

0540

72-11



STATE
 OF THE
 DEMANDS
 OF THE
 HEIRS
 OF THE LATE
 Baron de Hammerstein of Gesmold,
 UPON THE
 CROWN of GREAT BRITAIN,
 FOR
 FORAGE and WOOD
 Delivered to the BRITISH Troops of the
 BRITISH combined Army in GERMANY,
 in the Year 1762.



LONDON,
 Printed in the Year MDCCLXVII.

ADVERTISEMENT.

The Accounts of these Demands, and the Proofs by which they are supported, are not inserted in this State, to avoid extending it to an improper length; but are all ready to be produced, when called for.

(3)

STATE of the DEMANDS

OF THE

H E I R S

OF THE LATE

Baron de Hammerstein of Gefmold,

UPON THE

CROWN of GREAT BRITAIN.

THESE demands, originally of the same nature, are at present under different circumstances.

The first is for 124 Ducats 2 Guilders and 8 Stivers; the deliveries for which were certified by Mr. Commissary Higgins, and a warrant for payment granted by Mr. Commissary-general Elliot on that certificate; but when the said warrant was presented to the deputy pay-master, he alledged that he had no money in his hands till the arrival of General Howard, who was to bring it over; nor could Baron de Hammerstein

A 2 obtain

(4)

obtain payment after, though no objection of any kind was made to his demand.

The other is for 226 Ducats 4 Guilders and 12½ Stivers, for forage and wood delivered to the said troops, soon after Baron Hammerstein had received the warrant before-mentioned, the accounts of which are vouched by nine receipts from English officers, to whom the deliveries were made.

These accounts and vouchers were directly laid before the Control, and the immediate liquidation of them promised by General Howard, as appears by two letters of his, one to his Serene Highness Prince Ferdinand, dated at Wolfershausen, August 17, 1762, in which he says, "I will give immediate orders to Colonel Pownal to get the accounts of Baron de Hammerstein of Gesmold examined and liquidated, when they are sent to him for that purpose."—The other to Baron de Hammerstein himself, dated at Paderborn, December 6, 1762, in which he says, "I have received your favour of the 16th past, relative to the liquidation of your accounts in the office of Control; and as I have already, and agreeable to your desire, wrote about it some
" time

(5)

" time ago, I hope there will not be any more difficulties or delays in finally adjusting your demands."—But, notwithstanding these assurances, Baron de Hammerstein could not get his accounts examined.

On the fourth of May 1763, Baron de Hammerstein died, upon which all his papers, and among them the certificate and warrant herein before mentioned, and these accounts and vouchers, were sealed up, according to the laws of the country; nor were they opened till the fifth of February 1765, by which means the said warrant and account were prevented from being laid before the Commissioners for German Demands within the time prescribed.

Upon a representation, however, of these circumstances to the Lords of the Treasury, their lordships were pleased to direct the said Commissioners to take these demands into consideration, who accordingly, on the sixth of August 1765, made the following report thereon.—

" That it appears, by an attest given by the court of justice at Osnabrug, on the twenty-seventh of March 1765, at the request of Mr. Von Hammerstein, that the late Mr. Von Hammerstein died the
" beginning

(6)

“ beginning of May 1763, and that there-
 “ upon on the ninth of that month, his
 “ bed-chamber and wardrobe, with the
 “ writings found therein, were sealed up,
 “ and that the receipts for deliveries to the
 “ English troops which were found therein,
 “ were not taken out thereof till the fifth
 “ of February 1765, by a commission ap-
 “ pointed for that purpose. That the de-
 “ mands presented are a warrant of Mr.
 “ Elliot for the payment of 124 Ducats
 “ 2 Guilders 8 Stivers; and nine receipts
 “ granted by English officers for wood and
 “ forage, amounting to 226 Ducats 4
 “ Guilders and 12½ Stivers.

“ We beg leave to observe to their lord-
 “ ships, that the above attest does not
 “ identify and prove that the warrant and
 “ nine receipts are the receipts for English
 “ deliveries, which are described in that
 “ attest to have been in the possession of
 “ the late Mr. Von Hammerstein, &c. and
 “ therefore that there is no sufficient ground
 “ to receive these demands.”

The insufficiency of the reason here
 given for the rejection of these demands is
 most evident.

By

(7)

By the attest of the court of justice at
 Osnabrug, it is proved that the receipts for
 deliveries to the English troops had been
 sealed up there on his death, and not taken
 out till the time herein set forth. Now as
 the said late Baron de Hammerstein's having
 had such receipts, is proved by the letters
 of General Howard, above-recited, and
 must appear by the books of the Control;
 to require any other proof than the books
 of the Control that these presented to the
 Commissioners were identically the same,
 is a mere cavil, founded on a want of a le-
 gal formality, which a court of law only
 has a right to insist upon, and which no
 court of justice would insist upon, in such a
 case; as it could never be supposed that a
 formal attest of the identity of these receipts
 should be required.

The same reasoning proves the injustice
 of making this objection to the warrant!
 To which it is to be added, that as the
 words of the warrant are expressly to pay
 the Baron de Hammerstein, *or his assigns*,
 and as the said warrant is endorsed by him,
 probably when he sent it for payment, to
 desire any other proof of the identity of
 the said warrant than the books of the
 offices

I

(8)

offices through which it passed, and the signatures of the Commissaries, is as oppressive and absurd, as to refuse paying it on the endorsement.

As the reasons therefore given for the rejection of this demand are utterly without foundation, the claimants have a just right to payment of them.

F I N I S.

