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Jane Allen Birckhead

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IN THE SENATE OF THE UNITED STATES.

JUNE 22, 1870.—Ordered to be printed.

Mr. WILLEY made the following

REPORT.

[To accompany bill S. No. 836.]

The Committee on Claims, to whom was referred Senate bill No. 836, for the relief of Jane Allen Birkhead, having considered the same, beg leave to submit the following report:

In 1842 Alexander Watson presented to the Senate and House of Representatives a memorial setting forth that in 1830 he purchased a tract of land on the Suwanee, in the State of Florida, for the purpose of establishing a sugar plantation there; that he largely improved the same for that purpose, and erected thereon an elegant mansion and other tenements, and extensive and costly sugar works, costing him, including the value of the labor of himself and servants, upward of \$42,000; that he had well stocked the same with cattle, hogs, horses, &c., and was successfully and largely engaged in raising sugar and other commodities in 1835, when the Indian war of that year broke out; that he "had always cultivated the friendship of the Indians, who often visited his place previous to the war, and he believed, and always believed, that his kind treatment of them had an effect, and his efforts to conciliate them were so successful, that they would not have molested him, if he had been permitted to remain on his premises and take care of them; that in 1836, during said Indian war, he was compelled by one Major McLemore to leave his said premises, and remove, with his slaves, into the interior; that the military authorities, by command of said McLemore, took possession of his mansion and other buildings, and converted them into places of deposit for military stores, &c., and seized and used his stock, sugar, salt, and all his personal property on said premises; and that, in consequence thereof, the Indians were provoked to destroy his said buildings by fire; and that, but for said seizure and occupancy of said premises as places of deposit, no such destruction would have taken place;" wherefore, he claimed that there was a liability on the part of the United States to indemnify him for the loss thus occasioned.

On the 22d July, 1842, the Senate of the United States, in response to said memorial, passed a bill as follows:

AN ACT to provide for the settlement of claims for losses of property, by reason of its military occupation, in the Territory of Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War cause to be audited and adjusted the claims of all persons who have sustained damage by the loss, capture, or destruction of property in the Territory of Florida, since the commencement of Indian hostilities in eighteen hundred and thirty-five, according to the provisions and principles of the act entitled "An act to authorize the payment for property lost, captured, or destroyed by the

enemy, while in the military service of the United States, and for other purposes," approved the ninth of April, one thousand eight hundred and sixteen, as amended by the act of the third of March, one thousand eight hundred and seventeen. And that the said Secretary shall have full power and authority, in all cases when it may be deemed expedient, to cause testimony to be taken, by awarding commissions for that purpose to such discreet commissioners as he shall designate; and, after auditing and adjusting such claims as aforesaid, upon careful examination and investigation, the report of the facts in each case, and the adjudication thereon, shall be transmitted to Congress as soon as may be, that such provisions may be made for the relief of the respective claimants as shall be just and proper: *Provided*, That whenever compensation has been heretofore allowed, either by general or special laws, for any such damage, the same shall be deducted before any further compensation shall be allowed under this act.

SEC. 2. *And be it further enacted*, That the following claims heretofore favorably reported upon by committees of Congress, namely: of Joseph M. Hernandez, of General D. L. Clinch, of the heirs of J. J. Bulow, of the heirs of James Williams, of Gal Humphries, and of John H. McIntosh, may be audited and adjusted in the manner and upon the principles herein prescribed, and the amount found due paid out of any money in the treasury not otherwise appropriated: *Provided*, That the amount paid shall in no case exceed the sum heretofore sanctioned by one House of Congress, or a report of a committee thereof, for the injury in question.

Passed the Senate, July 22, 1842.

Attest

ASBURY DICKINS,
Secretary.

This bill was sent to the House of Representatives and referred to the Committee of Claims, which reported the same back to the House, recommending that the second section be struck out; but it does not appear that any final action was taken thereon.

