

IN SENATE OF THE UNITED STATES.

SEPTEMBER 10, 1850.

Submitted, and ordered to be printed.

Mr. ARCHISON made the following

REPORT:

The Committee on Indian Affairs, to whom was referred the memorial of the Central Bank of Georgia, as assignee of Henry W. Jernigan, H. W. Jernigan & Co., of Jernigan, Gachet, & Co., and Hill, Jernigan, & Co., claiming indemnity for spoliations of the Creek Indians, at Roanoke, on the 15th of May, 1836, report:

That from the reports of commissioners of the United States appointed to investigate the losses of the citizens of Georgia and Alabama from the depredations of the Creek Indians, made in the year 1837, (and now on file in the office of the Commissioner of Indian Affairs,) it appears that Henry W. Jernigan & Co. sustained losses by the depredations of the Creek Indians, on the 15th of May, 1836, at their ware and storehouses, at Roanoke, in the county of Stewart, State of Georgia, as charged and proved by them, amounting to the sum of \$18,940, and by the award of the commissioners to the sum of \$14,165; that Jernigan, Gachet, & Co., at the same time and place, and from the same causes, lost, as by them charged and proved, and by the award of the commissioners, the sum of \$1,500; that Hill, Jernigan, & Co., at the same time and place, and from like causes, lost, as charged by them and proved, and by the commissioners awarded, the sum of \$500; that Henry W. Jernigan, at the same time and place, and from like causes, lost, as by him charged and proved, and by the commissioners awarded, the sum of \$102: making the amount of losses, as by the foregoing firms and persons, on the whole, the sum of \$21,042. It further appears, from the statements of Major John H. Howard, the commanding officer of a battalion of mounted volunteers then on service for the protection of the frontiers of Georgia from the hostilities and incursions of the Indians, that Captain James U. Horne, commanding a company of volunteers, was by him ordered to occupy Roanoke with his command; that Captain Horne, in obedience thereto, repaired to that place, and took possession of the warehouse and storehouse of H. W. Jernigan & Co. and used them as a depository for the arms, ammunition, and provisions of his company, and quartered his men around the same; that he continued in possession until he was attacked by a body of Creek Indians, routed by them, and driven from the same, and the ware and storehouses, with their contents—the goods, wares, and merchandise of the before-mentioned persons—were burnt and destroyed.

This statement is corroborated by Captain Horne, and also by Marmaduke Gresham, the quartermaster for Captain Horne's company, who says that, as quartermaster, he "asked, demanded, and received the keys to, and possession of, the large warehouse and grocery store of Messrs. H. W. Jernigan & Co., and continued to occupy said house as a quartermaster's department until the morning of the 15th May, 1836, when the building and contents were consumed by fire, the act of the hostile Creek Indians." These statements are fully corroborated and confirmed by the Hon. Robert Toombs, one of the representatives in Congress from the State of Georgia.

It is made further to appear to this committee that the legislature of Georgia, for the purpose of affording temporary relief to these persons, through Henry W. Jernigan, (who was a member of each of these mercantile firms, and was authorized to control the respective claims against the government of the United States for indemnity,) authorized the Central Bank of Georgia, a banking institution belonging exclusively to the State, to advance, by way of discount, the amount of their claims as by them charged, upon Jernigan's giving his note for the same, endorsed, (with depositing and assigning the claims as collateral security,) which was then done. And subsequently—in the year 1845—the legislature directed the delivery to Jernigan of the note thus given, (amounting to the sum of \$21,242,) and to take in payment and discharge of the same the assignment to the bank of these several claims, which was done by the written assignment of Jernigan on the 16th December, 1845, and subsequently assented to and acquiesced in by all of the members of the respective firms. The foregoing contains a statement of the material facts of this case, as will more fully appear from the documentary evidence submitted by the memorialist. Whereupon the committee are of the opinion that the ware and storehouses of these claimants having been taken possession of and occupied by troops in the service of the United States for their purposes and use, and whilst thus held and occupied being taken and destroyed by the enemy, the owners of the private property so destroyed have a just claim for remuneration against the United States for the amount of their losses; and therefore the committee recommend that the Central Bank of Georgia, as the assignee of the above claimants, be allowed and paid the sum of \$21,042, and that the same be inserted in the Indian appropriation bill.