

University of Oklahoma College of Law
University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

2-29-1848

Henry W. Andrews

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>

 Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

H.R. Rep. No. 244, 30th Cong., 1st Sess. (1848)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

Report No. 244.

HOUSE OF REPRESENTATIVES.

HENRY W. ANDREWS.

FEBRUARY 29, 1848.

Laid upon the table.

Mr. THOMAS, from the Committee of Claims, made the following

REPORT:

The Committee of Claims, to whom was referred the petition of Henry W. Andrews, now of Philadelphia, but late of Florida, praying to be indemnified for the destruction of his property, report:

That in 1836 the petitioner represents that he was seized of a sugar plantation, called Carrickfergus, on the Tomoka river, in Florida, upon which there were buildings, &c., as per schedule annexed, worth \$18,936. It is alleged that when the Seminole war commenced, in 1835, the petitioner abandoned his plantation, and that "on or about" the first of February, 1836, these buildings, &c., were all "destroyed and burnt entirely by the hostile Indians." It is further alleged that this occurred a "few days after the forces were compelled to abandon that portion of the country." It is also alleged that "the premises" had been "used as a military post by the troops of the United States." These are all the important facts alleged by the petitioner, as a ground for the relief prayed for.

This committee understand that, according to the rules recognized by Congress, to entitle a party to relief in such cases, it must not only appear that the property had been occupied and used for the purposes of defence, but also that this occupation was the cause of the destruction by the public enemy. But this is not even alleged to be so in the petition. Nor is the case changed by the proof. It is not clearly proved that the hostile Indians even burnt the property; and, if they did, from the proof it is most probable that they did so in a general burning of the property of the neighborhood, without regard to whether the same had been

fortified and used by the United States troops or not. The important parts of the testimony are herewith printed, for reference and preservation. The committee are aware of no principle, ever recognized by Congress, that will justify the granting of any relief to the petitioner; they, therefore, respectfully recommend the adoption of the following resolution:

Resolved, That the prayer of Henry W. Andrews ought not, and will not, be granted.

To the honorable the members of the Senate and House of Representatives in Congress assembled:

The respectful petition of Henry W. Andrews, now of the city of Philadelphia, but lately residing in Florida,

SHOWETH:

That your petitioner is proprietor and owner of a plantation, called Carrickfergus, on the Tomoka river, county of Musquito, in the Territory of Florida, and that when he was compelled to abandon it, in the latter part of December, 1835, the several buildings were erected thereon, and other property, as by schedule A is set forth; that these buildings cost a large sum of money to erect, and to procure apparatus for the cultivation of the sugar cane, and for the making of sugar; that at an immense expense materials for a steam engine and mill were procured from West Point foundry, and brought to his plantation, erected, and put into complete operation; that your petitioner is a very young man, just commencing life, and had all his means embarked in this property and business, was in a fair way of realizing some profitable return for these great expenditures and labor, when these hopes were crushed by the commencement of hostilities with the Seminole Indians, in the latter end of 1835; and there being at that time no competent or efficient force in that portion of country, to protect the lives and property of the inhabitants from the Indians, he was, in consequence, compelled to abandon his plantation and property, and retreat to a place of safety; that the plantation and buildings thereon, with all the property, as stated in schedule A, were, on or about the commencement of February, 1836, and within a few days after the forces were compelled to abandon that portion of the country, (the premises having been used as a military post by the troops of the United States,) all destroyed, and burnt entirely by the hostile Indians. He, therefore, prays that his case may be taken into your gracious consideration, and that relief may be extended to him for his great losses, by your honorable Senate and House of Representatives, in accordance with an act of Congress passed "9th April, 1816," or in such other manner as in your wisdom and justice may appear to you to be correct. And your petitioner will ever pray, &c.

HENRY W. ANDREWS.

CITY OF PHILADELPHIA, January 3, 1838.

A.

Schedule of the property belonging to Henry W. Andrews, on his plantation, called Carrickfergus, on the Tomoka, county of Musquito, Territory of Florida, destroyed and burnt by the Indians in the commencement of the war of 1836.

1. A two story framed dwelling house, (a double house,) with a portico, 40 feet by 30 feet; this house only built three years before.....	\$1,600 00
2. A kitchen and bakehouse, two story, 18 by 12 feet.....	300 00
3. A steam engine and house, built of stone, with boilers and apparatus complete.....	7,600 00
4. Boiling house, a stone building, curing house and cistern, and apparatus complete.....	5,000 00
5. A large framed two story cotton house, 30 by 20 feet, and a shed adjoining.....	600 00
6. A framed ginning house, with foot gins, 26 by 30 feet.....	500 00
7. A stable, 20 by 12 feet, (a new building).....	500 00
8. A framed carpenter's shop, 15 by 20 feet.....	150 00
9. Corn and fodder house, 20 by 20 feet, with a cattle shed adjoining.....	300 00
10. Twelve negro houses, 18 by 12 feet, some very old, average fifty dollars each.....	600 00
11. A blacksmith's shop, 20 by 18 feet, with bellows and utensils complete.....	200 00
12. A large pigeon house and fowl house.....	20 00
13. Dwelling house, 35 by 20 feet, occupied by the overseer.....	300 00
14. Fences round the plantation.....	200 00
15. Ninety acres of sugar cane, partly destroyed by the cattle, average left would make 10,000 pounds sugar, at eight cents per pound.....	800 00
16. One-third molasses.....	266 66
Total amount.....	18,936 66

B.

