

26  
25  
18th CONGRESS, }  
1st Session.

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[ 2 ]

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING INFORMATION RESPECTING

THE ORIGINAL AMOUNT OF A JUDGMENT

Lately obtained by the United States, in the District Court of the Eastern District  
of Pennsylvania,

AGAINST

Colonel William Duane;

And what credits have been allowed to the Defendant since the date of the Judgment,  
the dates of such credits, by whom given, and under what authority.

(In obedience to a resolution of the Senate, of 1st March, 1823.)

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DECEMBER 3, 1823.

Printed by order of the Senate of the United States.

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WASHINGTON :

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1823.

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THE SECRETARY OF WAR

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DEPARTMENT OF WAR,

*Sd March, 1823.*

SIR: In compliance with a resolution of the Senate, directing "the Secretary of War to inform the Senate of the original amount of a judgment, lately obtained by the United States, in the District Court of the eastern district of Pennsylvania, against Col. William Duane, and what credits have been allowed to the defendant since the date of the judgment, the dates of such credits, by whom given, and under what authority;" I have the honor to transmit, herewith, reports of the Third and Fifth Auditors, which furnish the information required.

I have the honor to be,

Your obedient servant,

J. C. CALHOUN.

*To the President of the Senate  
of the United States.*



TREASURY DEPARTMENT,  
*Third Auditor's Office, March 3, 1823.*

SIR: In pursuance of your reference to this office of the resolution of the Senate United States, of the 1st of March, 1823, directing the Secretary of War to inform the Senate of the original amount of a judgment lately obtained by the United States, in the District Court of the Eastern District of Pennsylvania, against Col. Wm. Duane, and what credits have been allowed to the defendant since the date of the judgment; the dates of such credits, by whom given, and under what authority;" I have the honor to submit the enclosed statement.

With great respect,

Your obedient servant,

PETER HAGNER, *Auditor.*

The Hon. J. C. CALHOUN,  
*Secretary of War.*

—

Statement of credits allowed to Col. William Duane, on settlements of the 9th May, 1822: furnished in pursuance of the directions of the Secretary of War, accompanying the resolution of the Senate United States of the 1st March, 1823, viz.

Amount of moneys advanced to sundry officers, on account of the recruiting service, not heretofore admitted, now allowed by the accounting officers, - -	\$665 00
Amount paid by him, in 1814, for rent of a rendezvous, for two subpœnas, and for postage of public letters, now allowed by the accounting officers, - -	66 04
Amount of his account for sundry printing, advertising, and forms furnished, from 23d March, 1813, to 3d Jan. 1815, allowed by the Secretary of War, - -	1020 54
	\$1751 53
Amount of his account reported for suit, - - -	\$4317 74
Additional debit—to Lieut. James Young, - - -	55 00
Total amount of debits, - - -	4372 74
From which deduct the above credits, - - -	1751 58
Present balance remaining at the debit of Col. William Duane, on the books of the Third Auditor, - - -	\$2621 16

I have no knowledge of any judgment having been obtained by the United States against Col. Wm. Duane; that information is with the Agent of the Treasury. The amount of the original balance reported for suit on the 5th of October, 1819, was \$4,317 74, which, by the settlement above mentioned, was reduced to \$2,621 16. In relation to the suit, the Agent's last report, contained in the list of balances transmitted to Congress from this office, is as follows: "Proceedings stayed till 3d March, 1823, to give him an opportunity to bring a claim before Congress which was rejected by the War Department."

TREASURY DEPARTMENT,

*Third Auditor's Office, March 3d, 1823,*

PETER HAGNER, *Auditor.*



TREASURY DEPARTMENT,

*Fifth Auditor's Office, March, 3, 1823.*

SIR : To enable you to comply with the resolution of the Senate, of which you sent me a copy, relative to the suit against Col. Duane, I have the honor to enclose a copy of a letter addressed by me to Charles I. Ingersoll, Esq. the District Attorney at Philadelphia, of the 14th May last, from which you will be able to ascertain the sum for which suit was brought, as well as the actual situation of the suit at this time. To this letter I have added a copy of one from Col. Duane to me, in which he refers to claims he intended to bring before Congress.

I have the honor to be,

With great respect, Sir,

Your obedient servant,

S. PLEASANTON,

*Agent of the Treasury.*

The Hon. JOHN C. CALHOUN.



