL OF BOWMAN ACT.

Section 297 of the Judicial Code (36 Stats., 1168) expressly repeals various statutes, and includes the Bowman Act in its repealing provisions, as follows:

SEC. 297. The following sections of the Revised Statutes and acts and parts of acts are hereby repealed:

* * * * *

An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government, approved March third, eighteen hundred and eighty-three.

DETAILED REPORT SHOWING NATURE OF EVERY CLAIM, ARRANGED BY STATES.

NOTE.—The States are arranged alphabetically, beginning with Alabama. Claims of each State are arranged alphabetically; where original claimant is deceased, the claim is arranged alphabetically according to name of decedent, and not according to name of representative or heirs.

In this memoranda names of decedents are given first, followed by names of representatives.

The findings of the Court of Claims are printed in the Senate or House documents indicated. Descriptions of documents are abbreviated, e. g., "S. D. 215-62-2" signifies Senate document No. 215, Sixty-second Congress, second session.

After the statement of material facts of each claim (other than claims of Union officers for difference in pay), it is stated whether the claim has previously passed either or both Houses of Congress. With relation to such statement any claim passed by either House in the Sixtieth Congress was passed in H. R. 15372, Sixtieth Congress. Claims passed by the Senate in the Sixty-first Congress were included in S. 7971, Sixty-first Congress. Claims passed by the House in the Sixty-first Congress were included in H. R. 32767, Sixty-first Congress. Claims passed by either House in the Sixty-second Congress were included in H. R. 19115, Sixty-second Congress, either as passed by the House or as amended by the Senate.

The report upon each claim has purposely been made as concise as the facts permit.

ALABAMA.

HOUSTON L. BELL. (S. D. 215-62-2.) Tucker Act. Referred to court March 3, 1909. Court finds claimant was loyal throughout war because of tender years: that supplies were taken from him, for Army use, reasonably worth \$810. Claim first presented to Fiftieth Congress but not sent to court until Sixtieth Congress, some 20 years later. Findings on loyalty and property satisfactory.

Passed House in Sixty-second Congress.

SOLOMON L. CASEY. (Mary F. Casey Tucker, sole heir.) (H. D. 364-61-2.) Tucker Act. Sent to court March 31, 1906. The findings show supplies were taken for Army use from a mother, Rebecca Davis Casey, and two daughters, Mary F. Casey Tucker and Elizabeth Jane Casey. Reading the findings in connection with the petition, it is evident that the husband and father, Solomon L. Casey, died before the supplies were taken, and at a time when title stood in his widow and children. The widow was found not loyal, but the two children were found loyal by reason of their tender years during war. It is found by the court that supplies were taken from this widow and her two children, worth \$1,130. One-third belonged to the mother and one-third to each child. Reading the entire statement of case with the findings, it is clear that the daughter Elizabeth Jane Casey died, leaving the other sister, Mary F. Casey Tucker, as her sole heir. The committee has eliminated the share of the mother, and proposes to pay the surviving child, Mary F. Casey Tucker, two-thirds of the value of the supplies taken for Army use, one-third in her own right, and one-third as heir of her sister, or a total of \$753.34, which is obviously due.

Passed House in Sixty-first and Sixty-second Congresses.

J. H. CARTER. (H. D. 381-61-2.) Bowman Act. Sent to court March 31, 1908. Claim prosecuted before Southern Claims Commission as mentioned in the statement of case. Claim is on page 45 of printed index of such claims. Claimant found loyal and court finds supplies worth \$1,230 were taken for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

DANIEL CARROLL. (H. D. 813-60-1.) Bowman Act. Sent to court February 12, 1907. Prosecuted before Southern Claims Commission

and found on page 44 of index of such claims. Claimant found loyal and it is found that supplies worth \$150 were taken for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

LEROY CAMPBELL. (T. F. Vann, administrator.) (H. D. 699-60-1.) Bowman Act. Claim sent to court February 26, 1889. Claim prosecuted before Southern Claims Commission and is found on page 42 of index of such claims. Claimant found loyal, and it is found that supplies worth \$475 were taken for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

BETHEL G. CHANDLER. (John A. Chandler, administrator.) (S. D. 617-61-2.) Tucker Act. Sent to court by Senate resolution March 2, 1907. That court reports that the decedent was loyal, and that supplies worth \$743 were taken from him for Army use. Claim was before Fifty-fifth, Fifty-seventh, and Fifty-eighth Congresses without action. Findings satisfactory on loyalty and property.

Passed House in Sixty-first and Sixty-second Congresses.

DAVID CROW. (Douglas Taylor, administrator.) (H. D. 436-62-2.) Bowman Act. Claim sent to court January 15, 1906. Was prosecuted before Southern Claims Commission, appearing on page 60 of index of such claims. The court reports that Davis was loyal, and that supplies worth \$120 were taken from him for Army use. It is further reported that Davis was a slave till freed during war and became the owner of this insignificant amount of property after becoming free. Findings entirely satisfactory.

Passed House in Sixty-second Congress.

HENRY DAVIS. (H. D. 680-60-1.) Bowman Act. Claim sent to court February 26, 1895. Was prosecuted before Southern Claims Commission, appearing on page 64 of index of such claims. Court reports claimant loyal and that supplies worth \$135 were taken from him for Army use. Passed Senate in Sixtieth Congress, and passed House in Sixty-first and Sixty-second Congresses.

CASWELL B. DERRICK. (David C. Acuff, administrator.) (S. D. 434-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports decedent loyal and that supplies worth \$1,675 were taken from him for Army use. Claim apparently pending in Fifty-sixth, Fifty-seventh, and Fifty-eighth Congresses without action. Passed House in Sixty-first and Sixty-second Congresses. Findings satisfactory on loyalty and property.

JAMES WATKINS FENNELL. (Belle F. Neill, administratrix.) (S. D. 355-59-2.) Tucker Act. Sent to court May 21, 1902, by Senate resolution.

The facts are rather complicated, as to matter of title, and require a full statement in order to explain the unusual phraseology of this item of the bill.

One item of claim is for cotton, not included in the proposed appropriation. This omission of the item is without prejudice to that item of claim. The committee deem it inadvisable to consider such items at present, however.

Full understandings of the findings of the court require very critical study and considerable arithmetical calculation.

Supplies were taken from a widow and 10 children of James Watkins Fennell, then deceased. The widow and 6 of the children are found loyal; 4 children found not loyal.

The widow owned an undivided one-third or ten-thirtieths interest in the supplies and each child owned an undivided two-thirtieths interest.

Following is a list of the owners, with action of the court noted as to loyalty:

Matilda M. Fennell, widow	Loyal.
Charity E. Henry	Not loyal.
James Williams Fennell	Not loyal.
Isham Watkins Fennell	Not loyal.
Catherine M. Esslinger	Loyal.
Mary Jane Graham	Loyal.
John H. Fennell	Not loyal.
Frank D. Fennell	Loyal.
Belle F. Neil	Loyal.
Caius G. Fennell	Loyal.
Mattie M. Fennell	Loyal.

Of course, the individual shares of the four disloyal heirs, in their own right, must be eliminated from present consideration.

This fact was recognized by the court, as it made its findings on property cover only the interests of the widow and six loyal children, in the sum of \$1,330. The finding does not read as clearly as might be desired, but careful examination shows that is what the court did.

The widow has since died, and her 10 children became her heirs. Hence each child took in a *representative* capacity one-tenth of ten-thirtieths, or one-thirtieth of the total value of the supplies taken.

In order to distribute the widow's share properly it becomes necessary to solve a problem to determine the total value of supplies taken.

The sum of \$1,330 allowed by the court covered the widow's ten-thirtieths, and the twelve-thirtieths of the six loyal children, or a total of twenty-two thirtieths. Hence, one-thirtieth is one twenty-second of \$1,330, or \$60.455, and thirty-thirtieths would be 30 times \$60.455, or \$1,813.50.

Each disloyal heir, simply as heir of his mother, would take the sum of \$60.45.

Each loyal heir would take in his own right two-thirtieths, or \$120.91, and in his representative capacity, as heir of his mother, the further sum of \$60.45, or a total of \$181.36.

Unless distribution is directed in such manner as will cause each loyal child to take \$181.36, and each disloyal heir to take only \$60.45, the local probate court would naturally distribute the sum appropriated in equal shares, which would not be consistent with the general intent of Congress in these claims.

With these facts in mind it is proposed to distribute the total sum of \$1,330, appropriated, as follows:

1. Catherine M. Esslinger	\$181.36
2. Mary Jane Graham	181.36
3. Frank D. Fennell	181.36
4. Belle F. Neil	181.36
5. Caius G. Fennell	181.36
6. Mattie M. Fennell	181.36
7. Charity E. Henry	60.46
8. James William Fennell	60.46
9. Isham Watkins Fennell	60.46
10. John H. Fennell	60.46

(Fractions of a cent are added to the four smaller sums named.)

This claim passed the Senate in the Sixtieth and Sixty-first Congresses and passed the House in the Sixty-first and Sixty-second Congresses.

RICHARD GARNER. (H. D. 934-60-1.) Bowman Act. Claim sent to court May 19, 1906. Court finds claimant loyal and that supplies worth \$425 were taken for Army use. Claim was prosecuted before Southern Claims Commission, appearing on page 88 of index of such claims.

Passed House in Sixty-first and Sixty-second Congresses.

PETER H. GOLD. (David Z. Gold, administrator.) (S. D. 615-61-2.) Tucker Act. Claim sent to court March 2, 1907, by Senate resolution. Claimant is found loyal, and court finds that supplies worth \$735 were taken for Army use. Claim was pending in Fifty-seventh and Fifty-eighth Congresses without action. This claim passed the House in the Sixty-first and Sixty-second Congresses.

WILLIAM COCHRANE. (Louisa Cochrane Gordon, daughter and heir.) (S. D. 67-56-2.) Tucker Act. Sent to court July 17, 1897, by Senate resolution. This case is somewhat unusual. From the findings of the court it appears that William Cochrane died before the war, leaving a widow and four children as his heirs. Prior to the taking of any supplies the interest of one daughter, Sophia, and of the widow had been set over to them. That left the remainder of the estate vested in three children, Hardin P. Cochrane, Louisa Cochrane, and William G. Cochrane. The two sons, Hardin P. Cochrane and William G. Cochrane, have been in effect found not loyal by the court.

It is true that as to the girl, Louisa Cochrane (now Mrs. Gordon), the court did not make an explicit finding of loyalty, but apparently deemed that point disposed of by finding that she was a small girl only 14 years old at beginning of the war. The committee took that view of the case in the Sixty-second Congress, and the present committee accepts the view as reasonable.

From this young girl and her two brothers supplies were taken, as found by the court, worth \$5,365 for Army use. She had one-third interest therein, amounting to \$1,788, which is all that it is proposed to pay.

The claim, in this sum, passed the House in Sixty-second Congress.

SAMUEL L. GILBERT. (W. H. Gilbert, administrator.) (S. D. 248-62-2.) Tucker Act. Claim sent to court March 2, 1907, by Senate resolution. The findings are explicit in showing claimant to have been loyal and that supplies worth \$237 were taken from him for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

GREEN GUEST. (J. H. E. Guest, administrator.) (S. D. 597-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. The court finds claimant loyal and that supplies worth \$610 were taken from him for Army use. Claim does not appear on index of claims presented to Southern Claims Commission, but the court reports that an attorney who practiced before that commission has testified that the claim was placed in his hands about 1870 and that testimony was

taken before a special commissioner, from which it may be reasonably assumed that the papers pertaining to the claim were lost by that commission.

This claim passed the House in Sixty-first and Sixty-second Congresses.

WILLIAM T. HAMNER. (H. D. 405-59-2.) Bowman Act. Claim sent to court August 6, 1888. The court finds the claimant to have been loyal and that supplies worth \$805 were taken from him for Army use. This claim was prosecuted before the Southern Claims Commission, appearing on page 101 of index of such claims.

This claim passed the Senate in the Sixtieth Congress and passed the House in the Sixtieth, Sixty-first, and Sixty-second Congresses.

DAVID B. JOHNSON. (C. J. McKee, administrator.) (H. D. 428-59-2.) Bowman Act. Claim sent to court February 21, 1889. The court reports that claimant was loyal and that his property was taken under proper military orders, and that it was worth \$3,900. The findings show the claim to be just; but in view of the statement of the court that it did not appear just what was done with the property after seizure, the committee has examined the files of the case from the Court of Claims and finds an official receipt for the supplies on file. The claim was prosecuted before the Southern Claims Commission, as reported by the court.

This claim passed the House in Sixty-first and Sixty-second Congresses.

JOHN T. JONES. (Nannie H. Jones et al., heirs.) (S. D. 136-60-1.) Tucker Act. Sent to court by Senate resolution January 14, 1905. It appears from the findings that John T. Jones died before the property in question was taken, leaving various heirs surviving him. Three of these heirs, Fannie J. Hereford (née Jones), Nannie H. Jones, and Mary E. Hereford (née Jones), are found loyal because of their tender years during the war.

The court has expressly found the value of the interests of these loyal children in the supplies taken for Army use, fixing it at \$1,200, and has further found the respective interests of the heirs of these three original owners so found loyal. The appropriation proposed follows the findings of the court in matter of distribution. It was once objected in another body that the loyalty of John T. Jones was not found by the court, but as he was dead when the property was taken for use of the Army, that is wholly immaterial.

This claim passed the Senate in the Sixtieth and Sixty-first Congresses, and passed the House in the Sixty-first and Sixty-second Congresses.

MEREDITH KING. (J. P. McClendon, administrator.) (H. D. 380-59-2.) Bowman Act. Claim sent to court January 15, 1901. The court finds claimant to have been loyal, and that Army supplies worth \$700 were taken from him by proper authority. Claim was prosecuted before Southern Claims Commission, appearing on page 135 of index of such claims.

This claim passed the Senate in Sixtieth Congress, and passed the House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN M. LAWSON. (Mary E. Haygood, heir.) (H. D. 205-60-1.) Bowman Act. Claim sent to court March 27, 1900. Findings show loyalty of claimant and that supplies worth \$920 were taken for Army use. The claim was prosecuted before the Southern Claims Commission, but was rejected then because claimant had taken benefit of bankruptcy law. Many claims were rejected by that commission on the same ground, which is utterly untenable.

The effect of bankruptcy of a claimant was considered by the Court of Claims in case of Campbell, 28 Court of Claims Report, 512. The syllabus of that decision is as follows:

Claims for property seized by the Army in the seceded States during the Civil War do not pass in bankruptcy, and may be prosecuted by the original claimant.

The various acts appropriating for payment of such claims have contained a proviso to the effect:

That in all cases where the original claimants were adjudicated bankrupts payments shall be made to the next of kin instead of to the assignees in bankruptcy.

This claim passed the Senate in Sixtieth Congress, and passed the House in the Sixtieth, Sixty-first, and Sixty-second Congresses.

DANIEL LYONS. (Mollie D. Wilson et al., heirs.) (H. D. 1343-61-3.) Bowman Act. Sent to court May 12, 1908. Court finds claimant loyal and that Army supplies worth \$910 were taken. Claim was presented to Southern Claims Commission. It passed the House in Sixty-second Congress.

JOHN W. McDANIEL. (John C. McDaniel, administrator.) (H. D. 206-60-1.) Bowman Act. Sent to court December 15, 1890. Findings show claimant loyal and that supplies worth \$790 were taken for Army use. Claim presented to Southern Claims Commission.

Passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN MANTEL. (S. D. 185-58-2.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Findings show claimant was loyal and that Army supplies worth \$567 were taken for Army use.

Passed Senate in Sixty-first Congress, and passed House in Sixty-first and Sixty-second Congresses.

FRANCIS C. MARTIN. (Lewid F. Martin, administrator.) (H. D. 550-60-1.) Bowman Act. Sent to court July 10, 1888. Findings show loyalty and taking of supplies for Army use worth \$925. Claim rejected by Southern Claims Commission because of bankruptcy of claimant.

Passed Senate in Sixtieth Congress, and passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

GLORVINA MASON and JOHN O. MASON. (J. G. Mason, administrator.) (H. D. 500-59-1.) Bowman Act. Sent to court February 23, 1889. Findings show the two decedents mentioned were loyal. Their coowner, Robert B. Mason, was found not loyal, and claim was dismissed as to his interest in claim. The court explicitly reports that \$3,990 represents only the interests of the two loyal owners in the supplies taken for Army use.

Passed Senate in Sixtieth Congress, and passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MARCUS M. MASSENGALE. (James M. Massengale, administrator.) (S. D. 183-61-2.) Tucker Act. Sent to court first under Bowman Act March 2, 1891, claim having been presented to Southern Claims Commission. It appearing that testimony had not been submitted to that commission, claim was later sent to court under Tucker Act on June 30, 1908, by Senate resolution. Findings show claimant loyal and that supplies worth \$615 were taken for Army use.

Passed Senate in Sixty-first Congress, and passed House in Sixty-first and Sixty-second Congresses.

THOMAS J. MITCHELL. (J. W. Mitchell, administrator.) (H. D. 33-59-1.) Bowman Act. Sent to court February 26, 1889. Findings show claimant loyal and that supplies worth \$299 were taken for Army use. Claim prosecuted before Southern Claims Commission, appearing on page 166 of index of such claims.

Passed Senate in Sixtieth Congress, and passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MARGARET J. PARKS. (S. D. 13-58-3.) Tucker Act. Sent to court April 13, 1900, by Senate resolution. Findings show claimant's loyalty and taking of supplies for Army use worth \$1,068.

Passed Senate in Sixtieth Congress, and passed House in Sixty-second Congress.

JACOB A. PAULK. (S. D. 568-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal and that supplies worth \$310 were taken for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

JONATHAN PAULK. (Jacob A. Paulk, administrator.) (S. D. 568-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal and that supplies worth \$1,080 were taken from him for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

AUGUSTUS N. PERKINS. (Louisa Perkins, administratrix.) (S. D. 224-58-2.) Tucker Act. Sent to court February 7, 1901, by Senate resolution. Court finds claimant loyal and that supplies worth \$1,605 were taken for Army use.

Passed House in Sixty-second Congress.

ABSALOM T. PHILLIPS. (J. W. Phillips, administrator.) (H. D. 54-61-1.) Bowman Act. Sent to court January 15, 1906. Court finds claimant loyal and that supplies worth \$202 were taken for Army use. Claim was prosecuted before Southern Claims Commission, as mentioned in statement of case, and appears on page 186 of index of such claims.

Passed House in Sixty-first and Sixty-second Congresses.

GEORGE ORVILLE RAGLAND. (Edward M. Ragland et al.) (S. D. 299-61-2.) Tucker Act. The heirs of George Orville Ragland are Edward M. Ragland, Mrs. Ursula Ragland Erskine, and Edward M. Ragland, as administrator of John D. Ragland. Sent to court March 2, 1907, by Senate resolution. Supplies were taken from three children of George O. Ragland, then deceased. The court finds these three children to have been loyal on account of their tender years

during war, and that supplies worth \$5,510 were taken from them for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

JOHN P. ROBERSON. (J. B. Roberson, administrator.) (H. D. 308-59-2.) Tucker Act. Sent to court March 18, 1903, by House resolution. The court finds claimant loyal and that supplies worth \$1,230 were taken for Army use.

Passed Senate in Sixtieth Congress, and passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

OSCAR A. ROLFE. (Charles O. Rolfe, administrator.) (H. D. 228-59-2.) Bowman Act. Sent to court April 20, 1888. Court finds claimant loyal and that supplies worth \$2,980 were taken from him for Army use. Was prosecuted before Southern Claims Commission, appearing on page 202 of index of such claims.

Passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

SAMUEL F. RYAN. (S. D. 103-58-3.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. While the findings are in great detail, the essential facts are that Samuel F. Ryan was 8 years old when certain Army supplies were taken, and is found loyal because of tender years; and that he was the equitable owner of five-sixths interest in the supplies taken; that his said five-sixths interest was worth \$2,712. Ryan's father presented the claim in first place to Southern Claims Commission in his own name, but it was rejected. The sum allowed by the court covers only the interest of this claimant in the property taken.

Passed Senate in Sixtieth and Sixty-first Congresses, and passed House in Sixty-first and Sixty-second Congresses.

JAMES M. THOMASON. (H. D. 849-59-1.) Bowman Act. Sent to court August 6, 1888. Court finds claimant loyal and that supplies worth \$685 were taken for Army use. Claim prosecuted before Southern Claims Commission, appearing on page 233 of index of such claims.

Passed Senate in Sixtieth Congress, and passed House in Sixtieth, Sixty-first, and Sixty-Second Congresses.

DANIEL THOMPSON. (Shelby Grisham, administrator.) (H. D. 794-60-1.) Bowman Act. Sent to court May 14, 1902. Court finds claimant loyal and that supplies worth \$240 were taken for Army use. Claim prosecuted before Southern Claims Commission, appearing on page 234 of index of such claims.

Passed House in Sixty-first and Sixty-second Congresses.

MOSES K. WHEAT. (Cecilia R. A. Wheat, executrix.) (H. D. 537-60-1.) Bowman Act Sent to court April 20, 1888. Court finds claimant loyal and that supplies worth \$4,890 were taken for Army use. Claim prosecuted before Southern Claims Commission, appearing on page 250 of index of such claims.

Passed Senate in Sixtieth Congress, and passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

THOMAS WILLIAMS. (Richard Garner, administrator.) (H. D. 1200-60-2.) Bowman Act. Sent to court May 19, 1906. Court

finds claimant loyal and that supplies worth \$295 were taken for Army use. Claim presented to Southern Claims Commission, appearing on page 254 of index of such claims.

Passed House in Sixty-first and Sixty-second Congresses.

CUMBERLAND PRESBYTERIAN CHURCH, ATHENS, ALA. (S. D. 92-61-1.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court finds claimant loyal and that its house of worship was used and occupied by United States forces, under proper authority, and that reasonable value of such use and occupation, with incidental damages in excess of ordinary wear and tear, amount to \$1,440.

Claim first presented to Quartermaster General in 1865.

Passed Senate in Sixty-first Congress, and passed House in Sixty-first and Sixty-second Congresses.

CUMBERLAND PRESBYTERIAN CHURCH, BELLEFONTE, ALA. (S. D. 256-61-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court findings show claimant's church was torn down by military forces, under proper authority, and materials used for military purposes, and that the value of property taken was \$750; also that claimant, as a church, remained loyal.

Passed both Senate and House in Sixty-second Congress.

METHODIST EPISCOPAL CHURCH SOUTH, BELLEFONTE, ALA. (S. D. 269-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds that claimant, as an organization, remained loyal, and that United States forces, by proper authority, tore down its church and used same to build quarters; that the building was reasonably worth \$380.

Passed both Senate and House in Sixty-Second Congress.

MASONIC LODGE, BEXAR, ALA. (S. D. 695-60-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal. On property the findings are that the lodge owned a two-story frame building worth \$600, and that:

In the spring of 1863 said building, with contents, while in the occupation of the United States military forces, was destroyed by fire, the evidence failing to disclose whether the fire was accidental or otherwise.

The question of whether the lodge should be paid for its building under the circumstances found is deemed one not entirely free of doubt. However, it would appear unreasonable to demand proof of the claimant as to precisely the manner in which the fire started, when it is found that the building was at the time in possession of the troops. Under such conditions neither members nor officers of the lodge would have been permitted to remain in the building for the purpose of watching the troops. All that the lodge could prove, in the very nature of things, are the facts found by the court.

While it is true that a lessee of a building is not responsible for loss of the building by fire, if he exercises reasonable care, it would seem that where the Government seizes possession of a building, it is under at least a moral duty to return the building in as good condition as it was in when seized. It is upon that theory that the committee has included numerous claims of churches and other organizations, as well as some of individuals, covering rental value of buildings, with damages in excess of ordinary wear and tear.

In view of the reported facts, it is deemed but just and fair that this Masonic lodge be paid the \$600 representing the value of its building, which was evidently burned as the direct result of its being occupied by the troops.

Passed Senate in Sixty-second Congress.

DECATUR LODGE, No. 52, I. O. O. F., DECATUR, ALA. (S. D. 229-59-2.) Tucker Act. Sent to court January 23, 1902, by Senate resolution. Court finds claimant, as an organization, was loyal; and that its brick lodge building was torn down by United States forces and materials used for military purposes; that value of building was \$6,000.

Passed House in Sixty-second Congress.

FIRST BAPTIST CHURCH, DECATUR, ALA. (S. D. 227-61-2.) Tucker Act. Sent to court June 18, 1906, by Senate resolution. Court finds claimant loyal; and that United States forces tore down its church for military purposes; that the building was worth \$2,200.

Passed House in Sixty-second Congress.

METHODIST EPISCOPAL CHURCH SOUTH, DECATUR, ALA. (S. D. 307-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; and that United States forces, by proper authority, tore down its buildings, worth \$1,850.

Passed both Senate and House in Sixty-second Congress.

PRESBYTERIAN CHURCH, DECATUR, ALA. (S. D. 142-60-1.) Tucker Act. Sent to court June 7, 1906, by Senate resolution. Court finds claimant loyal, as an organization; that United States forces, under proper authority, tore down its building and used materials for making quarters; that building was reasonably worth \$3,000.

Passed both Senate and House in Sixty-second Congress.

MISSIONARY BAPTIST CHURCH, GRAVELLY SPRINGS, ALA. (S. D. 80-58-3.) Tucker Act. Sent to court April 27, 1904. Court finds claimant loyal; and that United States forces, under proper authority, tore down its building and used same in building winter quarters; that building was worth \$725.

Passed both Senate and House in Sixty-second Congress.

CUMBERLAND PRESBYTERIAN CHURCH (COLORED), HUNTSVILLE, ALA. (S. D. 284-60-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. The court finds that claimant was loyal and that United States forces, by proper authority, tore down its church and used materials for making quarters; that the building was worth \$220; also that the claim was filed with Quartermaster General in 1866 and dismissed for want of jurisdiction.

Passed both Senate and House in Sixty-second Congress.

METHODIST EPISCOPAL CHURCH SOUTH, HUNTSVILLE, ALA. (S. D. 131-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court reports claimant loyal; that United States troops occupied the church building and that "during such occupation the building was, by some means not explained to the court, set on fire and was consumed, and thereby became a total loss." Building worth \$7,500.

This claim in its material features is practically identical with the claim of the Masonic Lodge of Bexar, Ala., above considered. As stated in considering that claim it would seem the moral duty of the Government when it occupies such buildings to surrender them in as good condition as they were in when possession was taken, or to recompense the owners for losses arising from failure to do so.

For this reason this claim is here included.

Passed Senate in Sixty-second Congress.

MISSIONARY BAPTIST CHURCH, HUNTSVILLE, ALA., successor to PRIMITIVE BAPTIST CHURCH. (S. D. 236-59-2.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court finds that the Primitive Baptist Church of Huntsville was loyal; that the Missionary Baptist Church is successor to the original church; that United States forces took possession of the church and used and occupied it; that reasonable worth of such use and occupation, with incidental damages other than ordinary wear and tear, amount to \$1,760.

Passed Senate in Sixtieth and Sixty-first Congresses and passed House in Sixty-first and Sixty-second Congresses.

PRIMITIVE BAPTIST CHURCH (COLORED), HUNTSVILLE, ALA. (S. D. 79-58-3.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal and that United States forces tore down its church and used the materials, the building being worth \$900.

Passed Senate in Sixty-first Congress and passed House in Sixty-second Congress.

OAK GROVE METHODIST CHURCH SOUTH, JACKSON COUNTY, ALA. (S. D. 213-61-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal and that United States forces, under proper authority, tore down its church and used materials for building bridges; that the reasonable value of the building was \$550.

Passed Senate in Sixty-first Congress and passed House in Sixty-second Congress.

CUMBERLAND PRESBYTERIAN CHURCH, LARKINSVILLE, ALA. (S. D. 355-60-1.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court finds claimant loyal; also that United States forces, by proper authority, used the church as a stable and later tore the church down and used materials in erection of quarters; that reasonable value of occupation and of the building was \$525.

Passed Senate in Sixty-first Congress and passed House in Sixty-second Congress.

MEDICAL COLLEGE OF ALABAMA, MOBILE. (S. D. 341-61-2.) Tucker Act. Sent to court February 13, 1908, by Senate resolution. The court finds claimant, as an institution, remained loyal; that after the close of the war the Government took possession of premises of claimant and used and occupied same about a year and 10 months; that the reasonable rental was \$3,300 and the incidental damage, in excess of ordinary wear and tear, was \$900, making a total of \$4,200.

Passed the House for \$4,200 in Sixty-first and Sixty-second Congresses and passed Senate to extent of \$3,300 in Sixty-second Congress.

BOLIVAR LODGE, No. 127. F. A. A. M. STEVENSON, ALA. (S. D. 112-59-2.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court finds claimant loyal, and that United States military forces tore down the building of the lodge and used materials, the building being of reasonable value of \$1,150.

Passed Senate in Sixtieth and Sixty-first Congresses, and passed House in Sixty-first and Sixty-second Congresses.

MISSIONARY BAPTIST CHURCH OF WATERLOO, ALA. (S. D. 40-59-1.) Tucker Act. Sent to court by Senate resolution April 27, 1904. Court finds claimant loyal, and that United States military forces, under proper authority, removed its building and used materials for Army use, the building being worth \$615.

Passed Senate in Sixtieth and Sixty-first Congresses, and passed House in Sixty-second Congress.

ARKANSAS.

ELIZA ANN ASHCRAFT. (N. B. Ashcraft, administrator.) (H. D. 541-62-2.) Tucker Act. Sent to court January 17, 1910, by House resolution. Court finds decedent loyal; Army supplies taken worth \$400. Court accompanies findings with the "conclusion" required by act of June 25, 1910 (36 Stat., 837), that "the claim herein is an equitable one in the sense that the United States received the benefit of the supplies for which claim is made." Claim certified too late for inclusion in any former bills.

JOHN W. BEAN. (H. D. 351-59-1.) Bowman Act. Sent to court October 31, 1904. Court finds claimant loyal, and supplies worth \$290 taken for Army use. Presented to Southern Claims Commission, and appears on page 20 of index of such claims.

Passed Senate in Sixtieth Congress, and passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOSEPH BEAN. (Joseph N. Bean, administrator.) (H. D. 488-60-1.) Bowman Act. Sent to court March 2, 1891. Court finds claimant loyal, and that supplies worth \$648 were taken for Army use. Presented to Southern Claims Commission, appearing on page 20 of index of such claims.

Passed Senate in Sixtieth Congress, and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CHESTER BETHEL. (H. D. 706-61-2.) Tucker Act. Sent to court by House resolution March 7, 1908. Court finds claimant loyal, and that supplies worth \$300 were taken for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

JOHN BREWER. (Sarah Brewer, widow and sole heir.) (H. D. 307-59-2.) Bowman Act. Sent to court July 10, 1888. Court finds claimant loyal, and that supplies worth \$232 were taken for Army use; also that Sarah Brewer is widow and sole heir. Was presented to Southern Claims Commission, appearing on page 32 of index thereof.

Passed Senate in Sixtieth Congress, and passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JAMES E. CALDWELL. (H. D. 516-62-2.) Tucker Act. Sent to court March 7, 1908, by House resolution. Court finds claimant loyal; supplies worth \$385 taken for Army use. The conclusion of the court is that the claim is an equitable one. Claim certified too late for inclusion in former bills.

ISAAC S. CONNER. (T. F. Conner, administrator.) (H. D. 448-62-2.) Bowman Act. Sent to court July 10, 1886. Court finds claimant loyal, and that supplies worth \$575 were taken for Army use. Passed House in Sixty-second Congress.

ASA CROW. (William E. Floyd, administrator.) S. D. 642-60-2.) Tucker Act. Claim first sent to court by House under Bowman Act April 22, 1890, in name of Mary Crow, widow of Asa Crow, who also presented claim to Southern Claims Commission in her own name. Was later sent to court by Senate resolution March 2, 1903, evidently to confer jurisdiction to consider claim in name of Asa Crow. Court finds claimant loyal, and that supplies worth \$715 were taken for Army use.

Passed Senate in Sixty-first Congress, and House in Sixty-first and Sixty-second Congresses.

JOHN N. CURTIS. (Isaiah L. Blair, administrator.) (H. D. 231-61-2.) Bowman Act. Sent to court March 27, 1890. Court finds claimant loyal and that supplies worth \$1,720 were taken from him by proper authority. Claim is stated to have been filed before Southern Claims Commission, and must have been so filed in order to be tried under Bowman Act.

Passed House in Sixty-first and Sixty-second Congresses.

CURTIS & AUSTIN. (Claim of former firm, now represented by Isaiah L. Blair, administrator of John N. Curtis, and by Mary J. Louden, daughter and heir of Thomas Austin.) (H. D. 245-61-2.) Bowman Act. Sent to court July 17, 1890. Court finds both members of firm were loyal and that supplies worth \$775 were taken by proper authority.

Passed House in Sixty-first and Sixty-second Congresses.

SAMUEL B. DERREBERRY. (J. M. Derreberry, administrator.) (H. D. 504-59-1.) Bowman Act. Sent to court July 10, 1888. Court finds claimant loyal and that supplies worth \$715 were taken for Army use.

Passed Senate in Sixtieth Congress, and passed House Sixtieth, Sixty-first, and Sixty-second Congresses.

LAURA J. DILLS. (J. W. Wallace, executor.) (S. D. 329-61-2.) Tucker Act. Sent to court March 3, 1905, by Senate resolution. Court finds claimant loyal, because of her tender years during war. It is stated in petition that she was only 16 when war ended. It is further found that supplies were taken from this girl and her co-owners by proper authority and that her interest in same was worth \$2,945.

Passed House in Sixty-second Congress.

EDMUND F. DUKE. (J. H. Duke, administrator.) (H. D. 512-60-1.) Bowman Act. Sent to court March 13, 1894. Court finds

claimant loyal and supplies worth \$3,705 taken from him by proper authority.

Passed Senate in Sixtieth and passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM H. ENGLER. (H. D. 701-59-1.) Bowman Act. Sent to court February 2, 1897. Court finds claimant loyal and that supplies worth \$1,510 were taken for Army use.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ISAAC T. EPPLER. (Sam Edmondson, administrator.) (H. D. 352-59-1.) Bowman Act. Sent to court March 4, 1902. Court finds claimant loyal and that supplies worth \$2,205 were taken for Army use.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

THADDEUS N. FERRELL. (Mattie U. Boykin, Thaddeus C. Ferrell, and Lulu D. Meriwether, heirs.) (S. D. 344-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds, in effect, that the three claimants named were of tender years during war and therefore were loyal; that supplies worth \$5,119 were taken from them for Army use; that claim was not presented to Southern Claims Commission because claimants were all minors during existence of the commission.

Passed House in Sixty-first and Sixty-second Congresses.

SAMUEL H. FITZHUGH. (Samuel E. Fitzhugh, administrator.) (H. D. 797-60-1.) Bowman Act. Sent to court February 20, 1887. Court finds claimant loyal and that supplies worth \$772 were taken for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

JOHN G. FREEMAN. (Mrs. A. M. McFarlane, administratrix.) (S. D. 216-62-2.) Tucker Act. Sent to court February 21, 1911, by Senate resolution. Claim for part of property presented to Southern Claims Commission; claim first sent to court under Bowman Act. Court finds claimant loyal and that supplies worth \$2,991 were taken for Army use.

Passed House in Sixty-second Congress.

JOHN GIBSON. (John H. Bryson, administrator.) (H. D. 366-62-2.) Bowman Act. Sent to court February 10, 1909. Presented to Southern Claims Commission. Court finds claimant loyal and that supplies worth \$1,060 were taken for Army use.

Passed House in Sixty-second Congress.

JOEL HARRELL. (Dan Thomason, administrator.) (H. D. 795-60-1.) Bowman Act. Sent to court January 9, 1907. Court finds claimant loyal and that supplies worth \$1,190 were taken for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

MARTHA HARRISON AND OLIVER P. LISTER. (William A. Bethel, administrator of Martha Harrison.) (H. D. 723-59-1.) Bowman Act. Sent to court February 16, 1892. Found page 104 of index of

claims presented to Southern Claims Commission. Court finds claimants loyal and that supplies worth \$399 were taken for Army use.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

RICHARD HIGGINS. (Joel G. Higgins, administrator.) S. D. 164-56-2.) Tucker Act. Sent to court by Senate resolution July 17, 1897. Material facts found by court are as follows:

Richard Higgins died in 1862 and before taking of property in question. He left a widow, Elizabeth Higgins, and three small children surviving him, who became owners of the property. These three small children were Joel G. Higgins, Brand Higgins, and Annie G. Higgins. The children are found loyal. The widow is not found loyal.

The court finds that supplies worth \$11,954 were taken from the four owners for Army use. The share owned by Mrs. Higgins can not be paid for, she being found not loyal. The other three-fourths interests, amounting to \$8,965, should be paid for, however.

After close of war the daughter, Annie G. Higgins, died, and under Arkansas law her mother became her heir. Hence Mrs. Higgins should receive, in her representative capacity, the share of her daughter. In order that proper distribution of the proposed appropriation may be made, the committee suggests that the appropriation run as follows:

To Joel G. Higgins, administrator of estate of Richard Higgins, deceased, \$8,965, to be distributed as follows: In equal parts to Mrs. Elizabeth Higgins (as heir of Annie G. Higgins, deceased), to Joel G. Higgins, and to Brand Higgins, in full payment for stores and supplies.

The proposed appropriation covers only the part of the claim allowed for Army stores and supplies, the committee not having included the item of cotton, amounting to \$5,494.40. This action is, of course, without prejudice to further consideration of the cotton item.

Passed the House in Sixty-second Congress.

IRA M. LAMB AND RICHARD D. LAMB. (Richard D. Lamb, administrator.) (H. D. 844-59-1.) Bowman Act. Sent to court June 5, 1890. Appears on page 138 of index of Southern Claims Commission. Court finds Ira M. Lamb, jr., and Richard D. Lamb loyal, account tender years, during war; that their mother and co-owner was not loyal; that supplies worth \$3,250 were taken from the mother and two sons for Army use; and allows two-thirds that sum, or \$2,166.67, on shares of the two sons. Appropriation should be made to Richard D. Lamb, in his own right, and also to him as administrator of his brother, Ira M. Lamb, jr., and the language of appropriation is suggested as follows:

To Richard D. Lamb, in his own right, and to Richard D. Lamb, as administrator of estate of Ira M. Lamb, jr., in equal shares, \$2,166.67, as heirs of Ira M. Lamb, deceased, late of Phillips County.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MARY LEFEVRE. (Union Trust Co., administrator.) (H. D. 350-59-1.) Bowman Act. Sent to court March 4, 1904. Appears page 142 of index of claims before Southern Claims Commission. Court

finds claimant loyal and that supplies worth \$5,842 were taken for Army use.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN B. LUTTRELL. (H. D. 353-59-1.) Bowman Act. Sent to court January 14, 1902. Court finds claimant loyal and that supplies worth \$480 were taken for Army use.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

BEN MAHUREN. (S. D. 566-61-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal and that supplies worth \$550 taken for Army use. Claimant first tried to present claim in 1870.

Passed House in Sixty-first and Sixty-second Congresses.

ELEANOR MAXWELL. (H. D. 1316-60-2.) Bowman Act. Sent to court April 27, 1888. Court finds claimant loyal and that supplies worth \$3,064 taken for Army use. Appears page 161 of index of claims before Southern Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

HENRY B. MULLINS (E. M. Carl-Lee, administrator) AND SUE F. CARL-LEE AND NANCY L. FRAZIER. (S. D. 545-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. It appears that Alfred Mullins died in 1860, leaving several heirs, including Henry B. Mullins, Sue F. Carl-Lee, and Nancy L. Frazier, all then of tender years. The three children mentioned are found loyal, and it is also found that supplies were taken from them and their coowners for Army use, and that their share in said supplies were worth \$1,995. From the statement of case it appears that two of the children mentioned were minors during period (Mar. 3, 1871-Mar. 3, 1873) during which claim might have been presented to Southern Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

BENJAMIN PIGMAN. (Jonathan Pigman, executor.) (S. D. 350-59-1.) Tucker Act. Sent to court March 19, 1902, by Senate resolution. Court finds claimant loyal and that supplies worth \$1,570 taken for Army use.

BURNS POLK, Sr. (Maria Polk Johnston, James Polk, and Burns Polk, jr. heirs.) (H. D. 713-59-2.) Bowman Act. Sent to court April 23, 1890. Court finds claimant loyal, it appearing that he was a slave till freed; that supplies worth \$300 were taken for Army use. Claim appears page 189 of index of claims filed with claims commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MANURVIA J. SPAKE (formerly Ross). (H. D. 354-59-1.) Bowman Act. Sent to court March 4, 1904. Court finds claimant loyal and that supplies worth \$780 taken for Army use. Appears page 220 index of claims filed with claims commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM B. RUTHERFORD. (H. D. 349-59-1.) Bowman Act. Sent to court March 4, 1904. Court finds claimant loyal and that supplies worth \$890 taken for Army use. Appears page 205 of index of claims filed with Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM T. STONE. (John T. Sifford, executor.) (H. D. 364-59-1.) Bowman Act. Sent to court February 27, 1887. Court finds claimant loyal and that supplies worth \$2,640 were taken for Army use. Appears page 226 of index of claims filed with Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

SARAH WINTER. (S. D. 199-60-1.) Tucker Act. Sent to court June 27, 1906, by Senate resolution. Court finds claimant loyal and that supplies worth \$1,380 were taken by proper authority.

Passed Senate in Sixtieth Congress and House in Sixty-second Congress.

MARY E. WYCOUGH. (Lillie L. Penrod, sole heir.) (S. D. 220-61-2.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. Court finds claimant loyal and that her interest in supplies taken from her and her coowners for Army use amounts to \$700; that claim was filed with Claims Commission; that Lillie L. Penrod is sole heir.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

JOSEPH C. ZILLAH. (John Zillah and Mary T. Goss, sole heirs.) (H. D. 695-60-1.) Bowman Act. Sent to court April 10, 1906. Court finds claimant loyal and that supplies worth \$240 were taken for Army use; also that John Zillah and Mary T. Goss are sole heirs. Appears page 262 of index of claims filed with Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

CHRISTIAN CHURCH, NEAR OLD AUSTIN, LONOKE COUNTY, ARK. (S. D. 354-60-1.) Tucker Act. Sent to court March 2, 1907. Court finds claimant loyal; that United States forces, by proper authority, tore down church building and used materials in constructing quarters for troops; that value of property was \$550.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, CLARKSVILLE, ARK. (S. D. 16-59-1.) Tucker Act. Sent to court March 3, 1905, by Senate resolution. Court finds claimant loyal; that United States forces took possession of two churches and used them as commissary storehouses; that on approach of Confederate forces the United States forces burned the buildings to prevent the supplies therein from being captured by Confederates; that the rental of the buildings during period of occupancy was worth \$400; that the value of buildings destroyed was \$4,000.

In preparation of this bill, the committee has eliminated items of pure destruction and for that reason includes only the \$400 item of

rent, and in order that the other item of the claim may not be prejudiced from further consideration, suggests appropriation as follows:

To the trustees of the Methodist Episcopal Church South, of Clarksville, in full compensation for rent of buildings during Civil War, \$400.

As to this portion of claim, it passed Senate in Sixtieth and Sixty-first Congresses and House in Sixty-second Congress. It passed Senate in Sixty-second Congress as to other part, i. e., \$4,000, but not as to rent item.

BAPTIST CHURCH OF DARDANELLE, ARK. (S. D. 286-60-1.) Tucker Act. Sent to court February 12, 1908, by Senate resolution. Court finds claimant loyal; and that troops, by proper authority, tore down most of church, so that remainder fell down; that materials were used for military purposes; that building and furnishings were worth \$1,190.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

FIRST BAPTIST CHURCH, OF HELENA, ARK. (S. D. 129-59-2.) Tucker Act. Sent to court April 27, 1905. Court finds claimant loyal and that from about July 12, 1862, till about July 1, 1865, United States forces used and occupied church building for military purposes; that reasonable rental value of the premises and incidental damages amount to \$1,790.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

OLD SCHOOL PRESBYTERIAN CHURCH, OF HELENA, ARK. (S. D. 229-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; that United States forces, by proper authority, used and occupied building for 18 months; that rental value during that period, with amount necessary to repair building, is \$1,900.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PLEASANT HILL BAPTIST CHURCH, LONOKE COUNTY, ARK. (H. D. 237-62-2.) Tucker Act. Sent to court January 17, 1910, by House resolution. Court finds claimant loyal, and that United States forces, by proper authority, tore down church building and used the materials for barracks; that the building was worth \$525.

Passed Senate and House in Sixty-second Congress.

CUMBERLAND PRESBYTERIAN CHURCH, MOUNT COMFORT, ARK. (S. D. 253-59-2.) Tucker Act. Sent to court first under Bowman Act March 2, 1891; later sent under Tucker Act, by Senate resolution, March 3, 1903. Court finds claimant loyal; that buildings of claimant, worth \$900, were torn down by military forces, under proper authority, and materials used for making quarters.

Passed both Senate and House in Sixty-first and Sixty-second Congresses.

FIRST BAPTIST CHURCH, PINE BLUFF, ARK. (S. D. 42-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; that United States forces, by proper authority, used and occupied the church, and that the reasonable rental

value during that period of use and amount necessary to restore building aggregate \$1,960.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, PINE BLUFF, ARK. (H. D. 782-60-1.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds claimant loyal; that United States forces, by proper authority, used and occupied church building as storehouse for supplies and incidentally damaged same; that the reasonable rental, with damages in excess of wear and tear, amount to \$1,300.

Passed House in Sixty-first and Sixty-second Congresses.

CALIFORNIA.

JOSEPH M. CLARK. (H. D. 241-60-1.) Bowman Act. Officer's claim for difference in pay, \$184.12.

Passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILFORD CUBBAGE. (H. D. 394-59-1.) Bowman Act. Officer's claim for difference in pay, \$137.42.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

RICHARD N. DOYLE. (H. D. 272-60-1.) Bowman Act. Officer's claim for difference in pay, \$397.97.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ANDREW J. GUILFORD. (H. D. 117-59-1.) Bowman Act. Officer's claim for difference in pay, \$547.25.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

DAVID H. HILDEBRAND. (H. D. 841-59-1.) Bowman Act. Claim first sent to court December 22, 1884, under Bowman Act; claimant found loyal under that reference in 1885; findings were made on property in 1886, which findings were not sufficiently explicit to secure favorable action upon claim. January 23, 1906, claim again referred to court under Bowman Act. The later findings are explicit in stating that supplies were taken for use of Army by proper authority of the value of \$480. These later findings show everything required as a condition to payment. Claim was presented to Southern Claims Commission, appearing on page 111 of index of such claims.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JULIA H. CASTLE. (Daughter of John H. Howe.) (H. D. 258-60-1.) Bowman Act. Officer's claim for difference in pay, \$575.93.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

COLORADO.

LEWIS B. BRASHER. (H. D. 1491-60-2.) Bowman Act. Sent court February 11, 1908. The facts of this claim, as reported by the court, are peculiar. In October, 1864, claimant was designated by the colonel of the Fifty-fourth Kentucky Mounted Infantry as acting

regimental quartermaster, and later as acting assistant brigade quartermaster. He filled these positions, performing the duties of the positions from October 19, 1864, till January 31, 1865.

The court reports that the colonel who designated claimant to perform the duties of these positions was without authority, either from the United States Government or from the State of Kentucky, to make any such appointment. Claimant was never mustered into the military service during this period.

Had he been duly commissioned and mustered in the positions mentioned he would have drawn \$372.83.

The conditions reported evidently arose from the calling into service volunteer troops, officers of whom acted without a knowledge of military laws or procedure. It seems to be a fact that claimant performed the duties mentioned, and it would follow that the United States received the benefits thereof. While it is well settled, as a principle of commercial law, that one who volunteers his services to another, without request, can recover nothing therefor, yet in this case it would seem that claimant served under what may be termed color of title to the positions the duties of which he performed. Under all these facts it is believed right that the sum mentioned be paid this claimant.

Passed House in Sixty-second Congress.

JESSE W. COLEMAN. (H. D. 302-59-1.) Tucker Act. Sent to court February 27, 1901, by House resolution. Court finds claimant loyal. As to the matter of property the findings may be properly criticized as not sufficiently explicit. However, they must be read in connection with the allegations of the petition, and when so read it appears with reasonable certainty that Army supplies were taken from this man which were reasonably worth \$675. The claim as presented included other items which were in effect disallowed by the court. It is believed that the findings, fairly construed, show this man to be entitled to \$675.

Passed Senate in Sixtieth Congress, and passed House in Sixty-second Congress.

JAMES W. HANNA. (H. D. 585-59-2.) Bowman Act. Officer's claim for difference in pay, \$148.34.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM B. PALMER. (H. D. 264-60-1.) Bowman Act. Officer's claim for difference in pay, \$360.65.

Passed Senate in Sixtieth, and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

GEORGE T. SHACKELFORD. (H. D. 266-60-1.) Bowman Act. Officer's claim for difference in pay, \$43.80.

Passed Senate in Sixtieth, and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CONNECTICUT.

JAMES F. BROWN. (H. D. 255-60-1.) Bowman Act. Officer's claim for difference in pay, \$262.98.

Passed Senate in Sixtieth, and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JAMES E. HUBBELL. (E. W. and R. H. Hubbell, executors.) (H. D. 243-60-1.) Bowman Act. Officer's claim for difference in pay, \$109.27.

Passed Senate in Sixtieth, and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CHARLES H. SIMMONS. (H. D. 464-59-2.) Bowman Act. Officer's claim for difference in pay, \$39.94.

Passed Senate in Sixtieth, and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

DISTRICT OF COLUMBIA.

HARRISON L. DEAM. (H. D. 252-60-1.) Bowman Act. Officer's claim for difference in pay, \$115.74.

Passed Senate in Sixtieth, and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN T. DEWEESE. (Ella L. Deweese, widow.) (H. D. 290-60-1.) Bowman Act. Officer's claim for difference in pay, \$155.09.

Passed Senate in Sixtieth, and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

THOMAS FAHEY. (H. D. 325-62-2.) Tucker Act. Claim first sent to court June 21, 1910, by Senate resolution; later sent to court February 3, 1911, by House resolution, and tried under later reference. Court finds claimant loyal and further finds that he was owner of a leasehold on premises situated near end of Long Bridge, on Virginia side of Potomac River; that United States forces by proper authority used and occupied the premises and later tore down the buildings and used the materials therein; that the reasonable rental value together with value of improvements torn down amount to \$1,840. The claimant alleges that he placed the improvements upon the land. The court expressly reports that as early as 1865 claim was presented to Quartermaster General for rent and value of buildings, which claim was rejected for want of jurisdiction; that a claim was later presented to the Southern Claims Commission for value of lumber taken from buildings, but that claim was rejected for lack of jurisdiction.

This claim was tried by the court subsequent to the approval of the act of June 25, 1910 (36 Stats., 837), and therefore the findings are accompanied by the following:

CONCLUSION.

Upon the foregoing findings of fact the court concludes that the claim herein is an equitable one in the sense that the United States received the benefit of the use of the property and buildings for which claim is made.

Passed House in Sixty-second Congress.

GOTTLIEB C. GRAMMER. (Heber L. Thornton and Grayson L. Thornton, trustees.) (S. D. 303-59-2.) Tucker Act. Sent to court May 26, 1900, by Senate resolution. It appears that Gottlieb C. Grammer died in the District of Columbia in 1858; that trustees were appointed to execute certain trusts erected by his will; that they were in possession of the Grammer farm, situate in the Dis-

tract, in 1862; that in that year United States military forces cut from the farm timber worth \$2,340.

The trustees in possession of the premises at that time were Christopher Grammer and William B. Todd, who are found by the court to have been loyal. It appears that effort was made during the war by the trustees to secure consideration of the claim, but without results.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

BENJAMIN F. HASSON. (H. D. 302-60-1.) Bowman Act. Officer's claim for difference in pay, \$365.39.

ELIZABETH THOMAS. (S. D. 53-58-3.) Tucker Act. Sent to court June 27, 1902, by Senate resolution. Court finds Elizabeth Thomas, a resident of the District of Columbia, was loyal. It appears that the claimant with her brother, George Proctor, and her sister, Sarah Catherine Diggs, owned a small farm near Brightwood, D. C.; that United States troops occupied the land and tore down various buildings thereon; also that they cut down an orchard and greatly damaged the premises. The court expressly refuses to make any allowance for destruction or damages arising from military necessity, but restricts its allowance to a reasonable rental value of the land and for the personal property taken for use of the Army during the occupancy, allowing \$1,835 therefor. It appears that the claimant can scarcely read and can not write; that she put the claim in the hands of a Federal captain, who stated he would look after it, but thereafter died; that the papers were in his hands and claimant could not secure them.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FLORIDA.

ISADORE VON BALSAN. (Robert von Balsan, et al.) (S. D. 622-60-2.) Tucker Act. Claim first sent to court February 10, 1886, under Bowman Act, but then disallowed because of lack of certain proofs; later sent to court June 30, 1902, by Senate resolution under Tucker Act in the name of estate of Henry von Balsan; tried as Case No. 10929, Congressional, and adversely decided on grounds that it did not appear that Henry von Balsan was owner of property in question. Was again referred to court June 27, 1906, by Senate resolution in name of present claimants.

The court finds that Robert von Balsan, Rinaldo von Balsan, Isadore von Balsan, and their mother, Caroline von Balsan, were loyal; that military forces by proper authority took from them for use of Army supplies worth \$1,280. Court further reports presentation of claim to Southern Claims Commission in 1872 in name of Henry von Balsan. The findings of the court make it plain that the claim is just and that previous rejection was because claim had been presented in the wrong name. It is a matter of fair inference that Henry von Balsan, in whose name claim was first presented, was the husband of Caroline von Balsan and the father of the other claimants.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

JOSEPH D. HAZZARD. (H. D. 277-60-1.) Bowman Act. Officer's claim for difference in pay, \$106.21.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MANETTE MARSONS. (Telesfor D. Quigles, administrator.) (H. D. 38-58-1.) Tucker Act. Sent to court February 21, 1899, by House resolution. Court finds that Manette Marsons was loyal and that military forces took supplies from her for use of Army reasonably worth \$4,300.

Passed Senate in Sixtieth Congress and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ELIZA ANN TURNER, RICHARD H. TURNER, IN HIS OWN RIGHT, AND AS ADMINISTRATOR OF ELIZA TURNER. (S. D. 254-60-1.) Court finds that Eliza Turner, the decedent, and Richard H. Turner and Eliza Ann Turner were loyal; that supplies worth \$2,130 were taken from them for Army use by proper authority. No allowance is made for anything but Army supplies.

Passed Senate in Sixtieth and House in Sixty-second Congresses.

FIRST BAPTIST CHURCH OF JACKSONVILLE, FLA. (S. D. 236-62-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; also that United States military forces used and occupied church premises for hospital and camping purposes and damaged same; that reasonable value of use and occupation, together with damages in excess of ordinary wear and tear, amount to \$1,170. Being a recent finding, the court reports its conclusion that the claim is an equitable one in the sense that the United States received the benefit of the use of the property for which claim is made.

Passed House in Sixty-second Congress.

GEORGIA.

JULY ANDERSON. (July Anderson, jr., administrator.) (H. D. 700-60-1.) Bowman Act. Sent to court June 16, 1906. Court finds claimant loyal and that supplies worth \$280 were taken by proper authority for Army use. This claim was before Southern Claims Commission, appearing on page 11 of index of such claims, though by clerical error it is indexed under the name of Judy Anderson.

Passed House in Sixty-first and Sixty-second Congresses.

REDDICK AYCOCK. (G. W. Aycock, administrator.) (H. D. 501-59-1.) Bowman Act. Sent to court June 27, 1888. Court finds claimant loyal and that supplies worth \$515 were taken for Army use. Claim appears on page 14 of index of claims filed with Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CALDWELL C. BAGGS, WILLIAM A. BAGGS, AND MARY A. BAGGS LATHAM. (S. D. 242-62-2.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. This claim is for the undivided interest of three young children in property taken after the death of their

father. From the statement of case it appears that the eldest of these three children was born in 1850, another in 1856, and another in 1864. No claim is made and no allowance made for the interests of their coheirs or coowners. The court finds that these three claimants were loyal because of their tender years and that supplies were taken in which the interest of each of them amounted to \$220, or, in all, \$660 for the three claimants. It is also reported that their mother, Mrs. Mary E. Baggs, made claim to the Southern Claims Commission in her own name, but the claim was then rejected; also that the claim was first sent to court under Bowman Act on May 19, 1906, in name of Mrs. Baggs, mother of present claimants. The court accompanies its finding with a favorable conclusion that the claim is an equitable one.

