

IN SENATE OF THE UNITED STATES.

JANUARY 10, 1839.

Submitted, and ordered to be printed.

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

REPORT:

[To accompany Senate bill No. 185.]

That it appears Gad Humphreys was the owner of a plantation in Florida; that it was taken possession of, fortified, and occupied by the troops of the United States as a military post, during the present Seminole war, in the year 1836; that, on the abandonment of the fort established on the plantation, called "Defiance," a large amount of property, viz: the value of \$3,294, was destroyed on the 24th day of August, 1836, by order of brevet Lieutenant Colonel B. K. Pierce, the officer then in command of the United States troops at this post.

Clear and satisfactory accounts are exhibited by Colonel Humphreys of each and every article of property destroyed, all which are supported and proven by the affidavits of John G. Tiner, S. Beckham, and Benjamin Horn, to whose entire credibility E. B. Gould, judge of the county court of St. Johns county, East Florida, certifies.

It is furthermore satisfactorily proven that, on the night of the 20th June, 1836, during an attack on the fort by a large body of Indians, there were taken and captured from the premises of the petitioner situated near to and under the guns of the fort, twenty-eight negroes, the property of said petitioner, for which said petitioner had been offered, a few days before their capture, six hundred and fifty dollars each, and that the capture was occasioned by the necessary occupancy of the houses of said petitioner within the fort by the troops, and the consequent exposure of the negroes, who were compelled to occupy houses of the petitioner without the fortification.

The committee come to the conclusion that, inasmuch as the property of the petitioner was taken and occupied by the troops of the United States as a military post, and, on its abandonment by said troops, destroyed by order of the commander, that the petitioner is therefore entitled to remuneration; and they accordingly report a bill.