

NEGROES, &c., CAPTURED FROM INDIANS IN FLORIDA, &c.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

*The information required by a resolution of the House of Representatives of the 28th ultimo, respecting the disposition of Negroes and other Property captured from hostile Indians during the present war in Florida, &c.*

FEBRUARY 27, 1839.

Read, and laid upon the table.

WAR DEPARTMENT, *February 26, 1839.*

SIR: I have the honor to transmit, herewith, reports of the Commanding General of the army and the Commissioner of Indian Affairs, which, together with document No. 78, of the House of Representatives, 2d session 25th Congress, contain the information, so far as it is in the power of this Department to furnish it, called for by a resolution of the House of Representatives of the 28th ultimo, "respecting the disposition made of negro and other property captured from the hostile Indians during the present war in Florida," &c.; "the names of persons impressed into the military service in that Territory, or employed as guides, interpreters, or pack-horsemen," &c; and requiring copies of correspondence between the Department and the officers in command of the forces in Florida, or citizens of that Territory, "on the subject of negro or other property lost by them in the war, and especially such as relates to property recaptured from the hostile Indians."

Very respectfully, your most obedient servant,

J. R. POINSETT.

HON. JAS. K. POLK,

*Speaker of the House of Representatives.*

HEADQUARTERS OF THE ARMY,

*Washington, February 18, 1839.*

SIR: In compliance with your directions, I herewith transmit a report from the Adjutant General, furnishing the information called for by the first

paragraph of the resolution of the House of Representatives of the 28th January, "respecting the disposition which has been made of such negro and other property as has been captured from the hostile Indians in the course of the present war in Florida:"

And have the honor to be, sir, your most obedient, humble servant,

ALEX. MACOMB,

*Major General.*

Hon. J. R. POINSETT,  
*Secretary of War.*

ADJUTANT GENERAL'S OFFICE,

*Washington, February 18, 1839.*

SIR: In answer to the first paragraph of the resolution of the House of Representatives of the 28th of January, 1839, "respecting the disposition which has been made of such negro and other property as has been captured from the hostile Indians in the course of the present war in Florida," &c., I respectfully submit, herewith, copies and extracts of certain orders and correspondence which have been received from the commanding general in Florida, to wit: Copies of orders numbered from 1 to 13, inclusive, (marked A;) copies of letters numbered from 1 to 62, inclusive, (marked B;) also, copies of letters relative to the delivery of certain negro prisoners to Nathaniel F. Collins, the recognised agent of the Creek warriors, numbered from 1 to 4, inclusive, (marked C:) also, copy of a letter from Major General Gaines, of the 18th of May, 1838, with a copy of the judgment of the court at New Orleans, and of his objections thereto, relative to the claim therein mentioned to 67 "black prisoners of war," brought from East Florida with the Seminole prisoners of war, (marked D.)

This office can furnish no information in relation to the second and third paragraphs of the resolution.

Respectfully submitted:

R. JONES,

*Adjutant General.*

Major General A. MACOMB,  
*Commanding in chief, Washington.*

A No. 1.

ORDERS, No. 79.

TAMPA BAY, *April 5, 1837.*

1. The commanding general has reason to believe that the interference of unprincipled white men with the negro property of the Seminole Indians, if not immediately checked, will prevent their emigration, and lead to a renewal of the war. Responsible as he is for the peace and security of the country, he will not permit such interference, under any pretence whatsoever; and he therefore orders that no white man, not in the service of the United States, be allowed to enter any part of the territory between the St. John's river and the Gulf of Mexico, south of Fort Drane.

2. The inspector general will cause all merchant or transport vessels arriving in this harbor to be immediately examined, and the names of all

individuals on board to be registered. No one will be allowed to come on shore, except for the transacting of public business. Vessels from whence any individual shall be landed contrary to this order, or on board of which spirituous liquors may be found, will be immediately sent off, and shall not, under any circumstances, be employed in the public service.

3. All negroes now at this place, the property of citizens of the United States, will be sent to St. Mark's; the inspector general will furnish Lieutenant Vinton a list of them, with their owners' names; Lieutenant Vinton will give notice to their owners to take charge of them immediately.

By order of Major General Jesup:

J. A. CHAMBERS,  
*Lieut., A. D. C., and A. A. General.*

A No. 2.

[Extract.]

HEADQUARTERS, ARMY OF THE SOUTH,  
*Adjutant General's Office, Tampa Bay, June 2, 1837.*

ORDERS, No. 116.

1. The negro prisoners in the pickets will be sent immediately to New Orleans. Lieutenant Colonel Miller will furnish a guard of a subaltern, two non-commissioned officers, and ten privates. The officer, on his arrival at New Orleans, will deliver the negroes to the assistant quartermaster, who will have the men secured, and the women and children comfortably quartered; the greater part of them, having been captured by the friendly Creek Indians, are their property.

2. The Indian prisoners will also be sent to New Orleans with the negroes.

By order of Major General Jesup:

T. B. LINNARD,  
*A. D. C., and A. A. General.*

A No. 3.

[Extract.]

HEADQUARTERS, ARMY OF THE SOUTH,  
*Tampa Bay, June 12, 1837.*

ORDERS, No. 124.

1. The sick of the spy and 1st battalion of the Creek regiment of volunteers, with a portion of the warriors fit for duty, amounting, together, to about one-half of the force, will be taken by Captain Page to Mobile Point, where they will be accommodated in the most comfortable manner possible. The sick of the 2d battalion will be collected as soon as possible, and be sent to Arkansas, with a sufficient number of men to attend them. The chiefs of the 1st and spy battalions, Tustenuggee, Emarthla, Cochus Micco, Tustenuck-Harjo, &c., are permitted to accompany their people. All Indians who leave under the foregoing order will turn over their arms, accoutrements, &c., to the ordnance officer at this depot.

2. The steamer Merchant will be employed in transporting the Indians

to Mobile Point; she will then be taken by Major Clark to New Orleans, where she will be discharged.

3. Major Clark will take charge of such of the Seminole negroes now here as shall be designated to him; he will take them to New Orleans, unite them with the Seminoles and Indian negroes there, and cause them to be secured at Fort Pike. The marine guard, in charge of those now in New Orleans, will accompany the prisoners to Fort Pike, and remain there until further orders.

By order of Major General Jesup:

J. A. CHAMBERS,  
*Lieut., A. D. C., and A. A. General.*

A No. 4.

[Extract.]

HEADQUARTERS, ARMY OF THE SOUTH,  
ORDERS, No. 160. *Fort Heileman, August 3, 1837.*

2. All Indian property captured from this date, will belong to the corps or detachment making the capture.

The property captured will be divided into shares, corresponding with the several classes making the capture; field officers will have three shares; company officers two shares; and non-commissioned officers and privates one share each; and the families of the officers and soldiers who may fall in action at the time the capture is made will be entitled to double their allowance, respectively.

By order of Major General Jesup:

T. B. LINNARD,  
*A. D. C., and A. A. General.*

A No. 5.

HEADQUARTERS, ARMY OF THE SOUTH,  
ORDERS, No. 175. *Tampa Bay, September 6, 1837.*

1. The Seminole negroes captured by the army will be taken on account of the Government, and held subject to the orders of the Secretary of War.

2. The sum of eight thousand dollars will be paid to the Creek chiefs and warriors by whom they were captured, or who were present at their capture, in full for their claim to them. The amount to be apportioned among the battalions in proportion to the numbers respectively taken by each, viz: to the 1st battalion, five thousand seven hundred dollars; to the 2d battalion, two thousand dollars; and to the spy battalion, three hundred dollars.

3. To induce the Creek Indians to take alive, and not destroy the negroes of citizens who had been captured by the Seminoles, a reward was promised them for all they should secure; they captured and secured thirty-five, who have been returned to their owners; the owners have paid nothing, but the promise to the Indians must be fulfilled. The sum of twenty dollars will be allowed to them for each, from the public funds.

4. Lieutenant Frederick Searle is charged with the execution of this

order. He will cause the accounts to be made in the name of the United States, and receipts to be taken from the Indians in full for all claims to the negroes, both of the Seminoles and citizens. Lieutenant Searle will call on the commanding general for funds to enable him to comply with this order.

5. Until further orders, the Seminole negroes will remain at Fort Pike, Louisiana, in charge of the assistant quartermaster at New Orleans, and in the custody of the commanding officer of the post. They will be fed and clothed at the public expense.

By order of Major General Jesup :

T. B. LINNARD,  
A. D. C., and A. A. General.

A No. 6.

[Extract.]

HEADQUARTERS, ARMY OF THE SOUTH,

ORDERS, No. 14.

*St. Augustine, November 8, 1837.*

1. The following-named persons, Indians and slaves, will be taken into the service of the United States as guides and interpreters to this army: Ormond, a slave, Titus, do., Ben Reese, do., George Perkins, do., George, do., (the property of Col. Hanson,) and Blue Snake, and Tomoka John, Indians.

The public will be responsible for any injury which the slaves may sustain while on the campaign; and the period of service both of Indians and slaves will be estimated from the day on which they were first employed by competent authority.

2. George (Hanson's) will, for the present, be attached to headquarters, and accompany the major general commanding.

By order of Major General Jesup:

J. A. CHAMBERS,  
A. D. C., and A. A. General.

A No. 7.

HEADQUARTERS, ARMY OF THE SOUTH,

ORDERS, No. 62.

*Fort Jupiter, (Florida,) February 25, 1838.*

Second Lieutenant W. G. Freeman, of the 4th artillery, is hereby assigned to the immediate charge and superintendence of the Seminole Indians and negroes now assembling, or which may hereafter assemble, in the vicinity of this post. He will forthwith cause them to be enrolled, and will take such other measures in relation to them as the commanding general may direct.

By order of Major General Jesup:

J. A. CHAMBERS,  
A. D. C., and A. A. General.

A No. 8.

HEADQUARTERS, ARMY OF THE SOUTH,

ORDERS, No. 63.

*Fort Jupiter, (Florida,) February 27, 1838.*

The Seminole negroes will take up the line of march early to-morrow for Tampa, under the immediate charge of Captain Barker, 1st infantry. Brigadier General Eustis will direct an escort of a company of dragoons to accompany them to Fort Van Swearingen; thence to Tampa the escort will be furnished from Colonel Taylor's command. General Eustis will cause the necessary transportation to be furnished to Fort Van Swearingen, and subsistence to Fort Bassinger, on the requisition of Lieutenant Freeman, acting superintendent of the Seminoles. The wagons and escort furnished from General Eustis's command will return from Fort Van Swearingen.

By order of Major General Jesup:

J. A. CHAMBERS,  
*A. D. C., and A. A. General.*

A No. 9.

[Extract.]

HEADQUARTERS, ARMY OF THE SOUTH,

ORDERS, No. 77.

*Fort Jupiter, (Florida,) March 21, 1838.*

2. The Seminole negroes, with Micanopa's and Cloud's families, and Toskegee and his family, will be taken immediately to Tampa Bay. The remainder of the Indians will be sent to Fort Pierce, whence they will be sent to St. Augustine as soon as practicable. Colonel Twiggs is charged with the execution of this order.

By order of Major General Jesup:

J. A. CHAMBERS,  
*A. D. C., and A. A. General.*

A No. 10.

[Extract.]

HEADQUARTERS, ARMY OF THE SOUTH,

ORDERS, No. 78.

*Fort Jupiter, (Florida,) March 22, 1838.*

2. An escort, to be composed of mounted men and footmen, (the number to be designated by Colonel Twiggs,) will conduct the Indians and negroes, ordered to Tampa Bay, to Fort Van Swearingen, whence they will be conducted to Tampa Bay by an escort furnished from Colonel Taylor's command.

By order of Major General Jesup:

J. A. CHAMBERS,  
*A. D. C., and A. A. General.*

## A No. 11.

[Extract.]

HEADQUARTERS, ARMY OF THE SOUTH,

ORDERS, No. 88.

*Fort Jupiter, (Florida), April 6, 1838.*

2. Colonel Twiggs will despatch Captain Washington's company (B) of the 4th artillery, and Captain Tompkin's company (G) of dragoons, to Tampa Bay. He will send to Tampa, under the charge of Captain Washington, all the Seminole negroes who have surrendered at this place.

By order of Major General Jesup :

J. A. CHAMBERS, *A. D. C., and A. A. General.*

## A No. 12.

[Extract.]

HEADQUARTERS, ARMY OF THE SOUTH,

ORDERS, No. 13.

*Tampa, June 5, 1838.*

1. The Seminole Indians and negroes now at this post will be embarked forthwith on board the transports Tomachuchu and Columbia, under the direction of Captains Abercrombie and P. Morrison, and proceed to New Orleans. Captain Abercrombie will detail from his company twelve men to accompany him, who, with the detachment of the 4th infantry, will constitute a guard, and be distributed between the two vessels.

2. Major Clark, quartermaster at New Orleans, will furnish transportation, and forward the Indians and negroes, with the least possible delay, to their new homes west of the Mississippi, and, if practicable, without landing.

By order of Brigadier General Taylor:

GEO. H. GRIFFIN,

*Assistant Adjutant General.*

## A No. 13.

[Extract.]

HEADQUARTERS, ARMY OF THE SOUTH,

ORDERS, No. 74.

*Fort Brooke, November 27, 1838.*

5. Captain P. Morrison, emigrating and disbursing agent for the Seminoles, upon the return of Captain Abercrombie from the Caloos-ahatchee, will take charge of all the Indians and Indian negroes who may be at this place, and transport them to their new homes west of the Mississippi, excepting only those who are in the employ of the Government, and their immediate families, and such as may be designated by Captains Abercrombie and Casey.

By order of Brigadier General Taylor :

GEO. H. GRIFFIN, *Capt. and A. A. General.*

The foregoing series of "orders," numbered from 1 to 13, inclusive, are true copies.

R. JONES, *Adj. General.*

ADJUTANT GENERAL'S OFFICE,

*February 18, 1839.*

B No. 1.

[Extract.]

HEADQUARTERS, &amp;c.,

*Fort Dade, March 19, 1837.*

SIR: The general further directs that you will not let the friendly Indians under your command move at all into the country where they are any way likely to come in contact with the late hostiles. If they are disposed to hunt, they must confine themselves to the immediate vicinity of the post, and are to be strictly prohibited from making any further captures of property. Should you have made any captures of property since the reoccupation of Fort Mellon, you will be pleased to have an accurate account taken of it, in order that the Seminoles may be paid for it agreeably to the terms of the capitulation. Accompanying you have a copy of the "articles of capitulation."

I am, colonel, most respectfully, your obedient servant,

J. A. CHAMBERS.

Lieut. Col. W. S. HARNEY, *2d dragoons,**Commanding troops, &c.,**Fort Mellon, St. John's river, Florida.*

B No. 2.

HEADQUARTERS,

*Fort Dade, March 21, 1837.*

SIR: Your note of this date was received an hour since. I am instructed by the commanding general to say that "Colonel Dill," the person whom you report having detained at Fort Armstrong, must not be permitted to pass, but be required to return from whence he came, with all convenient despatch. Hereafter, no person, not in the employment of the Government, or express-rider, must be allowed to pass your post.

The necessity of this order, and the strict enforcement of it, arise from the certainty that, if persons come forward at this time to urge their claims to negroes, it will evidently have the effect to prevent the negroes from coming in; and if they do not come in, the commanding general is decidedly of the opinion that the Indians themselves will be greatly delayed, if not entirely prevented, from a compliance with the terms of the capitulation. The order, therefore, results from a full conviction that it is necessary for the general good. You will be pleased to express these views to Colonel Dill, and any others on the same business that may present themselves.

Very respectfully, &c.

J. A. CHAMBERS.

Major THOMAS CHILDS, *3d artillery,**Commanding Fort Armstrong, Florida.*

B No. 3.

[Extract.]

HEADQUARTERS,

*Fort Dade, March 27, 1837.*

COLONEL: I have also been informed that Mr. Cooley's business at Tampa Bay is to look after negroes. If that be so, he must be sent away; a trifling circumstance would light up the war again. Any interference with the negroes, which would produce alarm on their part, would inevitably deprive us of all the advantages we have gained. I sympathize with Mr. Cooley in his afflictions and losses, but, responsible as I am for the peace of the country, I cannot, and will not, permit that peace to be jeopardized by his imprudence.

I am, colonel, &amp;c.

THOMAS S. JESUP.

Lieut. Col. S. MILLER, *U. S. Marines,*  
*Commanding troops near Tampa Bay, Florida.*

B No. 4.

HEADQUARTERS,

*Fort Dade, March 27, 1837.*

COLONEL: I have the honor to acknowledge your letter of yesterday. Instructions will be given to the officers of the subsistence department to issue single rations of sugar and coffee to the Seminoles as they come in. The prisoners, I am directed to say, cannot be turned over until the Indians shall have assembled, been enrolled, and ready for emigration.

I am, sir, &amp;c.

J. A. CHAMBERS.

Colonel SAMUEL MILLER,  
*Commanding troops, Tampa Bay, Florida.*

B No. 5.

[Extract.]

HEADQUARTERS,

*Fort Dade, March 29, 1837.*

COLONEL: There is no disposition on the part of the great body of the Indians to renew hostilities; and they will, I am sure, faithfully fulfil their engagements if the inhabitants of the Territory be prudent; but any attempt to seize their negroes or other property would be followed by an instant resort to arms. I have some hopes of inducing both the Indians and Indian negroes to unite in bringing in the negroes taken from the citizens during the war.

I am, colonel, &amp;c.

THOMAS S. JESUP.

Colonel JOHN WARREN,  
*Comg. Florida militia and volunteers, Jacksonville, Florida*

B No. 6.

[Extract.]

TAMPA BAY, *April 8, 1837.*

COLONEL: I have made an arrangement with the chiefs to-day, to surrender the negroes of white men, particularly those taken during the war. They will be delivered to you. I will thank you to receive them, and cause a list to be taken of them, and send them down by the steamboat and barge, under a suitable guard, to St. Augustine, to be delivered to Lieutenant Colonel Brown, (Captain H. Brown of the artillery,) who will be instructed in relation to them. You will furnish them with necessary subsistence. You are also authorized to furnish a few days rations to the Indians who may visit you on business.

With the most perfect reliance on you, colonel, I am most truly yours,  
 THOMAS S. JESUP.

Lieutenant Colonel W. S. HARNEY,  
*Commanding Fort Mellon, Lake Monroe, Florida.*

B No. 7.

TAMPA BAY, *April 17, 1837.*

SIR: I am instructed by Major General Jesup, commanding "army of the South," to acknowledge the receipt, to-day, of your letter of the 7th instant; and to inform you that the negro prisoners captured from Indians, and supposed to belong to white people, were sent from this place on the 11th instant, to Lieutenant D. H. Vinton, at St. Mark's, for the purpose of being returned to their owners. But I do not find in the list of names those you mention in your letter.

The Indians have agreed to send all the slaves they have taken from white people during the war to Fort Mellon and Volusia, and runners are now employed in the interior on that service.

With great respect, &c.

S. CHURCHILL.

Mr. JOHN MIZELLE,  
*Jacksonville, Florida.*

B No. 8.

TAMPA BAY, *April 17, 1837.*

SIR: I am instructed by Major General Jesup, commanding army of the South, to acknowledge the receipt of your letter, with enclosure, of the 13th instant; and to inform you that the negro prisoners captured from the Indians, and supposed to belong to white people, were sent from this place on the 11th instant, to Lieutenant D. H. Vinton, at St. Mark's, for the purpose of being returned to their owners; and among them there appear to be seven of yours, viz: Charles, Hercules, Sabina, William, Bella, Margaret, and Nancy.

The Indians have agreed to send all the slaves taken from white peo-

ple during the war to Fort Mellon and Volusia, and runners are now employed in the interior on that service.

With great respect, &c.

S CHURCHILL.

Mr. WILLIAM DE PEYSTER,  
St. Augustine, East Florida.

B No. 9.

TAMPA BAY, April 17, 1837.

SIR: I am instructed by Major General Jesup, commanding army of the South, to acknowledge the receipt, this day, of your letter, directed to him, of the 10th instant, and to inform you that the negro prisoners captured from the Indians, and supposed to have been owned by white people, were sent from this place, on the 11th instant, to Lieutenant D. H. Vinton, at St. Mark's, for the purpose of being returned to their owners; and among them were six of yours, viz: Ben, Peggy, Sandy, Mary, Delpha, and Tom.

The Indians have agreed to send all the slaves taken from white people during the war to Fort Mellon and Volusia, and runners are now employed in the interior on that service.

With great respect, &c.

S. CHURCHILL.

A. FORRESTER, Esq.  
St. Mark's, Florida.

B No. 10.

[Extract.]

TAMPA BAY, April 18, 1837.

MY DEAR SIR: If the citizens of the Territory be prudent, the war may be considered at an end; but any attempt to interfere with Indian negroes, or to arrest any of the chiefs or warriors, either as criminals or debtors, would cause an immediate resort to hostilities. The negroes control their masters, and they have heard of the act of your Legislative Council: thirty or more of the Indian negro men were at and near my camp on the Withlacoochie late in March: but the arrival of two or three citizens of Florida said to be in search of negroes caused them to disperse, and I doubt whether they will come in again: at all events, the emigration will be delayed a month, I apprehend, in consequence of the alarm of the negroes.

Most truly yours,

THOMAS S. JESUP.

His Excellency R. K. CALL,  
Governor of Florida, Tallahassee.

B No. 11.

[Extract.]

TAMPA BAY, *April 21, 1837.*

COLONEL: Have the Indians surrendered any negroes? If so, how many, and to whom do they belong? Let them be sent, as fast as they are surrendered, to St. Augustine; or, if more convenient, to Black creek. Most respectfully, &c.

THOMAS S. JESUP.

Lieut. Col. W. S. HARNEY,

*2d regiment United States dragoons,  
commanding Fort Mellon, Lake Monroe, Florida.*

B No. 12.

[Extracts.]

TAMPA BAY, *April 26, 1837.*

COLONEL: I have made arrangements for the delivery of the negroes captured during the war by the Indians. They are to be delivered, if they can be taken without delaying the Indians in their movements, at the posts on the St. John's.

The Indians are not bound to surrender runaway negroes. Before they ceded the country, they were bound to do so, but it is not now their business. They must and shall give up those taken during the war; or, at all events, they shall not take them out of the country; further I shall not require them to interfere. As to their own property, it shall be protected. Our Government has treated with them as an independent people, (whether properly so, is not for me to say,) and I am bound to recognize and treat them as an independent people.

I am, colonel, &amp;c.

THOMAS S. JESUP.

Lieut. Col. H. BROWN,

*United States army, St. Augustine.*

B No. 13.

[Extracts.]

TAMPA BAY, *April 27, 1837.*

SIR: I received, yesterday, your letter of the 18th instant, with a list of the slaves which you claim. Ansel is the only one of the three who has been taken. I have him employed at one of the interior posts as an interpreter.

The negroes have generally taken the alarm, and but few of them come in, and those who remain out prevent the Indians from coming. But for the premature attempt of some of the citizens of Florida to obtain possession of their slaves, the majority of those taken by the Indians during the war, as well as those who had absconded previous to it, would have

been secured before this time. More than thirty of the Indian negro men were in and near my camp, when some of the citizens who had lost negroes came to demand them. The Indian negroes immediately disappeared, and have not since been heard of.

I shall require the chiefs, before they depart, to surrender all negroes taken during the war. Those who absconded previous to the war shall not leave the country, though I have no right to require the Indians to surrender them.

I am, sir, &c.

THOMAS S. JESUP.

The Hon. J. L. SMITH,  
*St. Augustine, Florida.*

B No. 14.

TAMPA BAY, *April 30, 1837.*

SIR: I have received your letter of the 27th, on the subject of the negroes which you claim as now among the Indians. Several said to belong to you were captured by the Indians, and have been sent to St. Mark's. Ansel is claimed by Judge Smith. I have retained him as an interpreter.

Your letter, with the list of slaves, will be handed to Major William M. Graham, the agent of the Seminoles, who will see that the Indians be protected in their property, at the same time that they shall not take off that of the citizens of Florida.

I am, sir, &c.

THOMAS S. JESUP.

Col. GAD HUMPHREYS,  
*St. Mark's, Florida.*

B No. 15.

[Extract.]

TAMPA BAY, *May 1, 1837.*

MAJOR: You will consider order No. 79 so modified that citizens will be permitted to proceed south as far as the Withlacoochie and the Volusia road, for the purpose of collecting their cattle and horses; and all who have farms south of Fort Drane will be allowed to visit them, or occupy them, and you will afford them every protection in your power.

I am, sir, &c.

THOMAS S. JESUP.

Major W. L. McCLINTOCK,  
*Commanding Fort Drane, Florida.*

B No. 16.

TAMPA BAY, *May 2, 1837.*

GENERAL: You will consider order No. 79 so far modified that citizens will be permitted to visit any of the posts on the St. John's, and to traverse or remain in any part of the country north of the Withlacoochie. There are

large herds of cattle in that part of the country, which, no doubt, belong to the citizens; and by allowing them to go into the country, they may secure, perhaps, a large portion of them. As it has been represented to me that many persons are desirous of going to Fort Mellon for the purpose of purchasing cattle, all who desire to go for that purpose may be allowed to go, and military protection will, as far as possible, be afforded them in driving the cattle they may purchase to St. Augustine.

The inhabitants should be induced, as far as practicable, to return to their farms; and the most active and efficient protection be afforded them.

I am, sir, &c.

THOMAS S. JESUP.

Brig. Gen. W. K. ARMISTEAD,  
*Commanding, &c. Fort Drane, Florida.*

B No. 17.

FORT BROOKE, *May 4, 1837.*

SIR: Your letter of the 9th April, on the subject of negroes in possession of the Seminoles, and said to be the property of Mary Hamny, has been received; and I am directed by the major general commanding to inform you that the papers have been turned over to Major William Graham, acting agent for the Seminoles.

I am, sir, &c.

T. B. LINNARD.

ARCHIBALD CLARK, Esq.,  
*St. Mary's, Georgia.*

B No. 18.

FORT BROOKE, *May 4, 1837.*

SIR: Your letter of the 27th ultimo, in relation to negroes claimed by Philip Solans, and said to be in possession of the Seminoles, has been received; and I am directed by the major general commanding to inform you that the papers have been turned over to Major William Graham, acting agent for the Seminoles.

I am, sir, &c.

T. B. LINNARD.

E. B. GOULD, Esq.,  
*St. Augustine, Florida.*

B No. 19.

TAMPA BAY, *May 4, 1837.*

SIR: I have received your letter of the 27th ultimo, and, in reply, I beg leave to remark that the Government of the United States has treated with the Seminole Indians as an independent people; whether properly or not, is for others, not for me to decide.

The Government, in its treaties, has always exercised the sovereign right of stipulating for a gross sum for all spoliations committed by the

people with whom it has treated. In the treaty at Payne's Landing that right was exercised, and the sum of seven thousand dollars agreed to be paid for the spoliations 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; and the claimants are entitled, *pro rata*, to the sum stipulated to be paid, and nothing more. I do not pretend, for a moment, to urge that that sum would be a just compensation for the losses sustained; but I do maintain that, according to the known and established principles of public law, the claimants must have recourse to the Government, and not to the Indians.

The claims which you make to negroes taken by Indians previous to the treaty at Payne's Landing will be referred to the Secretary of War; and

I am, sir, &c.

THOMAS S. JESUP.

E. B. GOULD, Esq.,

*Attorney for the heirs of J. Dupont, deceased,  
St. Augustine, Florida.*

B No. 20.

[Extract.]

HEADQUARTERS, ARMY OF THE SOUTH,  
*Tampa Bay, May 21, 1837.*

GENERAL: I have received your letter of the 18th. The Indians should have delivered the negroes which they had captured; but, as I informed you yesterday, I did not wish them to delay for the purpose of hunting those who had not surrendered. The arrangements which you made with Coiharjo are, however, sanctioned.