The memorial was again referred in January, 1844, and on the 29th January, 1844, Mr. Wright, from the Committee on Claims, reported the following bill, which was read and passed to a second reading:

A BILL to provide for the settlement of claims for losses of property, by reason of its military occupation, in the Territory of Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War cause to be audited and adjusted the claims of all persons who have sustained damage by the loss, capture, or destruction of property in the Territory of Florida, since the commencement of Indian hostilities in eighteen hundred and thirty-five, according to the provisions and principles of the act entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," approved the ninth of April, eighteen hundred and sixteen, as amended by the act of the third of March, eighteen hundred and seventeen. And that the said Secretary shall have full power and authority, in all cases when it may be deemed expedient, to cause testimony to be taken, by awarding commissions for that purpose to such discreet commissioners as he shall designate. And after auditing and adjusting such claims as aforesaid, upon careful examination and investigation, the report of the facts in each case, and the adjudication thereon, shall be transmitted to Congress as soon as may be, that such provision may be made for the relief of the respective claimants as shall be just and proper: *Provided*, That in all cases where the claim, or any portion thereof, shall be for the damage or destruction of buildings, inquiry shall be particularly made whether the occupancy of such buildings was at the request of the owners or was ordered and intended for the protection of the buildings and property of the owners against Indian depredations, or whether such buildings were voluntarily occupied by the United States officers and agents, for the convenience, benefit, and protection of the troops and property of the United States; and in all cases where the occupancy was at the request of the owners of the buildings, or had for its object the protection of the buildings and property of the owners from injury and destruction by the Indians, the facts shall be reported, but no allowance for any such buildings shall be made in the statement of the account of the claimant. And in all cases where partial compensation has been made to any claimant, either by general or special laws, the said Secretary shall cause the statement to be so made as to embrace and exhibit the whole original claim, and the amount of such partial compensation shall be brought into the account, and presented as so much paid upon the claim.

It does not appear that this bill was acted on by the Senate.

The memorial was again referred to the Senate on the 16th December, 1846; and on the 11th January, 1847, Mr. Butler, from the Committee

on Claims, reported a bill identical with that last above recited, accompanied by a written report. This bill was not acted on. The report is as follows:

The Committee on Claims, to whom was referred the memorial of Alexander Watson, praying to be indemnified for property destroyed by hostile Indians in Florida, have had the same under consideration, and beg leave to report a bill, upon the statement of facts hereunto annexed:

It appears in evidence in the case of Alexander Watson, who prays for indemnity for property destroyed by hostile Indians in Florida, that said claimant was, during the late Seminole war, the proprietor of a large cotton and sugar plantation on the Suwanee River, on which he had erected extensive and costly improvements for planting purposes. It further appears that Major McLemore, a militia officer in command of Fort Dabney, a post within three or four hundred yards of said improvement, took possession of them, and occupied them as places of deposit of stores and for hospitals for the accommodation of his men. It is also in evidence that the above-mentioned occupation did not take place at his solicitation, nor for the protection of the claimant's property, he being averse thereto in consequence of the friendly relations which had always existed between himself and the Indians, and the belief that he could repel any attack that might be made with his own slaves and such other armed force as he could procure with his own resources. The occupation, as shown in the testimony, took place for the prevention of hostile aggression beyond the Suwanee River and the protection of Middle Florida. The immediate cause of the destruction of the claimant's property arose, as stated in the evidence, in a skirmish which had taken place a day or two previously thereto, in which several Indians were killed. As the battle was fought in the immediate neighborhood of the buildings, the witnesses are of opinion that the Indians were actuated by motives of revenge for the loss of their friends, and would not, under other circumstances, have attacked the premises.

The claimant has already received indemnity for the loss of a portion of his property, consisting of *corn, bacon, &c.*, consumed by the troops during their stay in the neighborhood, but claims further remuneration for *sugar, molasses, and other articles*, distributed among them by the quartermaster of the station, for which the Comptroller of the Treasury did not think proper to make allowance, as, in his opinion, they did not come within the provisions of the law then existing. (See letter of General Gibson, Commissary General of Subsistence, filed with the papers and marked A; also the letter of Captain Hetzel, of the Quartermaster's Department, marked B.)

The fact of the occupation of the premises having taken place at the suggestion of the military officer in command, and in opposition to the wishes of the claimant, is set forth in the depositions of his subalterns, that officer having died soon after the occurrence took place. (See the depositions of John C. Pelot, John H. Patterson, Francis Broward, Alexander Martin, William B. Hooker, and John Miller.)

