

1-24-1840

Report : Petition of J. McIntosh

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IN SENATE OF THE UNITED STATES.

JANUARY 24, 1840.

Ordered to be printed.

Mr. HUBBARD submitted the following

REPORT:

[To accompany Senate bill No. 187.]

The Committee of Claims, to whom was referred the petition of John H. McIntosh, praying compensation for property destroyed by the Indians, and United States troops in Florida, report:

That they have attentively examined the petition and testimony accompanying the same, and are satisfied that the petitioner is entitled to relief, but there is not sufficient evidence before us to enable us to come to any definite conclusion as to the amount of the loss for which he is entitled to compensation. They however report the accompanying bill, authorizing the Secretary of the Treasury to ascertain the amount of his loss and for the payment of the same.

The facts in the case are set forth in a report made to the Senate, February 7, 1837, by Mr. Ewing of Illinois, which is hereto subjoined.

FEBRUARY 7, 1837.

Mr. Ewing, of Illinois, from the Committee of Claims, made the following Report:

That the petitioner, John H. McIntosh, was the owner (it appears) of a large sugar and cotton plantation in the Territory of Florida; that it was occupied by the United States troops then engaged in a war with the Seminole Indians, under the command of Captain Gates, and subsequently Captain Drane, and converted into a military post; that said plantation was so occupied from the month of November, 1835, until about the 10th of June, 1836; that when it was finally abandoned the dwelling and some other houses on the plantation were destroyed by the Indians; and that, under the orders of the commandant at Fort Drane, Lieutenant Temple was despatched to the fort on the said plantation, with directions to destroy any property which might be found, to prevent it from falling into the hands of the Indians, which he accordingly did.

The petition of Mr. McIntosh represents his loss in houses, sugar, cotton, molasses, implements of husbandry, &c., to be \$45,000. Four several affidavits are made by Wiley Brooks, in which he confirms the statements of

Mr. McIntosh, as to the quantity and kind of property which was on the plantation during its occupancy by the United States troops, and when it was abandoned. George Marshall and McDowell Jackson, soldiers under the command of Lieutenant Temple, prove that when they arrived at the fort on the plantation of McIntosh, on the 10th of June, between 9 and 10 o'clock at night, they found the dwelling-house of the said McIntosh on fire, as also the picketing, and that under the direction of the said Temple, they assisted in setting the corn-houses and cotton-bags on fire. Jackson proves the additional fact that he heard Captain Gates give the order to Lieutenant Temple to proceed to the plantation of the said McIntosh, and destroy the property there, to prevent it falling into the hands of the Indians.

Bladen Dulany, a private in company C, 3d artillery, proves the same facts substantially.

John Dick, a corporal in Brevet Major Wilson's company, 4th infantry, kept the keys of the several houses on the plantation during the whole time of its occupancy by the troops, and confirms the statement of Mr. McIntosh relative to the kind and description of the property on the plantation—that the dwelling and four other houses were occupied by the troops as quarters for their accommodation, and that they were all burnt by the Indians immediately after the abandonment of the place by said troops. He further states that a great deal of rice, farming utensils, &c., were consumed and destroyed by the troops before leaving the place and while in their occupancy.

Captain Drane proves that the plantation had been occupied by the United States troops from the commencement of the Seminole war as a military post, and was used for such purposes; that when, agreeably to orders, he took command of the fort on the plantation, he found all the buildings and other property set forth in the petition, in complete order, and that they must necessarily have cost much labor and expense in their erection.

The plantation and buildings being occupied by the United States troops as a military post, and having been destroyed by the enemy and by the said troops by order of their commander, with the alleged view of preventing said property from falling into the hands and being destroyed by said enemy, constitute, in the judgment of the committee, strong claims upon the United States for remuneration; and the committee therefore report a bill.