I am, general, most respectfully, your obedient servant,

THOMAS S. JESUP.

Brig. Gen. W. K. ARMISTEAD,

*Commanding Eastern and Northern districts,  
now at Volusia, Florida.*

B No. 21.

HEADQUARTERS, ARMY OF THE SOUTH,  
*Tampa Bay, May 22, 1837.*

SIR: I am commanded by Major General Jesup to request you to cause the negro man Alexander, who will be delivered to you by Colonel Caulfield, to be forwarded to General Hernandez, at St. Augustine, either direct, or by the way of Black creek, as may be most convenient. You will, likewise, be pleased to send forward the horses which the colonel will turn over at your post, to the quartermaster at Black creek.

With great respect, I am, sir, your obedient servant,

S. CHURCHILL.

To Major S. WHITING, 4th Artillery,  
*Commanding Fort Micanopy, Florida.*

B No. 22.

[Extract.]

HEADQUARTERS, ARMY OF THE SOUTH,  
Tampa Bay, May 25, 1837.

COLONEL: If you should see Powell again, I wish you to tell him that I intend to send exploring and surveying parties into every part of the country during the summer; and that I shall send out and take all the negroes who belong to white people, and he must not allow the Indians or Indian negroes to mix with them. Tell him I am sending to Cuba for bloodhounds to trail them, and I intend to hang every one of them who does not come in.

Yours, respectfully and truly,

TH. S. JESUP.

Lieut. Col. W. S. HARNEY,  
Commanding Fort Mellon, Lake Monroe, Florida.

B No. 23.

[Extract.]

TAMPA BAY, May 28, 1837.

COLONEL: Let me hear from you immediately. If you be compelled to abandon the post, you are authorized to give the Indians until the 1st of October to prepare to move, provided you can communicate with them, and they engage to surrender all negroes among them belonging to white people.

With every reliance on you, I am, colonel, &amp;c.

TH. S. JESUP.

Lieut. Col. W. S. HARNEY,  
Commanding Fort Mellon, Lake Monroe, Florida.

B No. 24.

TAMPA BAY, June 2, 1837.

SIR: Herewith you will receive a copy of orders No. 116, directing a party of Seminole negroes to be forwarded to you. I am instructed by the commanding general to direct you to have the men of the party placed in prison, and, if possible, made to support themselves by their own labor.

I have the honor to be, &amp;c.

T. B. LINNARD.

Major J. CLARK,  
Assistant Quartermaster, New Orleans, Louisiana.

B No. 25.

[Extract.]

TAMPA BAY, June 2, 1837.

SIR: You will take charge of the party of negroes and Indians ordered to New Orleans, and, on your arrival at that place, will turn them over to

Major Isaac Clark, assistant quartermaster, or the senior officer of the quartermaster's department at that post.

I am, sir, &c.

T. B. LINNARD.

Lieut. G. H. TERRETT,

*United States Marines, Tampa Bay.*

B No. 26.

TAMPA BAY, June 6, 1837.

SIR: Your letter of the 20th ultimo has been received; and, in reply, I have to state that no more of your negroes have been brought in; and it is not probable that the Indians will surrender any more of the blacks in their possession.

I am, sir, &c.

T. B. LINNARD.

A. J. FORRESTER, Esq.,

*St. Mark's, Florida.*

B No. 27.

TAMPA BAY, June 8, 1837.

SIR: I received your letter of the 23d ultimo on the 3d instant, and have caused inquiry to be made in relation to the negroes which you claim under a purchase from the Penymans, formerly of Florida, but now of Arkansas.

Lydda and her children are in the nation, supposed to be in the everglades; the others, viz: Lynda and her children, Eve and Sally, Milly, Phebe, Daphne, and Manuel, and his wife Easy, were taken away several years ago in English vessels to the Bahamas, where, if living, they probably now are. From the best information I can obtain, many of the negroes who have run away from their masters within a few years past, as well as the Indian negroes claimed by the white people, have gone to those islands. I think it probable all the negroes in the nation who can find the means of escape will follow.

I am, sir, &c.

TH. S. JESUP.

Mr. JOSEPH McBRIDE,

*Salubrity, Gadsden county, Florida.*

B No. 28.

TAMPA BAY, June 11, 1837.

SIR: Your letter of the 18th ultimo has been received, with the papers relating to the claim of Mrs. S. Murphy. No more negroes belonging to Colonel Rees have been brought in, and it is not probable that any more will be surrendered by the Indians. It was proposed, at one period, to employ four of Colonel Rees's negroes as guides, but the capitulation of the Indians rendered them unnecessary; they were therefore not employed.

I am, sir, &c.

T. B. LINNARD.

JAMES RIZ, Esq.,

*St. Mark's, Florida.*

B No. 29.

TAMPA BAY, *June 11, 1837.*

MAJOR: In reply to your letter of the 10th instant, asking definite instructions "as to the course to be pursued towards such of the Seminoles or Micasukeys, Indians or negroes, as may be found within the limits of your command," I am instructed by the commanding general to say that you will cause all such to be captured, wherever found, and have them secured and sent to this place.

I am, major, very respectfully, your obedient servant,

J. A. CHAMBERS.

Major A. R. THOMPSON, *6th infantry,*  
*Commanding troops, &c., Fort Dade, Florida.*

B No. 30.

[Extract.]

TAMPA BAY, *June 14, 1837.*

COLONEL: I have received your letter of the 28th ultimo. All is lost, and principally, I fear, by the influence of the negroes, and of the people who were the subject of our correspondence. A party of armed warriors seized Micanopy, Jumper, and Cloud, on the night of the 2d instant, at their camp, about eight miles from this post, and hurried them off to the swamps of the interior. Holatoche had gone out previously to collect his people, and was to have been in on the 3d of this month—the day after the flight, or rather abduction, of the other chiefs. I seized and sent off to New Orleans about ninety Indian negroes, (among them John, or Juan;) and I have here about seventeen, and among them Abram and his family. I have captured ninety negroes, the property of citizens; all of whom have been sent to St. Mark's and St. Augustine, except four at this place, twelve at Fort Mellon, and six who died.

Most respectfully and truly, &c.

TH. S. JESUP.

Colonel JAS. GADSDEN,  
*Charleston, South Carolina.*

B No. 31.

[Extract.]

TAMPA BAY, *June 17, 1837.*

COLONEL: I have received your letter of the 14th of May, and have examined the record of negro prisoners, and do not find either Andrew or Charles among those taken. Munay was taken in January, and is now here; he will be so important to us as a guide, should the army take the field in the fall, that I have thought it necessary to retain him; should he be killed, I will be responsible that the Government pay for him. Pay will be allowed for him as a guide.

I am, colonel, &c.

TH. S. JESUP.

Colonel JOHN CROWELL,  
*Fort Mitchell, Alabama.*

B No. 32.

[Extract.]

ST. AUGUSTINE, *July 7, 1837.*

COLONEL: There is now no obligation to spare the property of the Indians—they have not spared that of the citizens; their negroes, cattle, and horses, as well as other property which they possess, will belong to the corps by which they may be captured. The property of citizens which may be captured will be restored to them.

I am, &amp;c.

TH. S. JESUP.

Colonel JOHN WARREN,  
*Florida militia, St. Augustine, Florida.*

B No. 33.

[Extract.]

GAREY'S FERRY, *July 24, 1837.*

COLONEL: Should hostilities recommence, there will be no motive to secure Indian property. I desire it to be generally known, that all property of theirs which may be taken will belong to the captors. The property of citizens will, of course, be restored.

I am, colonel, &amp;c.

TH. S. JESUP.

Lieut. Col. W. J. MILLS,  
*Commanding at Newnansville, &c., Newnansville, Florida.*

B No. 34.

TAMPA BAY, *August 30, 1837.*

SIR: Your letter of the 14th ultimo, on the subject of a negro captured by the Indians, has been received; and, in reply, I have to state that no such negro as the one you describe has been taken or heard of.

T. B. LINNARD.

THOS. CAIGILL, Esq.,  
*Marshall county, Alabama.*

B No. 35

[Extract.]

TAMPA BAY, *September 7, 1837.*

SIR: All Indian property taken will belong to the captors. The Seminoles have large herds of cattle and horses, and several negroes. I am well acquainted with all their positions, and will find them in five or six days after I commence the campaign.

TH. S. JESUP.

Captain DAVID S. WALKER,  
*Talladega, Alabama.*

B No. 36.

[Extracts.]

TAMPA BAY, *September 9, 1837.*

SIR: You will muster the Creek regiment out of service, and honorably discharge them; then you will proceed to New Orleans, and obtain funds to pay the Creeks for the captured negroes.

The chiefs and warriors who were actually in the field, and present at and aiding in the capture of the negroes, are alone to receive any part of the sum allowed; those who remained in the camp, and did not march, are to receive nothing. Eight thousand dollars will be paid to the captors for the Seminole negroes, and twenty dollars each for those the property of citizens. The amount allowed for the Seminole negroes will be apportioned as follows, viz: To the first battalion, five thousand seven hundred dollars; to the second battalion, two thousand dollars; and to the spy battalion, three hundred dollars.

You will examine the prisoners at Fort Pike, and cause an accurate description to be taken of them, specifying their names, ages, height, sex, and such other particulars as you may think important. They must all be comfortably clothed at the public expense immediately, by the assistant quartermaster at New Orleans, who will keep them properly clad. If the assistant quartermaster think proper to place them in the barracks near New Orleans, the negroes might be useful as laborers in the quartermaster's department; they would, however, require a guard. You will confer with the assistant quartermaster, and inform me of his wishes on the subject.

Enclosed is a list of the thirty-five negroes, the property of citizens, captured by the Indians. Twelve were taken by the first, and twenty-three by the second battalion; and the division will be made in that proportion.

TH. S. JESUP.

Lieut. F. SEARLE,

*Acting Assistant Inspector General,  
Army of the South, Tampa Bay.*

B No. 37.

[Extract.]

NEWNANSVILLE, (FLORIDA,)

*September 17, 1837.*

SIR: In addition to the inducements held out to the Indians who may enter the service, is that of the Seminole property. Their negroes, horses, and cattle, (and they are rich in that description of property,) will be given to the captors; the Creek warriors, who captured but a small portion of the Seminole property, received for their captures between fourteen and fifteen thousand dollars.

TH. S. JESUP.

Captain WM. ARMSTRONG,  
*Choctaw Agency, Arkansas.*

B No. 38.

[Extract.]

FORT GILLILAND, *September 17, 1837.*

CAPTAIN: In addition to their pay as soldiers, they [the Choctaw warriors] will have all the Seminole property they capture; and those Indians are rich in cattle, horses, and negroes. The Creek warriors received between fourteen and fifteen thousand dollars for their captures.

TH. S. JESUP.

Captain B. L. BONNEVILLE, *7th Infantry,*  
*Commanding Choctaw warriors,*  
*Choctaw Agency, Arkansas.*

B No. 39.

ST. AUGUSTINE, *September 22, 1837.*

SIR: Your letter of August 20th, (without signature,) on the subject of the disposition to be made of the Seminole prisoners, has been received.

I am instructed by Major General Jesup to inform you that the prisoners, Indians and negroes, at New Orleans and Fort Pike, will not be emigrated with the Creeks, but will be detained until further orders.

The Creeks will be paid eight thousand dollars for the Seminole negroes, and twenty dollars for each negro belonging to whites, captured by them. Lieutenant Searle is charged with the duty of causing the payments to be made.

T. B. LINNARD.

Captain JOHN PAGE,  
*Superintendent of Creek removal, New Orleans.*

B No. 40.

[Extract.]

ST. AUGUSTINE, *September 24, 1837.*

SIR: I have received your letter of the 7th instant. There are thirty-three Seminole prisoners here, two at Tampa, and twenty-four at Fort Pike, in Louisiana; sixteen died, and the remainder, being relatives of the Creek Indians, were allowed to go off with them.

There is one Indian negro here, seventeen at Tampa Bay, about eighty at Fort Pike, and seven have died. The Creek Indians were entitled to all the Indian property they captured. I compromised with them by purchasing the negroes from them on account of the Government, for which I agreed to pay them eight thousand dollars. Captain Searle has been furnished with funds, and directed to make the payment. I was also compelled to pay the Indians a reward of twenty dollars each for the negroes captured by them, the property of citizens.

The Seminole negro prisoners are now all the property of the public. I have promised Abraham the freedom of his family if he be faithful to

us; and I shall certainly hang him if he be not faithful. The Seminole annuity, it seems to me, might be charged with the amount paid to the Indians for the negroes.

TH. S. JESUP.

HON. C. A. HARRIS,  
*Commissioner of Indian Affairs.*

B No. 41.

[Extract.]

ST. AUGUSTINE, *September 25, 1837.*

SIR: You will retain the direction of the Indian negroes at Tampa Bay. Abraham and Toney are in the military service. Toney's family is free, and I am bound to set Abraham's family free if he be faithful to us.

Captain Morrison will be ordered to this place to take charge of the Indian prisoners (about thirty-three) confined in the fort, so soon as officers of the 4th infantry arrive to take his place with his company.

General Hernandez's operations have resulted in the capture of forty-seven Indians and negroes, and the killing of two Indians; and among the prisoners are Philip, and his negro John; Euchee Billy; and his brother Euchee Jack. These four prisoners are worth fifty common Indians or negroes.

TH. S. JESUP.

Lieutenant J. C. CASEY,  
*Assistant Agent Seminoles, Tampa Bay.*

B No. 42.

ST. AUGUSTINE, *September 30, 1837.*

SIR: It appears that the negroes Philip's John, or John Philip, and Ormond, the slave of Major Herriot, both now in your custody as prisoners, are required as witnesses before the grand jury of the county at its ensuing session, the second Monday of next month. I am directed by the major general commanding to say that you will allow them to appear before the grand jury, when properly cited by the authorized civil officers.

J. A. CHAMBERS.

Captain H. BROWN;  
*A. A. Quartermaster, and commanding  
Fort Marion, St. Augustine, E. F.*

B No. 43.

[Extract.]

ST. AUGUSTINE, *November 7, 1837.*

COLONEL: I have also received your letter of the 1st instant. I regret the circumstance to which you refer. The importance of fulfilling all our engagements with the Indians, with the most scrupulous good faith, is unquestionable. To dismiss them now, might not only cost us an addi-

tional campaign here, but cause difficulties on our western border; we must, therefore, retain them at all hazards. I wish you to assure them that our laws do not authorize the payment of the sum stipulated, but that the enemy has a large property, consisting of ponies, cattle, and negroes, and that I will pay them for all the cattle they take; and they will also be paid fifty dollars for every negro they take, and they will be allowed to keep the ponies, or sell them, as they may think proper. Represent to them, also, that our country is just; and that, if they serve well, I will take their chiefs to Washington and represent their case to our great council, (Congress,) and I have no doubt of obtaining for them all that has been promised.

TH. S. JESUP.

Lieut. Col. WM. DAVENPORT.

B No. 44.

[Extract.]

CAMP, 6 MILES NORTH OF FORT McNEILL,  
January 5, 1838.

GENERAL: We have not the order-book with us at this moment, but the general directs me to say that all Indian property which is captured belongs, under the order, to the corps which makes the captures; officers having two shares, and privates, &c., one. We will send you the order so soon as we get the order-book.

J. A. CHAMBERS.

Brig. Gen. C. H. NELSON,  
*Georgia Volunteers, Fort Clinch.*

B No. 45.

[Extract.]

CAMP, 28 MILES SOUTH OF FORT JUPITER,  
February 8, 1838.

COLONEL: I desire you to let the negroes know that Romeo will be purchased; I will be responsible for the purchase-money to his master. When the negroes go to Fort Pike, he can accompany them, and remain there until the necessary arrangements be made with his master; the slaves should be sent to St. Mark's, unless force can be spared to take them through to Black creek; in that event, let them be sent thither.

TH. S. JESUP.

Colonel Z. TAYLOR,  
*Commanding 1st Brigade, 1st Division,  
Army of the South, Fort Bassinger, Florida.*

B No. 46.

FORT JUPITER, February 13, 1838.

GENERAL: The accompanying copy of a letter from Mr. B. D. Heriot, now at Charleston, South Carolina, in relation to a negro boy, his slave,

is referred to you by direction of the major general commanding, who desires that you cause the necessary inquiries to be made to ascertain if any such has been taken into Tampa Bay, or to any of the [posts] within your command; if so, the general directs that he be sent to his master, at Charleston, by the best opportunity that may present.

J. A. CHAMBERS.

Brig. Gen. W. K. ARMISTEAD,  
*Tampa Bay, Florida.*

B No. 47.

FORT JUPITER, *February 18, 1838.*

SIR: I have the honor to acknowledge your letters of the 24th of January and the 1st of February. You will cause necessary clothing to be furnished the Seminole Indians and negro prisoners on the requisition of the assistant agent of Seminole emigration. The quartermaster's department at New Orleans will make the purchases necessary on this requisition, after it is approved and countersigned by you, and has appended to it your order in each case. Should you deem it necessary, the prisoners, or as many of them as you think advisable, can be removed to the barracks near New Orleans. The major general commanding thinks that the negroes should be so employed as to earn their subsistence.

J. A. CHAMBERS.

Major R. A. ZANTZINGER,  
*Commanding Fort Pike, Petite Coquille.*

B No. 48.

FORT JUPITER, *March 4, 1838.*

SIR: I have the honor to acknowledge your letter of the 20th ultimo, reporting the capture of a negro by a man of your command, and the examinations which you had made on the Ocklawaha. In reply, I am directed by the major general commanding to say that the negro will be restored to his owner; and that no reward for his capture can be allowed, unless it is done by the owner. It is highly desirable that you send out scouts whenever practicable, as harassing the enemy in this way will have a strong tendency to induce surrender.

J. A. CHAMBERS.

Lieutenant F. E. HUNT, *4th Artillery,*  
*Commanding Fort Micanopy, Florida.*

B No. 49.

FORT JUPITER, *March 4, 1838.*

SIR: I have the honor to acknowledge your letter of the 25th ultimo, enclosing a report of Lieutenant Hunt, commanding at Micanopy, in relation to the capture of a negro, &c. Lieutenant Hunt has been instructed to restore the man to his owner, and informed that no reward for his capture can be allowed, unless it may please the owner to grant it.

J. A. CHAMBERS.

Lieut. Col. J. B. CRANE,  
*Commanding, &c., Fort Heileman, Florida.*

B. No 50.

[Extract.]

CAMP, NEAR FORT JUPITER,

March 5, 1838.

SIR: I have succeeded in separating from the Seminoles most of the Indian negroes, and have sent them, with the exception of a small party retained here to be employed in communicating with the Indians, to Tampa Bay, to be moved immediately west. The Indian negroes captured, and separated from the Indians by the several detachments of the army, during the present campaign, amount to about two hundred and forty; besides which, nearly all the negroes taken from citizens have been recaptured, and restored to their owners.

TH. S. JESUP.

His Excellency G. R. GILMER,

*Governor of Georgia, Milledgeville, Georgia.*

B No. 51.

[Extract.]

CAMP JUPITER, March 6, 1838.

GENERAL: One hundred and fifty-two negroes have been brought in; one hundred and eighteen have been sent to Tampa; and the remainder, except one, who belongs to a citizen, and has been taken by his master, are in camp.

TH. S. JESUP.

Brig. Gen. W. K. ARMISTEAD,

*Comm'dg first division, Charles Ferry.*

B No. 52.

[Extract.]

CAMP JUPITER, March 22, 1838.

COLONEL: The Indians and negroes, except Abraham's, and Toney's, and Cudjoe's families, should be sent to Fort Pike without delay. This is the only means of securing them completely, and preventing improper intercourse with them by white men.

TH. S. JESUP.

Col. Z. TAYLOR,

*Comm'dg, &c., Fort Bassinger, Florida.*

B No. 53.

FORT JUPITER, March 25, 1838.

SIR: The commanding general has received your letter of the 12th instant, on the subject of the negro Romeo; and, in reply, directs me to state to you that the price you have named for him is so high that the proposed purchaser\* will not be able to pay it. The general will, there-

\* A Seminole negro, a relation of his wife.

fore, be compelled to retain the man until the Seminole negroes arrive at Fort Pike, and will direct that he receive the same rate of wages allowed to the other men employed as packmen, &c.

T. B. LINNARD.

W. DE PEYSTER, Esq.,  
*St. Augustine, Florida.*

B No. 54.

FORT JUPITER, *March 30, 1838.*

SIR: By direction of Major General Jesup, I have the honor to forward you a list of the Seminole Indians, Indian negroes, and slaves of citizens of Florida, taken by the troops, or who have surrendered themselves at this post within the last six weeks. The Indians, with the exception of about ninety, who remained here, have all been sent off for emigration westward: all the negroes, except three or four retained as interpreters, with their families, have been sent to Tampa Bay. I also transmit you a list of property taken from the Indians, with the appraised value thereof, as determined by a board of officers. The rifles are in the possession of the acting ordnance officer here, and can either be sent to their owners, or paid for, as the department may decide.

W. G. FREEMAN.

The Hon. C. A. HARRIS,  
*Commissioner of Indian Affairs, Washington City.*

B No. 55.

[Extract.]

CAMP JUPITER, *March 30, 1838.*

COLONEL: I have also received your letter of the 28th instant. I am pleased to hear that Captain Taylor has secured Buner's people; and I desire that they, as well as the negroes and Indians at Fort Pike, be sent to the West, without delay.

TH. S. JESUP.

Col. Z. TAYLOR,  
*Comm'dg, &c. Fort Bassinger, Florida.*

B No 56.

[Extract.]

CAMP JUPITER, *March 31, 1838.*

COLONEL: Retain all Indians and negroes now in Florida whom you and Mr. Casey may consider of any importance to be retained, and send to Fort Pike for all whom you may think useful. The families of those at Fort Pike whose services you may require, should remain there; and all others should be sent at once to the West.

TH. S. JESUP.

Col. Z. TAYLOR,  
*Comm'dg, &c. Fort Bassinger, Florida.*

B No. 57.

[Extract.]

HEADQUARTERS, ARMY OF THE SOUTH,  
*Camp Jupiter, April 1, 1838.*

GENERAL: When the Indians and negroes now at Tampa shall be ordered to move, I desire that such as Colonel Taylor may designate, or that Mr. Casey (from his intimate knowledge of their characters and capacity for usefulness) may consider worth retaining, be allowed to remain with their families until Holatoochee be ready to leave the country.

TH. S. JESUP.

Brig. Gen. W. K. ARMISTEAD,  
*Comm'dg first division, &c., Tampa Bay.*

B No. 58.

FORT JUPITER, *April 1, 1838.*

SIR: The major general commanding deems it advisable that such of the Indian and negro prisoners now at Tampa Bay, who, from faithfulness or general intelligence, are likely to be useful in any future operations or negotiations which may be carried on in Florida, be retained at Tampa; and any of the same description who are at Fort Pike, be sent for.

He has confidence in your judgment in the case, and therefore desires that you will designate to General Armistead any whom, from your knowledge of their character and disposition, you think will be useful; and they will be retained, or, if absent, sent for.

General Armistead and Colonel Taylor have been written to on the subject.

J. A. CHAMBERS.

Lieut. J. C. CASEY,  
*2d Artillery, Tampa Bay.*

B No. 59.

FORT JUPITER, *April 7, 1838.*

SIR: Your communications of the 15th and 28th ultimo, with the accompanying papers, reporting the removal of the Seminole Indians and negroes from Fort Pike, have been received; and I am instructed by Major General Jesup to say, in reply, that the removal of the negroes was proper: they were either free, or the property of Indians.

W. G. FREEMAN.

Major R. A. ZANTZINGER,  
*2d Artillery, comm'dg Fort Pike, La.*

B No. 60.

FORT JUPITER, *April 7, 1838.*

SIR: Your letter to the commanding general, dated Tampa Bay, *4th March*, (though, no doubt, written on the 4th April,) enclosing a communication from the Indian department in relation to the emigration westward of certain Indians and negroes, has been this day received; and I am instructed by the general to say in reply to you, that he desires you

to meet him at Fort Frazer, on Pease creek; for which post he will leave on the 9th or 10th instant, when a decision will be made on the subject.

W. G. FREEMAN.

Lieut. J. G. REYNOLDS, *U. S. Marines,*  
*Disbursing Agent Indian Department, Tampa Bay.*

B No. 61.

HEADQUARTERS, ARMY OF THE SOUTH,  
*Tampa, (E. F.) June 1, 1838.*

SIR: I am directed by Brigadier General Taylor to acknowledge the receipt of your letter of the 16th ultimo, in relation to your boy Joe; and inform you that there is no negro answering to your description at this place. Abraham and Cudjoe say that Joe has not yet been in, and that they have heard that he was with Coacoochee, (or Wildcat.) If he should, however, be captured, or brought in, he will be detained at this place, subject to your order. Ormond, I understand, was sent to St. Mark's.

Very respectfully, your obedient servant,

G. H. GRIFFIN,  
*Acting Assistant Adjutant General.*

W. A. DE PEYSTER, Esq.,  
*Charleston, S. C.*

B No. 62.

HEADQUARTERS, ARMY OF THE SOUTH,  
*Fort Brooke, September 22, 1838.*

SIR: Your communication of the 10th instant has been received; and the commanding general instructs me to say, in reply, that he expects in a short time to be on that side of the peninsula, when measures will be taken for the furnishing Captain Beall with another interpreter, and for the delivery of Morris to you, as agent for the owner.

With respect, your obedient servant,

J. H. LAMOTT,  
*Captain, acting Adjutant General.*

SIMON BECKHAM, Esq., *Newnansville.*

ADJUTANT GENERAL'S OFFICE, *February 18, 1839.*

The foregoing series of letters, numbered from 1 to 62, inclusive, are true copies.

R. JONES, *Adjutant General.*

C No. 1.

WAR DEPARTMENT,  
*Office Indian Affairs, May 9, 1838.*

SIR: The decision made a few days since, that the negroes captured by the Creek warriors in Florida should, in compliance with the engagement of General Jesup, be delivered to the delegation now here, has been communicated to them, with the intimation that when they

had determined what disposition would be made of them, and communicated information of the same to this department, the necessary orders would be issued. In a communication just received from the delegation, they state they have appointed Nathaniel F. Collins, of Alabama, their attorney in fact, to receive the negroes. I have the honor to request that an order may be issued to the commanding officer at Fort Pike, to Major Isaac Clark at New Orleans, to the commanding officer in Florida, and to any other officers who may have charge of them, to deliver to Mr. Collins all the negroes in question. He will, of course, hold them subject to the lawful claims of all white persons. Abraham and his family should be excepted, in consequence of a promise made by General Jesup. The officers should be instructed to exercise due caution, so as to deliver only those captured by the Creeks. It is proper to remark, that it appears from a letter received from Lieutenant Sloan, that these Indians refused the \$8,000 offered them, under the direction of General Jesup, for their interest in these negroes.

Very respectfully, your most obedient servant,

C. A. HARRIS, *Commissioner.*

Captain S. COOPER,  
*Acting Secretary of War.*

C No. 2.

WAR DEPARTMENT,

*Office Indian Affairs, May 9, 1838.*

SIR: I have the honor to transmit, herewith, the copy of a communication made to the Secretary of War, and which has been returned by him to this office, with his approval endorsed upon it. I request that you will cause an order, such as is indicated in this paper, to be given as soon as practicable to the officers mentioned in it. I am not at present aware that it will be necessary to give an order to any other than those named. I will thank you to cause me to be furnished with a copy of the orders issued, that Mr. Collins may be furnished with all proper papers.