The respectability of the claimant is attested by a large portion of the members of the legislature of Florida, who express in strong terms their belief in the justice of his claim.

The memorial was again referred in December, 1847, and also again in January, 1849; but it does not appear that it was considered.

And now, the said Alexander Watson having died, the claim is revived by his daughter, the said Jane Allen Birckhead, who is a widow, for whose relief the aforesaid bill is presented.

In order to show more particularly the manner in which said property was destroyed, the committee insert two of the depositions filed. These are strongly corroborated by several others:

Deposition of John C. Pelot.

TERRITORY OF FLORIDA, *Columbus County, ss:*

John C. Pelot, esq., of said county, being duly sworn, saith that in the latter part of the year eighteen hundred and thirty-five, between Christmas and New Year, he was acting as first lieutenant of Florida militia, in the service of the United States against the Seminole Indians, the war having broke out but a few days. That deponent was under the command of Captain John McLemore, of the Sixth regiment of Florida militia; that his command was stationed at Fort Dabney, on the Suwanee River, in Madison County, immediately adjoining the sugar plantation called Carleton, owned by Alexander Watson, esq.; that said Watson had a large force of negroes on said plantation until about New Year, 1836, and from his expressions and conduct at first, seemed to believe he could successfully defend his place with his slaves, if the Indians

should assail it, which he did not seem to apprehend; that the inhabitants of the upper settlements, and officers and other citizens in service, were impressed with the conviction that his large slave force might be enticed to join or aid them, and as his plantation was remote and isolated, being on the extreme frontier of that section, such force upon it increased the danger of the other settlements; and that Mr. Watson was constrained by their representations, solicitations, and remonstrances to remove his slaves to the interior, and leave his plantation to the defense of the troops; that Captain McLemore, in deponent's presence, demanded of Mr. Watson possession of his buildings and the keys of the same, that he might have full access thereto, as he intended to use them as places of depot for provisions and forage for the troops at Fort Dabney, which was only between two and four hundred yards distant; that he also stated he should use the stores and forage at said place for the troops stationed at the pickets; that said Watson gave him his keys and the possession of his buildings, and took away his slaves, but with some reluctance; that deponent knows, of his own personal knowledge, that said Watson's buildings were used as quarters for the troops for some time, and, as deponent has understood and believes, until their safety from attack of superior Indian force demanded the concentration of the troops in the pickets, and also that the buildings were used as a depot for provisions and forage; that Lieutenant William B. Hooker and Lieutenant Francis Broward were at different times in command at Fort Dabney, and acting under McLemore, who, in January or February, 1836, he was appointed major of the Twelfth regiment, and after his death in the spring of 1836, he was succeeded by Major Joseph McCants, under whom other officers were in command at that post; that it is a notorious fact, in this section of Florida, that all said Watson's buildings were destroyed by hostile Indians in June, 1836, and deponent believes that the occupation of the post at Fort Dabney and of said Watson's buildings by the troops, and their being supplied with stores from his plantation, and the killing of some Indians the day previous to their destruction, not far from his house, provoked the attack and destruction of his place by the enemy at that time, although the deponent has little doubt that they would have destroyed it during the war, unless defended by a competent force; that deponent has no claim for losses by destruction of property by the Indians, and believes Mr. Watson's claim to be as honest and just as any other preferred; that deponent cannot state the amount of his losses, but his plantation was very valuable, and the injury sustained must have been many thousand dollars.

Deposition of John Miller.

At the request of Alexander Watson, esq., I cheerfully give a statement of the facts within my knowledge, as to the circumstances attending the destruction of his plantation in June, 1836:

