

HEIRS OF JOSHUA KENEDY.

[To accompany bill H. R. No. 461.]

JUNE 17, 1846.

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

REPORT :

*The Committee of Claims, to whom was referred the memorial of Joshua Kenedy, now deceased, beg leave to report :*

The memorial prays compensation for the loss of property destroyed in September, 1813, by the hostile Creeks, whilst the premises were occupied by the troops of the United States as a military post. The evidence to sustain the claim is as follows : Nicholas Cooks states on oath, that, a few days before the massacre at Fort Mims, he was at Kenedy's mills ; that they were stockaded, and troops were there stationed ; that Major Beasley, who commanded at Fort Mims, came to Kenedy's mills, and ordered intrenchments to be made, which was done before Major Beasley left ; and that the witness returned to Mobile on the day Major Beasley started back to Fort Mims ; that in a few days after the return of the witness to Mobile, the troops stationed at the mills and the citizens of the neighborhood retreated in haste to Mobile ; and some days after the arrival of the troops from Kenedy's mills, at Mobile, George Steggins brought the information of the destruction of Kenedy's mills by the hostile Creek Indians. The witness estimates the value of the mills, the dwelling-house, cotton gin, and cotton destroyed, from 15,000 to 20,000 dollars.

Andrew Metton, a soldier, says he was stationed at Kenedy's mills ; that they were occupied by the troops as a military post, by order of General Claiborn ; that on the fall of Fort Mims, Lieutenant Montgomery, who had been stationed in the neighborhood of Fort Mims, retreated immediately to Kenedy's mills, and took the troops there stationed immediately to Mobile, leaving Kenedy's mills as an unoccupied fort ; and shortly after, the mills, dwelling-house, and gin, with its contents, were destroyed by the hostile Indians.

James Conway says he was born and raised in the neighborhood, and was familiar with the circumstances of the Indian war ; knew that Kenedy owned valuable mills ; these mills were occupied as a fort by the troops of the United States. Shortly after the massacre at Fort Mims, the witness, with Joshua Kenedy, visited the site where the mills stood ; they were burnt, together with his dwelling and cotton gin. Witness has no doubt that they were destroyed by the hostile Creeks ; he saw left on the ground Indian war-clubs, bows, and arrows.

William Kitchen states he knew the mills ; that they were stockaded

as a fort, and occupied by the troops of the United States; that they were so occupied in the latter part of the summer of 1813; that he remembers that the day after the fall of Fort Mims the troops left for Mobile, and in a short time it was ascertained that Kenedy's mills were burnt, and it was thought by the hostile Indians, as all the inhabitants, hearing of the fate of Fort Mims, had retreated to Mobile; the family of the father of the witness being the last that abandoned their home.

William Pearce states that Kenedy's mills were occupied by the troops of the United States about September, 1813, as a stockaded fort; on the fall of Fort Mims, Lieutenant Montgomery, retreating from the neighborhood of Fort Mims, removed the troops, leaving the mills as an unoccupied fort.

John Pearce states, he was at Kenedy's mills in September, 1813, situated on the Tensaw river, and in the lower settlement; that on the fall of Fort Mims, the troops, by order of Lieutenant Montgomery, were removed to Mobile, leaving the mills as an unoccupied fort.

The testimony of George Steggins is, that he was descending the river with a load of corn he had gathered; that he saw a light in the direction of Kenedy's mills, heard the yell of Indians, and thinks that the mills were then destroyed; that this was in the latter part of November.

On the 21st of September, 1813, Benjamin Hawkins wrote the Secretary of War, giving information of the destruction of Fort Mims, and stated that this same party of Indians had gone to the lowest settlement, and returned to Coweta.—(5th American State Papers, page 583.)

The testimony of George I. Gaines is, that he had been for many years an Indian agent; that the lowest settlement was Kenedy's mills. This is also proved by the statement of Gov. Bagby.

It is proved by the testimony of Cyrus Syly, that the saw mills were worth seven thousand dollars; by James Conway, that they were worth from six to seven thousand. They were both acquainted with the mills, and good judges of the value of this species of property. The value of the mills, dwelling-house, and cotton gin, with the cotton, is variously estimated from fifteen to twenty thousand dollars.

It is a well-known fact that a party of hostile Creek Indians, mainly from the Coweta towns, attacked and destroyed Fort Mims in the early part of September, 1813.

All the witnesses say that Kenedy's mills were destroyed in a few days, or a short time after the fall of Fort Mims, except Steggins, who thinks it was in November. But Cook says that Steggins brought the information to Mobile of the burning of Kenedy's mills, and that this was a few days after the troops had abandoned the fort; and the letter of Hawkins, of 21st of September, 1813, states that the same band of Indians that destroyed Fort Mims proceeded to the lower settlement, which is shown to be Kenedy's mills. The proof also is, that no other property in the lower settlement was injured by them. The act, then, of destroying the fort at Kenedy's mills is the only act that can trace this party to that settlement, and information of it is given to the War Department, on the 21st of September, by Benjamin Hawkins, in the same letter that gave intelligence to the department of the fall of Fort Mims.

The committee, therefore, believe that the evidence fully establishes these facts: That after the destruction of Fort Mims, the same band of Creeks proceeded to the fort at Kenedy's mills, expecting to meet with

the troops stationed there ; and finding the fort abandoned, they destroyed it, the mills, and other buildings.

But as the dwelling-house and gin-house had not been occupied as a place of defence, and were not within the fort, the committee do not believe the memorialist is entitled to compensation for their value ; but that he is entitled to compensation for the destruction of the mills, which the committee believe to be six thousand five hundred dollars, and they report a bill accordingly,