

JACOB HOUSEMAN.

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FEBRUARY 9, 1842.

Read, and laid upon the table.

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Mr. GOGGIN, from the Committee on Military Affairs, submitted the following

REPORT :

*The Committee on Military Affairs, to whom was referred the petition of Jacob Houseman, of the Territory of Florida, report :*

That it appears, in the month of January, 1836, when the people of the Territory of Florida began to be first interrupted by frequent disturbances among the Indians, and when great apprehension of danger was felt in every quarter almost of that ill-fated Territory, Houseman, the memorialist, residing at Indian Key, was among the first to take measures for the defence of the country ; that he raised a company of men for the protection of the place ; was himself elected captain of the company ; and that he seems to have provided, on his own account, arms, equipments, and rations for the men, whom, also, he paid for their services, (in the whole, a sum of from twelve to fifteen thousand dollars, exclusive of the pay of a captain and lieutenant ;) that the Secretary of War has not deemed himself authorized to pay the claim of Captain Houseman, under any law of the United States. The laws of Congress authorize payment only "of militia or volunteers called into service by authority from the War Department, or those called out to defend East Florida by Generals Clinch and Hernandez, or by the Governor of Middle and West Florida, and such other militia and volunteers as have been received and mustered into the service of the United States, and regularly discharged."

It appears that Houseman was elected captain, as aforesaid, and that his company was denominated "company B, 10th regiment Florida militia;" that, on the 27th January, 1836, Major Easton, commanding in the militia of the Territory, issued an order to Captain Houseman to call into service all the able-bodied men within his command, to be subject to the rules and articles of war ; but that there is no positive proof that service was rendered by the men under his command, except copies of certain receipts for the pay of the men, which are filed along with his memorial. The memorialist states that the originals were sent to a former Delegate in Congress from the Territory, and probably lost. The copies are certified to be truly taken from originals by a notary public. *Why* these copies were taken, however, does not appear ; and this circumstance, together with the entire absence of all the original papers, have, of themselves, caused many

doubts upon the minds of the committee as to the propriety of allowing the claim.

It appears that, at the time the order aforesaid was issued by Major Easton, he had in view the law which declares: "If a sudden invasion or insurrection shall take place, or be made or *threatened*, on any portion of the Territory, the commanding officer of the militia, or any portion thereof, adjacent thereto, shall be, and he is hereby, authorized and enjoined to order out the militia to repel or suppress the same; and the troops thus ordered into service shall be subject to and governed by the rules and articles of war prescribed for the government of the United States troops; and the said officer shall forthwith report the same to his commanding officer."

By a letter of Brigadier General Hernandez, who commanded the Florida militia, it also seems that, about the beginning of the year 1836, he issued orders *calling out* the several regiments of his brigade; but, as there were no means by which he could communicate with the *colonel of the 10th regiment*, that officer did not receive his orders; but that he, (the officer,) as he learned afterwards, had already *acted* on the authority of the Territorial law of 1832 above recited.

In regard to the length of time that Captain Houseman and his men were actually employed, how long such necessity existed as required their employment, or how long they were recognised as in service by the higher *commanding officers* of the Territory are facts which this committee have no satisfactory means of ascertaining; and in the absence of which, as well as the want of proper proof of the men's being regarded in the service at all, the committee would not feel authorized to recommend an allowance of the claim. Captain Houseman and his men do not seem to have been, at any time, regarded at the War Department as in the service of the United States, no returns of them as troops having been made. The committee, on the whole, recommend that the claim of Captain Houseman be rejected.