Passed House in Sixty-second Congress.

LARKIN CLARK. (James F. Hicks, administrator.) (H. D. 691-60-1.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds claimant loyal and that Army supplies worth \$165 were taken by proper authority; also that claim was presented to Claims Commission in 1871 and disallowed for want of sufficient proof.

Passed House in Sixty-first and Sixty-second Congresses.

WILLIAM COURSEY. (Mrs. M. E. Arrowood, administratrix.) (H. D. 38-61-1.) Bowman Act. Court finds that decedent, William Coursey, who owned the property when it was taken, was loyal; that claims were previously presented by two individual heirs of William Coursey, each claiming one-half; that one heir, Lloyd Coursey, was found loyal and was paid \$617 on his share of the claim; that the other heir, Daniel Coursey, could not establish his own loyalty, although the loyalty of his decedent was proven and conceded. The present claim is presented by the administratrix of the original decedent to recover the other half of the claim, i. e., \$617.

As said William Coursey, the owner of the property at the time of taking, has been adjudged loyal, both by the Claims Commission and by the Court of Claims, it is obvious that the remaining \$617 should be paid to his administratrix. Save under a mistaken construction of law by the Claims Commission, the Government has not required proof of loyalty of beneficiaries of an estate where it appears that the decedent who owned the property at the time of taking was loyal.

Passed House in Sixty-first and Sixty-second Congresses.

GEORGE CREEL. (H. D. 387-61-2.) Bowman Act. Sent to court July 10, 1888. Court finds claimant loyal and that supplies worth \$865 were taken for Army use by proper authority. It appears that the claim was presented to Southern Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

LEVI CROW. (Fannie Crow, administratrix.) (H. D. 200-60-1.) Bowman Act. Sent to court March 4, 1904. Court finds claimant loyal and that supplies worth \$710 were taken for Army use. Claim appears on page 60 of index of claims filed with Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

BERRYMAN S. DEMPSEY. (Daniel M. Dempsey, administrator.) (H. D. 894-60-1.) Bowman Act. Sent to court May 28, 1896. Court finds claimant loyal and that supplies worth \$857 were taken for Army use. Claim appears on page 66 of Claims Commission index.

Passed House in Sixty-first and Sixty-second Congresses.

W. S. FEARS. (N. C. Fears, administrator.) (H. D. 668-60-1.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds claimant loyal and that Army supplies worth \$1,765 were taken by proper authority.

The item of cotton which was burned is ignored, and appropriation recommended only for \$1,765 to cover Army supplies.

Passed House in Sixty-first and Sixty-second Congresses.

DAVID FLOYD. (Miles L. Floyd, administrator.) (H. D. 530-61-2.) Bowman Act. Sent to court March 29, 1906. Court finds claimant loyal and that supplies worth \$310 were taken for Army use. Claim filed with Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

PLYMOUTH FRAZIER, JR. (H. D. 748-59-2.) Bowman Act. Sent to court June 16, 1906. Court finds claimant loyal and that supplies worth \$122 were taken for Army use. Claim appears on page 85 of Claims Commission index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ALBERT GODBEE. (H. B. Godbee, son and heir.) (H. D. 696-60-1.) Bowman Act. Court finds claimant loyal and that supplies worth \$430 were taken for Army use. Claim presented to Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

ROBERT H. GREEN. (A. G. McDonald, administrator.) (H. D. 846-59-1.) Bowman Act. Sent to court March 6, 1898. Court finds claimant loyal and that supplies worth \$595 were taken for Army use. Claim appears on page 96 of index of claims filed with Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

ABRAHAM GREESON. (H. D. 440-60-1.) Bowman Act. Sent to court March 30, 1888. Court finds claimant loyal and that supplies worth \$405 were taken for Army use. Claim appears on page 96 of index of claims filed with Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ARCHIBALD P. GRIGGS. (Archibald A. Griggs, administrator.) (S. D. 237-59-2.) Tucker Act. Sent to court March 3, 1905, by Senate resolution. Court finds claimant loyal and that supplies worth \$760 were taken for Army use. Court further reports that the decedent was an invalid during time allowed for presenting claims to Claims Commission.

Passed Senate in Sixtieth and House in Sixty-second Congresses.

SARAH HAYS. (J. M. Ballew, administrator.) (H. D. 362-62-2.) Bowman Act. Sent to court January 31, 1906. Court finds claimant loyal and that supplies worth \$330 taken for Army use. Claim found page 107 index of claims filed with Claims Commission.

Passed House in Sixty-second Congress.

ENOCH HUMPHREYS. (Mary E. Humphreys, executrix.) (H. D. 619-60-1.) Tucker Act. Sent to court March 31, 1906. Court finds claimant loyal and that supplies worth \$370 taken for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

SAMUEL HUNT. (Dennis H. Hunt, administrator.) (H. D. 447-62-2.) Bowman Act. Sent to court April 24, 1896. Court finds claimant loyal and that supplies worth \$508 taken for Army use. Claim presented in name of Sarah A. Hunt, widow of Samuel Hunt, to Claims Commission, as appears from published reports of that commission.

Passed House in Sixty-second Congress.

PATRICK JENNINGS. (J. W. Jennings, administrator.) (H. 480-61-2.) Bowman Act. Sent to court January 30, 1906. Court finds claimant loyal and that supplies worth \$190 taken for Army use. Claims presented to Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

SIBINI JONES. (H. D. 208-60-1.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds claimant loyal and that supplies worth \$215 were taken from her for Army use.

Passed Senate in Sixtieth and House in Sixty-first and Sixty-second Congresses.

CATHARINE KELTON. (H. D. 430-59-2.) Bowman Act. Sent to court March 6, 1888. Court finds claimant loyal and that supplies worth \$500 taken for Army use. Claim found on page 133, index of Southern Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

SOLOMON LANDIS. (Mary A. Landis, administratrix.) (S. D. 662-60-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal and that military forces tore down several buildings and used materials thereof and took other Army supplies, all worth \$1,100.

Passed House in Sixty-second Congress.

ELIJAH PINSON. (Joe M. Moon, administrator.) (H. D. 199-58-3.) Bowman Act. Sent to court January 29, 1897. Court finds claimant loyal and that supplies worth \$705 taken for Army use. Claim found page 188, index of Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM H. RICE. (Julia A. Cruselle, administratrix.) (H. D. 536-60-1.) Bowman Act. Sent to court January 11, 1906. Court finds claimant loyal, and that supplies worth \$8,190 were taken for Army use. Claim found on page 197, index of Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JACOB B. RUSSELL. (S. Inman, administrator.) (H. D. 203-60-1.) Bowman Act. Sent to court May 19, 1906. Court finds claimant loyal and that supplies worth \$3,210 were taken for Army use. Claim filed with Southern Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MELVIN J. SMITH. (Matildia J. Smith, widow.) (H. D. 234-58-3.) Bowman Act. Sent to court March 11, 1890. Court finds claimant loyal, and that supplies worth \$295 were taken for Army use. Claim found on page 218, index of Southern Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM L. STRAIN. (H. D. 715-62-2.) Bowman Act. Sent to court January 15, 1906. Apparently through error in printing the findings the name of the administrator is not shown. It is evident the case was represented in the court by an administrator. By making appropriation to the estate this difficulty may be met however.

Court finds decedent loyal. Supplies worth \$724 were taken for Army use. Claim filed with Claims Commission. Findings certified too late for previous consideration.

AARON TURNER. (B. J. Cowart, administrator.) (S. D. 347-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds Turner loyal, and that supplies worth \$415 were taken from him for Army use; also that claim was presented to Southern Claims Commission, but became barred there.

Passed House in Sixty-first and Sixty-second Congresses.

MILLINGTON WALDROP. (W. C. Waldrop, administrator.) (H. D. 570-59-2.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds claimant loyal and that supplies worth \$641 were taken for Army use; that decedent presented a claim in 1867.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CARL WEILAND. (Otto Seiler, administrator.) (S. D. 106-61-1.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. Court finds that decedent, Weiland, was a neutral foreigner during war; that United States forces took supplies worth \$3,022 from him for Army use; that claim was presented by decedent to Southern Claims Commission, but was rejected by that commission; than on January 2, 1907, claim was referred to court by Committee on War Claims under Bowman Act, but as loyalty was jurisdictional under that act, and as claimant's decedent was a neutral foreigner, his petition was dismissed under that reference.

Assuredly, under every principle of international law and of fairness as well, the only proof as to conduct which could be demanded of an alien resident within the Confederacy during the war is that he remained neutral. He owed no allegiance either to the United States or to the Confederacy. In short, in case of an alien, proof of neutrality necessarily takes the place of proof of loyalty which might be demanded of a citizen.

Passed the Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

MARY A. GAMMON, O. B. WHATLEY, AND D. A. WHITEHEAD. (Sole surviving heirs of Wilson O. B. Whatley, deceased.) (H. D. 273-63-1.) Judicial Code of March 3, 1911. Referred to court by House resolution June 22, 1912. The court makes a favorable finding as to the loyalty of the original owner of the property, Wilson O. B. Whatley, and his widow and children who survived him at the time of his death. It is also found that property worth \$1,019 was taken from them by proper authority for the use of the Army.

While the findings of the court are not clear as to who should be regarded as the present claimants, an examination of the court record in the case confirms the correctness of the title as given in the court's statement of the case and shows that the appropriation should read to Mary A. Gammon, O. B. Whatley, and D. A. Whitehead, as sole surviving heirs of Wilson O. B. Whatley.

The conclusion of the court is that the claim is an equitable one.

The claim was certified too late for inclusion in prior bills.

CHURCH OF CHRIST, ACWORTH, GA., SUCCESSOR TO CHRISTIAN CHURCH. (S. D. 407-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal as a church body; that United States forces, by proper authority, took possession of the church building, destroyed same, and used part of the material in construction of quarters; that building was reasonably worth \$400. It is believed that the facts mentioned are such as should cause payment of the claim, the materials, at least in part, having been put to proper military use.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses

MASONIC HALL TRUSTEES, ATLANTA, GA. (S. D. 723-60-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal as an organization; that military forces, by proper authority, occupied the premises from November 1, 1865, to and including February 28, 1866, and also during March, 1866; that reasonable rental, including wear and tear, was \$475; that claim was presented to the Quartermaster General in 1867 and rejected for lack of jurisdiction; that it was rejected by Treasury Department for lack of jurisdiction in 1872; that it was later presented to the Forty-fifth Congress. It is set forth in the statement of case that vouchers were given for \$475, amount allowed by the court.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. PHILLIP'S EPISCOPAL CHURCH, ATLANTA, GA. (Albion W. Knight et al.) (S. D. 186-58-2.) Tucker Act. The findings are entitled Albion W. Knight et al., they being the officers of claimant church at time the case was tried. Sent to court March 2, 1891, by Committee on War Claims, evidently under Bowman Act, but dismissed, apparently for lack of jurisdiction; was again referred to the court March 3, 1903, by Senate resolution under Tucker Act.

Court found claimant loyal and made an allowance or finding for two separate items, one for buildings torn down and from which materials were taken for Army use in the sum of \$3,760, the other item being for damages to the house of worship incident to use and occupation, amounting to \$800.

The first-mentioned item was paid in the claims appropriation act of February 24, 1905. Apparently by inadvertence the second item of \$800 was omitted from that act.

This \$800 item stands exactly on the same footing as other claims arising from use and occupation of church premises, and no reason appears why it should not be paid.

This item of \$800 was passed by the Senate in the Sixtieth and Sixty-first Congresses and by the House in the Sixty-first and Sixty-second Congresses.

CATHOLIC CHURCH, DALTON, GA. (S. F. 188-62-2.) Tucker Act. Sent court June 22, 1910, by Senate resolution. Court finds claimant loyal. United States troops occupied this church as a smallpox hospital and then burned it. Building worth \$3,600. This claim is like that of Fletcher Chapel, of King George County, Va., considered among the Virginia claims. The only difference is that in the claim of Fletcher Chapel the court explicitly reports that the building was burned after being occupied as a smallpox hospital for the purpose of preventing spread of the contagion.

In the case under consideration it is a matter of necessary and fair inference that the building was burned to avoid spread of contagion as a sanitary measure for protection of the Army. If such claims be considered from the standpoint of dollars and cents, then it can be reasonably said that the Army benefited from this destruction, as it naturally prevented illness and death of troops from a dreaded disease.

The very use of a church building as a smallpox hospital would of itself practically destroy the usefulness of the building forever after as a place of worship. No matter how well it might be fumigated or disinfected people would fear to enter the building.

Under the conditions reported by the court, it is very plain that the destruction of this building was the direct and natural result of its use by the Army, just as much so as though the troops had physically torn down the building to use the lumber contained in it.

Under such circumstances it is believed by the committee that this claim is to be logically distinguished from claims arising from the destruction of church buildings as acts of warfare or by deprecation.

As stated by the Court of Claims in case of Grant (1 Ct. Cls., 41), quoting from the syllabus:

The taking of private property for use or for destruction, when the public exigency demands it, by a military officer commanding any part of the public forces, is an exercise of the right of eminent domain.

There is no discrimination to be made between property taken to be used and property taken to be destroyed.

In the Grant case a flour mill was destroyed with its contents by United States troops to prevent the mill and supplies from falling into the hands of Confederates. It is true that case was tried by the court under its jurisdiction existing early in the war to render judgment in such claims, but the principle remains the same.

For reasons stated, this claim is included in this present bill.

Passed Senate in Sixty-second Congress.

FIRST PRESBYTERIAN CHURCH, DALTON, GA. (S. D. 526-60-1.) Tucker Act. Sent to court March 12, 1903, by Senate resolution. Court finds claimant loyal and that United States military forces,

by proper authority, tore down the church building and used material in erection of barracks; that building was worth \$900.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

JERUSALEM EVANGELICAL LUTHERAN CHURCH, EBENEZER, GA. (S. D. 319-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal and that United States forces occupied premises by proper authority; that use and occupation, together with incidental damages, amounts to \$225.

Passed the Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

TIMBERRIDGE PRESBYTERIAN CHURCH, HENRY COUNTY, GA. (H. D. 640-62-2.) Tucker Act. Sent court February 18, 1910, by House resolution. Court finds claimant loyal; troops by authority tore down church building and used materials in building shelters for troops; materials worth \$500. Conclusion of court is the claim is equitable. Claim certified too late for previous consideration.

FIRST BAPTIST CHURCH, LA FAYETTE, GA. (S. D. 355-62-2.) Tucker Act. Sent court February 21, 1911, by Senate resolution. Court finds claimant loyal; troops used church building for military purposes; rental value, including damages incident to this use, was \$300. Court concludes claim is equitable. Findings certified too late for consideration in connection with previous bills.

AFRICAN METHODIST EPISCOPAL CHURCH, MARIETTA, GA. (S. D. 305-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal and that United States forces by proper authority occupied the church building; that reasonable rental, together with repairs occasioned by occupation, amounts to \$425.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH, POWDER SPRINGS, GA. (S. D. 228-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal as an organization; that United States forces by proper authority tore down church building and used material in constructing quarters; that building was reasonably worth \$800.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-first and Sixty-second Congresses.

MISSIONARY BAPTIST CHURCH, POWDER SPRINGS, GA. (S. D. 292-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal and that United States forces by proper authority tore down church building and used materials in constructing quarters; that building was reasonably worth \$650.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, RINGGOLD, GA. (S. D. 506-61-2.) Tucker Act. Referred to court June 13, 1906, by Senate resolution. Court finds claimant loyal and that United States forces

by proper authority tore down church building and used the materials; that building was worth \$750.

Passed Senate and House in Sixty-second Congress.

PLEASANT GROVE BAPTIST CHURCH, RINGGOLD, GA. (S. D. 46-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal and that military forces by proper authority tore down church building worth \$400 and used the material; that claim was presented to Claims Commission and disallowed for lack of jurisdiction.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-first and Sixty-second Congresses.

ILLINOIS.

MARTHA J. BOWEN. (Widow of Edwin A. Bowen.) (H. D. 579-59-2.) Bowman Act. Officer's claim for difference in pay, \$221.80.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ANDREW L. CARTER. (H. D. 362-60-1.) Bowman Act. Officer's claim for difference in pay, \$48.16.

Passed House in Sixty-first and Sixty-second Congresses.

BENNETT DEPENBROCK. (H. D. 396-59-1.) Bowman Act. Officer's claim for difference in pay, \$952.19.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

THOMAS O. EDDINS. (H. D. 274-60-1.) Bowman Act. Officer's claim for difference in pay, \$227.90.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

BENJAMIN F. ELY. (Mary J. Ely, widow.) (H. D. 593-59-2.) Bowman Act. Officer's claim for difference in pay, \$259.68.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JAMES P. FILES. (James P. Files and Alice White, sole heirs.) (H. D. 518-59-2.) Bowman Act. Officer's claim for difference in pay, \$80.01.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

BENJAMIN S. FORD. (H. D. 222-59-2.) Bowman Act. Officer's claim for difference in pay, \$330.43.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

THOMAS FOSTER. (S. D. 412-61-2.) Tucker Act. Sent to court April 28, 1904, by Senate resolution. Court finds claimant loyal, he having been a resident of Illinois during war. Material facts found by court on property are as follows:

Thomas Foster was coowner with Elbridge Leonidas Smith in a leasehold estate on land near Chicago; premises were fitted up with

extensive buildings and fences for purpose of being used as a horse fair; September 26, 1862, United States forces, under proper authority, took possession of premises as camp grounds and barracks, and used same until November 24, 1862. November 20, 1862, several of the buildings were destroyed by fire, the cause being unknown, which caused abandonment of the premises by the troops. The court finds that the use and occupation of the premises and of materials in the buildings and fences were worth \$2,800, after excluding value of materials saved by the owners. The court further finds that the claimant, Foster, is entitled to one-half of sum mentioned, or \$1,400. It is further reported that claim was duly presented to the Quartermaster General, who took no action because there was no appropriation out of which to pay the claim, and he was without jurisdiction to settle it.

These remarks will also cover the claim of E. Leonidas Smith, hereinafter mentioned.

Passed House in Sixty-first and Sixty-second Congresses.

WILLIAM T. GLENN. (H. D. 298-60-1.) Bowman Act. Officer's claim for difference in pay, \$334.75.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM HANNA. (H. D. 257-60-1.) Bowman Act. Officer's claim for difference in pay, \$395.57.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

THEODORE S. LOVELAND. (Annie Mahar, remarried, widow.) (H. D. 393-59-1.) Bowman Act. Officer's claim for difference in pay, \$590.39.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ORRIN L. MANN. (H. D. 578-59-2.) Bowman Act. Officer's claim for difference in pay, \$283.35.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN E. MULLALY. (H. D. 300-60-1.) Bowman Act. Officer's claim for difference in pay, \$99.30.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

FANNIE PEMBERTON. (H. D. 209-58-3). Tucker Act. Sent to court February 20, 1902, by House resolution. Court finds claimant loyal; she apparently lived in Illinois during war. Court further finds that United States forces by proper authority took possession of claimant's boat at Golconda, Ill., and used same for transporting troops and supplies and never returned same; that the boat was reasonably worth \$4,000.

Passed Senate in Sixtieth and House in Sixty-first and Sixty-second Congresses.

WILLIAM A. SCHMITT. (Nannie L. Schmitt, widow.) (H. D. 296-60-1.) Bowman Act. Officer's claim for difference in pay, \$129.25.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

PLEASANT S. SCOTT. (Mary L. Scott, widow.) (H. D. 677-60-1.) Bowman Act. Officer's claim for difference in pay, \$67.70.

Passed House in Sixty-first and Sixty-second Congresses.

E. LEONIDAS SMITH. (Augusta A. Smith, executrix.) (S. D. 618-61-2.) Tucker Act. Sent to court April 28, 1904, by Senate resolution.

This is the companion case of Thomas Foster, above mentioned, and for reasons set forth in connection with the Foster case it is plain that this claimant is entitled to receive \$1,400 for use and occupation of premises near Chicago, Ill., and damages incident to that occupation.

Passed House in Sixty-second Congress.

JOHN H. STIBBS. (H. D. 267-60-1.) Bowman Act. Officer's claim for difference in pay, \$216.18.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM STUBBS. (Carrie M. Persons, executrix.) (H. D. 265-60-1.) Bowman Act. Officer's claim for difference in pay, \$411.17.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN J. VINCENT. (H. D. 512-59-1.) Tucker Act. Sent to court April 1, 1902, by House resolution. Court finds that claimant was loyal and that supplies worth \$282 were taken by proper authority for Army use.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

INDIANA.

LEWIS J. BLAIR. (H. D. 243-60-1.) Bowman Act. Officer's claim for difference in pay, \$434.14.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

THOMAS M. BROWNE. (Sarah E. Smith and George W. Browne, sole heirs.) (H. D. 283-60-1.) Bowman Act. Officer's claim for difference in pay, \$202.84.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

SAMUEL E. CALVERT. (S. D. 528-61-2.) Tucker Act. Officer's claim for difference in pay, \$274.92.

Passed House in Sixty-second Congress.

WILLIAM G. DUDLEY. (H. D. 256-60-1.) Bowman Act. Officer's claim for difference in pay, \$381.87.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

RUSSELL P. FINNEY. (H. D. 570-60-1.) Bowman Act. Officer's claim for difference in pay, \$153.95.

Passed House in Sixty-first and Sixty-second Congresses.

JOHN W. FOLAND. (H. D. 289-60-1.) Bowman Act. Officer's claim for difference in pay, \$477.04.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ANDREW G. GORRELL. (H. D. 110-59-1.) Bowman Act. Officer's claim for difference in pay, \$264.71.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

SILAS GRIMES. (H. D. 275-60-1.) Bowman Act. Officer's claim for difference in pay, \$288.37.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN W. HEADINGTON. (H. D. 259-60-1.) Bowman Act. Officer's claim for difference in pay, \$194.19.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

NIMROD HEADINGTON. (S. D. 530-61-2.) Tucker Act. Officer's claim for difference in pay, \$276.45.

Passed House in Sixty-first and Sixty-second Congresses.

HIRAM HINES. (H. D. 286-60-1.) Bowman Act. Officer's claim for difference in pay, \$309.45.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOSIAH JENNISON. (Jeanette J. Guard, administratrix.) (S. D. 217-62-2.) Tucker Act. Sent to court June 21, 1910, by Senate resolution. Court finds that Jennison was loyal and that United States forces took from him in Dearborn County, Ind., for use of the Army supplies worth \$1,210. Court further reports that claim was presented to Congress in 1889, and subsequently presented in Fifty-ninth, Sixtieth, and Sixty-first Congresses.

Court appends its conclusion to the effect that the claim is an equitable one.

Passed House in Sixty-second Congress.

JOSEPH P. LESLIE. (Kate Morehead, Clara M. Girard, and Florence E. Cochran, heirs.) (H. D. 248-60-1.) Bowman Act. Officer's claim for difference in pay, \$55.43.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN D. LONGFELLOW. (H. D. 629-60-1.) Bowman Act. Officer's claim for difference in pay, \$98.51.

Passed House in Sixty-first and Sixty-second Congresses.

CYRUS J. MCCOLE. (H. D. 263-60-1.) Bowman Act. Officer's claim for difference in pay, \$330.44.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

LEONARD H. MAHAN. (H. D. 262-60-1.) Bowman Act. Officer's claim for difference in pay, \$119.14.

Passed Senate in Sixtieth and House in Sixty-first and Sixty-second Congresses.

ERNEST C. NORTH. (H. D. 220-59-2.) Bowman Act. Officer's claim for difference in pay, \$90.90.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ROBERT W. PEMBERTON. (H. D. 111-59-1.) Bowman Act. Officer's claim for difference in pay, \$473.02.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN W. SALE. (H. D. 268-60-1.) Bowman Act. Officer's claim for difference in pay, \$299.62.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOSEPH D. WYATT. (H. D. 223-59-2.) Bowman Act. Officer's claim for difference in pay, \$102.81.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

IOWA.

HIRAM ATKINSON. (H. D. 293-60-1.) Bowman Act. Officer's claim for difference in pay, \$64.59.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CHARLES C. BAUMANN. (H. D. 775-61-2.) Bowman Act. Officer's claim for difference in pay, \$238.16.

Passed House in Sixty-first and Sixty-second Congresses.

NEWELL B. DANA. (Annis M. Dana, widow.) (H. D. 242-60-1.) Bowman Act. Officer's claim for difference in pay, \$242.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HENRY GREEN. (H. D. 297-60-1.) Officer's claim for difference in pay, \$83.81.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

PARIS P. HENDERSON. (H. D. 679-60-1.) Bowman Act. Officer's claim for difference in pay, \$392.09.

Passed House in Sixty-first and Sixty-second Congresses.

MICHAEL HOUPS. (Johannah H. Houps, widow.) (H. D. 287-60-1.) Bowman Act. Officer's claim for difference in pay, \$442.74.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN PAUL JONES. (Nancy J. Gilleland, widow, remarried.) (H. D. 294-60-1.) Bowman Act. Officer's claim for difference in pay, \$173.13.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HAMILTON L. KARR. (H. D. 630-60-1.) Bowman Act. Officer's claim for difference in pay, \$66.54.

Passed House in Sixty-first and Sixty-second Congresses.

BASIL D. MOWERY. (H. D. 592-59-2.) Bowman Act. Officer's claim for difference in pay, \$461.22.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JAMES A. POOR. (D. W. Poor, heir.) (H. D. 158-59-2.) Bowman Act. Officer's claim for difference in pay, \$138.83.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

AUGUST SCHLAPP. (H. D. 118-59-1.) Bowman Act. Officer's claim for difference in pay, \$399.36.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

GEORGE A. SMITH. (H. D. 757-60-1.) Bowman Act. Sent court January 8, 1907. This is rather an application for a bounty than a claim, strictly speaking. The facts, in brief, are as follows:

The claimant was a brigade surgeon, with rank of major, during the War with Spain. He contracted typhoid fever at Chickamauga and went to his home in Iowa on 30 days' sick leave. He was granted this leave on September 16, 1898. On September 20, 1898, while he was sick and on leave the War Department issued an order discharging him, to take effect September 30, 1898, for the reason that his services were no longer required. This order did not reach claimant until October 1, 1898, the day after it went into effect.

By reason of his illness contracted at Chickamauga he was unable to resume his practice of medicine until after December 1, 1898. He asks that he be paid two months' pay, at \$208.33 per month, his pay while in the service. It is understood that the general practice of the War Department is not to discharge men from the service during illness contracted in line of duty. Having been granted 30 days' leave on September 16, 1898, he had a right to expect that he would receive it and that he would not be discharged meanwhile. Apparently for that reason he failed to advise the War Department of his condition in time to prevent the discharge from taking effect, although his leave had only half expired.

Had he served beyond the limits of the United States he would have been entitled, by law, to receive two months' extra pay, but it is not shown that he did serve outside the United States.

The claim was favorably reported in the Sixty-second Congress and passed the House in H. R. 19115 in that Congress. In view of this previous action the committee is inclined to give this volunteer officer the benefit of any doubt entertained as to propriety of payment, thus following the action of the House already taken in the matter, and therefore recommends appropriation of two months' pay, amounting to \$416.66.

ABRAM TREADWELL. (H. D. 469-59-2.) Bowman Act. Officer's claim for difference in pay, \$450.40.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

KANSAS.

JAMES P. BARNETT. (H. D. 587-59-2.) Bowman Act. Officer's claim for difference in pay, \$97.71.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HENRY BENNETT. (Samuel A. Shelton, administrator.) (H. D. 875-60-1.) Bowman Act. Sent to court May 1, 1888. Court finds claimant loyal and reports that troops under command of Col. Jenkinson, Fifteenth Kansas Volunteers, took from decedent, in Allen County, Kans., supplies reasonably worth \$845. It is true, the finding states, that the authority for the taking is not shown, but the very nature of the supplies taken would indicate that the taking was not for the individual benefit of soldiers, being timber, lumber, one horse, one calf, and hogs. It is believed that this claim should be considered one of taking for Army use.

Passed House in Sixty-second Congress.

FRANK CRATHORNE. (H. D. 586-59-2.) Bowman Act. Officer's claim for difference in pay, \$201.17.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CHARLES H. HAYNES. (Jane H. Haynes, widow.) (H. D. 676-60-1.) Bowman Act. Officer's claim for difference in pay, \$100.70.

Passed House in Sixty-first and Sixty-second Congresses.

ELI E. HELMICK. (H. D. 85-63-1.) Section 151, Judicial Code. Sent to court August 24, 1912, by House resolution. This claim is for loss of a horse by a mounted officer during battle of Santiago, during the Spanish-American War of 1898, the horse being killed during the battle. The value of the horse is reported to be \$125. The court further finds that the claim was submitted with proofs to the accounting officers and was by them rejected on the theory that there was no liability on part of the Government; that the Court of Claims has decided in case of Hardie (39 Ct. Cls., 250), and in case of Cox (41 Ct. Cls., 86) that a horse so lost should be paid for by the Government, those cases being brought under the general jurisdiction of the court; that this claim was filed in the court under the general jurisdiction, but that it was filed five days after the six-year statute of limitation had run against it under the general jurisdiction; that it was therefore dismissed for want of jurisdiction; that thereafter it was referred to the court by resolution of the House of Representatives.

The conclusion of the court is, in effect, that the claim was a legal one, and that judgment would have been rendered on the law and facts had suit been originally brought five days earlier.

It is further stated by the court that the original suit was brought within six years after claimant's return from Cuba.

In view of the facts found and of the conclusion of the court there can be no room for question as to the equitable nature of the claim, to say the least, and it is therefore included in the bill.

Claim tried too late for inclusion in prior bills.

ALFRED W. KENT. (S. D. 455-59-1.) Tucker Act. Sent to court March 28, 1900, by Senate resolution. Court finds claimant loyal and that United States forces took from him in Johnson County, Kans., for use of Army, certain horses and used two teams for 22 days, the reasonable value of 4 horses taken and of use of two teams for period mentioned being \$664.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

FENELON B. MATHEWS. (Mary A. Mathews, widow.) (H. D. 104-59-1.) Bowman Act. Officer's claim for difference in pay, \$550.52.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

EDMUND METZ. (Florence M. Metz, widow.) (H. D. 261-60-1.) Bowman Act. Officer's claim for difference in pay, \$113.23.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MARTIN V. B. SHEAFOR. (H. D. 295-60-1.) Bowman Act. Officer's claim for difference in pay, \$152.76.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM H. SPARROW. (H. D. 588-59-2.) Bowman Act. Officer's claim for difference in pay, \$165.26.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JACOB SAMUEL WEAVER. (H. D. 113-59-1.) Bowman Act. Officer's claim for difference in pay, \$82.26.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

KENTUCKY.

JOHN W. ALVES. (S. D. 670-62-2.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. Court reports claimant loyal: that troops occupied claimant's farm greater portion of war for military purposes; rental value, with damages incident to this use, was \$2,500; also that Army supplies worth \$2,750 were taken for Army use, making a total of \$5,250. Claim was presented to Quartermaster General, but rejected because there was no appropriation for its payment. Claim was apparently presented to Forty-ninth, Fiftieth, and succeeding Congresses and was previously referred under Bowman Act. Court concludes that claim is equitable.

Case tried too late for inclusion in previous bill.

SAMSON M. ARCHER. (Mary E. Martin, widow, remarried.) (H. D. 462-59-2.) Bowman Act. Officer's claim for difference in pay, \$115.70.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

THOMAS N. ARNOLD. (Thomas N. Arnold, jr., administrator.) (S. D. 262-62-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds that claimant was loyal and that United

States forces, by proper authority, occupied certain real estate in Kentucky belonging to claimant and took from him certain supplies: that the reasonable rental value of the real estate occupied, with damages in excess of ordinary wear and tear, and the value of the supplies taken amount to \$5,015.

The findings are accompanied by the conclusion of the court that the claim is an equitable one.

Passed House in Sixty-second Congress.

WILLIAM A. ATTERSALL. (H. D. 461-59-2.) Bowman Act. Officer's claim for difference in pay, \$30.74.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

THOMAS K. BALL. (Mary B. Mitchel, administratrix.) (S. D. 420-62-2.) Tucker Act. Sent to court February 21, 1911, by Senate resolution. Court finds decedent loyal; troops, by proper authority, occupied a stable belonging to decedent and also took certain supplies: rental value during period of occupation, together with value of supplies, was \$610. Claim presented to Quartermaster General in 1877; referred to court first time under Bowman Act and later under Tucker Act. Court reports claim is equitable.

Case tried too late for inclusion in previous bill.

KINCHEM BELL. (A. W. Richards, administrator.) (H. D. 108-58-3.) Tucker Act. Sent to court February 20, 1903, by House resolution. Court finds that claimant was loyal and that supplies worth \$1,420 were taken for Army use.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ANDREW S. BLOOM. (Margaret A. Bloom, widow.) (H. D. 675-60-1.) Bowman Act. Officer's claim for difference in pay, \$789.20.

Passed House in Sixty-first and Sixty-second Congresses.

WILLIAM H. BOSWELL. (H. D. 232-59-2.) Bowman Act. Sent to court February 14, 1888. Court finds claimant loyal and that United States forces, by proper authority, occupied certain premises owned by him, and that reasonable rental was \$540.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HENRY P. BOTTOM. (R. B. Bottom, executor.) (H. D. 837-60-1.) Bowman Act. Sent to court January 19, 1899. Court finds claimant loyal and reports that Union troops, when encamped upon claimant's premises several days, took and used various supplies, including corn and fencing, all of the value of \$1,715. The findings also recite various acts of damage, for which no allowance is made.

Passed House in Sixty-first and Sixty-second Congresses.

VALENTINE S. BREWER. (H. D. 116-59-1.) Bowman Act. Officer's claim for difference in pay, \$469.90.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

PATRICK HENRY BRIDGEWATER. (H. D. 568-61-2.) Bowman Act. Sent to court May 19, 1906. Court finds claimant loyal and that supplies worth \$220 were taken from him for Army use. Claim presented in proper time to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

COLEMAN T. BROWN. (H. D. 861-60-1.) Bowman Act. Sent to court February 14, 1888. Court finds claimant loyal and that supplies worth \$1,620 were taken from him for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

STEPHEN E. BROWN. (H. D. 569-59-2.) Bowman Act. Sent to court July 10, 1888. Court finds claimant loyal and that supplies worth \$490 were taken from him for Army use.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CLEMENT CALHOUN. (J. Patrick McGee, administrator.) (S. D. 56-61-1.) Tucker Act. Sent to court first on March 4, 1887, under Bowman Act, by Committee on War Claims; claimant found loyal under that reference in 1888. April 25, 1900, claim sent to court by Senate resolution, under Tucker Act, although it would appear that case might have been tried under Bowman Act, the claim having been presented to Quartermaster General. Court finds claimant loyal and that supplies worth \$320 were taken from him for Army use.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

MARY R. CAMMACK. (Charles P. Cammack et al., heirs.) (S. D. 310-62-2.) Tucker Act. Sent to court June 21, 1910, by Senate resolution. Court finds claimant loyal and that supplies worth \$525 were taken from her for Army use. From the title adopted by the court it would seem that Charles P. Cammack, Lillie V. Oldham, Mary B. Harbin, and Frances H. Glover are the heirs of decedent, to whom appropriation should be made. Findings are accompanied by conclusion of the court that the claim is equitable.

Passed House in Sixty-second Congress.

W. G. CHESHER. (B. H. Chesher, administrator.) (S. D. 246-62-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal and that supplies worth \$320 were taken for Army use. Conclusion of court is the claim is equitable.

Passed House in Sixty-second Congress.

HENRY COHEN. (Sallie M. Cohen, administratrix.) (S. D. 222-62-2.) Tucker Act. Claim first sent to court under Bowman Act, March 8, 1898; later sent by Senate resolution May 22, 1908, under Tucker Act. Court finds claimant loyal and that supplies worth \$856 were taken from him for Army use. Claim for part of property in question was presented to Quartermaster General. The Tucker Act reference was evidently secured to give court jurisdiction of that part of claim not previously presented. Court states claim is equitable.

Passed House in Sixty-second Congress.

THOMAS P. COLDWELL. (H. D. 109-59-1.) Bowman Act. Officer's claim for difference in pay, \$89.83.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HARMON CONLEY. (Millard J. Conley, heir.) (H. D. 942-61-2.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds the claimant loyal. The findings on property show that Conley was owner of a raft of logs lying in Paint Creek, Ky.; that this raft was impressed by United States forces as a means of transportation of soldiers to Catlettsburg, Ky.; that while so in use the raft ran onto a shoal and broke up, which caused abandonment of the expedition. The court says it does not appear what finally became of the logs; nor is the value of the raft of logs "for the purpose for which they were seized shown." The court finds, however, that the raft and lines binding the logs together were reasonably worth \$1,200.

On these findings the committee believes a complete case calling for payment has been made out by claimant. His raft was evidently seized for use as a flatboat. While being so used, evidently by proper military authority, the raft was broken up. Naturally the logs would float down stream and be lost. Had the troops seized a flatboat and had such boat been destroyed by accident while in possession of the Army, and as the direct result of its seizure and use, there would be no question as to the liability of the Government, and the committee can see no reason why the same reasoning should not apply in this case. The property was taken in a loyal State, from a loyal citizen. Claim was presented to Quartermaster General in proper time. While sent to court under Tucker Act, it might properly have been referred under Bowman Act.

Passed House in Sixty-first and Sixty-second Congresses.

THOMAS D. DENNY. (U. S. Denny, heir.) (H. D. 503-59-1.) Bowman Act. Sent to court March 2, 1891. Court finds claimant loyal and that supplies worth \$102 taken for Army use.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

NATHANIEL B. DOBBS. (Sarah Ann Dobbs, widow.) (H. D. 107-59-1.) Bowman Act. Officer's claim for difference in pay, \$152.25.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WOODFORD DUNN. (William Dunn, administrator.) (H. D. 850-60-1.) Bowman Act. Court finds claimant loyal and that supplies worth \$910 were taken for Army use. Having been tried under Bowman Act, and being for commissary supplies, claim must have been duly presented to Commissary General.

Passed House in Sixty-first and Sixty-second Congresses.

EMMA F. EVERMAN. (H. D. 238-62-2.) Tucker Act. Sent to court February 18, 1910, by House resolution. Court finds that claimant was loyal and that supplies worth \$425 were taken for Army use. Court accompanies its finding by the conclusion that the claim is equitable in sense that Government received benefit of the property taken.

Passed House in Sixty-second Congress.

OLIVER FRAZER. (Bessie Frazer, Nannie Frazer, and Kate Frazer Redd, heirs.) (S. D. 511-62-2.) Tucker Act. Sent to court Feb-

ruary 21, 1911, by Senate resolution. Court finds decedent loyal; Army supplies worth \$240 taken; presented to Quartermaster General in 1867. Court concludes claim is equitable.

Case tried too late for inclusion in previous bill.

T. S. GRIDER. (Hattie Grider, administratrix.) S. D. 510-61-2.) Tucker Act. Sent to court June 27, 1910, by Senate resolution. Court finds claimant loyal; also that United States forces by proper authority occupied claimant's dwelling near Bowling Green, Ky., for hospital purposes and took Army supplies from him by proper authority; that the rental value of premises occupied and value of supplies taken aggregate \$1,795.

Passed House in Sixty-first and Sixty-second Congresses.

JAMES M. HALL. (H. D. 388-60-1.) Bowman Act. Sent to court January 27, 1903. Court finds claimant to have been loyal. On property it is reported that during the war claimant and one Burroughs were the owners of certain liquors at Mount Sterling, Ky.; that in early part of 1865 United States military forces confiscated the liquors on the grounds that the owners were selling same to enlisted men in violation of the orders of the commandant of that place; that the liquors were taken away in wagons by said military forces, but what disposition was finally made of them does not appear; that the reasonable value of the property so taken was \$1,500, of which claimant was the owner of one-half, worth \$750.

It is to be noted that this transaction took place in the State of Kentucky, which never seceded and whose citizens were therefore entitled to all the constitutional protection of life, liberty, and property. It would seem obvious that the confiscation of this property was an arbitrary military act, and the seizure can not therefore be said in any sense of the term to have occasioned a divesting of the owners' title by "due process of law."

It does not even appear from the findings that any hearing was had, assuming that the military authorities had legal power to confiscate private property of a citizen. For these reasons the committee has included this claim in the bill in the sum of \$750, representing the share of the present claimant in the value of the property.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

STARKEY HALL. (J. A. Hall, administrator.) (H. D. 364-62-2.) Bowman Act. Sent to court March 8, 1888. Court finds claimant loyal and that supplies worth \$380 were taken for Army use. Claim having been tried under Bowman Act must have been presented to the Quartermaster General.

Passed House in Sixty-second Congress.

ROBERT HARDWICK. (H. D. 378-61-2.) Bowman Act. Sent to court January 9, 1907. Court finds claimant loyal and that supplies worth \$980 taken for Army use. Claim evidently presented to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

THOMAS HEYSER. (Foster T. Heyser, Charles F. Heyser, and George Heyser, executors.) (H. D. 907-61-2.) Tucker Act. Sent

to court March 31, 1906, by House resolution. Court finds claimant loyal and that supplies worth \$1,015 taken for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

THOMAS R. HILL. (H. D. 200-58-3.) Tucker Act. Sent to court January 8, 1902, by House resolution. Court finds claimant loyal and that supplies worth \$495 taken for Army use.

Passed Senate in Sixtieth and House in Sixty-first and Sixty-second Congresses.

JOHN G. HOLLOWAY. (E. S. Holloway and W. S. Holloway, executors.) (S. D. 469-59-1.) Tucker Act. Sent to court April, 1904, by Senate resolution. The findings in this case would indicate that John G. Holloway was a resident of the State of Ohio during the war. In the statement of the case it is recited that he has heretofore been found loyal by the court under a Bowman Act reference of the claim, and this statement, coming from the court, may doubtless be considered as authentic. The material facts seem to be substantially these: Premises in Ohio, containing over 400 acres, were leased by decedent to State of Ohio in 1861 as a military camp ground. The lease provided for a certain rental for one year and a reasonable rental should premises be occupied longer.

In 1862 the United States took possession of premises under terms of said lease and occupied the same until 1866, paying proper rental therefor.

It is expressly found by the court that the premises were damaged in sum of \$802.75 prior to December 29, 1863, as per award made by agreed referees. Court further finds additional damage in sum of \$1,299.25, making a total damage of \$2,102. There seems to be no question as to the facts, and upon those facts there would seem to be no question that the Government owes this man's estate the sum of \$2,102. It is plain that the claim has been pending many years, arose in the loyal State of Ohio, and has been established by legal proof.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

WILLIAM B. KELLY. (H. D. 1243-61-3.) Bowman Act. Sent to court April 19, 1898. Court finds claimant loyal and that supplies worth \$50 were taken for Army use. Having been tried under Bowman Act, claim must have been previously presented to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

HARRIET N. LAIR. (H. D. 788-60-1.) Bowman Act. Sent to court March 6, 1888. Court finds claimant loyal and that supplies worth \$350 were taken for Army use. Having been tried under Bowman Act, claim must have been previously presented to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

ALFRED LEATHERS. (Eliza Leathers, administratrix.) (S. D. 555-60-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal and that supplies worth \$825 were taken for Army use, exclusive of any unauthorized deprecations.

Passed House in Sixty-second Congress.

JANE T. LEE. (Lucy C. Lee, administratrix.) S. D. 178-59-2.) Tucker Act. Referred to court by Senate resolution March 18, 1903. Court finds that claimant's decedent was loyal and that property belonging to her was by proper authority taken and used for Army purposes, and that \$915 would be proper compensation for said use and taking.

The court also reports that the parties in interest placed this claim in the hands of their Member of Congress about 1895.

The claim seems entitled to favorable consideration.

THOMAS K. LETCHER. (Mary H. Letcher, administratrix.) (H. D. 1309-61-3.) Bowman Act. Sent to court February 26, 1910. Court finds claimant loyal and that supplies worth \$420 were taken for Army use. Having been tried under Bowman Act, claim must have been presented to Quartermaster General. In fact, this claim appears on index of claims presented to that officer, the index being in the possession of the Committee on War Claims.

Passed House in Sixty-second Congress.

JOSEPH E. LINDSEY (surviving partner of John Lindsey & Son). (S. D. 213-62-2.) Tucker Act. Sent to court June 21, 1910, by Senate resolution. Court finds that Joseph E. Lindsey and his deceased partner, John Lindsey, were loyal; that United States forces by proper authority used certain premises belonging to the firm in Montgomery County, Ky., for military purposes and damaged the same; that said forces also took certain lumber described in the petition; that reasonable rental value of premises, together with damages in excess of ordinary wear and tear, and value of lumber so taken, aggregate \$1,080. Court accompanies its finding with conclusion that claim is an equitable one in that the Government received the benefit of the property for which claim is made.

Passed House in Sixty-second Congress.

ROBERT McCLELLAND. (Catherine McClelland, administratrix.) (S. D. 496-61-2.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. Court finds claimant loyal and that supplies worth \$910 were taken for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

ALEXANDER MAGRUDER. (Elizabeth Magruder, heir.) (H. D. 106-59-1.) Bowman Act. Officer's claim for difference in pay, \$220.56.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

DANIEL MANS. (H. D. 201-58-3.) Tucker Act. Sent to court March 18, 1903, by House resolution. Court finds claimant loyal and that two horses, worth \$250, were taken for Army use by proper authority.

Passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CATHERINE MORIN. (George Leonard, administrator.) (H. D. 751-60-1.) Tucker Act. Sent to court February 15, 1899, by House resolution. Court finds claimant loyal and that supplies worth \$1,105 were taken for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

JOHN H. MARSHALL. (S. D. 70-58-3.) Tucker Act. Sent to court May 6, 1904, by Senate resolution.

The facts reported by the court may be briefly stated as follows:

On June 6, 1864, this claimant, being a citizen of Pendleton County, Ky., was drafted into the United States military service: in order to secure exemption from actual military service he paid to the Government the sum of \$300, under the terms of the act of February 24, 1864. (13 Stat., 6.)

At the date of this draft and of this payment Pendleton County had already furnished to the United States military service more than its quota of soldiers. This fact evidently developed by a re-distribution of credits among this county and other counties made after the dates mentioned. In short, while the fact actually existed at these dates, it was then unknown.

Marshall applied for repayment of this \$300 and the claim was rejected by The Adjutant General June 1, 1869, because the facts mentioned were not known when the payment was made. July 30, 1879, the department declined to reopen the case, because The Adjutant General did not feel that he had the power to reconsider the decision of a predecessor. However, he advised the Secretary of War that the draft in question was illegally made, and suggested that the claim be referred to Congress with a favorable recommendation.

The next action was the sending of a letter to the Speaker of the House of Representatives, by the Secretary of War, which letter is quoted in the findings of the Court of Claims, and reads as follows:

WAR DEPARTMENT, *December 2, 1879.*

The Secretary of War has the honor to transmit to the House of Representatives papers relating to the claim of John H. Marshall, of Pendleton County, Ky., to be paid the amount of \$300 paid by him to the United States in June, 1864, by way of commutation money as a drafted man.

The claim is recommended to the favorable consideration of Congress.

GEO. W. McCrARY,
Secretary of War.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The only congressional action which followed was the reference of the claim to the Court of Claims for findings of fact, first under the Bowman Act, which reference was dismissed for lack of jurisdiction; and later under the Tucker Act, as above mentioned.

This case was tried by the Court of Claims in 1904, and as the law then stood the sole function of the court was to report the material facts. By the subsequent acts of June 25, 1910 (36 Stat., 837), it was made the further duty of the court to accompany its findings of fact in Tucker Act claims, with a conclusion as to whether the claim was legal or equitable. On the present findings Congress must determine for itself the question of whether the claim is legal or equitable, without the benefit of the court's conclusion, however.

The court has said, in effect, that Pendleton County was not subject to this draft when it was made, and the Adjutant General has stated that this draft was illegal, and the Secretary of War has recommended the claim to the favorable consideration of Congress.

In view of all these reported facts, the committee recommends payment, and in so doing follows the action of the House, which passed this claim in H. R. 19115, Sixty-second Congress. This claim was also passed by the Senate in the Sixtieth Congress.

SAMUEL P. MARTIN. (H. D. 334-60-1.) Tucker Act. Sent to court January 18, 1903, by House resolution. Court finds claimant loyal. Facts on property are as follows:

Claimant apparently ferried United States troops across Kentucky River at various times, for which service he claimed \$1,100. It also appears that the United States forces took from claimant certain ferryboats and barges and used same for fuel. While the ultimate finding of the court is not as explicit as might be desired, it may be reasonably construed as meaning that the value of ferrriage services, together with value of the boats taken from claimant, aggregate \$330. Claim was presented to the Quartermaster General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HUBBARD K. MILWARD. (Kate W. Milward, widow.) (H. D. 103-59-1.) Bowman Act. Officer's claim for difference in pay, \$545.10.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

RUDOLPH MINTON. (S. D. 141-61-1.) Tucker Act. Sent to court June 27, 1906, by Senate resolution. Court finds claimant loyal and that supplies worth \$310 were taken for Army use. Claim presented to Congress as early as Fifty-third Congress. In the Fifty-fourth Congress the House Committee on War Claims reported the claim favorably for reference to the Court of Claims.

Passed House in Sixty-second Congress.

ROBERT L. MOORE. (H. D. 379-61-2.) Bowman Act. Sent to court March 31, 1908. Court finds claimant loyal and that supplies worth \$213 were taken for Army use. Claim was presented to Commissary General.

Passed House in Sixty-first and Sixty-second Congresses.

ZACHARIAH A. MORGAN. (Ella J. Vermillion, heir.) (H. D. 157-59-2.) Bowman Act. Officer's claim for difference in pay, \$52.60.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JESSE S. MUNDAY. (Miriam F. Munday, widow.) (H. D. 301-60-1.) Bowman Act. Officer's claim for difference in pay, \$501.86.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ION B. NALL. (H. D. 114-59-1.) Bowman Act. Officer's claim for difference in pay, \$46.40.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM A. NALLY. (Hannah Nally, executrix.) (S. D. 260-60-1.) Tucker Act. Sent to court March 2, 1903, by Senate resolution. Court finds claimant loyal and that supplies worth \$2,013 were taken for Army use; that claim was presented to the Quartermaster General.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

MINGO PETERS. (S. D. 325-62-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal: that he was a slave during war, but was allowed by his master to own some property; Army supplies taken from him worth \$110. Court reports claim is equitable.

Case tried too late for inclusion in previous bill.

SAMUEL H. PIPES. (S. D. 461-61-2.) Tucker Act. Sent to court June 27, 1906, by Senate resolution. Court finds claimant loyal and that supplies worth \$1,210 were taken by proper authority; that claim was presented to Quartermaster General and later to Congress.

Passed House in Sixty-first and Sixty-second Congresses.

WILLIAM L. POYNTER. (Fannie C. Poynter, administratrix.) (H. D. 386-61-2.) Bowman Act. Court finds claimant loyal and that supplies worth \$610 were taken for Army use; claim was presented to the Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

JOHN RILEY. (Elias J. Riley, administrator.) (H. D. 478-62-2.) Bowman Act. Sent to court March 3, 1908. Court finds claimant loyal; Army supplies worth \$210 taken. Having been tried under Bowman Act, claim must have been previously presented to Commissary General.

Tried too late for inclusion in previous bill.

BELLE M. ROBARDS. (S. D. 511-61-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds claimant loyal and that supplies worth \$425 were taken by proper authority; that claim was first presented in 1891.

Passed House in Sixty-first and Sixty-second Congresses.

JOHN W. ROBBINS. (H. D. 463-59-2.) Bowman Act. Officer's claim for difference in pay, \$263.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

RICHARD M. ROBINSON. (Margaret P. Robinson, widow.) (S. D. 120-59-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds claimant loyal and that supplies worth \$227 were furnished to United States Army.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

T. P. SALYER. (H. D. 259-59-2.) Tucker Act. Sent to court February 20, 1903, by House resolution. Court finds that claimant was loyal and that supplies worth \$350 were taken for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

DAVID B. SANDERS. (C. H. Webb, jr., administrator.) (H. D. 1371-60-2.) Bowman Act. Sent to court December 19, 1907. Court finds claimant loyal and that supplies worth \$1,975 were taken for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

JESSE C. SPEAK. (Mary Speak, widow.) (H. D. 465-59-2.) Bowman Act. Officer's claim for difference in pay, \$36.60.

Passed Senate in Sixtieth and House in Sixtieth and Sixty-first Congresses.

ANDREW J. TRANCHIBER. (H. D. 1226-60-2.) Bowman Act. Sent to court May 7, 1888. Court finds claimant loyal and that supplies worth \$760 were taken by proper authority. Having been tried under Bowman Act, claim must have been presented to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

JOHN L. WALKER. (R. A. Walker, executor.) (H. D. 960-61-2.) Bowman Act. Sent to court September 7, 1888. Court finds claimant loyal and that supplies worth \$324 were taken for Army use. Having been tried under Bowman Act, claim must have been presented to the Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

BENJAMIN R. WALLER. (H. D. 459-59-2.) Bowman Act. Officer's claim for difference in pay, \$524.77.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ELIJAH WARREN. (H. D. 681-60-1.) Bowman Act. Sent to court February 14, 1888. Court finds claimant loyal and that supplies worth \$175 were taken for Army use. Being Bowman Act case, must have been presented to Quartermaster General.

Passed Senate in Sixtieth and House in Sixty-first and Sixty-second Congresses.

JOHN E. WELLS. (H. D. 468-59-2.) Bowman Act. Officer's claim for difference in pay, \$256.24.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ELEANOR G. WHITNEY. (S. D. 331-61-2.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. Court finds claimant loyal. The claim, as per court findings, consists of two items. The first is the rental value of real estate occupied by military forces for military purposes. The court finds that this rental value, together with incidental damages, amounts to \$2,503. The court further finds that supplies were taken for Army use worth \$3,963, the total amount allowed being \$6,466.

Passed House in Sixty-first and Sixty-second Congresses.

JOSEPH WILSON. (John M. Wilson, administrator.) (S. D. 258-61-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds claimant loyal and that supplies worth \$2,300 were taken for Army use; first presented to Fifty-seventh Congress.

Passed House in Sixty-first and Sixty-second Congresses.

WILLIAM J. WORTHINGTON. (H. D. 470-59-2.) Bowman Act. Officer's claim for difference in pay, \$36.40.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

BAPTIST CHURCH, BOWLING GREEN, KY. (S. D. 281-61-2.) Tucker Act. Sent to court February 13, 1908, by Senate resolution. Court finds claimant loyal. It further appears that the church building was occupied by Federal forces for about 12 months and that

reasonable rental value for that period is \$650. No allowance is made for damages, as it was not proven satisfactorily how much damage was actually inflicted during Federal occupation.

Passed House in Sixty-second Congress.

CHRIST PROTESTANT EPISCOPAL CHURCH, BOWLING GREEN, KY. (S. D. 435-61-2.) Tucker Act. Sent to court February 13, 1908, by Senate resolution.

Court reports claimant loyal; that United States military forces occupied the church building a year for hospital purposes; that the church was paid the sum of \$484 in full for the use and occupation and the damages incident to the use; but that, evidently after use for hospital purposes, the building was torn down, and the materials taken from the building (evidently bricks or stone) were used in making camp chimneys and other structures for military uses; that the reasonable value of these materials so taken and used, excluding the items of claim previously paid, was the sum of \$300, which is the sum now proposed to be paid.

It is plain that this sum of \$300 is entirely distinct from the item for which payment was previously made.

It would seem that the claim was inadvertently omitted from prior bills.

FIRST PRESBYTERIAN CHURCH, BOWLING GREEN, KY. (S. D. 99-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied the church building as a hospital and damaged same; that reasonable rental, together with damage in excess of ordinary wear and tear, was \$1,125.

Passed Senate in Sixtieth and Sixty-first, and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, BOWLING GREEN, KY. (S. D. 193-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces used church building for hospital purposes; that reasonable rental value, with damages in excess of ordinary wear and tear, was \$730.

Passed Senate in Sixtieth and Sixty-first, and House in Sixty-first and Sixty-second Congresses.

BAPTIST CHURCH, BRANDENBURG, KY. (S. D. 380-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal, and that United States forces occupied church building for military purposes; that reasonable rental value, including damages in excess of ordinary wear and tear, was \$180.

Passed Senate in Sixty-first, and House in Sixty-first and Sixty-second Congresses.

HARRISON MASONIC LODGE, No 122, BRANDENBURG, KY. (S. D. 383-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal, and that its lodge building was occupied by United States forces for military purposes; that rental value, together with damages in excess of ordinary wear and tear, was \$125.

Passed Senate in Sixty-first, and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, OF BRANDENBURG, KY. (S. D. 346-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal, and that United States forces occupied church building for military purposes; that reasonable rental value, together with damages in excess of ordinary wear and tear, is \$125.