TREASURY DEPARTMENT,

*Fifth Auditor's Office, 14th May, 1822.*

SIR : I herewith transmit a supplementary statement of the account of Col. William Duane, by which you will perceive, that the balance heretofore reported against him, of \$4,317 74, for which suit was instituted, is now reduced to the sum of \$2,621 16. You will make such an entry on the judgment as will exhibit the reduced amount now claimed.

Col. Duane has represented that he has other claims, which the War Department prefers should be brought to the consideration of, and decided by, Congress, which he intends to bring before it at its next session, to an amount exceeding that we claim of him under the judgment. You will suspend all judicial proceedings in his case until the close of the next session of Congress, thus affording him an opportunity of obtaining the interposition of Congress in the final settlement of his accounts.

Respectfully,

I have the honor to be,

Your obedient servant,

S. PLEASANTON,

*Agent of the Treasury.*

C. J. INGERSOLL, Esq.

*U. S. Attorney, Philadelphia.*

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WASHINGTON, 14th May, 1823.

SIR : It appearing, upon a re-examination of my accounts in the War Department, that the first account presented against me for \$7000 was reduced to \$4000, in consequence of my being charged erroneously with \$3000, transferred by me to Col. Gibson, and that, by sundry subsequent items passed to my credit, upon authentic vouchers, the debt of \$4000, for which I was sued, has been reduced to \$2,600, and that, of this ostensible debt, I am charged with \$500, being the amount of a sum borrowed by me, from General Bloomfield, the 26th March, 1813, and repaid by me to him on the 3d of April next following, which sum, being deducted from the ostensible debt, would leave only \$2,100 in demand against me, out of the \$4000 for which I was sued; and, having reason to believe that \$1000 of this last apparent balance is not justly chargeable, I think it fit to place the facts before you; and further, that I have two considerable claims against the Government, one of which, for \$3,600, I have provided sufficient evidence to substantiate, besides another for a like amount, all of which I mean to place before Congress at the next session, by petition; I beg leave to suggest, that it would be no more than justice to relieve me from the oppressive and injurious effects of a judgment suspended over me, when it is already shewn that nearly one-half of the amount is already abandoned, and that a great part of the remainder, palpably, unlawfully charged to me, while the claims on my part so amply exceed all the original claims for which I was sued.

I am, Sir,

Your obedient servant,

WM. DUANE.

STEPHEN PLEASANTON,

*Fifth Auditor.*

## BARRACKS, AT OLD LAZARETTO,

31st June, 1809.

Sir: Capt. David Brearley's troop of dismounted cavalry, having been reduced in number, by the transfer of twenty men to the company of infantry of the 6th regiment, commanded by Capt. Davis, lately embarked from this station for Orleans, I have directed him to proceed to recruit his corps without delay, to the complement required by law; but, no funds being at my command, I am not competent to supply him. He goes to Trenton to-morrow, under a general beating order, and will take the towns between Trenton and Elizabethtown in his circuit, as the good of the service may require.

I propose, also, in order to complete the infantry corps of Captain Pennell, to detach his first Lieutenant, just joined him, to recruit in the counties of Chester, Lancaster and Berks. where his family influence and connections will enable him to expedite the completion of the company. Funds for this service will also be required; and some arrangement should be made to facilitate duties of this nature, at this station, which is particularly favorable for the recruiting service.

I have addressed the Paymaster General on the subject, and will thank the Secretary of War to issue such orders as may be deemed best calculated to facilitate the duties. In fact, the trust placed in me, as Superintendent of this District, by the Commander in Chief, is of little more efficacy, than what my personal zeal and industry to promote the service, enables me to do; and I have paid money out of my own pocket, rather than that there should be inconvenience or complaint against the Department.

Capt. Pennell has not been furnished with the instructions, nor with all the forms required for an officer in the recruiting service, nor have I any, nor any instructions to provide any, nor forms for any other than the Inspection Rolls, which I have procured from the records of the adjoining garrison. If copies, in duplicate, were sent to me, and specific orders for furnishing such blanks as may be requisite, there would be no difficulty on this score; but, as matters stand, it is not practicable for an officer to comply with the forms required, because he is not instructed with forms, nor the time and manner of forwarding them.

I have the honor to be,

With respect,

Your obedient servant,

WM. DUANE, *Lt. Col. U. S. Army,*  
*Commanding Fort Mifflin, &c.*

*The Secretary of War.*



OLD LAZARETTO,

Feb. 1, 1809.