The murder of General Thompson, the massacre of Dades' command, and the defeat at the Withlacoochee, all occurring late in December, 1835, spread consternation along the whole frontier of Florida, which extended up even to the interior settlements in Madison, Jefferson and Leon Counties. Measures were immediately adopted to prevent the Indians crossing the Suwanee, as was apprehended, and making depredations on the inhabitants of those counties. Among others adopted, Major McLemore was sent to the Suwanee with a militia force to guard the passes of the river. A force was stationed at Charles's Ferry, and one at Fort Dabney, and another at my plantation, both the last being contiguous to the "Old Town" crossing-place, and being deemed the points where the Indians could cross with greatest facility. Fort Dabney was located between three and four hundred yards from Mr. Watson's buildings. The protection of his property was not the object of having this post; it was to command the passes of the river, and the protection of this particular place was incidental only. Mr. Watson, (if he had employed an additional force and picketed in his buildings,) with his faithful slaves, could have defended his property from destruction, and have, perhaps, partially cultivated his lands, though not profitably. There were no supplies of forage or provisions, however, in that region to be got for the troops, and they could not be procured and sent there readily. It was necessary those on his place, laid in for his laboring force, should be used for the troops, and accordingly Major McLemore and his officers took possession of them for that purpose, and Mr. Watson took off his slaves to the interior. The plantation and buildings on his place and their contents were all taken charge of by the troops, who used everything as they needed it. They used his houses as depots and as quarters. His statement in his memorial on this subject is in my belief correct in every respect. His occupation of his property was totally inconsistent with that of the troops. Their use of it would, if he had endeavored to stay in it, have prevented him from making any use of it, and in fact without his stores and provisions, which they used, he could not maintain his slave force, or any other force there. I know personally he was promised his place should be taken care of and protected by the troops when it was abandoned to them. It was in the exclusive use and possession of the troops when it was burned. I saw it burned.

It was on the 18th of June, 1836, about 1 o'clock p. m., in the day. I was at my place about a mile off. The day before the troops at Fort Dabney and my place had a skirmish with the Indians and whipped them. They burned Mr. Watson's buildings in revenge for it. The buildings were used as appurtenances to the fort, in my opinion, and it was their contiguity to it, and their use, that I consider that caused them to be selected as objects of devastation. The Indians were in large force, and I understood at the time laid two ambuscades, one between my place, and another between Fort Dabney and the buildings, and sought to draw out the small force of militia into them. The men being sick and but few in number, had to let them effect their work of destruction unmolested. I have no hesitation in expressing the opinion from the facts within my knowledge, that the destruction of Mr. Watson's buildings was in consequence of their occupation by the troops, because the Indians during the war have invariably pitched on houses which have been thus occupied, in preference to others, as objects of destruction. Mr. Ephraim Tyner, a neighbor of mine, left his house at the commencement of the war several months, and then returned to it, and found, although it had been abandoned some time, and the savages had been repeatedly at it in his absence, it had not been injured. Upon his return it was made a station for a guard. He was compelled to leave it again, and the troops also left it, and it was destroyed in a few days. There are several other similar cases. Mr. Watson's course toward the Indians before the war had been kind and conciliatory, (but I have little doubt he would have been deceived in his reliance on their not doing him an injury, which idea he seemed to entertain at the first,) and I hardly think his property could have escaped through the whole war, unless a force sufficient to protect it had been kept there continually—indeed, I am certain, unless he had erected strong pickets and other defenses, he could not have saved it. The troops at Fort Dabney should have erected pickets around his buildings and part of them stayed there all the time. Everything not used by the troops on the place was burned. I was acquainted with the place, and was on it. I have before examined an account, of which a copy is annexed to Mr. Watson's memorial, amounting to \$32,309 51, and attested to its correctness, as I believe. It specifies the cost of sundry materials and sundry labor, &c., in erecting the buildings and sugar works, but it does not state the value of the works. I have examined the appraisement annexed to the memorial and think it a moderate and fair appraisement. As to the corn and provisions charged in the account, I cannot say. There was considerable on the place in January, 1836—much more than is there charged. A great deal was taken away or used, as I at the time understood, by the troops, and a great deal destroyed when the buildings were burned. I know there were several hundred bushels of corn destroyed, and the sugar and sirup and molasses are not overcharged. I am satisfied Mr. Watson has not made any estimate for the deprivation of the use of his lands, or for the deprivation of the use of his buildings and works since January, 1836. This loss is, in my opinion, greatly exceeding the interest on his money paid for his lands to government in 1830, and the interest on the value of his buildings and works, as above charged. His loss was immense, and as it was caused, as I consider, by the neglect of the government and by their taking possession of his property and keeping it, and as it was destroyed while they had it in their possession, I regard his claim as a most honest and just one. Posts in that section have been kept up to watch the passes of the river long since his place was burned, and are still kept up, or till within a few days past. Fort Dabney was located on the river bank to command it and prevent the Indians crossing. It was no protection or defense to Mr. Watson's buildings; as it was, it incited the Indians otherwise. The fort was sickly, and the men used Mr. Watson's buildings as more comfortable and healthy quarters. I hired men for several months at my own expense to defend my place, but found that I could not cultivate my land whether troops were there or not, so as to make expenses, owing to the Indians every few days around the place, and I therefore gave up my houses to the troops, and they were subsequently destroyed, for which I have not as yet received any remuneration. No idea was then entertained by us, to my knowledge, of there being any distinction between government paying for property destroyed by the Indians on account of its occupation by troops, or because no protection was afforded by the government, and therefore no effort to get troops stationed on our places could have been caused by such motives.