Passed Senate in Sixtieth and Sixty-first, and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, OF BRYANTSVILLE, KY. (S. D., 140-60-1.) Tucker Act. Sent to court May 6, 1904, by Senate resolution. Court finds claimant loyal and that United States forces occupied church building for hospital about six months; that reasonable rental value, together with damages in excess of ordinary wear and tear, was \$410.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

BAPTIST CHURCH OF CRAB ORCHARD, KY. (S. D., 223-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal and that United States forces occupied church building from about November, 1861, until fall of 1864; that reasonable rental value, including repairs necessary to restore building to former condition, was \$1,050.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. ANDREWS LODGE, No. 18, FREE AND ACCEPTED MASONS, CYNTHIANA, KY. (H. D., 624-59-1.) Tucker Act. Sent to court February 20, 1903, by House resolution. Court finds claimant loyal and that United States forces occupied lodge building for military purposes; that reasonable rental value during occupancy, including cost of repairs necessary to restore building to former condition, was \$600.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

CHRISTIAN CHURCH OF DANVILLE, KY. (S. D., 36-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal and that United States forces occupied its church building for hospital purposes; that reasonable rental value, including repairs necessary to restore building, was \$725.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FIRST BAPTIST CHURCH OF DANVILLE, KY. (S. D., 253-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal and that United States forces occupied its church building as a hospital; that rental value, including damages in excess of ordinary wear and tear, was \$700.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FIRST PRESBYTERIAN CHURCH OF DANVILLE, KY. (S. D., 345-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal and that United States forces occupied

church building as hospital; that rental value, together with damages in excess of ordinary wear and tear, was \$610.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, OF DANVILLE, KY. (S. D., 94-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal and that United States forces occupied buildings and grounds of claimant for military purposes; that rental value, together with damage in excess of ordinary wear and tear, was \$520.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN THEOLOGICAL SEMINARY OF KENTUCKY. (S. D., 98-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied buildings and grounds of claimant for military purposes; that reasonable rental value was \$1,150, no damages being shown.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

BAPTIST CHURCH OF FLEMINGSBURG, KY. (J. Harrison Planck and P. S. Dudley, trustees.) (H. D. 35-59-1.) Tucker Act. Sent to court February 20, 1903, by House resolution. Court finds claimant loyal; that United States forces occupied church building and grounds for military purposes; that rental value with incidental damages was \$775. Court further reports that claim was presented to the Quartermaster General in 1876; that claim remained in that office for 10 years, papers having been mislaid; that it was then sent to Auditor, where it stayed until 1893.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

GLASGOW GRADED COMMON SCHOOLS. (S. D., 559-60-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds that claimant is successor in interest to Glasgow Academy or Urania College of Glasgow; that said organization was loyal; that United States forces occupied school building for hospital and other military purposes; that reasonable rental value was \$1,215, excluding the element of damage as not proven to have been inflicted by Federal forces. Court further reports that in May, 1865, the board of trustees appointed an agent to present the claim.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

BAPTIST CHURCH OF HARRODSBURG, KY. (S. D., 266-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces used church building as a commissary; that reasonable rental value, with damage in excess of ordinary wear and tear, was \$675.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FIRST PRESBYTERIAN CHURCH OF HARRODSBURG, KY. (S. D. 375-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; that United States forces occupied church property for hospital purposes about five months; that reasonable rental value, with damage in excess of ordinary wear and tear, was \$1,100.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH OF HARRODSBURG, KY. (S. D. 316-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building as a hospital about six months; that reasonable rental value, with damages in excess of ordinary wear and tear, was \$750.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FIRST PRESBYTERIAN CHURCH, LEBANON, KY. (H. D. 312-60-1.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds claimant loyal; that United States forces occupied church building at intervals for a period of about two years, first as a hospital and later as a barracks and still later as a fort; that reasonable rental value of building during occupancy, with damages caused by United States forces in excess of ordinary wear and tear, was \$1,500, of which it appears claimant has been paid \$120, leaving a balance due of \$1,380. The claim is included in the bill in the sum of \$1,380.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ST. AUGUSTINES ROMAN CATHOLIC CHURCH, OF LEBANON, KY. (S. D. 596-60-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building for hospital purposes; that rental value, with damages in excess of ordinary wear and tear, was \$405.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH, LOUISA, KY. (S. D. 652-62-2.) Tucker Act. Sent to court August 12, 1911, by Senate resolution. Court reports claimant loyal; troops occupied church property for military purposes; rental value, with damages incident to this use, was \$600. Court reports claim is equitable.

Case tried too late for inclusion in previous bill.

METHODIST EPISCOPAL CHURCH SOUTH, OF MOUNT STERLING, KY. (S. D. 189-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal and that United States forces occupied building as a hospital and barracks; that rental value, with damage in excess of ordinary wear and tear, was \$460.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH OF MOUNT STERLING, KY. (S. D. 96-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal and that United States forces occupied church premises for quarters; that reasonable rental value, with damage in excess of ordinary wear and tear, was \$650.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

SALT RIVER LODGE, No. 180. FREE ANCIENT AND ACCEPTED MASONS, MOUNT WASHINGTON, KY. (S. D. 130-62-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied its premises for military purposes; that reasonable rental value, including damages in excess of ordinary wear and tear, was \$120.

Court accompanies its findings with conclusion that claim is equitable in the sense that the United States Army received the benefit of the use and occupation of the building and damaged same to the amounts found.

Passed House in Sixty-second Congress.

GREEN RIVER COLLEGIATE INSTITUTE, MUNFORDVILLE, KY. (Successor to Hart Seminary.) (S. D. 95-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds that Hart Seminary, of Munfordsville, of which Green River Collegiate Institute is successor, was loyal; that United States forces occupied building and grounds of said seminary for military purposes; that rental value, with damages in excess of ordinary wear and tear, was \$525.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

JESSAMINE FEMALE INSTITUTE. (Successor to Bethel Academy, of Nicholasville, Ky.) (S. D. 605-60-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds that Bethel Academy, to which Jessamine Female Institute, present claimant, is successor, was loyal; that United States forces occupied building and grounds for hospital and camping purposes; that rental value during said period, with damage in excess of ordinary wear and tear, was \$725.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

CHRISTIAN CHURCH OF NICHOLASVILLE, KY. (S. D. 96-58-3.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal and that United States forces occupied church building for a period of about one year; that rental value, with incidental damages, was \$940.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

TOWN OF NICHOLASVILLE, KY. (S. D. 66-61-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. The findings of the court in this case are not well drawn, and in order to arrive at a conclusion as to what the facts were the findings must be read carefully in connection with the bill referred and statements of the petition. It may be reasonably inferred that the town of Nicholasville and

the Presbyterian Church of said place jointly owned certain real estate. It appears that the premises were occupied for hospital and other military purposes by United States forces; that the reasonable rental, together with damages in excess of ordinary wear and tear, was \$300; that this sum or any amount allowed by Congress should be paid to the town of Nicholasville, as the church has released its interest in the claim to said town. These seem to be the essential facts of the case.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

SULPHUR WELL CHRISTIAN CHURCH, NEAR NICHOLASVILLE, KY. (S. D. 97-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building as a picket post for several weeks; that rental value, together with damage in excess of ordinary wear and tear, was \$300.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

BAPTIST CHURCH OF PARIS, KY. (S. D. 560-60-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied premises of claimant for military purposes; that rental value, with damage in excess of ordinary wear and tear, was \$600.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

FIRST PRESBYTERIAN CHURCH OF PARIS, KY. (S. D. 594-60-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied church premises for quartermaster and commissary purposes; that rental value, with damage in excess of ordinary wear and tear, was \$1,215.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

CHRISTIAN CHURCH, PERRYVILLE, KY. (S. D. 133-62-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; Federal forces took possession of its building and placed therein wounded Confederate soldiers; this occupation lasted about four months. United States military authorities exercising supervision and control; rental value, with damages incident to this use, was \$220. It being the duty of the Federal authorities to care for the wounded Confederate soldiers, these facts mean practically an occupation by Federal authorities of the building in question, and the court finds the claim is equitable in the sense that the United States received the benefit of the building as mentioned. With this conclusion the committee fully agrees.

Findings were certified too late for inclusion in the previous bill.

EWING INSTITUTE, PERRYVILLE, KY. (S. D. 374-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that Federal forces occupied school building for hospital purposes; that rental value, with damage in excess of ordinary wear and tear, was \$270.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, OF PERRYVILLE, KY. (S. D. 520-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building for hospital purposes; that rental value, with damage in excess of ordinary wear and tear, was \$425.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH OF PERRYVILLE, KY. (S. D. 342-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building for hospital; that rental value, with damage in excess of ordinary wear and tear, was \$325.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

BAPTIST CHURCH OF PRINCETON, KY. (S. D. 235-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; that United States forces occupied premises for hospital purposes and damaged same; a claim was presented in 1878 to Quartermaster General for use and occupation and damages in sum of \$800; in 1879 the claim was allowed in the sum of \$150, merely for rent, and paid to that extent. The claim for damages incident to occupation was disallowed for want of jurisdiction. The court reports that the damages amount to \$110, which is the amount proposed to be now paid.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

MADISON FEMALE INSTITUTE. (S. D. 132-59-2.) Tucker Act. Sent to court March 3, 1905, by Senate resolution. Court finds that claimant is an association for education of females, existing by virtue of a special charter granted by State of Kentucky in 1858. In absence of anything to the contrary, the legal presumption is that this claimant was loyal, Kentucky not being a seceding State. The findings show that United States troops occupied premises of claimant, improved by large and substantial buildings, from August 30, 1862, to June 25, 1863; that the Quartermaster General allowed and Congress appropriated \$4,097.22 as rental for said property; that as an incident to said occupancy the premises were damaged apparently by demolition of outhouses, fences, etc., to the amount of \$6,500, which has not been paid. It is this item of damage that it is now proposed to pay.

In the Sixty-second Congress it was suggested in a report made in another body that the findings simply give the value of the entire property and furnish no basis for any present appropriation. A reasonable construction of these findings makes it obvious that the allowance of \$6,500 is for property torn down, removed, and used, as it covers the items of outhouses, fences, trees, shrubbery, and porches. The finding is susceptible of no other reasonable construction.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

CUMBERLAND PRESBYTERIAN CHURCH OF RUSSELLVILLE, KY. (S. D. 270-59-2.) Tucker Act. Sent to court first time by Committee on

War Claims on May 1, 1906, under Bowman Act. On June 13, 1906, sent to court by Senate resolution under Tucker Act and tried under that reference. Court finds claimant loyal and that premises in question were occupied by United States forces for about three years for hospital and barracks; that reasonable rental and damage amount to \$1,650.

Careful examination of Finding II shows that record title of claimant was defective in that the conveyance to it was not recorded; that after the war the claimant church, by its trustees, made a conveyance of the premises to one Barclay, and that the trustees of the Baptist Church of that place joined in said conveyance as the original grantors of the Cumberland Presbyterian Church. That action by the trustees of the Baptist Church obviously operated as a quitclaim from the Baptist Church to cure the defect in record title occasioned by failure to record deed made prior to war evidencing transfer of title from the Baptist Church to the Cumberland Presbyterian Church. Such deeds are made every day to perfect record titles and can give rise to no suspicion as to title. Claim was presented to Quartermaster General in 1877 for damages to the building, but was rejected for lack of jurisdiction.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

BAPTIST CHURCH OF SHEPHERDSVILLE, KY. (S. D. 563-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that military forces occupied church building about one year and a half; that claimant was paid \$811.90 to cover damages or cost of making necessary repairs to building; that claimant was never paid anything for rent; that reasonable rental value was \$150; that the claim for rent was disallowed by Quartermaster General in 1871 for lack of jurisdiction.

Passed House in Sixty-first and Sixty-second Congresses.

BAPTIST CHURCH OF SOMERSET, KY. (S. D. 177-58-3.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; that United States troops occupied church building as a hospital; that rental value, including repairs necessary to restore building to former condition, was \$1,500.

Passed Senate in Sixtieth and Sixty-first and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

PRESBYTERIAN CHURCH OF SOMERSET, KY. (S. D. 440-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building for hospital purposes for a total period of about three years; that rental value, with damages in excess of ordinary wear and tear, was \$550.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

ANTIOCH METHODIST EPISCOPAL CHURCH SOUTH, OF STEWART, KY. (S. D. 341-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Courts finds claimant loyal; that United States forces occupied church building for hospital purposes; that rental value, with damages in excess of ordinary wear and tear, was \$240.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

LOUISIANA.

VINCENT AVET. (Victorie C. Avet, administratrix.) (S. D. 191-60-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds that Vincent Avet was a neutral alien, living in Louisiana during war. So far as his conduct during war is concerned, the fact that he was a neutral alien gives him in law the same standing as though he had been a loyal citizen. Neutrality is all that can be lawfully demanded of an alien.

On property the court finds that he was the owner of certain real estate in Plaquemine, La., worth about \$6,000; that these premises were used for military purposes from January 1, 1863, to November 14, 1865; that reasonable rental value, with damage incident to occupation, was \$2,200; that United States forces also took from him horses worth \$225, making a total of \$2,425. Court further reports that being an alien Avet did not present his claim to Southern Claims Commission. The reason is obvious, as no tribunal was open to him, especially as it appears from the statement of the case that Avet became a citizen by naturalization in 1866, which act prevented him from presenting any claim to the French-American Claims Commission established by treaty of 1880.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

REMY BAGARRY. (S. D. 167-57-2.) Tucker Act. Sent to court June 27, 1902, by Senate resolution. Court finds that claimant was a neutral foreigner during the war. As just mentioned in the case of Vincent Avet, that is sufficient on this point. The court further reports that supplies worth \$1,520 were taken for Army use. No allowance was made on the item of cotton. Claimant being an alien during the war could not have presented this claim to the Southern Claims Commission, and it is further reported by the court that claimant was absent in a foreign country during the time allowed for presenting claims to that commission.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

SELZER BASS (heirs). (H. D. 379-58-2.) Tucker Act. Sent to court by House resolution March 2, 1895.

The court reports that at time of taking the supplies for which claim is made it belonged to the widow and children of James A. Bass, deceased, their respective interests being stated as follows:

1. Mrs. Indiana T. Bass, widow, one-half.
2. Mattie S. Holland, daughter, one-sixth.
3. James A. Bass, jr., son, one-sixth.
4. Selzer Bass, son, one-sixth.

However, the court also reports that none of the owners have been proven loyal except the youngest child, Selzer Bass, who was found loyal because of his tender years. It therefore follows that under the existing practice of paying only loyal owners for supplies taken, the one-sixth interest of Selzer Bass is the only part of the claim that can be now paid.

The court reports that supplies worth \$20,445 were taken for Army use. The one-sixth interest of Selzer Bass therein would be \$3,407.50, which is the amount it is proposed to appropriate.

It being reported that Selzer Bass is dead, payment should be made to his heirs or estate, as the court has not reported who would be his representatives or heirs.

It is noted that the court finds that Selzer Bass died before the Southern Claims Commission was established and that the other members of the family were financially unable to bring witnesses to Washington to testify, as would have been required in a claim of this size.

HENRY BAUMAN. (John Fisher, administrator.) (S. D. 245-62-2.) Tucker Act. Sent to court February 6, 1901, by Senate resolution. Court finds that Bauman was a neutral foreigner, which is sufficient on that point. Court further finds that supplies worth \$950 were taken for Army use. In the claimant's petition it is correctly stated that it was impossible for him or his heirs to present a claim before the Southern Claims Commission, because he was an unnaturalized alien during the war. It appears that the claim was presented to Congress by petition as early as 1900.

Passed House in Sixty-second Congress.

MARY J. BARROW. (Eugene Barrow, administrator.) (S. D. 175-59-2.) Tucker Act. Sent to court April, 1900, by Senate resolution. Court finds that Barrow was a British subject during the war and was neutral, which is all that could be demanded upon this point. Court further finds that supplies worth \$12,625 were taken for Army use. As in the claims just above mentioned, this claim could not have been prosecuted before the Southern Claims Commission, because of alienage of claimant during the war.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

H. B. BENJAMIN. (Adelia B. Greely, sole heir.) (H. D. 363-62-2.) Bowman Act. Sent to court January 15, 1906. Court finds claimant loyal and that supplies worth \$755 were taken for Army use. Claim presented to Southern Claims Commission and appears on page 22 of index of such claims.

Passed House in Sixty-second Congress.

EUGENE AUGUSTIN BOURCY. (Mrs. Marie Ernestine Bourcy et al., heirs.) (S. D. 647-60-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds that Eugene Augustin Bourcy was an alien during war and neutral; that he lived part of time in Louisiana and part of time in Mexico during war. Court further finds that Mrs. Marie Ernestine Bourcy, Marie Ernestine Bourcy, jr., Stanislaus L. B. Bourcy, and Augustine Theodore Bourcy are the only heirs at law of decedent. Court further finds that supplies worth \$1,125 were taken from decedent for Army use; also that as early as 1864 Bourcy presented to the War Department a claim for compensation for the sugar, which is the only item allowed by the court; that the claim was rejected in 1867 by Commissary General for lack of jurisdiction; that in 1881 the decedent presented the claim to the French-American Claims Commission established by treaty of January 15, 1880; that said claim was dismissed by said commission for lack of jurisdiction because decedent was naturalized as a United States citizen prior to 1880.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

LOUISA BREAUX. (Felix Guidry, administrator.) (S. D. 192-58-3.) Tucker Act. Sent to court June 27, 1902, by Senate resolution. It appears from the findings that Louisa Breaux was the original owner of the property taken; that she died during the war, before the property was taken; that during her lifetime, by court decree, her estate was separated from that of her husband; that at her death she left four children surviving her, viz. Felix Guidry, Arsene Broussard (née Guidry), Cecilia Alabarado (née Guidry), and Loretta Broussard (née Guidry); that all of these children were loyal, being under 16 years of age in April, 1865. The court further finds that there were taken from these four children for Army use stores and supplies worth \$7,780 belonging in equal shares to these four heirs, no allowance being made on account of the item of cotton. The court further reports that on March 3, 1873, when the right to present claims to the Southern Claims Commission was abrogated, three of said four children were still minors; that during that time none of said four children was able to read the English language, and they were ignorant of the existence of that commission. The facts of this claim are unusually strong in every particular as establishing its entire justice.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

LINDSAY L. BROWN, TALTON E. BROWN, and SARAH BUSHNELL. (S. D. 292-59-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. The facts of this case are somewhat complicated in the matter of title, but, briefly stated, are as follows:

William R. Brown, original owner of property, died in 1863, before any property was taken. He left surviving him his widow, Mrs. Elmyra Brown, and five children, named, in order of ages, William Allison Brown, Henry J. Brown, Sarah Brown (now Bushnell), Lindsay L. Brown, and Talton E. Brown. The court finds not loyal the widow, Elmyra Brown, and two children, Henry J. Brown and William Allison Brown.

The court finds loyal the three children, Sarah Bushnell, Lindsay L. Brown, and Talton E. Brown.

Court further finds that supplies of total value of \$17,250 were taken for Army use from this family. Eliminating from further consideration the interests of the owners held not loyal, the interests of the loyal owners were as follows:

1. Sarah Bushnell.....	\$1,725
2. Lindsay L. Brown.....	1,725
3. Talton E. Brown.....	1,725

The above three interests or shares are the only ones to be paid. Lindsay L. Brown is found to be now deceased, and his heirs are Rosa Brown, Meeker Brown, and Jennie May Brown, to whom the appropriation of \$1,725 for their father's share should be made. Talton E. Brown is also deceased, and his share, or \$1,725, should be paid to his heirs, who are found to be Mrs. Elmyra Jones, William Brown, Bertha Brown, May Brown, and Esther Brown.

Claim was not presented to the Southern Claims Commission, and it is reported that during the time allowed for such presentation said Lindsay L. Brown and said Talton E. Brown were minors.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FELICITE NEDA CHRETIEN. (Athenais Chretien LeMore, administratrix.) (S. D. 299-59-1.) Tucker Act. Sent to court December 16, 1903, by Senate resolution. Court finds claimant loyal; that supplies worth \$15,890 were taken from claimant and coowner; that claimant's share was \$7,945, which is the amount carried by the bill. While the court found that certain cotton was also taken, it made no allowance therefor. The court reports that decedent presented her claim to the Southern Claims Commission, but because of poverty was unable to procure attendance of witnesses in Washington City, as required by that commission.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

STEPHEN D. CLARK. (S. D. 135-60-1.) Tucker Act. Sent to court March 3, 1905, by Senate resolution. It appears from the findings that during the war the property in question belonged to Stephen D. Clark and his coowners, Emily C. Lovelace and Charles L. Clark; and the court finds all of these persons loyal by reason of their tender years. The decedent, Emily C. Lovelace, was the half sister of Stephen D. Clark and of Charles L. Clark, brothers. Since the war, said Emily C. Lovelace and Charles L. Clark died, unmarried and intestate, leaving Stephen D. Clark as their only heir and representative. The court finds that the value of the supplies taken for Army use from these three children was \$4,240, all of which would go to Stephen D. Clark, in his own right and as heir and representative of his said half sister, Emily C. Lovelace, and of his said brother, Charles L. Clark. Court further reports that claim was not presented to any department, and that the reason given is the tender age of present claimant and his decedents during the time allowed for such presentation, which would have been between March 3, 1871, and March 3, 1873. It appears from the allegation of the petition that Stephen D. Clark was born in 1854, and therefore did not attain majority until about 1875.

In the Sixty-second Congress, in a report in another body, it was stated that the findings failed to show how these minors came into the ownership and possession of the property, which leaves a doubt as to whether it was in fact their property. No such objection is found by your committee. It is true the Court of Claims has not reported the evidence submitted, but has found material facts of loyalty, ownership, and taking. It is not deemed by the Committee on War Claims a part of its duty to review the evidence adduced before the Court of Claims.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

J. MARTIN COMPTON. (H. D. 1315-60-2.) Bowman Act. Sent to court January 9, 1907. Court finds claimant loyal and that supplies were taken from claimant and his coowners, wherein claimant's interest amounted to \$1,990. Being tried under Bowman Act, claim must have been presented to Southern Claims Commission, and is found on page 54 of index of such claims.

Passed House in Sixty-first and Sixty-second Congresses.

JEAN CROUCHET. (J. G. Le Blanc, administrator.) (S. D. 329-60-1.) Tucker Act. Sent to court March 3, 1905, by Senate resolu-

tion. Court finds that Crouchet was during war a French subject, who was neutral. This is a satisfactory finding upon this point. Court further finds that supplies worth \$1,040 were taken for Army use. The court declines to make any allowance on the item of cotton. Claim was not presented to Southern Claims Commission, because, as stated by the court, the claimant having been an alien during the Civil War that commission could not have taken jurisdiction of the claim on account of that fact.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ANTOINE DECUR. (S. D. 482-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds that Antoine Decuir, the deceased, was loyal during war; also that supplies worth \$4.115 were taken for Army use; that effort was made in 1874 to present claim to Southern Claims Commission, and again in 1879; that decedent had no knowledge of the law limiting the time for filing claims before that commission. Decedent's lack of knowledge of that law can occasion no surprise, because the law went into effect on the date of its approval, i. e., March 3, 1871.

Court further finds that Antoine Decuir, Joseph Auguste Decuir, and Rosa Decuir Macais are the only heirs of said Antoine Decuir, deceased, and appropriation is to be made to them.

Passed Senate in Sixtieth and House in Sixty-second Congresses.

LOUIS DELATTE. (Charles R. Delatte, administrator.) (S. D. 238-59-1.) Tucker Act. Sent to court April 25, 1900, by Senate resolution. Court finds that Delatte was loyal; that United States forces occupied his premises in Baton Rouge for hospital; that they damaged the premises and also tore down certain houses belonging to him in that city and used the materials therefrom; that they also took certain stores and supplies for use of the Army; that the aggregate rental value of building used as a hospital, with incidental damages, with value of materials taken from the other two buildings, and of supplies taken is \$1,010. No allowance is made for the item of cotton.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ELOISE DESLONDE. (Odile Deslonde, sole heir.) (S. D. 138-59-1.) Tucker Act. Sent to court March 2, 1903, by Senate resolution. Court finds that decedent, Eloise Deslonde, was a free person of color and loyal; that supplies worth \$5,325 were taken from her for Army use; that Odile Deslonde is the sole heir and representative of said Eloise Deslonde.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

BELLOT A. DONATO. (Nicaise Lemelle, administrator.) (S. D. 251-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds that Donato was loyal; that supplies worth \$750 were taken for Army use. Court further reports that claim was not presented to claims commission and that it appears that the decedent was unable to read and write the English language.

It is noted that it is alleged in the petition that decedent was a free man of color, although that fact is not expressly reported by the court with its findings.

Passed Senate in Sixtieth and House in Sixty-second Congress.

CLARISSE DONATO. (Ludger Lemelle, administrator.) (S. D. 238-59-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds that decedent was loyal and that supplies worth \$2,160 were taken for Army use; the court further reports that 13 bales of cotton were taken, but it makes no allowance therefor because the evidence does not establish that the cotton was taken for Army use or hospital purposes.

It is alleged in the petition that said decedent was a free person of color and that the claim was placed in the hands of counsel for filing with the Southern Claims Commission.

Passed House in Sixty-second Congress.

ALFRED DUPLANTIER. (David P. Gayle and Sarah H. Gayle, administrators.) (S. D. 159-59-2.) Sent to court first time by Committee on War Claims under Bowman Act February 3, 1886; claim dismissed under Bowman Act reference because claimant had failed to submit proper proof in support of his claim filed with the Southern Claims Commission. Sent to court a second time on April 30, 1902, by Senate resolution.

Court finds Duplantier loyal and that supplies worth \$9,675 were taken under proper authority for Army use. Court further finds presentation of claim to Southern Claims Commission, but by reason of claimant's poverty he was unable to bring witnesses to Washington City to testify in person as required by its rules; that bills were introduced in the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses for relief of claimant.

Passed Senate and House in Sixty-second Congress.

GEORGE W. DYSON. (Calvin H. Dyson, administrator.) (S. D. 354-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds decedent loyal and that supplies worth \$715 were taken from him for Army use. Claim first presented to Fifty-sixth and later Congresses.

Passed House in Sixty-first and Sixty-second Congresses.

MARTIN GULLORY. (S. D. 212-62-2.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. Court finds claimant loyal; it would appear from allegation in petition that he had been a slave. Court further finds that supplies worth \$311 were taken from him for Army use. Findings are accompanied by court's conclusion that claim is an equitable one.

Passed House in Sixty-second Congress.

JOHN HOEY. (Conrad B. Fischer, administrator.) (S. D. 981-62-3.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds that Hoey was loyal; that United States forces occupied certain real estate belonging to decedent, and also took from him certain stores and supplies by proper authority; that the reasonable rental value of premises, together with value of said stores and supplies, was \$7,500. Court further finds that claim was presented as early as Forty-third Congress (i. e., as early as 1874) and to later

Congresses, and that the widow testifies that she placed the claim in the hands of Gen. Emory, then commanding United States troops at New Orleans, as early as 1873, and was later advised by him to present it to Southern Claims Commission, but it was then too late. The findings are accompanied by the conclusion that the claim is an equitable one. The petition states the names and residences of the various heirs, residing in New Orleans, La., and in different counties in the State of New York, but as the estate is represented by an administrator appropriation should be made to him.

Case tried too late for inclusion in previous bills.

EMILE HONORE. (Adorea Honore, widow and sole heir.) (S. D. 115-59-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds that Emile Honore was loyal; that supplies worth \$976 were taken by proper authority; that the property was community property, belonging to him and his wife, Adorea Honore, the present claimant. It further appears that while the claim was pending before Congress said Emile Honore stated under oath that he was not advised of any tribunal established in the early seventies to adjudicate claims of this character. The only tribunal open to this claim was the Southern Claims Commission, March 3, 1871, to March 3, 1873. While the court fails to expressly find it as a fact it is alleged in the petition that the decedent and the present claimant were free persons of color. Claim was presented to Congress as early as Fifty-sixth Congress.

Passed Senate in Sixtieth and House in Sixty-second Congresses.

MATTHEW J. JONES. (Annie E. Jones et al., heirs.) (H. D. 182-58-3.) Bowman Act. The findings are so drawn as to require reference to the petition in order to ascertain what facts the court means to determine. Reading the findings and the petition together, the following facts appear:

Property was taken from Annie E. Jones, Robert McElroy Jones, Alice J. Jones, Mattie E. Blanchard (née Jones), Clemence W. Brian (née Jones), Cecilia McElroy Dunn (née Jones), and Emma H. Wells (née Jones). They were evidently owners of property at time of taking, as heirs of Matthew J. Jones, then deceased. All of said seven owners are found loyal, and it is found by the court that supplies worth \$4,143 were taken from them while they were still infants of tender years. Emma H. Wells is now deceased, and her estate is represented by Robert M. Jones, administrator. The appropriation for \$4,143 should run to these seven claimants in equal shares, as suggested in the bill.

In the Sixty-second Congress it was suggested by a report in another body as an objection to payment of the claim that Matthew J. Jones, the father, was not found loyal; that date of his death is not reported; that no administration appears to have been had; and that the court fails to show that the claimants owned the property at the time of taking, and does not report that Matthew J. Jones did not leave a surviving widow. The Committee on War Claims finds no such objections to payment of this claim. The court finds explicitly that the property "was taken from the claimants (then infants of tender years)," followed by a description of the property and place of taking. Findings of the court must be read in a reason-

able way as meaning something material, and if inferences must be drawn, they should rather be drawn in favor of the findings meaning something than otherwise.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

FLORVILLE KERLEGAN. (S. D. 452-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds that Kerlegan was a free colored man, who remained loyal, and that supplies worth \$671 were taken from him under proper authority; that it is shown in evidence that he could neither read nor write nor speak English.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ROSAMOND LACOUR AND COLIN LACOUR. (E. G. Beuker, administrator.) (H. D. 444-62-2.) Bowman Act. Sent to court March 15, 1890. Court reports both decedents loyal; also that supplies worth \$635 were taken from them by proper authority. Claim found page 138 of Southern Claims Commission index.

Passed House in Sixty-second Congress.

ADELE RIXNER LANAUX. (C. La Branche, executor.) (S. D. 136-62-2.) Tucker Act. Sent to court March 3, 1905, by Senate resolution. Court finds decedent loyal; that supplies worth \$5,090 were taken from her by proper authority; that claim was presented to Claims Commission; that being unable to defray cost of bringing witnesses to Washington to testify claimant petitioned said commission to be allowed to take testimony locally; that said petition was never allowed or denied by said commission; that just before expiration of time allowed for submitting testimony before the commission said decedent departed this life, insane; that claim was presented to Congress in Fifty-fifth and Fifty-sixth Congresses; that claim was referred to court in Fifty-sixth Congress in the name of David Lanaux, but it appearing that Mrs. Lanaux was owner of the property at time of taking the claim was later referred in her name in 1905.

Passed House in Sixty-second Congress.

JOSEPH A. LANDRY. (Estelle Landry, administratrix.) (S. D. 196-59-2.) Tucker Act. Sent to court March 23, 1904, by Senate resolution. Court finds that decedent, Joseph A. Landry, was loyal; that supplies worth \$1,320 were taken for Army use.

Passed House in Sixty-second Congress.

JEAN BAPTISTE LAZARE. (Augustin Lazare, administrator.) (S. D. 125-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds that decedent was a colored man, who remained loyal; that supplies worth \$697 were taken from him under proper authority. Court declines to make any finding on the item of five bales of cotton, stating that it does not appear what was done with it.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ALEXANDER LEMELLE. (Mariane T. Lemelle, administratrix.) (S. D. 207-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds that decedent was loyal; that sup-

plies worth \$565 were taken by proper authority; that claim was not presented to Claims Commission, but was first presented in Fifty-seventh Congress; that decedent was unable to read and write English. While not reported as a fact by the court, the statement of case indicates that the decedent was a free colored man.

Passed House in Sixty-second Congress.

EUPHEMIE LEMELLE. (Barthelemy Lemelle, administrator.) (S. D. 206-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds that decedent was loyal; that supplies worth \$1,520 were taken by proper authority; that claim was not presented to Southern Claims Commission, but was first presented in Fifty-seventh Congress; that decedent was unable to read and write English. While not stated in the findings, it would appear from the petition that the decedent was a free woman of color.

Passed House in Sixty-second Congress.

LEON LEMELLE. (Fiack Lemelle, administrator.) (S. D. 131-62-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds that decedent, Leon Lemelle, was loyal; that supplies worth \$845 were taken by proper authority. Claim not presented prior to presentation to Congress. While not found as a fact by the court, it is set forth in the statement of case that the decedent was a free man of color.

Passed House in Sixty-second Congress.

RIGOBERT LEMELLE. (Marianne D. Lemelle, administratrix.) (S. D. 384-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds Rigobert Lemelle loyal; that supplies worth \$1,106 were taken from him for Army use; that he died during the war, leaving a widow and several children; the widow is the petitioner; it is further reported that she could speak only the French language and was unable to read or write English.

Passed Senate Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

BOSMAN LYONS. (Mrs. Marie Melanie Broussard et al., heirs.) (S. D. 181-61-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds that claimants herein, Mrs. Marie Melanie Broussard (widow of Bosman Lyons), Nunez Lyons, Mary Azelima Simon, Mary Jane Campbell, and the decedent, Sarah Jane Lyons Broussard (children of Bosman Lyons), were loyal throughout the war; that supplies worth \$3,126 were taken from said persons. It is further reported as a reason for failure to earlier present the claim that said Mrs. Marie Melanie Broussard, the mother of the other claimants, was an ignorant woman and her children were minors of tender years.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

Laura P. Maddox. (H. D. 516-59-2.) Bowman Act. Sent to court February 18, 1885. Court finds that Laura P. Maddox was loyal; also that certain supplies were taken for Army use from her and two coowners (Fannie M. Wells and Ida F. Wells); that the interest therein of said Laura P. Maddox was \$15,000.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JEAN LOUIS MALVEAU. (Jules Malveau, administrator.) (S. D. 184-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports that supplies worth \$375 were taken from a free colored family consisting of Elizabeth Malveau, a widow, and her seven children, to wit, Marie, Louis, Jean P., Elizabeth, Margueritte, Dupres, and Jules Malveau; that they were all loyal.

Court also reports that military forces took from this widow and her children seven bales of cotton reasonably worth \$1,050, but that it does not appear what became of the cotton. Following its general practice, the committee has omitted the item of cotton without prejudice to its possible future consideration.

Court reports that claim was not presented prior to presentation to Congress, but that the claimants were ignorant, free colored people.

An administrator having been appointed on the estate of the father of this family, Jean Louis Malveau, it is believed that the appropriation may be properly made to him, rather than involve possible confusion of attempting to name all the present parties in interest. This will leave distribution to the local courts of Louisiana.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

OZAM D. METOYER. (Achille P. Rachal, administrator.) (S. D. 495-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds decedent loyal and that supplies worth \$960 were taken from him for Army use; also that claim was not presented prior to presentation to Fifty-ninth Congress and that the claimant's decedent was an ignorant colored man.

Passed House in Sixty-first and Sixty-second Congresses.

THEOPHILE METOYER. (Louis V. Metoyer, administrator.) (S. D. 94-61-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds that decedent was loyal; that supplies worth \$1,335 were taken from him for Army use; that claim was not presented prior to presentation to Congress; that claimant's decedent was a colored man, unable to read the English language.

Passed House in Sixty-second Congress.

ALPHONSE MEULLON. (S. D. 403-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds that claimant was a free man of color, who remained loyal during the war; that supplies worth \$245 were taken from him for Army use; that claim was not presented until 1902; that claimant is a colored man, unable to read or write the English language, and had no knowledge of his right to present a claim to the Claims Commission during the period allowed therefor.

Passed Senate in Sixtieth and House in Sixty-second Congresses.

FRANCOIS MEULLON. (Marie Josephine Le Sassier, administratrix.) (S. D. 219-60-1.) Tucker Act. Sent to court March 3, 1905, by Senate resolution. Court finds that Francois Meullon was a free man of color and loyal; that supplies worth \$2,810 were taken from him by proper authority; court declines to make any allowance on the item of cotton. Claim not presented prior to presentation to Congress, but claimant's decedent is found to have been a colored man who used the French language and was unable to speak English.

Passed House in Sixty-second Congress.

LUCIEN MEULLON. (Aurore D. Kerlegan, administratrix.) (S. D. 400-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds that decedent was a free man of color, who remained loyal; that supplies worth \$200 were taken from him for Army use; that the claim was not filed before Claims Commission; that claimant's decedent, a colored man, could not read or write the English language and understood but little of said language.

Passed Senate in Sixtieth and House in Sixty-second Congresses.

GEORGE NECK, Sr. (Emile E. Zimmer, administrator.) (S. D. 343-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds that decedent, George Neck, was during war an alien, a citizen of France, and that he was neutral; that is all that can be asked on this point of an alien. Court further finds that supplies worth \$550 were taken from decedent by proper authority; also that claim was presented to French-American Claims Commission established by treaty of 1880, but was dismissed by that commission for lack of jurisdiction as Neck had become a citizen of the United States in the meantime.

Passed House in Sixty-second Congress.

GERTRUDE NOLASCO. (S. D. 263-57-1.) Tucker Act. Sent to court February 28, 1900, by Senate resolution. Court finds claimant loyal; also that supplies worth \$540 were taken from her; that claim was first presented to Congress.

Passed House in Sixty-second Congress.

ROBERT NORRIS. (S. D. 611-61-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds claimant loyal and that supplies worth \$900 were taken by proper authority.

Passed House in Sixty-second Congress.

CAROLINE PIERRONT. (Auguste Guirard, administrator.) (H. D. 334-62-2.) Tucker Act. Sent to court February 3, 1911, by House resolution. Court finds that Caroline Pierront was a neutral foreigner, which is satisfactory on this point. Court further finds that supplies worth \$1,960 were taken from her by proper authority; that claim was presented to French-American Claims Commission in 1881, but was dismissed for want of jurisdiction on the ground that decedent lost her French citizenship by cession of the Department of Moselle by France to Germany in 1871, decedent being a native of that Department. Findings are accompanied by the court's conclusion that the claim is equitable.

Passed House in Sixty-second Congress.

ADOLPH HARTIENS (tutor of Sidney L. Hartiens et al.). (S. D. 137-59-2.) Tucker Act. Sent to court June 27, 1906, by Senate resolution; had been previously considered under a reference by the Senate of April 25, 1900. Material facts as found by the court are as follows: William H. Osborne, the decedent in this case, owned certain property in common with John Osborne as copartners; United States forces took from the partnership certain supplies. The findings of the court are exceedingly unsatisfactory in that they are so drawn as to compel Congress, or committees of Congress, to engage in arithmetical computation in order to determine the real

ultimate facts. However, the committee has performed duties which should have been performed by the court, and has arrived at the following conclusion:

One million pounds of sugar were taken from the partnership of John and William H. Osborne, of the value of \$90,000. One-half of that sum, or \$45,000, belonged to the decedent in this case, William H. Osborne. In addition other supplies were taken from the partnership of a total value of \$19,750, of which William H. Osborne was the owner of one-half, or \$9,875.

From this it is seen that decedent's share in the value of the sugar taken was \$45,000, and his share in the other supplies taken was \$9,875, making a total of \$54,875.

As to the item of sugar, it is expressly found by the court that it was loaded upon Navy gunboats or Army transports, but the court states that it does not further appear what became of it, or whether it was issued as supplies by the Army or Navy or whether it was treated as abandoned and captured property and sold and proceeds paid into the Treasury. While, as a matter of general information, such facts might properly be made the subject of inquiry, it would appear upon the facts of the case that after the seizure of the property and after it had been taken away upon gunboats or transports it would more properly devolve upon the Government to show what disposition was ultimately made of it than upon the claimant, who could not be expected to follow it.

As to the general merits of the claim, one of the most material facts is found stated in the second paragraph of the accompanying opinion of the court rather than in the findings of fact. This material fact to which reference is made is that the other partner, John Osborne, has already been paid for his half of the claim. The court fails to state when that payment was made, but further investigation into facts which might properly have been set forth by the court shows that this claim was included in the omnibus claims appropriation act approved March 3, 1899 (30 Stats., 1190), in the following language:

To Mrs. Belle Osborne, executrix of John Osborne, deceased, late of Alexandria, La., for sugar and stores and supplies, \$54,875.

It will therefore be seen that one partner has been paid \$54,875, and, unless some objection appears, it would seem that the other partner should be paid the same amount. The amount payable is therefore fixed by the committee as \$54,875.

It is further reported that the claim was not prosecuted before the Southern Claims Commission, but in the same finding it is stated that William H. Osborne, the decedent, died December 2, 1865, leaving surviving him his widow, Mrs. Mary L. Duvel Osborne, and one child, Mary Corinne Osborne, then less than 1 year of age. It appears that in 1868 this widow remarried Henry H. Rogers, and that she died in 1872. The death of the former widow of William H. Osborne left his only child, Mary Corinne Osborne, as the sole surviving heir. When, by act of March 3, 1873, Congress abrogated the right to present claims to the Southern Claims Commission, this child could not have been more than 9 years of age according to the finding of the court. That would surely seem to be a complete excuse for any failure on her part to follow up a remedy at that time, espe-

cially when the remedy was taken away from her when she was but 9 years old.

The further findings of the court show that this child, Mary Corinne Osborne, married in 1887, and died in 1892, leaving surviving her as her heirs three minor children, to wit, Sidney L. Hartiens, William W. Hartiens, and Mary R. Hartiens, who are thus shown to be the grandchildren and only heirs of William H. Osborne, deceased. These three minors have appeared through their tutor, Adolph Hartiens, who is apparently also their father.

For reasons stated the committee believes that appropriation should be made to Adolph Hartiens, tutor of the three minors mentioned, in the sum of \$54,875.

This claim for the amount now proposed to be paid passed the Senate in the Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ALFRED C. PARHAM ET AL. (H. D. 626-60-1.) Bowman Act. Sent to court January 10, 1907. The material facts appearing from the findings in this case seem to be—

Harvey N. Parham was the original owner of a plantation; during his lifetime supplies worth \$300 were taken from him; he is found loyal, and his estate is now represented by Alfred C. Parham, administrator.

After the death of Harvey N. Parham, and while title to the property stood in his widow and other heirs, i. e., Euphrasie Parham, Amelia Parham, Alfred C. Parham, and Corinne B. Parham, the United States forces took supplies from said widow and children of an aggregate value of \$1,820; the widow and certain children are also found loyal.

In this case the court has very properly stated explicitly the interests of the various parties, as follows: Alfred C. Parham, administrator of Harvey N. Parham, \$300; Alfred C. Parham, administrator of Mrs. Euphrasie Parham, \$1,040; Alfred C. Parham, administrator of Amelia E. Smith (formerly Parham), \$260; Alfred C. Parham, in his own right, \$260; Corinne B. McRight (formerly Parham), \$260. The interest of William B. Parham, one of the heirs of Harvey N. Parham, has not been considered, as he was found not loyal.

Passed House in Sixty-first and Sixty-second Congresses.

MICHAEL RUBI. (H. D. 309-59-2.) Bowman Act. Sent to court March 6, 1888. Court finds claimant loyal; that he was the owner of a building near Donaldsonville, which was torn down by United States forces for Army use; that said forces also took a horse from him, and building materials for use in building a fort and winter quarters; that total value of the building torn down, of the building material, and of the horse is \$1,980. It is further reported that the claim was duly presented to the Southern Claims Commission, but no decision on the merits was rendered by said commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN SCHWARTZENBURG. (Oliver Schwartzenburg, administrator.) (S. D. 172-62-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds decedent loyal and that supplies

worth \$4,720 were taken by proper authority; that claim was first presented to Congress in 1884 and was referred to the court under the Bowman Act, being dismissed for want of jurisdiction. Findings are accompanied by a conclusion that the claim is an equitable one.

Passed House in Sixty-second Congress.

JACINTHA STROTHER (for herself and as administratrix of Joseph T. Strother.) (S. D. 239-58-2.) Tucker Act. Sent to court July 20, 1897, by Senate resolution. Court finds that Jacintha Strother and Joseph T. Strother were loyal; that supplies worth \$4,000 were taken from Jacintha Strother and supplies worth \$2,750 were taken from Joseph T. Strother, the deceased husband, of whose estate she is administratrix. Court finds that claim was not presented to Claims Commission; that claimant's husband died in 1866, before existence of said commission; that present claimant, after the commission had been established, sent the claim to a lawyer to be presented and supposed that the claim had been filed; being informed that, under the rules established, it would be necessary for her to bring her witnesses to Washington to testify, and having no means of bearing the expense of so doing, she then abandoned the claim.

Passed the Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ARTHUR TAYLOR (surviving partner of Arthur Taylor and Louis Taylor.) (S. D. 30-58-3.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds that Arthur Taylor and his deceased partner, Louis Taylor, were loyal and that supplies worth \$787 were taken from them for Army use. Claim not previously presented. While not reported by the court in its findings, it is alleged in the petition that claimant is a colored man and that his former partner was his father.

Passed Senate in Sixtieth and House in Sixty-second Congresses.

DELPHINE A. TAYLOR AND MARIE C. QUAYS, EXECUTRIX PHILIP D. QUAYS. (S. D. 128-60-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds that supplies worth \$4,895 were taken from Mrs. Amy A. Taylor, Philip D. Quays, and Mrs. Delphine A. Taylor. It further finds that Mrs. Delphine A. Taylor was not loyal, but that Mrs. Amy A. Taylor and Philip D. Quays were loyal, by reason of tender years during war.

The interest of Mrs. Delphine A. Taylor must, therefore, be eliminated from present consideration. The elimination of one-third of the total value of supplies taken means elimination of \$1,631.66. Appropriation should therefore be made to Mrs. Amy A. Taylor, loyal owner, for \$1,631.66 and to the executrix of Philip D. Quays in the same sum. Marie C. Quays appears as such executrix.

In the Sixty-second Congress, in a report in another body, it was objected that it did not appear whether Marie C. Quays was loyal or disloyal. That has nothing to do with the claim, as she appears in the present case only as executrix of Philip D. Quays, and he has been found loyal. It was further objected that no administration appears to have been had and that it is not stated that the three persons above mentioned owned the property. If the findings are read reasonably, they can mean nothing else than that these three persons, Mrs. Delphine A. Taylor, Mrs. Amy A. Taylor, and Philip

D. Quays, were the owners of the property. The exact words of the finding are that the military forces, by proper authority, "took from the claimants" property, etc. It is to be presumed that the court intended Congress to act upon its findings, and that it would not have made any such finding unless evidence of ownership had been adduced.

Passed the Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

RICHARD TERRILL. (Cornelius F. Terrill et al., heirs.) (S. D. 279-59-2.) Tucker Act. Sent to court March 4, 1900, by Senate resolution. The reported facts in brief are as follows:

The decedent resided during the war in the city of New Orleans and was neutral, doing nothing for or against either side during that war. About June 15, 1862, United States forces took possession of certain real estate belonging to Terrill, in the city of New Orleans, as abandoned property, and held same until about September 15, 1863, when same was turned over by military authorities to the Treasury Department and held by it until about December 15, 1863, when it was restored to Terrill. For the period between September 15, 1863, and December 15, 1863, i. e., while premises were held by Treasury Department, Terrill was paid \$2,841.63. He then gave his receipt wherein it was recited that he released the Government from any claim for damages, use, and occupation.

The restoration of premises to Terrill by Treasury Department, on December 15, 1863, seems to have been only on paper, as it is further found that the military forces continued to occupy the premises till about June 1, 1865. From December 15, 1863, to June 1, 1864, the Government paid Terrill rent at \$500 per month, leaving one year of occupation for which no payment was made, i. e., from June 1, 1864, to June 1, 1865, at \$500 per month, or a total of \$6,000 for the year, which includes the incidental damages.

It is an historical fact that in May, 1862, Gen. B. F. Butler issued a proclamation to the citizens of New Orleans, promising that their rights of property would be held inviolate unless they committed some overt act of disloyalty. The finding of the court that this man remained neutral shows that he did not violate the terms of that proclamation. If the Government is to fulfill the promises made by that proclamation then this claim should be paid. It was upon this theory that the Senate and House have apparently both acted previously in considering this claim.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

CHARLTON B. TUCKER AND LOUISA TUCKER LEFORTE. (S. D. 10-58-3.) Tucker Act. Sent to court February 15, 1897, by Senate resolution. The findings are rather complicated, but the material facts for present consideration are as follows:

J. W. Tucker and his wife, Marcelline Tucker, owned a plantation prior to the war in community, each owning one-half. In 1853 said J. W. Tucker died intestate leaving surviving him his said widow and six children. Before beginning of the war the widow, Mrs. Marcelline Tucker, married Caleb Tucker, by whom she had

one child, now Louisa Tucker Leforte. Said Mrs. Marcelline Tucker also died before commencement of the war.

Federal troops took from these surviving children of J. W. Tucker and also from said Louisa Tucker Leforte, as surviving heir of her mother, supplies of a total value of \$63,330 for Army use.

The only owners who are found to have been loyal are Charlton B. Tucker and said Louisa Tucker Leforte, found loyal by reason of tender years. The share of said Charlton B. Tucker, as heir of both his father and his mother, was two-thirteenths, or \$9,743. The share of Louisa Tucker Lefort, by inheritance from her mother only, was one-thirteenth, or \$4,871.

The claim was not presented to the Claims Commission; the claimant, Louisa Tucker Leforte, was a minor during period that commission was open, having been born about 1858. The claim was placed by other heirs in the hands of counsel as early as 1870, and thereafter all papers were destroyed by fire.

As to the interests of these two loyal children the claim should obviously be paid, Charlton B. Tucker taking \$9,743 and his half-sister, Louisa Tucker Leforte, taking \$4,871.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ROMAIN VERDUN. (J. B. Verdun, jr., administrator.) (S. D. 490-61-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds decedent loyal; that supplies worth \$7,715 were taken for Army use; that claim was presented to Congress in 1887 and referred to court in 1888 by Committee on War Claims under Bowman Act; that testimony was taken under that reference, but the court was without jurisdiction, and that claim was dismissed; thereafter claim was presented to the Fifty-sixth and later Congresses. While the court has not stated it in its findings of fact, it is alleged in the petition that the decedent was a freeman of color.

Passed House in Sixty-first and Sixty-second Congresses.

ADOLPH VERRET. (James A. Verret, administrator.) (S. D. 21-58-2.) Tucker Act. This claim was first sent to court under Bowman Act and was considered on issue of loyalty as early as 1892; the finding was equivocal on loyalty, and that case was dismissed. February 14, 1901, claim was referred under Tucker Act by Senate resolution, under which later reference it has been tried.

The facts of this case being unusual, they are here given at greater length than in the ordinary claims.

This claim was presented to and rejected by the Southern Claims Commission, as shown by page 241 of index of such claims. It was referred to court under Bowman Act and was tried on loyalty. The finding then made by the court was unusual, being as follows:

This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that upon the evidence it does not appear that Adolph Verret, the person alleged to have furnished such supplies or stores, or from whom they are alleged to have been taken, was loyal to the Government of the United States throughout said war, and the case is dismissed for want of further jurisdiction.

The claimant was elected to the convention which passed the ordinance of secession as a Union delegate, and while a member of that convention he exerted his influence to prevent the passage of the ordinance of secession, but signed

the ordinance under protest. After the commencement of the war, in the year 1862, he was appointed sheriff of his parish by Gen. Butler. He did nothing to assist the Confederacy after the war commenced, but, on the contrary, exerted himself for the Government of the United States. Signing the ordinance of secession was prior to the proclamation of the President on the 15th of April, 1861.

The claim was thereupon dismissed by the court for lack of further jurisdiction, the finding not being explicitly favorable on the issue of loyalty. The claim was later referred to court under Tucker Act by Senate resolution February 14, 1901. When tried under that reference the court merely reiterated its previous findings on loyalty and reported supplies were taken from decedent for Army use reasonably worth \$4,067.

The only question presented in this case is whether the claim should be paid, notwithstanding the qualified finding as to loyalty. After careful consideration the committee is of opinion the claim should be paid.

It will be noted that Verret was elected as a Union delegate to the State convention to consider the question of secession, and while a member of that convention exerted himself to prevent the passage of the ordinance of secession, but after its adoption performed the merely formal act of authentication of signing the ordinance "under protest."

That action might properly be likened to the signing by the Speaker of the House of a bill that had been passed by vote of the House, but of which the Speaker himself disapproved. When Verret affixed his name to the ordinance of secession it had already been adopted by the convention, and, as reported by the court, Verret continued to show his opposition by signing his name "under protest."

It is therefore plain that Verret's act contributed nothing to the attempted secession of Louisiana, but merely registered his continued protest against the attempt to secede.

The remainder of the finding of the court shows that when Gen. Butler assumed command of the section in which Verret lived (in 1862) he appointed Verret sheriff of his parish; that Verret did nothing to assist the Confederacy during the war, "but, on the contrary, exerted himself for the Government of the United States."

One thought is brought out prominently by the findings of fact in this case, and that is: If all the men of the South had acted as did this man there would have been no secession, and even after attempted secession there would have been no war.

The committee finds it difficult to account for the failure of the court to report in this case, as an ultimate fact, that this man was actually and affirmatively loyal. It would seem that the court wished Congress to assume the responsibility of finally passing upon this question, considering the findings of the court rather in the nature of a special verdict including probative facts rather than ultimate facts.

The Committee on War Claims of the Sixty-second Congress decided and reported in favor of payment of this claim, and its action was approved by the House, the claim being included in H. R. 19115, Sixty-second Congress.

The present committee coincides in its opinion of the claim with that of the former committee, and has for that reason included the

claim in the bill presented for the judgment of the House, believing the claim to be entitled to even unusual consideration in view of Verret's affirmative activity for the cause of the Federal Government during the war.

Passed House in Sixty-second Congress.

JUDITH VINCENT SOLE HEIR OF AMELIA OLIVIER DELILLE. (S. D. 135-62-2.) Tucker Act. Sent to court March 3, 1905, by Senate resolution. Court finds that Mrs. Judith Vincent, the claimant, and her mother, Amelia Olivier Delille, were loyal; that supplies were taken from claimant and her mother for Army use worth \$875. It appears from allegations in the petition that these women were free women of color during the war. If that is a fact it should have been specifically found by the court as one of the facts.

Passed House in Sixty-second Congress.

HENRY VON HOFEN. (Charles S. Von Hofen, administrator.) (H. 562-60-1.) Bowman Act. Sent to court August 6, 1888. Court finds decedent loyal and that supplies worth \$910 were taken from him for Army use. Claim was presented to Claims Commission and appears on page 240 of index, though by clerical error it is given in the index as Henry Van Hofen.

Passed House in Sixty-first and Sixty-second Congresses.

SAMUEL N. WHITE. (Elizabeth White, administratrix.) (S. D. 258-55-2.) Tucker Act. This claim originally presented to Southern Claims Commission; referred to court first February 12, 1887, under Bowman Act; decedent found loyal in 1892, under that reference, but court in 1893 found adversely to claimant on merits. July 17, 1897, claim again sent to court under Tucker Act, by Senate resolution.

This is an unusual case, and has been given special study on that account. Two items are involved, i. e.:

Sugar and molasses.....	\$4,700
Use steamboat <i>Red Chief</i> , 825 days.....	23,100
	27,800

No peculiar question arises as to the sugar and molasses, found to have been taken away on the transport *Essex*. The court says it does not appear what was ultimately done with the sugar and molasses; but its taking, evidently by proper authority, is shown, as well as its value. White obviously could not follow his property to see what was done with it. There seems no question as to this item of sugar and molasses, therefore.

As to the item of use of steamboat, the facts are as follows:

White owned the steamboat *Red Chief*; she was seized in 1863 by United States military forces and was used by them thereafter. White brought suit in United States court for eastern district of Louisiana and secured a decree of restitution. The United States appealed and secured an order that the appeal act as a supersedeas; the appeal was never perfected or heard by any other court, so the only court decision ever rendered was to the effect that White was entitled to possession of his boat. Meanwhile the Government continued to use his boat until about October 12, 1865—long after actual close of the war.

In October, 1865, the Government, having no further use for the boat, sold it at auction for \$7,000. White thereafter asked relief at the hands of the Secretary of War. At first his rights were wholly denied; but on March 14, 1866, Secretary Stanton ordered that White be paid the \$7,000 secured from the sale of the boat, stating the boat had been sold "by mistake."

