

1-22-1839

## Report : Petition of J. Hernandez

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IN SENATE OF THE UNITED STATES.

JANUARY 22, 1839.

Submitted, and ordered to be printed.

Mr. TILTON made the following

REPORT:

[To accompany Senate bill No. 232.]

*The Committee of Claims, to which was referred the petition of General Joseph M. Hernandez, have had the same under consideration, and report :*

That the petitioner is the owner of two valuable and extensive plantations in the eastern district of the Territory of Florida. That, at the commencement of the Seminole war, they were both in a high and prosperous state of improvement and cultivation; the one a sugar plantation, called St. Josephs, and the other a cotton plantation, called Mala Compra, situated about three miles from the first. On the cotton plantation was the mansion-house of the proprietor, and on each of them, respectively, all such costly and extensive structures, buildings, and machinery, as were suitable and proper to their successful cultivation. In the early stages of the Seminole war, in the winter of 1835 and 1836, and in the spring of the latter year, both these plantations were taken military possession of by the troops of the United States, and the houses occupied and fortified as military posts and places of defence; and, during the course of that winter and spring, both the places were, as occasion and exigency required, occupied, evacuated, and reoccupied by various detachments and bodies of troops, until the Indians, availing themselves of their temporary evacuation, burned all the buildings of any consequence or value on the sugar plantation, and, on the other plantation, the cotton-house that had been more particularly prepared and used as a place of defence. Much valuable property was burnt up in these houses.

During the period of the occupation of these plantations by the troops of the United States, there were stored upon them large quantities of corn, hay, sugar cane, &c., all the property of the petitioner, and they were also well stocked with cattle. These means of subsistence and comfort were, to a great amount in value, taken possession of by the troops, or for their use, and were actually used and consumed by them. By these causes—by their military occupation—by that destructive license which is its too general attendant, and, finally, by the Indian warfare and its ravages, both these plantations have been literally desolated and made waste. The slaves that cultivated them, eighty in number, were driven off by the Indians, three of the most valuable of them captured, and most of them have since been a burden instead of a profit to their owner.

The committee forbear to go into the multiplied circumstances that make up and aggravate this case, or to protract this report by a recapitulation of the evidence that has been exhibited to them. The brief and general statement which they have made is abundantly supported by testimony, and will be sufficient to enable the Senate to determine whether, and to what extent, the petitioner is entitled to legislative relief.

The committee is of opinion that the petitioner is entitled to full compensation for all his property used and consumed by the troops of the United States, and for any damage done by them during their occupation of his plantations; and, furthermore, in consequence of that occupation, that the United States are bound to compensate him for the value of the houses, &c., that were burnt by the Indians, and also to pay him a just compensation for the use of his houses and premises while in the occupation of their troops.

The Committee of Claims, to which was referred the petition of General James M. Winder, has had the same under consideration, and reports:

That the petitioner is the owner of two valuable and extensive plantations in the eastern district of the Territory of Florida. That at the commencement of the Seminole war they were both in a high and prosperous state of improvement and cultivation; the one a sugar plantation, called St. Joseph, and the other a cotton plantation, called White Oak, situated about three miles from the first. On the cotton plantation was the main residence of the proprietor, and on each of them respectively all such costly and extensive articles, buildings and machinery, as were suitable and proper to their respective cultivation. In the early stages of the Seminole war, in the winter of 1835 and 1836, and in the spring of the latter year, their two plantations were taken into military possession by the troops of the United States, and the houses occupied and fortified as military posts, and places of defence; and, during the course of the winter and spring of 1836, the places were, by occasion and emergency required, occupied, evacuated, and reoccupied by various detachments and bodies of troops, until the Indians, availing themselves of their temporary evacuation, burned all the buildings of any consequence or value on the sugar plantation, and on the other plantation, the cotton houses that had been most particularly prized and used as a place of defence. Much valuable property was burnt up in these houses.

During the period of the occupation of these plantations by the troops of the United States, there were stored upon them large quantities of corn, hay, sugar cane, &c. all the property of the petitioner, and they were also well stocked with cattle. These means of subsistence and comfort were to a great extent in whole taken possession of by the troops, or for their use, and were actually used and consumed by them. By these causes—by their military occupation—by the destructive losses which it too generally attendant and finally by the Indian warfare and its ravages, both the slaves have been literally decimated and made waste. The slaves that survived them, eighty in number, were given off by the Indians, three of the most valuable of them captured, and most of them have since been a burden instead of a profit to their owner.