JOHN MILLER.

The foregoing statement, deposed to by John Miller, esq., before me, the subscriber, a justice of the peace of Leon County, Territory of Florida, April 19, 1841.

W. C. CAMPBELL, *Justice of the Peace.*

Much difficulty has been encountered by the committee in ascertaining the actual value of the property destroyed. The original claimant filed with his memorial a detailed statement of the original cost of the buildings destroyed, based on original bills of purchase of materials,

cost of labor, &c., not including his own personal attention and services. This statement also included an inventory of personal property which was destroyed with the buildings. The sum total of this statement is thirty-two thousand three hundred and nine dollars and fifty-one cents. He alleges, however, that so far as the cost of materials is concerned, they were worth much more on the premises than at New York and elsewhere, where they were purchased. He also files the following appraisement made by gentlemen who are certified to be of good reputation by the United States attorney :

APPRAISEMENT.

Schedule of property belonging to Alexander Watson, destroyed by the hostile Seminole Indians at his plantation, called Carleton, on the Suwanee River, Madison County, Territory of Florida, at noonday, the 18th of June, 1836.

1. Dwelling-house, built in 1835, on pillars five feet from the ground, one story high, framed of the best materials, lathed and plastered, piazzas front and rear, size of the building fifty feet by fifty-four feet, mullion doors, and painted in the best manner	\$4,500 00
2. Kitchen, built on the ground, one story high, weather-boarded with one-inch plank, floored with one and one-quarter inch tongued and grooved plank, shingle roof, brick chimney, and well finished, size fifteen feet by thirty feet, built in 1835	500 00
3. Smoke-house, built on the ground, one story high, weather-boarded with one-inch plank, floored with one and one-quarter inch tongued and grooved plank, shingle roof, and well finished, built in 1835, size fifteen by fifteen feet	350 00
4. Cotton-house, one and one half stories high, plank floor, built of logs hewed square, shingle roof, size twenty by twenty-two feet, built in 1830	800 00
5. Corn-house, built of logs, plank floor, clapboard roof, size sixteen feet by twenty-four feet, and built in 1835	250 00
6. Stables one and one-half stories high, built of hewed logs and squared, plank floor for loft, shingle roof, size twenty-four feet by twenty-eight feet, built in 1830	550 00
7. Blacksmith's shop, built of logs, clapboard roof, built in 1830, and fixtures	300 00
8. Eight negro houses, built of logs, clapboard roofs, and plank floors in part	500 00
9. Sugar-house for boiling and curing, thirty feet by one hundred and ten feet, one story high, fifteen feet from the floor to plates; boiling-house floored with two-inch plank, and curing-house floored with two-inch plank, grooved and guttered, built in 1835 of the best yellow pine, weather-boarded with one and one-quarter inch plank, shingle roof; molasses cistern fifteen feet by fifteen feet, four feet deep; eight coolers and two raw juice clarifiers five feet by seven feet, and one raw juice cistern ten feet by ten feet, all built in the best manner and oil painted; sugar mill of cast-iron rollers, three in number, twenty-two inches diameter, composition boxes entirely new and put up fall of 1835, made in the best manner at West Point foundry, with iron grate bars, copper kettles, five in number, measuring each 700 gallons, 500 gallons, 350 gallons, 200 gallons, and 90 gallons; copper elevator and copper pump, weighing 3,837½ pounds; two copper basins, four copper ladles, four copper skimmers, and charging cock and pipe; one iron crane and chain, setting kettles in boiling-house with English patent furnace brick, and building chimney with double flues thirty-five feet high and eight feet diameter at the base; one copper still and copper worm, two worm tubs, two pounds composition nails, and two hundred pounds hoop iron	14,250 00
10. Engine-house thirty feet by thirty feet, one story high, fifteen feet from floor to plates, weather-boarded with one and one-quarter inch plank, shingle roof, built of best yellow pine in 1835; wooden frame for mill on posts, ten feet from the ground, forty feet diameter, platform six feet wide all round, with railing	2,049 00
11. Twenty-three hogsheads sugar, 18,900 pounds in the curing-house	2,673 50
12. Fourteen hundred gallons molasses in cistern	560 00
13. Eighteen hundred pounds sea-island cotton in the seed and stored in curing-house	2,340 00
14. One yawl-boat, kedge anchor and cable for flat, one bale oakum	90 00