March 16, 1866, the \$7,000 was paid White and he was called upon to sign a certain voucher, evidently prepared for him by the Quartermaster's Department. Said voucher, signed by White, read as follows:

The United States to S. N. White, Dr.:

March 16, 1866. To reimbursement of the proceeds of the sale of the steamer *Red Chief No. 1*, by the United States Quartermaster's Department, at Mobile, Ala., on the 12th of October, 1865, it being at the time the property of this said Samuel N. White, which reimbursement is in lieu of the boat and in full payment and release for all claims by said Samuel N. White on the United States Government or its officers on account of said boat, and this said reimbursement "being in full accord and satisfaction for all claims against the United States and its officers for said boat or its value," \$7,000.

See subvouchers attached—two in number, as furnished from Quartermaster General's office March 16, 1866.

I certify that the above account is correct, and that it has been made in triplicate and read over carefully to the claimant, Samuel N. White, in the presence of the attesting witnesses, and that he, in their presence, accepted the sum of \$7,000 in full of all claims by him against the United States or its officers on account of the steamer *Red Chief No. 1*.

J. C. M. FERRAN,

Major, Quartermaster, Brevet Colonel, U. S. A.

Received at Washington, D. C. the 16th of March, 1866, of Bvt. Col. J. C. M. Ferran, quartermaster, United States Army, the sum of \$7,000 and — cents, in full of the above account, in check No. 26, on the First National Bank of Washington, D. C., payable to S. N. White or bearer, for \$7,000.

S. N. WHITE.

Witnesses:

W. M. MACRAE.

C. A. THORN.

The court has found that the Government used this boat 825 days, and that at then current rates being paid by the Quartermaster's Department, the boat was worth \$28 per day, or a total of \$23,100 for the entire period of its use.

There is no question as to the use of the boat during this period. Neither is there any question that, as an actual fact, White never was paid for that use. The only question is whether or not, by signing the voucher above set forth, White estopped himself from making any claim for such use of his boat. This is a question not wholly free from doubt, and is one primarily of law, to be determined by general legal principles. If general principles of law do not preclude White from making this claim, then it should be paid on the facts stated.

While the terms "accord and satisfaction" are used in the voucher quoted, their application must be restricted to claims mentioned in that voucher. Careful scrutiny of the voucher shows no claim for use or rent or charter value of the boat to be mentioned therein. In order that an agreement of accord and satisfaction shall be binding by way of estoppel, there must be something in dispute, something in controversy.

So far as appears from that voucher, the only controversy was whether White was entitled to anything arising from the sale of the boat, or was entitled, possibly, to the actual value of the boat rather

than to the proceeds of the forced sale at auction. The receipt given would, in opinion of the committee, preclude consideration of a claim now for the value of the boat, or for the difference between its value and the \$7,000 received; but the committee perceives no fact or legal principle which estops assertion of this present claim for the rental or use of the boat for the 825 days.

From aught appearing in the findings and history of this claim, no claim for use or rental of the boat was presented by White to the War Department. From that it would follow that no claim for use or rent of the boat could have been within the contemplation of the Secretary of War or of White when the payment of \$7,000 was made.

In case of *Fire Insurance Association v. Wickham* (141 U. S., 564), it was stated:

If there be a bona fide dispute as to the amount due, such dispute may be the subject of a compromise and payment of a certain sum as a satisfaction of the entire claim, but where the larger sum is admitted to be due, or the circumstances of the case show that there was no good reason to doubt that it was due, the release of the whole upon payment of part will not be considered as a compromise, but will be treated as without consideration and void.

In case of *San Juan v. St. Johns Gas Co.* (195 U. S., 564), it was said:

True it is as pointed out in *Fire Insurance Association v. Wickham* (141 U. S., 564), it must appear that the alleged dispute really existed and did not arise merely from an arbitrary denial by one party of an obligation which was obviously due.

The case of *Pratt v. United States* (3 C. Cls. Rept., 105) involved practically the same question. Pratt had signed a certain receipt or voucher for rent of a steamboat at rate of \$100 per day, though he claimed \$200 per day as per terms of original charter. After receiving the sum of \$100 per day, Pratt brought suit and recovered judgment for the remaining \$100 per day. There Government counsel contended claimant was estopped by his receipt, but the court said:

The words "in full of the above account," upon which the solicitor relies to maintain his position, should be restricted to the subject matter on which they were to operate, and that was "the above account."

They are not like words of release standing alone without reference to any specific matter to be taken most strongly against the releasor and not liable to explanation by extrinsic evidence, but they constitute merely a receipt of the particular account to which they are subscribed, and a receipt of that character is always open to explanation.

It is the judgment of the committee that fair dealing requires the Government to pay this claim in the total amount of \$27,800.

This claim passed the Senate in this full amount in the Sixtieth and Sixty-first Congresses, and passed the House in same amount in Sixty-second Congress. The items of sugar and molasses also passed the House in Sixty-first Congress.

Both Houses of Congress have therefore heretofore approved payment of the entire claim.

WILLIAM R. WIMBISH. (Frederick T. Wimbish, administrator.) (S. D. 89-60-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds decedent loyal; that supplies worth \$5,100 were taken from him for Army use; that the claim herein

was presented by decedent to Gen. Canby, whose headquarters were in New Orleans; that claimant was informed that his papers had been lost by Gen. Canby in moving from one headquarters to another. It would appear that the claim must have been presented either during or immediately after the close of the Civil War.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

PLAINS LODGE NO. 135, FREE AND ACCEPTED MASONS, EAST BATON ROUGE PARISH, LA. (S. D. 27-58-2.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court finds claimant loyal; also that it owned the second story of a certain building, used for lodge purposes; that the United States forces tore it down and used material therefrom, together with furniture; that the interest of the lodge in the building torn down and value of furniture taken amount to \$700.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

JUDA TOURO ALMSHOUSE FUND OF NEW ORLEANS, LA. (S. D. 336-60-1.) Tucker Act. Sent to court June 12, 1906. Court finds that claimant corporation was loyal; that the corporation owned an almshouse building, partly completed in August, 1862; that premises were occupied as mustering headquarters by order of Gen. Butler, and later used as a recruiting depot for colored troops. It would appear that Federal forces completed the building and made certain improvements thereto, partly for purely military purposes, at a total expense of \$49,000. September 1, 1865, while in possession of the military authorities, the building was destroyed by fire; the reasonable rental value of the premises during the period of its occupation by the Federal authorities was \$21,000, which the court remarks is \$28,000 less than the Government had expended in the completion and repair of the building.

It is further found that the reasonable value of the building including expenditures made by the Government thereto, amounting to said sum of \$49,000, was at time of the destruction of the building, \$94,400.

These are the material facts. It is plain that a question arises as to the exact amount which should be appropriated in payment of this claim. If the building was worth \$94,400 when destroyed, and the Government had expended \$49,000 in completing the unfinished building and in fitting it up, it would seem that the building must have been worth \$45,400 when the Federal authorities took possession, and in one view of the case that sum of \$45,000 might be adopted as the measure of compensation.

However, the claim passed the Senate in the Sixtieth and Sixty-first Congresses, and passed the House in the Sixty-first and Sixty-second Congresses simply for the rental value, i. e., \$21,000, and that proposed appropriation and disposition of the claim having been already approved twice by both Houses of Congress the committee has included the claim in that amount.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

MAINE.

JACOB B. LORING. (H. D. 246-60-1.) Bowman Act. Officer's claim for difference in pay, \$148.23.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WHITMAN L. ORCUTT. (H. D. 581-59-2.) Bowman Act. Officer's claim for difference in pay, \$878.47.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM L. ROSS. (H. D. 219-59-2.) Bowman Act. Officer's claim for difference in pay, \$47.56.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MARYLAND.

JACOB R. ADAMS. (H. D. 175-58-3.) Bowman Act. Sent to court January 30, 1885. Court finds claimant loyal, and that supplies worth \$210 were taken for Army use. Having been tried under Bowman Act, claim must have been presented to Quartermaster General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MARTIN H. AVEY. (S. D. 314-61-2.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. Court finds claimant loyal, and that supplies worth \$625 were taken for Army use.

Passed House in Sixty-second Congress.

MAYOR AND CITY COUNCIL OF BALTIMORE. (H. D. 961-61-2.) Bowman Act. Sent to court June 7, 1890. Court reports on or about October 1, 1861, United States, by permission in writing from mayor of Baltimore City, took possession of city parks and occupied same until about October 27, 1865, as camping places for troops. The written permit provided that the Government should pay the city such damages as might result from such use and occupation. Court further fixes such damage at \$2,996.94. No claim is made for rent at all. It would seem that, in taking possession of the premises of a city in a loyal State, under a written permit, the Government practically assented to the conditions contained in such permit. It is true the court has not expressly found the city of Baltimore, as a municipal corporation, to have been loyal, but Congress surely may take cognizance of the fact that Baltimore is a municipality of the State of Maryland, which State never seceded. The legal presumption is in favor of loyalty therefore.

Passed House in Sixty-first and Sixty-second Congresses.

ALFRED C. BELT. (Elizabeth V. Belt, administratrix.) (S. D. 59-60-1.) Tucker Act. Sent to court May 6, 1904, by Senate resolution. Court finds decedent loyal; that supplies were taken from him for Army use; also that the forces occupied a house on decedent's farm for hospital purposes for about two years. The final fact found is that the reasonable value of the supplies taken and the rental

value of premises occupied was \$2,970. It further appears that a claim for the supplies was presented to the Quartermaster General.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

THOMAS BEVANS. (A. Rosa Bevans, sole heir.) (H. D. 1108-61-3.) Bowman Act. Sent to court January 10, 1910. Court finds decedent loyal; that supplies worth \$570 were taken for Army use; that claim first presented to Quartermaster General; was apparently first sent to court in 1896 under Bowman Act, and loyalty found under that reference, and then case dismissed for want of prosecution. The subsequent reference obviously reinstated the case before the court, and no reason appears why claim should not be now paid.

Passed House in Sixty-first and Sixty-second Congresses.

HEZEKIAH BOTELER. (William E. Boteler, administrator.) (H. D. 166-59-2.) Bowman Act. Sent to court February 13, 1900. Court finds decedent loyal and that military forces took supplies worth \$568.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HENRY T. DEAVER. (H. D. 716-62-2.) Bowman Act. Sent to court February 4, 1908. Court finds claimant loyal; troops, by proper authority, took supplies from claimant and occupied his farm in Maryland for military purposes. Court finds value of supplies taken and rental value of premises amount to \$1,925. Claim was certified too late for inclusion in any previous bill.

THOMAS N. GOTT. (Richard T. Gott and Benjamin N. Gott, executors.) (S. D. 32-61-1.) Tucker Act. Sent to court May 29, 1908, by Senate resolution. Court finds claimant loyal and that his farm in Maryland was used at various times by United States forces for camping and drilling purposes, the rental value being \$1,200. Was placed in hands of counsel as early as 1877 and presented to Fifty-sixth and later Congresses.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

HENRY N. HARRIS. (Mrs. Maria M. Harris et al., heirs.) (S. D. 123-61-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds decedent loyal and that supplies worth \$363.25 were taken for Army use in Montgomery County, Md.; that in December, 1879, Harris executed a petition and placed same in hands of counsel for filing, but that it was not filed till February, 1880, too late for consideration by Quartermaster General. Harris died since the war and left various heirs whose individual shares in the amount allowed are stated by the court. The explicit findings of all material facts in this claim might well be adopted as a model.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

HARMON W. HESSEN. (S. D. 371-60-1.) Tucker Act. Sent to court June 27, 1906, by Senate resolution. Court finds claimant loyal. On property it finds that United States forces occupied claimant's dwelling one year and incidentally damaged it, the rental value and damages amounting to \$200.

It is also found that claimant did a large amount of blacksmith work, wagon repair work, furnished materials on such work, etc., all to the amount of \$1,835, which added to the item of rent, makes total sum of \$2,035 due him.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

JOHN L. T. JONES. (Cornelia Jones, administratrix.) (S. D. 96-59-1.) Tucker Act. Sent to court first under Bowman Act and claimant then found loyal but claim rejected on property for lack of sufficient evidence. Later sent to court under Tucker Act by Senate resolution, May 6, 1904. Court finds supplies worth \$240 to have been taken for Army use. Claim originally filed with Quartermaster General.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

JEREMIAH KANODE. (H. D. 199-60-1.) Bowman Act. Sent to court February 13, 1900. Court finds claimant loyal and that supplies worth \$136 were taken for Army use. Having been tried under Bowman Act, claim must have been filed with Quartermaster General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

IGNATIUS J. LANGLEY. (Mary J. Langley-Norris, administratrix.) (H. D. 390-60-1.) Bowman Act. Sent to court May 8, 1906. Court finds claimant loyal and that claimant furnished pasturage to Army stock, which pasturage was worth \$1,050. Having been tried under Bowman Act, claim must have been filed with Quartermaster General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM P. LEAMAN. (Raleigh Sherman, administrator.) (H. D. 543-59-2.) Bowman Act. Sent to court February 8, 1886. Court finds claimant loyal and that supplies worth \$590 were taken for Army use.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

RICHARD T. MITCHELL. (Sarah C. Mitchell, executrix.) (S. D. 655-60-2.) Tucker Act. Sent to court May 6, 1904, by Senate resolution. Court finds claimant loyal and supplies worth \$1,200 were taken for Army use. Court further finds that claim was placed in hands of counsel about 1870, and counsel stated claim had been filed with Quartermaster General, but no such claim is now found there; that claim was referred to court under Bowman Act February 20, 1885, but court dismissed same for want of jurisdiction under that act.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

ELI MOATS. (William H. Staubs, administrator.) (S. D. 654-60-2.) Tucker Act. Sent to court June 29, 1906, by Senate resolution. Court finds decedent loyal and that Army supplies worth \$381

were taken from him; that claims covering same property were filed with Quartermaster General. Claim might have been referred under Bowman Act, therefore.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

AUGUSTINE D. O'LEARY. (S. Sollers Maynard, executor.) (S. D. 198-60-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds decedent loyal and that supplies worth \$1,450 were taken for Army use; also that the claim was presented to Quartermaster General. Claim might have been referred under Bowman Act.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

WILLIAM D. POOLE. (J. Sprigg Poole, administrator de bonis non.) (H. D. 757-61-2.) Bowman Act. Sent to court February 26, 1895. Court finds decedent loyal and that United States forces occupied his farm in Montgomery County, Md., for camping and drilling purposes; that the rental value with damages incident to such use, was \$1,000. Claim filed with Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

URIAS D. RAMSBURG. (Elmer K. Ramsburg and Alvah S. Ramsburg, executors.) (S. D. 710-60-2.) Tucker Act. Sent to court June 29, 1906, by Senate resolution. Court finds decedent loyal and that his farm was used for pasturage of Government stock, and that nearly 55 tons of hay were used also; that the value of such occupation for pasturage and of hay consumed is \$819; that claim was duly presented to Quartermaster General.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

REVERDY A. RENNOE. (Perry Rennoe, administrator.) (H. D. 647-60-1.) Bowman Act. Sent to court June 19, 1888. Court finds decedent loyal and materials were taken by troops from certain buildings for their use, said materials being worth \$200. It is set forth in petition that claim was presented to Quartermaster General, and fact that court tried it under Bowman Act so shows.

Passed House in Sixty-second Congress.

HESTER ANN RIDOUT. (Zachariah D. Ridout, executor.) (H. D. 36-59-1.) Bowman Act. Sent to court May 13, 1886. Court finds decedent loyal and reports facts on property substantially as follows:

Timber was cut from certain land in Maryland, under proper authority, which timber was worth \$3,800. The land was then in possession of Hester Ann Chase, life tenant, the remaindermen being her nieces, Hester Ann Ridout, Frances Chase, and Matilda Chase. All four are found loyal. It appears that Hester Ann Ridout survived the life tenant and the other two remaindermen, thereby inheriting the property and becoming owner of the claim, as taking of timber was a loss to the fee estate rather than merely of the estate of the life tenant. It is true that the claim might, perhaps, have been apportioned between the life tenant and the remaindermen, but that would appear immaterial, and it seems that Hester Ann Ridout, or her estate, would be the sole party in interest. Her estate being properly

represented, and as distribution of the amount appropriated will doubtless be made under supervision of the proper Maryland court, there seems no objection to payment of the claim to her surviving executor, who appeared before the Court of Claims. Claim was presented to Quartermaster General.

Passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HENRY SHOW. (Nathan F. Edmonds, administrator.) (S. D. 329-59-2.) Tucker Act. Sent to court first under Bowman Act April 20, 1888; later sent to court under Tucker Act by Senate resolution April 26, 1904. Court finds decedent loyal and that supplies worth \$225 were taken for Army use, for which he has not been paid. The court mentions certain payments made to him for other supplies; but these payments are here immaterial and have nothing to do with the claim which it is now proposed to pay. Claim was presented to Quartermaster General.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

GEORGE SNYDER. (John L. Snyder, executor.) (H. D. 198-60-1.) Bowman Act. Sent to court January 30, 1885. Court finds decedent loyal and that his interest in supplies taken from him for Army use was worth \$1,800. It would appear that he was a farm tenant and entitled to half the grain raised, and owned individually other supplies taken. Being tried under Bowman Act, claim must have been presented to Quartermaster General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

GEORGE L. STULL. (H. D. 416-60-1.) Bowman Act. Sent to court February 13, 1900. Court finds claimant loyal and that supplies worth \$200 were taken from him for Army use. Being tried under Bowman Act claim must have been presented to Quartermaster General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ELIJAH THOMPSON. (William Viers Bouie, administrator.) (S. D. 115-57-1.) Tucker Act. Sent to court May 2, 1900, by Senate resolution. Court finds claimant loyal and that supplies worth \$1,386 were taken from him for Army use.

Passed House in Sixty-second Congress.

CORNELIUS VIRTS. (H. D. 38-59-1.) Bowman Act. Sent to court March 4, 1904. Court finds claimant loyal and that United States forces occupied his farm in Washington County, Md., from July, 1863, to July, 1865; that reasonable rental of 115 acres during that period was \$600.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOSEPH WALTMAN. (William W. Wenner, executor.) (H. D. 224-59-2.) Bowman Act. Sent to court December 15, 1886. Court finds decedent loyal and also that certain supplies were taken from him for Army use, and that United States forces also occupied cer-

tain real estate of decedent from August, 1861, to May, 1865; that total value of supplies taken and of occupancy of the land is \$3,270.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

LEWIS W. WILLIAMS. (Lewis D. Williams, administrator.) (H. D. 323-62-2.) Bowman Act. Sent to court June 19, 1888. Court finds decedent loyal and that supplies worth \$385 were taken from him for Army use.

Passed House in Sixty-second Congress.

ZACHARIAH L. WINDSOR. (John A. Windsor, administrator.) (S. D. 245-61-2.) Bowman Act. Sent to court April 14, 1896. Court finds decedent loyal and that supplies worth \$372 were taken for Army use. Claim was presented to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

FREDERICK WYAND. (Grant Wyand, executor.) (S. D. 240-61-2.) Tucker Act. Sent to court March 10, 1909, by Senate resolution. Court finds decedent loyal; also that United States forces occupied certain premises of decedent and took from him certain supplies enumerated in the petition; that rental value and value of supplies taken aggregate \$135. Claim was presented in 1873 to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

SAMUEL C. YOUNG. (Marion B. Young and Geno D. Weller, heirs.) (H. D. 39-61-1.) Bowman Act. Sent to court January 9, 1907. Court finds decedent loyal, and that United States forces, by proper authority, occupied certain described real estate belonging to him in Montgomery County, Md., and that reasonable rental value was \$407. Claim is stated in petition to have been presented to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

LA GRANGE LODGE No. 36, INDEPENDENT ORDER OF ODD FELLOWS, BOONSBORO, MD. (S. D. 180-60-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; also that United States forces occupied lodge building for hospital and damaged same; that rental value with damages in excess of ordinary wear and tear was \$370. Claim presented to Quartermaster General in 1873.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, BOONSBORO, MD. (S. D. 347-60-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; also that United States forces occupied church building for hospital about two months and damaged same; that rental value, with damages in excess of ordinary wear and tear, is \$120.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

UNITED BRETHREN CHURCH, BOONSBORO, MD. (S. D. 295-59-2.) Tucker Act. Sent to court April 27, 1904, by Senate resolution.

Court finds claimant loyal; also that United States forces occupied church building for hospital about three months; that rental value, with damages in excess of ordinary wear and tear, was \$170. Claim was filed with Quartermaster General.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

EVANGELICAL LUTHERAN CHURCH, BURKITTSVILLE, MD. (S. D. 247-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; also that United States forces occupied church building for hospital, and that rental value during occupation, with damages in excess of ordinary wear and tear, was \$225.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FREDERICK PRESBYTERIAN CHURCH, FREDERICK, MD. (S. D. 285-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; also that United States forces occupied church building four months; that rental value was \$200, no allowance being made for damages, they having been already paid.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH, HANCOCK, MD. (S. D. 251-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; also that United States forces occupied church building as quarters; that rental value during such occupation, with damages in excess of ordinary wear and tear, was \$550.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. PETER'S ROMAN CATHOLIC CHURCH, HANCOCK, MD. (S. D. 216-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; also that United States forces occupied church as quarters; that rental value, with damages in excess of ordinary wear and tear, was \$80.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. THOMAS PROTESTANT EPISCOPAL CHURCH, HANCOCK, MD. (S. D. 90-61-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; also that United States forces occupied church from April 1, 1862, to September 10, 1862; that rental value during that period was \$173.33. No allowance is made for damages, they having been paid for through the War Department. The claim for rent was also filed with War Department.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

MOUNT VERNON REFORMED CHURCH, KEEDYSVILLE, MD. (S. D. 212-61-2.) Tucker Act. Sent to court March 10, 1909, by Senate resolution. Court finds claimant loyal; also that United States

forces occupied house of worship and property connected therewith for hospital: rental value, with damages in excess of ordinary wear and tear, was \$515. Claim for rent filed with Quartermaster General in 1873.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

GRACE REFORMED CHURCH, KNOXVILLE, MD. (S. D. 418-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal: that church building was used for a time as hospital and that rental value, with damages in excess of ordinary wear and tear, was \$410.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

CHRIST REFORMED CONGREGATION, MIDDLETOWN, MD. (S. D. 57-59-1.) Tucker Act. Sent to court February 27, 1904, by Senate resolution. Court finds claimant loyal; that buildings belonging to it were used for hospital purposes: that rental value, with damages incident to the use, was \$450.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH, OLDTOWN, MD. (S. D. 125-58-3.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; that United States troops, by proper authority, tore down church building and removed materials therefrom: that building was worth \$1,200.

Passed Senate and House in Sixty-second Congress.

ST. PAUL'S PROTESTANT EPISCOPAL CHURCH, NEAR POINT OF ROCKS, MD. (S. D. 200-61-2.) Tucker Act. Sent to court June 18, 1906, by Senate resolution. Court finds claimant loyal: that United States forces used church property for hospital and other purposes; that rental value, with damages in excess of ordinary wear and tear, was \$790.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. PAUL'S PROTESTANT EPISCOPAL CHURCH, SHARPSBURG-ANTIETAM PARISH, MD. (S. D. 36-61-1.) Tucker Act. Sent to court May 29, 1908, by Senate resolution. Court finds claimant loyal: that United States forces, by proper authority, occupied church property for hospital purposes: that reasonable rental value, with damages in excess of ordinary wear and tear, was \$1,350. Claim presented to Quartermaster General in 1873 and rejected for want of jurisdiction.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. AUGUSTINE'S ROMAN CATHOLIC CHURCH, WILLIAMSPORT, MD. (S. D. 356-62-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal: troops occupied church as hospital: rental value, with damages in excess of ordinary wear and tear, was \$425. Claim certified too late for consideration in connection with previous bills.

MASSACHUSETTS.

WILLIAM W. DUTCHER. (H. D. 273-60-1.) Bowman Act. Officer's claim for difference in pay, \$457.84.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

THOMAS B. FLOWER. (Frederick L. Greene, administrator.) (S. D. 195-57-1.) Tucker Act. Sent to court by Senate resolution in April, 1900. Court finds decedent loyal; that supplies worth \$5,538 were taken from decedent for Army use. From the petition it would appear that decedent was a resident of Massachusetts who had property in Virginia. The essential facts of loyalty, of taking for Army use, and of value of property are all found by the court.

WILLIAM B. KIMBALL. (H. D. 245-60-1.) Bowman Act. Officer's claim for difference in pay, \$21.84.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

NATHANIEL SHATSWELL. (Susan Shatswell, executrix.) (H. D. 218-59-2.) Officer's claim for difference in pay, \$244.90.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HORACE P. WILLIAMS. (H. D. 211-58-3.) Bowman Act. Sent to court January 8, 1901. This claim is somewhat similar in principle to the numerous claims of officers for difference in pay due to their not being mustered in as of advanced rank.

This claimant was commissioned major by the governor of Massachusetts; he actually served from July 14, 1863, when he was commissioned, until January 7, 1864, when he left camp on account of illness; he was not discharged till March 4, 1864. He had charge of recruiting service and also served as commandant for a time.

When his regiment was mustered in this officer was sick and did not happen to be present, and the result was that he was never mustered in at all. He was denied all pay by the War Department on the ground that he never was mustered into the United States service.

These facts show that he was in fact a major for 7 months and 21 days, even though he had not been formally mustered in. The pay of a major was \$208.33 per month, at which rate he would have received a total of \$1,604.14, had he been paid at all, as of the rank he actually filled.

Under these facts it would seem that this man should be paid the sum mentioned.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MICHIGAN.

WILLIAM M. BEGOLE. (Harriet C. Begole, mother.) (H. D. 589-59-2.) Bowman Act. Officer's claim for difference in pay, \$19.33.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MYRON C. BOND. (H. D. 24-61-1.) Bowman Act. Sent to court January 6, 1903. This is a claim arising from claimant's service during the War with Spain. By statutes of Michigan each battalion of the Michigan regiment then in United States service was entitled to a major. Upon resignation of the major one of the battalions of said regiment, James M. Holloway, captain of Company B, was commissioned by the governor to fill that vacancy and was mustered in as major March 13, 1899. Bond was second lieutenant of his company; the promotion of the captain left a vacancy, which was filled by promotion of the first lieutenant, and that resulted in Bond's promotion to the position of first lieutenant; he was commissioned as first lieutenant by the governor of Michigan March 13, 1899; from that date he performed the duties of first lieutenant under his colonel's orders until mustered out, May 17, 1899.

A question was raised as to the legality of the muster in of Maj. Holloway, and this claimant was refused muster by the United States mustering officers and was never mustered into the United States service as first lieutenant.

During the period in question, i. e., March 13 to May 17, 1899, claimant received the pay of a second lieutenant, and having served honestly and faithfully beyond limits of United States during that war, was paid two months' extra pay; he also received 48 days' travel pay from Savannah, Ga., to Adrian, Mich., at the rate of \$116.67 per month, the pay of a second lieutenant.

Had he been mustered in as first lieutenant on March 13, 1899, he would have received in addition to what he has received the further sum of \$48.04.

This may be called a companion case to that of Guy M. Claffin (H. D. 23-61-1) and to that of Edwin A. Wells (H. D. 25-61-1).

These three claimants all served in the same company. In the Wells case it is expressly reported by the court that the legality of the muster in of said Holloway as major was subsequently recognized by the War Department.

It is therefore plain that the refusal of the mustering officers to muster in Bond as first lieutenant was erroneous and illegal. Bond was therefore denied pay to which he was in law entitled. There is no question in this case as to the command being of proper strength to warrant its having its full complement of officers.

In view of these facts this claim is included in the bill in said sum of \$48.04.

Passed Senate and House in Sixty-second Congress.

LEMUEL C. CANFIELD. (H. D. 631-60-1.) Bowman Act. Officer's claim for difference in pay, \$587.68.

Passed House in Sixty-first and Sixty-second Congresses.

GUY M. CLAFLIN. (H. D. 23-61-1.) Bowman Act. Sent to court January 6, 1903. This is a companion case to that of Myron C. Bond, above mentioned. Claffin was first sergeant of his company during the Spanish War, and owing to the promotion of the commissioned officers of his company Claffin was promoted to be second lieutenant, and was so commissioned by the governor of Michigan. He was denied muster owing to question as to the legality of the promotion of Holloway to be major.

Clafin performed all the duties of second lieutenant from March 13, 1899, until mustered out, May 17, 1899.

He received the pay during said period of first sergeant instead of that of second lieutenant. As in the Bond case, it is plain that this man was refused muster in as second lieutenant, to which he was legally entitled, and he was therefore refused the pay of second lieutenant, to which he was entitled.

The difference between the pay he did receive and that to which he was properly entitled amounts to \$499.79.

Passed Senate and House in Sixty-second Congress.

WILLIAM A. CLARK. (H. D. 517-59-2.) Bowman Act. Officer's claim for difference in pay, \$329.30.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JAMES S. DE LAND. (H. D. 270-60-1.) Bowman Act. Officer's claim for difference in pay, \$202.88.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

EBENEZER GOULD. (Lucius E. Gould, Abby E. Allison, and Mary T. Todd, heirs.) (H. D. 457-59-2.) Bowman Act. Officer's claim for difference in pay, \$42.70.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JUDSON H. GREGG. (Elvira D. Gregg, widow.) (H. D. 571-60-1.) Bowman Act. Officer's claim for difference in pay, \$116.28.

Passed House in Sixty-first and Sixty-second Congresses.

JAMES N. HILL, SOLE HEIR OF JOSHUA HILL, deceased. (S. D. 116-63-1.) Tucker Act. First sent to court in 1890, under Bowman Act; later sent to court under Tucker Act, by Senate resolution, in 1909.

Court reports decedent loyal and that Army supplies taken from him were worth \$3,040. One of the items is cotton, taken for hospital purposes. The court expressly reports that the claim as to item of cotton was transmitted as early as February, 1865, before close of war, with recommendation by Maj. Gen. Reynolds that it be paid. It was made the subject of bill in Thirty-ninth Congress in 1866. Court reports claim as an equitable one.

Case tried too late for inclusion in previous bills.

FREDERICK S. HUTCHINSON. (S. D. 529-61-2.) Tucker Act. Officer's claim for difference in pay, \$118.80.

Passed House in Sixty-second Congress.

GEORGE LOCKLEY. (George J. Lockley, Joseph F. Lockley, and Sarah E. Todd, heirs.) (H. D. 249-60-1.) Bowman Act. Officer's claim for difference in pay, \$99.50.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ELISHA R. SWAIN. (Maria N. Swain, widow.) (H. D. 325-59-1.) Bowman Act. Officer's claim for difference in pay, \$361.86.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

EDWIN A. WELLS. (H. D. 25-61-1.) Bowman Act. Sent to court January 6, 1903. This is a companion case to the cases of Myron C. Bond and Guy M. Claffin, above mentioned.

This claimant was first lieutenant of his company during the Spanish War. His captain was promoted to be major and claimant was duly commissioned captain, to fill the vacancy, and exercised command as captain from March 13, 1899, until mustered out, May 17, 1899. He was denied muster as captain because of question as to whether the regiment was entitled to two majors. The legality of the muster of Holloway as a second major was subsequently recognized by the War Department.

It appears clear that this claimant was denied the muster to which he was entitled. Instead of receiving pay as captain thereafter he received the pay of a first lieutenant. The difference between the pay actually received by him and that to which he was entitled is reported as \$116.67.

Passed Senate and House in Sixty-second Congress.

MINNESOTA.

OMAR H. CASE. (H. D. 583-59-2.) Bowman Act. Officer's claim for difference in pay, \$191.63.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

FREDERICK LAMBRECHT. (H. D. 280-60-1.) Bowman Act. Officer's claim for difference in pay, \$324.73.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WARREN ONAN. (H. D. 279-60-1.) Bowman Act. Officer's claim for difference in pay, \$39.74.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

RANDOLPH M. PROBSFIELD. (S. D. 37-62-1.) Tucker Act. Sent to court January 24, 1901, by Senate resolution. Court reports that claimant was loyal and that, between September 15 and October 30, 1863, there was taken from him for Army use in the State of Minnesota supplies, consisting of hay, reasonably worth \$200.

The only unusual feature of this case to distinguish it from any other war claim is that it arose in the State of Minnesota.

Passed House in Sixty-second Congress.

MISSISSIPPI.

N. M. ALDRIDGE. (T. A. Norris, administrator.) (H. D. 443-60-1.) Bowman Act. Sent to court April 24, 1896. Court finds claimant loyal and that supplies worth \$980 were taken for Army use. Claim filed before Southern Claims Commission, appearing on page 8 of index of such claims.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CHARLES BAKER. (I. P. Watts, administratrix.) (S. D. 196-58-2.) Tucker Act. Sent to court July 17, 1897, by Senate resolution.

The findings are not as explicit as they should be and must be read in connection with the allegations of the petition in order to ascertain the exact facts which the court intends to report.

It appears that Charles Baker died in 1861 and that, subject to two legacies, his estate was bequeathed to Amanda Malinda Heath (afterwards Powell) and to Elizabeth Jane Snyder (afterwards Welch); that said two persons were loyal. There was taken from the estate of said Charles Baker, the beneficial interest being then vested in said Amanda M. Heath (afterwards Powell) and said Elizabeth Jane Snyder (afterwards Welch), subject to payment of said two legacies, supplies worth \$8,213 for Army use.

It would appear that appropriation might properly be made to Amanda M. Powell and Elizabeth Jane Snyder under these circumstances, but as an administratrix of Charles Baker's estate has been appointed it is doubtless advisable to make an appropriation to such administratrix.

Passed House in Sixty-second Congress.

LEOPOLD BICKART. (H. D. 506-59-1.) Bowman Act. Sent to court March 6, 1888. Court finds claimant loyal and that supplies were taken from Bickart and his coowner, Christian Schwartz; further, that Bickart's share in the supplies taken for Army use was worth \$1,500. Index of claims presented to Claims Commission, page 207, shows the claim was presented by Schwartz to that commission and rejected.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ROBERT BRADLEY. (Hiram Baldwin et al., heirs.) (S. D. 503-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Reading the statement of the case with the explicit findings of fact, it appears that Robert Bradley died in 1863, leaving various heirs; that the claimants herein, Hiram Baldwin, Joseph De France Baldwin, and Richard Robert Baldwin, were grandchildren and heirs of said Robert Bradley, owning an undivided 16 per cent of the estate; that supplies were taken for Army use from the Bradley heirs; and that the reasonable value of the interest of these three claimants there was \$2,000.

These three claimants were all under 7 years of age at the time the property was taken. Hiram Baldwin is the oldest of petitioners and was born about 1857. Claim was not presented to Claims Commission, and it is plain that the eldest of these present claimants did not attain majority until about 1878, or about five years after the right to present claims to that commission had been abrogated by act of Congress.

Passed Senate in Sixtieth Congress as a Louisiana claim, two of the claimants residing in that State. Passed House in Sixty-second Congress.

D. H. CHAMBERLAIN. (S. D. 480-61-2.) Tucker Act. Sent to court March 3, 1909. Court reports that claimant was loyal; that supplies were taken from him and coowners, in which his share amounted to \$340.

While not reported as one of the facts found by the court, it is alleged in the petition that the claim of T. J. Chamberlain, one of

claimant's coowners, has been allowed, and examination of the claims appropriation act approved February 24, 1905 (33 Stat., 755), shows the claim of T. J. Chamberlain, of Jefferson County, Miss., in the sum of \$340. Present claimant was only 15 years old when war ended. His brother has already received pay for his share in the supplies taken, and there would seem to be no reason for denying payment to the present claimant.

Passed House in Sixty-second Congress.

ROYALL CHAMBERS. (Eliza Chambers, administratrix.) (H. D. 37-59-1.) Bowman Act. Court finds decedent loyal; that supplies worth \$670 were taken from him by proper authority. Claim appears page 47 of index of claims filed with Claims Commission.

While not reported as one of the facts found by the court, it would appear from allegations in the petition that the decedent was a colored man who was a slave until freed in 1863.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

SARAH G. CLARK. (William T. Ratliff, administrator.) (S. D. 17-56-2.) Tucker Act. Sent to court July 17, 1897, by Senate resolution. Court finds that Sarah G. Clark, a widow, owned certain property during war; it further finds in effect that she was loyal, expressly stating that she did nothing for or against either side except to express herself in favor of the Union and to furnish food to officers and soldiers of the United States Army. This finding must be taken to reasonably mean loyalty. Court further finds that Army supplies worth \$1,355 were taken from her. She died in 1873.

Passed Senate in Sixtieth and House in Sixty-second Congresses.

S. N. CLARK. (W. T. Ratliff, administrator.) (S. D. 262-57-1.) Tucker Act. Sent to court April 11, 1900, by Senate resolution. Court finds decedent loyal and that Army supplies worth \$5,650 were taken from him.

Passed House in Sixty-second Congress.

WILLIAM L. CLEARMAN. (G. B. Harper and J. D. Clearman, executors.) (S. D. 313-60-1.) Tucker Act. Claim first referred to court under Bowman Act July 13, 1892, but claim not having been presented to Claims Commission, court was without jurisdiction under that reference; later sent to court April 26, 1904, by Tucker Act, under Senate resolution. Court finds decedent loyal; that Army supplies worth \$1,010 were taken from him; that claim was presented to Congress as early as 1878.

Passed House in Sixty-second Congress.

MARGARET DAVIDSON. (T. M. Davidson, administrator.) (H. D. 229-59-2.) Bowman Act. Sent to court September 6, 1888. Court finds decedent loyal and that supplies worth \$2,450 were taken for Army use.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CARLES A. DOAK and JOHN R. DOAK. (H. D. 1225-60-2.) Tucker Act. Claim first referred to court under Bowman Act; later referred March 31, 1906, under Tucker Act by House resolution. Court reports these two claimants loyal, they being infants of tender years

during war. Also reports that supplies were taken for Army use from these two claimants, their mother, and three older brothers; that the reasonable value of the interests of these two claimants in those supplies was \$1,796.48. Court further reports that claimants' mother presented a claim to the Claims Commission, which was rejected. Findings are explicit as to loyalty, ownership of property, taking, and value.

Passed House in Sixty-first and Sixty-second Congresses.

ELIZA A. FIELDER (Jefferson T. Cowling, administrator) and BENJAMIN L. FIELDER. (H. D. 812-61-2.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds Eliza A. Fielder, now deceased, and Benjamin L. Fielder were loyal; that Army supplies worth \$655 were taken from said two persons, who were mother and son.

Passed House in Sixty-first and Sixty-second Congresses.

HARDINIA P. KELSEY AND MILDRED E. FRANKLIN. (Heirs of Hardin P. Franklin.) (S. D. 113-61-1.) Tucker Act. Sent to court March 3, 1905, by Senate resolution. Court finds these two claimants loyal by reason of tender years during war; that United States forces took for Army use supplies from these claimants and their coowners; that the interest of these two claimants in the property so taken was worth \$860; that the reason the claim was not earlier presented was the minority of the claimants. The exact ages are not stated in the findings of fact, but it is alleged in the petition that Mildred E. Franklin was born in 1849 and Hardinia P. Kelsey in 1851.

Passed House in Sixty-second Congress.

WILLIAM FREEMAN. (Susan R. Jones, administratrix.) (H. D. 323-59-1.) Tucker Act. Sent to court February 20, 1903, by House resolution. Court finds decedent loyal and that Army supplies worth \$4,010 were taken from him; that decedent placed the claim in the hands of a lawyer for collection in 1863 or 1864, but that the lawyer died in the seventies without having taken action.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

J. B. FULLER. (John Fuller, administrator.) (H. D. 884-61-2.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds decedent loyal; that supplies worth \$790 were taken from him for Army use; that claim was presented as early as Fifty-fifth Congress.

Passed House in Sixty-first and Sixty-second Congresses.

MATILDA B. HARVEY. (J. P. Harvey, administrator.) (S. D. 120-59-1.) Tucker Act. Sent to court by Senate resolution. Court finds decedent loyal; that Army supplies worth \$1,382 were taken from her.

Passed House in Sixty-second Congress.

BENJAMIN HAWES. (J. A. Hill, administrator.) (S. D. 616-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds decedent loyal; that Army supplies worth \$1,150 were taken; claim presented first to Fifty-sixth and succeeding Congresses.

Passed House in Sixty-first and Sixty-second Congresses.

CALIFORNIA M. HEARN, IN HER OWN RIGHT, AND AS ADMINISTRATRIX OF SUSAN L. BAILEY AND OF JULIA B. HANCOCK. (H. D. 532-61-2.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds claimant and her two decedents loyal; that Army supplies worth \$1,695, owned in equal shares by claimant and her two decedents, were taken from them; that in 1874 decedent, Mrs. Bailey, placed claim in hands of counsel for prosecution; claim first presented in Fifty-seventh Congress.

Passed House in Sixty-first and Sixty-second Congresses.

HARTWELL B. HILLIARD. (H. D. 239-62-2.) Bowman Act. Sent to court March 17, 1904. Court finds claimant loyal and that supplies were taken from him and his brother, wherein claimant's interest was worth \$300.

Passed House in Sixty-second Congress.

DAVID R. HUBBARD. (J. B. Hubbard, administrator.) (S. D. 362-60-1.) Tucker Act. Sent to court June 27, 1906, by Senate resolution. Court finds decedent loyal; that Army supplies worth \$1,500 were taken from him; presented to Quartermaster General in 1892.

Passed House in Sixty-second Congress.

WILLIAM HUNT. (W. E. Hunt, executor.) (S. D. 619-61-2.) Tucker Act. This claim first presented to Southern Claims Commission and rejected; was evidently sent to court first under Bowman Act and dismissed because loyalty not found; later sent to court under Tucker Act, and upon new evidence adduced decedent found loyal. Court further finds that Army supplies worth \$16,010 were taken from decedent. There seems to be nothing to distinguish this case from any other case of the sort, save that it has been tried twice by the court.

Passed Senate and House in Sixty-second Congress.

SARAH T. JARRATT. (John B. Jarratt, administrator.) (S. D. 470-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds decedent loyal; that Army supplies, worth \$1,389, were taken from her.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

ELIZABETH JOHNSON. (S. D. 203-58-2.) Tucker Act. Sent to court February 5, 1901, by Senate resolution. Court finds claimant loyal; that Army supplies, worth \$1,170, were taken from her.

Passed House in Sixty-second Congress.

VERNON H. JOHNSTON. (Mary Julia Quick, Belle O. Coward, and John Anderson, heirs.) (S. D. 332-59-1.) Tucker Act. Sent to court February 24, 1904, by Senate resolution. From findings it appears that Vernon H. Johnston died in 1862, his estate vesting in his widow, Mrs. Fannie J. Johnston, and three children, Mary Julia Quick, Belle O. Coward, and Vernon Olivia Anderson, the names of the children being those after they were married. Court finds that this widow and these children remained loyal, the eldest of said children being under 10 years of age at close of war.

Army supplies, worth \$4,320, were taken from the widow and children, eliminating certain items for which allowance was not made.

The petitioners, Mary Julia Quick and Belle O. Coward, claim in their own rights and also as heirs of their deceased sister and of their mother; petitioner John Anderson claims only as representative of Mrs. Fannie J. Johnston through his deceased wife, who was Vernon Olivia Johnston. The court has explicitly stated the present respective interests of the three claimants as follows: Mary Julia Quick, \$1,980; Belle O. Coward, \$1,980; John Anderson, \$360. Claim was placed in hands of counsel as early as 1873 or 1874. During period that Claims Commission was open to filing of claims the three children mentioned were minors.

Passed Senate in Sixtieth and House in Sixty-second Congress.

HENRY JONES. (Jane Jones, administratrix.) (S. D. 134-60-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds decedent loyal; that Army supplies, worth \$215, were taken.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

KINCHEN W. KING. (Henry W. King et al., heirs.) (S. D. 255-62-2.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. The facts in this case are peculiar. It appears that during the war Kinchen W. King was living, and court finds that he was loyal. From Kinchen W. King Army supplies were taken, found to be worth \$6,095. Shortly after the war said Kinchen W. King died; claim was presented by the heirs to the Claims Commission, which found said Kinchen W. King loyal. The commission assumed to pass upon loyalty, not only of the person from whom the property was taken but of every beneficiary of his estate.

In so doing it concluded that two of the King heirs had not remained loyal, their interest amounting to two-sevenths of the claim. Hence the commission rejected two-sevenths interest, amounting to \$1,741.42, and allowed remainder, or \$4,353.58. The present claim is made by one of the two heirs whose interest was rejected and by the estate of the other of said heirs for the interest eliminated by the Claims Commission.

The only question in this case is whether the Government will extend its inquiries on loyalty further than the loyalty of the person who owned the property when it was taken. If it is necessary to inquire into the loyalty of every heir, beneficiary, or creditor, then this claim must stand rejected. If it is sufficient that the person from whom the property was taken was loyal, then this claim should be paid.

It is very obvious that if this claim had been presented to the Court of Claims under the Tucker Act for the first time by an administrator of Kinchen W. King the only inquiry on the matter of loyalty would be as to loyalty of Kinchen W. King himself. That is the uniform practice followed by the Court of Claims and recognized by Congress ever since the passage of the Bowman and Tucker Acts. This simply means that the loyalty of the person from whom supplies were taken is the only loyalty in issue. Applying that principle to this case, it means that Kinchen W. King, owner of the property, having been found loyal, the claim should be paid for the total value of the supplies taken. For this reason the claim was approved by the Committee on War Claims in the Sixty-second Con-

gress, and the claim passed the House in that Congress; and the present committee adopt the same theory and therefore include this claim in the bill.

NANCY LAY. (Robert M. Lay, administrator.) (S. D. 34-60-1.) Tucker Act. Sent to court February 4, 1901, by Senate resolution. Court finds decedent loyal and that supplies worth \$2,804 were taken from her for Army use; claim was apparently filed with Southern Claims Commission, but too late for consideration.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

EMMA S. LEWIS. (Emma Jones and Leon Lewis, heirs.) (H. D. 640-59-1.) Bowman Act. Sent to court January 12, 1904. Court finds Emma S. Lewis was loyal; that supplies worth \$1,815 were taken from her for Army use. From the title of the case adopted by the court, it appears that Emma Jones and Leon Lewis are the heirs of Emma S. Lewis. Claim appears on page 143 of Southern Claims Commission index, showing presentation to that commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MARTHA LINDLEY. (Ammon F. Lindley, administrator.) (H. D. 737-60-1.) Bowman Act. Sent to court April 20, 1888. Court finds decedent loyal and that supplies worth \$320 were taken from her for Army use. Claim presented to Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

URIAH LUNENBURGER. (William Lunenburger, administrator.) (S. D. 64-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds decedent loyal and that supplies worth \$250 were taken for Army use.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

TRANQUILLA McRAVEN. (Harvey R. McRaven, heir.) (S. D. 562-61-2.) Tucker Act. Sent to court March 7, 1901, by Senate resolution. Court's findings in this case are not clearly drawn, and require careful study in connection with allegations of the petition. This study shows that supplies were taken from the heirs of Robert McRaven, and in its second finding the court states that in Army supplies taken by proper authority the "value of claimant's share" was \$1,160. Court further reports as a reason for failure to present claim prior to Fifty-sixth Congress the minority of the claimant. Presumably the court intended its findings to mean something material to consideration of the claim, and while they are blindly drawn the meaning thus given them is the only one which would make them material.

Passed House in Sixty-second Congress.

HARRIET MILES. (S. D. 102-57-2.) Tucker Act. Sent to court February 26, 1901, by Senate resolution. Court finds claimant loyal; that supplies were taken for Army use worth \$1,795, eliminating all items of use and occupation, damage or destruction. Court further reports that the claim was presented to a military commission as early as 1863, which was necessarily within a few months of the

time when the property was taken. This fact would indicate diligence of a very unusual degree.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

WILLIS J. MORAN. (Mrs. L. H. Rowland, administratrix.) (S. D. 331-60-1.) Tucker Act. Claim first sent to court under Bowman Act and case dismissed; later sent to court March 31, 1906, under Tucker Act, by Senate resolution. Court finds decedent loyal and that Army supplies worth \$845 were taken from him. Apparently claim was not filed with Claims Commission, which accounts for dismissal of Bowman Act reference.

Passed House in Sixty-second Congress.

WILLIAM O. MOSELEY. (John M. Bass, administrator.) (H. D. 363-56-2.) Tucker Act. Sent to court February 15, 1899, by House resolution. Court finds decedent loyal; that Army supplies worth \$4,285 were taken from him, no allowance being made for cotton.

Passed Senate in Sixtieth and House in Sixty-first and Sixty-second Congresses.

MARY ANN NAGLE. (E. L. Brien, administrator.) (S. D. 160-59-2.) Tucker Act. Sent to court February 23, 1900, by Senate resolution. Court finds decedent loyal; that United States forces, by proper authority, occupied decedent's dwelling for two years, beginning July, 1863; that rental value was \$960. Claim apparently not presented to Claims Commission, which had no jurisdiction of claims for rent. No tribunal ever open to this claim.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

THOMAS J. PRICE. (James M. Price, sole heir and legatee.) (S. D. 491-59-1.) Tucker Act. Sent to court March 2, 1903, by Senate resolution. Court finds decedent loyal; that Army supplies worth \$665 were taken from him.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

JULIA QUINE. (A. A. Raley, administrator.) (H. D. 564-61-2.) Bowman Act. Sent to court April 7, 1908. Court finds decedent loyal and that supplies worth \$885, were taken from decedent for Army use. Claim appears on page 193, index of Southern Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

ROBERT RAIFORD. (Margaret Raiford Loftin, administratrix.) (S. D. 218-57-1.) Tucker Act. Sent to court July 17, 1897, by Senate resolution. Court finds decedent loyal; that Army supplies worth \$2,578 were taken from him; that claim was presented to the Quartermaster General and dismissed for want of jurisdiction.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

JOHN READ. (W. A. MONTGOMERY, administrator.) (H. D. 120-59-1.) Bowman Act. Sent to court August 6, 1888. Court finds decedent loyal and that Army supplies worth \$2,160 were taken from him. Fact that court tried case under Bowman Act shows it must

have been presented to Claims Commission: claim appears on page 195 of Southern Claims Commission index.

MARIA A. REINHARDT. (W. T. Smith, administrator.) (S. D. 177-59-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds decedent loyal: that Army supplies worth \$3,395 were taken from her by proper authority: that decedent died in 1870, prior to establishment of Southern Claims Commission: that her heirs presented the claim to Congress in 1878: that claim was first referred to court under Bowman Act in 1890 and dismissed: case was necessarily dismissed under that reference for lack of jurisdiction.

Passed Senate in Sixtieth and House in Sixty-second Congresses.

MELCHISEDEC ROBINSON. (J. D. Robinson, administrator.) (H. D. 303-59-1.) Tucker Act. Sent to court February 20, 1903, by House resolution. Court finds decedent loyal and that Army supplies worth \$1,531 were taken from him. Index of claims presented to House shows this claim was presented by petition in first session of Forty-eighth Congress: was not acted upon until 1901: claim pending before Congress from 1877 till 1901.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CATHERINE J. RUTHERFORD. (G. D. Able, administrator.) (H. D. 379-59-2.) Bowman Act. Sent to court March 6, 1888. Court finds decedent loyal: that Army supplies worth \$620 were taken from her. Being Bowman Act case claim must have been presented to Claims Commission: claim found on page 205 of index of that commission.

Passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MINOR SAUNDERS. (H. D. 227-59-2.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds claimant loyal, he having been a slave until freed by emancipation proclamation: court further finds that after being emancipated claimant worked for himself and became owner of some property, of kinds mentioned in petition, i. e., 2 mules, 1 ox team and wagon, and some corn: that supplies of these kinds worth \$160 were taken from him under proper authority. Claim not presented to Claims Commission, but the fact that this man was a former slave would probably show reason for failure to follow up his claim before that commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CHRISTIAN SCHWARTZ. (Susannah Schwartz, executrix.) (H. D. 499-59-1.) Bowman Act. Court finds claimant loyal. This is the same partnership claim previously commented upon under the title of Leopold Bickart. Court finds supplies taken for Army use from two coowners, and that the interest of Schwartz therein was worth \$1,500. Shown in referring to the Bickart claim this claim was presented to Claims Commission.

WILLIAM B. SIMS. (W. J. Sims, executor.) (H. D. 62-63-1.) Bowman Act. Sent to court December 8, 1884, and again on April 30, 1910. Claim prosecuted before the Southern Claims Commission, and appears on page 214 of the printed index of such claims. Claim-

ant found loyal, and it is found that supplies worth \$2,325 were taken for Army use.

Case tried too late for inclusion in prior bills.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

FANNIE SOLARI. (Heir of Emanuel M. Solari.) (H. D. 194-58-3.) Tucker Act. First sent to court in 1891 under Bowman Act; later sent under Tucker Act on February 12, 1899, by House resolution. Court finds that decedent, Emanuel M. Solari, was loyal; that supplies were taken from him by proper authority; that the present claimant's interest in the claim as heir of her father is an undivided one-eighth and amounts to \$219. Claim not presented to claims commission; decedent died in 1863, when present claimant was 16 years of age.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CHARLES O. SPENCER. (S. D. 220-56-1.) Tucker Act. Sent to court July, 1897, by Senate resolution. Court finds that claimant was born in 1850 and took no part in rebellion, this amounting to a finding of loyalty. Court further reports that Army supplies were taken from claimant and his coowners, wherein claimant's interest was reasonably worth \$2,031.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

WILEY W. TIPTON. (H. D. 801-59-1.) Bowman Act. Referred to court August 6, 1898. Court finds claimant loyal and that supplies worth \$600 were taken for Army use. Claim appears on page 236 of Southern Claims Commission index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN WATERS. (Smith Summers, administrator.) (S. D. 32-60-1.) Tucker Act. Sent to court February 14, 1901, by Senate resolution. Court finds decedent loyal. Army supplies worth \$1,700 taken for Army use.

ELIZABETH H. WELFORD. (Mrs. J. H. T. Jackson, administratrix.) (S. D. 192-60-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds decedent loyal by reason of tender years during war; that Army supplies were taken from decedent worth \$3,650; that claim was presented to Southern Claims Commission, but was not proven, it being alleged that the expense thereof was greater than she was able to bear.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

JOEL H. WILLIS. (Bettie B. Willis, administratrix.) (H. D. 207-60-1.) Bowman Act. Sent to court March 4, 1887. Court finds decedent loyal; that supplies worth \$6,040 were taken from him for Army use. Claim presented to Southern Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN WOOD. (H. D. 538-60-1.) Bowman Act. Sent to court February 12, 1907. Court finds claimant loyal and that Army sup-

plies worth \$880 were taken from him. Claim tried under Bowman Act, which presupposes presentation to Southern Claims Commission. Found on page 258 of index of that commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

RICHARD O. WOODSON. (John L. Woodson, administrator.) (H. D. 677-61-2.) Bowman Act. Sent to court April 30, 1886. Court finds decedent loyal; that supplies worth \$2,250 were taken from him for Army use. Claim filed with Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

BAPTIST CHURCH OF CORINTH, MISS. (S. D. 556-61-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal; that United States forces by proper authority took the material from claimant's church building for military purposes; that building was worth \$800; claim first presented to Fifty-second and succeeding Congresses.

Passed Senate in Sixty-second and House in Sixty-first and Sixty-second Congresses.

CHRISTIAN CHURCH OF CORINTH, MISS. (S. D. 72-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; that its brick church building was torn down by United States forces and materials used in camps; that building was worth \$1,250.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-second Congresses.

PRESBYTERIAN CHURCH OF CORINTH, MISS. (Successor to Cumberland Presbyterian Church.) (S. D. 557-61-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal; that United States forces occupied the church building for military purposes and damaged same; that rental value during period of occupation, with damages in excess of ordinary wear and tear, was \$833.

Passed House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, OF CORINTH, MISS. (S. D. 622-61-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal; that United States forces used premises as a guardhouse and erected a stockade about the building; that on evacuation of Corinth commanding officer was ordered to remove all lumber in buildings erected by troops and to destroy such lumber as could not be removed; that the stockade was burned and the church building also burned; that rental value during period of occupation and value of building at time of destruction are \$1,790.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, RED BONE, MISS. (S. D. 636-62-2.) Tucker Act. Sent to court June 21, 1910, by Senate resolution. Court finds claimant loyal; troops used church building for hospital and other military purposes; rental value, with damages incident to this use, was \$650. Court concludes claim is equitable. Claim certified too late for consideration in connection with previous bills.

MISSOURI.

WILLIS M. ALLMAN. (Merit F. Thomas, administrator.) (S. D. 254-62-2.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. Court finds decedent loyal; that supplies were taken for Army use from decedent and his coowner, worth \$420; that Allman's interest therein was worth \$210. Findings accompanied by conclusion that claim is equitable, in that United States received benefit of the property.

Passed House in Sixty-second Congress.