Very respectfully, your most obedient servant,

C. A. HARRIS, *Commissioner.*

Major General MACOMB,  
*Commanding in chief.*

C No. 3.

ADJUTANT GENERAL'S OFFICE,

*Washington, May 10, 1838.*

SIR: Herewith you will receive a copy of a communication made to the Secretary of War by the Commissioner of Indian Affairs. The request contained therein having been approved by the Secretary, you will please to give the necessary attention to the matter, so far as you are concerned, and comply with the requisition of Mr. Collins.

I am, sir, very respectfully, your obedient servant,

R. JONES, *Adjutant General.*

Major General JESUP,  
*Commanding army in Florida, Tampa, Florida.*

Brevet Major ZANTZINGER,  
*Fort Pike, Louisiana.*

C No. 4.

HEADQUARTERS, ARMY OF THE SOUTH,

*Tampa, (Florida,) June 2, 1838.*

GENERAL: I have the honor to acknowledge your communication of the 10th of May, 1838, accompanied by one of the 9th, from the Commissioner of Indian Affairs, addressed to Captain Cooper, acting Secretary of War, on the subject of turning over certain negroes captured by the Creek warriors in Florida to a Mr. Collins, their agent, in compliance with an engagement of General Jesup.

I know nothing of the negroes in question, nor of the subject, further than what is contained in the communication above referred to; but I must state distinctly, for the information of all concerned, that, while I shall hold myself ever ready to do the utmost in my power to get the Indians and their negroes out of Florida, as well as to remove them to their new homes west of the Mississippi, I cannot for a moment consent to meddle in this transaction, or to be concerned for the benefit of Mr. Collins, the Creek Indians, or any on eelse; or to interfere, in any way, between the Indians and their negroes, which may have a tendency to deprive the former of their property, and reduce the latter from a comparative state of freedom to that of slavery; at the same time, I shall take every means to obtain and restore to his lawful owner any slave among the Indians who has absconded or been captured by them.

Very respectfully, I have the honor to be, general, your obedient servant,

Z. TAYLOR,

*Brevet Brig. Gen. U. S. army, commanding.*

General R. JONES,

*Adjutant General U. S. army, Washington, D. C.*

ADJUTANT GENERAL'S OFFICE,

*February 18, 1839.*

The foregoing series of letters, numbered from 1 to 4, are true copies.

R. JONES, *Adjutant General.*

D.

NEW ORLEANS, (LA.) *May 18, 1838.*

GENERAL: Accompanying this, I send you, for the information of the proper authorities, a copy of a judgment of one of the superior courts of this State, with a copy of my objections thereto, in the case of the heirs of Love against me; exhibiting an effort, which I am convinced is fraudulent, to arrest and take from the custody of Lieutenant Reynolds sixty-seven of the black prisoners of war brought from East Florida with the Seminole prisoners of war.

I shall embark for St. Louis on the 20th of the present month.

With great respect, your obedient servant,

EDMUND P. GAINES.

Adj. General R. JONES,

*Washington City.*

True copy:

R. JONES, *Adjt. General.*

FEBRUARY 18, 1839.

HEIRS OF LOVE

vs.

E. P. GAINES.

} Judgment on rule.

This suit is instituted for certain slaves which the plaintiffs claim as their property, and which they allege the defendant detains from their possession.

The petition demands the delivery of the slaves, and damages for their reasonable hire ; or, in default thereof, claims judgment for their value, alleged to be sixty-seven thousand dollars.

By a supplemental petition, the plaintiffs, alleging that the defendant is about to remove the slaves sued for without the limits of the State of Louisiana, demand a writ of sequestration; which writ was issued after the legal formalities.

The writ of sequestration, which is dated May 2, 1838, was returned by the sheriff of the parish of Orleans as follows :

“Received May 2, 1838, and demanded the within slaves of General Gaines, the defendant ; who answered me that he never had the within described slaves in his possession or under his control. I found the slaves at the barracks of the United States, but the officers in charge of the same refused to deliver them to me. Returned May 8, 1838.

“FREDERICK BUISSON, *Sheriff.*”

On the 9th of May, 1838, the defendant sued out a rule to set aside the order of sequestration, which has been elaborately argued. The two principal grounds of this rule are :

1st. That the negroes, whose sequestration is demanded, are prisoners of war of the United States, taken in combat with the Seminole Indians, and that the control of the United States over said negroes, and their right to the custody of such negroes as prisoners of war, cannot be taken away by the sequestration issued.

2d. That there is no proper party defendant to the cause; the party cited having no command or control over said negroes, and not having them in his possession.

Some of the principal facts necessary to an understanding of the situation of the parties in relation to each other, and to this court, are as follows:

The defendant is a major general of the army of the United States, in command of the military division west of the Mississippi. The limits of his command do not extend to the east side of that stream, on which side, in the general course of the river, is situated the city of New Orleans. On the same side are likewise situated the barracks erected in the parish of Orleans for the accommodation of the United States troops.

These places are situated within the military command of General Jesup, in whose division is likewise comprised the seat of hostilities with the Seminole tribe of Indians.

A number of these Indians, having been taken prisoners in battle, or having voluntarily surrendered to the United States troops in Florida, were brought from that country as far as New Orleans, on their way to a district of country situated on the extreme western frontier of the States of Arkansas and Missouri, which had been allotted to the Seminoles by a treaty of cession and emigration concluded with that tribe in the year 1832 or 1833. These Indians were placed in depot, and for safe-keeping, in the United States barracks below New Orleans, preparatory to their transportation, by the Mississippi and Arkansas rivers, to their ultimate destination

In effecting this forced emigration, while the ordinary military authorities seem to have been charged with all the details of the means of transportation, subsistence, and safeconduct of these vanquished savages, a special agent has been appointed by the Department of War to accompany them and superintend their movements.

In the execution of this duty, the agent (Lieutenant Reynolds, of the marine corps) appears to have met with a difficulty which retarded the operations connected with the emigration, until he could correspond with the Department of War.

This difficulty arose from a number of negroes having been sent on from Florida, who were mostly claimed by the Indians as their slaves. These negroes were detained by Major Zantzinger at Fort Pike, and the movement to Arkansas was suspended in consequence.

It is here to be remarked, as having an essential bearing on the defendant's argument upon the rule, that Lieutenant Reynolds did not apply to either of the commanding generals of the divisions included in the route of emigration for instructions as to the disposition of these negroes, but to the Commissioner of Indian Affairs at Washington. The character and object of the detention of the negroes in question are, therefore, to be collected from the reply to his letter addressed to that functionary.

Under date of the 22d March, 1838, Mr. Harris, Commissioner of Indian Affairs, writes to Lieutenant Reynolds as follows:

"I have had the honor to receive your letter of the 14th instant, relative to the negroes belonging to the Seminoles under your charge, which were detained by Major Zantzinger. In reply, I have to instruct you that these negroes, *which are the property of the Indians*, are to be removed with them, and to constitute a portion of the emigrating party for all the purposes of transportation and subsistence. You will therefore take immediate measures to annex them to your party."

The negroes detained by Major Zantzinger, among whom it appears were the negroes claimed in this suit, were accordingly transported to the barracks below New Orleans, where they are now under guard, with the Indian prisoners, preparatory to their embarkation for Arkansas.

At this juncture, and while the negroes in question are within the jurisdiction of this court, the plaintiffs have made claim by this suit to sixty-seven of their number.

The return of the writ of sequestration shows a denial by General Gaines that he has the possession or control of the negroes.

This denial can, however, be taken in no other light than as referring to the present momentary position of the negroes, out of the strictly defined limits of General Gaines's division. It is admitted by him, in argument, that in a very few days at furthest they would be within the limits of his command. It is in proof that several days before the issuing of the writ of sequestration, General Gaines had given an order for the embarkation and movement of the negroes to the place of their destination. A copy of that order, taken from the order-book of the garrison where the negroes are at present detained, is in evidence. The sheriff's return shows that the negroes mentioned in the writ were found at the barracks, but that the officers in charge refused to deliver them.

It is not directly proved, but I am justified in taking it for granted, that those officers would have obeyed an order from General Gaines to deliver up the negroes to the sheriff. I am justified, I say, in taking this for

granted, because the order to Major Clark of the 29th April, just mentioned, for the embarkation of the negroes, was on the eve of being obeyed, when its execution was prevented by the issuing of this sequestration. (See Captain Allen's testimony.) But it is evident that if the general had the power of ordering the negroes in one direction, he could despatch them in another, or detain them where they were.

Indeed, were not this denial of control to be taken in the restricted sense which I have mentioned, the present rule would be entirely a work of supererogation. Had the plaintiffs claimed property as in the possession of defendant, which was neither actually in his possession nor about to come into his possession, to what purpose plead any other matter than a simple disclaimer?

The defendant has very properly adopted a different course; for his partial and imperfect control of the property sued for, followed as it was sure to be, almost immediately, by a control absolute and uncontroverted, justified the sequestration in his hands, and rendered him amenable to process, no less than if this absolute control already existed. A disclaimer, if it could even be inferred from the fourth ground of the rule, is, indeed, inconsistent with the other grounds. Those strike at the root of the order, as made by an authority incompetent and granted on insufficient security; the disclaimer would only withdraw the defendant from its operation. Inconsistent pleas are not admitted in our practice; and the rule must stand or fall upon the broad ground taken, of the illegality of the order of sequestration.

This ground has occupied the whole attention of the defendant's counsel, and presents some very important questions, of a character that happily are but seldom mooted in our courts—questions of conflict between the military and civil authority in the State.

The slaves whose sequestration is prayed for in this suit, are claimed by General Gaines as prisoners of war, taken in battle, or captured with arms in their hands.

It is contended on the part of the general, that all the belligerent attributes of the nation centre in its executive head, the President of the United States, and in the officers acting under his orders; that the custody and disposal of prisoners of war, is no less one of those attributes, than the plan of the campaign, the ranging of the line of battle, and the achievement of the victory; that in a government of well-ordered checks and balances like ours, the judiciary and executive—that department which regulates the right and obligations of citizens, and that which protects them from their enemies—cannot interfere with each other in the exercise of their legitimate functions, without a manifest usurpation of authority by the department interfering.

Such is the real and substantial ground taken for the dismissal of this sequestration; although the counsel of the defendant have lost sight of it, in discussing the doctrines of captures, and the *jus postliminio*, by which proprietors are allowed to reclaim their property which has been captured, and afterwards recaptured, at the hands of the second captors. This argument of the right of the Government, its officers and troops, to retain the slaves in question by right of capture, only tends to confuse the question. It has no application to the present case. Neither the United States nor the defendant claim any interest, title, or property in these slaves.

That such is the case, is evident from the proceedings. Major Zant-zinger detained them on their route, very probably under the idea that they were good prize to the captors, and that the Seminoles, if they had possessed them as slaves, had by conquest lost their title.

And this I must confess, if I may presume to criticise the acts of the Government, strikes me as an infinitely more sensible and natural idea, than to remunerate the ruthless murderers of our fellow-citizens for the blood and treasure which they have cost the country, by sending a horde of negroes with them into their new possessions, to till their grounds for them in peace, and to increase their numbers in another frontier war.

So it was, however, that the Department of War directed that the negroes claimed by the savages as their slaves should be forwarded with them to the same point of destination, thence to be set free, so far as the United States or its agents were concerned.

All the learning on the right of *postliminium* is, therefore, thrown away. The slaves in question are not claimed by the victor as booty. They are claimed emphatically, and the claim has been impressed and reiterated upon me by the gallant defendant himself, at every stage of the discussion, as prisoners of war.

But is the pretension of the defendant correct, that the slaves in question are prisoners of war? This is a question of fact. No witness has proved that he saw any of the negroes, mentioned in the petition in this suit, taken in arms. Captain Allen, in his cross-examination, says further, that all the negroes at whose capture he was present in Florida were unarmed. Now, a prisoner of war is generally understood to be one who is taken in actual hostilities. I have yet to learn, indeed, that the slaves in the Seminole nation were any more a party to the war than they were to the treaty, the infringement of which gave rise to the war.

A striking illustration of the views of Government on this subject is seen in the discretion vested by the Commissioner of Indian Affairs in Lieutenant Reynolds, in the letter already quoted: "All those negroes *which are the property of the Indians,*" says the letter, "are to be removed with them." But what becomes of those who are not the property of the Indians? The letter does not explain.

Again: two negroes captured in Florida were sent over to their owners, who were white citizens of the United States. (See Captain Allen's testimony.) Those negroes were sent over by a commissioner of the United States. These were then, certainly, not treated as prisoners of war.

I am come to no other conclusion, from the evidence, but that the negroes, for whom the order of sequestration has been issued, have not been regarded by the Government as prisoners of war, but as the property of prisoners of war.

Having thus examined the relation which the negroes, for the possession of whom this suit has been brought, bear to the Government, I next proceed to investigate that in which they stand to the plaintiffs.

The plaintiffs, styling themselves residents of Muscogee county, State of Georgia, allege that they are the lawful owners and proprietors, mentioned in their petition, by inheritance from Hugh Love, deceased, and claim possession of them as their property.

The question thus submitted to this court is one of property. The allegations of the petition are to be taken as true, for the purposes of argument upon a demurrer of the proceedings, which is the nature of this rule.

The plaintiffs, by their agent, having traced their property to this point, claim the possession.

To deny them the exercise of this claim, peremptorily to refuse them the right of litigating the question, would be a direct violation of the fifth article of the amendments of the constitution of the United States, which declares that no person shall be deprived of life, liberty, or property, without due process of law.

It is in vain to urge that, when the slaves are taken to Fort Gibson, on the Arkansas river, their point of destination, and the military force shall have abandoned the control of the prisoners, and left them at large in their new domain, the plaintiffs will be perfectly free to prosecute their claim.

There is no principle of law that can compel the plaintiffs, after discovering their property, to delay a moment the assertion of their claim. Indeed, there is something ludicrous, if not absurd, in the requirement that the plaintiffs shall leave the abodes of civilization and laws, to pursue the wild denizen of the forest into his own howling wilderness, there to determine their respective rights. In doing so, if they went as suppliants, they would only expect to be received with scorn; if as claimants, with defiance.

The instructions of Lieutenant Reynolds contemplate the possibility of a claim, by some other person than the Indians, to the ownership of the negroes captured; and, by direct implication, confer upon that officer the power of deciding the question of property, and of setting apart, by reference to the ownership, such negroes as are to accompany the Indians in their transportation. But I imagine it was never intended by Mr. Harris, nor will it be contended by Lieutenant Reynolds, that this power given him has superseded the action of the civil authorities upon the purely civil question of a claim to the ownership of the slaves, set up by a person not a prisoner, in opposition to the claim of one who is a prisoner.

Still less, I fancy, can it be seriously maintained that, in case of such collision of claims, the *ipse dixit* of the Indian prisoner is to decide the question and shut out a judicial investigation. This *ipse dixit*, suspicious at all times, would be particularly worthless when coming from men who have already stamped themselves with reprobation. For, at the treaty of Payne's Landing, this tribe (the Seminoles) made an allowance of seven thousand dollars for slaves and other property stolen and destroyed by them. Then they have stolen the property of our own citizens, by their own confession. There is almost a *prima-facie* case against them, in the event of any claim by our citizens. By what singular good fortune has this now prostrate banditti acquired a right, unknown to all others, of holding any thing they may choose to call their own, without a privilege of challenge in a court of justice?

I would be among the last to attempt an assumption of a power which does not belong to the office which I have the honor to fill. In the consideration of the present question, I acutely feel the embarrassing and delicate situation in which I am placed, between a desire to do my duty, and an apprehension of interfering with the public service. But the question is presented to me, and I must decide. In constitutional questions, principles are every thing, consequences are nothing. Such is the present case.

I hold it to be undeniable, that over all contested questions of civil rights between individuals the judiciary has an exclusive cognizance,

which can neither be taken away nor modified by the Executive; that this cognizance extends over every person and every thing within our territorial limits; and that the exercise of this cognizance can neither be denied nor impeded, without a violation of the essence and spirit of our institutions.

The deposition filed has satisfied me of the sufficiency of Mr. Robinson as security in the sequestration bond.

It is therefore ordered, adjudged, and decreed, that the jurisdiction of the court be maintained, and that the rule be discharged at defendant's cost.

ADJUTANT GENERAL'S OFFICE,

February 18, 1839.

True copy from the copy forwarded to the Adjutant General:

R. JONES, *Adjutant General.*

A true copy:

J. C. REID,

*Second Lieutenant 5th Infantry.*

HEIRS OF LOVE

vs.

E. P. GAINES.

} *On a rule to show cause, &c.*

The defendant, E. P. Gaines, offers the following objections to the decision of the court in this case:

The decision is, first, contrary to the constitution and laws of the United States; secondly, contrary to the laws of war; and, thirdly, contrary to the testimony before the court.

1. The constitution of the United States authorizes Congress "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;" and it authorizes the President of the United States "to be commander-in-chief of the army and navy of the United States, and of the militia when called into the actual service of the United States;" and it authorizes and requires the President "to see that the laws are faithfully executed." The laws of the United States authorize the late and existing war against the Seminole nation of Indians, and against all persons in their service. The negroes claimed by the plaintiff were found in the service of the Indians, speaking the same language, and, like the inhabitants of all savage nations, aiding and assisting in the war. They were captured and taken by the United States forces as prisoners of war; and they are now in charge of a United States officer, Lieutenant Reynolds, acting pursuant to the orders of the President of the United States, directing him to superintend their transportation from the theatre of war, in Florida, to the place set apart for their location west of the State of Arkansas, as prisoners of war, as well as the servants of the Seminole Indian prisoners of war. They are not, never have been, nor have I any reason to believe they ever will be, subject to my control.

2. The laws of war, as embraced in the works of Bynkershoeck, Vattel, and Wheaton, on international law, clearly sanction the principle, that all persons taken in battle, or who may be forced to surrender,

whether officers, soldiers, servants, or followers of the enemy's army, are prisoners of war, and may be put to death, imprisoned, held as slaves, or liberated, at the option of the victor; or, in other words, at the option of the executive department of the Government under whose authority they are captured. Among savage nations it is universally known and admitted, that in war they have no *non-combatants*, excepting only such as are physically incapable of bearing arms. Every man, without regard to age or color, is a warrior; every boy able to fire a gun, or wield a hatchet or an arrow, is a warrior; and every woman is a laborer, a slave, in the collection and preparation of roots, and other means of subsistence, and clothing for the warriors; all are therefore liable, when captured in a state of hostility, to be treated as *prisoners of war*. The fact that the Commissioner of Indian Affairs, in his letter to Lieutenant Reynolds, designated the negroes as the slaves of the Seminole Indians, is in nowise at variance with the allegations of the undersigned, that they are in fact prisoners of war. In a war between this and any other country, or against incendiary abolitionists, what humane owner of slaves is there among us that would not be manfully aided in the war by every active, intelligent black man owned by him? In war with England, we have seldom taken prisoners in battle (or, as is most common, after a battle) without finding among them some *servants* unarmed, who have uniformly been considered as much in the light of prisoners of war, as if they had been common soldiers, and taken with arms in their hands. There are, perhaps, few instances on record where the forces of savage nations have ever surrendered to the victor, or otherwise *been taken with arms in their hands*. Their constant practice has been to throw away or conceal their arms, when so entirely subdued as to be induced to surrender. It is in proof that Major General Jesup, commanding in Florida, considered these negroes as prisoners of war, and so designated them in his orders and official correspondence.

3. The decision of the court is contrary to the testimony before the court. It is clearly proven by the correspondence referred to by the court, as well as by the testimony of Captain Allen, that the charge and control of the Indians and negroes in question were confided to Lieutenant Reynolds of the marine corps. And, although the undersigned has repeatedly alleged (what is obviously in proof before the court) that he is not in possession of the negroes, that they are not under his control; and that he has no reason to believe they ever will be in his possession, or under his control; he is, nevertheless, as he conceives, lawlessly taxed with this vexatious investigation; and lawlessly threatened with heavy damages and costs, and forced to be the defendant in this case, without any legal or rational grounds of action against him. He is, indeed, authorized, in virtue of his official station, as major general commanding the western division of the army of the United States, to bear true faith and allegiance to the United States of America, and to serve *them* honestly and faithfully against their enemies and opposers whomsoever, and to obey the orders of the President of the United States, &c. Under this official pledge, which he has made upon oath, he deems it to be his duty to afford to every officer of the army near him whatever facilities may be necessary and proper to enable them to perform whatever duty is confided to them by the President of the United States. In pursuance of this authority, the undersigned ordered Major Clark to furnish transportation for

enabling Lieutenant Reynolds, and the officers on duty with him, to convey the prisoners of war to the place of their destination in the western division.

But it seems the learned counsel for the claimant had flattered himself with the persuasion that the undersigned would make the most convenient and accommodating defendant imaginable; he was expected to "*take the responsibility*" of doing whatever the voracious claimant might desire, without coming into this honorable court. The undersigned will here take leave to apprise the court, for the benefit of all the parties concerned, that he has never hesitated to assume the *responsibility* of doing his duty, or of doing justice; but he has not yet learned, whilst acting in his official capacity, upon oath, or upon honor, to take the responsibility of doing that which is repugnant to law, unjust, and iniquitous, as he verily believes any favor shown to this claim for the sixty-seven slaves in question would be.

There is no principle of the laws of war better established than that all prisoners of war are under the exclusive control of the victor; or, in other words, under the exclusive control of the executive department of the nation capturing them, during the continuance of the war. But, even if the negroes in question had been found detached from the belligerents during the whole of the war, peaceable, and in all respects non-combatants, they could not lawfully be taken out of the custody of the officers intrusted by the President with their safe-keeping, as, being of a description of property which they might possibly have captured from our own citizens, it would, in that case, become the duty of the President to retain in the hands of the United States agents the custody of the property until all who should have sustained losses could have an opportunity of presenting their claims; to the end that the claims of all should be fairly settled, and a just distribution be made to the rightful owners; or, if the claims to the whole, or a part, be found fraudulent, as that here set forth is deemed to be, the property left without other claim than that of the Seminole Indians, should revert to the United States, as a small remuneration for the untold millions expended in the prosecution of the war. If I am told that the United States disclaim the right to hold property of this description, I reply, that they have a right guaranteed by the first law of nature, as well as the laws of war, to hold these Indians and negroes *as prisoners for life*; and I feel confident that the wisest and most humane disposition that could possibly be made of every Indian and negro of these miserable bands, would be to place them in a penitentiary, put them to work, and never liberate them until they are not only civilized, but made thoroughly acquainted with such of the mechanic arts as will enable them to be useful and exemplary citizens.

From the decision in this case, the court appears to labor under the impression that the negroes in question were captured by the Seminole Indians in the course of their hostile incursions upon our frontier inhabitants. Is this the fact? The undersigned will answer for the learned counsel on the opposite side that he will never have the temerity to assert that they are among the number taken from our frontier inhabitants in the present, or in any former war. He will, no doubt, in due time admit that his client is a Creek Indian, who, like his claim, is among the basest of the base, and the vilest of the vile! The Seminole Indians are doubtless, as the court supposes, very atrocious; not, however, more

so than our enemy of the years 1812, '13, '14. England, a civilized nation, employed the savages near us to murder our frontier inhabitants. But, without stopping to estimate the relative atrocity of the character of our enemies, it is enough that we should know we *owe it to our own self-respect* to do justice to all, and conform to the law of the land and the laws of war.

All which is respectfully submitted, with a hope that the negroes may be left in charge of Lieutenant Reynolds, and that the undersigned may be released from this suit at the cost of the plaintiff.

EDMUND P. GAINES,

*Major General United States Army.*

NEW ORLEANS, *May 15, 1838.* A true copy:

J. C. REID, *2d Lieutenant 5th Infantry.*

True copy:

R. JONES, *Adjutant General.*

WAR DEPARTMENT,

*Office Indian Affairs, February 22, 1839.*

SIR: In obedience to your direction to report on the resolution of the House of Representatives of the 28th ultimo, relative to the disposition of the negroes and other property captured from the hostile Indians in the course of the present war in Florida, I have the honor to submit copies of all the papers in this office bearing on the subject.

Very respectfully, your most obedient servant,

T. HARTLEY CRAWFORD.

HON. J. R. POINSETT,

*Secretary of War.*

WAR DEPARTMENT,

*Office Indian Affairs, May 5, 1837.*

SIR: I have the honor to acknowledge the receipt of your letters of the 8th of March, and 1st and 15th ultimo, addressed to me; and, also, by reference to this office, the following letters from you, viz: of the 6th of March last, addressed to the Adjutant General, accompanied by a copy of the articles of a convention entered into with the Seminole nation of Indians, at Camp Dade, on the 6th of March, 1837; of the 18th of March last, addressed to the Adjutant General, with a copy of the approval, by Micanopy, of said articles; and of the 9th ultimo, addressed to the Secretary of War: and I am charged with the duty of returning answers to such portions of those communications as fall within the scope of the duties confided to this office.

In the first place, I have to assure you that, so far as the action of this office is required to carry into full effect the stipulations of the articles of the convention, its prompt co-operation may be depended upon, and all the means under its control will be brought into operation, upon the requisite information being communicated.

The importance of preventing the interference of the whites with the Indians, or with their negroes, is fully appreciated by this Department,

and I am directed to say to you that it must not be permitted, under any pretence whatever. Arrest and detention of any of the Seminoles would be a violation of the articles of the convention, and may be resisted by any proper and legal means at your disposal.

The preliminary measures to removal West, it is expected, will be tedious and expensive; it is, however, of great importance to the satisfactory conclusion of the operation of removal, that they should be attended to with all possible accuracy. These measures include, among others, the process of valuation of their cattle and ponies.

This office will depend upon you to make all the necessary arrangements for this service, and that you will cause proper rolls to be made, exhibiting the names of the proprietors or owners, the description of the property, the value, &c., according to the forms prescribed by the "Regulation for the removal and subsistence of Indians." The rolls being prepared, should be forwarded to this office as important documents in the settlement of accounts, payment of claims, and as data upon which to found a call for the necessary appropriations by Congress; there being none at present applicable to this object.

In regard to your remark, that a few thousand dollars distributed among the chiefs of energy and influence would have a good effect, I have to observe, that I do not see how this can be properly done; but the object may, perhaps, be effected by employing such of them as can render efficient service as assistant agents in the removal, paying them such sums as their services are worth. This you are authorized to do.

Soon as they can be prepared, you will be furnished with revised regulations concerning the emigration of Indians; and I trust I shall be justified in urging upon you the importance of strict adherence, by the officers charged by you with the removal of the Seminoles, to these regulations; and I have to request that you will give instructions therefor.

Of the appropriations applicable to the emigration of the Seminoles, \$9,000 were deposited in the Manhattan Bank, in New York, to your credit, by Lieutenant J. W. Harris, of which you were advised from this office; and \$75,000 were remitted to your credit at Mobile and New Orleans on the 23d of March last: in addition to these, there is the sum of \$154,000 applicable to this service. Your drafts, or those of the office charged with disbursement, upon this office, will be paid to the amount of the last-mentioned sum.

I have to request that you will communicate to this office the names of the different officers who may be detailed by you for duty in this removal, the nature of their several duties, and a copy of your instructions to them.

Your views in relation to the Seminole women living with the Spanish fishermen, mentioned by you, are approved by this Department. These women will not be exempted from the operation of the treaty, being still members of the Seminole nation, and will therefore be removed with it.

In relation to the negroes captured by the Seminoles, and to be surrendered, I am directed to say that your arrangement for having them delivered to the commanding officers of posts on the St. John's is approved; and you will give proper instructions for their subsistence while in custody of the officers of the Government. It is desirable that they should not be kept in custody of the Government longer than is absolutely necessary, but they must so remain until proper measures are matured for the ascertainment of the owners and delivery to them. For this purpose I am direct-

ed by the Secretary of War to request that you will cause a registry to be made of all the negroes which shall be surrendered, showing the names of the negroes; the place where, and the officer to whom surrendered; the ages, as near as practicable, and sex, and when and where captured, if those facts can be ascertained; and the names of the supposed owners, and any other information which can be useful. This document you will please to forward to this office, together with your views as to the proper course to be pursued in their final disposal, and for their present keeping.

