

LEGAL REPRESENTATIVES OF GEN. JAMES C. WATSON.

[To accompany bill H. R. No. 136.]

JANUARY 29, 1852.

Mr. JOHN R. J. DANIEL, from the Committee of Claims, made the following

R E P O R T :

The Committee of Claims, to whom was referred the claim of the legal representatives of General James C. Watson, of Georgia, report :

That, concurring in the report made by this committee at the first session of the thirtieth Congress, which is appended hereto and made part of this, they feel it to be their duty to report herewith a bill for the relief of the petitioners, and to recommend its passage.

JUNE 23, 1848.

Mr. DANIEL, from the Committee of Claims, made the following report :

The Committee of Claims, to whom was referred the petition of James C. Watson's representatives, beg leave to report :

That they believe the report from the Committee of Claims of this House of the twenty-seventh Congress, dated the 12th April, 1842, contains a correct statement of the material facts in this case. The committee concur also in the conclusions of said report, except as to the amount which, upon principles of justice and good faith, ought to be paid to the representatives of Mr. Watson. Believing the advancement (\$14,600) made by Mr. Watson to the agent of the Creek Indians was made under circumstances calculated to produce a confident belief that the government would cause the slaves then in its possession for safekeeping to be delivered up to the Creeks, or their properly authorized agent or agents, in accordance with the agreement entered into by General Jesup and the Creek warriors, and ratified, as the committee conceive, by the government, and which was probably the main inducement for the Creeks to take part against the Seminoles, but which, from high considerations, humanity, and policy, was not done, and Mr. Watson and his representatives having been in no default, they recommend an indemnity equal to the amount advanced by Mr. Watson, with six per centum per annum interest from the 8th of May, 1838, till paid ; and report a bill to that effect.

The report of 1842, which has been repeatedly sanctioned by other committees, is hereunto annexed.

The committee annex also a reference to different portions of the evidence contained in House document 225, of the twenty-fifth Congress, marked A.

APRIL 12, 1842.

The Committee on Indian Affairs, to whom was referred the petition of General James C. Watson, have had the same under consideration, and beg leave to report, as follows:

In the year 1836, General Jesup, then in command of the troops of the United States in Florida, agreed with certain Creek warriors, whose services he thus engaged against the hostile Seminoles, that they should be entitled to all the slaves and other property of the enemy they might capture. The said warriors, in pursuance of this engagement, entered into the service of the United States, and among other things captured a large number of negroes, about one hundred and three of whom were slaves of the Seminoles, and became, under said contract, the property of the Creek warriors. General Jesup recognised their right, but sent the slaves to Fort Pike, near New Orleans, to be kept safely, subject to future orders. He proposed to pay the Creeks \$8,000, and make some other disposition of the negroes, and, under the conviction that they would accept it, directed the payment of the money, and advised the War Department that the arrangement was made. But the warriors refused to receive that amount, and insisted on their claim to the negroes. For the purpose of asserting their rights, they sent on a delegation to Washington, in the spring of 1838, with full power to arrange and settle the matter. Their right was in no way disputed; but the department was disinclined to send the negro slaves to the new settlement of the Creeks, because it was feared that, from their proximity to the Seminoles, some difficulties might arise between the two tribes on that account, which would endanger their peaceful relations. Under these circumstances, with the approbation of the authorities of this government, through the agent of the Creeks, Major Armstrong, then at the capital, a sale was made by the Creek chiefs of all the said negroes to General James C. Watson, at \$14,600. A bill of sale was made on the 8th of May, 1838, and the money paid over to Major Armstrong, to be delivered to the venders at their residence west of the Mississippi. This was done on the 4th of July of the same year. The delegation of Creek chiefs, in pursuance of said contract, made a power of attorney to Mr. Collins, to receive from the officers of the United States all said negroes, and deliver them over to General Watson. The War Department gave its sanction to this arrangement, and issued orders for the delivery of said slaves to General Watson or his agent. This order was presented by Mr. Collins to the officer in command at Fort Pike, who declined complying with it. Lieutenant Reynolds, who had charge of the emigrating Seminoles, also refused to separate said negroes from the party of Seminoles, who were then reunited with their former slaves, and claimed them on the ground that General Jesup had promised them their property if they would emigrate. Mr. Collins continued with them until they reached Arkansas, under an assurance by Lieutenant Reynolds that he would

apply to General Arbuckle, who was in command of the United States troops in that quarter, for a military force sufficient to coerce the delivery, and compel acquiescence on the part of the Seminoles. But General Arbuckle likewise refused to comply with the direction of the department in surrendering the negroes, but permitted them to go on with the Seminoles to their new home.

Mr. Poinsett, when Secretary of War, under the advice of General Arbuckle and Major Armstrong, after fully ascertaining that the forcible separation of said negroes from their Indian owners would produce great dissatisfaction, and seriously interfere with the policy of the government in relation to the Indians, relinquished the idea of delivering them up, and recommended an appropriation to be made by Congress for the indemnification of General Watson.