JOHN M. ARMSTRONG. (Francis T. Buckner, administrator.) (S. D. 224-61-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds decedent loyal; that United States troops occupied his storeroom and stable as quarters and stable; that the damages to buildings incident to such occupation amount to \$460. No allowance made for rent, that item having been paid through Quartermaster General. Claim presented to that officer in 1874 and rejected as to damages for want of jurisdiction.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

JOHN BAGG. (Caroline E. Bagg, widow.) (H. D. 254-60-1.) Bowman Act. Officer's claim for difference in pay, \$922.90.

The findings were apparently made during the lifetime of the decedent, John Bagg, but it has been represented to the committee that he has since departed this life, and it has been requested that appropriation be made to his widow, who is named in the bill.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM BAKER. (H. D. 87-61-1.) Bowman Act. Sent to court April 23, 1890. Court finds claimant loyal; that supplies worth \$140 were taken for Army use. Claim presented to Quartermaster General and to Commissary General and rejected.

Passed House in Sixty-first and Sixty-second Congresses.

LOUIS BENECKE. (H. D. 804-61-2.) Tucker Act. Sent to court April 6, 1906, by House resolution. Court finds claimant loyal; that he served in Union Army greater part of war; was captain latter part of war; his company was originally formed for local defense, but became Company I, Forty-ninth Missouri Volunteers. Capt. Benecke furnished his company repeating rifles and cartridge boxes at his own expense, same to remain his property till paid for; that 43 rifles and cartridge boxes were lost without fault on Benecke's part, some through casualties of service and some being retained by hospital authorities when members of company died in hospital or were discharged therefrom; that cost to claimant of the arms so lost was \$1,763. Claim presented to Treasury Department as early as October, 1865, but rejected for want of jurisdiction; later presented to Fifty-fourth Congress.

If any claim has been reported by the court which the Government should gladly pay, this would seem to be such a claim. It is merely proposed to reimburse this Federal captain for what he spent for Government use from his own funds.

Passed House in Sixty-first and Sixty-second Congresses.

E. W. BISHOP. (Jane S. Bishop, executrix.) (H. D. 735-60-1.) Bowman Act. Sent to court March 4, 1887. Court finds decedent loyal; that by proper authority United States forces occupied decedent's lands and buildings described in petition, in Missouri, and that reasonable rental value was \$600. Claim presented to Quartermaster General and rejected for supposed lack of jurisdiction.

Passed House in Sixty-first and Sixty-second Congresses.

JOSEPH C. BLACK. (H. D. 173-58-3.) Bowman Act. Sent to court April 23, 1890. Court finds claimant loyal; that supplies worth \$235 were taken for Army use. Tried under Bowman Act, so claim must have been presented to Quartermaster General in proper time.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JESSE M. BLUE (Sarah Katherine Blue, executrix) and **DAVID BLUE** (William Traugbber, administrator). (H. D. 11-61-1.) Bowman Act. Sent to court September 24, 1888. Court finds Jesse M. Blue loyal; that he was surviving partner of Jesse M. and David Blue; that as such surviving partner he held certain property; that some of the partnership property, being Army supplies, were taken, worth \$710. While payment might be made to estate of surviving partner, yet as estates of both partners are represented, appropriation may more properly be made in equal shares to both estates.

Passed House in Sixty-first and Sixty-second Congresses.

SARAH D. BOOKOUT. (K. D. and F. M. Bookout, heirs.) (H. D. 641-62-2.) Bowman Act. Sent to court February 12, 1910. Court finds claimant loyal; Army supplies taken, worth \$530. Claim presented to Quartermaster General and rejected by him.

Findings certified too late for consideration in connection with previous bill.

STERLING M. BOYSE. (William D. Boyse, heir.) (H. D. 514-60-1.) Bowman Act. Sent to court March 2, 1891. Court finds decedent loyal; that supplies worth \$365 were taken for Army use. First presented to Quartermaster General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ALEXANDER BRADSHAW. (Jane F. Bradshaw et al., heirs.) (H. D. 519-59-2.) Tucker Act. Sent to court January 16, 1903, by House resolution. Court finds decedent loyal; that supplies worth \$420 were taken for Army use; that his heirs are: Mrs. Jane F. Bradshaw, widow, and Lucius M. Bradshaw, James E. Bradshaw, and Susan L. McLaughlin, children. Claim placed in hands of counsel about 1874 or 1875, in time for presentation to Quartermaster General. Only one heir appears in petition, so let appropriation run to heirs generally for legal distribution.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM C. BRUMMETT. (H. D. 628-60-1.) Bowman Act. Officer's claim for difference in pay, \$390.93.

Passed House in Sixty-first and Sixty-second Congresses.

ISAAC BROOKS. (John W. Brooks, heir.) (H. D. 867-59-1.) Bowman Act. Sent to court May 14, 1902. Court finds decedent loyal;

that supplies worth \$320 were taken from him for Army use. Tried under Bowman Act, which presupposed presentation of claim to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

O. H. COGSWELL. (Mrs. Nannie Cogswell et al., heirs.) (H. D. 489-60-1.) Tucker Act. Sent to court February 20, 1903, by House resolution. Court finds decedent was loyal; that supplies were appropriated to use of United States troops worth \$1,600; also that Mrs. Nannie Cogswell, widow, and Oscar W. Cogswell, John R. Cogswell, and Emma Cogswell, children, are the heirs of said decedent.

Passed Senate in Sixtieth and House in Sixty-first and Sixty-second Congresses.

ANSELM L. DAVIDSON. (C. C. Bundy, administrator.) (H. D. 563-61-2.) Bowman Act. Sent to court February 4, 1908. Court finds decedent loyal; that supplies worth \$600 were taken from him for Army use. Claim presented to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

JOHN P. DUKE. (H. D. 637-59-2.) Bowman Act. Sent to court January 14, 1902. Court finds claimant loyal; that United States troops took possession of certain supplies and shipped them to Kansas City; the supplies were worth \$2,390, and consisted of boots, shoes, and leather.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HUGH G. GLENN. (Estate.) (H. D. 618-61-2.) Bowman Act. Sent to court July 10, 1888. Court finds decedent loyal; also that supplies worth \$1,280 were taken from him for Army use. Claim presented to Quartermaster General. Claim is entitled "Estate of Hugh G. Glenn," but findings and statement fail to show whether estate is represented by an administrator. Hence let appropriation run to the estate for legal distribution.

Passed House in Sixty-first and Sixty-second Congresses.

COUNTY OF GREENE, MO. (S. D. 235-62-2.) Tucker Act. Sent to court May 22, 1907, by Senate resolution. Court finds claimant loyal as a county; that United States military forces, under proper authority, occupied the county courthouse and jail for hospital and guardhouse and damaged same; that rental value, with damages in excess of ordinary wear and tear, was \$6,010. A conclusion accompanies the findings that claim is an equitable one in that the Government received benefit of use of the property.

Passed House in Sixty-second Congress.

JOSEPH C. GRISSOM. (H. D. 590-59-2.) Bowman Act. Officer's claim for difference in pay, \$1,208.19.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN R. HAMACHER. (H. D. 285-60-1.) Bowman Act. Officer's claim for difference in pay, \$42.38.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN HAMMONTREE. (Elijah B. Hammontree, administrator.) (H. D. 689-60-1.) Bowman Act. Sent to court July 10, 1888. Court finds decedent loyal; that supplies worth \$425 were taken from him for Army use. Claim presented to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

NATHAN E. HARRELSON. (John B. Harrelson, administrator.) (H. D. 472-61-2.) Bowman Act. Sent to court January 19, 1909. Court finds decedent loyal; that supplies worth \$5,268 were taken from him for Army use. Claim presented to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

MANNING HARRIS. (Mary C. and Agnes A. Estes, heirs.) (H. D. 65-63-1.) Judicial Code of March 3, 1911. Referred to court by House resolution June 22, 1912. Court finds that the decedent, Manning Harris, was loyal and that supplies worth \$3,000 were taken for Army use. The conclusion of the court is that the claim is an equitable one.

Claim certified too late to be included in former bills.

PASCHAL HENSHAW. (H. D. 46-61-1.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds claimant was a private in Missouri Militia; enrolled August 10, 1864; in October, 1864, he was serving in defense of Glasgow, Mo. The colonel in command found it necessary to surrender the town and the defending forces to the Confederates. Henshaw brought into the service his own horse, worth \$120; horse equipment, worth \$27; revolver, worth \$25; and overcoat, worth \$15; all amounting to \$187, and all this property was taken from him as an incident to said surrender. Claims were made by Henshaw and 10 others of said company similarly situated; three claims were allowed by Treasury Department and remainder, including Henshaw's, were rejected under a decision of the comptroller that there was no law providing for payment.

While the comptroller's decision was doubtless correct, it would seem that the claim possesses strong equity, such as may be very properly recognized by Congress by payment of the small claim.

Passed House in Sixty-first and Sixty-second Congresses.

SAMUEL E. HOWELL AND JAMES H. HOWELL. (In their own right and as heirs of Mary Ann Thomas, deceased, and of William T. Howell, deceased.) (H. D. 63-63-1.) Tucker Act. Referred to court by House resolution February 3, 1911. This case really combines two claims. The first is for property taken from Mary Ann Thomas, grandmother of the present claimants; the court finds her loyal. The second claim is for property taken from the present claimants, Samuel E. and James H. Howell, and their deceased brother, William T. Howell; all three have been found loyal by the court. The court further finds that supplies worth \$1,350 were taken from Samuel E. Howell, James H. Howell, and their two decedents, Mary Ann Thomas and William T. Howell, for Army use. The present claimants are sole surviving heirs of their decedents. The conclusion of the court is that this claim is an equitable one.

The claim was certified too late for inclusion in former bills.

GEORGE W. HOCKENSMITH. (David Hockensmith, administrator.) (S. D. 141-62-2.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. Court finds decedent loyal; Army supplies worth \$540 taken. Claim for part of the property herein was filed with Quartermaster General in 1867 and rejected; claim previously referred to court in 1896, under Bowman Act, and later referred under Tucker Act, as mentioned. Court reports that claim is equitable in that Government received the benefit of the supplies.

Findings certified too late for previous consideration.

JACOB HUFTY. (W. W. Huffman, administrator.) (S. D. 201-62-2.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. Court finds decedent loyal; troops took lumber from him for use in building winter quarters worth \$1,020. Conclusion of court is that claim is equitable.

Case tried too late for consideration in connection with previous bills.

JACKSON COUNTY, MO. (H. D. 175-59-1.) Bowman Act. Sent to court February 16, 1887. Court finds that United States forces, by proper authority, occupied courthouse and jail for quarters and hospital; that rental value was \$410. County presumed loyal, as Missouri was itself loyal as a State.

Passed Senate in Sixtieth and House in Sixtieth and Sixty-second Congresses.

THOMAS JAMES. (Mary E. James, widow.) (H. D. 568-60-1.) Bowman Act. Officer's claim for difference in pay, \$149.90.

In this case the court further reports that if it be decided that claimant did not forfeit part of his veteran bounty when promoted to a lieutenancy the total claim would amount to \$289.90. No reason is reported for allowing the additional sum mentioned, so the appropriation recommended is of the lesser sum of \$149.90, which is the amount carried by the previously reported bills.

Passed House in Sixty-first and Sixty-second Congresses.

ABRAM JONES. (H. D. 845-59-1.) Bowman Act. Sent to court February 26, 1890. Court finds claimant loyal; that supplies worth \$245 were taken from him for Army use. Having been tried under Bowman Act, claim must have been filed with Quartermaster General and Commissary General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

BENJAMIN KIRK. (H. N. Vaughn, executor.) (H. D. 819-59-1.) Bowman Act. Sent to court April 23, 1890. Court finds decedent loyal; that supplies worth \$336 were taken for Army use. Claim filed with Quartermaster General and Commissary General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN W. LIVESAY. (Amanda M. Livesay, administratrix.) (H. D. 513-60-1.) Bowman Act. Sent to court January 15, 1901. Court finds claimant loyal, and that supplies worth \$816 were taken for Army use. Claim presented to Quartermaster General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

BENJAMIN F. LUTMAN. (H. D. 458-59-2.) Bowman Act. Officer's claim for difference in pay, \$388.96.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

PHILIP MICHAEL. (Philip Michael, jr., heir.) (H. D. 744-60-1.) Bowman Act. Sent to court April 23, 1890. Court finds decedent loyal, and that supplies worth \$425 were taken for Army use. Claims presented to Quartermaster General and to Commissary General.

Passed House in Sixty-first and Sixty-second Congresses.

KAROLINE MULHAUPT. (S. D. 74-59-1.) Tucker Act. First sent to court under Bowman Act, February 27, 1887; loyalty found under that reference, but that case went no further as court had no jurisdiction under Bowman Act; later sent to court under Tucker Act, January 5, 1905, by Senate resolution. Under last reference court finds claimant loyal; also that United States forces occupied, by proper authority, a house and lot in Memphis, Tenn., belonging to claimant from June, 1862, to April, 1866, or 45 months; that reasonable rental value, with damages incident to such use, was \$1,395.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

MRS. E. S. MUNN. (Charles W. Munn, administrator.) (H. D. 604-61-2.) Tucker Act. Sent to court February 5, 1909, by House resolution. Court finds decedent loyal; also that supplies worth \$1,615 were taken from her in Barry County, Mo. Claim placed in hands of an attorney in early eighties.

Passed House in Sixty-first and Sixty-second Congresses.

ANDREW J. NEFF. (Jay H. Neff, administrator.) (H. D. 591-59-2.) Bowman Act. Officer's claim for difference in pay, \$240.28. The sum mentioned is made up of two separate items reported by the court, i. e., \$227.90 and \$12.38.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

LEVI S. NORTH. (H. D. 172-58-3.) Bowman Act. Sent to court August 6, 1888. Court finds claimant loyal; that supplies worth \$490 were taken for Army use. Having been tried under Bowman Act, must have been filed with Quartermaster General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM B. PAYNE. (H. D. 912-59-1.) Tucker Act. Sent to court by House resolution, date not stated. Court finds claimant loyal; that supplies worth \$4,754 were taken for Army use. Claim not filed with Quartermaster General; placed in hands of counsel in 1867.

Passed House in Sixty-first and Sixty-second Congresses.

PHELPS COUNTY, MO. (S. D. 353-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds United States forces occupied county courthouse for hospital and other purposes; that rental value and damages in excess of ordinary wear and tear was \$890.

There is no finding on loyalty; but as Missouri never seceded the legal presumption, in absence of any thing to contrary, is that a subdivision of a loyal State was itself loyal. No objection is found to this claim.

Passed Senate in Sixtieth and House in Sixty-second Congresses.

DANIEL K. PONDER. (S. D. 584-60-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds claimant loyal; that supplies worth \$530 were taken for Army use.

Passed House in Sixty-second Congress.

TILLARD RAGAN AND SOPHIA L. RAGAN. (Mary L. Cropper et al., heirs.) (H. D. 1272-60-2.) Bowman Act. Sent to court February 28, 1906. Court finds Tillard Ragan and Sophia L. Ragan loyal; that supplies worth \$2,970 were taken from them for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

WILLIAM B. REICH. (S. D. 272-62-2.) Tucker Act. Sent to court June 27, 1906, by Senate resolution. Court finds claimant loyal; that a mule was taken from him for Army use worth \$115. Court states conclusion that claim is equitable.

Case tried too late for inclusion in any previous bill.

WILLIAM A. RYAN. (George W. January, administrator.) (H. D. 335-62-2.) Bowman Act. Sent to court February 4, 1908. Court finds decedent loyal; that supplies worth \$1,260 were taken for Army use. Claim filed with Quartermaster General.

Passed House in Sixty-second Congress.

COUNTY COURT, STE. GENEVIEVE COUNTY, MO. (S. D. 441-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds that United States forces, by proper authority, occupied county courthouse for military purposes; that rental value, with damages incidental to the occupancy, was \$1,200. There is no finding on loyalty, but a county of a loyal State was presumptively loyal.

Passed Senate in Sixtieth and House in Sixty-second Congresses.

SHADRACK SECHREST. (S. D. 551-62-2.) Tucker Act. Sent to court June 21, 1910, by Senate resolution. Court finds claimant loyal; Army supplies, worth \$500, taken. Court reports claim is equitable. Case tried too late for inclusion in any previous bill.

FRANCIS M. SHEPPARD. (H. D. 1463-60-2.) Bowman Act. This is an unusual claim and has been therefore given special consideration. The facts found by the court are, in brief, as follows:

Sheppard was a private in Company I, One hundred and sixteenth Illinois Volunteers. The provost marshal seized \$830 belonging to him, on ground that Sheppard was a gambler (and supposedly on ground that the money had been won by gambling); in April, 1865, a court of inquiry was convened and Sheppard was required to prove that the money had not been won gambling.

This court of inquiry recommended that \$376 be restored to him and that the remaining \$454 be confiscated as being proceeds of a gambling game known as "chuck luck." The \$376 was never restored to Sheppard; the \$454 was used by the commanding officer as part of what was called a "provost" fund, which was not regarded as public money.

The whole sum of \$830 comprised \$200 in coupons and \$600 in interest-bearing bonds.

As to the right of claimant to restoration of the smaller sum of \$376 there is no room for question. The only real question in this claim is whether this man should be paid the other sum of \$454.

It is possible that by some proper proceeding, Sheppard, if found guilty of gambling in defiance of Army regulations, might have been fined by a duly convened court-martial the sum found to have been won by him. That was not, done, however. He was never court-martialed at all, so far as shown by the findings. When called before this mere court of inquiry the burden was placed upon him to prove that the money was not won in gambling.

It seems clear that no mere court of inquiry had the power to confiscate this man's money; nor had his commanding officer any such authority, in the opinion of the committee. It would therefore appear that this man's property was taken from him without due process of law, either civil or military.

This conclusion leads to the further question as to whether the Government should pay claimant the money disbursed by the commanding officer as part of the "provost fund." The money was not placed in the United States Treasury, apparently. It would seem to be a fair inference, however, that the money so spent was expended for benefit of the troops, the Government therefore securing a benefit from the expenditure, even though by indirection.

For these reasons the committee recommends payment of the entire sum illegally taken from him—i. e., \$830—thus resolving any possible doubt in favor of this former Union soldier.

Claim for restoration of the \$376 was made in 1891 to the Treasury Department and denied for lack of jurisdiction.

This claim passed the House in Sixty-first Congress as to \$376, and passed House in Sixty-second Congress as to entire sum involved.

WILLIAM F. SMITHEY. (H. D. 572-62-2.) Tucker Act. Sent to court February 5, 1909, by House resolution. Court finds claimant loyal; troops took supplies for Army use, in which claimant owned an undivided half interest; also used for military purposes a livery stable wherein claimant had an undivided half interest. Claimant's interest in the supplies taken and in rental value of the stable, including damages incident to use, amounts to \$600. Court reports claim equitable.

Case tried too late for inclusion in any previous bill.

LOWELL G. SPAULDING. (William W. Trigg, administrator.) (S. D. 260-62-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds decedent loyal; that supplies worth \$12,500 were taken from him for Army use. Court further finds claim not presented to Quartermaster General; that decedent was preparing to come to Washington to present his claim in 1864 or 1865, but fell sick and died; that by the taking of the property in question the widow was so impoverished that she could not have the claim presented. Court states its conclusion that the claim is equitable in that the Government received the benefit of the supplies taken.

Passed House in Sixty-second Congress.

STATE HOSPITAL NO. 1, FULTON, MO. (John P. Bell, treasurer.) (S. D. 121-59-2.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court finds that the property in question belonged to the State of Missouri, which remained loyal; that United States forces occupied State Hospital No. 1, at Fulton, Mo., for military purposes; that compensation as to rental value during the occupancy has already been given; that by reason of said occupancy repairs were made necessary which actually cost \$14,000 merely to restore the premises to their condition prior to said occupancy.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

MERIT F. THOMAS. (H. D. 736-60-1.) Tucker Act. Sent to court April 9, 1906, by House resolution. Court finds claimant loyal; that Army supplies worth \$420 were taken from him and his coowner, W. M. Allman; that claimant's share therein was worth one-half, or \$210. This is companion claim to that of Allman, above mentioned.

Passed House in Sixty-first and Sixty-second Congresses.

JOHN TURLEY. (Mildred Turley, administratrix.) (H. D. 918-59-1.) Bowman Act. Sent to court March 1, 1904. Court finds claimant's decedent loyal; that supplies worth \$3,390 were taken for Army use. Claim tried under Bowman Act, so must have been filed with Quartermaster General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MARY E. WILLETT. (S. D. 381-62-2.) Tucker Act. Sent to court June 21, 1910, by Senate resolution. Court finds claimant loyal; Army supplies worth \$871 taken. Court reports claim is equitable.

Case tried too late for inclusion in any previous bill.

JOHN WILSON. (Eli D. Wilson and Narcissus Wilson, executors.) (H. D. 230-61-2.) Bowman Act. Sent to court June 5, 1890. Court finds decedent loyal; that supplies worth \$425 were taken for Army use. Claim filed with Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

GEORGE W. YANCEY. (William Yancey, administrator.) (S. D. 264-62-2.) Tucker Act. Sent to court February 21, 1911, by Senate resolution. Case previously referred in 1906, under Bowman Act, but dismissed for want of jurisdiction. Court finds decedent loyal; that rails and corn worth \$2,100 were taken for Army use by proper authority. Court reports its conclusion that claim is equitable.

Case tried too late for inclusion in any previous bill.

SOLOMON YOUNG. (Harriet L. Young, administratrix.) (H. D. 901-59-1.) Bowman Act. Sent to court June 7, 1890. Court finds decedent loyal; that supplies worth \$3,800 were taken for Army use. Having been tried under Bowman Act, claim must have been filed with Quartermaster General and Commissary General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CHRISTIAN CHURCH, HARRISONVILLE, MO. (S. D. 160-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution.

Court finds claimant loyal; that United States forces occupied church premises about two years and damaged same; that rent has been already paid, but that the claim filed with Quartermaster General for damages was rejected for lack of jurisdiction; that damages incident to such occupancy, in excess of ordinary wear and tear, was \$650. Claim presented to Quartermaster General and rejected as to item of damages, as above mentioned.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, HARRISONVILLE, Mo. (S. D. 21-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; that United States forces occupied its building three years; that rental value with damages incident to the use was \$779.75.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FIRST BAPTIST CHURCH, JEFFERSON CITY, Mo. (S. D. 140-58-3.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; that in September, 1861, United States forces took possession of its premises and occupied them till spring of 1865; that rental value, plus expense of making repairs necessary to restore building to former condition, was \$1,380.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH, MACON, Mo. (S. D. 557-60-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building for hospital and other purposes; that rental value, with damages in excess of ordinary wear and tear, was \$760.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, MACON, Mo. (S. D. 486-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building as barracks and commissary; that rental value, with damages in excess of ordinary wear and tear, was \$600. Claim presented to Quartermaster General and rejected.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

CHRISTIAN CHURCH, MARSHALL, Mo. (S. D. 41-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; that church building was used by United States forces from March, 1862, to August, 1865; that rental value, with damages in excess of ordinary wear and tear, was \$1,240.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FIRST CHRISTIAN CHURCH, MEXICO, Mo. (S. D. 291-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building;

that rental value, with damages in excess of ordinary wear and tear, was \$550.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, MEXICO, Mo. (S. D. 267-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building about two years; that rental value, with damages in excess of ordinary wear and tear, was \$710.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

UNIVERSITY OF MISSOURI. (S. D. 123-59-1.) Tucker Act. Sent to court in April, 1904, by Senate resolution. Court finds claimant an institution of learning, whose officers were loyal men, and that its property was not used to aid the rebellion. Claimant's property was worth \$169,000; United States forces occupied same from fall of 1861 till close of war, save for short intervals; damages resulting from such occupation amount to \$5,075. Claim was made to War Department for rent and incidental damages; it was rejected as to item of damages for lack of jurisdiction; claim for rent only was adjusted and paid. Present claim for damages obviously just.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

CHRISTIAN CHURCH, PLEASANT HILL, Mo. (S. D. 39-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; that United States forces occupied its building about 18 months and totally destroyed same; that value of building was \$500, including use and occupation. The court says this was done "by proper authority for the use of the Army." This claim may be properly considered as falling within the general class, evidently, where buildings were used and thereby damaged or destroyed otherwise than as an act of warfare.

Passed Senate and House in Sixty-second Congress.

FIRST CHRISTIAN CHURCH, SPRINGFIELD, Mo. (S. D. 343-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied its building for 16 months and claimant was paid \$160 as rent; that building was damaged to extent of \$275 by said occupancy. Claim for rent and damages filed with War Department in 1874; allowed as to rent and rejected as to damages. No reason appears why this church should not be compensated for the damage done its building.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, SPRINGFIELD, Mo. (S. D. 20-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building from August, 1861, to May, 1864; that rental value with sum necessary to restore building to former condition was \$3,150.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

CHRISTIAN CHURCH, STURGEON, Mo. (S. D. 374-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building as hospital and stable greater part of the time from summer of 1861 to October, 1864; that rent was paid through Quartermaster Department, but nothing paid on account of damages: that damages in excess of ordinary wear and tear were \$550.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

CHRISTIAN CHURCH, WARSAW, Mo. (S. D. 8-61-1.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building for hospital and other purposes; that rental value with damages in excess of ordinary wear and tear was \$660.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

MONTANA.

JAMES E. CALLAWAY. (Mary E. L. Callaway, widow.) (H. D. 582-59-2.) Bowman Act. Officer's claim for difference in pay, \$53.23.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

NEBRASKA.

COLUMBUS P. FRENCH. (Margaret C. French, widow.) (H. D. 584-59-2.) Bowman Act. Officer's claim for difference in pay, \$176.40.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MICHAEL TRUCKS. (H. D. 595-59-2.) Bowman Act. Officer's claim for difference in pay, \$377.67.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

NEVADA.

JOHN ALLMAN. (S. D. 68-58-3.) Tucker Act.

JOHN M. FORSYTH. (S. D. 71-58-3.) Tucker Act.

FRANK J. MCWORTHY. (S. D. 72-58-3.) Tucker Act.

THOMAS RODGERS. (S. D. 69-58-3.) Tucker Act.

JAMES M. THOMPSON. (Vinnie J. Thompson, executrix.) (S. D. 74-58-3.) Tucker Act.

These claims may be considered together, as they all arose out of the same general conditions. They were sent to the court by Senate resolutions on February 8, 1900, save the Forsyth claim, sent April 11, 1899.

These claims arose from necessity of white people in and about Carson City and Virginia City and smaller settlements in Nevada protecting themselves against hostile Indians in winter of 1859-60. Regular troops were sent from California, but did not arrive till a volunteer company had fought the Indians and had been defeated,

with loss of supplies and property. The volunteer troops then operated with the Regulars till the Indians sued for peace.

These claims are for value of supplies, arms, horses, mules, etc., furnished for this campaign. It appears that some of the supplies were furnished to the regular troops. (See findings in Forsyth case.) Forsyth was himself one of the volunteers. While it might be contended that isolated settlers in the West knew they must protect themselves from Indians, that theory could hardly hold good as to residents of Carson City or Virginia City and vicinity. It would seem that there must have rested some obligation upon the Government to protect those settlements. The fact that Regular troops were later sent to the scene would seem to prove this responsibility of the Government.

As to supplies furnished the regular troops there would seem to be the basis of a legal claim against the Government. It is impossible to tell, however, just what supplies were furnished to the Regulars and what to the Volunteers.

Under these peculiar circumstances it would seem more nearly accomplishing justice that the loss arising from these conditions should be borne by all the people than be left on the shoulders of these five public-spirited men. This view has evidently been previously adopted by both Houses of Congress in different Congresses.

Passed Senate in Sixty-first and House in Sixty-second Congress.

Claims are for following sums:

Allman-----	\$2,358
Forsyth-----	2,728
McWorthy-----	450
Rodgers-----	440
Thompson-----	3,750

NEW HAMPSHIRE.

ELEAZER L. SARSONS. (H. D. 594-59-2.) Bowman Act. Officer's claim for difference in pay. \$40.33.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

NEW JERSEY.

JOHN H. AREY. (H. D. 221-59-2.) Bowman Act. Officer's claim for difference in pay. \$20.39.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

NEW MEXICO.

FRANCISCO DE BACA. (Anastacio de Baca, administrator.) (H. D. 551-60-1.) Bowman Act. Sent to court February 13, 1900. Court finds decedent loyal. On property the facts of this case are peculiar. It appears that Navajo Indians drove off a flock of sheep belonging to the decedent; that United States troops recovered some of the sheep from the Indians, but instead of restoring them to the owner, used them for the benefit of the United States. The sheep so recaptured by the troops from the Indians and converted to the use of

the Government are found by the court to have been reasonably worth \$1,325 at time and place of taking.

This man was left in the position of one whose property has been stolen, and which property is later recovered by a policeman and converted to the use of the policeman or to use of the Government employing him.

There is a plain liability in this case on part of the Government. The claim was presented to the Commissary General and rejected.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

EDWARD BERGMANN. (H. D. 174-58-3.) Bowman Act. Sent to court February 17, 1890. Court finds claimant loyal, and that he was a captain in Kit Carson's regiment; that in 1862, his company being nearly destitute of clothing, he advanced of his own funds the sum of \$1,200 to buy clothing for them. The court further finds that the reports of the Quartermaster General show that no clothing was issued for months where this company was stationed or operating, thus showing the necessity for the action of Capt. Bergmann. This money was clearly expended by this captain for the use and benefit of the United States Government. It is apparent that these troops were operating in a locality remote from supplies, and this officer, when his men were destitute of absolutely necessary clothing, cut military red tape by purchasing the supplies with his personal funds, naturally looking to the Government for reimbursement.

This claim would seem to be of the very highest order of merit.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

W. J. GOODWIN. (S. D. 147-62-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal. Property was taken by proper authority for Army use; worth \$2,980. Claim placed in hands of counsel for presentation in 1867; he died without action on claim; placed in hands of other counsel in 1869; he died without action being taken. Court concludes claim is equitable. Claim recently certified and not previously considered in connection with previous bills.

WILLIAM J. LITTELL. (Mary W. Littell, widow.) (H. D. 156-59-2.) Bowman Act. Officer's claim for difference in pay, \$632.18.

Passed Senate in Sixtieth and House in Sixtieth and Sixty-second Congresses.

NEW YORK.

LUTHER S. BRYANT. (H. D. 240-60-1.) Bowman Act. Officer's claim for difference in pay, \$45.31.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

GEORGE CAMPBELL. (Josephine Campbell, widow.) (H. D. 291-60-1.) Bowman Act. Officer's claim for difference in pay, \$272.14.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

BENJAMIN FENTON. (Surviving partner of Fenton & Co.) (S. D. 199-59-2 and S. Rept. No. 330-44-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution.

This claim is for rent of certain premises in Memphis, Tenn. The firm of Fenton & Co. consisted of Benjamin Fenton and his brother, D. W. Fenton, both northern men. This firm had a leasehold estate in the property at Memphis. United States forces, for Army use, occupied the premises from June 6, 1862, until September, 1868.

In 1870 the firm presented its claim for rent for the entire period. It was then thought by the accounting officers that, as the war did not technically end until August 20, 1866, and as under the law limiting jurisdiction of the accounting officers rent could not be paid for occupation occurring during the war, that only that part of the claim for occupation after August 20, 1866, could be allowed.

Accordingly the claim was then allowed and paid, covering only rent after August 20, 1866, at rate of \$2,500 per year.

As a matter of record in Congress it further appears that Fenton & Co. presented the rejected part of their claim to Congress as subject matter of S. 855, Forty-fourth Congress. That claim was covered by Senate Report No. 330, Forty-fourth Congress, first session. As then considered, the claim so presented was divided into two parts. One item was considered as rent from June 6, 1862, to April 2, 1866; the other item was rent from April 2, 1866, to August 20, 1866.

On the theory that the war ended in the State of Tennessee on April 2, 1866 (The Protector, 12 Wall., 700), the report on that bill recommended that the rent accruing after April 2, 1866, and up to August 20, 1866 (beyond which last date rent had been already paid), be paid to claimants. The report further recommended that no rent be paid for the period of occupation prior to April 2, 1866, so that part of claim was again rejected.

This action in Congress resulted in enactment of a special act approved March 3, 1877 (19 Stats., 538), appropriating \$958.32 as rent of said premises between April 2, 1866, and August 20, 1866.

That action still left unpaid, however, the rent from June 6, 1862, to April 2, 1866.

It is evident that the Treasury Department did not report this payment so made by special act when the claim was pending in the Court of Claims, so the court did not take that payment into account in making its findings, which covered rent from June 6, 1862, to August 20, 1866.

The court therefore found the rental value from June 6, 1862, to August 20, 1866, at rate of \$2,500 per year, amounting to \$10,520.66. From this sum must be deducted said sum of \$958.32, paid by special act in 1877, which leaves \$9,562.34, which it is now proposed to appropriate in final settlement of this long-pending claim. That this much remains due and unpaid is plain.

It may be mentioned, also, that the firm of Fenton & Co. continued to pay rent for the premises, under its lease, during the period in question. This is expressly reported by the court.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

JOHN FRYER. (Anna Cavanaugh, sister and sole heir.) (H. D. 288-60-1.) Bowman Act. Officer's claim for difference in pay, \$60.80.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

THEODORE HOES. (Harry W. Hoes, administrator.) (H. D. 260-60-1.) Bowman Act. Officer's claim for difference in pay, \$491.08.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HARRISON LOCKWOOD. (Emily A. Lockwood, widow.) (H. D. 247-60-1.) Bowman Act. Officer's claim for difference in pay, \$484.11.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ANDREW J. MCNETT. (Abby C. McNett, widow.) (H. D. 678-60-1.) Bowman Act. Officer's claim for difference in pay, \$816.77.

Passed House in Sixty-first and Sixty-second Congresses.

MARTIN H. MULLIN. (H. D. 575-60-1.) Bowman Act. Officer's claim for difference in pay, \$351.68.

Passed House in Sixty-first and Sixty-second Congresses.

LUCIUS V. S. MATTISON. (H. D. 303-60-1.) Bowman Act. Officer's claim for difference in pay, \$490.44.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HAMILTON S. PRESTON. (Cornelia P. Beckley and Maud P. Clark, daughters and sole heirs.) (H. D. 278-60-1.) Bowman Act. Officer's claim for difference in pay, \$104.05.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ALLEN SHELDON. (Alice A. Sheldon, widow.) (H. D. 250-60-1.) Bowman Act. Officer's claim for difference in pay, \$274.54.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

NORTH CAROLINA.

FRANCIS ALLISON. (E. M. Allison, administrator.) (H. D. 869-59-1.) Bowman Act. Sent to court March 6, 1888. Court finds decedent loyal; that supplies worth \$550 were taken for Army use. Having been tried under Bowman Act, must have been filed with Claims Commission. Appears on page 10 of index of such claims.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ESAU BERRY. (John E. Berry and Lovey T. Williamson, heirs.) (S. D. 558-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds decedent loyal; that present claimants are his sole heirs; that timber worth \$450 was taken from dece-

dent for Army use; that claim was not presented prior to Fifty-seventh Congress owing to illiteracy of decedent.

Passed House in Sixty-first and Sixty-second Congresses.

RAIFORD BREWINGTON. (Hardy A. Brewington, administrator.) (S. D. 471-59-1.) Tucker Act. Sent to court April 28, 1904, by Senate resolution. Court finds decedent was a free colored man, who remained loyal; that supplies worth \$530 were taken from him for Army use; that he was a colored man who was ignorant of his right to present the claim to the Southern Claims Commission during the two years the commission was open to filing of claims; that he had no other opportunity to present the claim save by petition to Congress.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

WILLIAM H. BUCKLIN. (S. D. 62-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds claimant loyal; that a schooner worth \$390 was taken from him for Army use. While not included in the findings of fact, it would appear from the petition that claim was made about two years after taking of the property.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ENOS CASE. (Louise C. Smith, administratrix.) (H. D. 442-60-1.) Bowman Act. Sent to court July 11, 1892. Court finds decedent loyal; that supplies worth \$120 were taken from him for Army use. Claim evidently filed with Claims Commission, and appears on page 45 of index of that commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ISADORE COHEN. (William Cohen, administrator.) (H. D. 415-60-1.) Bowman Act. Sent to court February 10, 1899. Court finds decedent loyal; that supplies worth \$532 were taken for Army use. Claim found on page 52 of index of Southern Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

SYLVESTER DIBBLE. (Lucy A. Dibble, administratrix.) (S. D. 293-60-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds decedent was loyal; that supplies worth \$705 were taken from him by proper authority; that decedent made inquiry as to presenting a claim soon after taking of his property, but was then informed that he could make no claim because he had been a slave. From the petition it would appear that the property was taken after surrender of Gen. Lee.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

WILLIAM HOWETT. (J. W. Howett, administrator.) (S. D. 37-58-3.) Tucker Act. Sent to court July 24, 1897, by Senate resolution. Court finds decedent loyal; that supplies worth \$1,480 were taken for Army use; that claim was not filed with Claims Commission, decedent being illiterate, unable to read or write, and working in a remote region in the cedar swamps of North Carolina.

T. L. LOVE. (Surviving partner of Robert Love & Son.) (S. D. 1017-62-3.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant, T. L. Love, the surviving partner, loyal, and also finds his deceased partner, Robert Love, loyal. Cotton worth \$5,000 was taken and used, by proper authority, as bedding by troops. The sum fixed by the court represents only the loss of the firm for which the Government is responsible.

As early as 1867 the firm endeavored to have the claim properly presented, but their representative failed to prosecute the claim.

The findings in this case are accompanied by an opinion which is of value in showing conditions pertaining to this case and also in war claims in general.

The court, in its opinion, says:

The use made of the cotton was a supply. The Fifteenth Army Corps (of fifteen or twenty thousand men) was camped in the immediate vicinity. The bales of cotton were taken from storage and cut open and beds were made out of it for the use of the troops all over the camp.

The findings were not certified until January 15, 1913, too late for consideration in connection with previous bill.

HARMON MODLIN. (B. A. Critcher, administrator.) (H. D. 446-62-2.) Bowman Act. Sent to court January 15, 1906. Court finds decedent loyal; that supplies worth \$293 were taken for Army use. Claim found on page 166 of Claims Commission index.

Passed House in Sixty-first and Sixty-second Congresses.

DAVID W. MORTON. (John S. Morton, administrator.) (H. D. 931-61-2.) Bowman Act. Sent to court February 19, 1889. Court finds decedent loyal; that supplies worth \$350 were taken for Army use. Claim found on page 170 of index of Claims Commission. Claim is for 6,000 cubic feet of timber, which would equal 72,000 feet board measure.

Passed House in Sixty-first and Sixty-second Congresses.

LEVI T. OGLESBY. (Mary Lee Dennis, executrix.) (S. D. 176-59-2.) Tucker Act. Sent to court first time under Bowman Act, in 1890; while it had been filed with Claims Commission, it had not been prosecuted to a final decision there, so court had no jurisdiction under Bowman Act reference. Last reference was made April 26, 1904, under Tucker Act, by Senate resolution, in Fifty-eighth Congress. Claim had been pending in Fifty-first, Fifty-second, and later Congresses for such reference. Court finds decedent loyal. Report on property shows a case of hardship. Under military or naval orders he sold and delivered to the naval authorities turpentine worth \$588, subject to inspection. Before his turpentine could be or was inspected Confederates drove out the United States forces and seized part of the turpentine, all but 27 barrels, that were actually finally used by the United States naval forces, these 27 barrels of turpentine being worth \$182. Under the circumstances serious doubt arises as to whether this man should be paid for all the turpentine delivered or only for the portion actually used by United States forces. However, as claim has passed both Houses twice previously in the smaller sum, that is adopted as the measure of compensation.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

GEORGE W. PERRY. (O. H. Perry, administrator.) (S. D. 187-58-2.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court finds decedent loyal; that supplies worth \$4,350 were taken from him for Army use; that claim not filed with Claims Commission, but was placed in hands of an attorney soon after close of war, but what he did does not appear.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

WILLIAM O. ROBARDS. (S. D. 280-60-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Claim arose in Kentucky; claimant now living in North Carolina. Court finds claimant loyal; that supplies worth \$1,980 were taken from him for Army use; no allowance made for boarding Federal soldiers.

Passed House in Sixty-second Congress.

J. A. REAGAN. (H. D. 290-62-2.) Tucker Act. Sent to court April 15, 1910, by House resolution. Court finds claimant loyal; that supplies worth \$240 were taken for Army use. Court reports claim is equitable.

Passed House in Sixty-second Congress.

JACOB WEST. (H. D. 347-62-2.) Bowman Act. Sent to court February 26, 1895. Court finds claimant loyal; supplies worth \$215 taken for Army use. Presented to Claims Commission.

Passed House in Sixty-second Congress.

METHODIST EPISCOPAL CHURCH SOUTH, BEAUFORT, N. C. (S. D. 513-61-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; that United States forces occupied church and parsonage for hospital and other purposes; that rental value, including damages in excess of ordinary wear and tear, was \$1,280.

Passed House in Sixty-first and Sixty-second Congresses.

BEULAH PRIMITIVE BAPTIST CHURCH, JOHNSTON COUNTY, N. C. (S. D. 267-62-2.) Tucker Act. Sent to court June 21, 1910, by Senate resolution. Court finds claimant loyal. Troops, by proper authority, tore down the church and used materials in constructing a bridge. Building worth \$420. Court concludes that claim is equitable.

Passed Senate in Sixty-second Congress.

PRESBYTERIAN CHURCH, LUMBER BRIDGE, N. C. (S. D. 137-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; that United States forces tore down church building and used materials therefrom; building worth \$1,800.

Passed Senate and House in Sixty-second Congress.

METHODIST EPISCOPAL CHURCH SOUTH, MOREHEAD CITY, N. C. (S. D. 135-59-1.) Tucker Act. Sent to court March 3, 1905, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building about 18 months, and then tore it down and used materials secured; building worth \$800, together with use and occupation.

Passed Senate and House in Sixty-second Congress.

DIocese of EAST CAROLINA PROTESTANT EPISCOPAL CHURCH (for church at Nags Head). (S. D. 124-58-3.) Tucker Act. Sent court March 3, 1903, by Senate resolution. Court finds church of Nags Head was loyal; that church building was torn down by United States forces and materials appropriated; building worth \$856.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

FIRST BAPTIST CHURCH, NEWBERN, N. C. (S. D. 51-60-1.) Tucker Act. Sent court June 13, 1906, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building greater part of three years for commissary depot; rental value, with damages in excess of ordinary wear and tear, was \$1,200.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-second Congresses.

FIRST PRESBYTERIAN CHURCH, NEWBERN, N. C. (S. D. 1069-62-3.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; that United States military forces, by proper authority, occupied premises for military purposes; that a reasonable rental, with damages in excess of ordinary wear and tear, is \$3,300. A claim for damages only was presented as early as 1866, but was rejected.

The court reports its conclusion that the claim is equitable.

This case was tried too late for inclusion in earlier bills.

PRIMITIVE BAPTIST CHURCH, NEWPORT, N. C. (S. D. 192-61-2.) Tucker Act. Sent court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied the church building for hospital purposes and that it was accidentally burned, evidently during this occupation; building worth \$350.

This claim is identical in principle with several mentioned in preceding parts of this detailed report. If the Government ought to surrender a building, used by proper authority for military purposes, in its original condition, then it would seem that this church should be paid for its building. This building was not destroyed as an act of warfare. Considering that the troops were in possession of the building, it would be impossible for the claimant to prove affirmatively any negligence on part of the military authorities. Undoubtedly the mere fact of the accidental destruction may be deemed in itself equivalent to a finding of negligence. For reasons stated, this claim for \$350 is included in the bill.

Passed Senate in Sixty-second Congress.

ROANOKE ISLAND BAPTIST CHURCH, N. C. (H. D. 747-62-2.) Tucker Act. Sent to court February 18, 1910, by House resolution. Court reports claimant loyal; troops tore down church building by proper authority and used material in erecting a hospital; building worth \$330. Court concludes that claim is equitable.

Tried too late for inclusion in any previous bill.

BUSHROD W. NASH, TRUSTEE OF UNION BAPTIST ASSOCIATION (successor to Hood Swamp Baptist Church, Wayne County, N. C.) (S. D. 306-60-1.) Tucker Act. Sent court June 13, 1906, by Senate resolution. Court finds Hood Swamp Baptist Church loyal; that in

March, 1865, its church building, then nearly completed, was torn down by United States forces and material used in constructing quarters; building worth \$650; that Union Baptist Association is successor to Hood Swamp Church.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

NORTH DAKOTA.

JAMES W. MULLERY. (Martha A. Mullery, widow.) (H. D. 460-59-2.) Bowman Act. Officer's claim for difference in pay, \$260.35.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

OHIO.

HENRY L. BIDDLE. (H. D. 282-60-1.) Bowman Act. Officer's claim for difference in pay, \$362.44.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JEREMIAH CAIN. (H. D. 55-61-1.) Bowman Act. Sent to court January 26, 1904. The facts of this case are very peculiar. He entered volunteer service in 1861 as private, rose through grades of corporal and sergeant to be second lieutenant on January 4, 1863. May 26, 1864, while serving at Vicksburg, he was dismissed by special orders, by direction of the President, for alleged disobedience of orders and neglect of duty. He had been served with no charges and had not been brought before any court. It appears that April 11, 1864, a notice was published in the Army and Navy Gazette citing him to appear before a military commission at Washington within 15 days to answer charges against him. Claimant had no knowledge of that citation or even of existence of that paper. He was on duty at Vicksburg at that time.

After being dismissed from the service Cain started for Washington, by way of his home in Ohio, where he secured services of a lawyer, who came to Washington with him. A hearing was secured before a military commission; Cain was found not guilty of any willful disobedience of orders, and the commission recommended his restoration to the service.

June 22, 1864, by special orders, he was restored to his command and rejoined his command at Vicksburg, July 15, 1864. He was later promoted to be first lieutenant and was mustered out August 10, 1865.

Court finds that claimant lost, in expenses and in loss of pay and allowances between May 26, 1864, date of dismissal, and July 14, 1864, a total of \$684.34.

This man seems to have been a good soldier, judging from his promotion from private to first lieutenant. It is plain that he was shamefully mistreated; he was dismissed without hearing; was served only by publication with notice to appear before a commission in Washington, although the War Department must have known at the time just where he was serving, at Vicksburg. Further, later events showed him not guilty of any offense, and he was restored to service.

Without necessarily holding that payment of this claim should form a precedent, yet under the very peculiar circumstances of hard-

ship appearing here, the committee believes this man should be compensated for his direct loss in the sum of \$684.34. He never had any legal remedy in this case.

Passed House in Sixty-first and Sixty-second Congresses.

CHARLES W. CLANCY. (Amanda W. Clancy, widow.) (H. D. 292-60-1.) Bowman Act. Officer's claim for difference in pay, \$374.88.

Passed Senate in Sixtieth and House in Sixtieth and Sixty-first Congresses.

JOHN HAMILTON. (H. D. 572-60-1.) Bowman Act. Officer's claim for difference in pay, \$272.77.

Passed House in Sixty-first and Sixty-second Congresses.

BARTON A. HOLLAND. (H. D. 397-59-1.) Bowman Act. Officer's claim for difference in pay, \$182.82.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

GEORGE W. NORTHUP. (H. D. 456-59-2.) Bowman Act. Officer's claim for difference in pay, \$482.40.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

DAVID SKEELES. (H. D. 596-59-2.) Bowman Act. Officer's claim for difference in pay, \$245.85.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JAMES R. SMITH. (Ellen R. Smith, widow.) (H. D. 108-59-1.) Bowman Act. Officer's claim for difference in pay, \$514.71.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

BAPTIST CHURCH OF GALLIPOLIS, OHIO. (S. D. 344-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building as hospital and damaged the same; that reasonable rental, with damages in excess of ordinary wear and tear, was \$175; that a claim was presented for rent, damages, and coal to Quartermaster General; that \$16 was paid for the coal in 1867, but the claim for rent and damages was disallowed.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

OKLAHOMA.

GEORGE W. CLARK. (H. D. 269-60-1.) Bowman Act. Officer's claim for difference in pay, \$106.26.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN S. COZINE. (Robert C. Cozine, heir.) (H. D. 105-59-1.) Bowman Act. Officer's claim for difference in pay, \$520.22.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

OREGON.

JOHN E. BUTLER. (H. D. 395-59-1.) Bowman Act. Officer's claim for difference in pay, \$417.31.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

PENNSYLVANIA.

JAMES ASHWORTH. (William Ashworth and Adam I. Ashworth, heirs.) (H. D. 466-59-2.) Bowman Act. Officer's claim for difference in pay, \$44.57.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN H. BLACK. (H. D. 115-59-1.) Bowman Act. Officer's claim for difference in pay, \$361.28.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN CRAIG. (H. D. 580-59-2.) Bowman Act. Officer's claim for difference in pay, \$88.05.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN A. DANKS. (John H. Danks, heir.) (H. D. 271-60-1.) Bowman Act. Officer's claim for difference in pay, \$187.81.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

FRANK E. FOSTER. (H. D. 112-59-1.) Bowman Act. Officer's claim for difference in pay \$569.52.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN HOUSTON. (Eliza J. Houston, widow.) (H. D. 299-60-1.) Bowman Act. Officer's claim for difference in pay \$136.78.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JACOB JOHNSON. (Milton S. Johnson, son and assignee.) (S. D. 123-59-2.) Tucker Act. Sent to court March 3, 1905, by Senate resolution. Court finds that decedent was loyal; that United States forces took for Army use, at York, Pa., certain gunpowder reasonably worth \$580. The claim is entitled Milton S. Johnson, assignee of Jacob Johnson, deceased. The petition alleges that Milton S. Johnson is the son and assignee of Jacob Johnson. The court fails to report how any interest, equitable or otherwise, could be held by Milton S. Johnson as assignee in view of the express provisions of section 3477, United States Revised Statutes, prohibiting assignment of any claim against the Government. Even if that statutory prohibition should be held not to technically cover the case, it has certainly not been the policy of Congress to recognize assignments of claims. For this reason it is believed that appropriation should be made to the estate of the decedent, Jacob Johnson, leaving any distribution to the local courts of probate jurisdiction.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

AUGUSTUS B. MILLER. (H. D. 891-60-1.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds claimant was a resident of Pennsylvania during war and loyal. Claimant was owner of a certain barge; on July 3, 1863, while being towed in the Potomac River the barge collided with United States gunboat *Eutaw* and was damaged; the court finds that claimant's damage on account of loss of use of the barge and injury thereto was \$1,120. Court expressly finds that the collision was without fault of the owner of the barge, but occurred through the gunboat becoming un-managable.

It is further reported that within a few days after the collision claimant tried to get payment for his loss through the Navy Department, but was informed that it was impossible for that department to settle the claim; that he must wait until the close of the war. It was next presented about April, 1898. The claim could not have been presented directly to the Court of Claims, because that court has no admiralty jurisdiction. There was no tribunal that could have entertained or allowed the claim at any time. The claim is evidently a just one.

Passed House in Sixty-first and Sixty-second Congresses.

JAMES MILLINGAR. (Henry Millingar and Charlotte Wilson, heirs.) (H. D. 234-59-2.) Bowman Act. Sent to court January 9, 1906. Court finds decedent loyal; that United States forces, for military purposes, used a steam sawmill belonging to the decedent and his partner, R. McClay; that partnership was dissolved in 1864, Millingar assuming firm obligations and becoming owner of the mill; that reasonable value of the use and occupation of the mill is \$1,771; that decedent filed a claim before the War Department; that the department found him loyal and recommended payment of \$1,771, but Millingar would not accept said sum, not considering it a fair allowance; that claim was later presented to the Claims Commission, but rejected for want of jurisdiction. The court further finds that several persons mentioned are children and grandchildren of the decedent and his heirs. As the court fails to state the precise interest of each heir it is deemed advisable that appropriation be made to the legal representatives of James Millingar, deceased, leaving the distribution to the local court of probate jurisdiction.

Passed House in Sixty-second Congress.

TONOLOWAY BAPTIST CHURCH, FULTON COUNTY, PA. (S. D. 248-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds that claimant was loyal; that United States forces occupied church property (a large brick building, with seating capacity of about 1,000 people) for hospital purposes; that rental value, with damages in excess of ordinary wear and tear, was \$225.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. JAMES EVANGELICAL LUTHERAN CHURCH, OF GETTYSBURG, PA. (S. D. 43-61-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building for hospital; that reasonable rental was

\$150. No allowance is made for incidental damages, as they were paid through Quartermaster General in December, 1863.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. MARKS GERMAN REFORMED CHURCH, OF GETTYSBURG, PA. (S. D. 263-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building for hospital; that rental value, with damages in excess of ordinary wear and tear, was \$215.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

TRINITY GERMAN REFORMED CHURCH, GETTYSBURG, PA. (S. D. 478-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution.

Court reports claimant loyal, and that United States troops occupied the premises about a month and a quarter for hospital purposes, and that the rental value during that period, and for which no payment has ever been made, was \$70, which is the amount proposed to be now appropriated.

In 1864 the church was paid the sum of \$300 merely to repair the building, but that covered no item of rent, so that payment is immaterial to the present claim save that it precludes any allowance now for damages incident to the use and occupation.

This claim seems to have been overlooked in preparation of prior bills.

RHODE ISLAND.

WILLARD H. GREENE. (S. D. 167-61-2.) Tucker Act. Sent to court December 18, 1905, by Senate resolution. This case is out of the usual. Briefly, the facts found by the court are as follows:

Claimant was a private in volunteer service during Civil War; he was transferred to the position of hospital steward, with First New York Light Artillery. That command appears to have been without any regular medical officer or surgeon practically all the time for a considerable period, specifically mentioned by the court, and during that period claimant practically performed the duties of an Army surgeon.

He made application to be appointed medical officer, but no action seems to have been taken thereon. He was paid as a private during the period mentioned, with extra duty pay of 25 cents per day. During the greater portion of the time he employed a civilian servant. The court reports that if it should be held proper that this man be paid as an assistant surgeon with a servant from November 3, 1862, to July 9, 1863, there would be due him \$701.26, as reported by the Auditor for the War Department.

It appears that the claim was presented to the Auditor for War Department and was disallowed.

While the facts of the claim are unusual it would seem only right that this man be paid according to the duties performed rather than according to the pay of the position which he occupied. It seems to be a case of a man being employed in one capacity and being then required to act in a much higher capacity.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-Second Congresses.

SOUTH CAROLINA.

ANGELO BUERO. (A. J. Buero, administrator.) (H. D. 566-60-1.) Bowman Act. Sent to court May 4, 1888. Court finds decedent loyal; that, by proper authority, United States forces took possession of decedent's sloop *Julia*, used the sloop about two months, and damaged it; that reasonable value of the use, together with damage done, was \$725. Case was tried under Bowman Act, which presupposes presentation to Claims Commission; claim appears on page 37 of Claims Commission index.

Passed House in Sixty-first and Sixty-second Congresses.

NATHAN GRADICK. (J. P. Matthews, administrator.) (H. D. 1199-60-2.) Bowman Act. Sent to court February 15, 1907. Court finds decedent loyal; that supplies, worth \$1,180, were taken for Army use. Claim found on page 94 of Claims Commission index.

Passed House in Sixty-first and Sixty-second Congresses.

JAMES B. HOWARD. (Robert Howard, heir.) (H. D. 743-60-1.) Bowman Act. Sent to court May 4, 1888. Court finds decedent loyal; that supplies, worth \$1,100, were taken from decedent for Army use. Claim presented to Claims Commission. From the manner in which the court has entitled the case it must be necessarily inferred that Robert B. Howard has proven that he is the heir of James B. Howard.

Passed House in Sixty-first and Sixty-second Congresses.

MOSES WINSTOCK. (A. Rosenberg, executor.) (S. D. 716-62-2.) Tucker Act. Sent to court June 27, 1906, by Senate resolution. Court finds decedent loyal; that by proper authority troops took property from him and hauled it away in wagons; the property was worth \$16,155, and would seem to have consisted almost entirely of tobacco. The conclusion accompanying the findings, as required by act of June 25, 1910 (36 Stat., 837), is as follows:

CONCLUSIONS.

Upon the foregoing findings of fact the court concludes that the claim is an equitable one in the sense that the United States received the benefit of the supplies for which claim is herein made.

By express act Congress called upon the court to inform Congress, by a conclusion, whether claims sent to the court under the Tucker Act were legal or equitable, and it would seem that Congress should act on the conclusions so reported. Claim certified too late to be considered in connection with previous bills.

BAPTIST CHURCH OF BEAUFORT, S. C. (S. D. 45-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; that United States forces occupied church property for hospital purposes about 18 months; that rental value, with damages in excess of ordinary wear and tear, was \$2,200.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. HELENA EPISCOPAL CHURCH OF BEAUFORT, S. C. (S. D. 297-61-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building for hospital and other purposes; that rental value, with damages in excess of ordinary wear and tear, was \$1,150.

