

JOHN RANDON—HEIR OF.

[To accompany bill H. R. No. 522.]

August 3, 1854.

Mr. HOWE, from the Committee on Military Affairs, made the following

REPORT.

*The Committee on Military Affairs, to whom was referred the memorial of Peter Randon, representative of John Randon, deceased, praying indemnity for the property destroyed in the Creek war of 1813-'14, ask leave to report:*

That this is one of a large number of claims preferred against the government, growing out of spoliations committed by the Creek nation of Indians upon such of their number as remained friendly to the United States in the war of 1813-'14. This class of claims was first presented to Congress in 1815 on the application of Samuel Mannac, a half-breed, who claimed indemnity for property destroyed and loss sustained, amounting to \$12,595, and resulted in the passage of an act for his relief, approved April 27, 1816, "authorizing and directing the proper accounting officer of the War Department to audit and settle his claim for property which was destroyed by the hostile Creek Indians in the late war, by ascertaining, or causing to be ascertained, the value thereof, in such manner and upon such terms as may be just and equitable."

The claim of Mannac was, in pursuance of this law, subsequently audited, and the whole amount paid to him on the 4th of May, 1816. (See Doc. 200, 1st session of Twentieth Congress.)

The favorable disposition of Congress having thus been indicated, it appears from the testimony of Col. Gilbert C. Russell, who was present in the Indian country at the time, that the Indians immediately set to work to have their respective claims of a similar character authenticated; and for this purpose "they appeared before Judge Toulmin, and proved their losses, rating their property at the lowest prices of the country, so as to get it paid for by government without difficulty, proving their accounts by such testimony as would have been received in any court of justice." Colonel Russell states that he was present when these claims were proved, amounting to \$85,000, which were afterwards sent to the Creek Indian agent, Benjamin Hawkins, and by him sent to the War Department.

Colonel Russell further testifies, that the amount of losses to Randon's

estate, as proved before Judge Toulmin preparatory to being forwarded to the War Department for settlement, was about \$6,000; and among all the claims proved before Judge Toulmin, amounting to \$85,000, not one was regarded by any one conversant with the subject as more just than that of John Randon.

This whole subject of indemnity to the friendly Creeks was brought before Congress in an able report by Mr. Lowndes, from the Committee of Ways and Means, on the 29th of January, 1817, (see Doc. 147, 2d session of 14th Congress,) who stated that "if the friendly Creeks are to be considered as having consented to the cession made by the treaty of 1814, it was only on condition that *their claims to indemnity should not be disregarded*. Congress, indeed, may be considered as having recognised their claims by the act of the last session for the relief of Samuel Mannac, one of their number." And concluded by recommending Congress "to appropriate a definite sum, to be applied under the direction of the Secretary of War, to indemnify the friendly Creek Indians for property destroyed by hostile Creeks, in fair proportion to their losses."

This recommendation of the committee was followed by the passage of a law on the 3d March, 1817, appropriating the sum of \$85,000, "to be paid to the friendly Indians, in fair and just proportions to the losses which they have severally sustained," (see Statutes at Large, vol. vi, page 191;) and on the 20th March, 1817, the acting Secretary of War issued to David B. Mitchell, the Indian agent of the Creek nation, the following instructions for carrying into effect the provisions of the law:

"I enclose you a copy of the law making an appropriation of \$85,000 to indemnify individuals of the Creek nation for losses sustained during the late war, together with a copy of the correspondence with Colonel Hawkins, and his estimate of the damages sustained by them respectively. These papers were laid before the Committee of Claims, and the law was predicated on them; but, as it is general in its terms, it will be proper to pay the claimants mentioned in the estimate only a portion of their claims at present, *as it is probable there may be other claimants entitled to the benefits of the law who are not mentioned in the list of claims furnished by Colonel Hawkins*; therefore, a final distribution of the money should not take place until the whole amount of the claims is ascertained; \$2,000 of the money appropriated have been paid to Major McIntosh, in part of his claim for losses, and the balance, \$83,000, will be remitted to you by the treasurer."