SIR: In my letter of yesterday, from this place, I omitted to transmit the enclosed Return of Clothing, of Capt. D. Brearley's troop. He departed this morning, for Trenton. I renew my entreaty, that the funds requisite for him to recruit, and for Capt. Pennel's Lieutenant, be ordered without delay. Perhaps a direction to the Military Agent, to make the requisite advances, would be the best expedient; and that officer's report would be a good record in the first instance; my check on the issue, a sufficient control on the proposed or actual mode of disbursements.

I have the honor to be, &c.

WM. DUANE, *Lt. Col.*

*Commanding Fort Mifflin and Dependencies.*

*The Secretary of War.*

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OLD LAZARETTO, FORT MIFFLIN,

May 1, 1809.

SIR: Capt. Findley, of the Rifle Regiment, and Lieut. Hamilton, of the same company, have addressed to me the letters, of which, I have the honor to enclose the originals. Gen. Wilkinson, on giving me the superintendance of the recruiting service, in this district, required me to correspond and execute the duties which might be required for the public service; and I have hitherto attended to it, in strict conformity with the regulations, as far as was in my power. No funds were ever placed at my disposal, for this service; I have, therefore, referred the letters to the War Department, leaving it to your determination how to act in the case, whether by a direct address to the officer left to recruit, or through me.

The letters enclosed, will be my vouchers for the amount of so much postage, and an equal amount in replying to these officers.

Discipline, at this station, is in a very forward and pleasing state. I expect, by the 4th of July, for the number of men, as well disciplined a corps, and as capable of executing any manœuvre, at command, as any that can be found in any country.

By Mr. Weightman, of Washington City, who leaves this place in two or three days, I shall have the honor to transmit a copy of my *Military Library*, as a present to the War Office. Should you, on perusal, deem it worthy of recommendation, or the purchase of any copies, Mr. Weightman, at Washington, will be able to provide any number that may be required. Gen. Dearborn intimated an intention

of taking a number of copies as soon as it should be finished. There is no other work in the language, which contains the new tactics, and the discipline of every species of troops, in so compact a form.

I have the honor to be, sir,

Your obedient servant,

WM. DUANE, *Lt. Col.*

*Commanding Fort Mifflin and Dependencies.*

To WM. EUSTIS, Esq.

*Secretary of War.*

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*Barracks, Old Lazaretto, near Fort Mifflin,*

*18th May, 1809.*

SIR: The inconvenience felt here for want of a guard house, or place for the guard, and for the detention of persons guilty of temporary irregularities, induced me to call upon the military agent to put the place, best adapted for a guard house, into a state suitable for the purpose, which he has declined. There is a frame building exactly on the angle which covers both the entrances to the inclosure here, which wants only plaistering, the formation of a platform for a guard room bed, and the stopping up of a window on the outside, and opening a door into the guard room, to have a most complete, commodious, and suitable guard house. My purpose in addressing this note is to obtain your sanction for this purpose. The late Secretary at War, confiding in my zeal for the public service, gave me an unlimited authority to do all that I should deem proper and expedient, to render the place suitable to its intention and advantages to the public interest. I am persuaded that without any more than the expense of a very small quantity of extra rations, I have rendered this place a service equal to \$5,000 value, if it were to be to-morrow sold at auction, and I have preserved the men in health, activity, free from excesses, and strict in their discipline, yet all not only satisfied, but daily more attached to the service.

If the same confidence were to be reposed in me, I flatter myself, I could add to the value, convenience, health, and beauty, of this place, only by employing a few laborers for a few weeks, to ditch the front of the station on the Delaware and Schuylkill; this is the proper season to do it, both to keep the men in action, and to avert the intermittents which follow hot weather where there is stagnant water. Under the miscellaneous appropriations for garrisons, an allowance might be made for this important place, and the public would, on the best principles of economy, preserve health, improve property, and possess an establishment, which, I am persuaded, would redound to the credit, as well as profit, of the government.

Permit me to ask your sanction to the following improvements, absolutely necessary.

Authority to make a guard bed, open a door, close a window, and plaister the guard room.

Authority to employ four or five ditchers a few weeks, to aid and direct the fatigue parties in banking out the river.

And, to erect a small kitchen for cooking the victuals of the officers, there being no kitchen. There are bricks to a considerable amount belonging to the public at the arsenal, which would answer for this purpose, and render this position a complete garrison for 300 men, or 400, upon an emergency.

I have the honor to be, Sir,

Your obedt. servant,

WM. DUANE,

*Lieut. Col. com'dg District.*

*To Wm. EUSTIS, Esq.  
Secretary of War.*

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PHILADELPHIA, Nov. 1, 1810.

SIR: By the mail of yesterday, I forwarded the two volumes of the French cavalry system; by to-morrow's mail the translation will go in five parcels.