On the 23d of March, 1841, Mr. Secretary Bell issued an order to the agent, Major Armstrong, for the delivery of the same negroes to the agent of Watson, and on the 24th qualified the same with this among other conditions: that it would not produce "any hazard of serious and permanent dissatisfaction among the Seminoles west." He further remarked: "It is highly important to the peace of the frontier, and especially in regard to this tribe of Indians, connected as they are with the Indians in arms in Florida, that the utmost circumspection should be exercised in the discharge of the delicate duty confided to you."

The agents of General Watson proceeded to the frontier with these orders, for the purpose of getting possession of the negroes. But the Secretary of War, becoming satisfied of the great danger of disturbing the peace and quiet of the Indians that had emigrated west, and perhaps frustrating the schemes of the government for the speedy termination of the Florida war, by the general emigration of the remaining Seminoles, issued a countermanding order on the 29th of April, 1841. So the newly opened prospect to General Watson of obtaining his property was again defeated by the officers of the government. This statement of facts is abundantly sustained by depositions and documentary evidence on file. The officers and agents of the United States, in every part of this transaction, have been actuated by praiseworthy motives and prudential considerations; and, although great injustice has been inflicted upon the rights of General Watson, the best interest of the country has doubtless been promoted, and possibly the shedding of blood prevented, by the course pursued. It will be readily perceived that a report thrown back by the emigrated Seminoles to their hostile brethren in Florida, that their property had been forcibly wrested from them after arriving at their new home, contrary to the assurances of the officer to whom they surrendered, would have aggravated their hostile feelings, and greatly increased the difficulties of overcoming their obstinate resistance to the policy of the government.

The committee, upon this view of the case, can come to no other conclusion than that General Watson has been deprived of the benefit of his contract, and the enjoyment of his property, by the conduct of the officers of the United States, fully sanctioned and approved by the government, on the ground that the best policy and true interests of the country were promoted by their course.

They are therefore clearly of opinion that every consideration of good faith and justice requires that the claim of the petitioner to compensation

should be granted, and that the only matter of consideration is, as to the amount he should be allowed.

He claims the value of the negroes in the market at the time they should have been delivered to him, upon the ground that he was entitled to the benefit of his bargain; and that as he was deprived of the enjoyment of his property by the conduct of the government agents, the true measure of his damages is the fair value of the negroes. Upon this rule, the amount would probably be about \$60,000. But the committee are not prepared to adopt this criterion of damages, although they admit there is much plausibility in it. They reject it, however, upon the ground that the very inconsiderable price at which the property was purchased (not quite one-fourth of its real value, according to the petitioner's own showing) proves that it was entered into by him as a speculation, and that the hazards were calculated and entered into the contract. As he would have made a very large profit if the chances had all turned out favorably, he should share the evils of a failure. The committee are, however, of opinion that he is entitled to the consideration paid by him, (\$14,600,) with interest on the same from the time it was paid over to Major Armstrong (say 15th of May, 1838) to the time it is refunded. They are also of opinion that he should be paid the amount fairly expended by him in endeavoring to obtain possession of said slaves from the officers and agents of the government under the authority of the War Department.

The account for expenses of three several agents, and the wages paid to them, amount to near \$6,000. The committee consider this extravagant and unreasonable, and propose to reduce it to \$3,500. The consideration money paid, with interest for four years, would be \$18,104, making in all \$21,604.

The committee report herewith a bill, appropriating to the petitioner the said amount of \$21,604.

A.

Twenty-fifth Congress, Document 225, page 3.—The greater part of them (the negroes) having been captured by the friendly Creek Indians on their property.—General Jesup's orders, 2d June, 1837, No. 116.

Page 4.—All Indian property captured from this date will belong to the corps or detachment making the capture.—General Jesup's order, No. 160.

Page 15.—In the treaty of Paine's Landing, the sum of \$7,000 was agreed to be paid for spoils theretofore made by the Seminoles; the property therefore which they had plundered or stolen previous to that treaty became theirs by the act of the government.—General Jesup to E. B. Gould, Esq.

Page 18.—I seized and sent to New Orleans about 90 Indian negroes, and I have here 17.—General Jesup to Colonel Gadsden, June 14, 1837.

Page 19.—Their *negroes*, &c., will belong to the corps by which they may be captured.—General Jesup to Colonel Warren, July 7, 1837.

Page 20.—Their negroes, horses, and cattle—and they are rich in that description of property—will be given to captors.—General Jesup to Captain Armstrong, September 17, 1837.

Page 21.—And those Indians are rich in cattle, horses, and negroes.—General Jesup to Captain Bonneville.