Captain Batman has been appointed to succeed Captain Page in the superintendency of the Creek emigration. The latter has been instructed from this office that it is desired that he should superintend the removal of the Seminoles, and that he will do so, provided it will not be incompatible with other duties with which he is charged, and of which he will be the sole judge. Should Captain Page determine that he can consistently engage in the service with the Seminoles, he will forthwith proceed to Tampa Bay for that purpose.

C. A. HARRIS, *Commissioner.*

Major General T. S. JESUP,  
*U. S. Army commanding, Tampa Bay, Florida.*

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WAR DEPARTMENT,

*May 6, 1837.*

SIR: I had the honor to receive your letter of the 9th of April, conveying the pleasing intelligence that the war in Florida is over, unless renewed by the imprudence and violence of the white inhabitants of that Territory. From such a danger it is believed that your prudence and firmness will preserve the country.

Your distribution of the forces which are judged necessary to be retained in Florida for the purpose of protecting the frontier inhabitants, and your intention to withdraw others from posts deemed unhealthy, early in the month of June, are approved.

Very, &c.

J. R. POINSETT,

Major General T. S. JESUP,  
*U. S. Army commanding, Tampa Bay, Florida.*

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WAR DEPARTMENT,

*May 25, 1837.*

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, with its enclosures.

I concur entirely in the opinion you have expressed, that the claim presented by Mr. Gould, as the attorney of Josiah Dupont's heirs, is embraced by the provisions of the 6th article of the treaty with the Seminoles of May 9th, 1832. The parties must be aware of this, as it appears from a report received from General Thompson, in 1835, that they presented to him evidence in support of it, which he transmitted to this Department. This report will be soon acted upon, and when the Department is in pos-

session of all the claims and necessary information, the sum stipulated to be paid will be paid in such manner as the aggregate amount of them may render necessary.

You can communicate these views to the persons interested, with an assurance that no measure taken now, in relation to their slaves or negroes, will affect injuriously any just claim against the Seminoles; but, at the same time, the Government cannot permit a discussion of individual rights to interfere with a prompt and peaceable removal of these Indians.

Very, &c.

J. R. POINSETT.

Major General T. S. JESUP,  
*Tampa Bay, Florida.*

WAR DEPARTMENT,

*Office Indian Affairs, March 22, 1838.*

SIR: I have had the honor to receive your letter of the 14th instant, relative to the negroes belonging to the Seminoles under your charge, which were detained by Major Zantzinger.

In reply, I have to instruct you that all of these negroes, which are the property of the Indians, are to be removed with them, and to constitute a portion of the emigrating party for all the purposes of transportation and subsistence. You will, therefore, take immediate measures to annex them to your party.

By a report from Lieutenant W. G. Freeman, 4th artillery, who has been put in charge of the Seminoles and negroes now and to be assembled at Fort Jupiter, dated 1st instant, this department is informed that 5 Seminole Indians, and 132 negroes belonging to Seminoles, have been sent from that post to Tampa Bay for emigration. You will consider it your duty to call at Tampa, receive this party, and convey it to the West, with the detachment now at New Orleans. You will, also, bear in mind that your instructions require you to gather in such other parties as are collected at other points on the west side of the peninsula, if any there are, where it can be done with due regard to economy and despatch in the service committed to you.

Very, &c.

C. A. HARRIS.

Lieut. J. G. REYNOLDS,  
*New Orleans, Louisiana.*

WAR DEPARTMENT,

*Office Indian Affairs, March 22, 1838.*

SIR: I have had the honor to receive your letter of the 1st instant, communicating to this office a copy of the order of Major General Jesup, assigning you to the charge of the Seminoles and negroes assembling at Fort Jupiter, and a roll of Indians and negroes sent from that post to Tampa Bay for emigration.

Instructions have been issued from this department to Lieutenant J.

G. Reynolds, United States marine corps, charged with the removal of the Seminoles from Charleston, South Carolina, to take the Indians and negroes at Tampa (mentioned by you) into his detachment, and carry them to the West. I have to request that you will continue to make regular weekly reports to this office of all your proceedings, and communicate every circumstance which may occur, which you deem of importance for this office to be acquainted with.

Very, &c.

C. A. HARRIS.

Lieut. W. G. FREEMAN,  
*Fort Jupiter, East Florida.*

WAR DEPARTMENT,

*Office Indian Affairs, May 1, 1838.*

SIR: I have the honor to submit, for the consideration and decision of the Department, a question that has been presented by the superintendent of the Western Territory.

In September last General Jesup advised the Department that he had purchased from the Creek warriors all the negroes (about 80 in number) captured by them, for \$8,000, and this purchase was approved on the 7th of October. At a subsequent date, he wrote that he had supplied Lieutenant Searle with funds, and directed him to make the payment. It is believed, however, that the warriors refused to take the sum named; Lieutenant Searle having made no such payment, and the delegation here asserting that they never received it. It is now asked whether they will be permitted to take the negroes, or be paid their value? It was suggested by General Jesup, that the consideration for the captives would be a proper charge on the Seminole annuity. But this would deprive the friendly portion, who have emigrated, of what they are justly and by law entitled to, and, to a certain extent, would be paying the Creeks with their own money; for the 4th article of the treaty with the Seminoles, of May 9, 1832, provides that the annuities then granted shall be added to the Creek annuities, and the whole amount be so divided that the chiefs and warriors of the Seminole Indians may receive their equitable proportion of the same, as members of the Creek confederation. Independently of this difficulty, I would respectfully suggest whether there are not other objections to the purchase of these negroes by the United States. It seems to me that a proposition to Congress to appropriate money to pay for them and for their transportation to Africa, could its authority for that course be obtained, or for any other disposition of them, would occasion great and extensive excitement. Such a relation assumed by the United States, for however laudable an object, would, it appears probable, place the country in no enviable attitude, especially at this juncture, when the public mind here and elsewhere is so sensitive upon the subject of slavery. The alternative would seem to be to deliver the negroes to the Creeks, as originally agreed on. The subject involves so many delicate considerations, that I respectfully invite your attention to it, and your direction as to the answer to be given to the delegation now in the city.

As early a decision of this question as practicable is very desirable, the Indians intending to leave this place in four or five days, and being anxious that this matter should be disposed of before they go.

Very respectfully, your most obedient servant,

C. A. HARRIS, *Commissioner.*

Captain S. COOPER,  
*Acting Secretary of War.*

P. S. If it should be determined to deliver them to the Creeks, I would suggest, as the opinion of this office, that it would be impolitic for them to be taken to the country west; and that, so far as the Department may of right interfere in regard to the ultimate disposition of them, it should endeavor to have it effected in some other mode.

C. A. H.

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WAR DEPARTMENT,  
*Office Indian Affairs, May 2, 1838.*

SIR: By an agreement made by General Jesup with the Creek chiefs, in August, 1836, the warriors raised to serve with the army in Florida were to receive \$10,000 when their term of service expired. They were also to receive \$20 for each negro taken from the Seminoles, and belonging to white persons. These amounted in number to about 120. Both these engagements remain unfulfilled, and I have respectfully to ask your direction as to the mode of procuring the funds to comply with them, and of making the distribution. There are no appropriations under the control of this office which can properly be applied. The delegation of Creeks now in this city request as speedy a decision of this question as may be convenient.

Very respectfully, your most obedient servant,

C. A. HARRIS, *Commissioner.*

Captain S. COOPER,  
*Acting Secretary of War.*

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WAR DEPARTMENT,  
*Office Indian Affairs, May 5, 1838.*

SIR: The Secretary of War has directed that the negroes belonging to the Seminoles, and captured by the warriors in Florida, shall be placed at the disposal of the delegation now in this city. But, before this can be carried into full effect, it will be necessary to be satisfied that the warriors have not received the \$8,000 promised in the agreement with General Jesup; to ascertain accurately their number and identity, and the claims of citizens upon any of them. For all to which such claims can be established \$20 each will be allowed. From the information now here, the number is supposed to be between sixty and seventy; the original number having been reduced by sickness. All the facts herein indicated will be required as early as practicable, but some time must necessarily elapse. It is the opinion of the Department that it will be impolitic to take these negroes west, and that they should be otherwise disposed of.

Any arrangement the delegation may make respecting them, and submit to this office, will be sanctioned, and instructions given for such action as may be proper on the part of the Government.

Very, &c.

C. A. HARRIS.

Capt. WILLIAM ARMSTRONG, *Washington.*

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WAR DEPARTMENT,

*Office Indian Affairs, May 9, 1838.*

SIR: I have the honor to transmit the copy of a communication to the Secretary of War, which has received his approval, in relation to the negroes captured by the Creek warriors in Florida. You will be pleased to give your assistance and co-operation in carrying the instructions therein given into full effect.

Very, &c.

C. A. HARRIS, *Commissioner.*

Capt. P. MORRISON,  
*Tampa Bay, Florida.*

[Same to Lieutenant J. G. Reynolds, New Orleans, Louisiana.]

[Duplicate of this handed to Mr. Collins for delivery.]

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WAR DEPARTMENT,

*Office Indian Affairs, May 9, 1838.*

SIR: The decision made a few days since, that the negroes captured by the Creek warriors in Florida should, in compliance with the engagement of General Jesup, be delivered to the delegation now here, has been communicated to them, with the intimation that, when they had determined what disposition would be made of them, and communicated information of the same to this department, the necessary orders would be issued. In a communication just received from the delegation, they state they have appointed Nathaniel F. Collins, of Alabama, their attorney in fact to receive the negroes. I have the honor to request that an order may be issued to the commanding officer at Fort Pike, to Major Isaac Clark, at New Orleans, to the commanding officer in Florida, and to any other officer who may have charge of them, to deliver to Mr. Collins all the negroes in question. He will, of course, hold them subject to the lawful claims of all white persons. Abram and his family should be excepted, in consequence of a promise made by General Jesup. The officers should be instructed to exercise due caution, so as to deliver only those captured by the Creeks. It is proper to remark, that it appears, from a letter received from Lieutenant Sloan, that these Indians refused to receive the \$8,000 offered them under the direction of General Jesup for their interest in these negroes.

Very respectfully, your most obedient servant,

C. A. HARRIS,  
*Commissioner.*

Capt. S. COOPER,  
*Acting Secretary of War.*

WAR DEPARTMENT,

*Office Indian Affairs, May 9, 1838.*

SIR: Having been notified by the Creek delegation that they have appointed you their agent and attorney in fact to receive the negroes captured by their warriors in Florida, which, by the decision of the Secretary of War, are to be delivered up to them in conformity to the agreement made with them by General Jesup, I have the honor to transmit, herewith, the copy of a communication to the Secretary of War on the subject, which has received his approval. Orders will be given to the officers therein named to carry the measure into effect, in conformity to the recommendation. Captain Morrison, superintendent Seminole emigration, at Tampa Bay, and Lieutenant Reynolds, engaged in removing a party of the same, at New Orleans, have been instructed to assist and co-operate in the matter. Herewith you will receive the copy of a list of negroes captured by General Jesup, which, it is believed, embraces the negroes to which the Creeks are entitled; but, as this is not certain, much caution should be used in identifying them. It is supposed that all these negroes, now alive, are at Fort Pike; but some of them may be at Tampa Bay, or other places: it will be for you to find them. No expense, of any nature whatever, growing out of this matter, will be paid by the United States.

Very, &amp;c.

C. A. HARRIS,  
*Commissioner.*NATHANIEL F. COLLINS,  
*Now in Washington, D. C.*

WAR DEPARTMENT,

*Office Indian Affairs, May 11, 1838.*

SIR: By a letter from Major T. Clark, United States quartermaster at New Orleans, dated the 1st instant, I am informed of the sickly condition of the Seminole Indians and negroes left by you at New Orleans, and that orders had been given to him by General Gaines, in your absence, to despatch them forthwith to Little Rock; and that, in pursuance thereof, he should proceed to make the arrangements and incur the expenditures consequent thereupon, but that he is destitute of funds for this purpose.

This determination of Major Clark has been approved by this office, and his expenditures therein will be assumed, and proper measures taken to meet them. The most feasible method of doing this is, as it appears to me, that you should assume Major Clark's contracts, and make the required disbursements from funds in your hands; and you are requested so to do. If other arrangements are requisite to meet the payments, you will make it known immediately.

Major Clark has been furnished with a copy of this letter.

Very, &amp;c.

C. A. HARRIS,  
*Commissioner.*Lieut. J. G. REYNOLDS, *New Orleans, La.*

## WAR DEPARTMENT,

*Office Indian Affairs, May 11, 1838.*

SIR: I have had the honor to receive your letter of the 1st instant, relating to the party of Seminole Indians and negroes left by Lieutenant Reynolds at New Orleans.

The circumstances stated by you were wholly unlooked for and unexpected by this office; and it was supposed that before the date of yours, this party would have been despatched from New Orleans.

The course which you propose in this emergency is approved, and suitable provisions will be made to meet any expenditures you may incur.

The first, and as it appears to me the most feasible method of doing this, is to have Lieutenant Reynolds, who will undoubtedly be soon at New Orleans, and who is supplied with funds, assume your contracts, and make payments accordingly.

If this proposition shall not be adequate to the emergency, upon being informed thereof a remittance will be made to you of such sum as you shall require as necessary to fulfil your engagements, provided the state of the Treasury will admit of it.

Enclosed is a copy of a letter this day addressed from this office to Lieutenant Reynolds.

Very, &amp;c.

C. A. HARRIS.

Major I. CLARK,  
*New Orleans, Louisiana.*

## WAR DEPARTMENT,

*Office Indian Affairs, May 12, 1838.*

SIR: It is represented to this department that the emigration of the Seminoles, now near New Orleans, has been impeded by claims set up to some of their negroes. I am directed by the Secretary of War to request that you will give the Indians your advice and assistance, and by all proper and legal means protect them from injustice, and from harassing and improper interferences with their property and persons. It is of the highest importance that, if possible, no impediments should be suffered to be thrown in the way of their speedy conveyance to their country west of Arkansas.

Very, &amp;c.

C. A. HARRIS, *Commissioner.*

THOMAS SLIDELL,  
*District Attorney, U. S. New Orleans.*

## WAR DEPARTMENT,

*Office Indian Affairs, May 12, 1838.*

SIR: I have the honor to acknowledge the receipt, to-day, of your letter of the 3d instant.

The enclosed copy of a letter of this date, to the United States district attorney, will show you what measures have been adopted in relation to

the claims set up to the Seminole negroes. This is all that this Department can do in the matter.

It is much to be regretted that any thing has occurred to prevent the speedy emigration of these Indians. I will be greatly obliged to you, should no emigrating agent be at New Orleans, to give all the aid in your power in removing the difficulties which are thrown in their way.

Very, &c.

C. A. HARRIS, *Commissioner.*

Major ISAAC CLARK,  
*New Orleans, Louisiana.*

WAR DEPARTMENT,

*Office Indian Affairs, May 25, 1838.*

SIR : In obedience to your direction, I have the honor to report on the letter of the honorable Mr. Downing, of the 17th instant, and the accompanying communication from Colonel Humphreys.

So far as the latter relates to negroes captured by the Creek warriors, in Florida, and who have recently been placed at the disposal of the delegation lately in this city, I have to observe that, in my judgment, the action of the Department is concluded by these proceedings and the interval that has elapsed; and if an opposing title is set up, the controversy should be settled by the judicial tribunals, the more especially as General Jesup has reported that all the negroes captured by the Creeks and claimed by whites were delivered nearly twelve months ago. And, so far as it relates to other negroes captured by the United States troops, and who have been removed, it would seem to be inexpedient for the Government to interpose in the manner suggested.

Very, &c.

C. A. HARRIS, *Commissioner.*

Capt. S. COOPER,  
*Acting Secretary of War.*

WAR DEPARTMENT, *May 26, 1838.*

SIR : I have the honor to transmit you a report of the Commissioner of Indian Affairs in reply to your letter of the 17th instant, and to the communication of Colonel G. Humphreys, enclosed therein, in reference to his fugitive slaves.

Very, &c.

J. R. POINSETT.

Hon. C. DOWNING,  
*House of Representatives.*

## WAR DEPARTMENT,

*Office Indian Affairs, June 26, 1838.*

SIR: I acknowledge the receipt of your letter of the 31st ultimo, reporting the arrival at New Orleans of 117 Indians and 2 negroes from Charleston, &c.; stating the appointment of William Nelson as assistant conductor; and inquiring how your expenses in this business shall be settled.

In reply, I have to inform you that, agreeably to the arrangement proposed in my letter to you of the 11th ultimo, it is expected that Lieutenant Reynolds will see that your expenses in this business shall be defrayed, as well as those therein specified. If this proposal does not meet your views, you will please to make it known. Enclosed is a copy of a letter from this office, of this date, to Lieutenant Reynolds. Your appointment of William Nelson as assistant conductor is approved.

Very, &amp;c.

C. A. HARRIS, *Commissioner.*

Major I. CLARK,  
*New Orleans, Louisiana.*

## WAR DEPARTMENT,

*Office Indian Affairs, June 26, 1838.*

SIR: I am informed by Major Clark, under date of 31st ultimo, of the arrival at New Orleans of 117 Seminole Indians and 2 negroes and that he has despatched them to the West. You will please to assume Major Clark's contracts in this business, and make payment of the expenses incurred by him. You are further authorized and requested to make such disbursements from the funds in your hands, as may hereafter become necessary under similar circumstances.

Very, &amp;c.

C. A. HARRIS, *Commissioner.*

Lieutenant J. G. REYNOLDS,  
Care of Major I. CLARK,  
*New Orleans, Louisiana.*

## WAR DEPARTMENT,

*Office Indian Affairs, July 6, 1838.*

SIR: I have had the honor to receive your letter of the 28th ultimo. Immediate measures will be taken to supply you with funds to meet the expenses of the Seminole emigration.

It is much to be regretted that you have sent the thirty-three negroes to the West. An inspection of your instructions will, I think, show you that the measure was one not likely to suit the views of this department. The object in delivering them to the Creeks within the United States, was, to prevent their being carried to the country west, by which it was supposed contentions and difficulties between the Creeks and Seminoles would be avoided and prevented. It is feared that this object has been frustrated, and that troubles will ensue. It is clear that the Creeks will not be

satisfied if the Seminoles retain them, nor will the latter be content if they remain with the former.

The Secretary of War expressed the opinion, in making a decision on the subject, that the negroes should not be taken West by the Creeks; and the foundation of this opinion was, doubtless, the belief that they would be a bone of contention between the tribes, and that it was probable the negroes would form a dangerous population.

So far as may be in your power, you will please give all proper aid in carrying out the direction to deliver them to the agent of the Creeks.

Very, &c.

C. A. HARRIS, *Commissioner.*

Lieutenant J. G. REYNOLDS,  
*Indian Emigration, New Orleans, La.*

WAR DEPARTMENT,

*Office Indian Affairs, August 27, 1838.*

SIR: I enclose copies of two letters from N. F. Collins, Esq., (one of the 29th ultimo, and the other of the 8th instant,) in relation to the negroes which you were directed to turn over to him as the agent of the Creeks. From these papers, and from other information received here, it would seem that there has been a great disregard, if not a violation, of the orders of the War Department in this matter. I trust you will be able to make such explanations of your conduct as will relieve you from censure. A prompt answer is desired.

It may not be amiss to inform you, that when on duty in the Indian department you are bound to obey the orders of no military officer, unless you have been placed under his direction.

Captain Merrison is the only army officer authorized to control your movements.

Very, &c.

C. A. HARRIS, *Commissioner.*

Lieutenant J. G. REYNOLDS,  
*New Orleans.*

WAR DEPARTMENT,

*Office Indian Affairs, November 15, 1838.*

GENTLEMEN: I have had the honor to receive from General Arbuckle, under date of September 28, a communication, in which he gives the result of his experience with the Creek chiefs on the subject of the negroes captured from the Seminoles. It is still deemed inexpedient to authorize the employment of military force to recover them. The department has, therefore, assented to a suggestion of Mr. Collins, the attorney for the Creek delegation recently in this city, that the matter should be referred to you. I enclose copies of the material papers in the case, and request that you will investigate the whole subject thoroughly. If you shall be satisfied that the parties who now hold the real interest in these negroes are entitled to relief from the United States, you can insert a provision to

that effect in the treaty you may make with the Creeks, leaving the mode of relief to the determination of the President, to be formed on your report of the facts.

Very, &c.

T. HARTLEY CRAWFORD,  
*Commissioner.*

Captain Wm. ARMSTRONG, and  
General ARBUCKLE,  
*Fort Gibson, Arkansas.*

WAR DEPARTMENT,

*Office Indian Affairs, November 15, 1838.*

SIR: I have received your letter of the 18th ultimo. On the 28th of September General Arbuckle advised this office that the negroes, who had been sent to the country beyond the Missouri, could only be regained by military force. The reasons still exist that induced the department not to authorize its employment. As Captain Armstrong and himself have been instructed to open a negotiation with the Creeks, with a view to the final adjustment of all their claims against the citizens or Government of the United States, copies of the material papers relating to these negroes will be sent to them, with a request that they will institute a thorough investigation, and report the facts, making suitable provision in the treaty for the satisfactory settlement of the whole business. The time at which they will hold a council with the Indians for this purpose is left to their own discretion. On this point and others it may be well for you to correspond with them.

Very, &c.

T. HARTLEY CRAWFORD.

N. F. COLLINS, Esq.,  
*Tuskegee, Alabama.*

HEADQUARTERS, ARMY OF THE SOUTH,  
*Fort Dade, March 6, 1837.*

SIR: I have the honor to report, for the information of the Secretary of War and the General-in-chief, that I have this day entered into a convention with the Seminole Indians, by their second, third, and fourth chiefs, representing the principal chief Micanopy and the nation, for the suspension of hostilities, and the immediate removal of the whole nation west of the Mississippi. I enclose a copy of the convention or capitulation, from which it will be seen that I have granted to the Indians the most liberal terms. This I considered the dictate of policy as well as of sound economy. To have attempted the exaction of severe terms might have led to a renewal of hostilities, by which millions might have been expended, and many valuable lives lost by exposure to the climate as well as to the arms of the enemy.

As the Indians respect nothing but force, I shall be compelled to retain

the troops in readiness for active service until a considerable portion of them, at least, take their departure for the West, which I hope will have been done before the first of May.

The wagon trains were in a great measure broken down, in consequence of which I ordered a hundred mules from New Orleans; and the horses of the mounted men being rendered, by the severe service they have performed, entirely unfit for service, and mounted men being absolutely necessary to pursue the scattered bands of Indians, should any of them determine not to come in, I ordered an officer to Savannah to purchase four hundred horses. On them I shall mount the dragoons and a portion of the other regular troops, and shall thus be able to compel a full execution of the treaty; my depots being so arranged that I can operate without, at any time, being more than from thirty to forty miles from supplies.

I am, sir, respectfully, your obedient servant,

THOMAS S. JESUP,

*Major General, commanding.*

Brigadier General R. JONES,

*Adjutant General, Washington city.*

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Capitulation of the Seminole nation of Indians and their allies, by Jumper, Hohahtooche, (or Davy,) and Yaholoochee, representing the principal chief Micanopy, and fully empowered by him, entered into with Major General Thomas S. Jesup, commanding the United States forces in Florida, this sixth day of March, one thousand eight hundred and thirty-seven.

Art. 1. The chiefs above named, in behalf of themselves and the nation, agree that hostilities shall cease immediately, and shall not be resumed.

Art. 2. They agree and bind themselves that the entire nation shall immediately emigrate to the country assigned to them by the President of the United States, west of the Mississippi.

Art. 3. Until they emigrate, they will place in the possession of the general commanding the troops, hostages for the faithful performance of their engagements.

Art. 4. The Indians shall immediately withdraw to the south of the Hillsborough. Those found north of that river, and a line drawn from Fort Foster due east from it to the ocean, without permission of the general commanding, after the first of April, will be considered hostile.

Art. 5. Major General Jesup, in behalf of the United States, agrees that the Seminoles and their allies, who come in, and emigrate to the West, shall be secure in their lives and property; that their negroes, their *bona-fide* property, shall accompany them to the West; and that their cattle and ponies shall be paid for by the United States, at a fair valuation.

Art. 6. That the expenses of the movement west shall be paid by the United States.

Art. 7. That the chiefs, warriors, and their families and negroes, shall be subsisted, from the time they assemble in camp near Tampa Bay until they arrive at their homes west of the Mississippi, and twelve months thereafter, at the expense of the United States.

Art. 8. The chiefs and warriors, with their families, will assemble in the camp to be designated by the commanding general, as soon as they

can, and at all events by the 10th of April. Yahloochee will come in at once, with his people; and the other towns will follow as fast as possible.

Art. 9. Transports will be ready to take the Indians, with their negroes, off to their western homes.

Art. 10. Micanopy will be one of the hostages. He is to visit the commanding general, and will remain near him until his people are ready to move.

Art. 11. All the advantages secured to the Indians by the treaty of Payne's Landing, and not enumerated in the preceding articles, are hereby recognised, and are secured to them.

Signed at Camp Dade, this sixth day of March, one thousand eight hundred and thirty-seven.

*Signers.*

TH. S. JESUP,

*Maj. Gen. Com. Army of the South.*

HOLATOOCHEE, or DAVID, his  $\times$  mark.

HOETHLE-MA-TEE, or JUMPER, his  $\times$  mark.

YAHLOOCHEE, or CLOUD, his  $\times$  mark.

JOHN CA-WY-YA, his  $\times$  mark.

COTSEE-TUSTANUCKKEE, his  $\times$  mark.

Representing HALPATCH-HAJO.

*Witnesses.*

WILLIAM G. SANDERS.

FITCH W. TAYLOR.

W. K. ARMISTEAD, *B. G. U. S. A.*

ARCH. HENDERSON, *Col. M. C.*

J. A. CHAMBERS, *Lt., A. D. C., and A. A. Gen.*

L. WHITING, *Bt. Maj. 4th artillery.*

A. R. THOMPSON, *Maj. 6th infantry.*

S. CHURCHILL, *Maj. 3d artillery, and In. Gen. army of the South.*

WILLIAM M. GRAHAM, *Capt. and Bt. Maj.*

THOMAS CHILDS, *Capt. and Bt. Maj. 3d artillery.*

JNO. A. KEARNY, *Med. Director.*

R. A. ZANTZINGER, *Maj. U. S. A.*

SAMUEL RINGGOLD, *Capt. 3d artillery.*

H. GARNER, *Lt., A. D. C., and A. A. A. Gen. 1st brigade, army of the South.*

H. E. HEISKELL, *Asst. Surg. U. S. A.*

T. P. ANDREWS, *P. M. U. S. A.*

R. A. FORSYTH, *P. M. U. S. A.*

G. H. CROSMAN, *A. Q. M. U. S. A.*

T. B. LINNARD, *Lt. and A. D. C.*

F. SEARLE, *Lt. and P. C. army of the South.*

J. V. SWEARINGEN, *1st Lt. 6th infantry.*

W. HOFFMAN, *1st Lt. 6th infantry.*

W. DULANY, *Capt. M. C.*

J. TWIGGS, *Capt. M. C.*

J. M. WASHINGTON, *Capt. 4th artillery.*

W. W. MORRIS, *Maj. C. volunteers.*

J. H. SEMPER, *Lt. 3d U. S. artillery.*

EDWD. ROSE, *Lt. 3d artillery.*

J. H. DRUM, *Lt. 4th artillery.*

B. M. BYRNE, *A. S. U. S. A.*

E. H. ABADIE, *A. S. U. S. A.*

R. SEVIER, *1st Lt. 6th infantry.*

W. M. WALKER, *U. S. A.*

J. CONRAD, *Lt. 6th infantry.*

F. E. HUNT, *Lt. 4th artillery.*

A. EDSON, *Lt. of marines.*

P. V. HAGNER, *Lt. 1st artillery.*

The above is a true copy :

T. B. LINNARD, *Lt. and A. D. C.*

HEADQUARTERS, ARMY OF THE SOUTH,

*Fort Dade, March 18, 1837.*

SIR: The principal chief of the Seminoles, Micanopy, is with me; he has been here since the evening before last. To-day he approved the convention entered into by the second, third, and fourth chiefs of the nation on the 6th instant, which I had the honor to send under cover of my letter of that date. He requests that Captain Page may be allowed to accompany his people to the West, if the captain can be spared from his present duties with the Creek Indians. The service might be benefited by attaching him to this service. Captain Bateman, who is now in the Creek country, could take his place, and Hopoethleyoholo has applied to the President to have that officer continued in the Creek emigrating service.