Passed House in Sixty-second Congress.

PUBLIC SCHOOLS OF DARLINGTON, S. C. (S. D. 237-62-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court reports that board of trustees of public schools of Darlington, S. C., is the successor to St. John's Academy of that place; that during war St. John's Academy, as an organization, was loyal; that United States forces occupied buildings and grounds of St. John's Academy; that rental value, with damages in excess of ordinary wear and tear, was \$980. Court reports its conclusion that claim is equitable.

Passed House in Sixty-second Congress.

TRINITY PROTESTANT EPISCOPAL CHURCH OF EDISTO ISLAND, S. C. (S. D. 205-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court reports claimant loyal; that United States forces occupied for military purposes claimant's building; that rental value, with repairs made necessary by said occupation, was \$1,200.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

MOUNT ZION SOCIETY, FAIRFIELD COUNTY, S. C. (S. D. 136-59-1.) Tucker Act. Sent to court March 12, 1903, by Senate resolution. Court reports claimant loyal; that United States forces occupied church buildings and land for military purposes; that reasonable value of the use and occupation was \$6,000. It is set forth in the petition that this was an educational institution, owning 30 acres of land, with a large main college building with three wings, three stories high, together with numerous dormitories, etc., which accounts for the considerable amount allowed by the court.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

EBENEZER METHODIST EPISCOPAL CHURCH, SOUTH, OF HAMPTON COUNTY, S. C. (S. D. 341-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court reports claimant loyal; that United States forces took possession of church building, tore the building down, and used the materials for various purposes; that building was reasonably worth \$1,710.

Passed House in Sixty-second Congress.

BAPTIST CHURCH OF HARDEVILLE, S. C. (S. D. 313-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court reports claimant loyal; that United States forces took possession of church building, tore it down, and used material therefrom in building winter quarters; building worth \$1,050.

Passed Senate and House in Sixty-second Congress.

STONY CREEK PRESBYTERIAN CHURCH, OF MCPHERSONVILLE, S. C. (S. D. 299-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; that United States forces took possession of church property, tore the building down, and used the material in constructing barracks; building worth \$2,500.

Court further finds that the troops destroyed by burning the parsonage building belonging to claimant as an act of war, that building being worth \$1,500. This item has been omitted from the bill by the committee, and has been left for consideration with similar claims arising from mere destruction.

Passed Senate and House in Sixty-second Congress, as to the item of \$2,500.

GERMAN LUTHERAN CHURCH OF ORANGEBURG, S. C. (H. D. 708-59-2.) Bowman Act. Sent to court January 23, 1906. Court finds claimant loyal; that United States forces occupied claimant's church building from about June 1, 1865, until March 20, 1866, for hospital purposes. It is evident that this occupation was after actual close of the war. Court finds that the reasonable rental value, with damages in excess of ordinary wear and tear, was \$983.33.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

SOUTH DAKOTA.

JOHN B. GEDDIS. (H. D. 276-60-1.) Bowman Act. Officer's claim for difference in pay, \$391.33.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

TENNESSEE.

SUSAN E. JOYNER ET AL. (Heirs of Josiah Anthony.) (H. D. 173-59-1.) Sent to court March 17, 1904. It appears from findings that Josiah Anthony died in 1854; he left a considerable estate. One Martin was his executor, and in 1860 was also appointed guardian of Susan E. Joyner, Mary E. Roberson, Martha F. Luster, and Jane F. Crump, the sole heirs of said Josiah Anthony. This guardian collected certain funds belonging to his wards and invested same in mules and horses, which were taken for Army use in December, 1862. The stock is found to have been worth \$4,520, and the court reports that the four owners were loyal. It is obvious that they were minors, as they had a guardian during the war. Claim was tried under Bowman Act, which means it must have been presented either to Quartermaster General or Claims Commission in proper time.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN J. BAILEY. (Emma Bailey, executrix.) (S. D. 28-56-1.) Tucker Act. Sent to court July 17, 1897, by Senate resolution. Court reports that decedent was loyal; that supplies worth \$3,353 were taken for Army use; that claim was presented to Congress in 1885, referred to court in 1886, under Bowman Act, but dismissed in 1888 because claim had not been presented to the Claims Commission, Quartermaster General, or Commissary General.

Passed House in Sixty-second Congress.

ALEXANDER F. BECKHAM. (Daniel W. Beckham, administrator.) (S. D. 65-61-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds decedent loyal; that he was killed

during war; that about the time of his death there was taken from him, or from his estate after his death, Army supplies worth \$7,880, no allowance being made for merchandise, farm implements, or household goods taken by way of depredation and without authority. From the entire statement it would appear that the property was taken just about the time of the decedent's death, and that it is impossible to state definitely what was taken before his death and just what was taken afterwards. It would appear that his surviving children were young, and substantial justice will be done by paying his administrator the sum mentioned.

Passed House in Sixty-second Congress.

JOHN B. BAIRD. (H. B. Bond, administrator.) (H. D. 344-62-2.) Sent to court March 3, 1903. Court finds decedent loyal; that supplies worth \$2,650 were taken for Army use from decedent; court reports conclusion that claim is equitable.

Passed House in Sixty-second Congress.

JAMES BORO AND MARY BORO. (S. D. 210-59-2.) Tucker Act Sent to court April 26, 1904, by Senate resolution. Material facts stated by court are as follows:

James Boro, sr., died February 27, 1864, leaving James Boro, jr., and Mary Boro, present claimants, then aged, respectively, 10 and 12 years, as his only heirs. These heirs became owners of a certain large four-story brick store building in Memphis. The premises were occupied by United States authorities from June 19, 1862, to April 1, 1865, and the court expressly reports that the rental value, with incidental damages, accruing in favor of these two claimants (after death of their father) amounts to \$1,800. The rent accruing during the lifetime of the father is removed from consideration because he was found not loyal. No question as to justice of paying the \$1,800.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

REECE B. BRABSON. (Rose Douglass Bullard et al., heirs.) (S. D. 127-61-1.) Tucker Act. Sent to court April 28, 1908, by Senate resolution. The findings are rather complicated. It appears that Reece B. Brabson was owner of real estate out of which this claim arises. He died August 22, 1863, and his real estate descended to seven children, Ada E. Colburn, Maria M. Brabson, Katherine K. Waggner, Mary L. Littleton, Rose Douglass Bullard, John Bowen Brabson, and a daughter also named Reece Brabson. The son, John Bowen Brabson, died at age of 18, in March, 1864; the daughter, named Reece Brabson, died in summer of 1864, at age of about 2 years.

Of the other five heirs or children the eldest was Ada E. Colburn, who, in August, 1863, was under 14 years of age. She and the other claimants, other than John Bowen Brabson, are found loyal, evidently by reason of their tender years. The court reports that the son, John Bowen Brabson, has not been proven loyal.

After death of Reece B. Brabson, on August 22, 1863, the seven children became the owners in common of a large brick residence and of two store buildings at Chattanooga, together with a farm of about 327 acres near town: also of a frame residence in that town.

In September, 1863, United States forces took possession of the residence and of the two store buildings and used same until June 18, 1865; they also took possession of the frame residence at same time and occupied it until it was destroyed by fire, about a month later. During occupation of the city property it was damaged, and outbuildings torn down and used. It is evident that the farm was also occupied.

The court reports that the reasonable rental value of the buildings mentioned during said period, as well as of the tillable part of claimants' farm, which was used one season in raising vegetables for use in Army hospital, including damages in excess of ordinary wear and tear, was \$6,500.

No allowance is made on the items of lumber, wood, and rails included in the claim, as they were paid for through the Quartermaster General's Office.

The only question in this case arises from the fact that the occupation of the premises began in September, 1863, during the lifetime of John Bowen Brabson, then about 17 or 18 years old, who has not been found loyal. He lived about six months after the occupation began, and it might be technically contended that no allowance should be made for his share of the rental during that period. The court has not segregated that sum from the remainder of the claim, as it might have done. It is believed that under the circumstances a deduction of \$300 from the total sum allowed would leave the Government on the safe side of this question. For that reason the committee has included only the sum of \$6,200 in the bill, although it passed the House in Sixty-second Congress in the full sum of \$6,500.

Passed House in Sixty-second Congress.

NANCY N. B. BRIDGES. (John L. Smith, administrator.) (H. D. 165-59-2.) Bowman Act. Sent to court May 1, 1888. Court finds decedent loyal; that supplies worth \$1,520 were taken for Army use. Claim appears on page 32 of Claims Commission index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN C. BROOKS. (S. D. 175-62-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal. On property the facts reported are to effect that this claimant with three others owned the fee estate in certain land at Nashville, as the heirs of their father, who died prior to the Civil War, and subject to a life estate in their mother. The premises were occupied by United States forces and damaged in the total sum of \$2,400, of which this claimant's interest was one-fourth, or \$600. No allowance is made for rent, as the mother owned the life estate during that period and makes no claim. Court reports its conclusion that claim is equitable.

Passed House in Sixty-second Congress.

OCTAVIA P. BROOKS. (H. D. 198-58-3.) Bowman Act. Sent to court May 22, 1888. Court finds claimant loyal; that supplies worth \$350 were taken for Army use. Having been tried under Bowman Act, claim must have been presented to Quartermaster General or Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN BROWN. (H. D. 869-61-2.) Bowman Act. Sent to court January 31, 1907. Court finds claimant loyal; that supplies worth \$150 were taken for Army use. Claim presented to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

MATHEW BROWN. (Leonidas Thompson, administrator.) (S. D. 353-59-1.) Tucker Act. Sent to court February 22, 1904, by Senate resolution. Court reports that decedent was loyal; that supplies worth \$1,420 were taken for Army use; that claim was not presented to Quartermaster General or Claims Commission; that decedent had no knowledge whatever of existence of that commission in the early seventies, and that if he had had such knowledge it would have been impossible to prosecute his claim by reason of his ill health; that he died in 1872, and none of the parties interested knew how to collect the claim.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

WILLIAM BROWN. (Eli Marshall, executor.) (H. D. 177-58-3.) Bowman Act. Sent to court February 18, 1902. Court finds decedent loyal; that supplies worth \$80 were taken from him for Army use; that represents decedent's one-third interest in property taken from him and his coowner Thomas H. Brown. Claim tried under Bowman Act, so it must have been previously presented. Claim found on page 36 Southern Claims Commission index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ELIZABETH BURKE. (Charles C. Burke, administrator.) (S. D. 231-57-1.) Tucker Act. Sent to court February 21, 1900, by Senate resolution. Court found decedent loyal, under a previous Bowman Act reference, in 1885. On property court finds that supplies worth \$812 were taken from decedent for Army use.

Passed House in Sixty-second Congress.

THOMAS P. BUTT. (Mitchell H. Butt, heir.) (H. D. 301-59-1.) Bowman Act. Sent to court January 12, 1904. Court finds decedent loyal; that supplies worth \$465 were taken for Army use.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

NELSON M. BUYERS. (George N. L. Buyers, administrator.) (H. D. 749-61-2.) Bowman Act. Sent to court January 31, 1907. Court finds decedent loyal; that supplies worth \$425 were taken for Army use. Claim filed with Quartermaster General.

Passed House in Sixty-second Congress.

JAMES F. CALHOON. (S. J. McDowell, administrator.) (H. D. 638-59-2.) Bowman Act. Sent to court January 9, 1906. Court finds decedent loyal; that supplies worth \$290 were taken for Army use. Having been tried under Bowman Act, claim must have been previously duly presented. It is found on page 41, Claims Commission index, under name of James F. Calhoun.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JAMES M. CAMPBELL. (H. D. 324-59-1.) Bowman Act. Sent to court February 14, 1889. Court finds claimant loyal; that supplies worth \$200 were taken for Army use. Being tried under Bowman Act, claim must have been duly presented previously.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

S. L. CARPENTER. (A. A. Wade, administrator.) (S. D. 86-57-2.) Tucker Act. Sent to court February 21, 1900, by Senate resolution. Court finds decedent loyal; that supplies worth \$468 were taken for Army use; that claim was presented to Quartermaster General, but owing to petition being unsigned was not considered; later again presented to Quartermaster General, but too late for consideration.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FELIX CARTER. (Mrs. Virginia Carter, administratrix.) (H. D. 345-62-2.) Bowman Act. Sent to court June 10, 1902. Court finds decedent loyal; that supplies worth \$1,380 were taken for Army use. Claim found on page 45 of Claims Commission index.

Passed House in Sixty-second Congress.

MELVINA A. CARTER. (William E. Carter, administrator.) (H. D. 822-60-1.) Bowman Act. Sent to court January 10, 1905. Court finds decedent loyal; that supplies worth \$240 were taken for Army use. Claim tried under Bowman Act, so must have been previously presented. Petition alleges presentation to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

ALEXANDER CAWOOD. (Effie Cawood, administratrix.) (H. D. 1424-60-2.) Bowman Act. Sent to court February 12, 1907. Court finds decedent loyal; that supplies worth \$390 were taken for Army use. Claim filed with Quartermaster General, and later with Claims Commission. Claim appears page 46, Claims Commission index.

Passed House in Sixty-first and Sixty-second Congresses.

WILLIAM H. CHERRY. (Edgar Cherry and James M. Heard, executors.) (H. D. 34-59-1.) Bowman Act. Sent to court March 6, 1888. Court finds decedent loyal; that supplies worth \$2,787 were taken for Army use. Claim tried under Bowman Act, so must have been presented to Quartermaster General, as it does not appear on Southern Claims Commission index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN CHITWOOD. (C. H. Corn, administrator.) (H. D. 628-59-2.) Bowman Act. Sent to court February 24, 1887. Court finds decedent loyal; that supplies worth \$290 were taken for Army use. Claim appears page 49, claims commission index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN W. CLOYD. (J. W. Cloyd, administrator.) (H. D. 809-60-1.) Tucker Act. Sent to court February 20, 1903, by House resolution. Court finds decedent loyal; that supplies worth \$2,125 were taken for Army use.

Passed House in Sixty-first and Sixty-second Congresses.

SYLVANNUS COBBLE. (H. D. 227-61-2.) Bowman Act. Sent to court January 21, 1906. Court finds claimant loyal; that supplies worth \$475 were taken for Army use. Appears on page 51, Claims Commission index.

Passed House in Sixty-first and Sixty-second Congresses.

MARTHA C. COLE. (Ida J. Cole, sole heir.) (H. D. 379-58-3.) Bowman Act. Sent to court April 10, 1888. Court finds decedent loyal; that supplies worth \$925 were taken for Army use. Claim tried under Bowman Act and must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ANDREW A. COLTER. (H. D. 363-59-1.) Bowman Act. Sent to court February 18, 1904. Court finds claimant loyal; that supplies worth \$173 were taken for Army use. Claim tried under Bowman Act, so it must have been previously duly presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ELAM C. COOPER. (S. D. 404-59-1.) Tucker Act. Sent to court April —, 1904, by Senate resolution. Court finds claimant loyal; that supplies worth \$815 were taken for Army use; claim never presented prior to presentation to Congress; that claimant could not read or write and had no knowledge of existence of Southern Claims Commission.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

JOHN COPPINGER. (H. D. 228-61-2.) Bowman Act. Sent to court February 21, 1906. Court finds claimant loyal; that supplies worth \$315 were taken for Army use. Filed with Claims Commission; appears page 56, Claims Commission index.

Passed House in Sixty-first and Sixty-second Congresses.

DANIEL COVINGTON. (James H. Covington and Benjamin Covington, sole heirs.) (H. D. 481-61-2.) Bowman Act. Sent to court January 9, 1906. Court finds decedent loyal; that supplies worth \$225 were taken for Army use; that James H. Covington and Benjamin Covington are sole surviving heirs. Claim filed with Claims Commission; found on page 57 of that index.

Passed House in Sixty-first and Sixty-second Congresses.

WILLIAM CRUTCHFIELD. (Thomas W. Crutchfield, executor.) (S. D. 125-61-1.) Tucker Act. Sent to court April 28, 1908, by Senate resolution. Court finds decedent loyal; that United States forces occupied certain real estate of decedent; that reasonable rental value, with damages in excess of ordinary wear and tear, was \$3,850; that claim was presented to Claims Commission, but items of rent and damages were rejected, evidently for lack of jurisdiction.

Passed Senate in Sixtieth and House in Sixty-first and Sixty-second Congresses.

REBECCA CUMMINGS. (J. W. Cummings, administrator.) (H. D. 171-58-3.) Bowman Act. Sent to court January 26, 1904. Court finds decedent loyal; that supplies worth \$656 were taken from her

for Army use, it appearing that this represents her interest in property taken from her and others. Claim tried under Bowman Act, so it must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ELVINA CUNNYNGHAM. (R. C. M. and W. H. Cunyngham, executors.) (H. D. 498-59-1.) Bowman Act. Sent to court February 13, 1900. Court finds decedent loyal; that supplies were taken worth \$933 for Army use. Claim is found on page 61, Claims Commission index.

Passed Senate in Sixtieth and House in Sixtieth and Sixty-second Congresses.

LUCKETT DAVIS. (C. R. Holmes, administrator.) (H. D. 360-60-1.) Bowman Act. Sent to court January 27, 1888. Court finds decedent loyal; that supplies worth \$1,490 were taken for Army use. Claim tried under Bowman Act, so must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HARRIET DAY. (Woodson H. Webb, administrator.) (H. D. 734-59-2.) Bowman Act. Sent to court August 6, 1888. Court finds decedent loyal; that supplies worth \$310 were taken for Army use from decedent. Claim presented to Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM H. DAWSON. (H. D. 414-60-1.) Bowman Act. Sent to court January 26, 1904. Court finds claimant loyal; that supplies worth \$680 were taken for Army use. Claim found on page 65, Claims Commission index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ROBERT A. DICKSON. (H. D. 848-59-1.) Bowman Act. Sent to court January 26, 1904. Court finds claimant loyal; that supplies worth \$142 were taken for Army use. Claim found page 68, Claims Commission index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MARTIN DILL. (John J. Christenberry, administrator.) (H. D. 573-62-2.) Bowman Act. Sent to court March 29, 1906. Court finds decedent loyal; Army supplies worth \$160 taken. Claim found page 68, Claims Commission index.

Case tried too late for inclusion in previous bill.

LYDIA DILLARD. (H. D. 626-59-2.) Bowman Act. Sent to court January 12, 1904. Court finds claimant loyal; that supplies worth \$100 were taken for Army use. Tried under Bowman Act, so must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN DOHERTY. (P. J. McGlynnan, administrator.) (H. D. 915-61-2.) Bowman Act. This claim is a consolidation of two claims,

presented to Quartermaster General; one was sent to court under Bowman Act August 1, 1888; the other was sent to court under Bowman Act February 4, 1908. Court finds decedent loyal; that supplies worth \$1,600 were taken for Army use. Claim was presented to Quartermaster General, as above mentioned.

Passed House in Sixty-first and Sixty-second Congresses.

ADALINE ELLIOTT. (Jimmie A. Elliott, sole beneficiary.) (S. D. 129-62-2.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. Court finds decedent loyal; that United States forces occupied real estate of decedent January 5, 1863, to June 4, 1863; that reasonable rental was \$160; that claim was presented to Quartermaster General in 1869; court reports that claim is equitable in that the Government received benefit of use and occupation mentioned.

Passed House in Sixty-second Congress.

THOMAS A. ELLIOTT. (Jimmie A. Elliott, sole legatee.) (S. D. 132-62-2.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. Court finds decedent loyal; that United States forces occupied his real estate as commissary storehouse January 10, 1863-July 17, 1865; reasonable rental was \$1,020; that claim was presented to Quartermaster General in 1865 and dismissed for want of jurisdiction; was again presented in 1866 to the Secretary of War and recommended for allowance; later presented to Forty-second and later Congresses; court reports claim equitable in that Government received benefit of use and occupation mentioned.

Passed Senate and House in Sixty-second Congress.

WARHAM EASLEY. (H. D. 235-58-3.) Bowman Act. Sent to court March 4, 1904. Court finds claimant loyal; that supplies worth \$2,807 taken for Army use. Tried under Bowman Act and must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

EDWARD W. EGGLESTON. (H. D. 389-60-1.) Bowman Act. Sent to court July 10, 1888. Court finds claimant loyal; that supplies worth \$590 taken for Army use. Claim tried under Bowman Act, so must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOSEPH EWING. (H. D. 299-59-1.) Bowman Act. Sent to court January 12, 1904. Court finds claimant loyal; that supplies worth \$90 taken for Army use. Tried under Bowman Act, so claim must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

LEMUEL FARMER. (John B. McEwen, executor.) (H. D. 358-60-1.) Bowman Act. Sent to court March 6, 1888. Court finds decedent loyal; that supplies worth \$340 taken for Army use. Tried under Bowman Act and must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ARCHIE B. FORBESS. (W. F. Forbess, administrator.) (H. D. 378-59-2.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds decedent loyal: that supplies worth \$2,600 were taken for Army use by proper authority: part of this property was cotton, but in view of the explicit finding of the court as to the nature of the taking for Army use it is believed that this property should be considered an Army supply: probably taken for hospital purposes.

Passed Senate in Sixtieth and House in Sixty-first and Sixty-second Congresses.

RIAL FOSTER. (H. D. 627-59-2.) Bowman Act. Sent to court January 12, 1904. Court finds claimant loyal: supplies worth \$135 taken for Army use. Tried under Bowman Act, hence must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HIRAM GAILEY. (Julia Gailey, sole heir.) (H. D. 122-59-1.) Bowman Act. Sent to court January 26, 1904. Court finds decedent loyal: supplies worth \$232 taken for Army use. Case tried under Bowman Act, so must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

Z. H. GERMAN. (John W. Harvey, jr., administrator.) (H. D. 225-59-2.) Bowman Act. Sent to court March 30, 1888. Court finds decedent loyal: supplies worth \$500 taken for Army use; tried under Bowman Act, so must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN G. HENSON (guardian of Mrs. Catherine J. Gilson, insane, and administrator of Samuel L. Gilson.) (H. D. 557-59-2.) Bowman Act. Sent to court March 26, 1892. Court finds Catherine J. Gilson and Samuel L. Gilson loyal; that supplies worth \$945 were taken from them for Army use. It appears that claims were presented to Quartermaster General. Evidently Mrs. Gilson is now insane and represented by her guardian.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MINNA H. GLASSIE. (S. D. 191-59-1.) Tucker Act. Sent to court March 3, 1901, by Senate resolution. Court finds Minna H. Glassie and her decedent, Joseph C. Nash, loyal; that their coowner, Emma Nash, was not loyal. The three persons mentioned owned land from which timber worth \$2,115 was taken. One third interest, belonging to Emma Nash (not loyal), is eliminated. The court reports that Minna H. Glassie is entitled to the other two-thirds, evidently in her own right and as heir of the decedent, Joseph C. Nash. Therefore the sum of \$1,410 should be paid to Minna H. Glassie. It is true that the court does not report the facts which prove Minna H. Glassie to be the owner of two-thirds interest; but that is a matter of evidence and Congress certainly has a right to rely upon the statement of the court as to her interest.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

CHARLES GOTTHARDT. (George W. Pearson, administrator.) (H. D. 542-59-2.) Bowman Act. Sent to court January 9, 1906. Court finds decedent loyal; that supplies (leather) worth \$1,575 were taken from him for Army use. Claim presented to Claims Commission and was previously presented in 1868 to a State commission of Tennessee and was approved by Gov. Brownlow.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ELLA M. GUY. (H. D. 668-62-2.) Bowman Act. Sent to court March 2, 1885. Court finds claimant loyal; supplies worth \$6,442 taken for Army use by proper authority. Claim certified too late for consideration in connection with previous bills.

GEORGE B. HARLAN. (Peter H. Harlan, administrator.) (H. D. 37-61-1.) Bowman Act. Sent to court March 6, 1906. Court finds decedent loyal; that supplies worth \$1,060 were taken for Army use. From the statement of case it would seem that claim was rejected by Claims Commission because of bankruptcy of the then beneficiary, which was no reason at all.

Passed House in Sixty-first and Sixty-second Congresses.

DANIEL B. HAROLD. (D. N. Kelley, administrator.) (H. D. 908-61-2.) Tucker Act. Sent to court February 18, 1910, by House resolution. Court finds decedent loyal; that timber was taken from him for military purposes, by proper authority, worth \$1,265; that claim was presented to Claims Commission and was later sent to court under Bowman Act, and still later sent under Tucker Act.

Passed House in Sixty-first and Sixty-second Congresses.

THOMAS C. HAWLEY. (James C. Anderson, administrator.) (S. D. 242-61-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds decedent loyal; that supplies worth \$1,030 were taken for Army use; that soon after close of war claim was presented to a State claims commission, was favorably considered and approved by the governor.

Passed House in Sixty-second Congress.

JOHN HAYNES. (W. O. Batey, administrator.) (H. D. 413-60-1.) Bowman Act. Sent to court May 1, 1888. Court finds decedent loyal; that supplies worth \$675 were taken for Army use. The fact that claim was tried under Bowman Act shows it must have been previously presented to Quartermaster General, as it does not appear on index of Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

F. S. HEISKELL. (R. M. Rogan, administrator.) (H. D. 796-60-1.) Bowman Act. Sent to court February 16, 1902. Court finds Heiskell loyal; that real estate in which he owned an interest was occupied for guardhouse purposes; that grain in which he owned an interest was also taken; that Heiskell's interest in rental value and value of the grain was \$390. Being tried under Bowman Act claim must have been previously presented. Claim appears page 108 Claims Commission index.

Passed House in Sixty-first and Sixty-second Congresses.

JOHN HENSON. (W. R. Henson, administrator.) (H. D. 333-59-1.) Bowman Act. Sent to court July 10, 1888. Court finds decedent loyal; that supplies worth \$2,990 were taken for Army use. Tried under Bowman Act, and therefore must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN A. HERROD. (H. D. 502-59-1.) Bowman Act. Sent to court February 17, 1890. Court finds claimant loyal; that supplies worth \$400 were taken for Army use. Tried under Bowman Act, so must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN W. HESTER. (John T. Hester, administrator.) (S. D. 271-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds decedent loyal; that property worth \$1,190 was taken for Army use. It is alleged in petition that claim was not presented to the Claims Commission, because prior to the establishment of that commission decedent had passed through bankruptcy, which precluded favorable consideration by that commission. This fact of bankruptcy was not reported by the court. While it is not the custom of the committee to go behind the findings of the court, in this case the files of the court have been exhibited to the committee, showing that record proof was submitted to the court showing the bankruptcy mentioned. This material fact ought to have been reported by the court. At any rate, the findings show the claim to be just.

Passed House in Sixty-first and Sixty-second Congresses.

CHARLES W. HEWGLEY. (H. D. 568-59-2.) Bowman Act. Sent to court July 10, 1888. Court finds claimant loyal; that supplies worth \$580 were taken for Army use. Tried under Bowman Act, so must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN R. HICKMAN. (J. M. Nelson, administrator.) (H. D. 906-61-2.) Bowman Act. Sent to court February 4, 1908. Court finds decedent loyal; that supplies worth \$195 were taken for Army use. Claim appears page 110 index of Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

CATHERINE HOPSON. (J. B. Carter, administrator.) (H. D. 48-62-1.) Bowman Act. Sent to court February 28, 1906. Court finds decedent loyal; that supplies worth \$90 were taken for Army use. Tried under Bowman Act, so must have been previously presented.

Passed House in Sixty-second Congress.

THOMAS HORD. (Sarah Bibb et al., heirs.) (H. D. 32-59-1.) Bowman Act. Sent to court February 3, 1903. Court finds decedent loyal; that supplies worth \$2,913 were taken for Army use. The claim is for cotton, which was taken for hospital purposes, and must

therefore be considered an Army supply. Tried under Bowman Act, so must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

BRICE M. HUGHES. (R. P. Moss, administrator.) (H. D. 462-62-2.) Bowman Act. Sent to court March 6, 1888. The findings of the court are not as clearly drawn as they should have been. Careful examination shows that Brice Hughes, William Hughes, and Mrs. Sallie M. E. Ewing were loyal; that supplies were taken, wherein the three persons mentioned owned together a three-fourths interest, amounting to \$900.

As Moss appears to be administrator only of Brice M. Hughes, appropriation should be made as follows:

To Mrs. Sallie M. E. Ewing, William Hughes, and Brice M. Hughes, deceased, late of Williamson County, in equal shares, nine hundred dollars.

Passed House in Sixty-second Congress.

JOHN HUGHES. (H. D. 244-60-1.) Bowman Act. Officer's claim for difference in pay, \$43.33.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HUGH C. JACKSON. (Baxter Smith, administrator.) (H. D. 57-61-1.) Bowman Act. Sent to court January 15, 1906. Court finds decedent loyal; that supplies worth \$2,795 were taken for Army use. Claim presented to Commissary General.

Passed House in Sixty-first and Sixty-second Congresses.

DAVID JAMESON. (Robert C. Jameson, administrator.) (S. D. 335-57-1.) Tucker Act. Sent to court May 2, 1900, by Senate resolution. Court finds decedent loyal; that he was half owner of a building in Memphis, which was occupied for Army purposes from July 31, 1862, to August 1, 1863; that reasonable rental value was \$1,800, of which decedent would be entitled to \$900; that claim was first presented to Congress in 1874, and was sent to court under Bowman Act in 1884, and later dismissed. Cause for dismissal of Bowman Act case was evidently lack of jurisdiction.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

HENRY JOHNSON. (J. E. Smalling, administrator.) (H. D. 542-6-2.) Bowman Act. Sent to court May 23, 1908. Court finds decedent loyal; that supplies worth \$450 were taken for Army use. Claim previously presented to Quartermaster General and Commissary General, and also to Claims Commission.

Passed House in Sixty-second Congress.

RICHARD M. JOHNSON. (H. D. 573-60-1.) Bowman Act. Officer's claim for difference in pay, \$183.26.

Passed House in Sixty-first and Sixty-second Congresses.

MRS. PETTIE LIGHT JOHNSTON AND SCRAPPY LIGHT BRADSHAW. (H. D. 58-61-1.) Bowman Act. Sent to court July 10, 1888. Court finds these two claimants loyal; that supplies were taken from them and their coowners for Army use; that the interests of these two

claimants therein amount to \$327.50. Claim presented to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

NATHANIEL W. JONES. (S. D. 431-59-1.) Tucker Act. Sent to court June 15, 1902, by Senate resolution. Court finds claimant loyal; that supplies worth \$480 were taken for Army use.

Passed Senate in Sixtieth and House in Sixty-first and Sixty-second Congresses.

HENRY J. KINZEL. (H. D. 473-61-2.) Bowman Act. Sent to court January 9, 1906. Court finds claimant loyal; that supplies worth \$60 were taken for Army use. Claim filed with Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

JOHN KRIDER. (E. M. McNamee, administrator.) (H. D. 327-59-2.) Bowman Act. Sent to court March 12, 1891. Court finds decedent loyal; that supplies worth \$221 were taken for Army use. Being tried under Bowman Act claim must have been presented to Commissary General, as it is not on Claims Commission index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM H. LANDRUM. (H. D. 740-59-2.) Bowman Act. Sent to court January 9, 1906. Court finds claimant loyal; that supplies worth \$257 were taken for Army use. Owing to fact that this same man was once paid a claim the committee found it necessary to investigate this case, to avoid any possible second payment. This investigation showed that this man filed one claim with Quartermaster General and another with Commissary General. The Quartermaster General claim was paid in 1905. The present claim is for commissary supplies, and is an altogether different claim from that which was paid.

Passed Senate in Sixtieth and House in Sixty-first and Sixty-second Congresses.

ANIS LAWRENCE. (H. D. 362-59-1.) Bowman Act. Sent to court March 2, 1891. Court finds claimant loyal; that supplies worth \$415 were taken for Army use. Tried under Bowman Act, which means it must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOE LESTER. (Maria Lester, widow.) (H. D. 1145-60-2.) Bowman Act. Sent to court January 30, 1906. Court finds decedent loyal; that supplies worth \$225 were taken for Army use. Tried under Bowman Act; therefore was previously presented.

Passed House in Sixty-first and Sixty-second Congresses.

ABNER D. LEWIS. (S. D. 85-56-2.) Tucker Act. Sent to court first time under Bowman Act in December, 1884; claimant was found loyal in 1886, but case was dismissed as to supplies taken in Arkansas, because claim for that property had not been presented to Claims Commission. An allowance was made under that reference for property taken in Tennessee, as that claim had been filed before Claims Commission. June 5, 1896, the claim for property taken in Arkansas was referred by Senate resolution.

Court finds claimant loyal; that supplies worth \$5,080 were taken in Arkansas for Army use, exclusive of cotton, no allowance being made for that item.

It having been noted by the committee that this man had been paid one claim, it became necessary to carefully investigate the present one to avoid any possible duplication of payment. Investigation shows that this man had a farm in Arkansas and another in Tennessee, and that property was taken from both farms. His home was in Tennessee. He filed a claim before the Claims Commission for property taken from the Tennessee place; that claim was rejected by the commission because he had passed through bankruptcy. Evidently after that experience with his Tennessee claim Lewis did not deem it necessary to then waste further money in the futile effort to prosecute his Arkansas claim before that commission. Having passed through bankruptcy, this man could not possibly have secured payment of this claim before that commission. This claim is entirely distinct from that which was paid.

Passed House in Sixty-second Congress.

ELIZABETH LEWIS. (H. D. 380-61-2.) Bowman Act. Sent to court May 12, 1908. Court finds claimant loyal; that supplies worth \$220 were taken for Army use. Claim filed with Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

BENJAMIN LILLARD. (Benjamin F. Lillard, administrator.) (H. D. 148-58-3.) Tucker Act. Sent to court March 18, 1903, by House resolution. Court finds decedent loyal; that supplies worth \$16,865 were taken for Army use, exclusive of item of cotton, as to which no allowance was made. While not so reported by the court, the claim is found on page 144 of Claims Commission index, showing it was filed with that commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CHARITY M. LOCKE. (A. J. Williford, administrator.) (S. D. 91-58-2.) Tucker Act. Sent to court February 27, 1901, by Senate resolution. Court finds decedent loyal; that supplies worth \$695 were taken for Army use.

Passed House in Sixty-second Congress.

JAMES G. LOGAN. (R. D. Grizzle, administrator.) (H. D. 346-62-2.) Bowman Act. Sent to court June 15, 1892. Court finds decedent loyal; that supplies worth \$440 were taken for Army use. Tried under Bowman Act, so must have been previously presented.

Passed House in Sixty-second Congress.

JOHN McCLARIN. (C. R. McClarin, administrator.) (H. D. 80-62-1.) Bowman Act. Sent to court August 1, 1888. Court finds decedent loyal; that supplies worth \$320 were taken for Army use. Tried under Bowman Act, hence previously presented.

Passed House in Sixty-second Congress.

GEORGE W. MCGREW. (B. F. McGrew, administrator.) S. D. 150-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds decedent loyal; that supplies worth \$7,315 were

taken for Army use: that claim was presented to Quartermaster General in 1875.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

DAVID V. MARNEY. (W. A. Simpson, administrator.) (H. D. 902-61-2.) Bowman Act. Sent to court February 4, 1908. Court finds decedent loyal: supplies worth \$867 taken for Army use. Claim filed with Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

WILLIAM M. MAYFIELD. (O. S. Shannon, administrator.) (H. D. 384-61-2.) Bowman Act. Sent to court May 1, 1888. Court finds decedent loyal: supplies worth \$650 taken for Army use: claim filed with Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

JAMES E. MEACHAM. (S. D. 190-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds claimant loyal; that his premises at Chattanooga were occupied for Army use and buildings torn down and materials used; rental value during occupancy and value of materials taken by Army are \$750. Could not have been collected before Quartermaster General or Claims Commission.

Passed Senate in Sixtieth and Sixty-first and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

PATRICK G. MEATH. (S. D. 180-59-2.) Tucker Act. Sent to court June 5, 1900, by Senate resolution. Court reports claimant loyal; that United States forces occupied real estate described in petition for two years and a half; also took property of kinds described in petition; also used and damaged the steamboat *Le Grand*; all of reasonable worth, \$27,280. Court further reports that a claim for \$36,947 was presented to Claims Commission, but did not include the items of rents or damage to property nor use or damage of steamboat; presented to Congress as early as Fifty-fourth Congress. Claims Commission and Quartermaster General could not have allowed the present claim for lack of jurisdiction.

Passed Senate in Sixtieth and House in Sixty-second Congresses.

CITY OF MEMPHIS, TENN. (S. D. 75-59-1.) Tucker Act. Sent to court March 2, 1903, by Senate resolution. The material facts reported by the court are:

United States forces occupied certain real estate belonging to the city for military purposes, for quarters, barracks, supply depot, and for manufacture of supplies, etc. Exact dates are shown in the findings. Occupation of some of the premises lasted several years after close of war.

In 1878 the city was paid the sum of \$9,358.99 as rent of premises after April 2, 1866, but has received nothing as rent accruing prior to that date.

This claim is for rent from January 1, 1863, to April 2, 1866, and court reports rental value during that time amounts to \$21,192.88, that being the sum the city would have received from its regular tenants had they not been dispossessed by the Government.

The last finding of the court is to effect that Tennessee was exempted by President Lincoln from his proclamation of January 1, 1863, designating States then in rebellion, and for that reason other claimants were paid rent in Memphis.

The court has not found the city to have been loyal throughout the war, but under the circumstances that is immaterial, just as it would be in case of the city of Baltimore, mentioned in considering the Maryland claims.

This is shown by decision of Court of Claims in case of *Neal v. United States* (21 C. Cls. Rept., 240). Referring to the emancipation proclamation of President Lincoln (12 Stat., 1268), the court said:

On the 1st of January, 1863, the President issued the proclamation of emancipation, wherein he recited the provisions above referred to of the preceding proclamation, and declared that in accordance with his purpose, "publicly proclaimed for the full period of one hundred days," he did "order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States the following," and Tennessee was not one of them.

After reciting various acts of Congress whereby Tennessee was treated thereafter as a loyal State and as though it had never been disloyal, the court further said:

Upon this executive and legislative action, and for the reasons set forth in *Heflebower's case* (just decided), of which this is a sequel, the court bases its conclusion that on the 1st January, 1863, the State of Tennessee ceased to be hostile territory, and from that time can not be regarded as the seat of war within the meaning of the third section of the Bowman Act.

It seems very plain that if Tennessee was not in rebellion after January 1, 1863—if it was not disloyal territory, as decided by the court—then the city of Memphis, in that State, was just as much entitled to receive pay for use of its property as would have been the city of New York or Chicago in other loyal States.

As before mentioned, the claim was made to the Quartermaster General and was allowed, as he thought, to the extent which he could allow it under then existing conditions and constructions of the law.

The claim is just, and every fact has been reported by the court.
Passed House in Sixty-second Congress.

FELICIA Z. METCALF, LOUISA Z. SANSOM, AND MARY D. Z. GAITHER. (S. D. 346-62-2.) Tucker Act. Sent to court February 24, 1911. The printed findings in this case are entitled "Octavia Z. Bond and others." The reported facts are, in brief, as follows:

Felicia Z. Metcalf, Louisa Z. Sansom, and Mary D. Z. Gaither were loyal by reason of tender years; their coowners (apparently their sisters), Octavia Z. Bond and Virginia Z. Wilson, were not loyal.

United States forces, by proper authority, occupied real estate belonging to the five owners mentioned; reasonable rental value, with damages in excess of ordinary wear and tear, was \$15,500.

The court fails to set forth the computation as to the relative interests of each of the five owners. Each would take one-fifth of the total amount found, or \$3,100. Eliminating the interests of the two owners who were found not loyal, it follows that the three loyal owners, Felicia Z. Metcalf, Louisa Z. Sansom, and Mary D. Z. Gaither should be paid each \$3,100, or a total of \$9,300, in equal shares.

It would appear that Mary D. Z. Gaither is deceased, but the court fails to report explicitly who are her heirs. For this reason appropriation should be made for her interest to her estate, leaving distribution to be made by the proper probate court.

The court further reports that claim was presented to Quartermaster General in 1864 and rejected; that claim is equitable.

Case was tried too late for inclusion in previous bill.

JAMES P. MOORE. (Mora B. Fariss, administratrix.) (H. D. 322-59-1.) Bowman Act. Sent to court January 26, 1904. Court finds decedent loyal; supplies worth \$2,100 taken for Army use. Tried under Bowman Act, therefore must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HENRY M. NEELY. (John H. Neely, administrator.) (H. D. 690-61-2.) Bowman Act. Sent to court February 4, 1908. Court finds decedent loyal; supplies worth \$5,450 taken for Army use. Claim filed with Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

SAMUEL B. NELSON. (Louis Nelson, administrator.) (H. D. 119-59-1.) Bowman Act. Sent to court March 4, 1904. Court finds decedent loyal; supplies worth \$2,170 taken for Army use. Tried under Bowman Act; hence previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

B. B. NEVILLE. (C. A. Russell, administratrix.) (S. D. 14-58-3.) Tucker Act. Sent to court February 21, 1900, by Senate resolution. Court finds decedent loyal; supplies worth \$5,282 taken for Army use. Claimant testifies as reason for not earlier presenting claim that she understood no claims would be paid unless accompanied by vouchers.

Passed House in Sixty-second Congress.

OSWELL P. NEWBY. (Mrs. Mary K. Henry et al., heirs.) (S. D. 179-59-2.) Tucker Act. Claim first sent to court June 17, 1886, under Bowman Act; was dismissed in 1896 for lack of jurisdiction. March 21, 1900, was referred, under Tucker Act, by Senate resolution. Court finds decedent loyal; that United States forces occupied decedent's real estate in Memphis about 2½ years; reasonable rental value was \$4,500. Court reports presentation to Congress prior to enactment of Tucker Act; that means claim was presented before there was any jurisdiction to entertain it. The heirs are Mrs. Mary K. Henry, Mrs. Alice A. Pope, Mrs. Jennie Alexander, and Nannie Newby.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

W. W. NEWHOUSE. (Francis M. Newhouse, administrator.) (H. D. 445-62-2.) Bowman Act. Sent to court February 26, 1895. Court finds decedent loyal; that supplies worth \$575 taken for Army use. Claim filed with Quartermaster General.

Passed House in Sixty-second Congress.

JOHN NORTH. (Silas H. Henry, executor.) (H. D. 1297-61-3.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds decedent loyal; supplies worth \$791 taken for Army use. Decedent tried in his lifetime to present his claim by a receipt for part of property. Court reports conclusion that claim is equitable.

Passed House in Sixty-second Congress.

CHARLES N. ORDWAY. (J. Minnick Williams, administrator.) (H. D. 863-60-1.) Bowman Act. Sent to court May 7, 1888. Court finds decedent loyal; supplies worth \$3.025 taken for Army use. Claim found page 178, Claims Commission index.

Passed House in Sixty-first and Sixty-second Congresses.

OVERTON HOTEL Co. (S. D. 6-55-2.) Tucker Act. This claim was first sent to court under Bowman Act March 4, 1885. It was dismissed under that reference for lack of jurisdiction, because it was a claim for rent of Memphis property, and the occupancy began June 6, 1862, while Memphis was still "seat of war," and because the Bowman Act excluded from court's jurisdiction claims arising from occupation of real estate at "seat of war." The decision of the court refusing to consider the claim under Bowman Act is found in case of Overton Hotel Co. v. United States (23d Court of Claims Rept., 186.)

Later claim was sent to court under Tucker Act by Senate resolution June 11, 1896. As first presented claim was made for rent only from January 1, 1863, when Tennessee ceased to be "seat of war." to September, 1865. The court then said that the occupation having begun in June, 1862, it must dismiss the claim, under the Bowman Act, even though the period for which rent was asked began January 1, 1863.

Under the Tucker Act trial the court finds that Federal forces occupied Memphis June 6, 1862. After stating that fact and something of previous history of the claim, the court reported:

The property was then immediately occupied by the United States forces, and its use as a hospital was continued (not only for their own sick and wounded soldiers, but also for those of the Confederate Army found there) until September, 1865, when it was surrendered to the claimant corporation. The ground floor of the building was intended for shops; second and upper stories were intended for a hotel.

The building had not been entirely completed when occupied as aforesaid. The hotel had been leased (before the occupancy aforesaid) to James P. M. Stetson for the term of five years from 1861 at an annual rental of \$20,000.

A reasonable rental of this building for hospital purposes during the period in question was \$20,000; the rental at this rate from January 1, 1863, to September 1, 1865, is fifty-three thousand three hundred and thirty-three dollars (\$53,333), for which no payment appears to have been made.

It will be noted that the court finds:

1. Occupation from June 6, 1862, to September 1, 1865.
2. That rental value was \$20,000 per year.

After stating those facts, however, the court computed the rental for the period between January 1, 1863, and September 1, 1865, as amounting to \$53,333, which computation did not include the period from June 6, 1862, to January 1, 1863. This rather peculiar action by the court will be explained by examination of the Senate resolution of reference, which is set out by the court, and which in terms refers the claim to the court—

to find and report to the Senate the facts bearing upon the merits of the claim as to the term of occupancy of the said Overton Hotel from the 1st of January,

1863, at which date the said Court of Claims having determined that the State of Tennessee ceased to be hostile territory, and therefore not to be regarded as the seat of war within the meaning of the third section of the Bowman Act (see *Neal v. U. S., C. Cls. R.*, 21, p. 240), and the rental value of said property during said term of occupancy, and all other facts contemplated by the provisions of said act.

It is seen that the resolution of reference expressly directed the court to report the rental value from the 1st of January, 1863. For that reason the computation by the court began with that date. At the same time, however, the court reported the further fact that the occupancy actually began June 6, 1862. The court could not have gone further than it did under the peculiar wording of the resolution of reference.

When it was later considered by Congress these details were apparently overlooked, as appropriation was made in the omnibus claims bill approved March 3, 1899 (30 Stats., 1189), in the following language:

To Amos Woodruff, president of the Overton Hotel Company, of Memphis, Tennessee, for use of hotel as military hospital from January first, eighteen hundred and sixty-three, to September first, eighteen hundred and sixty-five, fifty-three thousand three hundred and thirty-three dollars.

From these facts it is clear that the company has never been paid for that period of occupancy from June 6, 1862, to January 1, 1863, which, at the annual rental value fixed by the court, would be \$11,388.

It has been suggested that the payment of \$53,333 in 1899 operated to extinguish the entire claim; but the committee does not agree with that idea as the appropriation expressly stated the period of occupancy for which the payment was made, thereby necessarily excluding from consideration at that time any other or different period of occupancy. Stated otherwise, it is plain that the sum of \$11,388 still remains due the company, never having been paid as yet.

The very fact that the previous payment stated in so many words that it covered only a certain described period of occupancy, prevents that previous payment from acting as a bar to payment of the present claim. Had the other appropriation stated that the sum of \$53,333 was appropriated in full payment for all occupancy of the premises, then acceptance of that sum would have forever settled the whole claim; but under the wording of the previous appropriation, it can not be considered as covering more than the occupancy described in the act itself, i. e., January 1, 1863, to September 1, 1865.

There is no room for question as to the facts, as they have all been reported by the court. They show this company to be entitled to \$11,388 at the present time.

Passed House in Sixty-second Congress.

ALEXANDER M. OWEN. (H. D. 441-60-1.) Bowman Act. Sent to court April 19, 1898. Court finds claimant loyal; supplies worth \$40 taken for Army use. Tried under Bowman Act; hence was previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MARY PARKER. (H. D. 176-58-3.) Bowman Act. Sent to court January 26, 1904. Court finds claimant loyal; supplies worth \$656

taken for Army use. Claim tried under Bowman Act, so was previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HENLY PATTON. (H. D. 383-61-2.) Bowman Act. Sent to court January 31, 1907. Court finds claimant loyal; supplies worth \$200 taken for Army use. Claim presented to Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

JAMES L. PAUL. (James T. Moore, administrator.) (S. D. 412-62-2.) Tucker Act. Sent to court March 3, 1905, by Senate resolution. Court reports decedent loyal; Army supplies worth \$975 taken; claim presented to Quartermaster General. Court reports that claim is equitable.

Case tried too late for inclusion in previous bill.

JOHN R. PEARSON. (A. P. Young, administrator.) (H. D. 233-59-2.) Bowman Act. Sent to court January 9, 1906. Court finds decedent loyal; supplies worth \$2,579 taken for Army use. Case tried under Bowman Act; hence was previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HENRY PEPPER AND ELIZABETH H. CLEVELAND. (S. D. 472-59-1.) Tucker Act. Sent to court May 17, 1906, by Senate resolution. Facts found by court are as follows:

In 1862 William Pepper died intestate, leaving surviving him as only heirs three children, Mary Ann Pepper (later Mrs. Webster), born March, 1848; Henry Pepper, born July, 1849; and Elizabeth H. Pepper (now Cleveland), born February, 1851. These three children are found loyal. After the death of their father, and while title was vested in these three children, Army supplies worth \$1,875 were taken from them. Mrs. Webster is now deceased, and her brother, Henry Pepper, and her sister, Mrs. Elizabeth H. Cleveland, present claimants, are her only heirs, to whom appropriation should be made. These three claimants were young during the short time the Claims Commission was open to filing of claims, and one did not attain majority until that time had partly elapsed.

Passed House in Sixty-second Congress.

OCTAVIA R. POLK. (S. D. 326-59-1.) Tucker Act. Sent to court March 3, 1905, by Senate resolution. Court finds claimant loyal; supplies worth \$2,919 taken for Army use.

Passed House in Sixty-second Congress.

NIMROD PORTER. (Thomas L. Porter, administrator.) (H. D. 321-62-2.) Bowman Act. Sent to court July 30, 1886. Court finds decedent loyal; supplies worth \$3,160 taken for Army use. Claim filed with Claims Commission.

Passed House in Sixty-second Congress.

WASHINGTON PRYOR. (Mary A. Pryor, administratrix.) (H. D. 672-62-2.) Bowman Act. Sent to court May 19, 1906. Court reports decedent loyal; Army supplies worth \$820 taken. Claim previously presented to Commissary General; was once presented to a military claims board at Chattanooga, Tenn., which made an allowance of \$1,467.20 in 1864, which was never paid.

Claim tried too late for inclusion in previous bill.

WILLIAM RAINES. (H. D. 868-59-1.) Bowman Act. Sent to court February 9, 1904. Court finds claimant loyal; supplies worth \$155 taken for Army use. Tried under Bowman Act, so must have been previously filed.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JAMES S. READ. (Frank Read, administrator.) (H. D. 386-60-1.) Bowman Act. Sent to court April 20, 1888. Court finds decedent loyal; Army supplies worth \$715 taken. Tried under Bowman Act, so must have been previously filed.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM H. REAGAN. (S. D. 713-62-2.) Tucker Act. Sent to court March 3, 1908, by Senate resolution. Court reports claimant loyal. He served as corporal and sergeant in Tennessee Volunteer Cavalry. He rode his own horse, and in battle, when his company was attacked, was compelled to abandon the horse, which was not thereafter recovered. The horse was worth \$50 at that time and place. Claim filed in 1883 with Third Auditor, but then rejected for insufficient proof.

The court reports as its conclusion that, under circumstances specified, claimant could have prosecuted his claim in the court under its general jurisdiction; that claim is equitable, as horse was lost in exigencies of services during battle, without fault of claimant.

This would appear to be a claim which was legal, and is undoubtedly equitable.

Claim tried too late for inclusion in previous bill.

LEWELLEN RHODES. (T. N. Rhodes, administrator.) (H. D. 660-60-1.) Bowman Act. Sent to court April 10, 1888. Court finds decedent loyal; supplies worth \$290 taken for Army use. Tried under Bowman Act, so was previously presented.

Passed House in Sixty-first and Sixty-second Congresses.

MARGARET ROBERTSON. (J. G. Robertson, administrator.) (H. D. 531-61-2.) Bowman Act. Sent to court January 9, 1906. Court finds decedent loyal; Army supplies worth \$900 taken. Presented to Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

Mrs. JANE ELIZABETH RODES. (John B. Atchison and Clifton R. Atchison, heirs.) (H. D. 888-59-1.) Bowman Act. Sent to court August 1, 1888. Court finds decedent loyal; Army supplies worth \$2,140 taken from her. John B. Atchison and Clifton R. Atchison present parties in interest. Claim found on page 202, Claims Commission index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JAMES W. ROULSTON. (Laura E. Roulston, administratrix.) (H. D. 404-59-2.) Bowman Act. Sent to court July 10, 1888. Court finds decedent loyal; Army supplies worth \$272 taken from him. Claim rejected by Claims Commission because decedent had passed through bankruptcy. Was later presented to the Fiftieth

Congress. The ground of rejection by Claims Commission was wholly untenable.

Passed the Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

THOMAS D. RUFFIN. (S. D. 463-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds claimant loyal; Army supplies worth \$1,400 taken, no allowance being made for cotton.

Passed House in Sixty-second Congress.

W. J. SAWYERS. (S. D. 3-61-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds claimant loyal, he having been born in August, 1859, being less than 6 years old in April, 1865. Court further reports that he was owner of one-fifth interest in an undivided estate from which timber was taken for Army use; that his one-fifth interest in the property so taken amounted to \$1,908. Claim for the entire value of property taken was filed with Quartermaster General.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

JULIA MOORE SELDON. (S. D. 99-56-2.) Tucker Act. Sent to court July 5, 1898, by Senate resolution. Court finds that Mrs. Julia Moore Seldon (formerly Driver) did not attain majority until some years after the war and rendered no aid or comfort to the Rebellion. She was under 18 years of age at time of surrender in April, 1865. In case of a girl of her age, the finding that she gave no aid to Rebellion must in reason be regarded as practically equivalent to an affirmative finding of loyalty.

During the war this girl owned a one-half interest in certain real estate at Memphis, Tenn., containing valuable improvements: property was occupied by United States forces from January 1, 1863, to April 1, 1866, part of the time as Gen. Grant's headquarters and thereafter as hospital. Total rental value during this period was \$5,850, of which one-half, or \$2,925, belongs to the claimant.

Passed House in Sixty-second Congress.

W. W. SHARP. (C. H. Corn, administrator.) (H. D. 630-59-2.) Bowman Act. Sent to court March 4, 1887. Court finds decedent loyal; Army supplies worth \$1,248 taken. Claim filed with Claims Commission, appearing on page 210 of published index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN SMITH. (William M. Moss, administrator.) (H. D. 387-60-1.) Tucker Act. Sent to court February 20, 1903, by House resolution. Court finds decedent loyal; Army supplies worth \$1,600 taken.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MARGARET E. SMITH. (H. D. 385-61-2.) Bowman Act. Sent to court February 4, 1908. Court finds claimant loyal; Army supplies worth \$860 taken. Filed with Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

WARREN F. SPEED. (John M. Speed, heir.) (H. D. 642-59-1.) Bowman Act. Sent to court January 12, 1904. Court finds decedent loyal: supplies worth \$310 taken. Tried under Bowman Act: hence must have been previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

SALLIE B. STAMPER. (H. D. 877-59-1.) Bowman Act. Sent to court March 17, 1904. Court finds claimant loyal: supplies worth \$1,110 taken for Army use. Tried under Bowman Act; necessarily previously presented.

Passed House in Sixty-first and Sixty-second Congresses.

MARK STONE. (William Stone, heir.) (H. D. 300-59-1.) Bowman Act. Sent to court January 12, 1904. Court finds claimant loyal: Army supplies worth \$110 taken. Claim rejected by Quartermaster General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

M. T. SWICK. (S. D. 287-59-1.) Tucker Act. Sent to court in March, 1902, by Senate resolution. Court finds claimant loyal: Army supplies worth \$1,985 taken from him.

Passed House in Sixty-second Congress.

MARY F. SWINDELL. (North Memphis Savings Bank, administrator.) (S. D. 559-61-2.) Tucker Act. Sent to court March 7, 1910, by Senate resolution. Court reports that decedent (formerly Mary F. Morris) was loyal: that United States forces occupied her real estate in Memphis, exact months being designated in petition: that rental value, with damages incident thereto, was \$650. Court further reports claim presented to Quartermaster General in 1867 and rejected for lack of jurisdiction; also presented to State Claims Commission and approved by that commission; referred to court some years ago under Bowman Act (apparently in 1902). It would appear that this claimant started to prosecute the claim as early as 1867, but as yet without success.

Passed House in Sixty-first and Sixty-second Congresses.