The translation is made in a literal manner, by a person unacquainted with military affairs; to make use of it a person must be thoroughly conversant in the subject, and competent to use the terms analogous in our language and military idiom.

Should the War Department not think proper to publish the whole French treatise, I shall cheerfully undertake it myself at a proper season.

I am, Sir,

Your very humble servant,

WM. DUANE.

*To the Secretary of War.*

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PHILADELPHIA, November 6, 1809.

SIR: The soldiers belonging to Capt. Brearley's dragoons, and the soldiers of the infantry company, 6th regiment, commanded by Lieut. Muhlenberg, made application to obtain their half bounty, that is, the six dollars allowed to each on joining their corps. They have

agreed to lay the money out in the purchase of stout leather boots; and I have got boots made for them, each a pair. Forty-three pairs were this day delivered, and will be delivered to the men to-morrow on parade.

The purpose of this letter is to request an order for the amount of the six dollars each, for the men now in garrison here. Either direct to the Accountant or upon the military agent here, to be passed to the proper account. Mr. Reading Howell has also called on me this moment for the amount of his bill, sixty-one dollars, for the chart of the Delaware, executed last year. I really, beside the personal mortification, feel a little for the public credit in matters of this kind.

A bill for a boat which I was ordered to obtain, and which has been in use now a year, I have paid out of my personal funds (200 dollars) rather than the public administration should be censured. I do not mention this as a matter of merit, but with the view of shewing that my application is not a mere importunity, but a matter of duty and propriety.

The soldiers have each subscribed a paper of agreement to appropriate the six dollars of the bounty to the purchase of the boots: their receipts shall be forwarded as soon as the money shall be paid the citizens who have made the articles, which are of an excellent quality.

I have the honor to be, sir, your obedient servant,

WM. DUANE,

*Lieut. Colonel commanding Fort Mifflin, &c.*

WM. EUSTIS, Esq.

*Secretary of War.*

---

PHILADELPHIA, Jan. 10, 1810.

SIR: I have received yours of the 6th instant. To which I reply, that I am not solicitous to have the publication of the French system of cavalry, because I am aware it would not yield any pecuniary profit; but I should nevertheless aid in its publication: nor would any *advance* be required, if the War Department would only say what number of copies it would take; and the greater number it would take, the lower the price would be. The whole, I think, might be brought into one volume, plates and all, and this would reduce the price a full third. If Government would take 1000 copies, say at 4 dollars, there would be no payment requisite but on delivery; if 2000 copies, 3 dollars the copy, payable on delivery, and 3000 copies, 2 and half dollars.

I have, however, given my opinion as to the indispensable change of phrase and modification to the infantry system, which is absolutely indispensable, and without which, any change would be only [to] make very bad worse.

With regard to the uniform, having before given my ideas of the uniform very succinctly, I did not think it was required to accompany the box with any further opinions. Will you permit Capt. Irvine and myself to fit up a company of the new raised troops, by having the clothing cut at the Arsenal here, the leather caps made, and the men dressed as soldiers should be? If what we do should be afterwards not approved, it will be only wearing out the year's clothing as if it were adopted.

The coat with red facings, and cord of cotton at the button-holes, is the one that I would recommend; it is of the cut of the marine corps coat, which is in fact a cut borrowed from the French infantry. The French infantry cap, of which I have just received a specimen from Gen. Armstrong, is nearly of the form of the leather one which I recommended, and of which I had two patterns made. I would use the honest simple *buck's tail* of old times, instead of a feather, for the rank and file, and for the officers too, put on grand parade. I would have each soldier to have a pair of white, and a pair of blue pantaloons.

I understand that the black belt, and front cartridge box which I recommended, are not so well approved of. These are matters that may be improved afterwards, if requisite: the cross and white belts, therefore, might stand as they now are formed, only that there should be a short strap to hitch the pouch to the right hip button, if the hinder pouch is preserved.

The firelocks should have slings, and, in case of war, there should be a leather case to cover the lock, and a broad strap to cover the barrel, so as to guard the hand while loading from the beat of the gun in quick fire.

I think all the corps should have coats of the same color, cut, and length; artillery and rifle corps, yellow mounting or lace; infantry and cavalry, white; the feather, (if any,) to be different in each, and the length for rank and file inflexibly fixed.