CITY OF ST. AUGUSTINE,
County of St. John's, Territory of Florida, } ss.

Personally came before me, George L. Phillips, esq., a justice of the peace in and for said county, duly authorized, commissioned, and sworn, Benjamin A. Putnam, who being duly sworn, deposes and says: That he was in command of several companies of volunteers and militia men of the 2d regiment, 2d brigade, Florida mili-

tia, stationed south, at Matanzas, Tomoka, and Musquito, on the commencement of the war in the years 1835 and 1836; that he continued in command of these forces until at the battle of Dunlanton, on the 18th January, 1836, with the Indians, he received a wound which made it necessary for him, a short time, to return to St. Augustine; that while in command of the forces, he saw it necessary, for the good of the service, to occupy the plantation called Carrickfergus, on the Tomoka river, and accordingly stationed a troop of mounted volunteers, under the command of Lieutenant Matthew Solana, at that place; that when Brigadier General Jos. M. Hernandez, commanding the eastern district of Florida, visited the stations south, he approved of his having established a military post at Carrickfergus, and ordered that Lieutenant M. Solana should continue in occupation of it until further orders; that a short time after the troops took up a position at Matanzas, owing to the increased number of the enemy, and the loss sustained in his command at the battle of Dunlanton, many of whom were severely and otherwise wounded, he believes the buildings at Carrickfergus, and upon almost the whole of the settlement south of Bulowville, were destroyed by the Indians.

BENJ. A. PUTNAM,

Major, commanding forces at Tomoka and Matanzas.

Subscribed and sworn to, before me, this 12th day of December, A. D. 1837.

GEO. L. PHILLIPS,

Justice of the Peace.

C.

CITY OF ST. AUGUSTINE,
County of St. John's, Territory of Florida, } ss.

Personally came before me, George L. Phillips, a justice of the peace in and for said county, duly authorized, commissioned and sworn, Joseph S. Sanchez, who, being duly sworn, deposes and says, that he is colonel of the 2d regiment, 2d brigade Florida militia; that at the commencement of the war with the Seminole Indians, in the latter end of the year 1835, a portion of his regiment, viz: the St. Augustine Guards, being company A, also, companies B and C, and a troop of mounted volunteers, under the command of Lieutenant Solana, were all placed by order of Brigadier General Joseph M. Hernandez, commanding the eastern district of Florida, under the command of Major Benjamin A. Putnam, of the St. Augustine Guards, and ordered south to protect the property and persons on the Tomoka, Musquito, and Matanzas rivers. That after the battle of Dunlanton, which took place on the 18th of January, 1836, the enemy in numbers exceeded so much that of our forces, they having been reduced from the number wounded at said battle, that it was deemed prudent to withdraw the forces, and

return to St. Augustine; a few days after this step was carried into execution, the buildings and property on the plantations were supposed to have been burnt and destroyed, as fires, and of very great extent, were seen in that direction, and that it has been since ascertained that every description of property had been destroyed by the enemy.

JOS. S. SANCHEZ,
Col. 2d reg. 2d brig. Florida militia.

Subscribed and sworn to before me, this 13th day of December,
A. D. 1837.

GEO. L. PHILLIPS,
Justice of the peace.

D.

CITY OF ST. AUGUSTINE,
County of St. John's, Territory of Florida, } ss.

Personally came before me, the honorable Elias B. Gould, judge of the county of St. John's, George L. Phillips, who, being duly sworn, deposes and says, that on the 31st day of December, A. D. 1835, he was appointed on the staff of Brigadier General Joseph M. Hernandez, commanding the eastern district of Florida, and that he commanded the escort of mounted volunteers from the 2d regiment, 2d brigade Florida militia, and accompanied the general when he visited the military posts south, on the commencement of the war with the Seminole Indians; that during this excursion south, he with his command, and escorting the commanding general, visited, about the 4th or 5th of January, 1836, the plantation of Carrickfergus, on the Tomoka river, which was then occupied as an advance military post by a troop of mounted volunteers, under command of Lieutenant Matthew Solana, of the 2d regiment, 2d brigade Florida militia. That the buildings were then standing on the plantation, as enumerated in the schedule A, annexed to this affidavit; that by orders from General Hernandez they had been occupied for the good of the service as a depot for the reception of the provision from the different plantations in the neighborhood, to prevent its falling into the hands of the enemy; that when deponent was there with General Hernandez, a very great quantity of corn, which had been removed from the plantations, was then in store in most of the buildings, and guarded by the said troop of horse, under the command of Lieutenant Solana.

GEO. L. PHILLIPS.

Subscribed and sworn to before me, this 11th day of December,
A. D. 1837.

E. B. GOULD,
Judge C. C., St. John's county.