ISAAC TIPTON. (Clarissa H. Tipton, administratrix.) (H. D. 230-59-2.) Bowman Act. Sent to court February 3, 1903. Court finds decedent loyal; Army supplies worth \$82 taken. Tried under Bowman Act; hence was previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

GEORGE TODD. (H. D. 359-60-1.) Bowman Act. Sent to court February 14, 1889. Court finds claimant loyal; supplies worth \$110 taken for Army use. Tried under Bowman Act, so was necessarily previously presented.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

J. J. TODD. (Mrs. Sallie H. Perkins, daughter and heir.) (S. D. 15-56-2.) Tucker Act. Sent to court July 17, 1897. Facts reported by court are practically as follows: J. J. Todd died in August, 1861,

leaving his property to his minor daughter, who later became Mrs. Sallie H. Perkins. This girl married during minority; she married a Confederate soldier, who, immediately after marriage, left the army and devoted his attention to the care of his wife's property; the court states that Mrs. Perkins desired her husband to keep out of the Confederate service; did not desire "subjugation" of the South, but gave no assistance or practical sympathy to either side. It appears that the property was taken in 1862 and 1863, while Mrs. Perkins was still a minor.

Court further reports that Army supplies worth \$5,684 were taken. The only question is whether the claim should be paid in view of the finding on loyalty. It has been held that a presumption of disloyalty arises only from a voluntary residence in an insurrectionary State. It has further been held by the Supreme Court that a minor has no legal power to change his residence. (See *Lamar v. Micou*, 112 U. S., 452.) It would thus appear that there was no presumption of disloyalty against this girl during her minority. Before she became of age Tennessee had ceased to be seat of war under the President's proclamation of January 1, 1863. The committee believes that under these facts the claim may properly be paid.

Passed House in Sixty-second Congress.

ALPHIUS TRUETT. (H. D. 640-61-2.) Bowman Act. Sent to court March 31, 1908. Court finds claimant loyal; Army supplies worth \$790 taken. Claim filed with Quartermaster General.

Passed House in Sixty-second Congress.

WILLIAM L. VANCE. (George T. Vance and Guy P. Vance, executors.) (S. D. 22-54-1.) Tucker Act. Sent to court April 21, 1892, by Senate resolution. The facts of this case are very extraordinary. As reported by the court, they are as follows:

Robertson Topp and William L. Vance were loyal citizens, trading under the firm name of Topp & Vance. William L. Vance was the surviving partner of the firm, and the present claimants, George T. Vance and Guy P. Vance, are his executors.

The firm of Topp & Vance owned certain cotton, being 170 bales; it was taken by proper military authorities; while being held by the military authorities an order was issued to turn over to the agent of one James Nolan 600 bales of Government cotton in satisfaction of his claim for that quantity of cotton which had been taken. In execution of that order the officer in charge turned over to Nolan the 170 bales belonging to Topp & Vance. The cotton was at the time identified by the agent of Topp & Vance, and the transfer to Nolan was made against protest of their agent.

From this it appears that the Government, practically speaking, used the property of this firm to pay a Government debt owed to another citizen. As suggested by the court, this action was entirely illegal, but the effect was nevertheless that of canceling an obligation of the Government to the extent of 170 bales of cotton, thereby benefiting the Government to that extent. It is also plain that it operated to take just that amount of property from the firm of Topp & Vance.

Under these circumstances the only question requiring any extended consideration at the hands of the committee seems to be the

matter of title, i. e., whether the firm of Topp & Vance was the actual owner of the cotton.

On that point it would not appear that the court really performed its full function in reporting all material facts. The court has gone into considerable detail in giving what may be called probative facts, but omitted to state the final fact of ownership one way or the other.

It appears that the cotton was on the farm of Mrs. Mary A. Butler, in Sunflower County, Miss., when taken. Immediately thereafter a military board in Vicksburg considered the claim presented by this firm; the board found that Topp & Vance were the owners of the property, this finding being based in part on the affidavit of Mrs. Butler, stating she had sold the cotton to the firm, and also based in part on the further fact that Mrs. Butler sought to recover for herself only the remainder of the cotton captured on her premises.

The court reports that there is competent evidence to show that Mrs. Butler, in whose possession the cotton was captured and who was prima facie its owner, renounced any possible claim she might have had, so that she could not question the title of Topp & Vance. It seems plain that some one owned this cotton when it was taken. Presumptively, being personal property, it belonged to the person in possession; that was Mrs. Butler. However, she expressly stated that she did not own these 170 bales, but stated that she had sold this lot to Topp & Vance. Further, she made no claim for these 170 bales, but made only claim for other cotton taken from her plantation at the same time. Her express affidavit and her acts constituted declarations against her interest and in derogation of her prima facie title. The military board considering the matter in March, 1864, immediately after the seizure, found that the firm of Topp & Vance owned the cotton. The committee does not believe that the Government can well deny that title at the present time in view of all these facts.

The matter of title and taking being disposed of, the only remaining question is as to the measure of compensation.

The court reports that similar cotton in the summer of 1864 would have been worth in New Orleans \$51,000 for the 170 bales; that total expenses of transportation from Vicksburg and incident to sale would have been \$7,139.50, so that the cotton would have brought net \$43,860.50 at New Orleans. The court also reports that the market value at Vicksburg would have been about 5 per cent less than in New Orleans, or \$41,667. It is this last-mentioned amount that it is proposed to pay.

Passed House in Sixty-second Congress.

EZEKIAH H. WALKER. (H. D. 382-61-2.) Bowman Act. Sent to court February 4, 1908. Court finds claimant loyal; Army supplies worth \$300 taken. Claim filed with Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

JESSE A. WALLACE. (H. D. 698-60-1.) Bowman Act. Sent to court May 19, 1906. Court finds claimant loyal; Army supplies worth \$215 taken. Claim filed with Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

MARY E. WALTERS. (Florence Walters et al., heirs.) (H. D. 966-61-2.) Bowman Act. Sent to court March 31, 1908. Court

finds decedent loyal; Army supplies worth \$490 taken. Tried under Bowman Act, which means previously presented.

Passed House in Sixty-first and Sixty-second Congresses.

A. J. WIGLESWORTH. (W. P. Boales, administrator.) (H. D. 56-61-1.) Bowman Act. Sent to court June 17, 1886. Court finds decedent loyal; Army supplies worth \$105 taken. Claim filed with Commissary General.

Passed House in Sixty-first and Sixty-second Congresses.

JOSEPH R. WILLIAMS. (Edmund W. Williams, executor.) (S. D. 27-57-2.) Tucker Act. Sent to court February 28, 1901, by Senate resolution. Court finds that decedent was loyal; that United States forces took for Army use mules, wagons, and harness, near Pine Bluff, Ark.; that said forces occupied decedent's real estate in Memphis; that value of personal property taken and of rental of premises was \$12,940; that as to certain storehouses the allowance includes only one-half of rental value, as decedent owned only one-half interest. No allowance is made for damages. Claim not previously presented. From petition it appears that the occupancy began in 1862, and therefore claim could not have been entertained by court under Bowman Act, as appears from its decision in Overton Hotel case, hereinbefore mentioned. Southern Claims Commission had no jurisdiction of claims for rent, but might have considered claim for mules, etc.

Passed House in Sixty-second Congress.

GEORGE T. WILSON. (H. D. 578-61-2.) Bowman Act. Sent to court April 14, 1908. Court finds claimant loyal; Army supplies worth \$60 taken. Claim rejected by Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

WILLIAM S. WILSON. (W. M. Wilson, administrator.) (H. D. 661-61-2.) Bowman Act. Sent to court April 10, 1890. Court finds decedent loyal; Army supplies worth \$315 taken. Claim rejected by Commissary General.

Passed House in Sixty-first and Sixty-second Congresses.

NANCY WRIGHT. (J. R. Wright, administrator.) (H. D. 662-61-2.) Bowman Act. Sent to court February 23, 1889. Court finds decedent loyal; Army supplies worth \$225 taken. Claim rejected by Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

MISSIONARY BAPTIST CHURCH, ANTIOCH, TENN. (S. D. 382-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; that United States forces occupied a brick church building, at intervals from spring of 1862 till close of war, as quarters; reasonable rental value, with damages in excess of ordinary wear and tear, was \$600. This claim was rejected by Quartermaster General when presented in 1867.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-second Congresses.

CHURCH OF CHRIST, BLEDSOE COUNTY, TENN. (S. D. 130-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution.

Court reports claimant loyal; United States forces tore down church building and used materials: building worth \$520.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-second Congresses.

BAPTIST CHURCH, BOLIVAR, TENN. (S. D. 181-59-1.) Tucker Act. Sent to court March 12, 1903, by Senate resolution. Court reports claimant loyal; United States forces used church building for about two years as smallpox hospital, when it was accidentally burned while in their possession. Rental value and value building amount to \$3,400.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

HIAWASSE MASONIC LODGE, No. 188, CALHOUN, TENN. (S. D. 173-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court reports claimant loyal; United States forces occupied buildings and ground; reasonable rental value, with damages in excess of ordinary wear and tear, was \$620.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

SHILOH PRESBYTERIAN CHURCH, CALHOUN, TENN. (S. D. 595-60-2.) Tucker Act. Sent to court June 13, 1906. Court reports claimant loyal; United States forces tore down church building and used materials in constructing quarters and bridges; building worth \$825. Claim was made twice to Southern Claims Commission, but rejected for want of jurisdiction; claim referred to court August 6, 1888, under Bowman Act, but was dismissed; later referred under Tucker Act and tried under that act.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-second Congresses.

CUMBERLAND PRESBYTERIAN CHURCH, CHARLESTON, TENN. (S. D. 261-60-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court reports claimant loyal; United States forces occupied church as hospital and storehouse; rental value, with damages in excess of ordinary wear and tear, was \$530. Claim rejected by Quartermaster General.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, CHARLESTON, TENN. (S. D. 161-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; United States forces occupied building and grounds as commissary depot and for other purposes; rental value, with damages in excess of ordinary wear and tear, was \$960.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, CHATTANOOGA, TENN. (S. D. 141-60-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court reports claimant loyal; that United States forces occupied church property from about September, 1863, till end of war; rental value, with damages in excess of ordinary wear and tear,

was \$1,800. Claim originally presented to Quartermaster General, but rejected.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. PAUL'S PROTESTANT EPISCOPAL CHURCH, CHATTANOOGA, TENN. (S. D. 91-61-1.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court reports claimant loyal; United States forces occupied building for hospital and damaged same to extent of \$3,640, which damages were paid through Quartermaster's Department; that rental value was \$1,500, which is amount now allowed.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

CUMBERLAND PRESBYTERIAN CHURCH, CLARKSVILLE, TENN. (S. D. 281-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court reports claimant loyal; United States forces occupied church building; rental value, including repairs necessary to restore building to former condition, was \$1,200. Claim originally presented to Quartermaster General and rejected; was later presented to Treasury Department and rejected for lack of jurisdiction.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

CLEVELAND MASONIC LODGE, No. 134, CLEVELAND, TENN. (S. D. 194-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court reports claimant loyal; United States forces occupied lodge building as guardhouse and for other purposes; rental value, with damages in excess of ordinary wear and tear, was \$940.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, CLEVELAND, TENN. (S. D. 73-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court reports claimant loyal; United States forces first used the brick church building as a hospital and later as a grain depot; thereafter the bricks of the building were removed and used by troops in camp; building worth \$3,000. Claim presented to Quartermaster General, but rejected in 1866.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

CUMBERLAND PRESBYTERIAN CHURCH, CLIFTON, TENN. (S. D. 272-59-1.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court reports claimant loyal; United States forces occupied church building for military purposes; rental value, with repairs rendered necessary by said occupancy, was \$980.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. PETER'S PROTESTANT EPISCOPAL CHURCH, COLUMBIA, TENN. (H. D. 636-59-2.) Tucker Act. Sent to court April 6, 1906, by House resolution. Court reports claimant loyal; that United States forces occupied church property as hospital and for barracks; use and occupation, with damages in excess of ordinary wear and tear, was \$3,120.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

BOILING FORK BAPTIST CHURCH, COWAN, TENN. (S. D. 138-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court reports claimant loyal; United States forces tore down its building and used the bricks for building chimneys and ovens; the bricks so used were worth \$1,310.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixtieth and Sixty-second Congresses.

MILL CREEK BAPTIST CHURCH, DAVIDSON COUNTY, TENN. (S. D. 176-58-3.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court reports claimant loyal; that church was occupied for commissary and other purposes about 31 months; that rental, with incidental damages, was worth \$1,650.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

HENNEGAR'S CHAPEL, METHODIST EPISCOPAL CHURCH SOUTH, DUNLAP, TENN. (S. D. 399-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court reports claimant loyal; United States forces tore down church building and used materials in constructing quarters; building worth \$900.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-second Congresses.

CHRISTIAN CHURCH, FRANKLIN, TENN. (S. D. 264-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; United States forces occupied building for hospital and other purposes; rental value, with damages in excess of ordinary wear and tear, was \$620.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

HIRAM LODGE, No. 7, FREE AND ACCEPTED MASONS, FRANKLIN, TENN. (S. D. 139-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court reports claimant loyal; United States forces occupied lodge building for military purposes; rental value, with repairs rendered necessary by occupation, was \$2,120.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, FRANKLIN, TENN. (S. D. 36-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; church property occupied about two years for hospital and barracks; rental value, with damages in excess of ordinary wear and tear, was \$875.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

MISSIONARY BAPTIST CHURCH, FRANKLIN, TENN. (S. D. 12-61-1.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal; United States forces occupied church building for hospital and other purposes; rental, with damages in excess of ordinary wear and tear, was \$660.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, FRANKLIN, TENN. (S. D. 40-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution.

Court reports claimant loyal; church building used for hospital purposes; rental, with damages in excess of ordinary wear and tear, was \$800.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

CLIFTON LODGE, No. 173, FREE AND ACCEPTED MASONS. (S. D. 53-60-1.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court finds claimant loyal; United States forces occupied lodge building for hospital and commissary depot for about eight months, and when they abandoned the building they destroyed it. Reasonable rental, with damage caused, was \$1,500.

Passed House in Sixty-second Congress.

HARPETH ACADEMY, FRANKLIN, TENN. (S. D. 481-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; while United States forces were occupying building as barracks it was burned; evidence does not show origin of fire; reasonable value of building was \$4,500. The burning seems to have been what may be called an accident incidental to its occupancy, and it is believed that under these conditions the Government should compensate the owner.

Passed Senate and House in Sixty-second Congress.

ST. PAUL'S EPISCOPAL CHURCH, FRANKLIN, TENN. (S. D. 4-58-1.) Tucker Act. Sent to court June 12, 1902, by Senate resolution. Court reports that last official act of wardens and vestrymen prior to war was in 1859, apparently no official action having been taken during war. United States forces occupied church building; occupation, with repairs rendered necessary thereby, was worth \$2,450.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

HOWARD LODGE No. 13, INDEPENDENT ORDER OF ODD FELLOWS, GALLATIN, TENN. (S. D. 239-60-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court reports claimant loyal; United States forces occupied lodge building for hospital; rental value, with damages in excess of ordinary wear and tear, was \$2,300. Claim first sent to court by House under Bowman Act, March 1, 1889.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

GERMANTOWN BAPTIST CHURCH, SHELBY COUNTY, TENN. (S. D. 275-59-2.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court reports claimant loyal; United States forces occupied church building as hospital and later tore it down and used materials therefrom; building worth \$1,250.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, GERMANTOWN, TENN. (S. D. 322-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; United States forces occupied church building and later tore it down and used materials for military purposes. Rental value, with value of materials, was \$1,350.

Passed Senate in Sixty-second and House in Sixty-first and Sixty-second Congresses.

HUMBOLDT FEMALE COLLEGE. (G. S. Lannom, receiver.) (S. D. 118-59-1.) Tucker Act. Sent to court April 27, 1901, by Senate resolution. Court reports claimant loyal; that United States forces occupied college buildings for a hospital, and that buildings were burned. The findings not being explicit the committee examined the papers in this case for purpose of supplementing the findings. The testimony shows that the main building was being used as a hospital by the Army; that some smallpox patients had been treated therein; that the building was being disinfected by burning sulphur in open pans upon the floor, and while this was being done the building caught fire and was totally destroyed. Under these circumstances it is believed the claimant should be recompensed.

Claim apparently presented as early as January, 1892, as subject matter of H. R. 1920 (52d Cong.), but was never sent to court till 1904, or 12 years later.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

LYNN CREEK BAPTIST CHURCH, TENN. (S. D. 237-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; United States forces tore down building and used materials in erection of quarters; building worth \$600.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second Congresses and House in Sixty-second Congress.

UNITY CHURCH, GILES COUNTY, TENN. (H. D. 709-62-2.). Tucker Act. Sent to court April 18, 1910, by House resolution. Court reports claimant loyal; troops by proper authority took church building and used materials thereof for building shelters; building worth \$350. Court reports claim is equitable.

Case tried too late for inclusion in previous bill.

BAPTIST CHURCH, GRAND JUNCTION, TENN. (S. D. 137-60-1.) Tucker Act. Sent to court August 7, 1890, under Bowman Act; that reference conferring no jurisdiction claim against sent to court March 3, 1905, under Tucker Act by Senate resolution. Court reports claimant loyal; that about November, 1862, United States forces took possession of building; later building torn down and materials used for Army purposes; building worth \$980. Claim presented by petition to Congress in 1874 and referred to court August 7, 1890, under Bowman Act, which reference failed to confer jurisdiction on court.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-second Congresses.

MOUNTAIN CREEK BAPTIST CHURCH, TENN. (S. D. 287-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court reports claimant loyal. On property the findings are not explicit, and it becomes necessary to refer to the allegations in the petition in order to arrive at the facts. This means that the committee is compelled to do what the court should have done. It appears that the United States forces took possession of the church building apparently for a military prison and that later the building was torn down and materials used for building quarters. The court reports that the reasonable compensation for the use of the building

and its destruction was \$500. Under these circumstances it is believed that payment should be made for the building.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-second Congresses.

FIRST BAPTIST CHURCH, JEFFERSON CITY, TENN. (H. D. 225-58-3.) Bowman Act. Sent to court January 12, 1904. Court reports claimant loyal; that United States forces "took" and destroyed the church building, worth \$915. This is another illustration of an improperly drawn finding. The fact that the term "took" is used by the court indicates, though does not state, that the materials were taken for military purposes. With that understanding of the findings the claim is included in the bill.

Passed Senate in Sixty-second and House in Sixty-first and Sixty-second Congresses.

LAGRANGE SYNODICAL COLLEGE. (S. D. 234-62-2.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court reports the claimant loyal; that United States forces occupied the college building for hospital purposes and damaged same; they later tore down the building and used material therefrom in constructing winter quarters. Reasonable rental value, with damages in excess of ordinary wear and tear, and value of building when torn down was \$18,000. Court reports its conclusion that claim is an equitable one in that the Government received the benefit of the use of the property.

Passed Senate and House in Sixty-second Congress.

CHURCH OF CHRIST, LA VERGNE, TENN. (S. D. 49-60-1.) Tucker Act. Sent to court June 15, 1906, by Senate resolution. Court reports claimant loyal; United States forces tore down church building and used materials in constructing commissary storehouses and quarters building, worth \$2,200.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-second Congresses.

CUMBERLAND UNIVERSITY, LEBANON, TENN. (S. D. 288-59-1.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court reports claimant loyal; United States forces occupied university buildings and grounds for military purposes; rental value, with damages solely incident to such occupancy, was \$8,000.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, LOUDOUN, TENN. (S. D. 179-60-1.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court reports claimant loyal; United States forces tore down church building and used materials in construction of quarters, after having used the building; occupation and materials reasonably worth \$1,200.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-second Congresses.

PRESBYTERIAN CHURCH, LYNNVILLE, TENN. (S. D. 37-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court reports claimant loyal; that the present organization is the successor of the Presbyterian Church of Old Lynnville and of the Pres-

byterian Church of Hopewell, present church being formed by union of the other two. United States forces removed the church building of the Presbyterian Church of Hopewell, appropriating materials therefrom in building quarters; also occupied the church building of the Presbyterian Church of Old Lynnville for about six months, and thereafter destroyed the church by fire. Reasonable compensation for use of said building and destruction of both buildings mentioned is \$3,300. The committee is inclined to take the view that after having been used as a hospital the presumption is that if the building was burned it was done as a sanitary measure, so that the destruction of the building may be deemed reasonably an incident to the occupation.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-second Congresses.

GRAND LODGE, INDEPENDENT ORDER OF ODD FELLOWS, TENNESSEE. (S. D. 238-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports that Grand Lodge, Independent Order of Odd Fellows, is the successor to the Odd Fellows Lodge at Lynnville which was loyal; United States forces took possession of building owned jointly by Odd Fellows Lodge of Lynnville and by the Presbyterian Church of that place and occupied it for hospital about six months; thereafter the military forces, under orders, set fire to a number of buildings in the town, among which was this one, the Odd Fellows Lodge owning one-third interest, the court reporting that reasonable compensation for use and destruction would be \$700 for that one-third interest.

Reverting to the statement of case, it would appear that the building was used as a smallpox hospital from September, 1863, till March, 1864; that a smallpox flag was kept on the building until fall of 1864, when the building was destroyed. With this explanation it would appear that the building was burned as a precaution to prevent the spread of smallpox; therefore the destruction was an incident following its use as a smallpox hospital, and the claim should be paid. The rental value can not be separated from the value of the building on these findings.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

FIRST BAPTIST CHURCH OF MEMPHIS, TENN. (S. D. 224-59-1.) Tucker Act. Sent to court originally on March 2, 1891, under Bowman Act; some testimony taken under that reference, but court was without jurisdiction under that act, occupation in question having commenced prior to January 1, 1863; claim referred under Tucker Act, March 3, 1905, by Senate resolution. Court reports claimant loyal; that United States forces occupied church building about 12 months; rental value \$1,200.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

UNION UNIVERSITY, MURFREESBORO, TENN. (S. D. 150-59-2.) Tucker Act. Sent to court April 28, 1904, by Senate resolution. Court reports claimant loyal; United States forces used university building for hospital; rental value, including necessary repairs incident to occupation, was \$5,474.

Court also reports that at time occupation began there was a library in said building, belonging to the university, reasonably worth \$6,500; also philosophical and chemical apparatus, worth \$1,750; that during occupation \$500 worth of the books disappeared; that about the time the buildings were being vacated by the military forces the contents of the buildings, embracing books worth \$6,000 and apparatus worth \$1,750, were depredated upon and taken away by an Iowa Cavalry regiment, the furniture being also taken by that regiment. The furniture taken away is included in the finding of \$5,474. The court reports that it is not satisfactorily established what disposition was made of the \$6,000 worth of books or of the apparatus worth \$1,750, their taking being a matter of depredation.

The only question in this case is whether or not full compensation ought to be made by the Government not only for use and occupation and incidental damages, but also for the theft of the university library and scientific apparatus. However, as the claim has been previously passed in the sum of only \$5,474, thus covering only occupation and incidental damages, the committee has resolved its doubts in this instance in favor of the Government, and has reported the claim in that amount only.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FIRST PRESBYTERIAN CHURCH, NASHVILLE, TENN. (S. D. 562-62-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; troops occupied church building from October, 1863, to April, 1865; the Government paid this claimant rent up to April 30, 1864, and also paid for damages inflicted upon building. Rent from April 30, 1864, to April 27, 1865, was not paid, this amounting to \$1,200. Court reports claim equitable.

Case tried too late for inclusion in previous bill.

UNIVERSITY OF NASHVILLE, TENN. (S. D. 339-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that from February 12, 1862, to September 11, 1865, United States forces occupied claimant's buildings and grounds; that reasonable rental, with damages occasioned by its occupation, in addition to ordinary wear and tear, was \$7,300.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

MOUNT OLIVET METHODIST EPISCOPAL CHURCH SOUTH, NOLENSVILLE, TENN. (S. D. 9-61-1.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building; rental value, with damages in excess of ordinary wear and tear, was \$390.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRIMITIVE BAPTIST CHURCH, PELHAM, TENN. (S. D. 110-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; that United States forces tore down church building and used material therefrom in erection of quarters; building worth \$200.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, PROSPECT, TENN. (S. D. 22-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; that United States forces, by proper authority, tore down church building and appropriated the materials to Army use; building worth \$900.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-second Congresses.

CUMBERLAND PRESBYTERIAN CHURCH, PULASKI, TENN. (H. D. 751-59-2.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds claimant loyal; that from November, 1863, till summer of 1864 United States forces used church building for military purposes; rental value, with damages in excess of ordinary wear and tear, was \$700.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH, SAULSBURY, TENN. (S. D. 229-58-2.) Sent to court March 3, 1903, by Senate resolution. Court finds claimant loyal; court finds that church building was used by United States forces as quarters for one year; that rental value was \$240 for this period. Later a Federal regiment burned the church building, though it does not appear whether it was done by orders; church building worth \$2,200. Heretofore this claim has been regarded as a proper one for payment as to the rental of \$240, but not as to the value of the church building in the sum of \$2,200. As to the rental item this claim was included in the claims appropriation act approved February 24, 1905 (33 Stats., 769). This church expressly declined to receive the sum of \$240 in satisfaction of its claim, evidently thinking that acceptance of that sum would preclude any further consideration of the other item.

As to the item of rent, this claim has passed the Senate in the Sixty-first Congress and the House in the Sixty-first and Sixty-second Congresses.

MCDANIEL'S CHAPEL, METHODIST EPISCOPAL CHURCH SOUTH, SHELLMOUND, TENN. (S. D. 357-60-1.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court finds claimant loyal; that United States forces tore down church building and used materials in constructing bunks and horse sheds; building worth \$520.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-second Congresses.

PRESBYTERIAN CHURCH, SMYRNA, TENN. (S. D. 175-58-3.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; that United States forces tore down church building and used materials for building winter quarters, etc.; church building worth \$1,250.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-second Congresses.

PRESBYTERIAN CHURCH, STRAWBERRY PLAINS, TENN. (S. D. 34-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; that United States forces removed its church building, using materials therefrom; building worth \$1,600.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second Congresses and House in Sixty-second Congress.

METHODIST EPISCOPAL CHURCH SOUTH, TRIUNE, TENN. (H. D. 714-59-2.) Tucker Act. Sent to court March 31, 1906, by House

resolution. Court finds claimant loyal; United States forces occupied building and camped around it; during such occupation the building was burned, the evidence not showing whether by accident or otherwise. After the fire the bricks and stone used in construction of building were appropriated to military use; the building was worth \$3,800. These facts seem to be such as to remove the claim from what may be termed the class of claims for destruction of church property. It would appear that the destruction was an incident or result of the occupation. It appears from the statement of case that the church was a large brick building and the court expressly reports that after the fire the bricks were used by the military forces. On these facts the claim is included in the bill.

Passed Senate in Sixtieth and House in Sixty-first and Sixty-second Congresses.

BAPTIST CHURCH, TULLAHOMA, TENN. (S. D. 23-58-2.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court finds claimant loyal; that United States forces tore down church building and used material thereof; building worth \$1,200.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-second Congresses.

CHRISTIAN CHURCH, UNION CITY, TENN. (S. D. 262-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; that United States forces occupied church building and then tore it down and used material in erection of barracks, etc.; value of building, with rental, \$850. Claim first presented to Quartermaster General and rejected for lack of jurisdiction.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-second Congresses.

WASHINGTON COLLEGE, WASHINGTON, TENN. (H. D. 635-59-1.) Tucker Act. Sent to court February 20, 1903, by House resolution. Court reports claimant loyal; that United States forces occupied premises for military purposes; rental value, with sum necessary to restore property to its former condition, was \$4,200.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

CUMBERLAND PRESBYTERIAN CHURCH, WAVERLY, TENN. (S. D. 159-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; that United States forces occupied property as quarters, etc.; rental value, with damages in excess of ordinary wear and tear, \$1,040.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

EUDORA BAPTIST CHURCH, WHITE STATION, TENN. (S. D. 97-61-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal. This church owned two buildings, one a new building, used by the white congregation, the other an older building, then used by the colored congregation. United States forces occupied the new church building about a year and a half for hospital and other purposes and greatly damaged same. They completely tore down the old church building and used materials therefrom. Rental value of the new building so occupied, with damages in ex-

cess of ordinary wear and tear, and the value of the old building torn down, aggregate \$1,295. Claim presented to Quartermaster General in 1865; referred to court in 1887 under Bowman Act, and later referred under Tucker Act.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

MOUNT ZION CHURCH, WILLIAMSON COUNTY, TENN. (S. D. 48-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; that United States forces occupied church property and used some of the material from the building in construction of quarters for troops; said use and occupation and material were reasonably worth \$1,300.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-second Congresses.

TEXAS.

MRS. GERTRUDE O'BANNON. (S. D. 223-61-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds claimant (formerly Miss Gertrude Whitley) loyal because of her tender years during war; also that Army supplies worth \$1,350 were taken from her. Court further says she was an infant of tender years at time her property was taken, though of age during existence of Claims Commission. Her petition alleges she was born in 1850, which would show she attained majority about the time the commission was established.

Passed House in Sixty-second Congress.

MARY A. SHAW. (S. D. 221-58-2.) Tucker Act. Sent to court June 27, 1902, by Senate resolution. Court finds claimant loyal; that United States forces took possession of her dwelling in Corpus Christi, Tex., and tore it down and used the materials, worth \$700. Also that claim was not presented save to Congress; that "claimant is a woman of very limited education, not possessing sufficient knowledge of business to conduct a correspondence to protect her interests"; that she placed her claim in the hands of her Congressman in 1894.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ROBERT M. WILLIAMS. (Robert E. Williams et al., heirs.) (H. D. 535-60-1.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds that decedent was loyal; that Army supplies worth \$1,140 were taken from him in Missouri.

Passed Senate in Sixtieth and House in Sixty-first and Sixty-second Congresses.

VERMONT.

JOHN J. DALE. (Henrietta V. Dale, widow.) (H. D. 569-60-1.) Bowman Act. Officer's claim for difference in pay, \$124.06.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

VIRGINIA.

ALFRED ANDERSON. (Thomas R. Hardaway, administrator.) (H. D. 1472-60-2.) Bowman Act. Sent to court February 16, 1887. Court finds decedent loyal; that Army supplies worth \$783 were taken. Claim presented to Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

MARY ANDERSON. (Edward Anderson, administrator.) (S. D. 83-58-3.) Tucker Act. Sent to court March 4, 1903, by Senate resolution. Court reports that decedent lived in Maryland during war and was loyal; the other facts are somewhat complicated, being practically as follows:

Col. George Minor was owner of a farm in Virginia, about 5 miles from Washington City, on which were 300 acres of timbered land. In fall of 1861 United States forces took possession of the farm and occupied it the remainder of the war.

June 1, 1862, Col. Minor died, devising all this property to his daughter, Mary Anderson. Some timber was cut by the troops from the land during lifetime of Col. Minor. He has been found not loyal, and for that reason the court has made no allowance for any timber taken during his lifetime nor for any damages done the place by its occupancy by the troops.

The court further reports that "after Mrs. Anderson became owner of the premises" timber worth \$7,150 was taken, and that damages done the place by said occupancy after death of Col. Minor amounted to \$700, thus making a total of \$7,850.

The court further reports that the claim was presented to the Quartermaster General, but was not acted upon by him, evidently because claim arose in Virginia, and he had no jurisdiction of the claim. She did not file it with Claims Commission. It is more than doubtful whether that commission had jurisdiction, however. The court reports, however, that owing to litigation as to validity of her father's will it was not until 1875 that the validity of the will was established; it was then too late to file with the commission.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

ROBERT G. GRIFFIN, CATHARINE H. HARRIS, and HANNAH T. CROMWELL. (S. D. 420-59-1.) Tucker Act. Sent to court March 2, 1903, by Senate resolution. Court reports that these three claimants were negroes and minors and were loyal during the war. Hannah T. Cromwell is evidently deceased, her estate being represented by administrators, apparently. Court further reports that United States forces occupied claimants' premises in York County, Va., about two years, that place not being seat of war at the time; that rental value was \$1,500.

Also that the troops took for Army use timber from claimants' land worth \$16,975, making a total of \$18,475 for rent and timber.

The court also finds that the claim for rent was filed with Claims Commission and was found not to be within its jurisdiction; that as early as 1888 the claim was placed in hands of an attorney in Richmond.

In view of the wording of the court's findings, it is believed appropriation should be made as follows:

To Robert G. Griffin, Catharine H. Harris, and the estate of Hannah T. Cromwell, late of York County, in equal shares, \$18,475.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

JOHN H. BAKER. (S. D. 217-60-1.) Tucker Act. Sent to court June 27, 1902, by Senate resolution. The facts reported are these:

Baker is found loyal. During the war the Twenty-eighth New York Infantry, under command of Col. Dudley Donnelly, took tobacco worth \$790 from Baker. Baker filed his claim with the Claims Commission, which found him loyal and allowed him for certain other items of supplies taken, but rejected the item of tobacco.

It has been suggested previously that the court does not expressly report that the property was taken by proper authority or that it was used by the troops. Technically this is correct, but the committee deems the finding practically equivalent to saying the property was taken by orders of the commanding officer, and from the nature of the property it would naturally be used by the troops.

Passed House in Sixty-second Congress.

ROBERT N. BLAKE. (G. B. Wallace, administrator.) (S. D. 198-59-2.) Tucker act. Sent to court April 26, 1904, by Senate resolution. Court finds decedent loyal; that Army supplies worth \$1,790 were taken; that claim was not filed with Claims Commission, but presented to Congress as early as Fiftieth Congress, which means between March 4, 1887, and March 4, 1889, or immediately after passage of the Tucker Act.

Passed House in Sixty-second Congress.

MARY S. ARMISTEAD, ANNA GEE, and SUE P. TEMPLE (children of Theodoric Bland.) (H. D. 429-59-2.) Tucker Act. Sent to court February 15, 1899, by House resolution. The facts are not stated as explicitly as they should have been in the findings of the court, but examining the findings with the statement of the case the facts appear to be as follows:

Army supplies were taken from five owners, i. e., Theodoric Bland, jr., Sallie Russell Bland, Mary S. Bland, Anna Bland, and Sue P. Bland. Theodoric Bland jr., and Sallie Russell Bland are found not loyal, but the other three owners are found loyal. It would appear that Mary S. Bland is now Mary S. Armistead; that Anna Bland is now Anna Gee; and that Sue P. Bland is now Sue P. Temple.

The court finds that the value of the supplies taken by proper authority from the five owners was \$6,000, the interest of each being one-fifth, or \$1,200; that the interests of the three owners found loyal aggregate \$3,600.

It is believed that appropriation should be made as follows:

To Mary S. Armistead, Anna Gee, and Sue P. Temple, of Prince George County, children of Theodoric Bland, deceased, in equal shares, in their own right, three thousand six hundred dollars.

An appropriation in this language will show plainly the intent of Congress that the sum appropriated shall be paid to the three owners who were found loyal.

Passed Senate in Sixtieth and House in Sixty-first and Sixty-second Congresses.

LEMUEL J. BOWDEN. (Rosa M. Bowden, Zenobia Porter, Mary E. Bowden, and Mary Bowden Gustin, heirs.) (S. D. 63-59-1.) Tucker Act. Sent to court March 3, 1905, by Senate resolution. It is noted that the finding of decedent's loyalty was filed in Case No. 11134, in the Court of Claims, while the findings on property were filed in Case No. 11884. Reference to Senate Document 26 (58th Cong., 3d sess.) in connection with the present case explains this fact. It appears that by Senate resolution of March 2, 1903, a claim of the heirs of Lemuel Bowden was sent to the court. A favorable report was made by the court in 1904 on loyalty and on the items of ordinary supplies, but the court held that it could make no allowance for use and occupation of real estate because the bill referred did not cover that item of claim. In that case the sum of \$4,845 was allowed for supplies taken. That sum was paid in the claims appropriation act of February 24, 1905 (33 Stat., 774).

In order to confer jurisdiction on the court to consider the rent claim another bill was introduced and sent to the court by Senate resolution of March 3, 1905. Under this later reference the court reports decedent loyal and that United States forces occupied decedent's premises and that rental value, with damages incident to the occupancy, is \$3,540. This forms the present claim.

This rent claim could not have been presented to any officer or tribunal having jurisdiction. The claim for Army supplies might have been filed with the Claims Commission, but that was paid in 1905.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FRANCIS M. BRABHAM. (H. D. 695-59-1.) Bowman Act. Sent to court March 14, 1902. Court reports claimant loyal; that Army supplies worth \$500 were taken from him for Army use. Claim found on page 30 of index of Southern Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

SOLOMON P. BROCKWAY. (H. D. 281-60-1.) Bowman Act. Officer's claim for difference in pay, \$92.64.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HEIRS OF JOHN B. BROWN. (Harriet A. Mills, Addison M. Brown, Willis A. Law, and Maye C. Law, heirs.) (S. D. 359-61-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court reports decedent loyal; that real estate belonging to decedent was occupied for military purposes; that rental value, with damages in excess of ordinary wear and tear, was \$800.

The court further fixes the shares of the various parties interested as follows:

Harriet A. Mills, \$355.55; Addison M. Brown, \$88.89; Willis A. Law, \$177.78; Maye C. Law, \$177.78.

A claim was presented to the Claims Commission, but did not cover rent or damages, evidently for the reason suggested in the finding of the court, that there was no jurisdiction to entertain such items of the claim.

Passed House in Sixty-first and Sixty-second Congresses.

WILLIAM BURLEY. (Mariah McDermott, administratrix.) (H. D. 361-62-2.) Bowman Act. Sent to court March 29, 1906. Court finds decedent loyal; that Army supplies worth \$470 were taken by proper authority. Claim is found on page 38 of index of Southern Claims Commission.

Passed House in Sixty-second Congress.

CAROLINE CARTER. (S. D. 67-57-2.) Tucker Act. Sent to court March 21, 1900, by Senate resolution. Court finds claimant loyal; Army supplies worth \$375 taken.

Passed House in Sixty-second Congress.

FRANCIS F. CURTIS. (H. D. 707-59-2.) Bowman Act. Sent to court March 2, 1891. Court finds claimant loyal; that supplies worth \$603.75 were taken for Army use. Claim appears on page 61 of Claims Commission index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN C. DAVIS. (Alice E. Davis, sole heir.) (H. D. 202-60-1.) Bowman Act. Sent to court February 12, 1895. Court finds decedent loyal. The facts as to property are different from those found in any other case.

As reported by the court they are as follows:

John C. Davis during the war held a deed of trust on certain land. United States troops took for Army use timber, buildings, and fences from the premises, all of the value of \$875. Later, Davis sold the place and realized enough from the sale to pay off a prior deed of trust, and had left the sum of \$362 to apply on his own deed of trust. That left a deficiency of \$934.27 on his deed of trust. Hence, Davis lost that much. The taking of timber, buildings, and fences by the troops was an injury to the estate, and under the peculiar facts the loss arising from their being taken fell on Davis, the holder of this second deed of trust.

The Government evidently owes some one for the supplies so taken. It would appear that in equity the compensation should be paid to the heir of Davis, the man who suffered the loss. Of course, the compensation can cover only the value of the supplies taken, i. e., \$875, and even this payment will still leave Davis a loser.

While the case is unusual it clearly possesses merit. The claim was presented to the Claims Commission.

Passed House in Sixty-second Congress.

EDWARD W. DONNELLY. (Margaret M. Donnelly, widow.) (H. D. 385-60-1.) Bowman Act. Sent to court April 1, 1902. Court finds decedent loyal; that Army supplies worth \$360 were taken. Claim found on page 69 of Claims Commission index. Was originally rejected on ground decedent was not a citizen.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

LEWIS ELLISON. (Lewis Ellison and Helen Louise Crafford, heirs.) S. D. 249-59-2.) Tucker Act. Sent to court by Senate resolution in Fifty-seventh Congress. Court finds decedent loyal; that Army supplies worth \$5,120 were taken; that claim was not presented save by petition to Congress; that decedent was declared a bankrupt in 1869. As shown by the reports of the Claims Commission, bankruptcy of a claimant was deemed by the commission an insurmountable obstacle to allowance of a claim. Therefore the commission would not have allowed the claim had it been filed with it.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ROBERT EMBREY. (Hezekiah T. Embrey, administrator.) (H. D. 197-58-3.) Bowman Act. Sent to court May 14, 1902. Court finds decedent loyal; that Army supplies worth \$826 were taken. Claim found on page 76 of index of Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

HENRY FITZHUGH. (Samuel Fitzhugh, administrator.) (S. D. 116-59-2.) Tucker Act. Sent to court first under Bowman Act and favorably reported by the court on loyalty and property, except that the court stated that no allowance was made on items of tobacco and rent and damages. To confer jurisdiction of those items, claim was sent to court under Tucker Act by Senate resolution April 26, 1904. Under this reference court finds decedent loyal; on property the court reports as follows:

On item of rent and damages, that the premises of decedent were used by United States forces for hospital and camping purposes and damaged by tearing down buildings, etc., the rental and incidental damages amounting to \$1,800.

On item of tobacco, the finding is that while their officers were present the troops took for their use tobacco reasonably worth \$1,500; some of the tobacco was taken away in wagons.

The only question in this case seems to be as to whether compensation ought to be made for the tobacco, there being no question as to the other item of rent and incidental damages. The tobacco must have been taken either under the orders or with the assent of the officers commanding the troops, as the officers were present at the taking. There would seem to be, therefore, some authority for the taking. The property was used by the troops, and under the conditions stated by the court it has seemed only fair that payment be made covering both items of the claim.

In the Sixtieth Congress the item of rent passed the Senate; passed House as to both items in Sixty-second Congress.

JOHN FLOWER. (Margaret R. Shipley, administratrix.) (S. D. 216-57-1.) Tucker Act. Sent to court April 11, 1900, by Senate resolution. Court finds decedent loyal; that Army supplies worth \$3,510 were taken for Army use.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

NOAH FOLTZ. (H. D. 149-58-3.) Bowman Act. Sent to court February 26, 1892. Court finds claimant loyal; that Army supplies

worth \$300 were taken from him. Claim appears on page 82 of Claims Commission index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

NATHANIEL FOX. (Richard Fox, heir.) (H. D. 168-55-3.) Bowman Act. Sent to court January 28, 1896. This is an unusual claim, arising from the War of the Revolution. The findings are numerous and the facts complicated. Stated as briefly as possible the facts are as follows:

Nathaniel Fox was a captain in Virginia Continental troops: he was severely wounded at Brandywine; being unfit for service on account of his wounds, he tendered his resignation, which was refused by Gen. George Washington, who gave him permission to "retire till called for." In 1778 Capt. Fox was left out of active service on account of wounds received. Thereby he became what was then called a "supernumerary officer," entitled, under resolutions of the Continental Congress and statutes of Virginia, to half pay for life if he remained such till end of the war.

At close of the Revolution Capt. Fox presented his claim for half pay to the State auditor of Virginia, and the claim was rejected. He then sued in the Richmond district court and secured a decree that he receive five years' full pay in lieu of half pay, with interest at 6 per cent from April 22, 1783. That decree was never satisfied, save in part, however. In part settlement, however, the State of Virginia paid Capt. Fox interest on \$2,400 (five years' pay of a captain) from April 22, 1783, to July 1, 1796, and issued to him a certificate stating the \$2,400 to be still due to him.

It may be asked where the liability of the United States arises under these facts. It is under the third section of an act of July 5, 1832 (4 Stats., 563), quoted in the report of the Court of Claims in this case, that section reading as follows:

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, directed and required to adjust and settle those claims for half pay of the officers of the aforesaid regiments and corps which have not been paid or prosecuted to judgments against the State of Virginia and for which said State would be bound on the principles of the half-pay cases already decided in the supreme court of appeals of said State; which several sums of money, herein directed to be settled or paid, shall be paid out of any money in the Treasury not otherwise appropriated by law.

As expressly reported by the Court of Claims, this claim was one of the cases or claims referred to in the statute quoted. For that reason this statute recognized a liability of the United States to pay this claim.

As this claim was not presented to the Treasury Department when it might have been presented, July 5, 1832, when the statute was approved, the Court of Claims has allowed to the claimant only the \$2,400 principal, and interest from July 1, 1796, to July 5, 1832, making a total sum of \$5,185. As above stated, interest for the previous period was paid by Virginia.

It seems plain that the Government owes some one this sum mentioned. The only further question is as to the payee.

From the facts reported it appears that the will of Capt. Fox and the record of probate thereof have been destroyed. The present claimant is Richard Fox, or rather his heirs or representatives. Richard Fox was a son of Capt. Fox by second marriage. Grand-

children by Capt. Fox's first marriage have testified in this case to the effect that no claim is made by descendants by the first marriage.

The court reports continuous claim to have been made by the second wife during her widowhood, and by said Richard Fox, her son, as sole owners of the claim under the will of Capt. Fox.

Under all these circumstances, the committee has concluded to follow the action of the Committee on War Claims in the Sixty-second Congress, to recommend an appropriation in the name of Richard Fox as heir of Capt. Nathaniel Fox in the sum of \$5,185. It appears that Richard Fox is now dead, but the appropriation made to him will be available to his legal representatives.

Passed House in Sixty-second Congress.

JOSEPH E. FUNKHOUSER. (Newton E. and Charles E. Funkhouser, executors.) (S. D. 565-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds decedent loyal; that Army supplies worth \$1,514 were taken; claim first presented to Fifty-seventh Congress.

Passed House in Sixty-first and Sixty-second Congresses.

MARY A. GOUGH. (T. F. Gough, administrator.) (S. D. 643-60-2.) Tucker Act. Sent to court June 27, 1907, by Senate resolution. Court reports decedent loyal; Army supplies worth \$703 taken.

Passed House in Sixty-second Congress.

ISAAC HAYNES. (J. R. Allison, administrator.) (S. D. 356-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds decedent loyal; Army supplies worth \$1,720 taken; claim rejected by Southern Claims Commission; previously sent to court under Bowman Act.

Passed House in Sixty-second Congress.

MARY LUTHOLTZ. (John C. Lutholtz, sole heir.) (H. D. 440-59-1.) Bowman Act. Sent to court March 31, 1902. Court finds decedent loyal; Army supplies worth \$359 taken. Claim appears page 148 index of Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN MCKIMMY. (William F. McKimmy, administrator.) (S. D. 31-61-1.) Tucker Act. Sent to court May 29, 1908, by Senate resolution. Court reports decedent loyal; Army supplies worth \$1,240 taken.

Passed House in Sixty-second Congress.

HENRY McWILLIAMS. (Eleanor McWilliams, administratrix.) (H. D. 236-58-3.) Bowman Act. Sent to court May 1, 1888. Court finds decedent loyal; Army supplies worth \$575 taken. Claim found on page 155, index of Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

LEWIS W. MANN. (R. G. Johnson, administrator.) (S. D. 433-61-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Findings are entitled John S. Mann et al., but interest of John S. Mann need not be considered, nothing being reported in his favor.

As to Lewis W. Mann, court reports decedent loyal; that Army supplies worth \$500 were taken from him.

Passed House in Sixty-second Congress.

SAMUEL MARSH. (Robert M. Wilkinson, administrator.) (S. D. 153-59-2.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds decedent loyal; Army supplies worth \$830 taken. From statement of case it would seem this man was given an official receipt for the property taken. Claim not presented to Claims Commission; first presented to Fiftieth Congress, also to Fifty-first, Fifty-second, Fifty-third, and Fifty-eighth Congresses. Was sent to court first under Bowman Act at an early date, but it was held by court in 1888 that it had no jurisdiction under Bowman Act. Has been pending about 25 years.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

BLAND MASSIE. (H. D. 64-63-1.) Tucker Act. Sent to court by House resolution February 3, 1911. Court finds claimant loyal, and that Army supplies worth \$1,900 were taken for Army use. Claim not presented to Southern Claims Commission because claimant was a minor during time allowed for such presentation. Court reports the claim is an equitable one.

Case tried too late for inclusion in prior bills.

ALEXANDER MYERS. (John B. Myers, administrator.) (H. D. 201-60-1.) Tucker Act. Sent to court April 6, 1906, by House resolution. Court finds decedent loyal; that troops occupied decedent's real estate and took supplies; rental value with damages in excess of ordinary wear and tear, and value of supplies taken aggregate \$2,682.

Passed Senate in Sixtieth and House in Sixtieth and Sixty-second Congresses.

ELIJAH P. MYERS. (H. D. 247-58-3.) Bowman Act. Sent to court February 28, 1887. Court finds claimant loyal; Army supplies taken worth \$1,190. Claim appears on page 172 of Claims Commission index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN S. PENDLETON. (P. L. Williams, administrator.) (H. D. 226-59-2.) Bowman Act. Sent to court December 9, 1896. Court finds decedent loyal; Army supplies taken worth \$6,120. Claim appears on page 184 of Claims Commission index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ALEXANDER POLAND. (George W. Z. Black, administrator.) (S. D. 450-61-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court reports decedent loyal; Army supplies taken worth \$4,200. Claim first presented to Congress as early as 1874; first sent to court under Bowman Act, but that conferred no jurisdiction, claim not having been filed with Claims Commission.

Passed House in Sixty-second Congress.

SAMUEL K. PROCTOR. (Margaret A. Proctor, administratrix.) (H. D. 455-59-2.) Bowman Act. Sent to court May 19, 1896. Court finds decedent loyal; Army supplies taken worth \$520. Claim found on page 191, index of Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOHN POLAND. (William H. Poland, administrator.) (S. D. 152-58-3.) Tucker Act. Sent to court March, 1903, by Senate resolution. Court finds decedent loyal; Army supplies taken, worth \$2,017. Claim not previously presented.

Passed House in Sixty-second Congress.

ELIZA J. RICKETTS. (John W. Kellar, administrator.) (H. D. 629-59-2.) Bowman Act. Sent to court February 14, 1906. Court finds decedent loyal; Army supplies taken, worth \$645. Claim appears on page 198 of index of Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOSEPH W. ROBERSON. (Joseph Roberson, administrator.) (H. D. 956-60-1.) Bowman Act. Sent to court February 12, 1907. Court finds decedent loyal; Army supplies worth \$420 taken. Claim appears on page 200 of index of Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

FELIX RICHARDS. (Amelia A. H. Richards, administratrix.) (S. D. 150-56-2.) Tucker Act. Sent to court June 11, 1900, by Senate resolution. Court reports decedent loyal; that Army supplies were taken, worth \$5,300; claim not filed with Claims Commission. The principal items of the claim are timber and fencing and four years' rent of land. While no allowance is made for rent, it would seem that timber and fences were taken while land was being occupied by troops. If so, then the Claims Commission would probably have rejected these items, at least, as it did in case of Thomas Fahcy, considered as a District of Columbia claim in this report. The commission rejected that claim apparently because troops were occupying the land from which buildings were removed.

Passed House in Sixty-second Congress.

LEWIS A. SHERWOOD. (Joshua Sherwood, heir.) (S. D. 33-60-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Had been previously sent under Bowman Act. Court reports decedent loyal; that Army supplies worth \$400 were taken. Claim not filed with Claims Commission, so Bowman Act reference gave the court no jurisdiction. From statement of case it would appear claim was presented to Congress as early as 1877.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

SARAH G. SMITH. (Sarah Lou Smith et al., heirs.) (S. D. 122-59-1.) Sent to court April, 1900, by Senate resolution. Court finds decedent loyal; that Army supplies worth \$2,762 were taken from her; that Sarah Lou Smith, Mary Ellen Smith, and Susan Virginia Smith are only heirs. Claim not filed with Claims Commission.

Passed House in Sixty-second Congress.

JAMES G. TALIAFERRO. (William H. Taliaferro, administrator.) (S. D. 69-57-2.) Tucker Act. Sent to court February 13, 1901, by Senate resolution. Court finds decedent loyal; that Army supplies worth \$8,910 were taken for Army use.

Passed Senate in Sixtieth and House in Sixty-second Congresses.

JOHN R. TAYLOR AND CHARLES F. TAYLOR. (S. D. 105-57-1.) Tucker Act. Sent to court June 11, 1900, by Senate resolution. Court reports these two claimants loyal. The claim is for timber taken from land in which their mother had a life interest as to one-third. The remainder, subject to her life estate, was vested in these two claimants and their brother. That brother's interest is not considered as he was not held loyal. The interest of these two claimants in the timber taken is found to be \$4,323, the taking being for Army use.

The cutting of timber from the land would be an injury to the estate, for which the remaindermen might properly make claim. Claim was not filed with Claims Commission, though placed in hands of an attorney for that purpose.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

ROBERT WATERS. (H. D. 121-59-1.) Bowman Act. Sent to court August 6, 1890. Court finds claimant loyal; Army supplies worth \$558 taken. Claim appears on page 246 of index of Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

EDWARD O. WATKINS. (W. C. Gill, administrator.) (H. D. 231-59-2.) Tucker Act. Sent to court February 6, 1899, by House resolution. Court finds decedent loyal; Army supplies worth \$4,912 were taken for Army use, no allowance being made for use and occupation of decedent's farm. The last finding shows decedent died in 1865; that claim was first presented to Congress in 1875; that at the time some members of the family were not of age and were ignorant of the procedure in such cases.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM G. WEBBER. (Addie L. Bailey, sole heir.) (H. D. 30-59-1.) Bowman Act. Sent to court April 23, 1898. Court finds decedent loyal; Army supplies worth \$450 taken. Appears on page 248 of Claims Commission index.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOSHUA WHITE. (Mary E. White et al., heirs.) (H. D. 697-60-1.) Bowman Act. Sent to court January 11, 1907. There are five claimants in this case, i. e., Mary E. White, S. W. White, Robert D. White, Henry K. White, and Laura B. Alexander. Their father, Joshua White, died before the property was taken, leaving these five children and a widow, Mrs. Mary White. The widow took one-third his estate, and the five children took the other two-thirds. No administration was had till after the Civil War. From the undivided estate Army supplies were taken; the two-thirds interest of these five

children therein was worth \$550. These children were found loyal. No claim is made for the widow's one-third interest. Claim appears on page 251 index of Claims Commission.

Passed House in Sixty-first and Sixty-second Congresses.

JOSEPH WILLIAMS. (S. D. 29-58-3.) Tucker Act. Sent to court May 16, 1900, by Senate resolution. Court finds claimant loyal; Army supplies worth \$821 were taken. Claim not filed with Claims Commission; was placed in hands of an attorney as early as 1864, however.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

MICHAEL WINE, JR. (Samuel J. Wine, executor.) (H. D. 739-59-2.) Bowman Act. Sent to court March 2, 1891. Court finds decedent loyal; Army supplies worth \$750 were taken. Claim found on page 256 index of Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

MOUNT ZION OLD SCHOOL BAPTIST CHURCH, NEAR ALDIE, VA. (S. D. 149-60-1.) Tucker Act. Sent court February 28, 1905, by Senate resolution. Court finds claimant loyal; church premises used as barracks; rental value, with damages in excess of ordinary wear and tear, \$275.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ALFRED STREET BAPTIST CHURCH, ALEXANDRIA, VA. (S. D. 306-59-1.) Tucker Act. Sent court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops used building for military purposes; rental with repairs incident to occupation, \$900.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FIRST BAPTIST CHURCH, ALEXANDRIA, VA. (S. D. 98-58-3.) Tucker Act. Sent court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops used building for hospital from May, 1862, till close of war; rental value with incidental damages, \$3,900.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. PAUL'S EPISCOPAL CHURCH, ALEXANDRIA, VA. (S. D. 285-61-2.) Tucker Act. Sent court May 22, 1908, by Senate resolution. Court finds claimant loyal; troops occupied premises for hospital purposes; rental value, \$2,000. No claim for damages, as Government repaired the building itself.

Passed House in Sixty-first and Sixty-second Congresses.

SECOND PRESBYTERIAN CHURCH, ALEXANDRIA, VA. (S. D. 218-61-2.) Tucker Act. Sent court March 2, 1907, by Senate resolution. Court finds claimant loyal; troops occupied church building for hospital purposes; rental with damages in excess of ordinary wear and tear, \$4,300.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

WASHINGTON STREET METHODIST EPISCOPAL CHURCH SOUTH, ALEXANDRIA, VA. (S. D. 97-58-3.) Tucker Act. Sent court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied building from January 6, 1862, till end of war for hospital; rental value with incidental damages, \$4,600.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

MOUNT OLIVET METHODIST PROTESTANT CHURCH, ALEXANDRIA COUNTY, VA. (S. D. 208-59-1.) Sent court May 6, 1904, by Senate resolution. Court finds claimant loyal: from findings, read in connection with statement of the case, it appears troops used building for hospital and other purposes and then tore building down to get the timber; rental value and building amount to \$3,400.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

GRACE EPISCOPAL CHURCH, BERRYVILLE, VA. (S. D. 11-61-1.) Tucker Act. Sent court June 13, 1906, by Senate resolution. Court finds claimant loyal; troops occupied building as quarters; rental value, with damages in excess of wear and tear, \$650.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

ZOAR BAPTIST CHURCH, BRISTERSBURG, VA. (S. D. 291-59-1.) Tucker Act. Sent court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops used building for hospital; cost of restoring building to former condition was \$700. No allowance made for rent.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, CENTERVILLE, VA. (S. D. 308-62-2.) Tucker Act. Sent court June 13, 1906, by Senate resolution. Court finds claimant loyal; troops occupied building as hospital and later tore out the flooring, pews, and woodwork generally for military use. Reasonable rental value, with damages in excess of ordinary wear and tear, and including articles torn out and used, was \$650. Court reports its conclusion that claim is equitable.