These are my ideas on the uniform; but permit me to offer a single observation, more important than all. If the clothing, and its making and cutting, be continued in its present hands; if the man employed to purchase, has the right also to choose the inspector, and to laugh at the idea of rejecting any article, however miserable, all your efforts to render the soldier comfortable, or the uniform creditable to you or the Government, will be absolutely futile: and let me say, that, in case of a war, the enemy could not have a more useful ally than the person who has at present the charge of that important branch of public duty.

I will, in a few days, take the liberty of presenting to you my reflections on the subject more at large, in conformity with your intimation in the letter now before me.

I am, sir, with great respect,  
Your obedient servant.

WM. DUANE.

WILLIAM EUSTIS, Esq.  
Secretary of War.

SIR: Mr. Weightman, of Washington City, will hand this to you, together with a copy of my Military Library, mentioned in a note addressed to you a few days ago. It has had a very general circulation, and has met the approbation of many capable persons. The storm, out of which it arose, has blown over for the present; for how long it is not possible to anticipate. The work which I present, I persuade myself, would have been found of infinite advantage had we been forced into war; and should we, at any time within twenty years, I am satisfied that this work will have diffused a stock of information on military subjects, which was very much wanted, and which must be of some use. I have prepared for press, small hand books, or manuals, calculated for the mere parade duties for *infantry*, *cavalry* and *artillery*; that is, three small works, such as contain the mere parade practice of exercise and manœuvre, without the speculative or theoretic parts of tactics.

I have suspended the publication of these, under an expectation that the adoption of a new system, which was in preparation last year, would have enabled me to conform the exercise to that which should have been adopted by the War Office. If there is any prospect of accomplishing what was then contemplated, I would suspend the publication still; if not, I shall even proceed, and then the books, which will be small, light, and conformable to the exercises in the Library, shall go to press. I only intimate this as a matter of information. When I shall have the pleasure of seeing you, in a few days hence, I shall take the liberty of calling your attention to the subject.

I take this opportunity of informing you, that the Map of the Delaware, which I was directed by Gen. Dearborn to procure for the use of Fort Mifflin, has been completed: the expense is \$61, which I will thank you to direct the military agent to pay to Mr. Reading Howell.

I am, sir, with respect,

Your obedient servant,

WM. DUANE.

WM. EUSTIS, Esq.

*Secretary of War.*

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ADJUTANT GENERAL'S OFFICE,

*4th Military District, Philadelphia, June 14th, 1813.*

SIR: The funds placed in my hands for the recruiting service are expended. I have requested funds from the paymaster, and notified the Accountant of the War Department some time of the small balance which remained. After Wednesday I shall not be able to proceed in this duty without funds, having already advanced cash of my own.

I beg leave to represent that the recruiting service very materially interferes with my duties as adjutant general; obliged to be absent in

different parts of the district, which may probably be frequent, the accounts fall in arrear, and my correspondence is often delayed a week later than it should be; and, so incessant is the attention required to this service, that I have not been able to attend to the discipline of the new levies at the stations on the Delaware as I should wish. Permit me to solicit that the recruiting service be committed to some other officer; the General to whom I have performed the functions of aid, adjutant, and inspector, has now an inspector, an aid, and a Brigade Major; none of whose duties requires the activity required from my station.

I am sir, with great respect,

Your obedient servant,

WM. DUANE, *Adj. Gen.*

Gen. JOHN ARMSTRONG, *Secretary of War.*

---

ADJUTANT GENERAL'S OFFICE,

4th Military District, Philadelphia, June 18, 1813.

SIR: The recruiting service is in a state of suspence in this district through the want of funds; should it be intended not to continue the recruiting, a considerable expense will be saved in charges for music and rendezvous, now going on without funds to discharge the debts as incurred.

I have called upon the paymaster for \$10,000 and requested \$5,000 on account of contingencies.

There are now nearly 500 men at the stations on the Delaware and with parties in this district. I beg leave to suggest that, if it should be deemed proper, 200 men of the 32d might be placed in charge of Fort Mifflin, and the whole of the new five years levies might go to the north; should this course be thought advisable, it will be necessary to make some provision for the payment of the men of *different corps*, as there are recruits of the following Regiments:

Light Artillery

2d Artillery

3d Artillery

1st Infantry

2d, 5th, 16th, 20th, and 22d Infantry

and Riflemen, which latter should all be transferred. The regulations of the Pay Department require payment to be made under conditions with which it is impossible to comply in many cases within my knowledge; some rule by which the soldier should be paid, the paymaster indemnified, and the service promoted, is absolutely necessary.

I have the honor to be, sir,

Your obedient servant,

WM. DUANE, *Adj. Gen.*

Gen. JOHN ARMSTRONG, *Secretary of War.*