

CLAIM VIII.

To 12½ per cent. allowance for Leakage and Wastage on the issue of the Rations in the descent of the St. Lawrence, in 1813, and one cent per ration, as provided for by the contract, 25th Feb. 1813,
\$5749 06

"If, therefore, these provisions were taken from deposits previous to the issue, the contractor has already been allowed the 12½ per cent. and one cent per ration, for issue; and if not, he is not entitled to any per centage or allowance for issue."

This may be good logic, viewed through the medium of the Third Auditor's comprehensive mind. But before he assumes the fact, he should establish it. That the provision came from the United States' deposits that had been charged to me, with the allowance of the 12½ per cent. and one cent per ration, at the time of receiving, he has not shown this fact, although it cannot be forgotten, that in a plea against my claim, for casks captured and destroyed, containing the gross amount of those provisions on this very expedition, he charges me as a set off to this loss, *that I actually had received the 12½ per cent. on the gross amount of the provision put on board the boats, amounting to \$—, but likewise on the nett amount after the expedition had terminated, \$5,749 06. Page 152.*

At the conclusion of his remarks on this claim now before us, he corrects his former error *so far*, as to say, the whole of the provision was passed over to the charge of the Quarter Master General, making him accountable for the loss; and the nett amount does not appear in the accounts as deposit; of course, the 12½ per cent. and one cent for issue, was not charged by me in former accounts, although my agent, as the Third Auditor now admits, *accompanied the expedition, and issued the same.* See letter after my accounts had been furnished, p. 104, Oct. 17, 1814.

To illustrate the case, I will barely state, that the provision might, *in part*, have been the deposits alluded to by the Third Auditor, and charged to the contractor in "mass," or "bulk," at other and distant places of original deposits. At Sackett's Harbor there never was a public deposit, until five months after the expedition sailed, although a depo-