Several Mickasuky Indians have come to camp to-day. Micanopy has heard from the chief of that band, Abi-a-ca, (Sam Jones,) also from Ocoola, (Powell.) Those chiefs are both between Apapka and the St. John's; and Micanopy and Alligator have no doubt of bringing them in early next month—perhaps sooner.

I now, for the first time, have allowed myself to believe the war at an end. The same errors, however, that renewed the war in Alabama, would renew it here—I mean the imprudent violence of the citizens. Should they attempt to seize any of the Indians, either as criminals or as debtors, the scenes of the last year will be renewed. If it should become necessary to protect them from such annoyance, I shall not hesitate to declare martial law, and send every individual not connected with the public service out of the country.

I now hold the troops in such a position as to produce the best military effect. I can operate in any direction from this point, and never be more than thirty-five to fifty miles from a depot. Should the Indians not act in good faith, I shall be able to attack them on either side of me in from three to five days; with mounted men, in much less time.

I enclose a copy of the instrument signed by Micanopy, confirming what had been done by the chiefs who represented him and the nation.

Micanopy informed me last night that he had never consented before

to emigrate; but he now believed the Great Spirit had so ordered that he should leave the land of his fathers, and he submitted cheerfully.

I shall discharge, in a few days, a battalion of Alabama draughts. They were called into service when our prospects were most gloomy, but they have rendered no other service than to aid in protecting the train between Tampa and the several interior depots. They brought the measles with them, and have in consequence been entirely inefficient.

I have the honor to be, respectfully, your obedient servant,

TH. S. JESUP, *Maj. Gen. Comdg.*

Brig. Gen. R. JONES,

*Adjutant Gen., Washington city.*

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I, Micanopy, principal chief of the Seminole nation of Indians, having had read and fully explained to me certain "articles of capitulation," entered into on the 6th day of March, 1837, at Fort Dade, Florida, between Major General Jesup, of the United States army, for and on the part of the United States, and Hoethle-ma-tee, (Jumper,) Holatoochee, Yaholoochee, (Cloud,) Halpatch-hajo, &c., my representatives, do hereby fully acknowledge and confirm every article of the same.

Given at Fort Dade, Florida, this 18th day of March, 1837.

MICANOPY, his + mark.

*Witnesses.*

S. CHURCHILL, *Major, and Acting Inspector General*  
*Army of the South.*

J. A. CHAMBERS, *Lieut., A. D. C., and A. A. General*  
*Army of the South.*

T. B. LINNARD, *Lieutenant and Aid-de-camp.*

WM. M. GRAHAM, *Capt. and B. Maj., A. Agent for Seminoles.*

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CHARLESTON, (S. C.) *March 18, 1837.*

SIR: The undersigned inhabitants of Florida, (now temporarily in this city on business,) having casually heard that a treaty of peace has been concluded with the Florida Indians, beg leave respectfully, but urgently, to solicit the particular attention of the Department to features in it, such as are stated to exist, which they earnestly request may not receive the sanction or approbation of the Government. Some of the undersigned have been informed, by a gentleman (who states that he was present at the making of the treaty) that, according to his recollection, it contains no stipulation of indemnity, on the part of the Indians, for such property of the inhabitants as has been captured by said Indians, and destroyed; nor is it, we are told, exacted from them that they should even make restitution of such stolen and other property, to wit: negroes, &c., as they have now in possession, or as has been invited into their country, and allowed refuge there from its owners. We respectfully conceive that such a termination of the war, anxiously as we desire a return of peace, would be a sacrifice of the national dignity, and an absolute and clear

triumph on the part of the Indians, who cannot fail to view the proposition made to them to close hostilities, followed up by a treaty permitting to them such extraordinary terms, as a virtual suing for peace on the part of the United States, and as evidencing a want of confidence in their ability to conclude the war through the means of their belligerent and physical strength. We further conceive that such a treaty is inconsistent with the plainest and commonest principles of justice; and will, moreover, if adopted, amount, in its practical effects, to a positive abandonment by the Government of the interests, and at least an implied disregard of the sacred and indisputable rights of the subject. The obligations between the Government and the governed are clearly mutual and inseparable—those of protection and allegiance; and, as we are not conscious of any failure on our part, or that of the inhabitants of Florida, generally, in the duties rightfully due from us as citizens, that should subject us to a withdrawal of the countenance and guardianship of the Government, we trust we shall find excuse and favor (largely losers, as many of us are in slaves and other property captured and carried off by the Indians) if we remonstrate, as we most solemnly do, against the conclusion of any treaty with said Indians, which does not stipulate for and secure a full restitution of all property stolen by them, which has not been destroyed since its capture, and ample and fair indemnity for such as has been so destroyed. Many slaves were induced or encouraged by the Indians, before the commencement of hostilities, to abscond from their owners, and take shelter in the Indian country, where they now are. The treaty of 1823, at Camp Moultrie, stipulates, in substance, that all runaway slaves which go into the Indian country after the date of that treaty, shall be taken up by the Indians, and restored to their owners. The undersigned respectfully suggest that, unless this stipulation is held to be binding upon the Indians now, and its performance rigidly exacted from them, as well as a restoration of such negroes, &c., as have been captured during the war, the owners of such negroes can entertain no reasonable hope of recovering them, familiar as they must have become since their residence among the Indians with the many fastnesses and hiding-places of the country, known only to the natives. Besides, they will be able, successfully and permanently, or for a long time at least, to elude pursuit, unless they are taken and brought in by those who made them acquainted with their present places of refuge and security. We confidently hope, therefore, that the authority of the Government will be interposed in the matter, in such way as to preserve us, and our fellow-citizens at large, from the great and paralyzing injuries which must, without that interposition, inevitably result.

We have the honor to be, most respectfully, your obedient servants,

G. HUMPHREYS, *of Alachua.*

ORLANDO S. REES, *of Spring Garden.*

JOHN M. FONTANE, *of St. Augustine.*

ANDREW WELCH, M. D., *of Jacksonville.*

JNO. HAMILTON, *of Alachua.*

GEO. CENTER, *of Alachua.*

LAURENCE ANDREW, *of St. Augustine.*

Hon. J. R. POINSETT,  
*Secretary of War.*

HEADQUARTERS, ARMY OF THE SOUTH,

*Tampa Bay, May 8, 1837.*

SIR: I enclose a copy of a communication received from E. B. Gould, Esq., of St. Augustine, in relation to negroes taken by the Seminole Indians in 1802 and 1803. If I am not mistaken in the principle of public law applicable to the case, the claim is barred by subsequent treaties. The United States have always treated with the Indians as independent people, and with all the formalities attending the intercourse with foreign nations. If this practice be the proper one, (and it is not for me to say that it is not,) the treaty of Payne's Landing transfers the accountability from the Indians to the Government, and the claimants are entitled *pro rata* to the sum of seven thousand dollars stipulated to be paid for property taken by the Indians. The case is analogous to that which occurred during the late war with Great Britain, and which was referred to and decided by the Emperor of Russia—a certain sum was accepted by the Government for slaves taken by the British, and divided among those from whom they had been taken, in proportion to their losses.

The Indians cannot be removed if any interference with their negroes be permitted; and I will permit no interference, without positive orders from Government.

I have the honor to be, sir, your obedient servant,

THOMAS S. JESUP,  
*Major General commanding.*

HON. J. R. POINSETT,  
*Secretary of War, Washington city.*

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ST. AUGUSTINE, *April 27, 1837.*

SIR: In behalf of the heirs of the estate of Josiah Dupont, deceased, I have the honor to enclose to you the proofs in a claim they have for certain negroes taken away under the circumstances stated in the proceedings, copies of which you have herewith.

The attorney of the claimants had prepared to make personal investigation and demand for the restitution of their negroes and their natural increase, when he became acquainted with the contents of order No. —, of the 5th instant. Against the course suggested in that order he respectfully, on their behalf, protests; and is instructed to advise you that they are fully prepared to establish, according to the principles of equity and justice, their rights in this case; and for all the consequences and injuries that may arise from the prohibition, the claimants must and will look to the Government for compensation.

I have the honor to be, sir,

E. B. GOULD,  
*Attorney for claimants.*

Major General JESUP,  
*Commanding army of the South.*

P. S. Mrs. Ann Bryck also claims five negroes, and their increase, taken away at the same time that the above negroes were. Their names were James or Jimmy, and his wife Phillis, Prince and Sally, their

children, and George. Prince was 20 years and Sally 18 years old when they were taken. These I claim, as Mrs. Bryck's attorney.

The claim and description of negroes belonging to Philip Solano are herewith, also, sent; and I entertain the assurance that you have not willingly or unnecessarily debarred the claimants of the means of gaining possession of their property; but, for all the consequences, &c., they will look to you, and, through you, to the Government, for relief.

E. B. GOULD,

*Attorney for claimants.*

DISTRICT OF EAST FLORIDA, *St. John's county, ss.*

Elias B. Gould, being duly sworn, says, that the annexed papers, containing the affidavits of Antonia Leonardy, and a supplemental affidavit thereto annexed, of Joseph M. Hernandez, George J. F. Clarke, Gabriel W. Perpall, and Philip Solano, are true and literal copies of the originals; and, also, that the annexed papers, purporting to be a "copy of a despatch from the Governor of East Florida to the Captain General of Cuba," is a correct and literal copy of a certified translation from the Spanish language, purporting to be the original now on file in the office of the keeper of the public archives of East Florida, at St. Augustine; which said documents were transmitted to General Wiley Thompson, agent of the Seminole Indians, some time in the year 1835, at which time he resided and transacted his business at Fort King, in the Territory of Florida.

E. B. GOULD.

Sworn to before me, the 27th day of April, 1837.

M. DEYSDALL,

*Justice Peace, St. John's county.*

TERRITORY OF FLORIDA, *St. John's county.*

Personally appeared before me, Joseph S. Sanchez, commissioned and duly qualified justice of the peace for the county aforesaid, Antonia Leonardy, who deposeseth and saith, that some time in the year 1802 there came a party of nine Seminole Indians to Mr. Pellicer's plantation, situated upon the Matanzas river, about twenty miles south of the city of St. Augustine, for the purpose of killing and plundering the inhabitants; and, finding no white person upon the said plantation, they destroyed every thing they could find upon it, and took and carried away a negro woman named Jenny, belonging to Pellicer. The Indians then proceeded to Mr. Josiah Dupont's plantation, lying on the east side of said river, and nearly opposite to the plantation of Pellicer, and lay in ambush until Mr. Dupont and his son left this plantation to go to another, which he cultivated in a swamp, about four or five miles from the first; they met him on the road, and took from him and his son their horses and guns, after which; Dupont and his son, finding themselves disarmed and robbed, fled for safety into the swamp, where they remained concealed for some time. The Indians after this proceeded to Mr. Dupont's house, and took and carried away all of Dupont's negroes that were on his plantation. Deponent thinks that there were ten or eleven, namely: Big Filis, Little Filis, Molly, Tyra, Clarissa, and Florida, are the only names that deponent, after the lapse of so many years, recollects of. The Indians took and carried away at the same time five fine large horses and some cattle belonging to Dupont, and

they took and carried away with them an English lad who was living with Dupont at the time. Deponent supposes that Dupont's negroes were worth from four hundred to four hundred and fifty dollars each, and his horses about one hundred dollars each. The cattle, some of which the Indians killed for food, deponent supposes to have been worth from ten to twelve dollars per head. Two of Dupont's negroes having made their escape from the Indians, and come down to deponent's father's house, was the cause of the Indians, who were in pursuit of them, coming to deponent's father's plantation, which was situated about five miles north of Dupont's, where they found deponent, her mother, two sisters, and two brothers. One of deponent's brothers was fired upon by the Indians, and killed; after which, the Indians commenced destroying every thing upon the plantation. They killed and destroyed about ten dozen head of poultry and seven head of hogs that were confined in an enclosure belonging to deponent's father; and destroyed, also, a lime-kiln, containing, as deponent supposes, about five thousand bushels of lime. Then the Indians started for the nation, taking along with them the property which they had plundered, and the deponent's mother, two sisters, and brother, and two horses belonging to deponent's father, which deponent knows had cost fifty dollars each. Deponent's mother, two sisters, and brother were detained by the Indians in the Indian nation seven months, after which time they were redeemed by deponent's father, who paid the Indians five hundred dollars for their redemption, and returned to St. Augustine; one of the deponent's brothers escaping from the Indian nation, and going over to the island of Cuba a short time after he was taken by the Indians. Deponent was herself detained by the Indians twenty-two months before she was permitted to return to her parents in St. Augustine. Deponent further says, that while in the Indian nation she often saw Mr. Dupont's negroes; and she knows, with the exception of Molly, who was given up by the Indians and returned to St. Augustine at the time deponent's mother and family were delivered up, all the other negroes belonging to Mr. Dupont were held and detained by them; which negroes deponent knows were never recovered by Mr. Dupont, but were entirely lost by him. And deponent further says, that Mr. Dupont never received payment for his losses either from the Spanish Government or the Indians, Dupont having left Florida shortly after he was robbed by the Indians, and moved to South Carolina, where deponent understood he (Dupont) died.

Deponent further says, that she is now forty-eight years of age, and that she has resided ever since her rescue from the Indians in the city of St. Augustine.

ANTONIA LEONARDY, her + mark.

Subscribed and sworn to before me, the 31st March, 1835.

JOSEPH S. SANCHEZ.

*Justice of the Peace St. John's county.*

SUPPLEMENTAL AFFIDAVIT OF ANTONIA LEONARDY.

TERRITORY OF FLORIDA, *County of St. John's, ss.*

Personally appeared before Joseph S. Sanchez, justice of the peace for said county of St. John's, Antonia Bonelly Leonardy, who being duly sworn, in explanation and continuation, says, that at the time the Indians

made the descent upon the settlements of Josiah Dupont, Mr. Pellicer, and deponent's father's, in 1802, she (this deponent) was about thirteen years of age. The persons of her father's family taken by the Indians were, her mother, Mrs. Mary Bonelly, and five children, namely, this deponent, Joseph, Theresa, Catharine, and John. The nine Indians set out immediately with all the plunder that they and the prisoners could carry, and travelled by circuitous routes and by-paths for the interior of the country. Deponent's family were made prisoners about 3 o'clock in the afternoon, and were forced to march that day and the following night until day-light the second day, when they halted and encamped until the morning of the third day, when they started again and travelled until sun-down, and then encamped for the night; and so again on the fourth day, and for twenty-four days from the time of their capture. The party could not travel fast, as the plunder was heavy; and deponent and her sister Mary, who was seven years old, were obliged to carry alternately their brother John, who was about twenty months old. On the second day after they started from the Matanzas, they crossed a small river, and afterwards they crossed the St. John's, where it was very wide, (probably at Little lake.) She recollects, also, crossing a river called Suwannee in a skin; the skin was stretched out by two cross sticks, and a rim made of wood; she lay down in the bottom very still, and remembers that she was afraid to look up. The banks of this river were very steep. On the twenty-fourth day they arrived at a town called Mickasuky, the chief of which, she recollects, was called Ken-ha-jah. When we were within a short distance of the town, the party halted, and proceeded to make a division of their plunder and prisoners; after which, we were turned over to some Indian women, who came out to meet us; after which the Indian men went another way to dance over the scalp of deponent's brother. Whilst living with these Indians, which she learned were called by the name of the Mickasuky tribe, she experienced many hardships and cruelties, and her trials were very severe; and the circumstances and history of her captivity and that of her family were so peculiar and barbarous that every thing now appears to be fresh to her mind, and she does not think any thing but death can efface them from her memory. The Mickasuky town, where she was, deponent understood was about a day's journey from St. Mark's, on the Gulf of Mexico, and a considerable distance from Appalachicola, and within the Spanish boundary of the two provinces of East and West Florida. Deponent's mother, and Catharine, Theresa, and John, were detained seven months, and at the end of this time deponent's father sent a Mr. *Jack Forrester* with three hundred dollars to redeem the family; but the Indians not considering that a sufficient sum, detained deponent and her brother Joseph. Deponent was detained fifteen months longer; her brother Joseph escaped previously to that time, and got down to St. Mark's, from whence he was sent by the commandant to Pensacola, and from thence to Mobile, New Orleans, and Cuba; and finally he reached St. Augustine in a vessel commanded by Captain Stephen Benet.

About twenty-two months after deponent's captivity, her father sent \$200, being the additional sum demanded by the Indians; and she was then released, and delivered up to her brother-in-law, Thomas Pasetty, who brought her to St. Augustine, accompanied by Payne, the chief of the Seminoles, and a negro slave belonging to said chief.

Deponent further says that her father and her mother, the said Jack

Forrester, the said Captain Stephen Benet, and her brother-in-law Thomas Pasetty, are long since dead. Her sister Mary resides at St. Mary's, Georgia; and the rest of her family that are living reside in the island of Cuba. She has always understood that the Mickasuky Indians were considered by the Spanish Government to be under the military jurisdiction of the Governor of West Florida, and not of East Florida.

ANTONIA LEONARDY, her × mark.

Subscribed and sworn to before me, the 1st day of October, 1835.

JOSEPH S. SANCHEZ,  
*Justice of the Peace.*

TERRITORY OF FLORIDA, *St. John's county :*

Personally appeared before me, Joseph S. Sanchez, justice of the peace for the county of St. John's, in the Territory aforesaid, Joseph M. Hernandez, who, being first duly sworn, deposed and saith : That he is a native of Florida, and recollects to have heard that, about the year 1802, Josiah Dupont, a settler at the head of the Matanzas river, about thirty miles south of the city of St. Augustine, sustained great loss in consequence of a descent that was made upon him on or about that time by a party of Indians belonging to one of the provinces. Dupont, in consequence thereof, abandoned the country, having lost several negroes and other property.

A family by the name of Bonelly, who were living in the immediate neighborhood of Dupont's plantation, were also attacked, and one of Bonelly's sons killed, and others of them carried into captivity by the Indians, with whom they remained a long time in bondage, until redeemed. Affiant is well acquainted with Mrs. Leonardy, who was the daughter of Bonelly, and who was one of those who were taken and held in bondage. She has always maintained a good reputation for intelligence, industry, honesty, and veracity, under Spanish Government, as well as under present Government.

He never has heard her word doubted upon any occasion, and he would give to her statement, on oath, the most implicit credit. Affiant thinks that the price of negroes in 1802, in East Florida, did not vary much from the present prices : they were worth from \$300 to \$400.

JOSEPH M. HERNANDEZ.

Subscribed and sworn to before me, the 11th day of April, 1835.

JOSEPH S. SANCHEZ,

*Justice of the Peace, St. John's county.*

TERRITORY OF FLORIDA, *County of St. John's :*

Personally appeared before me, Joseph S. Sanchez, justice of the peace for the county of St. John's, George T. F. Clarke, who, being duly sworn, deposed and saith : That he is a brother of Charles W. Clarke, and is a native of Florida, and resided in the city of St. Augustine in 1802, and was intimately acquainted with Josiah Dupont. Josiah Dupont had a well-settled plantation at Matanzas, about thirty miles south of St. Augustine, and was prosperous in his circumstances. He remembers well that he was entirely broken up about in 1802, by the Seminole Indians, or a branch of them, residing either in Alachua or at Mosquito. When this irruption

was made by the Indians, he was in St. Augustine, and his brother Charles resided on a plantation on the Matanzas river, about five miles north of the Matanzas fort, and fifteen from the city, and, on hearing of the depredations which the Indians had committed, he went down in a boat to his brother's plantation, and found it abandoned. Whilst he was examining the premises and other parts of the neighborhood, he met Mr. Bonelly, who had been driven from his plantation, and his family taken away by the Indians. Deponent knows Mrs. Leonardy, who, he understands, is the daughter of Bonelly, and he believes her to be a woman of the strictest veracity, and he has never heard of the least imputation against her character. In 1802, and for some years previous, deponent was in the confidence of the Spanish Government, and was constantly acquainted with almost every thing that transpired, either in public or private; and since then he has held many of the most important offices under the Government, and for some years, until 1821, he was deputy governor of the northern department. He never heard that Josiah Dupont, or any other person for him, ever recovered any of the property which the Indians took away from him, or was compensated for them, or for the depredations and wastes which he had suffered by them; if any compensation had been received, either from the Indians or the Government, it is more than probable he should have known it. The sufferings of Mr. Dupont were matters of public notoriety, and it is also known that he left the country in consequence of them.

GEORGE J. F. CLARKE.

Sworn and subscribed to before me, this 8th day of April, 1835.

JOSEPH S. SANCHEZ,

*Justice of the Peace, St. John's county.*

TERRITORY OF FLORIDA, *County of St. John's:*

Personally appeared before Joseph S. Sanchez, justice of the peace for said county of St. John's, Gabriel W. Perpall, who, being duly sworn, says that he is now — years of age, and has resided in Florida ever since the year 1803, and remembers of hearing, in that year, and repeatedly since, circumstantial details of the descent made by the Mickasuky Indians upon the settlement of Josiah Dupont and others, at Matanzas, in 1802. He has always understood, and has no doubt of its truth, that the family of Joseph Bonelly was captured by them in that year, and carried off; and he has personal knowledge of the time when Antonia, now the wife of Bartoloma Leonardy, was redeemed from them, and returned to her friends. He knows Mrs. Leonardy well, and has never heard the least imputation against her credibility, and would receive, with confidence, any statement made by her under the solemnity of an oath. He has always understood that the Mickasuky Indians resided on the west side of the Suwannee; their town was called Mickasuky, and was situated east of the Appalachianicola, and about a day's journey from St. Mark's, on the Gulf of Mexico. St. Mark's was a Spanish post, with a small garrison, and, though within the geographical limits of East Florida, was considered as belonging to the western province. The Mickasuky towns were destroyed by General Jackson in 1818 or 1819, and the occupants driven

down amongst the Seminoles, and deponent has understood that they have now become incorporated with that nation.

GABRIEL W. PERPALL.

Subscribed and sworn to before me, the 7th day of October, 1835.

JOSEPH S. SANCHEZ,

*Justice of the Peace.*

TERRITORY OF FLORIDA, *County of St. John's:*

Personally appeared before Joseph S. Sanchez, justice of the peace for said county of St. John's, Philip Solano, who, being duly sworn, says that he is a native of East Florida; is now about fifty-three years of age; has most of his life had intercourse with the different tribes of Indians in Florida, and can converse with some of them in their own dialect. He was in St. Augustine at the time the Indians made a descent upon the settlements of Josiah Dupont and others, at Matanzas, in 1802, and he saw the dead body of Thomas Bonelly, who had been killed by them in that affair, lying in the market-place in St. Augustine, having been brought to town in a boat. From his own personal knowledge, and from what he always understood, the Indians who committed the depredations upon those settlements were of the Mickasuky tribe; they resided west of the Suwannee, and about a day's journey northeast of St. Mark's, on the gulf, and within the limits of the Floridas. The Mickasukies were considered under the military jurisdiction of West Florida, for convenience; because it was much easier to keep up a correspondence between Pensacola and St. Mark's, than between the latter place and St. Augustine. When General Jackson entered the Floridas with his army, he destroyed the Mickasuky towns, and drove those Indians east of the Suwannee; and deponent understands that they have since been incorporated with the Seminoles.

PHILIP SOLANO.

Subscribed and sworn to before me, the 7th day of October, 1835.

JOSEPH S. SANCHEZ,

*Justice of the Peace.*

*Copy of a despatch from the Governor of East Florida to the Captain General of Cuba:*

*To his Lordship the Captain General:*

On the evening of the same day on which the schooner Monica sailed for that port. the inhabitant, Josiah Dupont, Esq., [appeared] before me and said, that ten armed Indians had, after pillaging his house, robbed him of ten negroes out of twelve he had upon his plantations, and taking with them an English boy that was living with him; and that they had also taken and carried off from a house near his a white woman with two small sons and three daughters, aged from twelve to fifteen years; and that he believes that they had killed their older brother, as he was missing, and he had heard the report of guns.

The father of these unfortunate creatures, who was here on his own

business, departed from his home the moment he had been informed of the occurrence, from whence he returned two days after, bringing with him the dead body of his son, which was pierced by two balls, wounded in several parts, and covered with blood, presenting to the view the most doleful spectacle.

For these and the previous incidents which I have reported to your excellency, the inhabitants are dismayed, and disposed to quit the province; and, in order to prevent this occurrence, the measures contained in the annexed documents have been determined on in council of war.

As the posts which are to be fortified, and those on the Indian frontier, cannot be garrisoned with the corresponding number of regular troops which the distance and their defenceless state require; and the free blacks who are to aid them, were they to understand that they were to remain permanently in the service, may become dissatisfied and probably go over to the Indians; under these impressions, I pray your excellency will be pleased to send to me from one hundred and fifty to two hundred men, with their corresponding officers, or at least complete and make full the third battalion of Cuba; with the aid of which I may, in some measure, keep myself on the defensive and check the progress of the savages; though it would be better to make use of the means proposed to your excellency in my previous official communication, (No. 296, index 24,) which are those which all nations have availed themselves of for the purpose of punishing their inhumanities and preserving a permanent peace with them.

The Indians who have committed these depredations not belonging to those of this province, and the chiefs and headmen of it not having the necessary authority to restrain them under the present circumstances, would produce no other result than that of causing uselessly to be expended the sums which are necessary to be given to those of this province; and, besides, it would have a tendency to strengthen them in the opinion which they have formed of us, that we are cowards, owing to our not daring to attempt to restrain their insolence.

The mounted militia are by no means fit to garrison a post, and they would occasion an enormous expense; wherefore, the council of war have not thought proper to determine that they should be placed under arms; moreover, that having to pursue the measures which have been adopted until the Indians are quieted, it would be ruinous to the settlers to continue them constantly on duty, the assistance or personal labor of all of them being required to take care of their farms and support their families.

Your excellency well knows that the number of men which I ask for is not great, taking into consideration the actual strength of the battalion of Cuba, and the number of men belonging to it whose time of service has expired, and to whom it is by no means convenient to grant their discharge unless I am reinforced; for, on the contrary, I shall have to abandon all the outposts, and limit myself to the precincts of the city.

If the Indian incursions be not checked in their commencement, it is to be feared that all their towns will be in motion, influenced by the impunity with which their comrades commit their robberies, and by the desire of enriching themselves as they do; the result of which would be the loss of these provinces to the King, or the necessity of fitting out an expedition that would be expensive, for the purpose of restraining them; while, at

present, the injuries which they occasion might be remedied without great expense or much spilling of blood. God preserve your excellency many years.

His Lordship THE MARQUIS OF SOMEREMLOS.