It appears from a report of General D. B. Mitchell to the Secretary of War, under date of the 18th March, 1818, that the gross amount of the claims presented for liquidation, including the abstract made by Colonel Hawkins, was about \$300,000, but they were reduced by the chiefs to \$195,417.90; a general abstract of which will be found in House Document No. 200, 1st session of the 20th Congress—before referred to—where the name of each individual claimant will be found, the amount of his claim as liquidated, and the amount of money paid him on account of the same. The whole number of claimants whose

names are recapitulated in General Mitchell's report is 611; their claims, as liquidated, amounting in the aggregate to .....	\$195,417 90
Paid on account of same .....	\$73,610 60
Paid Major Hughes, by special order of the chiefs .....	3,400 00
Paid $2\frac{1}{2}$ per cent. discount on sale of bills, for \$83,000.....	2,075 00
Received by Major McIntosh in Washington ..	2,000 00
Balance handed to the two principal chiefs, by general consent, to be applied to cases of peculiar hardship otherwise unprovided for..	3,914 40
	<hr/>
	85,000 00
	<hr/>
Leaving a balance due of .....	110,417 90
	<hr/> <hr/>

Accompanying the report of General Mitchell, there is a supplementary abstract of claims presented by the friendly Creek Indians since the appropriation and payment of the \$85,000, viz :

Lacklin Durant.....	\$582 00
Richard Farren .....	600 00
Arthur Sizemond.....	1,420 00
Simmance.....	1,163 00
Peter Randon.....	5,925 00
Tallmassee Emanthlan.....	80 00
	<hr/>
	9,770 00
	<hr/> <hr/>

This supplementary list, it will be seen, embraces the claim of the memorialist, Peter Randon, amounting to \$5,925; thus rendering it quite certain that he received no part of the \$85,000.

At the 1st session of the 18th Congress the whole subject was again referred to the Committee of Ways and Means, and a report made thereon by Mr. McLane, of Delaware, who reported on the 15th of April, 1824, that "these claims for losses were liquidated by the chiefs in council at Fort Hawkins in July, 1817, and amounted to the sum of \$110,417 90. Of this sum, \$81,085 60 was paid to the individuals in proportion to their respective claims; and the balance, \$3,914 48, was placed in the hands of the principal chiefs, by general consent, to be applied to some cases of peculiar hardship otherwise unprovided for. It is now represented to the committee that there are many claims not liquidated at the time aforesaid, on account of which no payment has been made. To meet these, as well as the balance of all the other claims, an appropriation is now solicited."

Mr. McLane further states: "It is the opinion of the committee that the sum of \$85,000, appropriated by the law of 1817, was intended to be a full indemnity for all the losses of the friendly Indians, and was equal to any reasonable expectation; and they recommended Congress to declare it inexpedient to make any further appropriation to compensate the friendly Creek Indians for property lost and destroyed during the late Creek war." (See Doc. No. 206, 1st session 18th Congress.)

Your committee do not propose to make an issue with the Committee of Ways and Means of 1824 as to the wisdom or justice of their conclusions, "that \$85,000 *was equal to any reasonable expectation*" as compensation for property lost and destroyed to the extent, (as liquidated at Fort Hawkins,) not of \$110,417 90, as erroneously stated by that committee, but of \$195,417 90, in addition to the other "many claims not liquidated at the time aforesaid;" leaving a *balance* unpaid of *liquidated* claims, after exhausting the \$85,000, of \$110,417 90.

It is sufficient for your committee to state, that the whole subject was reviewed at the 1st session of the 32d Congress, and an act passed August 30, 1852, appropriating the identical sum of \$110,417 90 to pay the *liquidated* balance referred to.

From the history of these proceedings, it thus appears that all the claimants have been paid the full amount of their respective claims, with the exception of the half-dozen persons named in the abstract of Gen. Mitchell as having presented their claims after the distribution of the \$85,000; and that among this half-dozen is the memorialist, Peter Randon.

There does not appear to have been any exception taken by the Indian agent, Gen. Mitchell, to the claim of Randon, but is returned with the other five, in the supplemental abstract, as having been presented *too late* to share in the distribution. These parties appear also to have been entirely lost sight of in the appropriation in the act of August, 1852.

Your committee have examined this case with a good deal of care, and do not hesitate to say that, in their opinion, the claim of Randon against the government rests upon the same basis as those which have been liquidated and paid in full, and is equally entitled to its favorable consideration. They therefore report a bill.