Page 21.—The Creek Indians were entitled to all the Indian property they captured.—General Jesup to C. A. Harris.

Page 28.—See C. A. Harris's letter to Captain Cooper, acting Secretary of War.

Page 43.—See letter of C. A. Harris to S. Cooper, acting Secretary of War.

Page 44.—See letter of Commissioner of Indian Affairs to Captain Armstrong, dated May 2, 1838.

Page 45.—See letter from Commissioner of Indian Affairs to the Secretary of War, dated May 9, 1838.

Page 46.—See letter of C. A. Harris to N. F. Collins.

Page 49.—See letter of Commissioner of Indian Affairs to Lieutenant Reynolds.

Page 50.—See letter from same to same.

Page 68.—See list of negroes captured, owned by Indians.

Page 74.—See list of Seminole negroes.

Page 90.—See letter of Captain Armstrong.

Page 91.—Letter of Creek chiefs to W. Armstrong and C. A. Harris.

Pages 81 and 92.—Decision of the court in New Orleans, that the negroes are subject to attachment as the property of Indians.

Page 100.—Letter of Lieutenant Reynolds.

Page 102.—See letter of governor of Arkansas to Lieutenant Reynolds.

Page 114.—See letter of General Arbuckle to Secretary of War, August 27, 1838.

An examination of the papers above referred to will establish the facts.

1st. That the Seminoles had a great many slaves belonging to them when the war commenced.

2d. That by an order of General Jesup, confirmed by the War Department, such of these slaves as were captured became the property of their captors.

3d. That with a full knowledge of all the facts, General Jesup treated these negroes as slaves, freeing some of them, and attempting to bargain with the Creek captors for the purchase of the others.

4th. That the Creeks, declining to take the price offered by General Jesup, demanded the slaves, which the department ordered to be given up to them.

5th. That the government, fearing that difficulties would arise between the Creeks and Seminoles if these negroes were carried to the Creek country west of the Arkansas, encouraged and authorized the sale of them by the Creeks.

Statement of Alfred Iverson in relation to the claim of James C. Watson.

Shortly after the return of the warriors composing what was called the Creek regiment enlisted by Gen. Jesup in 1836 to serve in the Florida war against the Seminoles, and the removal of said warriors with their families to the Creek nation west, Gen. James C. Watson and myself were deputed as agents from the Alabama emigrating company (who removed the Creeks under contract) to the city of Washington, to settle up the accounts of said company with the Government. When we arrived in Washington, we found Gen. Armstrong, Indian agent, in the city, with a delegation of Creek chiefs. A proposition was immediately made to Gen. Watson and myself, by Carey C. Harris, Commissioner of Indian Affairs, to purchase a large lot of negroes then claimed by the said Creek regiment, and represented to be at the time in the custody of the United States at Fort King, near New Orleans. The proposition was declined by me, but I was personally acquainted with most of the facts and conversations which occurred between the department, the Indian agent Armstrong, and Gen. Watson, and learned the following particulars: That these negroes had been captured in Florida by the Creek regiment, from the hostile Seminoles; that agreeably to an agreement made with said regiment by Gen. Jesup, they were to have all the

property of the hostiles which they could capture, and they claimed these negroes; that Gen. Armstrong and the delegation in Washington had authority to dispose of or sell their claim to these negroes; that the Seminoles who had emigrated to the west were very averse to allowing these negroes to go into the possession of the Creeks; that the Creeks were equally determined, when they arrived west, to seize them and subject them to their own service. The War Department apprehended that serious difficulty would grow out of this conflicting claim, and that war would ensue between the Creeks and Seminoles in the contest for the negroes. It was deemed by the department prudent, and indeed necessary, to prevent bloodshed and war between the two tribes, that the negroes should not be sent to the west, but should be sold in the United States. Hence the proposition from the Commissioner of Indian Affairs to Gen. Watson, to purchase the negroes. Gen. Watson hesitated for several days, but being urged by Mr. Harris, and assured that the negroes would be delivered to his agent immediately, he consented to buy them, and paid the price fixed by the Commissioner of Indian Affairs, and Gen. Armstrong, the agent. An order was issued from the department, and an agent despatched by Gen. Watson to New Orleans, to receive the negroes. The United States officers in charge of them refused to deliver them; they were transported to Fort Gibson and turned over to Gen. Arbuckle, as I have been informed, and were by him surrendered to the Seminole Indians, or turned loose and joined them; so that they were wholly lost to Gen. Watson. Given under my hand this 19th December, 1851.

ALFRED IVERSON.

DISTRICT OF COLUMBIA, *County of Washington*:

This day came before me, Nicholas B. Van Zandt, a justice of the peace in and for the county aforesaid, the above named Alfred Iverson, who made oath to the truth of the above and foregoing statement. Witness my hand and official attestation, this 19th December, 1851.

N. B. VAN ZANDT, *Justice of Peace.*