

METHODIST EPISCOPAL CHURCH SOUTH, WASHINGTON,
N. C.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS
TRANSMITTING A COPY OF THE FINDINGS OF THE COURT IN THE
CASE OF THE TRUSTEES OF THE METHODIST EPISCOPAL
CHURCH SOUTH, OF WASHINGTON, N. C., AGAINST THE UNITED
STATES.

MAY 9, 1910.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington May 6, 1910.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by resolution of the United States Senate, under the act of March 3, 1887, known as the "Tucker Act."

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

HON. JAMES S. SHERMAN,
President of the Senate.

[Court of Claims. Congressional, No. 13800. Trustees of the M. E. Church South, of Washington, N. C.,
v. The United States.]

STATEMENT OF CASE.

This is a claim for the destruction of a church building by the military forces of the United States during the late civil war. On the 22d day of May, 1908, the United States Senate referred to the court a bill in the following words:

"[S. 6879, Sixtieth Congress, first session.]

"A BILL For the relief of the Methodist Episcopal Church South, in Washington, North Carolina.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the trustees or other authorized representative of the Methodist Episcopal Church South, in the City of Washington, State of North Carolina, the sum of five thousand dollars in full settlement for the use and occupation thereof and damages thereto by the military forces of the United States during the civil war."

The claimants appeared in this court on the 3d day of August, 1908, and filed their petition, in which it is substantially averred:

That on or about April, 1862, the military forces of the United States took possession of the town of Washington, in the State of North Carolina, and occupied the said town until the month of April, 1864.

That on or about the 30th day of April, 1864, the said military forces of the United States, under command of Brig. Gen. Edward Harland, evacuated said town, but before the final evacuation thereof destroyed by fire the church building of the Methodist Episcopal Church in said town.

That the reasonable value of said church building at the time it was destroyed, as aforesaid, was the sum of \$5,000, no part of which has ever been paid.

The case was brought to a hearing on loyalty and merits on the 3d day of March, 1910.

G. W. Z. Black, esq., appeared for the claimants, and the Attorney-General, by S. S. Ashbaugh, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence adduced and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

I. The Methodist Episcopal Church South, of Washington, N. C., as a church, was loyal to the Government of the United States throughout the late civil war.

II. During said war the military forces of the United States occupied the town of Washington, N. C. It became necessary on or about the 30th day of April, 1864, for them to evacuate the town and take refuge on a gunboat lying at the wharf at the time. Colonel McChesney, of the First North Carolina Union Troops, was in command of the military forces, and Captain Renshaw was in command of the U. S. gunboat *Louisiana* (then with the transports accompanying), and were in the stream adjoining the place occupied by the land forces. No confederate troops were in the town at the time, nor in its vicinity, but there were a few pickets several miles out from said town at the time. On the morning of the evacuation gangs of men patrolled the town of Washington, N. C., breaking into houses and wantonly destroying such goods as they could not carry away, and the occupants and owners of the houses were insulted and defied in their feeble endeavors to protect their property.

The town was sacked, and its pillage ceased only with the final abandonment of the place. People from the gunboat, including sailors and laborers, joined in the work of plunder and devastation. In the morning of said day fires broke out at various places in the town, and bombs were exploded from these fires in the midst of the conflagration. Some of the troops belonging to Colonel McChesney's command, in the town at the time, caused the conflagration, which extended to the adjacent buildings. The military forces then in possession of the town made no effort to extinguish any of these fires.

During the conflagration the Methodist Episcopal Church South, of Washington, N. C., was destroyed. The reasonable value thereof at the time and place was the sum of forty-five hundred dollars (\$4,500), no part of which appears to have been paid.

III. The claim herein was never presented to any officer or department of the Government prior to its presentation to the Sixtieth Congress and reference to this court by resolution of the United State Senate, as set forth in the statement of the case, and no reason is given why the same was not earlier presented.

By THE COURT.

Filed March 28, 1910.

A true copy.

Test this 5th day of May, 1910.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.