

TRUSTEES OF THE BAPTIST CHURCH OF GUYANDOTTE,
W. VA.

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 BAPTIST CHURCH OF
GUYANDOTTE, W. VA., AGAINST THE UNITED STATES.

DECEMBER 15, 1904.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 14, 1904.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the Senate of the United States, 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. WILLIAM P. FRYE,
President of the Senate pro tempore.

[Court of Claims. Congressional, No. 11048. Trustees of the Baptist Church of Guyandotte, W. Va.,
v. The United States.]

STATEMENT OF CASE.

The following bill was referred to the court March 3, 1903, by resolution of the United States Senate under an act of Congress approved March 3, 1887, known as the Tucker Act:

[S. 3356, Fifty-seventh Congress, first session.]

"A BILL For the relief of the trustees of the Baptist Church of Guyandotte, West Virginia.

"*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 to the trustees of the Baptist Church of Guyandotte, in the county of Cabell and State of West Virginia, out of any money in the Treasury not otherwise appropriated, the sum of two thousand dollars, on account of the destruction of their church building in November, eighteen hundred and sixty-one, by the United States soldiers."

The trustees of the Baptist Church of Guyandotte, W. Va., appeared and filed their petition in this court March 18, 1904, in which they make the following allegations:

That prior to and on the 11th day of November, 1861, the trustees of the Baptist Church of Guyandotte, W. Va., were the owners of a church building, situate in said town, 48 by 32 feet, 16 feet in height, constructed of brick and at that time reasonably worth the sum of \$2,000. That on said date the said building was entirely

destroyed by fire by the military forces of the United States under command of Colonel Zeigler.

The case was brought to a hearing on loyalty and merits on the 17th of October, 1904. G. W. Z. Black, esq., appeared for the claimants, and the Attorney-General, by Felix Brannigan, 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, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. It appears from the evidence that the Baptist Church of Guyandotte, W. Va., as a church, was loyal to the Government of the United States during the war of the rebellion.

II. On or about the 11th day of November, 1861, the brick church building of the Baptist Church of Guyandotte, W. Va., was destroyed by fire by United States troops under command of Colonel Zeigler. Thereafter the brick from said building were used by the military forces of the United States in building quarters and for other purposes. Said building at the time was reasonably worth the sum of two thousand dollars (\$2,000).

No payment appears to have been made therefor.

BY THE COURT.

Filed October 24, 1904.

A true copy.

Test this 13th day of December, 1904.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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