15. Ten plows, six carts and wheels, farming utensils, carpenter's tools, two whip saws, one cross-cut saw, 1,400 oak staves and 480 heading stored in curing-house.....	\$900 00
16. Household furniture, new and in good order.....	350 00
17. One set new harness for one horse, hames, leather, one set grain measures, two sets turners' tools, one barrel pork, one barrel sirup, four ox-chains, one cart saddle in curing-house.....	112 00
18. Sixty acres seed sugar cane.....	4,500 00
19. Seventy-five acres ratoon sugar cane.....	3,750 00
20. Three cows and calves, two yearlings.....	40 00
21. Twenty-nine head of oxen.....	870 00
22. Eight head of hogs and pigs.....	48 00
	40,282 50

Attested by Ambrose Cooper.

TERRITORY OF FLORIDA, *St. John's County* :

We, Joseph S. Sanchez, Donglaft Dummett, and George Center, of the Territory of Florida, being called on by Alexander Watson to appraise the losses sustained by him by the destruction of his property by the hostile Seminole Indians, do certify that we have carefully made out the foregoing appraisement, and find the amounts to the several items therein contained according to our belief of their actual worth and value at the time of their destruction, and in said estimate and appraisement we have not included any charge for incidental losses or consequential damages resulting from said destruction. We are well acquainted with the value of the species of property we have appraised, and believe said Watson's works and buildings were equal, if not superior, to any in Florida. His losses, by being obliged to abandon his place, must be great. We estimate his probable crop of 1836 at \$20,000, if he had had good success.

JOS. S. SANCHEZ.
D. DUMMETT.
GEO. CENTER.

OFFICE UNITED STATES DISTRICT ATTORNEY,
St. Augustine, East Florida.

I hereby certify that Joseph H. Sanchez, esq., Donglaft Dummett, esq., and George Center, esq., who have given the foregoing certificate, are citizens of Florida, of the most respectable character and standing. The destruction of Mr. Watson's plantation houses and sugar works on the Suwanee River by hostile Seminole Indians, and that he suffered great loss thereby, is a fact notorious in Florida, and his improvements were generally reported as among the best and most valuable in the Territory. But I cannot state from my own knowledge what they should be estimated at, but the testimony of the above-named gentlemen is, in my opinion, entitled to full credit.

THO. DOUGLAS,
United States Attorney.

This statement is corroborated by several witnesses, among them a master carpenter, who assisted in the construction of the buildings, and who testifies a follows:

TERRITORY OF FLORIDA, *St. John's County* :