ST. AUGUSTINE, (FLORIDA,)

February 1, 1802.

HEADQUARTERS, ARMY OF THE SOUTH,

St. Augustine, July 20, 1837.

GENERAL: I enclose a list of the Indian negroes captured during the campaign. Among the prisoners are nearly all the leaders of influence. The negro portion of the hostile force of the Seminole nation not taken, is entirely without a head; about eighty of the Indian negroes are at Fort Pike, Louisiana; six have died, and seventeen remain at Tampa Bay. Ninety-three negroes, the property of citizens, have been captured, and eighty-eight of the returned to their owners, or placed subject to their orders. One was sent into the Indian country on a message to other negroes, but was not permitted to return; two, who are well acquainted with the country, are retained as guides, and two are retained at Tampa by the request of their owners.

Of the Indian prisoners who have been taken and secured, I shall not be able to furnish a list until my return to Tampa; they amount to between eighty and ninety; twenty-three of them are at Fort Pike; fifteen have died, three are confined here; about fifteen women and children, relatives of the Creeks, were allowed to accompany their relatives to Mobile Point and to Conchartimicco's town, on the Appalachicola; the remainder are at Tampa, and, except three of them, with the Creek Indians.

I have the honor to be, sir, your obedient servant,

THOMAS S. JESUP,

Major General commanding

Brig. Gen. R. JONES,

Adjutant General, Washington city.

*Registry of negro prisoners captured by the troops commanded by Major General Thomas S. Jesup, in 1836 and 1837, and owned by Indians, or who claim to be free.*

No.	Names.	Sex.	Tribe, town, or owner.	Estimated age.		Remarks.
				Years.	M'ths.	
1	Jacob	Male	Toon-a-hi-ka	25	-	Wounded in right knee.
2	Rina	Female	Mic-a-po-to-ka	18	-	} Wife and children to Jacob; Claudia died May 27, 1837.
3	Venice	Female	Do	2	-	
4	Clauda	Female	Do	-	2	
5	Jane	Female	Do	40	-	
6	Molly	Female	Do	23	-	} Mother and son.
7	Billy	Male	Do	12	-	
8	Chloe	Female	Do	19	-	} Sister to Jacob; mother and children.
9	Suah	Female	Do	2	-	
10	Dennis	Male	Do	1	-	
11	Pompey	Male	Do	70	-	} Husband and wife.
12	Dolly	Female	Do	50	-	
13	Lilla	Female	Do	20	-	} Mother and children.
14	Tom	Male	Do	11	-	
15	Bella	Female	Do	9	-	
16	Hagar	Female	Do	30	-	
17	Ned	Male	Do	3	-	} Mother and children.
18	Fanny	Female	Do	27	-	
19	Charles	Male	Do	6	-	
20	Margaret	Female	Do	4	-	
21	Sylvia	Female	Do	-	-	
22	Buno	Male	Do	19	-	} Daughter to Pompey and Dolly; mother to Hagar.
23	Peggy	Female	Do	45	-	
24	Bob	Male	Do	30	-	
25	Margaret	Female	Do	21	-	
26	Cyrus	Male	Do	13	-	} Grandmother to Jacob and Chloe; sold by Mr. Forrester, of Six-mile creek, to Bowlegs, several years since; Juba cousin to Jacob,
27	Rose	Female	Harriet Bowlegs	70	-	
28	Juba	Female	Do	20	-	

29	Ned	Male	Do	19
30	Noble	Male	Do	23
31	Phebe	Female	Na-a-scholy-katta	33
32	Toney	Male	Do	11
33	Argus	Male	Do	7
34	Nelly	Female	Mic-a-po-to-ka	20
35	Scipio	Male	Do	3
36	Sandy	Male	Do	1
37	Elsey	Female	Do	25
38	Katy	Female	Do	3
39	Dick	Male	John Hicks	55
40	Tena	Female	Micanopy	50
41	Susa	Female	Do	14
42	Nancy	Female	Do	9
43	Linda	Female	Do	8
44	Mary	Female	Do	24
45	Pussy	Female	Do	10
46	Ishmael	Male	Do	6
47	Cyrus	Male	Do	5
48	Tamar	Female	Do	3
49	Scipio	Male	Do	1
50	Patty	Female	Do	33
51	Lucy	Female	Do	7
52	Pompey	Male	Do	4
53	Matilda	Female	Do	3
54	Katy	Female	Do	25
55	Eliza	Female	Do	20
56	Ben	Male	Do	40
57	Jane	Female	Do	35
58	Flora	Female	Do	13
59	Patty	Female	Do	12
60	Charles	Male	Do	11
61	Polly	Female	Do	9
62	Joe	Male	Do	7
63	Betty	Female	Do	4
64	Elsey	Female	Do	3
65	Robert	Male	Do	-
66	Betsey	Female	Do	45
67	Washington	Male	Do	11

Jacob's uncle's wife; mother and children.

Mother and children.

Mother and child.

Said to be the property of Colonel Humphreys.

Mother and children, raised with the Indians.

Daughter to Tena, and mother to the children.

Mother and children; daughter to Tena.

Father, (one of the most important and influential characters among the Indian negroes,) mother, and children; never had a white master.

REGISTRY—Continued.

No.	Names.	Sex.	Tribe, town, or owner.	Estimated age.		Remarks.
				Years.	M'ths.	
68	Rachel	Female	Micanopy	25		Husband, (the commander of the negro force on the Withlacoochee; the chief counsellor among the negroes, and the most important character,) wife, and children. Rachel's child. Mother and child, cousin to Murray; (a defect in Katy's right eye; said to be the property of Colonel Humphreys.) Most intrepid and hostile warriors. Owned by Colonel Crowell, and claimed by Nelly Factor; the best guide in the nation. Hostile; either qualified to take the lead in an insurrection.
69	Hetty	Female	Do.			
70	Fanny	Female	Do.			
71	Joseph	Male	Do.			
72	Ino	Male	Do	45		
73	Eliza	Female	Do	35		
74	Toby	Male	Do	20		
75	Catherine	Female	Do	12		
76	Nancy	Female	Do	1		
77	Katy	Female	Jumper	25		
78	Fanny	Female	Do	2		
79	Susan	Female	Micanopy	30		
80	Ben	Male	Ho-lah-loo-chee	22		
81	Jacob	Male	Do	24		
82	Mundy	Male	Mic-co-po-to-ka	20		
83	Murray	Male	Do	35		
84	Prince	Male	Do	24		
85	Tony	Male	Do	25		
86	Toby	Male	Do	32		
87	Peter	Male	Do	15		
88	Pompey	Male	Do	60		
89	Jacob, 2d	Male	Sa-uath-ith-ka	20		
90	Daley	Male	Do	22		
91	Mundy	Male	Mic-co-po-to-ka	1	6	Died May 11, 1837.
92	George	Male	Do	1		Died May 23, 1837.
93	Philip	Male	Do	4		Died May 17, 1837.
94	Morris	Male	Do	1		Died May 31, 1837.
95	Lydia	Female	Nee-sa-loc-co	80		Died May 11, 1837.

96	Abraham - - -	Male	Claims to be free	50
97	Toney Barnett	Male	Do - - -	36
98	Polly Barnett	Female	Do - - -	36
99	Beckey - - -	Female	Do - - -	2
100	Grace - - -	Female	Do - - -	6
101	Lydia - - -	Female	Do - - -	5
102	Mary Ann - - -	Female	Do - - -	3
103	Martinas - - -	Male	Do - - -	1

The principal negro chief; supposed to be friendly to the whites. Said to be a good soldier, and an intrepid leader. He is the most cunning and intelligent negro we have here. He is married to the widow of the former chief of the nation.

NOTE.—In addition to the above, ninety-three negroes, the property of citizens, were taken and secured by the troops.

THOS. S. JESUP,

*Major General commanding.*

## HEADQUARTERS, ARMY OF THE SOUTH,

*St. Augustine, September 22, 1837.*

SIR: I received, on the 15th instant, on my way to this frontier, your letters of the 25th and 30th of August and 2d of September, and on the 18th your letters of the 6th. The last detachment of the Creek warriors left Tampa Bay for the Pass Christian on the 11th instant, and I gave orders at the same time that on their arrival there they should be mustered, discharged, and immediately moved westward.

The Creek Indians had been promised a reward for the captures they should make of negroes belonging to citizens of the United States. Had compensation not been promised, they would have taken no prisoners, but would have put all to death. I compromised with them by allowing them twenty dollars for each slave captured. They were entitled, agreeably to the promises made to them before they entered the service, to all Indian negroes and other Indian property captured by them. To end all difficulty on that subject, I have purchased the negroes from them, on account of the public, for eight thousand dollars. There are about eighty of the negroes besides Abraham's family, and those who are free: some of them, perhaps, may be found, on investigation, to be the property of citizens. I respectfully ask that this purchase may be sanctioned.

The Seminole annuity, it seems to me, might be charged with the amount paid to the Indians for these negroes, as well as with the reward for securing those who belonged to citizens.

It is highly important to the slave-holding States that these negroes be sent out of the country; and I would strongly recommend that they be sent to one of our colonies in Africa.

The sum paid to the Indians is entirely satisfactory to them, though it is far less than the value of the negroes.

I have the honor to be, sir, your obedient servant,

THOMAS S. JESUP,

*Major General commanding.*

HON. J. R. POINSETT,

*Secretary of War, Washington city.*

## HEADQUARTERS, ARMY OF THE SOUTH,

*St. Augustine, September 24, 1837.*

SIR: I have received your letter of the 7th instant. There are thirty-three Seminole prisoners here, two at Tampa, and twenty-four at Fort Pike, in Louisiana: sixteen died, and the remainder, being relatives of the Creek Indians, were allowed to go off with them.

There is one Indian negro here, seventeen at Tampa bay, about eighty at Fort Pike, and seven have died. The Creek Indians were entitled to all the Indian property they captured. I compromised with them by purchasing the negroes from them on account of the Government; for which I agreed to pay them eight thousand dollars; Captain Searle has been furnished with funds, and directed to make the payment. I was also compelled to pay the Indians a reward of twenty dollars each for the negroes captured by them, the property of citizens.

The Seminole negro prisoners are now all the property of the public. I have promised Abraham the freedom of his family, if he be faithful to us;

and I shall certainly hang him if he be not faithful. The Seminole annuity, it seems to me, might be applied to this object; or rather, might be charged with the amount paid to the Indians for the negroes.

I shall turn over the funds and papers of the Indian service to Captain Morrison, on my return to Tampa bay. When I wrote to you on the 5th of June, I expected to visit New Orleans and Mobile, where I intended to turn over the funds for which I was accountable to the credit of the Treasurer; but, not being able to leave this frontier, I had no opportunity of doing so.

I have employed Abraham as an interpreter. He will act as such when the troops take the field; and also as a guide.

I am, sir, most respectfully, your obedient servant,

TH. S. JESUP,

*Major General commanding.*

Hon. C. A. HARRIS,

*Commissioner of Indian Affairs, Washington city.*

I enclose a copy of my instructions to Major Freeman and Captain Searle in relation to the Creek Indians and the prisoners.

T. S. J.

[Extract.]

HEADQUARTERS, ARMY OF THE SOUTH,

*Tampa Bay, September 9, 1837.*

SIR: You will proceed to the Pass Christian, and muster the Creek regiment out of service, and honorably discharge them. Then you will proceed to New Orleans, and obtain funds to pay the Creeks for the captured negroes.

The chiefs and warriors who were actually in the field, and present at and aiding in the capture of the negroes, are alone to receive any part of the sum allowed; those who remained in camp and did not march are to receive nothing. Eight thousand dollars will be paid to the captors for the Seminole negroes, and twenty dollars each for those the property of citizens.

The amount allowed for the Seminole negroes will be apportioned as follows: To the first battalion, five thousand seven hundred dollars; to the second battalion, two thousand dollars; and to the spy battalion, three hundred dollars. You will examine the prisoners at Fort Pike, and cause an accurate description to be taken of them, specifying their names, ages, height, sex, and such other particulars as you may think important. They must all be comfortably clothed at the public expense, immediately; by the assistant quartermaster at New Orleans, who will keep them properly clad. If the assistant quartermaster thinks proper to place them in the barracks near New Orleans, the negroes might be useful as laborers in the quartermaster's department; they would, however, require a guard. You will confer with the assistant quartermaster, and inform me of his wishes on the subject.

Bowleys will be taken on, and placed with the prisoners at Fort Pike.

Enclosed is a list of the thirty-five negroes the property of citizens, captured by the Indians: twelve were taken by the first, and twenty-three by the second battalion; and the division will be made in that proportion.

Having completed the duties with which you are charged by these instructions, you will repair, with as little delay as possible, to the headquarters of this army.

I am, sir, most respectfully, your obedient servant.

TH. S. JESUP,

*Major General commanding.*

Lieut. F. SEARLE,

*Acting Assis't Ins. Gen. Army of the South, Tampa Bay.*

HEADQUARTERS, ARMY OF THE SOUTH,

*Tampa Bay, September 9, 1837.*

SIR: You will proceed with the last detachment of Creek warriors, on board the Tomochichi, to Pass Christian, where you will make arrangements to discharge the regiment.

Lieutenant F. Searle will muster and discharge them, and Major D. Frazier will pay them. They are to be mustered and paid to the time of their discharge; for, although they were mustered into service for twelve months, the contract with the chiefs was for an indefinite period, and they are entitled to pay for the time they will have been actually retained in service.

I desire you to see that every comfort and convenience which the contractors are bound to provide be secured to the Indians, and that they be put in motion to the West without unnecessary delay.

I desire you and Captain Boyd to assist them in the transacting of their business in New Orleans. They will desire to make many purchases for themselves and families, and they should be advised not to waste their money, but to purchase such articles only as shall be really useful; they should be told of the necessity of providing against the cold weather which they will have to encounter before they arrive at their new homes; and I wish you and Captain Boyd to assist them in their purchases, so as to prevent imposition being practised upon them.

If, on examining the contract for their removal, you should find that the contractors are not bound to furnish sufficient transportation for the sick and infirm, nor for the articles necessary for their comfort on the route, you are authorized to direct Mr. Reynolds, or whosoever may be charged with superintending the emigration, to make the necessary provision for those purposes.

You will cause a careful account of the killed, and of all the chiefs and warriors who have died, to be taken, and furnish me a duplicate of it. You will send one copy direct to the War Department.

Advise them not to change their bank-notes at a discount. As the Government pays them in paper, it is morally bound to make good any depreciation which may take place; the notes, in the mean time, will obtain for them any articles which they may have occasion to purchase, and, should they sell them for specie at a loss, the Government would not be bound for the loss. Advise them, then, to retain the same notes they receive, and to part with none but for such necessary articles as they may require.

It is desirable that the 2d battalion be not detained by the slow progress of the other battalions; as the families of the chief sand warriors are

already west of the Mississippi, it is proper that they should be pushed on as rapidly as possible. Should the 2d battalion move separately, and you think it advisable, or the Indians desire it, Captain Boyd may be continued in service, and accompany that battalion to the West. In that event, he will be instructed to proceed to Washington, on completing that service, for the settlement of his public accounts.

You will cause all accounts for express and other services performed by the Indians, to be made out and properly certified; and they will be paid by Lieutenant Searle, who will have funds in his hands for that purpose.

Should any cases arise on which you have not specific instructions, you will consider yourself authorized to exercise a judicious discretion.

Having accomplished the service with which you are now charged, you will join me, wheresoever I may be, for special duty.

I am, major, most respectfully, your obedient servant,

THOS. S. JESUP, *Major Gen. comdg.*

Maj. W. G. FREEMAN,

*Comdg. Creek volunteers, Tampa Bay.*

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HEADQUARTERS, ARMY OF THE SOUTH,

*Camp, near Fort Jupiter, (E. F.) March 1, 1838.*

SIR: Having been assigned to the superintendence of the Seminole Indians and negroes now assembling at this post, by the accompanying order of Major General Jesup, I have the honor to transmit you, in compliance with its directions, a list of those prisoners who have been sent to Tampa for emigration westward. Besides the Indians there enumerated, there are now in camp near this place one hundred and ninety-seven more, including women and children, whom I have enrolled, and who are subsisted by the United States. I have been directed to enrol none whose families are not in, as to such only as have brought in their families is subsistence furnished; that being considered the best guaranty of their intention to remain.

The Indians are daily coming in in small bands; and I expect, when all arrive, they will number about three hundred.

I am, sir, most respectfully, your obedient servant,

W. G. FREEMAN,

*Lieut. 4th artillery, Act. Supt. Seminoles.*

C. A. HARRIS, Esq.,

*Com. Ind. Affairs, Washington city.*

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HEADQUARTERS, ARMY OF THE SOUTH,

*Fort Jupiter, February 25, 1838.*

ORDERS, No. 62.

PAR. 1. Second Lieutenant W. G. Freeman, of the 4th artillery, is hereby assigned to the immediate charge of the Seminole Indians and negroes now assembling, or which may hereafter assemble, in the vicinity of this post. He will forthwith cause them to be enrolled, and will take such other measures in relation to them as the commanding general may direct.

By order of Major General Jesup:

J. CHAMBERS, *A. D. C., and A. A. Gen.*

List of Seminole Indians and Negroes sent from Fort Jupiter to Tampa Bay for emigration to the West.

No.	Names.	Age.	Sex.	Owner's name.	Remarks.
<i>Indians.</i>					
1	Pah-see-chee	48	Female.		
2	Cho Hadjo	24	Male	- - - -	Son of the above.
3	Is-tim-mah-pe-he-yay	18	Male	- - - -	Do
4	Yo-pot-ho-he-yay	12	Female	- - - -	Daughter of the above.
<i>Negroes.</i>					
1	Jack Bowlegs	36	Male	Harriet Bowlegs.	
2	Nancy	30	Female	Micco Potokee	Wife of Jack.
3	Sancho	8	Male	Do	Son of Nancy.
4	Harriet	6	Female	Do	Daughter of Nancy.
5	Fanny	4	Female	Do	Do
6	Joe	2	Male	Do	Son of Nancy.
7	Diana	35	Female	Tommy	Wife of Sam Bowlegs.
8	Hester	18	Female	Do	Daughter of Diana.
9	Fanny	15	Female	Do	Do
10	Lizzy	9	Female	Do	Do
11	Frederick	7	Male	Do	Son of Diana.
12	Rhina	6	Female	Do	Child of Diana.
13	Peggy	5	Female	Do	Do
14	Bella	3	Female	Do	Do
15	Possy	60	Male	Free.	
16	Fanny	34	Female	Sock-ah-wah-pee	Wife of Possy.
17	Elsy	20	Female	Do	Daughter of Fanny.
18	Jenny	19	Female	Do	Do

19	Fay	18	Male	Do	Son of Fanny.
20	Leah	15	Female	Do	Daughter of Fanny.
21	Liddy	10	Female	Do	Do
22	Lotty	9	Male	Do	Son of Fanny.
23	Hester	3	Female	Do	Daughter of Fanny
24	Dick	25	Male	Ho-lah-too-chee	Husband of Elsey.
25	Ben	5	Male	Sock-ah-wah-pee	Son of Elsey.
26	Molly	3	Female	Do	Daughter of Elsey.
27	Judy	1	Female	Do	Do
28	Winny	9 mo.	Female	Do	Daughter of Jenny.
29	Ned	40	Male	Micco Potokee.	
30	Maria	28	Female	Harriet Bowlegs	Wife of Ned.
31	Polly	11	Female	Do	Daughter of Maria.
32	Amy	10	Female	Do	Do
33	Davy	7	Male	Do	Son of Maria.
34	Rophile	5	Male	Do	Do
35	Jim	4	Male	Do	Do
36	Charles	60	Male	Nelly Factor.	
37	Katy	40	Female	Kool-kie-chah-way	Wife of Charles.
38	Jim	21	Male	Do	Son of Katy.
39	Nancy	24	Female	Do	Daughter of Katy.
40	Hardy	26	Male	Nelly Factor	Husband of Nancy.
41	Sally	2	Female	Kool-kie-chah-way	Daughter of Nancy.
42	Plenty	37	Male	Micanopy.	
43	Rose	35	Female	Hallek Hajo	Wife of Plenty.
44	Wan	15	Male	Plenty	Son of Rose.
45	Jack	13	Male	Plenty	Son of Rose.
46	Sally	12	Female	Hallek Hajo	Daughter of Rose.
47	Rachael	11	Female	Do	Do
48	Cæsar	7	Male	Do	Son of Rose.
49	Jesse	6	Male	Do	Son of Rose.

## LIST—Continued.

No.	Names.	Age.	Sex.	Owner's name.	Remarks.
50	Jesse - -	22	Male	Micanopy	Brother of Plenty.
51	Nancy - -	37	Female	Do	Sister of Plenty.
52	Bacchus - -	20	Male	Do	Son of Nancy.
53	Sue - - -	18	Female	Do	Daughter of Nancy.
54	Thomas - -	3	Male	Do	Son of Nancy.
55	Carolina - -	34	Male	Do	Brother of Plenty.
56	Teenar - -	28	Female	William	Wife of Carolina.
57	Rose - - -	5	Female	Do	Daughter of Teenar.
58	Bob - - -	4	Male	Do	Son of Teenar.
59	Rophile - -	36	Male	Free.	
60	Hetty - - -	33	Female	Micanopy	Wife of Rophile.
61	Belinda - -	15	Female	Do	Daughter of Hetty.
62	Nancy - - -	14	Female	Do	Do
63	Rose - - -	12	Female	Do	Do
64	Sarah Ann - -	11	Female	Do	Do
65	Straffar - -	9	Male	Do	Son of Hetty.
66	Primus - - -	60	Male	Do	
67	Sandy - - -	65	Male	Nelly Factor.	
68	Lucy - - -	55	Female	Do	Wife of Sandy.
69	Hernar - - -	36	Female	Do	Daughter of Lucy.
70	Rose - - -	21	Female	Do	Do
71	Hannah - -	19	Female	Do	Do
72	Elsy - - -	16	Female	Do	Do
73	Thomas - - -	14	Male	Do	Son of Lucy.
74	Dembo - - -	30	Male	Do	Son of Lucy.

75	Juby	-	-	40	Male	-	Do	-	-	Husband of Hernar.
76	Suzy	-	-	19	Female	-	Do	-	-	Daughter of Hernar.
77	Nanny	-	-	17	Female	-	Do	-	-	Do
78	Sanson	-	-	14	Male	-	Do	-	-	Son of Hernar.
79	Nelly	-	-	12	Female	-	Do	-	-	Daughter of Hernar.
80	Kistoba	-	-	9	Male	-	Do	-	-	Son of Hernar.
81	Jenny	-	-	5	Female	-	Do	-	-	Daughter of Hernar.
82	Mag	-	-	2	Female	-	Do	-	-	Daughter of Rose.
83	Jack	-	-	70	Male	-	Ho-lah-too-chee.	-	-	
84	Sarah	-	-	55	Female	-	Do	-	-	Wife of Jack.
85	Taymour	-	-	27	Female	-	Do	-	-	Daughter of Sarah.
86	Ishmael	-	-	25	Male	-	Do	-	-	Son of Sarah.
87	Phebe	-	-	23	Female	-	Do	-	-	Daughter of Sarah.
88	Cosar	-	-	20	Male	-	Do	-	-	Son of Sarah.
89	Peggy	-	-	18	Female	-	Do	-	-	Daughter of Sarah.
90	Charles (or Tenebo)	-	-	34	Male	-	Abram	-	-	Husband of Taymour.
91	Hagar	-	-	8	Female	-	Holah-too-chee	-	-	Daughter of Taymour.
92	Pussy	-	-	6	Female	-	Do	-	-	Do
93	Harriet	-	-	4	Female	-	Do	-	-	Do
94	Hernar	-	-	7	Female	-	Do	-	-	Daughter of Phebe.
95	Ned	-	-	5	Male	-	Do	-	-	Son of Phebe.
96	Old John	-	-	60	Male	-	Micanopy.	-	-	
97	Flora	-	-	50	Female	-	Do	-	-	Wife of Old John.
98	Jim	-	-	25	Male	-	Do	-	-	Son of Flora.
99	Rose	-	-	23	Female	-	Do	-	-	Daughter of Flora.
100	Milly	-	-	21	Female	-	Do	-	-	Do
101	William	-	-	20	Male	-	Do	-	-	Son of Flora.
102	Hannah	-	-	18	Female	-	Do	-	-	Daughter of Flora.
103	Cosar	-	-	15	Male	-	Do	-	-	Son of Flora.
104	Eve	-	-	14	Female	-	Do	-	-	Daughter of Flora.
105	Dolly	-	-	12	Female	-	Do	-	-	Do

LIST—Continued.

No.	Names.	Age.	Sex.	Owner's name.	Remarks.
106	Sam - - -	11	Male	Micanopy - -	Son of Flora.
107	Phillis - - -	10	Female	Do - - -	Daughter of Flora.
108	Jeffrey - - -	6	Male	Do - - -	Son of Flora.
109	Milly - - -	3	Female	Do - - -	Daughter of Flora.
110	John - - -	25	Male	Harriet Bowlegs -	Husband of Rose.
111	Betsey - - -	6	Female	Micanopy - - -	Daughter of Rose.
112	Joe - - -	5	Male	Do - - -	Son of Rose.
113	Titus - - -	2	Male	Do - - -	Do
114	Tom - - -	24	Male	Do - - -	Husband of Milly.
115	Ben - - -	5	Male	Do - - -	Son of Milly.
116	Judy - - -	3	Female	Do - - -	Daughter of Milly.
117	Sam - - -	53	Male	Do - - -	Brother of Flora.
118	Judy - - -	22	Female	Free - - -	Wife of Jim.

*List of Indians and Indian negroes enrolled for emigration to the West, but who were prevented by sickness from accompanying the above to Tampa.*

No.	Name.	Age.	Sex.	Owner's name.	Remarks.
	<i>Indian.</i>				
1	Soc-co-yi-chee	20	Male	- - - -	Son of Pah-se-chee, retained with the army to act as guide.
	<i>Negroes.</i>				
1	Sam Bowlegs	30	Male	Harriet Bowlegs	Retained to act as interpreter.
2	Scipio	28	Male	Do	Brother of Sam.
3	Bess	30	Female	Micanopy	Wife of Scipio.
4	Hard Times	10	Male	Do	Son of Bess.
5	Took-hear	9	Female	Do	Daughter of Bess.
6	Porris	8	Male	Do	Son of Bess.
7	John	7	Male	Do	Do
8	Black	6	Male	Do	Do
9	Long Bob	45	Male	Jumper.	
10	Flora	33	Female	Micanopy	Wife of Long Bob.
11	Eve	15	Female	Do	Daughter of Flora.
12	Jenny	6	Female	Do	Do
13	Beck	36	Female	Sow-wee	Husband went off with Jumper.
14	Maria	14	Female	Do	Daughter of Beck.

## RECAPITULATION.

	Under 14.		Between 14 and 60.		Over 60.		Total of all ages.
	Males.	Females.	Males.	Females.	Males.	Females.	
Indians -	-	1	3	1	-	-	5
Negroes -	25	33	32	40	2	-	132
Aggregate -	25	34	35	41	2	-	137

NOTE.—In addition to the above, five negroes, belonging to citizens of Florida, have come in and given themselves up; their names are: Moses, 70 years old, owned by Colonel Rees; Bob, 30 years old, owned by Mr. Wm. Depeyster; Juba, 26 years old, owned by Colonel McIntosh; Dick, 20 years old, owned by Mr. Woodruff; Jake, 18 years old, do.