Case tried too late for inclusion in any previous bill.

WESTOVER CHURCH, CHARLES CITY COUNTY, VA. (H. D. 315-59-2.) Tucker Act. Sent court March 31, 1906, by House resolution. Court finds claimant loyal; troops occupied building about 1 month and tore out pews, floor, and other woodwork; rental value with repairs incident to the use, \$750.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

SALEM BAPTIST CHURCH, CLARKE COUNTY, VA. (S. D. 330-59-1.) Tucker Act. Sent court January 22, 1904, by Senate resolution. Court finds claimant loyal; troops took materials from building to use in making winter quarters; cost of making repairs was \$600. At one time it was suggested that the fact that apparently there was only one trustee raised a suspicion that there might be no such church at present and that any appropriation might benefit only the one appear-

ing as trustee. While this suggestion was only a suspicion, not based upon the findings, affidavits have been filed showing the church to be an existing organization with a pastor, and that the suspicion noted was wholly unfounded.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

UNION PRESBYTERIAN CHURCH, CROSS KEYS, VA. (S. D. 323-61-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution.

Court reports claimant loyal and that United States troops by proper authority occupied premises for hospital purposes, the rental value with damages in excess of ordinary wear and tear being \$100.

This claim is identical with many others, but appears to have been inadvertently overlooked in preparation of prior bills.

BAPTIST CHURCH, CULPEPER, VA. (S. D. 391-59-1.) Tucker Act. Sent court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied and damaged building; rental and incidental damages amount to \$1,750.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FAIRFAX LODGE No. 43, F. A. A. M., CULPEPER COUNTY, VA. (S. D. 475-59-1.) Tucker Act. Sent court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops used building for military purposes; rental value with repairs necessary to restore building found to be \$700.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, CULPEPER, VA. (S. D. 460-59-1.) Tucker Act. Sent court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops used building for military purposes; rental with cost of repairing building after its use was \$1,850.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, CULPEPER, VA. (S. D. 290-62-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; troops occupied church for hospital; rental value, with damages incident to this use, was \$760. Court reports claim is equitable.

Claim certified too late for inclusion in previous bills.

ST. STEPHEN'S PROTESTANT EPISCOPAL CHURCH, CULPEPER, VA. (S. D. 32-59-1.) Tucker Act. Sent court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied building; rental value with incidental damages, \$1,000.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

CALVARY PROTESTANT EPISCOPAL CHURCH, CULPEPER COUNTY, VA. (S. D. 47-59-1.) Tucker Act. Sent court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops tore down church

building and used materials by proper authority; building worth \$1,650.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-first and Sixty-second Congresses.

CEDAR GROVE CHURCH, CULPEPER COUNTY, VA. (S. D. 348-60-1.) Tucker Act. Sent court March 2, 1907, by Senate resolution. Court finds claimant loyal; troops tore down church and used materials to erect quarters; building worth \$390.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

CEDAR RUN BAPTIST CHURCH, CULPEPER COUNTY, VA. (S. D. 41-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops tore down church by proper authority and used materials; building worth \$900.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-first and Sixty-second Congresses.

CHESTNUT FORK OLD SCHOOL BAPTIST CHURCH, CULPEPER COUNTY, VA. (S. D. 414-61-2.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops by proper authority tore down church building and used materials in building winter quarters; building worth \$1,180. As this claim is identical with many others repeatedly passed by both Houses, failure to include it in various bills must be ascribed to oversight.

Passed Senate in Sixty-second Congress.

EBENEZER METHODIST EPISCOPAL CHURCH, CULPEPER COUNTY, VA. (S. D. 45-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops tore down church and used materials by proper authority; building worth \$900.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

NEW SALEM BAPTIST CHURCH, CULPEPER COUNTY, VA. (S. D. 30-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops tore down church; value of materials taken was \$1,000.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

ST. PAUL'S EPISCOPAL CHURCH, CULPEPER COUNTY, VA. (S. D. 27-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied building, and as an incident destroyed the building; building worth \$700. This seems to be a case of destruction as an incident to use and occupation.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, DEEP CREEK, VA. (S. D. 268-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; troops tore down church by proper authority, and used materials in erection of barracks; building worth \$900.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-first and Sixty-second Congresses.

SMITHS GROVE METHODIST EPISCOPAL CHURCH, DINWIDDIE COUNTY, VA. (S. D. 151-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal. Reading findings with statement of case, it appears troops removed the building and appropriated the materials by proper authority. Building worth \$600.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

CALVARY EPISCOPAL CHURCH, DINWIDDIE COURTHOUSE, VA. (S. D. 243-59-2.) Tucker Act. Sent to court by Senate resolution. Court finds claimant loyal; church used by troops as hospital; rental value, with incidental damages, \$520.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

LIBERTY CHURCH, DRANESVILLE, VA. (S. D. 240-59-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied church; rental value, with repairs incident to the use, was \$700.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

MAKENIE PRESBYTERIAN CHURCH, DRUMMONDTOWN, VA. (S. D. 50-60-1.) Tucker Act. Sent to court March 31, 1903, by Senate resolution. Court finds claimant loyal; troops used church as quarters; rental value, with damages in excess of ordinary wear and tear, found to be \$400.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH, DRUMMONDTOWN, VA. (S. D. 139-60-1.) Tucker act. Sent to court March 3, 1903, by Senate resolution. Court finds claimant loyal; troops occupied building; rental value, with damages in excess of ordinary wear and tear, found to be \$300.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FOREST HILL METHODIST EPISCOPAL CHURCH, DUMFRIES, VA. (S. D. 200-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; troops tore down building by proper authority and used materials; building worth \$1,000.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH, FALLS CHURCH, VA. (S. D. 623-60-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; that troops tore down the building and used the materials in building chimneys and other structures in their camps; that it was done without authority; building worth \$1,600. The only question is whether payment should be made in view of statement that the taking was without authority. The very fact that the materials were used by the troops for legitimaæ purposes in their camps would seem to prove that the taking was done at least with assent of the responsible officers. This view was evidently

taken in previous Congresses, as the claim passed the Senate twice and passed the House twice.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

UNION CHURCH, FALMOUTH, VA. (S. D. 31-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied building about four months and damaged it; rental value (evidently including cost of repairs) found to be \$750.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ZION PROTESTANT EPISCOPAL CHURCH, FAIRFAX, VA. (S. D. 222-59-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied building and finally tore it down by authority and used materials; building worth \$1,200.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

ANDREW CHAPEL, METHODIST EPISCOPAL CHURCH SOUTH, FAIRFAX, COUNTY, VA. (S. D. 334-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; troops occupied church as quarters; rental value, with damages in excess of ordinary wear and tear, found to be \$450.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-Second Congresses.

JERUSALEM BAPTIST CHURCH AND ZION PROTESTANT EPISCOPAL CHURCH, FAIRFAX, VA. (S. D. 335-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds both claimants loyal; troops tore down house of worship and used materials; building worth \$1,500. The court goes into details as to matter of title, it appearing that the Baptist Church erected a new building on site of the one torn down, but that the Episcopal Church may have some rights in the land; that the two organizations have entered into an agreement as to division of any sum appropriated in payment of the claim. Under these facts no objection is made to the payment being made.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

BROAD RUN BAPTIST CHURCH, FAUQUIER COUNTY, VA. (S. D. 290-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops destroyed building worth \$800. Examining the findings with statement of case, it appears the materials were used by the troops in building winter quarters.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

CARTERS RUN BAPTIST CHURCH, FAUQUIER COUNTY, VA. (S. D. 148-60-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops tore down church building and used materials in erecting quarters; building worth \$900.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

GROVE BAPTIST CHURCH, FAUQUIER COUNTY, VA. (S. D. 463-59-1.) Tucker Act. Sent court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied building; rental value, including incidental damages, \$600.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

MOUNT HOREB METHODIST EPISCOPAL CHURCH SOUTH, FAUQUIER COUNTY, VA. (S. D. 85-58-3.) Tucker Act. Sent court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied building, necessitating making repairs costing \$150. No allowance for rent included.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, FOX HILL, VA. (S. D. 101-58-3.) Tucker Act. Sent court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops under command of Gen. Wool tore down building and used materials for Army use. Building worth \$540.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

METHODIST PROTESTANT CHURCH, FOX HILL, VA. (S. D. 271-60-1.) Tucker Act. Sent court March 2, 1907, by Senate resolution. Court finds claimant loyal; that troops, by proper authority, tore down building and hauled materials away; building worth \$625. Court says it does not appear what use was made of the materials, but that is immaterial, the taking being by authority. It could not become duty of claimant to follow the lumber away to see what was done with it.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-first and Sixty-second Congresses.

MACEDONIA METHODIST EPISCOPAL CHURCH SOUTH, FREDERICK COUNTY, VA. (S. D. 291-62-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court reports claimant loyal; troops, by proper authority, tore down church building and used materials in erecting quarters; materials worth \$75. Court reports claim is equitable.

Claim certified too late for inclusion in any previous bills.

MOUNT ZION CHURCH OF UNITED BRETHREN, FREDERICK COUNTY, VA. (S. D. 126-59-1.) Tucker Act. Sent court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied building for military purposes; rental value, with incidental damages, \$800.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

CHRISTIAN CHURCH, FREDERICKSBURG, VA. (S. D. 38-59-1.) Tucker Act. Sent court April 27, 1904, by Senate resolution. Court reports claimant loyal; troops occupied building about two years; rental value, including damages beyond ordinary wear, \$2,125.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FREDERICKSBURG BAPTIST CHURCH, FREDERICKSBURG, VA. (S. D. 283-59-1.) Tucker Act. Sent court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied building for military purposes; rental value, including cost of restoring building after the use, was \$3,000.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FREDERICKSBURG LODGE, NO. 4, A. F. AND A. M. (S. D. 558-60-2.) Tucker Act. Sent court June 13, 1906, by Senate resolution. Court finds claimant loyal; troops used lodge building for hospital; rental value, including incidental damages from the use, was \$610.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, FREDERICKSBURG, VA. (S. D. 459-59-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied building for hospital; rental value, with repairs necessary to thereafter restore building to former condition, was \$2,625.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. GEORGE'S EPISCOPAL CHURCH, FREDERICKSBURG, VA. (S. D. 244-59-2.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant gave no aid to Confederacy, which amounts, in case of a church, to a finding of loyalty. If the organization gave no aid to Confederacy, then as an organization it was loyal. Troops occupied building; rental value, with incidental repairs, was \$900.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. MARY'S CATHOLIC CHURCH, FREDERICKSBURG, VA. (S. D. 314-59-2.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied building for hospital; rental, with damages beyond ordinary wear and tear, was \$500.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

SHILOH (OLD SITE) BAPTIST CHURCH, FREDERICKSBURG, VA. (S. D. 33-59-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops used building; rental value, with repairs incident to that use, was \$1,500.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRIMITIVE BAPTIST CHURCH, FRONT ROYAL, VA. (S. D. 126-62-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; troops occupied church as hospital; rental value, with damages incident to this use, was \$300. Court reports claim equitable.

Findings not certified until December 6, 1911, and not considered in connection with previous bill.

EBENEZER METHODIST EPISCOPAL CHURCH SOUTH, GARRISONVILLE, VA. (S. D. 331-59-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied building; rental value, with repairs made necessary by this use, was \$600.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH, GARYS, VA. (S. D. 149-59-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops, by authority, tore down building and used materials in making winter quarters; materials worth \$1,000.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-first and Sixty-second Congresses.

ABINGDON PROTESTANT EPISCOPAL CHURCH, GLOUCESTER COUNTY, VA. (S. D. 217-61-2.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court finds claimant loyal; troops occupied church building for military purposes; rental value, with damages beyond ordinary wear and tear, was \$650.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

MUHLENBERG EVANGELICAL LUTHERAN CHURCH, HARRISONBURG, VA. (S. D. 104-58-3.) Tucker Act. Sent to court April, 1904, by Senate resolution. Court finds claimant loyal; troops occupied building for hospital and other purposes; rental, with damages incident to this use, was \$925.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. PAUL'S PROTESTANT EPISCOPAL CHURCH, HAYMARKET, VA. (S. D. 201-59-2.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied building for military purposes; rental value, with necessary repairs following the use, was \$1,000.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FOUR MILE CREEK BAPTIST CHURCH, HENRICO COUNTY, VA. (H. D. 319-59-2.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds claimant loyal. Finding on property is to effect that troops took possession of building and destroyed it for use of Army. Reading this statement with statement of the case it appears that materials were hauled away. Building worth \$800.

Passed Senate in Sixty-second and House in Sixty-first and Sixty-second Congresses.

OLIVE BRANCH CHRISTIAN CHURCH, JAMES CITY COUNTY, VA. (S. D. 460-61-2.) Tucker Act. Sent to court May 29, 1908, by Senate resolution. Court finds claimant loyal; troops occupied building for military purposes; rental value, with damages beyond ordinary wear and tear, was \$410.

Passed House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, JEFFERSONTON, VA. (S. D. 277-59-2.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops used church building; rental, with damages beyond ordinary wear and tear, was \$325.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, KERNSTOWN, VA. (S. D. 271-59-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops, by authority, tore down church building and appropriated materials therefrom; building worth \$1,600.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

OPEQUON PRESBYTERIAN CHURCH, KERNSTOWN, VA. (S. D. 37-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops used building for hospital, 1862-1864; rental value, with incidental repairs, was \$1,750.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FLETCHER CHAPEL, KING GEORGE COUNTY, VA. (S. D. 81-58-3.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; the facts on property are reported as follows:

During the fall of 1862 the military forces of the United States, by proper authority, took possession of the church building of Fletcher Chapel, of King George County, State of Virginia, and used and occupied the same for a smallpox hospital for a period of six months. At the termination of said occupancy the said military forces of the United States destroyed said church building by fire to prevent the spread of contagion. The reasonable rental value of said building during the period of said occupancy, including the cost to restore the building to the condition in which it was at the time the military forces of the United States took possession thereof, was the sum of one thousand five hundred dollars (\$1,500), for which no payment appears to have been made.

This claim is identical with that of the Catholic Church of Dalton, Ga. The destruction of the building did not arise from any act of warfare, but was evidently deemed by the military authorities a necessary sanitary measure to protect the health of the troops. This necessity for burning the building was the direct result of the use thereof for a smallpox hospital. The use itself was a necessary and proper one. Having been once used as a pesthouse the building's value as a house of worship was destroyed. It would seem, therefore, that in reason the use of the building practically meant destruction of its value, just as wood taken for fuel is destroyed in its use.

For reasons stated and also mentioned under the Catholic Church of Dalton the claim is included in this bill.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

LAMBS CREEK PROTESTANT EPISCOPAL CHURCH, KING GEORGE COUNTY, VA. (S. D. 224-59-2.) Tucker Act. Sent to court April

27. 1904, by Senate resolution. Court finds claimant loyal; troops occupied building for military purposes; rental, with damages incident to this use, was \$800.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH, LAMBERTS POINT, VA. (H. D. 170-58-3.) Bowman Act. Sent to court February 3, 1903. Court finds claimant loyal; troops occupied building for military purposes; rental, with incidental damages, was \$780.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

LEBANON UNION CHURCH, LINCOLNIA, FAIRFAX COUNTY, VA. (S. D. 228-59-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops tore down building and used materials to build winter quarters; building worth \$850.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, LOVETTSVILLE, VA. (S. D. 273-59-2.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; Army occupied building three months for hospital; rental value, with damages beyond ordinary wear and tear, was \$425.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, McDOWELL, HIGHLAND COUNTY, VA. (S. D. 170-59-2.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; Army used building as hospital about four weeks; the damages incident to this use amounted to \$150.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, MARSHALL, VA. (S. D. 226-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; Army used building for military purposes; rental value, with cost of making repairs made necessary by the use, was \$600.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH OF MARSHALL, VA. (S. D. 282-59-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; Army used building for military purposes; rental value, with cost of restoring building to former condition, was \$300.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

MASSAPONAX BAPTIST CHURCH, VIRGINIA. (S. D. 312-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; Army used building as hospital; rental, with damages in excess of ordinary wear and tear, was \$195.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, MIDDLEBURG, VA. (S. D. 127-62-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; Army used building for hospital and other purposes; rental value, including damages in excess of ordinary wear and tear, was \$195. Court further reports its conclusion under terms of act of June 25, 1910 (36 Stat., 837, 838), that claim—

is equitable only in the sense that the Army of the United States received the benefit of the use and occupation of the building and damaged the same to the value of the amount found, as set forth.

This conclusion shows that, as a matter of fact, the court allowed a sum only sufficient to repair the building.

Passed House in Sixty-second Congress.

METHODIST EPISCOPAL CHURCH, MIDDLETOWN, VA. (S. D. 225-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops used building as hospital and as commissary depot; rental, with damages incident to this use, was \$851.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

MOUNT ZION METHODIST EPISCOPAL CHURCH, COLORED, MIDDLETOWN, VA. (S. D. 280-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops took possession of church building, by proper authority, removed flooring and furniture, and damaged building so it was practically a total loss; building with furnishings worth \$300.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-first and Sixty-second Congresses.

ST. THOMAS EPISCOPAL CHURCH, MIDDLETOWN, VA. (S. D. 124-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; Army took possession of building, by authority, and used it about three years for various purposes; rental, with damages incident to use, was \$600.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

GROVE PRESBYTERIAN CHURCH, MORRISVILLE, VA. (S. D. 43-60-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; that troops, by proper authority, occupied building for indefinite period, and later tore down part of building and used material for fuel; value of material taken by troops is found to be \$1,100. No allowance made for rent.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, MORRISVILLE, VA. (S. D. 19-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops under authority tore down the church building, and appropriated materials to Army use; building worth \$750.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

EPISCOPAL CHURCH SOUTH, MOUNT CRAWFORD, VA. (S. D. 413-61-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; troops, by authority, took possession of church building and tore down part of it, and used materials for fuel; value of part so used was \$375.

Passed Senate in Sixty-second and House in Sixty-first and Sixty-second Congresses.

LIBERTY BAPTIST CHURCH, NEW KENT COUNTY, VA. (H. D. 1273-60-2.) Tucker Act. Sent to court March 31, 1906, by House resolution. Court finds claimant loyal; troops by proper authority took possession of church building, tore up floor and sleepers with which to build a bridge, also destroying or taking the windows, doors, blinds, and pews all reasonably with \$200.

Passed Senate in Sixty-second and House in Sixty-first and Sixty-second Congresses.

ROPER CHURCH, NEW KENT COUNTY, VA. (S. D. 35-61-1.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal; troops occupied building for military purposes; rental value, with damages beyond ordinary wear and tear, \$250.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

OAK GROVE METHODIST EPISCOPAL CHURCH, NORFOLK COUNTY, VA. (S. D. 24-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied building for military purposes and cut timber from premises; rental, including repairs necessary to restore building to former condition, \$1,290.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

DOWNING METHODIST EPISCOPAL CHURCH SOUTH, OAK HILL, VA. (S. D. 265-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; troops occupied church building and damaged same; rental, with damages in excess of ordinary wear and tear, \$235.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

NEW HOPE BAPTIST CHURCH, ORANGE COUNTY, VA. (S. D. 364-60-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied building as hospital; rental value, with damages in excess of ordinary wear and tear, \$150.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, PARIS, VA. (S. D. 289-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; troops occupied building as hospital; rental, with damages in excess of ordinary wear and tear, \$200.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

MERCHANT'S HOPE PROTESTANT EPISCOPAL CHURCH, PRINCE GEORGE COUNTY, VA. (S. D. 29-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied buildings from October 1, 1864, till close of war; rental value, including the repairs necessary to restore buildings to former condition, was \$1,150.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, PUNGOTEAGUE, VA. (S. D. 624-60-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal; troops occupied church building as quarters; rental value, with damage in excess of ordinary wear and tear, \$780.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. GEORGE EPISCOPAL CHURCH, PUNGOTEAGUE, VA. (S. D. 473-59-1.) Tucker Act. Sent to court March 31, 1903, by Senate resolution. Court finds claimant loyal; troops occupied church building and removed interior fittings and walls and used material; reasonable rental value and damages incident thereto, \$2,800.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

OLD SCHOOL BAPTIST CHURCH AND REGULAR BAPTIST CHURCH. (KNOWN AS THORNTONS GAP BAPTIST CHURCH.) (S. D. 51-59-1.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court finds Thorntons Gap Baptist Church was loyal. To arrive at the facts it is necessary to examine findings in connection with statement of case, and it is thereby seen that the church building was practically torn down in order to remove material, the damages amounting to \$1,455. It would appear that the two present church claimants are successors in interest of the Thorntons Gap Baptist Church in existence during war; that about 1890 a division occurred in the church; and that the present organizations jointly own this claim.

Passed Senate in Sixty-second and House in Sixty-first and Sixty-second Congresses.

OAK GROVE METHODIST EPISCOPAL CHURCH, REAMS STATION, VA. (S. D. 23-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied church building as hospital. Rental value, with repairs rendered necessary by this use, \$800.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, RECTORTOWN, VA. (S. D. 363-60-1.) Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; troops, by authority, tore down church building and used material in constructing quarters; building worth \$1,300.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

ST. LUKE'S EPISCOPAL CHURCH, REMINGTON, VA. (S. D. 529-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops by proper authority used and damaged church building and parsonage and took lumber intended for building a new church; all of the value of \$650. It appears that the church building and parsonage were later destroyed by fire, but it is left in doubt whether that was occasioned by Confederates or Federals, so no payment can be made on that account. The only sum recommended to be paid is the \$650 mentioned.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-first and Sixty-second Congresses.

ST. PAUL'S FREE CHURCH, ROUTTS HILLS, VA. (S. D. 149-59-2.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied church building for military purposes; rental value, with damages other than ordinary wear and tear, \$600.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. STEPHEN'S LUTHERAN CHURCH, SHENANDOAH COUNTY, VA. (S. D. 607-61-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal; troops took possession of church building then in course of construction and used materials therefrom in construction of a signal tower; building being worth \$575.

Passed Senate in Sixty-second and House in Sixty-first and Sixty-second Congresses.

WILDERNESS BAPTIST CHURCH, SPOTSYLVANIA COUNTY, VA. (S. D. 227-59-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied church building as hospital. By such occupancy repairs were made necessary to restore building to former condition, costing \$300.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ANDREW CHAPEL, STAFFORD COUNTY, VA. (S. D. 82-58-3.) Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops removed the church building, appropriating material to Army use; building worth \$2,000.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

AQUILA PROTESTANT EPISCOPAL CHURCH, STAFFORD COUNTY, VA. (S. D. 43-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied building; rental value, with repairs incident to this use, \$1,500.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

BEREA BAPTIST CHURCH, STAFFORD COUNTY, VA. (S. D. 26-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied church building; such use and occupation and incidental damage amounted to \$600.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

HARTWOOD PRESBYTERIAN CHURCH, STAFFORD COUNTY, VA. (S. D. 239-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied building for military purposes; rental value, with repairs incident to this use, was \$800.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

MACEDONIA METHODIST EPISCOPAL CHURCH, STAFFORD COUNTY, VA. (S. D. 316-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; troops occupied church property from fall or winter of 1862 till following spring for military purposes; rental value, with damages in excess of ordinary wear and tear, was \$310.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, STEPHENS CITY, VA. (S. D. 305-59-2.) Tucker Act. Sent to court February, 1905, by Senate resolution. Court finds claimant loyal; that troops occupied church building as hospital three or four months; rental value, with damages in excess of ordinary wear and tear, was \$500. Later church building and parsonage were burned, but the circumstances of the burning are not shown, so no payment can be made on that account. The proposed appropriation is restricted to the item of \$500, rent and damages.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

TRINITY LUTHERAN CHURCH, STEPHENS CITY, VA. (S. D. 274-59-1.) Tucker Act. Sent to court February, 1905, by Senate resolution. Court finds claimant loyal; troops occupied church building for military purposes; rental, with repairs incident to occupation, was \$500.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, STRASBURG, VA. (S. D. 329-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied church building for hospital purposes; rental value, with repairs incident to this occupation, was \$730.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

FIRST BAPTIST CHURCH, SUFFOLK, VA. (S. D. 416-60-1.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court finds claimant loyal; troops occupied church building as hospital and barracks; rental value, with damages incident to occupation, \$550.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, SUFFOLK, VA. (S. D. 273-59-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied for military

purposes two church buildings belonging to claimant; rental value, with repairs incident to this use, was \$2,100.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PROVIDENCE METHODIST EPISCOPAL CHURCH, NEAR SUFFOLK, VA. (S. D. 176-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; troops occupied church building as quarters; rental, with damages incident to this use, was \$800.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PLAINS EPISCOPAL CHURCH, THE PLAINS, VA. (S. D. 508-60-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied church building as general quarters; rental, with damages incident to this use, was \$550.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

LUTHERAN CHURCH OF TOMS BROOK AND REFORMED CHURCH OF TOMS BROOK. (Successors to Union Church of Toms Brook, Va.) (S. D. 272-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; during war these claimants owned a house of worship in common, commonly called the Union Church; troops occupied building for military purposes; rental, with incidental damages, was \$250.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, UNISON, VA. (S. D. 356-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; troops occupied church building as hospital; rental, with damages incident to occupation, was \$150.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, UPPERVILLE, VA. (S. D. 288-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; troops occupied building for military purposes; rental, with damages incident to use, was \$210.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-first and Sixty-second Congresses.

OLD-SCHOOL BAPTIST CHURCH, UPPERVILLE, VA. (S. D. 34-61-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; troops occupied building as hospital and for other purposes; rental, with damages incident to use, was \$250.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, WARRENTON, VA. (S. D. 147-59-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied building for military purposes; rental value, with repairs necessary to restore building, was \$1,190.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, WARRENTON, VA. (S. D. 474-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied building for military purposes; rental value, with repairs necessary to restore building, was \$890.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

BAPTIST CHURCH, WATERFORD, VA. (S. D. 276-59-2.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied building as hospital; rental, with damages incident to use, was \$525.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRIMITIVE BAPTIST CHURCH, WATERLICK, VA. (S. D. 134-62-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; troops occupied church for military purposes; rental value, with damages incident to this use, is \$100. Court reports claim equitable.

Findings certified December 6, 1911, and not considered in connection with previous bill.

BAPTIST CHURCH, WILLIAMSBURG, VA. (S. D. 148-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; troops occupied building for military purposes; rental, with repairs incident to this use, was \$1,540.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, WILLIAMSBURG, VA. (S. D. 38-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; troops occupied building as hospital for three years; rental, with damages incident to use, was \$1,300.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

GRACE EVANGELICAL LUTHERAN CHURCH, WINCHESTER, VA. (S. D. 219-61-2.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. Court finds claimant loyal; troops occupied building as hospital; rental, with damages incident to use, was \$810.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

JOHN MANN METHODIST EPISCOPAL CHURCH (COLORED), WINCHESTER, VA. (S. D. 442-59-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied church building; rental, with damages incident to use, was \$600. This church presented a claim to Quartermaster General in 1866 for repairs, but claim was rejected for want of jurisdiction.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

KENT STREET PRESBYTERIAN CHURCH, WINCHESTER, VA. (S. D. 47-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate reso-

lution. Court finds claimant loyal; troops occupied building as hospital; rental, with damages incident to use, was \$2,750.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

LOUDOUN STREET PRESBYTERIAN CHURCH, WINCHESTER, VA. (S. D. 328-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; troops occupied building as hospital about two years and removed furniture. Rental value, with damages incident to use, was \$2,600.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

MARKET STREET METHODIST EPISCOPAL CHURCH, WINCHESTER, VA. (S. D. 424-59-1.) Tucker Act. Sent to court February 28, 1905, by Senate resolution. Court finds claimant loyal; troops occupied building for military purposes; rental, with repairs incident to this use, was \$1,740.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. PAUL REFORMED CHURCH, WOODSTOCK, VA. (S. D. 258-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; troops occupied building; rental, with damages to building and fencing, was \$325.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

WASHINGTON.

JOSEPH HINSON. (H. D. 284-60-1.) Bowman Act. Officer's claim for difference in pay, \$115.41.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WEST VIRGINIA.

WILLIAM H. BODKIN. (Sarah A. Bodkin, widow.) (H. D. 47-62-1.) Bowman Act. Sent to court February 12, 1910. Court finds decedent loyal; that decedent rendered services as blacksmith to Federal Army, aggregating in value \$278.50.

Passed House in Sixty-second Congress.

MARY E. BUCKEY. (S. D. 467-59-1.) Tucker Act. Sent to court July 17, 1897, by Senate resolution. Court finds claimant loyal; that Army supplies worth \$115 were taken. It would appear that this woman nursed sick and wounded Federal soldiers and furnished them food, but the court makes no allowance for this service nor for the meals, on the ground that they were voluntarily given. This claimant would appear to be entitled to every possible consideration.

Passed Senate in Sixtieth and House in Sixty-second Congresses.

JOHN COOK. (Charles Cook, administrator.) (H. D. 204-60-1.) Bowman Act. Sent to court January 7, 1907. Court finds decedent loyal; that Army supplies worth \$550 were taken. Claim presented to Commissary General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

WILLIAM CORRICK. (Lorenzo D. Corrick, administrator.) (S. D. 33-61-1.) Tucker Act. Claim first sent to court March 27, 1900, under Bowman Act, and decedent found loyal under that reference, but claim later dismissed; afterwards sent to court March 2, 1907, by Senate resolution, under Tucker Act, and has been tried under that reference. Court finds decedent loyal; that his dwelling was used as a hospital and that his team was employed to haul wounded soldiers; that rails were taken and used; all of the worth of \$150. No allowance is made for destruction of property as a military necessity. Claim filed with Quartermaster General in 1865.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

GEORGE W. CRAIG. (Edward M. Craig, administrator.) (S. D. 183-58-2.) Tucker Act. Sent to court February 4, 1901, by Senate resolution. Court finds decedent loyal; Army supplies worth \$2,114 taken, exclusive of item of hay, for which claimant received pay.

Passed Senate in Sixty-second Congress.

JACOB CROUCH. (Andrew Crouch et al., administrators.) (H. D. 344-58-3.) Bowman Act. Sent to court February 8, 1887. Court finds decedent loyal; Army supplies worth \$3,710 taken. Claim tried under Bowman Act, so it must have been previously presented to Quartermaster General and Commissary General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ESTATES OF JOHN SHARP, DECEASED, AND GEORGE DICKSON, DECEASED. (John T. Sharp, administrator.) (S. D. 455-60-1.) Tucker Act. Claim first sent to court in 1892, under Bowman Act, and decedent found loyal under that reference; on March 2, 1907, sent to court under Tucker Act by Senate resolution. Court finds both decedents loyal.

This case seems to involve two separate claims, as the court finds that Army supplies worth \$340 were taken from John Sharp, one of the decedents; and that Army supplies worth \$99 were taken from George Dickson, the other decedent. Claim presented to Quartermaster General, who rejected it in 1878.

Passed House in Sixty-first and Sixty-second Congresses as two separate claims.

SAMUEL FITZ. (John Fitz, executor.) (S. D. 298-61-2.) Tucker Act. Sent to court March 3, 1909, by Senate resolution. Court finds decedent loyal. On property the material fact reported is that Federal forces occupied decedent's foundry for about one year; that rental value was \$1,200. This claim could not have been successfully prosecuted before Claims Commission, being for occupation of real estate.

Passed House in Sixty-first and Sixty-second Congresses.

JACOB J. FOREMAN. (Mary Foreman, widow.) (H. D. 324-62-2.) Tucker Act. Sent to court February 18, 1910, by House resolution. Court finds decedent loyal; Army supplies worth \$816 taken. Court reports its conclusion that claim is an equitable one.

Passed House in Sixty-second Congress.

GEORGE FOUT. (John H. Fout, administrator.) (H. D. 36-61-1.) Bowman Act. Sent to court August 26, 1888. Court finds decedent loyal; Army supplies worth \$780 taken. Tried under Bowman Act, so must have been previously presented.

Passed House in Sixty-first and Sixty-second Congresses.

LYDIA A. HOCKENSMITH. (Mary V. Chambers, administratrix.) (S. D. 620-60-2.) Tucker Act. Claim first sent to court March 11, 1902, under Bowman Act, but dismissed for want of jurisdiction. May 22, 1908, sent to court by Senate resolution, under Tucker Act. Court finds decedent loyal; that United States troops occupied decedent's dwelling for hospital purposes; rental value, with damages in excess of ordinary wear and tear, was \$395. Claim presented to Quartermaster General and rejected for want of jurisdiction; later presented to the Treasury Department and disallowed in 1880 for lack of jurisdiction; sent to court first under Bowman Act and later under Tucker Act.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

JACOB W. HUDSON. (T. J. Hudson, administrator.) (H. D. 297-61-2.) Tucker Act. Sent to court June 27, 1906, by House resolution. Court finds decedent loyal; hay worth \$15 taken from decedent.

Passed House in Sixty-first and Sixty-second Congresses.

ESTATES OF JOHN McH. KELLY AND ALLIE V. KELLY. (L. H. Kelly, administrator.) (H. D. 1198-60-2.) Tucker Act. Sent to court February 6, 1906, by House resolution. Court finds two decedents loyal. On property the case seems to involve two separate claims.

United States forces occupied dwelling of John McH. Kelly and took lumber from the premises for building bunks, etc. Rental value, including damages in excess of ordinary wear and tear, and value of lumber taken aggregate \$485, due the estate of John McH. Kelly.

From the other decedent, Allie V. Kelly, a buggy worth \$50 was taken, evidently by proper authority, to be used as an ambulance. An official receipt was given for the buggy. Under these conditions it is believed the buggy should be paid for.

Claims first presented as early as Fiftieth Congress, or about 25 years ago. As the claims of two separate estates are involved, appropriation should be made as follows:

To L. H. Kelly, administrator of estate of John McH. Kelly, deceased, of Braxton County, \$485, and to L. H. Kelly, administrator of estate of Allie V. Kelly, deceased, of Braxton County, \$50.

Passed House in Sixty-first and Sixty-second Congresses.

JOSEPH LOUDERMILK. (H. D. 1146-60-2.) Tucker Act. Sent to court January 23, 1906, by House resolution. Court finds claimant loyal; Army supplies worth \$530 taken. Claim covering some items filed with Southern Claims Commission, but too late.

Passed House in Sixty-first and Sixty-second Congresses.

CATHERINE S. LUCAS. (James S. Lucas, administrator.) (H. D. 229-61-2.) Bowman Act. Sent to court June 4, 1896. Court finds decedent loyal; Army supplies worth \$710 taken. Claim rejected by Quartermaster General.

Passed House in Sixty-first and Sixty-second Congresses.

OLIVER MILBOURN. (Ruth Milbourn, Louise V. Milbourn, and Henry W. Milbourn, sole heirs.) (S. D. 340-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds decedent loyal; Army supplies worth \$430 taken. Presented to Quartermaster General, and rejected. First sent to court under Bowman Act in 1902.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

SARAH MILLER. (S. D. 459-61-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. Court finds claimant loyal; Army supplies worth \$620 taken; not presented to Claims Commission; claimant testifies to ignorance of that commission.

Passed House in Sixty-first and Sixty-second Congresses.

JAMES W. MYERS. (William W. Myers, executor.) (H. D. 304-59-1.) Bowman Act. Sent to court March 23, 1892. Court reports decedent loyal; Army supplies worth \$650 taken. Careful examination of statement of case would indicate that claim had been previously tried and that the Government had made a motion for new trial, which motion was allowed, and that on the new trial the sum above mentioned was allowed. Claim was filed with Southern Claims Commission.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ALFRED O'BANNON. (Henry O'Bannon and William A. O'Bannon, heirs.) (H. D. 31-59-1.) Bowman Act. Sent to court March 2, 1887. Court reports decedent loyal; Army supplies worth \$304 taken. Claim tried under Bowman Act, so must have been previously presented; is found on printed index of claims presented to Quartermaster General.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

F. A. ROEDER. (J. W. Gardner, administrator.) (S. D. 122-59-2.) Tucker Act. Sent to court March 3, 1905, by Senate resolution. Court reports decedent loyal; United States forces occupied certain buildings belonging to decedent at Harpers Ferry; rental value during occupancy, with necessary repairs, was \$320. Claim could not have been collected before Claims Commission.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

JOHN SHARP. (John T. Sharp, administrator.) (S. D. 455-60-1.) Tucker Act. This is the same claim previously considered under the title of George Dickson, John T. Sharp, administrator. As mentioned under that other case the findings really cover two separate and distinct claims. The decedent, John Sharp, is found loyal, and it is reported that Army supplies worth \$340 were taken from him; that claim was presented to Quartermaster General.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

MARIA SHIRLEY. (H. L. Briscoe, sole heir.) (H. D. 209-59-1.) Sent to court January 13, 1903. Court finds decedent loyal; Army

supplies worth \$260 taken. Claim tried under Bowman Act, which shows previous presentation.

Passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

JOSEPH C. SMITH. (H. D. 403-59-2.) Bowman Act. Sent to court March 18, 1900. Court finds decedent loyal; Army supplies worth \$620 taken; claim tried under Bowman Act, which means it must have been previously presented.

Passed House in Sixtieth, Sixty-first, and Sixty-second Congresses.

ARCHELES STANLEY. (Wilbur H. Thomas, administrator.) (S. D. 170-62-2.) Tucker Act. Sent to court June 21, 1910, by Senate resolution. Court finds decedent loyal; Army supplies worth \$430 taken. Court concludes that claim is equitable.

Findings certified too late for inclusion in previous bill.

JAMES M. STEPHENSON. (S. D. 91-59-1.) Tucker Act. Sent to court April 26, 1904, by Senate resolution. Court finds claimant loyal; corn worth \$244 taken for Army use. Claimant states he did not know any method of obtaining compensation.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

BEVERLEY TOMPKINS. (W. N. Talley, administrator.) (H. D. 567-62-2.) Bowman Act. Sent to court February 8, 1895. Court finds decedent loyal; Army supplies worth \$1,645 taken; claim presented to Quartermaster General and Commissary General.

Case tried too late for inclusion in previous bill.

DAVID TUCKWILLER AND SARAH BETTIE WILSON. (S. D. 621-60-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. This claim is somewhat peculiar. It appears that David Tuckwiller, owner of an estate, died before any property in question was taken. The estate was in possession of Samuel Tuckwiller, as executor. Under the will of David Tuckwiller, deceased, David Tuckwiller, jr., and Sarah Bettie Wilson were to take between them a one-fourth interest.

The property was taken before the estate was divided and the reasonable value of the one-fourth interest of these two claimants in that property was \$600.

The court finds that these two claimants were loyal by reason of tender years.

Claim was first presented to the Commissary General in 1873 by said Samuel Tuckwiller, the executor; it was rejected and in 1887 was sent to court under Bowman Act in the name of said executor; that executor was found not loyal and his petition for that reason was dismissed, without regard to the interests of these two beneficiaries. In considering these claims it has always been the intention of Congress to compensate the persons upon whom the losses actually fell. While the executor of this estate may be deemed to have been vested with the legal title to the property the title of an executor is necessarily in trust for the beneficiaries of the estate or will. Therefore, on the face of these facts, the loss as to their undivided interest in the supplies taken fell upon these two present claimants, who were evidently small children during the war. The disloyalty of the executor should not prevent infant beneficiaries from receiving

compensation for supplies taken. They could not have been responsible for the loyalty or disloyalty of the executor; they evidently did not appoint him, and, being minors, could not control him or his actions.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, BARBOURSVILLE, W. VA. (S. D. 39-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; United States forces occupied church property as winter quarters; rental value, with damages in excess of ordinary wear and tear, was \$500.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, BEVERLY, W. VA. (S. D. 141-58-3.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; United States forces occupied church building for military purposes from 1861 to 1863; rental value, including necessary repairs to restore building to former condition, was \$1,500.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH, BUNKER HILL, W. VA. (S. D. 304-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court reports claimant loyal; United States forces occupied church property at various times from July 15, 1861, to April 1, 1865; rental value, including repairs necessary to restore building to former condition, was \$1,000.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, BUNKER HILL, W. VA. (S. D. 189-62-2.) Tucker Act. Sent to court May 22, 1908, by Senate resolution. The finding in this case is printed as Presbyterian Church, *Bunkerville*, but the body of the findings shows the proper name to be Bunker Hill.

Court reports claimant loyal; troops occupied church property for hospital purposes; value, with damages incident to this use, was \$790. Court concludes claim is equitable.

Findings certified too late for inclusion in previous bill.

FREE CHURCH OF BURLINGTON, W. VA. (H. D. 178-58-3.) Bowman Act. Sent to court March 17, 1904. Court finds claimant loyal; United States forces occupied church building for hospital purposes; according to allegations of petition the occupation lasted about three and a half years; rental value, including necessary repairs incident to the occupation, was \$895.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, CHARLESTOWN, W. VA. (S. D. 293-59-2.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; United States forces occupied church building about three months; rental value, with

damages in excess of ordinary wear and tear, reported at \$600. In 1874 claim for cost of repairs was filed with Quartermaster General, and rejected for lack of appropriation or jurisdiction.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. JOHNS EPISCOPAL CHURCH, CHARLESTON, W. VA. (S. D. 326-59-2.) Tucker Act. Sent to court June 18, 1906, by Senate resolution. Court finds claimant loyal; United States forces occupied church building as barracks and as quartermaster supply depot from July, 1861, till spring of 1865, removing pews, pulpit, etc.; rental value, with damages in excess of ordinary wear and tear, reported at \$1,850. A claim for \$1,021, representing merely the cost of replacing pews, repairing organ, etc., was presented to Quartermaster General in 1880, and disallowed for want of jurisdiction.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ZION PROTESTANT EPISCOPAL CHURCH, CHARLESTOWN, W. VA. (S. D. 315-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; United States forces occupied building for hospital purposes; rental value, with damages incident to occupation in excess of ordinary wear and tear, reported at \$540. According to petition, the occupation lasted from fall of 1863 till end of war.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, CLARKSBURG, W. VA. (S. D. 17-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court reports claimant loyal; United States forces occupied church building for hospital and other purposes from spring of 1862 till close of war; rental value, with damages incident to occupation, found to be \$1,400.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, CLARKSBURG, W. VA. (S. D. 252-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; United States forces occupied church building at different times for quarters; rental value, with damages in excess of ordinary wear and tear, found to be \$525.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ELK BRANCH PRESBYTERIAN CHURCH, DUFFIELDS, W. VA. (S. D. 48-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court reports claimant loyal; United States forces occupied building as quarters and hospital; rental value, including repairs necessary to restore building to former condition, \$600.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

BAPTIST CHURCH OF FAYETTE COUNTY, W. VA. (S. D. 44-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; United States forces occupied church

building for hospital, and later tore it down and used material in erection of winter quarters; building worth \$475.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH, FLATWOODS, W. VA. (S. D. 679-60-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; United States forces occupied church building for hospital and general quarters; rental value, including damages in excess of ordinary wear and tear, \$390.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, FRENCH CREEK, W. VA. (S. D. 133-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court finds claimant loyal; United States forces occupied church building, and during occupation as barracks the building was accidentally burned; building worth \$1,100. Applying the same rule followed in similar cases where a building was destroyed practically as an incident to its occupation for Army purposes, this claim has been included in this bill, as it was included in the previous bill. The destruction was not an act of warfare, but evidently resulted from occupation of the building for Army quarters.

Passed Senate and House in Sixty-second Congress.

METHODIST EPISCOPAL CHURCH SOUTH, GLENVILLE, W. VA. (S. D. 131-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court reports claimant loyal; United States forces used the church building as a military storehouse, and while so occupying it the building was burned and destroyed, the evidence not showing the cause of the fire; building worth \$800. Under same rule applied in some similar cases, it would appear that it should be considered that the destruction of the building arose from its occupation for military purposes, and for that reason the claim is included in this bill.

Passed Senate in Sixty-second Congress.

FETTERMAN (NOW WEST MAIN STREET) METHODIST EPISCOPAL CHURCH, GRAFTON, W. VA. (S. D. 188-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; United States forces occupied premises for hospital and other purposes; rental value, with damages in excess of ordinary wear and tear, \$490.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, GREAT CACAPON, W. VA. (S. D. 328-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; United States forces tore down church building and used material in constructing stables; building worth \$530.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

ST. JOHN'S PROTESTANT EPISCOPAL CHURCH, HARPERS FERRY, W. VA. (S. D. 49-59-1.) Tucker Act. Sent to court April 27,

1904, by Senate resolution. Court reports claimant loyal; United States forces occupied church building; rental value, with cost of repairs incident to its use, found to be \$1,700.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, HUTTONSVILLE, W. VA. (S. D. 15-58-1.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court reports no evidence offered on the subject of loyalty. In most instances this might be considered a fatal defect in the proof, but as this claim comes from West Virginia, which should be considered a loyal State, it is believed that this omission should not preclude payment. On property court reports that United States forces tore down the church building and used materials therefrom, which materials were worth \$791.

The judgment of the present committee is the same as that of previous committees in this case.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

TRINITY PROTESTANT EPISCOPAL CHURCH, MARTINSBURG, W. VA. (S. D. 365-60-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court reports claimant loyal; United States forces occupied church building as hospital and barracks about three years; rental value, with damages in excess of ordinary wear and tear, found to be \$1,340. A claim for these damages was presented to Treasury Department and disallowed in 1880 for lack of jurisdiction.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST PROTESTANT CHURCH, MIDDLEWAY, W. VA. (S. D. 25-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court finds claimant loyal; United States forces occupied church building as hospital, quarters, and for other purposes; rental value, including incidental repairs, \$825.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, MOOREFIELD, W. VA. (S. D. 46-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court reports claimant loyal; United States forces occupied church building for military purposes from September, 1862, till about the close of war; rental value, with repairs necessary to restore building, \$1,430.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH, PAW PAW, W. VA. (S. D. 373-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; United States troops tore down church building and used material in erecting shanties for troops; previously had used building for a brief period; value of building, including any prior use, \$400.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, PETERSBURG, W. VA. (S. D. 100-58-3.) Tucker Act. Sent to court March 3, 1903, by Senate resolution. Court reports claimant loyal; United States forces occupied and tore down church building, worth \$2,000.

Passed Senate in Sixtieth, Sixty-first, and Sixty-second and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH, PHILIPPI, W. VA. (S. D. 250-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; United States forces occupied church building as hospital. In 1865 church was paid \$498.50 in full for damages sustained by church building and the parsonage; the rental value of church property during occupancy was \$600, which is all that it is proposed to pay.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

MOUNT OLIVE PRIMITIVE BAPTIST CHURCH, PHILIPPI, W. VA. (S. D. 381-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; United States forces occupied church building as quarters; rental value, with damages in excess of ordinary wear and tear, \$250. Claim for damages was filed before 1877 and was disallowed by Quartermaster General.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, POINT PLEASANT, W. VA. (S. D. 178-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports claimant loyal; United States forces used church building for hospital and as barracks. Rental value, with damages in excess of ordinary wear and tear, \$1,090.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

COUNTY COURT OF RANDOLPH COUNTY, W. VA. (S. D. 142-62-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court reports that Randolph County, W. Va., was one of original counties comprising that State admitted into the Union June 20, 1863, and was loyal. United States troops, by authority, occupied county buildings from latter part of 1861 or very early in 1862 until early part of 1865; rental value of these buildings, with damages incident to use, was \$2,000. It is this sum which it is now proposed to appropriate to the county.

Another item of the claim is for a certain bridge belonging to the county which was destroyed as an act of warfare in active prosecution of the war. The bridge was worth \$2,000. The committee does not propose payment for the bridge.

The county made claim with the War Department in 1866 for compensation of the buildings occupied and damaged, that claim being for \$2,500.

The court concludes that the claim for rent and damages is an equitable one, but as to the bridge destroyed it is neither legal nor equitable.

Findings were certified too late for inclusion in previous bill.

METHODIST EPISCOPAL CHURCH SOUTH, RAVENSWOOD, W. VA. (S. D. 561-62-2.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; troops occupied church as barracks; rental value, with damages incident to this use, was \$250. This claim was presented as early as 1867 and again in 1904.

Case tried too late for inclusion in previous bill.

METHODIST EPISCOPAL CHURCH SOUTH, ST. ALBANS, W. VA. (S. D. 134-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court reports claimant loyal; church building occupied for military purposes; rental value, with repairs necessary to restore building to former condition, \$1,400.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. MARK'S PROTESTANT EPISCOPAL CHURCH, ST. ALBANS, W. VA. (S. D. 139-58-3.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court reports claimant loyal; United States forces occupied church buildings for military purposes about three years; rental value, including damages incident to occupation, \$2,400.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

CALEDONIA LODGE, NO. 4, INDEPENDENT ORDER OF ODD FELLOWS, SHEPHERDSTOWN, W. VA. (S. D. 294-60-1.) Tucker Act. Sent to court March 2, 1907, by Senate resolution. Court finds claimant loyal; United States forces occupied lodge room as a guardhouse; rental value, with damages in excess of ordinary wear and tear, \$115.

Passed Senate in Sixty-first and House in Sixty-first and Sixty-second Congresses.

PRESBYTERIAN CHURCH, SPRINGFIELD, W. VA. (S. D. 236-60-1.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court reports claimant loyal; troops occupied church building for hospital and other purposes; rental value, with damages in excess of ordinary wear and tear, \$600.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

ST. JOHN'S CATHOLIC CHURCH, SUMMERSVILLE, W. VA. (S. D. 241-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court reports claimant loyal; troops occupied church building about two years; rental value, including repairs necessary to restore building to former condition, \$1,050.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

METHODIST EPISCOPAL CHURCH SOUTH, SUMMIT POINT, W. VA. (S. D. 18-59-1.) Tucker Act. Sent to court April 27, 1904, by Senate resolution. Court reports claimant loyal; United States forces tore down brick church building and used material for building winter quarters; building worth \$2,500.

Passed Senate in Sixty-first and Sixty-second and House in Sixty-first and Sixty-second Congresses.

BAPTIST CHURCH, SUTTON, W. VA. (S. D. 354-62-2.) Sent to court under provisions of section 151 of Judicial Code by Senate reso-

lution February 14, 1912. Claim had previously been referred by House resolution under Tucker Act.

Court reports claimant loyal; troops, by proper authority, occupied church building three months and then tore it down and used materials in building picket houses, etc.; rental value, with value of materials taken, was \$775. Court concludes that claim is equitable.

Case tried too late for inclusion in previous bill.

METHODIST EPISCOPAL CHURCH, WEBSTER, W. VA. (S. D. 271-59-2.) Tucker Act. Sent to court June 13, 1906, by Senate resolution. Court reports claimant loyal; troops occupied church building for military purposes; rental value, with damages in excess of ordinary wear and tear, \$450.

Passed Senate in Sixtieth and Sixty-first and House in Sixty-first and Sixty-second Congresses.

WISCONSIN.

IRVING V. BLISS. (H. D. 251-60-1.) Bowman Act. Officer's claim for difference in pay, \$334.22.

Passed Senate in Sixtieth and House in Sixty-first and Sixty-second Congresses.

OLE JACOBSON. (H. D. 574-60-1.) Bowman Act. Officer's claim for difference in pay, \$138.78.

Passed House in Sixty-first and Sixty-second Congresses.

HIRAM F. LYKE. (H. D. 467-59-2.) Bowman Act. Officer's claim for difference in pay, \$188.56.

Passed Senate in Sixtieth and House in Sixtieth, Sixty-first, and Sixty-second Congresses.

COMMITTEE AMENDMENTS.

1. On page 15, after line 4, insert:

To Mary A. Gammon, O. B. Whatley, and D. A. Whitehead, sole surviving heirs of Wilson O. B. Whatley, deceased, late of Pope County, \$1,019.

2. On page 22, after line 8, insert:

To Lucy C. Lee, administratrix of the estate of Jane T. Lee, deceased, of Mason County, \$915.

3. On page 24, after line 15, insert:

To the vestry of Christ Protestant Episcopal Church, of Bowling Green, \$300.

4. On page 28, after line 7, insert:

To the heirs or succession of Selzer Bass, deceased, late of West Carroll Parish, \$3,407.50, representing his interest in property taken from him and his co-owners.

5. On page 54, after line 13, insert:

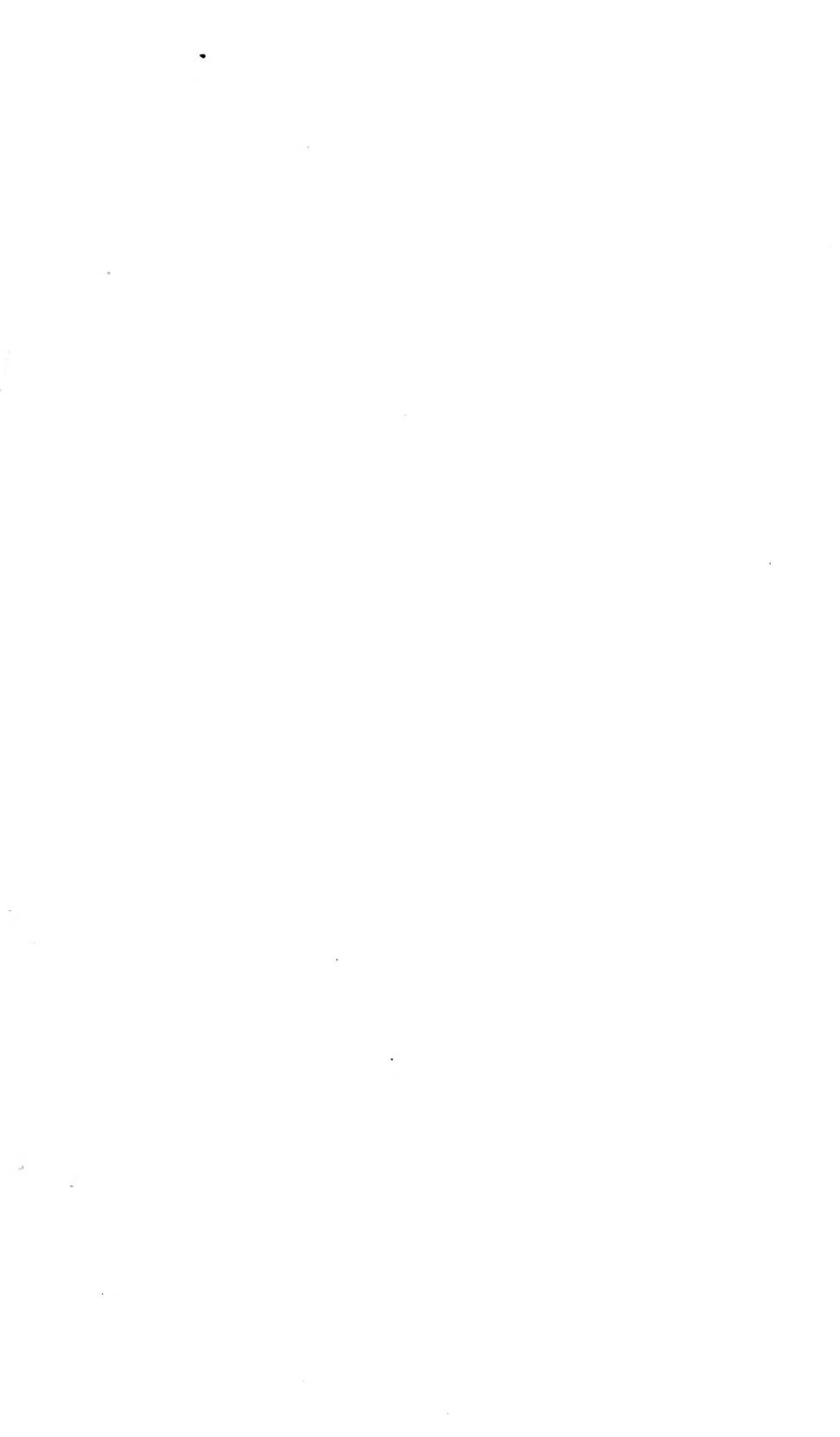
To the deacons of the First Presbyterian Church of Newbern, \$3,300.

6. On page 56, after line 13, insert:

To the consistory of the Trinity German Reformed Church, of Gettysburg, \$70.

7. On page 78, after line 20, insert:

To the trustees of Union Presbyterian Church, of Cross Keys, \$100.



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