AMBROSE COOPER, of said county, being duly sworn saith, that he was employed with several other mechanics by Alexander Watson, esq., in the years 1834 and 1835, in the building and finishing said Watson's dwelling-house and other houses and improvements, and his sugar mills and works, at his place called Carleton, on the Suwanee River; that deponent is a master carpenter and builder, and is well acquainted with the cost of erecting such buildings and works; that deponent was a contractor for the putting up of most of said buildings and works for said Watson; that he has examined the annexed statement (which to identify he has signed at the foot thereof) amounting to \$40,282 50, and has also had reference to various original bills relating to the cost and expenses of said improvements, and that this deponent has no hesitation in stating that he believes said buildings and improvements are set down in said statement at considerable less than their actual cost and value to said Watson. And this deponent further says that he has had exhibited to him a copy of the original bill or specification presented by said Alexander Watson with his first memorial to Congress, amounting \$32,309 51, and has examined the same particularly; that the same contains the amounts of the principal parts of the bills actually paid out in cash for materials purchased and appropriated to the erection and building of said houses and other improvements and otherwise expended therein, and for produce on the place as therein set forth—the same being also stated as per original bills of cost in New York and elsewhere, at the places where the same were purchased, and not their cost and worth in Florida, which was much more; and that the actual worth and value, and, indeed, the actual cost, of said

property so destroyed is not stated therein less several thousand dollars; and that said statement, amounting to \$40,282 50, is much nearer the same, in the judgment of this deponent, although still less than it should be; that many expenses known to those dependent are omitted in said former statement—said Watson inserting therein only those making his which at the time he could make reference to bills in his possession, and making his estimates with regard to the property erected by himself, without reference to anything beyond the materials, and omitting estimates of the labor of himself and his own force in erecting the same. That the dwelling-house was one of the best built and best furnished houses in Florida, and the other improvements were put up and finished in a very superior manner. That deponent has examined said statement with reference to the boilers, kettles, sugar mills and various other articles therein stated as being on said place and belonging to said Watson. That deponent knew that said Watson was when he (deponent) left the place in 1835, fully prepared to manufacture sugar, and would have made a very valuable crop the next year, and had everything necessary to do so; and deponent is prepared to say, from his personal recollection and knowledge, that the description and value thereof, as set forth in the said statement, is just, and can also state the same with respect to the boat and flat and the household furniture, and kitchen utensils and plantation tools. This deponent knows nothing about the sugar and cotton on the place being destroyed, nor that the Indians destroyed it, although he has understood from general rumor such was the fact. This deponent knows there was cane and cotton growing on the place in 1835, from which the sugar and cotton destroyed was manufactured, as deponent has been informed, and has no doubt; but what was done with either he does not know of his personal knowledge. This deponent has no claims for losses against the United States and is in no wise interested in said claim.

AMBROSE COOPER

Subscribed and sworn to before me, this 29th day of September, A. D. 1840.

GEO. L. PHILLIPS,
Justice of the Peace.

By analyzing the foregoing account it will be seen that the appraised value placed upon the buildings destroyed is \$24,049; and that the value fixed upon the personal property destroyed was \$16,233 50. But this latter includes sixty acres of seed sugar-cane and seventy-five acres ratoon sugar-cane, valued at \$8,250. This latter estimated sum was necessarily speculative in its character, inasmuch as the final value depended upon the growth, maturity, saving, and manufacture of the crop.

Moreover, the said appraisal, being *ex parte* in its character, must be regarded with more or less distrust of its accuracy. But the whole case shows that the loss of Mr. Watson was very serious and considerable. It is impossible to arrive at an exact estimate of the loss; but, upon consideration of the whole case, the committee are of the opinion that the value of Mr. Watson's property seized and used by the military authorities not heretofore paid for, and of the property destroyed by the Indians, could not have been less than \$30,000.

And inasmuch as the testimony is reasonably conclusive as to the fact that if Mr. Watson had been permitted to retain possession of his property it would not have been destroyed, and that the seizure of it by the military authorities, and its use by them as a place of deposit, &c., superinduced its destruction by the Indians, the committee are of opinion that the case comes within the spirit and reason of the act of 9th of April, 1866, and that the heirs of said Watson are entitled to relief. They therefore recommend the payment of the aforesaid sum of \$30,000.

The bill referred to the committee is for the relief only of Jane Allen Birckhead; but it has come to the knowledge of the committee that there are other children of said Alexander Watson. The committee therefore recommend that the bill be amended so as to include the other heirs of said Watson, and that the sum allowed be the aforesaid sum of \$30,000, and that the bill thus amended ought to pass.