HEADQUARTERS, ARMY OF THE SOUTH,

*Camp, near Fort Jupiter, (E. F.), March 1, 1838.*

W. G. FREEMAN,

*Lieut. 4th Art., 2. Supt. Seminoles.*

HEADQUARTERS, ARMY OF THE SOUTH,

*Fort Jupiter, (E. F.), March 15, 1838.*

SIR: Since my last communication to your office, seventeen more Indian negroes and five slaves have come in and surrendered themselves; the latter have been sent to St. Augustine, to their owner, Mr. Depeyster. The Indian negroes are in this camp, and will be sent to Tampa by the first opportunity, for emigration to the West. I have enrolled in all of negroes, including ten slaves of citizens of Florida, one hundred and fifty-nine; up to this date the number of Indians enrolled, and now drawing rations of subsistence at this post, is four hundred and eighty-three; it is gradually increasing by daily accessions.

From the best information I can obtain, there are not more than fifty negroes, of all ages and both sexes, remaining in the nation, of whom not more than five or six are the property of white people.

When all the Indians expected here arrive, there will be something like six hundred.

I am, sir, with perfect respect, your obedient servant,

W. G. FREEMAN,

*Lieutenant and Assistant Superintendent Seminoles.*

C. A. HARRIS, Esq.,

*Commissioner Indian Affairs, Washington City.*

UNITED STATES BARRACKS, BELOW NEW ORLEANS,

March 22, 1838.

SIR: I have the honor herewith to enclose an order this day received from General Gaines. As there will be nothing now to detain me longer at this place, I shall make the necessary arrangements for departure, and will ascend the river at the earliest possible period. I am in hopes, however, to hear from you before such preparation can be carried into effect. It is not my intention to remove the negroes from Fort Pike until ready for departure; as I am convinced many individuals with fraudulent claims are in a state of readiness, and only wait the arrival of the negroes in the city to carry into effect their design. The measures that I shall adopt will bar their intention.

I am, sir, very respectfully, your obedient servant,

JNO. G. REYNOLDS,

1st. Lieut U. S. M. C., and Disb'g Agent Ind. Dept.

C. A. HARRIS, Esq.,

Commissioner Indian Affairs, Washington City.

HEADQUARTERS WESTERN DIVISION,

SPECIAL ORDERS, No. 4.

Near New Orleans, March 21, 1838.

Major Zantzinger, or the officer commanding at Fort Pike, or the officer who has charge of the slaves or other servants belonging to, or lately in the possession of, the Seminole Indians, now in charge of Lieutenant Reynolds, destined to the Arkansas river, will, on receipt hereof, deliver to the said Lieut. Reynolds all such slaves or servants belonging to, or claimed by, or lately in the possession of, the said Seminole Indians, to be conducted by him in their movement to the Arkansas river, where the said Indians and their slaves or servants are to be permanently located and settled; taking triplicate receipts for the said slaves or servants, one of which will be forwarded to the undersigned.

EDM'D P. GAINES,

Major General United States army, commanding.

FORT JUPITER, (E. F.) March 24, 1838.

SIR: I have the honor to report that, on the 22d instant, one hundred and seventy-four Indians were sent from this place to Fort Pierce, Indian-river inlet, for emigration from thence; and that I have this day sent through to Tampa Bay sixty-nine Indians, fifteen Indian negroes, and four slaves; the latter will be returned to their owners, and the others will go to the West. This makes one hundred and thirty-two Indian negroes that have been sent to Tampa, and seventy-three Indians; in addition to which, there have been fourteen slaves taken, who will be secured to their owners.

Two hundred and eighty Indians and nineteen Indian negroes still remain here, to be sent off very shortly. The whole number of persons that have been taken here is five hundred and twenty-seven Indians, one

hundred and fifty-two Indian negroes, and fourteen slaves. In seizing the Indians encamped in this vicinity, sixteen escaped.

I am, sir, very respectfully, your obedient servant,

W. G. FREEMAN,  
*Lieutenant on Indian duty.*

C. A. HARRIS, Esq.

*Commissioner of Indian Affairs, Washington city.*

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NEW BARRACKS, BELOW NEW ORLEANS,

March 26, 1838.

SIR: I have the honor herewith to enclose a contract for carrying the party of Seminole Indians under my charge to Fort Gibson, or as far as the state of the Arkansas river will admit of ascending; it being distinctly understood, though not mentioned in the contract, that a proportional amount will be paid for the distance conveyed. The Indian negroes will be received at Fort Pike and brought to this place, via the Mississippi river. This course was adopted with the concurrence of General Gaines. Everything will be in a state of readiness to embark so soon as the boat arrives. General Gaines has directed that the guard under the charge of Lieutenant Wharton shall proceed with me. \* \* \* \*

I am, sir, very respectfully, your obedient servant,

JNO. G. REYNOLDS,  
*First Lieutenant U. S. M. C.*  
*Disbursing Agent Indian Department.*

C. A. HARRIS, Esq.

*Commissioner of Indian Affairs.*

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HEADQUARTERS, ARMY OF THE SOUTH,

*Fort Jupiter, (E. F.,) March 30, 1838.*

SIR: By direction of Major General Jesup, I have the honor to forward you lists of the Seminole Indians, Indian negroes, and slaves of citizens of Florida, taken by the troops, or who have surrendered themselves at this post within the last six weeks. The Indians, with the exception of about ninety who remain here, have all been sent off for emigration westward. All the negroes, except three or four retained as interpreters, with their families, have been sent to Tampa Bay. \* \* \* \*

I am, sir, very respectfully, your obedient servant,

W. G. FREEMAN,  
*Lieutenant on Indian duty.*

C. A. HARRIS, Esq.

*Commissioner of Indian Affairs, Washington city.*

*List of negroes who have been captured by the troops at Fort Jupiter, East Florida, from the 22d February, 1838, to the present date.*

No.	Names.	Age.	Sex.	Owners' names.	Remarks.
	<i>Indian negroes.</i>				
1	Jack Bowlegs	36	Male	Harriet Bowlegs.	
2	Nancy	30	Female	Micco Potokee	Wife of Jack.
3	Sancho	8	Male	Do	Child of Jack.
4	Harriet	6	Female	Do	Do
5	Fanny	4	Female	Do	Do
6	Joe	2	Male	Do	Do
7	Sam Bowlegs	30	Male	Harriet Bowlegs.	
8	Diana	35	Female	Tommy	Wife of Sam.
9	Hester	18	Female	Do	Daughter of Diana.
10	Fanny	15	Female	Do	Do
11	Lizzy	9	Female	Do	Do
12	Frederick	7	Male	Do	Son of Diana.
13	Rhina	6	Female	Do	Child of Diana.
14	Peggy	5	Female	Do	Do
15	Bella	3	Female	Do	Do
16	Possy	60	Male	Free.	
17	Fanny	34	Female	Sock-ah-wah-pee	Wife of Possy.
18	Elsy	20	Female	Do	Child of Fanny.
19	Tenny	19	Female	Do	Do
20	Fay	18	Male	Do	Do
21	Leah	15	Female	Do	Do
22	Liddy	10	Female	Do	Do
23	Lotty	9	Male	Do	Do

## LIST—Continued.

No.	Names.	Age.	Sex.	Owners' names.	Remarks.
24	Hester - - -	3	Female	Sock-ah-wah-pee -	Child of Fanny.
25	Dick - - -	25	Male	Holah-too-chee - -	Husband of Elsy.
26	Ben - - -	5	Male	Sock-ah-wah-pee -	Child of Elsy.
27	Molly - - -	3	Female	Do - - -	Do
28	Judy - - -	1	Female	Do - - -	Do
29	Winnie - - -	3	Female	Do - - -	Child of Tenny.
30	Ned - - -	40	Male	Micco Potokee.	
31	Maria - - -	28	Female	Harriet Bowlegs - -	Wife of Ned.
32	Polly - - -	11	Female	Do - - -	Child of Maria.
33	Amy - - -	10	Female	Do - - -	Do
34	Davy - - -	7	Male	Do - - -	Do
35	Rophile - - -	5	Male	Do - - -	Do
36	Jim - - -	4	Male	Do - - -	Do
37	Scipio - - -	28	Male	Do	
38	Bess - - -	30	Female	Micanopy - - -	Wife of Scipio.
39	Hard-times - - -	10	Male	Do - - -	Child of Bess.
40	Took-hear - - -	9	Female	Do - - -	Do
41	Porris - - -	8	Male	Do - - -	Do
42	John - - -	7	Male	Do - - -	Do
43	Black - - -	6	Male	Do - - -	Do
44	Long Bob - - -	45	Male	Jumper.	
45	Flora - - -	33	Female	Micanopy - - -	Wife of Long Bob.
46	Eve - - -	15	Female	Do - - -	Child of Flora.
47	Tenny - - -	6	Female	Do - - -	Do
48	Beck - - -	36	Female	Tow-ee (squaw.)	

49	Maria	-	-	14	Female	-	Do	-	-	Child of Beck.
50	Charles	-	-	60	Male	-	Nelly Factor.	-	-	
51	Katy	-	-	40	Female	-	Kul-kee-chah-way	-	-	Wife of Charles.
52	Jim	-	-	21	Male	-	Do	-	-	Child of Katy.
53	Nancy	-	-	24	Female	-	Do	-	-	Do
54	Hardy	-	-	26	Male	-	Nelly Factor	-	-	Husband of Nancy.
55	Sally	-	-	2	Female	-	Kul-kee-chah-way	-	-	Child of Nancy.
56	Plenty	-	-	37	Male	-	Micanopy.	-	-	
57	Rose	-	-	35	Female	-	Hallek Hajo	-	-	Wife of Plenty.
58	War	-	-	15	Male	-	Plenty	-	-	Son of Rose, bought by his father.
59	Jack	-	-	13	Male	-	Do	-	-	Do
60	Sally	-	-	12	Female	-	Hallek Hajo	-	-	Child of Rose.
61	Rachel	-	-	11	Female	-	Do	-	-	Do
62	Cosar	-	-	7	Male	-	Do	-	-	Do
63	Jesse	-	-	6	Male	-	Do	-	-	Do
64	Jesse	-	-	22	Male	-	Micanopy	-	-	Brother of Plenty.
65	Nancy	-	-	37	Female	-	Do	-	-	Sister of Plenty.
66	Bacchus	-	-	20	Male	-	Do	-	-	Son of Nancy.
67	Sue	-	-	18	Female	-	Do	-	-	Do
68	Thomas	-	-	3	Male	-	Do	-	-	Child of Nancy.
69	Carolina	-	-	34	Male	-	Do	-	-	Brother of Plenty.
70	Tee-nar	-	-	28	Female	-	William	-	-	Wife of Carolina.
71	Rose	-	-	5	Female	-	Do	-	-	Child of Teenar.
72	Bob	-	-	4	Male	-	Do	-	-	Do.
73	Rophile	-	-	36	Male	-	Free.	-	-	
74	Hetty	-	-	33	Female	-	Micanopy	-	-	Wife of Rophile.
75	Belinda	-	-	15	Female	-	Do	-	-	Child of Hetty.
76	Nancy	-	-	14	Female	-	Do	-	-	Do
77	Rose	-	-	12	Female	-	Do	-	-	Do
78	Sarah Ann	-	-	11	Female	-	Do	-	-	Do
79	Straffar	-	-	9	Male	-	Do	-	-	Do

## LIST—Continued.

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No.	Names.	Age.	Sex.	Owners' names.	Remarks.
80	Primus - - -	60	Male -	Micanopy.	
81	Sandy - - -	65	Male -	Nelly Factor.	
82	Lucy - - -	55	Female -	Do - - -	Wife of Sandy.
83	Heenar - - -	36	Female -	Do - - -	Child of Lucy.
84	Rose - - -	21	Female -	Do - - -	Do
85	Hannah - - -	19	Female -	Do - - -	Do
86	Elsy - - -	16	Female -	Do - - -	Do
87	Thomas - - -	14	Male -	Do - - -	Do
88	Dembo - - -	30	Male -	Do - - -	Do
89	Juby - - -	40	Male -	Do - - -	Husband of Heenar.
90	Suzy - - -	19	Female -	Do - - -	Child of Heenar.
91	Nannie - - -	17	Female -	Do - - -	Do
92	Samson - - -	14	Male -	Do - - -	Do
93	Nelly - - -	12	Female -	Do - - -	Do
94	Ristoba - - -	9	Male -	Do - - -	Do
95	Jenny - - -	5	Female -	Do - - -	Do
96	Mag - - -	2	Female -	Do - - -	Daughter of Rose.
97	Jack - - -	70	Male -	Holah-too-chee - - -	Do
98	Sarah - - -	55	Female -	Do - - -	Wife of Jack.
99	Taymour - - -	27	Female -	Do - - -	Child of Sarah.
100	Ishmael - - -	25	Male -	Do - - -	Do
101	Phebe - - -	23	Female -	Do - - -	Do
102	Cosar - - -	20	Male -	Do - - -	Do
103	Peggy - - -	18	Female -	Do - - -	Do
104	Charles - - -	34	Male -	Abram - - -	Husband of Taymour.

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105	Hagar	-	-	8	Female	Holah-too-chee	-	Child of Taymour.
106	Pussy	-	-	6	Female	Do	-	Do
107	Harriet	-	-	4	Female	Do	-	Do
108	Heenar	-	-	7	Female	Do	-	Child of Phebe.
109	Ned	-	-	5	Male	Do	-	Do
110	Old John	-	-	60	Male	Micanopy.	-	
111	Flora	-	-	50	Female	Do	-	Wife of Old John.
112	Jim	-	-	25	Male	Do	-	Child of Flora.
113	Rose	-	-	23	Female	Do	-	Do
114	Milly	-	-	21	Female	Do	-	Do
115	William	-	-	20	Male	Do	-	Do
116	Hannah	-	-	18	Female	Do	-	Do
117	Cosar	-	-	15	Male	Do	-	Do
118	Eve	-	-	14	Female	Do	-	Do
119	Dolly	-	-	12	Female	Do	-	Do
120	Sam	-	-	11	Male	Do	-	Do
121	Phillis	-	-	10	Female	Do	-	Do
122	Jeffrey	-	-	6	Male	Do	-	Do
123	Milly	-	-	3	Female	Do	-	Do
124	John	-	-	25	Male	Harriet Bowlegs	-	Husband of Rose.
125	Betsey	-	-	6	Female	Micanopy	-	Child of Rose.
126	John	-	-	5	Male	Do	-	Do
127	Titus	-	-	2	Male	Do	-	Do
128	Tom	-	-	24	Male	Do	-	Husband of Milly.
129	Ben	-	-	5	Male	Do	-	Child of Milly.
130	Judy	-	-	3	Female	Do	-	Do
131	Sam	-	-	53	Male	Do	-	Brother of Flora.
132	Judy	-	-	22	Female	Free	-	Wife of Jim.
133	Tony	-	-	80	Male	John Hopahny.	-	
134	Jenny	-	-	56	Female	Charley Emarthlar	-	Wife of Tony.
135	Katy	-	-	28	Female	Do	-	Child of Jenny.

LIST—Continued.

No.	Names.	Age.	Sex.	Owners' names.	Remarks.
136	Dinah - - -	24	Female	Charley Emarthlar	Child of Jinny.
137	Tom - - -	6	Male	Do - - -	Child of Dinah.
138	Lucy - - -	3	Female	Do - - -	Do
139	Thursday - - -	28	Male	Do - - -	Son of Jinny.
140	John - - -	34	Male	Micco Potokee.	
141	Linda - - -	38	Female	Nokose Yoholo - - -	Wife of John.
142	Dice - - -	17	Female	Do - - -	Daughter of Linda.
143	Hester - - -	13	Female	Do - - -	Do
144	Nancy - - -	11	Female	Do - - -	Do
145	Stepney - - -	13	Male	Do - - -	Son of John.
146	Jack - - -	21	Male	Micco Potokee - - -	Husband of Dice.
147	Sarah - - -	19	Female	Do - - -	Sister of Jack.
148	Sambo - - -	65	Male	Hallek Hadjo.	
149	July - - -	38	Male	Chiltia Yoholo.	
150	Hector - - -	53	Male	Hallek Hadjo.	
151	Infant child - - -	10 days	Female	Micanopy - - -	Daughter of Scipio and Bess—Nos. 37 and 38.



*Extract of a letter from William Armstrong, acting superintendent  
W. T., dated*

WASHINGTON CITY, *April 23, 1838.*

6. When General Jesup called upon the volunteers to go to Florida, he promised them all the property they could capture. Accordingly, the Creeks captured near one hundred negroes, which they left in the possession of the officers of the United States. What has become of these negroes? Will they receive them, or their value, as promised?

7. That portion of the Creek nation, consisting mostly of the Neo-micco and Nea-mathla party, that were hostile—have they forfeited their portion of the annuity?

8. In 1836, Hopothleyoholo sent over, by Mr. Dubois, twenty negroes, who were regularly enrolled and provisioned by Captain Stevenson. Can the chief be paid for bringing over these negroes? General Jesup promised that if the chiefs would raise the warriors for Florida, they should have ten thousand dollars divided amongst them. There are still a few Creeks in Alabama, (say about thirty,) with eight negroes; they are unable to move, and the nation are desirous to have them west with their friends.

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HEADQUARTERS WESTERN DIVISION,

*Near New Orleans, (La.,) April 29, 1838.*

SPECIAL ORDERS, No. 8.

Major Clarke, assistant quartermaster at New Orleans, will immediately make the necessary arrangements for the embarkation and movement of the Seminole Indians and blacks, prisoners of war, now in Louisiana, to the place of their destination on the Arkansas river, near Fort Gibson. They will be guarded and protected by Lieutenant Reid, of the 5th infantry, Lieutenant Hanson, of the 7th infantry, and Lieutenant Wharton, of the 6th infantry, with such other agents or conductors as Major Clarke may deem it necessary to employ.

The physicians at present employed to attend upon the Indians and blacks, will accompany them to Fort Gibson, Arkansas. Major Clarke will furnish the senior officer charged with the above duties with the necessary funds for all contingencies in the movement. Lieutenant Grayson, the assistant commissary at New Orleans, will furnish the necessary provisions for the troops, Indians, and blacks. The movement will be made under the direction and control of Major Clarke, in the absence of the special agents appointed by order of the Department of War. To those agents the Indians and blacks will be turned over whenever and wherever they are met with in readiness to receive them. Triplicate receipts will be given by such agents to the officer or officers in whose charge they shall be placed by Major Clarke, one of which will be forwarded to the general, with a journal reporting all the remarkable occurrences and casualties on the movement, copies of which will be forwarded to the Commissioner of Indian Affairs and the quartermaster at New Orleans.

EDMUND P. GAINES,

*Major General U. S. army, commanding.*

## ASSISTANT QUARTERMASTER'S OFFICE,

New Orleans, May 3, 1838.

SIR: In the absence of the emigrating agent for Indians, I deem it my duty to advise you that claims are made here for about seventy of the Seminole negroes, and the courts here have issued their warrants to take them. The United States district attorney here has been consulted. He gives it as his opinion that the sheriff must be allowed to serve the process. It appears they are claims from Georgia, purchased from the Creek Indians. No movement can be made of the Indians or negroes at present. Please instruct the district attorney what is to be done in the case, by express mail. The Indians are almost in a state of mutiny. They believe the Government have brought them here to rob them of their negroes.

I am, sir, very respectfully, your obedient servant,

I. CLARKE,

*Assistant Quartermaster.*

C. A. HARRIS, Esq.,

*Commissioner Indian Affairs, Washington city.*


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 WASHINGTON CITY, May 6, 1838.

SIR: Agreeably to your request of yesterday, I have the honor to communicate the information you desired in reference to the proposition to purchase the claim of the Creek Indian warriors to the negroes that were captured by them during the Seminole war. I am apprized that about the latter part of September, 1837, after the return of the warriors from Florida to Pass Christian, an effort was made by Major Freeman and Lieutenant Searle to purchase their interest in said negroes; that an offer of eight thousand dollars was made for them, and refused by the Indians. This information I received from those officers as well as the Indians, and was a matter of general notoriety at that place.

Very respectfully, your obedient servant,

T. T. SLOAN,

*Lieutenant and disbursing agent.*

C. A. HARRIS, Esq.,

*Commissioner of Indian Affairs, Washington City.*


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 WASHINGTON CITY, May 8, 1838.

SIR: We, the undersigned chiefs, headmen, and delegates of the Creek tribe of Indians west, being fully authorized by our warriors and people, have this day appointed Nathaniel F. Collins, Esq., of the State of Alabama, our lawful agent and attorney, with full authority to demand and receive all the negro slaves belonging to ourselves and warriors, under an engagement or agreement with General Thomas S. Jesup, whereby ourselves and warriors are entitled to all the slaves captured by us or them in the Florida war.

May we therefore request that an order be given for the delivery of said negroes accordingly, to our said agent?

With great respect, your obedient servants,

HOPOTHLEYOHOLO, his × mark.

JESHEY CORNELLS, his × mark.

JIM BOY, his × mark.

DAVID BARNARD, his × mark.

JAMES ISLANDS, his × mark.

Present: W. ARMSTRONG,

*Acting Sup't W. T.*

C. A. HARRIS, Esq.,

*Commissioner Indian Affairs.*

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*Extract of a letter from J. G. Reynolds, 1st Lieutenant U. S. M. C., and disbursing agent Indian department, dated*

NEW BARRACKS, NEAR NEW ORLEANS, (LA.,)

May 15, 1838.

SIR: I arrived at this place from Tampa Bay with a party of Indians yesterday; was detained longer than I had anticipated, in consequence of the absence of General Jesup from Fort Brooke. Arrangements are made for the embarkment of the party for Fort Gibson, with the exception of sixty-seven negroes who are claimed by persons from Georgia. The civil authority, I understand, requires these negroes be not removed. It appears that General Gaines presented himself as defendant, and contended, as the negroes were prisoners of war, the civil authority had no right to arrest them from the Government's hands. The court, however, decided contrary, acknowledging the Indians alone as prisoners of war, and the negroes subject to attachment as the property of the Indians. As the case will not come on for some time, and deeming (from all that I have been able to learn) that the claim is fraudulent, it will be necessary that the owners and witnesses remain. I do this at the instance of the United States district attorney. The Indians and negroes, therefore, will remain at the barracks until a decision be made. I will take all necessary measures for having them subsisted and properly quartered.

Major Clarke informs me that he has communicated to you the situation of the negroes alluded to.

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MAY 17, 1838.

SIR: I beg leave to call your especial attention to the enclosed letters from Colonel G. Humphreys. I much fear that great injustice will be done to our citizens, if slaves claimed by Indians shall be surrendered on such claim, without due examination of title.

Respectfully, your servant,

C. DOWNING.

HON. J. R. POINSETT,

*Secretary of War.*

WASHINGTON, May 11, 1838.

SIR: Enclosed, herewith, are some papers, which I beg leave to transmit, through you, as the delegate from Florida, to the Secretary of War.

Be good enough, after examining them, to forward them, with such remarks of your own upon the matters to which they relate, as may be, in your judgment, expedient and necessary.

Very respectfully, your obedient servant,

G. HUMPHREYS.

HON. CHARLES DOWNING.

WASHINGTON, (D. C.) May 10, 1838.

SIR: In document No. 271, first session 24th Congress, which casually fell under my perusal a few days since, I find two letters to your Department from Wiley Thompson, of dates 19th July and 8th September, 1835, in relation to certain slaves of mine, who, several years ago, (I think in 1830,) absconded from me, and took refuge among the Seminole Indians, in whose country they remained until 1833, at which time they were restored to me by the chiefs of the nation. Subsequently, during my temporary absence from Florida, dissatisfied with the service to which I had put them, they again absconded and took shelter in the Indian territory, where they have ever since been, to my great detriment, protected; and a considerable portion of the time, as I am well convinced, with the sinister privity and connivance of those whose duty it was to demand and cause a surrender of them.

That the immediate predecessor of the late agent encouraged the Indians to withhold this property from me, for the purpose of unfair gain to himself, is susceptible of the most ample and conclusive demonstration.

To "the history of Humphrey's claim," derived from the very respectable and *disinterested* source of the chiefs, and several of the *most intelligent negroes* of the nation, which seems to have gained such ready and entire credence with General Thompson, I have only to say that it is, in every particular, so far as it relates to my action, or as my knowledge goes, untrue even in reference, and wholly false in point of fact. The idea suggested, that the surrender of the negroes (which it is admitted was made) "was extorted from them" (the Indians) by an individual destitute of official influence, and unbacked by any other means of coercion, is too preposterous to require refutation or comment, and can hardly be believed, when considered in connexion with more recent events, and the imperfect success which has attended the employment of the whole military power of the nation in the war in which it is now engaged with those indomitable and misguided people. I feel no disposition to impugn the motives of General Thompson in the course he took in this matter; on the contrary, I would fain believe that his intentions were upright, and that, in this instance, as in many others, he was led astray by those feelings toward the Indians, and that most deplorable, mistaken estimate of their character, which so frequently brought him into error, and constantly exposed him to their deceptions, and of which he eventually became a melancholy victim.

It is not my purpose to trouble the Department with an argument in support of my claim; *that* I shall be prepared to offer before the prope

judicial tribunal, and to such tribunal I must beg leave here respectfully, but emphatically, to urge that this claim, and all others of a similar nature in which I am interested, may be referred. I have to ask, also, that such of my slaves as have been, by the Government agents or officers, removed out of Florida, (and especially those my title to whom is to be litigated,) may be returned to the Territory, and placed within the jurisdiction of its laws; and I must be permitted, at the same time, to protest against the future removal of any of my negroes beyond such jurisdiction. My reasons will, I doubt not, at once present themselves to your mind. Of these, an essential one is, the great inconvenience of waging a contest in a foreign court, necessarily arising from the difficulty and heavy expense of procuring the attendance of witnesses, who, not being subject to the mandate of such court, could not, in some cases, (when the importance of their own private concerns interposed to prevent,) be at all induced to give attendance, and, in others, attendance could only be procured by payment of exorbitant compensation. These difficulties would be, in a great degree, obviated, and the ends of justice better answered, by bringing such controversies before some court in Florida, in which there exists the power to cause, if need be, compulsory attendance of witnesses, and upon terms prescribed by the laws.

I trust the Department will see the reasonableness of my wishes in this matter, and will therefore accord to them its sanction.

Upon the rolls or lists of captured negroes furnished to the Indian Commissioner by the commanding general in Florida, I recognise many of my slaves; and among those claimed by the Creek Indians, under General Jesup's extraordinary bargain with them, are several which I know to be mine; and from advices yesterday received from Florida, I have little doubt that there are others of mine, in the same gang, bearing assumed names, and otherwise incorrectly designated or described. The surrender of those negroes demanded by the Creeks will not, I take it for granted, be made, until due notice and time are given to those inhabitants of Florida who have lost slaves, to identify such of their property as has been sent out of the country.

An authenticated list and descriptive roll of all my negroes who are among the Indians, (as well refugees as those captured from me,) was transmitted to Major General Jesup, by military express, in May, 1837. Of that roll I have the honor to enclose herewith a copy, which, though perhaps not strictly correct, is, nevertheless, materially, and as much so as, in the absence of some of my papers, I am at the moment able to make it.

I have the honor to be, very respectfully, your obedient servant,

G. HUMPHREYS.

HON. J. R. POINSETT,  
*Secretary of War.*

*A list and descriptive roll of refugee and captured slaves belonging to Colonel G. Humphreys of Alachua county, Florida, who are in possession of the Seminole Indians.*

No.	Names.	Age.	Complexion.	Description as to size, &c.	General remarks.
1	Peter, first	- 45	Black	- Tall, straight, and well made.	
2	Peter, second	- 45	Black	- Short and bandy-legged.	
3	Tom	- 55	Black	- Well made, and gray.	
4	Sam	- 46	Black	- Tall and slender make.	
5	Lancaster	- 28	Black	- Medium size	
6	Morris	- 27	Black	- Stout make, pop eyes	
7	Sampson	- 25	Black	- Tall, likely negro	
8	Joe, first	- 23	Black	- Short, stout, and very well made	
9	Andrew	- 21	Black	- Common size, well made	
10	Dick	- 40	Black	- Tall, well made	
11	Hardy	- 25	Yellowish	- Straight and slender	Son of Peter, first.
12	Worley	- 28	Black	- Tall and stout	Lame in one of his feet.
13	Ansel	- 24	Black	- Tall and large	Prominent under lip and very large feet.
14	Israel	- 20	Black	- Stout make	
15	Jim	- 18	Black	- Common size	
16	Cyrus	- 16	Black	- Common size	Stammers badly.
17	Mungo	- 45	Black	- Very tall	Has but one hand.
18	Joe, second	- 25	Black	- Rather tall, but well made.	
19	Cornelia	- 55	Black	- Middling size	Mother to Lancaster, Morris, &c.
20	Caty, first	- 60	Black	- Common size, gray	Wife of Tom, and decrepid.
21	Jane	- 40	Black	- Common size	Mother of Cyrus, Stepney, and Affy.
22	Dolly	- 35	Black	- Common size	Wife of Sam.
23	Sophy	- 28	Black	- Tall and slender	Wife of Morris.
24	Beck	- 28	Black	- Good size and likely	Wife of Lancaster.

LIST—Continued.

No.	Names.	Age.	Complexion.	Description as to size, &c.	General remarks.
25	Amy - -	28	Black -	Tall and likely - - -	Wife of Peter, first, and mother of Nancy, Lymus, York, and Hester.
26	Nancy - -	24	Black -	Short and well made - - -	Wife of Hardy.
27	Hager - -	24	Black -	Middling size - - -	Daughter of Peggy & mother of Philip.
28	Peggy - -	40	Brown -	Common size - - -	Mother of Hager.
29	Pamilla - -	45	Black -	Ordinary size - - -	Enticed away by an Indian who has her as his wife.
30	Caty, second - -	24	Yellowish -	Ordinary size - - -	Has a defect in one eye, and is the wife of Sampson.
31	Lydia - -	35	Black -	Rather tall.	
32	Nancy - -	8	Black -	Common size - - -	} Children of Peter, first, and Amy.
33	Lymus - -	6	Black -	Common size - - -	
34	York - -	4	Black -	Common size - - -	
35	Hester - -	2	Black -	Common size - - -	
36	Cooter - -	9	Black -	Ordinary size - - -	
37	Tom - -	7	Black -	Ordinary size - - -	} Children of Lancaster and Beck.
38	Frank - -	5	Black -	Ordinary size - - -	
39	A girl - -	2	Black -	Ordinary size - - -	
40	Stepney - -	7	Yellowish -	Ordinary size - - -	} Children of Jane.
41	Affy - -	5	Yellowish -	Ordinary size - - -	
42	Cyrus - -	5	Black -	Ordinary size - - -	} Children of Sampson & Yellow Caty.
43	Elsy - -	4	Black -	Ordinary size - - -	
44	Philip - -	5	Brownish -	Ordinary size.	
45	} Two children - -	-	-	-	} Children of Hagar.
46					
47	Caty, third - -	40	Black -	Common size - - -	Mother of Nancy, Israel, and Jim.

Doc. No. 225.

*Extract of a letter from Lieutenant Reynolds, dated*

“NEW ORLEANS, LEVEE, May 21, 1838.

“SIR: Mr. Slidell, the district attorney, has been constantly in attendance; it is with his advice that my movements are made. I have requested Mr. Slidell to inform you of the situation in which I have been placed, in relation to the various claims that have been presented for the Indian property. All that could be done by me, has been, for the protection of the Indians. Thirty-one negroes out of the sixty-seven claimed have been selected by the claimants; these negroes I have, but am informed they do not belong to the Indians on whom the claims have been made.

“Mr. Slidell was present, and has all the information necessary for the defence.”

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STEAMER “SOUTH ALABAMA,”

*Off Vicksburg, Mississippi, May 26, 1838.*

SIR: I enclose, herewith, an abstract of my muster-roll, giving the whole number embarked on board the two steamers “Renown” and “South Alabama,” viz: 453 on board the former, which left New Orleans on the morning of the 19th instant, and 674 on board the latter, (in which number are included all the negroes, with the exception of the 32 left at New Orleans, in the hands of the civil authority, and 7 Spaniards, who objected to going West, and were left with an express understanding that they would not return to Florida until the close of the war,) at 2 A. M., on the 22d instant. Since leaving New Orleans, I have buried four; the party, generally, are in good health and fine spirits.

I would inform the Commissioner that, to the total number here returned must be added and subtracted the births, deaths, and those detached, to wit: 5 births, 47 deaths, and 8 detached; the whole that have come into my hands, therefore, are 1,221 Indians, Spaniards, and negroes.

I am, sir, very respectfully, your obedient servant,

JOHN G. REYNOLDS,

*1st Lieut. U. S. M. C., and disbursing agent, Ind. Dept.*

C. A. HARRIS, Esq.,

*Com. Indian Affairs, Washington City.*

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VICKSBURG, MISSISSIPPI, (ON SHORE,)

*May 26, 1838.*

SIR: Since my letter of this morning, enclosing an abstract of my muster-roll, Mr. Collins, the attorney recognised by you, has sent off various papers in relation to certain claims for the negroes taken by the Creek volunteers, and your order has been received. I have, therefore, made arrangements with Mr. Collins to accompany me to Little Rock, on board of my boat. That no time may be lost in the emigration on the passage from here thither, due care will be had in selecting such only as come within your order, as also to apprise the chiefs and other Indians with regard to the claim.

The excitement evinced at New Orleans, on the part of the Indians, convinced me of the necessity of this measure. I think that between this and Little Rock, I will be enabled to persuade them to consent, without any resistance on their part.

I am, sir, very respectfully, your obedient servant,

JOHN G. REYNOLDS,

1st Lieut. U. S. M. C., and disbursing agent, Ind. Dept.

C. A. HARRIS, Esq.,

Com. Indian Affairs, Washington City.

I enclose herewith an abstract of my report, giving the whole number embarked on board the two steamers "Rowan" and "Socahatchee", viz: 403 on board the former, which left New Orleans on the evening of the 10th inst., and 672 on board the latter, which number are included in the report, with the exception of the 38 left New Orleans in the hands of the civil authority, and 7 boarding who objected to going West, and were left in an extra understanding that they would not return to Florida until the close of the year 1832. Most of the "Socahatchee" sailed before the "Rowan" and the whole of the party embarked on board the two steamers returned to New Orleans on the 15th inst. The factors boards and those delivered to the public are 17,000 lbs. of sugar, 10,000 lbs. of coffee, and 10,000 lbs. of rice. The balance of the cargo is in the hands of the agents.

JOHN G. REYNOLDS

JOHN G. REYNOLDS, 1st Lieut. U. S. M. C., and disbursing agent, Ind. Dept.  
Care of the Indian Affairs, Washington City.

Received of the Secretary of the Indian Department, (of course),  
May 20, 1832.  
I enclose my letter of the 10th inst., enclosing an abstract of my report, giving the whole number embarked on board the two steamers "Rowan" and "Socahatchee", viz: 403 on board the former, which left New Orleans on the evening of the 10th inst., and 672 on board the latter, which number are included in the report, with the exception of the 38 left New Orleans in the hands of the civil authority, and 7 boarding who objected to going West, and were left in an extra understanding that they would not return to Florida until the close of the year 1832. Most of the "Socahatchee" sailed before the "Rowan" and the whole of the party embarked on board the two steamers returned to New Orleans on the 15th inst. The factors boards and those delivered to the public are 17,000 lbs. of sugar, 10,000 lbs. of coffee, and 10,000 lbs. of rice. The balance of the cargo is in the hands of the agents.

*Muster-roll of a party of Seminole Indian prisoners, about to emigrate west of the Mississippi river, under the charge of John G. Reynolds, First Lieutenant U. S. M. C., and disbursing agent Indian department, May, 1838.*

	Number of Indians.								No. of free negroes.		No. of slaves.		Total.
	Males.				Females.				Males.	Females.	Males.	Females.	
	Under 10.	Of 10, and under 25.	Of 25, and under 50.	Over 50.	Under 10.	Over 10, and under 25.	Of 25, and under 50.	Over 50.					
Deduct - -	132	85	225	21	130	81	179	24	6	3	130	150	1,166
	-	-	7	-	-	-	-	-	1	-	11	20	39
Total - -	132	85	218	21	130	81	179	24	5	3	119	130	1,127

REMARKS.—Detached 7 Spaniards, who were unwilling to emigrate; 31 slaves and 1 negro, named Louis, ordered to be sent West by General Jesup, who were arrested by the civil authority of New Orleans.

JOHN G. REYNOLDS,

*1st Lieut. U. S. M. C., and disbursing agent Ind. Dept.*

*Extract of a letter from Lieutenant Reynolds, dated*LITTLE ROCK, (ARK.) *June 2, 1838.*

SIR : I reached this place last evening with some difficulty, in consequence of the low stage of the water. The first detachment, under the charge of assistant commandant Addo, is about one hundred miles above; it could progress no farther, for the same cause. It is expected the water will be up in a short time. I have, therefore, deemed it proper, with the concurrence of Captain Collins, to remain a few days rather than attempt transportation by land.

In my letter of 26th ultimo I informed you of meeting Mr. N. F. Collins, the acknowledged attorney on behalf of the Creek delegation, and his willingness to accompany me to this place, that the business might be conducted without loss of time. Any attempt to coerce the Indians at so short a period after the difficulties experienced at New Orleans, would have proved very injudicious. And I was impressed with the belief that on the route they might be induced to yield, particularly when made fully sensible of the determination of the Creeks, in the event of taking the negroes with them to their new homes. Mr. Collins agreed with me in this opinion. Accordingly, that evening I assembled the chiefs and Indians owning negroes, and communicated your instructions, and explained every thing calculated to appease them. They at once demurred, Micanopy taking the lead, saying that it was contrary to the express words of General Jesup, and would listen to nothing calculated to dispossess them of their negroes. Finding them thus determined, I prevented any communication with them on the subject until reaching this place, when they were again called together, and I repeated to them all that had been mentioned before. I told them it was needless to object; my orders were positive, and must be obeyed. All was of no use; they became, if any thing, more vexed than before, and left me much exasperated. Mr. Collins witnessed my exertions to carry out your instructions. Indeed, sir, I have been excessively perplexed with these Indians and negroes. I can see no method, in the absence of force, by which possession of the negroes can be had. The authorities here show a decided inclination to protect the Indians, and there is no doubt every attempt will fail on our part.

I have in no instance acted with duplicity. The statements made have been as they actually exist. Thirty-one of the number left at New Orleans are on the official list handed me by Mr. Collins.

NEW ORLEANS, *June 14, 1838.*

SIR : I have the honor to report my arrival at this place from Tampa Bay, with three hundred and five Seminole men, women, and children, and thirty Seminole negroes, men, women, and children.

It will be necessary for me to accompany them to their new homes, as there is no officer at this place for that purpose.

I am now making arrangements for their transportation and subsist-

ence, and shall leave in two days. Mr. Lovell, assistant superintendent, will accompany me.

With much respect, your obedient servant,

J. MORRISON, *Captain 4th infantry,*

*Superintendent and disbursing agent Seminole emigration.*

C. A. HARRIS, Esq.,

*Commissioner Indian Affairs, Washington.*

*Extract of a letter from Lieutenant Reynolds, dated*

LITTLE ROCK, (ARKANSAS,) *June 18, 1838.*

SIR: I have the honor to enclose herewith copies of communications passed between his excellency the acting Governor of Arkansas, General Arbuckle the commanding general at Fort Gibson, and myself, in relation to the claimed negroes.

I reached Fort Gibson with my party, without any accident, on the 12th instant, and turned them minutely over to Captain Stephenson. You will observe by the muster-roll which I have also the honor to forward, that on the route from New Orleans up to the period of transfer, 54 have died, and one who left the party after disembarking at Fort Gibson, previous to muster for turning over. In the number of deaths is included King Philip, who died 60 miles from Fort Gibson, owing to the effects of age; the honors of war were bestowed upon him, as the chiefs who have previously died were interred in that manner.

HEADQUARTERS, ARMY OF THE SOUTH,

ORDERS, No. 102.

*Tampa Bay, April 29, 1838.*

Par. 6. Lieutenant Reynolds of the marines will take charge of a party of Seminole Indians and negroes now at this post, and proceed with it to New Orleans. The detachment of artillery under Lieutenant Brock, will constitute the guard to the party to New Orleans, where, pursuant to order of yesterday, it will relieve the company of the 6th infantry now there.

Par. 7. Lieutenant Territt of the marines will repair to New Orleans and relieve Lieutenant Wharton, 6th infantry, in the command of the detachment of recruits now forming a part of the guard to the Indian prisoners at New Orleans.

Par. 8. The detachment of recruits named in paragraph 7 will form, under the command of Lieutenant Territt, the guard of the Indian prisoners about to leave New Orleans for Arkansas, under the charge of Lieutenant Reynolds of the Indian department, and will proceed as far as Fort Gibson, from whence it will return to New Orleans under the command of Lieutenant Reynolds; and Lieutenant Territt will join from Fort Gibson the command of Captain Dulany in the Cherokee nation. On his return to New Orleans, Lieutenant Reynolds will send the guard to this place, subject to the orders of Brigadier General Taylor.

By order of Major General Jesup:

J. A. CHAMBERS,

Lieutenant REYNOLDS.

*A. D. C., and A. A. General.*

LITTLE ROCK, (ARKANSAS),

*Steamer South Alabama, June 3, 1838.*

SIR: I regret being obliged to call upon your excellency for aid to carry into effect certain orders in relation to Seminole negroes now in my charge. It appears from documents in my possession, and other papers in hands of the attorney, sent on for the recovery of the negroes, that they are those taken by the Creek volunteers in the Seminole war, and have been sold by the Creek delegation who have been recently at Washington. The attorney, Mr. N. F. Collins, of Alabama, was appointed by the delegation, and that appointment ratified and acknowledged by the proper authorities at Washington city. I have, agreeably to my instructions, given every assistance to Mr. Collins within my power, but have not the force necessary to compel the Indians and negroes to submit to an identification. My only resort, therefore, is the aid of the civil authority; by rendering which, your excellency will much oblige

Your very obedient servant,

JNO. G. REYNOLDS,

*1st Lt. U. S. M. C., and Disbursing Agent Ind. Dept.*

His Excellency the GOVERNOR of the State of Arkansas.

EXECUTIVE OFFICE,

*Little Rock, June 4, 1838.*

SIR: Your note of this day has been duly received, in which you call on me, as the Executive of the State of Arkansas, to furnish you military force sufficient to coerce obedience to your instructions to surrender a number of negroes now with the Seminole Indians under your command; and stating that the Indians manifest a hostile determination not to permit the negroes in question to be surrendered to the agent or attorney of the Creek Indians.

I have also examined the copies of the order from the War Department directed to you on this subject, as well as the schedule of the negroes, and letter of attorney in possession of Mr. N. F. Collins, the Creek agent or attorney to receive the negroes in controversy.

After due reflection on the subject, I have determined not to afford you any assistance to carry these instructions into effect, and respectfully request of you not to attempt to turn over those negroes to the claimants within the State of Arkansas, and more especially in the neighborhood of Little Rock. And I require of you to proceed with your command of Indians and *negroes* to their place of destination, with the least practicable delay, that the citizens of Little Rock and its vicinity may be relieved from the annoyance of a hostile band of Indians and *savage negroes*.

Without prejudging the claim of the Creek Indians to the negroes, from the nature of things, it is wholly impracticable for the claimants to make a proper designation of the negroes claimed; there are no witnesses here that can identify the negroes—not even the person setting up the claim. And had the Government intended to dispose of those negroes to the Creek Indians, it should have been done in Florida; and not bring Indians and negroes into Arkansas, the vicinity of their future residence, and then *irritate* the Indians to *madness*, and turn them loose on our frontier, where we have no adequate protection. The massacre of our citizens would be the inevitable consequence.

I have just visited the chiefs of your Indian command, and assured them that their negroes should not be taken from them; and they have pledged themselves that their people shall go on to their country peaceably.

Your immediate departure will ensure peace, and avert the outrages that you had such good cause to expect.

You will transmit this note to the proper Department at Washington, as a justification of the course you may pursue in accordance with it.

I am, respectfully, your obedient servant,

SAM. C. ROANE.

JNO. G. REYNOLDS,

*1st Lieut. U. S. M. C., and disb'g agent Ind. Dept.*

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FORT GIBSON, (ARK.) *June 12, 1838.*

GENERAL: I herewith enclose orders received from the Commissioner of Indian Affairs for the surrender of a certain number of negroes belonging to the Seminole Indians, to Mr. N. F. Collins, the attorney appointed by the Creek delegation which recently visited Washington, which appointment has been ratified by the Department; and feeling myself bound to turn over all in my possession, in obedience to such orders, and the Seminole chiefs and Indians refusing *positively* to give them up, I have to request the employment of such a force, general, as you may deem *adequate* for carrying into effect my instructions.

I am, general, very respectfully, your obedient servant,

JNO. G. REYNOLDS,

*1st Lieut. U. S. M. C., and disb'g agent Ind. Dept.*

Gen. M. ARBUCKLE,

*Commanding, &c., Fort Gibson, Ark.*

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HEADQUARTERS, WESTERN DEPARTMENT, THIRD DIVISION,

*Fort Gibson, June 13, 1838.*

SIR: I have received your letter of the 12th instant, with the papers accompanying it, in which you request me to furnish such a force as I deem adequate to enable you to turn over a number of negroes that were captured by the Creek warriors in Florida, to Nathaniel F. Collins, their attorney.

I have given to your application much reflection; and have determined to decline a compliance therewith, for the following reasons:

First, the difficulty and uncertainty of identifying the negroes actually captured by the Creek warriors, who are now with their former owners, and in company with a large number of other Indian negroes; and there being no individual of character present (as far as I am informed) who could with certainty designate them. Secondly, the Seminole chiefs positively declare that General Jesup promised that the negroes taken from them by the Creek warriors should be returned; and there is reason to believe that such a promise was made, other than the declaration of the chiefs.

In addition to the above, it is proper that I should state that the Seminole chiefs, at the council I held with them yesterday, voluntarily pledged themselves to give up the negroes in question, provided the President of

the United States should, after being informed of the facts in the case, so decide ; yet they state that many of the negroes have died ; and that several are claimed to have been captured that were brought in by their owners when they surrendered.

I am, sir, very respectfully, your obedient servant,

M. ARBUCKLE,

*Brevet Brigadier General commanding.*

J. G. REYNOLDS,

*1st Lieut. U. S. M. C., and disb'g agent Ind. Dept.*

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*Extract of a letter from Lieutenant Reynolds, dated*

NEW ORLEANS, (LA.,) *June 28, 1838.*

“SIR : The *thirty-three* negroes who were arrested, seized from me and lodged in the jail of this city, were last evening surrendered to me. The Creek attorney (N. F. Collins, Esq.) nor any authorized agent being present, and not wishing to detain them at an expense to the Government, they were immediately embarked and despatched West, with 25 days' provisions, under the charge of assistant conductor Benjamin, who, to satisfy the Indians, had been left with the negroes at the period of seizure ; of which fact I informed the Department at the time.”

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JULY 10.

SIR : At the request of Colonel Humphreys, I send you these papers, to which I beg to call your particular attention. Colonel Humphreys has suffered much by this war, and I hope that no act of the Government, by removing beyond his reach such of the slaves as have fallen into their hands, will come from the Department over which you preside.

Respectfully, your obedient servant,

C. DOWNING.

HON. J. R. POINSETT,

*Secretary of War.*

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WASHINGTON, *May 30, 1838.*

SIR : Your note of the 28th, accompanied by one from the Secretary of War of the 26th, and the report of the Indian Commissioner of the 25th instant, has been received. I must ask leave, through you, to reply to that report, and to utter against it my solemn and unqualified protest. Its conclusions are unsustained by argument, not warranted by facts, and wholly at war with the plainest principles of common justice. If I rightly construe its somewhat ambiguous purport, it exhibits a manifest disposition to give my rights in the matter which is the subject of correspondence, the go-by ; to silence my claims upon the Government for the protection of my interests ; and to close the door against appeal for a rightful indemnity for the sacrifice of those interests which has already accrued, and is still arising, through the known and sanctioned instrumentality of the agents of the Government. If I am in error, it will, it need not be doubted, afford

me pleasure to be put right; for no one will, for a moment, suppose that I can derive satisfaction from continuance in an error so unpromising to my legitimate wishes, and therefore so little calculated to impart satisfaction; nor will those who know me hesitate to believe that the correction of the error (if it exists) will be especially gratifying, as the means of removing unjust impressions towards others, whom I am far from being predisposed to condemn. If (as is possible, and as I would, for reasons not exclusively pertaining to myself, much prefer to think) the report in question has been made in a forgetfulness of some important facts in the case, and a lack of knowledge of others, it may reasonably be expected that a reference to, or explanation of, those facts will obtain for the subject-matter of the report a reconsideration, which I am fully convinced ought to eventuate in an entire change, in some essential particulars, of the views of the Commissioner. Be that, however, as it may, it is emphatically proper and due to myself that those facts should be stated.

I will commence the detail by a passing notice of the leading paragraph of the report, which is in the following words, to wit: "So far as the latter relates to negroes captured by the Creek warriors in Florida, and who have recently been placed at the disposal of the delegation lately in this city, I have to observe, that, in my judgment, the action of the Department is concluded by these proceedings, and the interval that has elapsed, and if an opposing title is set up," &c. If, by the language "these proceedings, and the interval that has elapsed," is to be understood the act of placing the captured negroes "at the disposal of the delegation," and the time elapsed implies, *without a claim to them having been set up on my part*, (and if this is not the meaning intended, that meaning is beyond my comprehension,) I must, in answer, take occasion to remind the Commissioner that several days prior to the act of surrender to the delegation, upon which he places so much stress, I called upon him personally, and notified him that, among the negroes demanded by said delegation, were a number which I knew to be mine, and protested against their being given up; and that, in reply, he gave me a ready and full assurance that my interests in the matter should be cared for and protected, and that the negroes should not be turned over to the Indians without my being allowed ample time and opportunity to identify and recover from among them such as were mine. The just expectations created by this assurance, upon which I placed implicit reliance, have been, in a manner sufficiently exemplified in the report under consideration, wholly and fatally disappointed. How the discrepancy which has arisen between the Commissioner's professions and his practice occurred, it is the province of others to explain. In reference to the expressions used in the report, "and if an opposing title is set up," I have to remark, that it will seem apparent from this language, a design is entertained to divest me, if practicable, of the rights and advantages of an anterior proprietorship of the property in question, and thus place my claim in a secondary attitude of validity. To this I must peremptorily object; and I will not so far insult the common sense of any one as to deem it necessary to offer argument in support of the objection.

"The more especially" (continues the report) "as General Jesup has reported that all the negroes captured by the Creeks, and claimed by the whites, were delivered nearly twelve months ago." In response to this last plea in bar, I will so far trespass as to submit a brief history of events,

authenticated by the accompanying papers marked A to C, which will show to how much weight that plea is entitled.

It is a matter of notoriety in Florida, at least, and one to which your personal knowledge I believe fully extends, that it is my misfortune to be among the sufferers by the Indian war, which has so thoroughly devastated the entire portion of that once happy and flourishing Territory. My heaviest loss consisted in negroes; a valuable gang of thirty-four of whom were captured by the enemy in the summer of 1836; some twenty-five others absconded before the war commenced, and took refuge in the Indian country.

In the course of the operations of the Government forces in the winter of 1836-'7, many negroes were taken by those forces, and sent to Tampa Bay. Early in the spring of the latter year, letters from the army came to St. Augustine, where I then was, (several to myself from personal friends,) stating the fact of the captures, and advising, that of the captives a considerable number were supposed to belong to the inhabitants of Florida. I was particularly informed that several of them claimed to be mine; and, from names and descriptions sent to me, there exists not a shadow of doubt that they were my property. The receipt of the intelligence aforesaid, so interesting and cheering to those who had been despoiled of their slave-property, was speedily followed by preparations on their part (myself among them) to proceed to the depot at Tampa for the purpose of recovering such portion of their property as they might have the good fortune to find there. The evening preceding the day fixed for the commencement of the journey brought with it a military order, of which the paper marked A is a copy, paralyzing or putting a stop to their contemplated movement, and giving the deathblow to their new and all but still-born hopes. This proceeding on the part of the commanding general induced those who intended to make the journey with me to abandon the project, and leave the result to fortune. Not willing myself to depend on a power of such proverbial fickleness, and deeply apprehensive that the operation of the order would be productive of heavy loss to me unless its revocation could be procured, I determined upon an effort to reach the headquarters of the army, with a view to make an appeal to the commanding general in person; and, accordingly, on the 20th April left St. Augustine for that purpose. On arriving at Black creek, however, I was assured by the officer in command there that the prosecution of my journey beyond Fort Drane (which it will be seen was on the line of demarcation indicated in the interditory order) was impracticable, as an officer was stationed at that point whose duty it was to scour the country, to intercept and turn back all who might attempt to pass the designated boundary, and that his instructions were to use coercion if necessary. Seeing, therefore, no hope of effecting my purposed visit to headquarters, and aware that there was little chance of overcoming, by the force of mere reason, the positive mandate of a popular military leader, even had I felt (what I certainly did not) inclined to tamper with or lose sight of that necessary discipline of the army which constitutes its vital principle, and is so indispensable to its efficiency and usefulness, I was fain to yield submission, and abandon my undertaking. Under these circumstances, I took the only method left—that of writing to the commanding general.

From Black creek I addressed to him a letter (accompanied by a list and descriptive roll of my negroes) soliciting his interposition to prevent

their being carried off and permanently lost to me. In reply to my letter, I received the communication marked C. Upon the receipt of this, I addressed Major Graham, who it seemed was to play umpire between the inhabitants of Florida and the Indians, asking him to advise me of the rule he intended adopting in his adjudications upon the right of property, and asking him, at the same time, to inform me at what time and place white persons might present themselves for the purpose of identifying and claiming their property. To my letter that gentleman, for reasons best known to himself, has not deigned to reply; nor has there, up to the present moment, been voluntarily imparted to me, from an official source, any information calculated to enlighten me as to the situation of my property, and enable me to take the steps necessary for its preservation. On the contrary, a studied and inflexible silence on the subject seems to have been maintained towards myself and my agents. With what justice or propriety, I ask, can it be pretended, in the face of all these facts, that the loss which threatens to involve me, growing out of the acts of others, (Government agents, over whom I had no control,) is attributable to my own apathy or want of exertion for its prevention? What possible measure for security did the order of General Jesup leave to me, of the slightest promise, save the one to which I had recourse? None whatever. How little that has profited me, my present embarrassments, and the injuries under which I am smarting, sufficiently demonstrate.

It is wholly foreign to my purpose and wishes, in making this communication, to call in question the correctness of the motives of General Jesup in issuing the order which has operated with such peculiar severity upon my interests. That he deemed the measure necessary, his adoption of it is abundant evidence; and that it was, in some degree so, I am not prepared to urge a full denial; nor am I disposed unreasonably to complain, if it has been found requisite, for the beneficial prosecution of the public service, to transfer from me, or otherwise use my property, provided a fair compensation for it is awarded to me; but, I may and do insist, that, in so far as the order in question, or any other public measure, has occasioned detriment to me, an undeniable claim to indemnity is created by the act in my favor, and against the Government; and such claim I must be permitted, in this place, and in conclusion, distinctly and earnestly to assert.

The paper marked B is a copy of a communication addressed to General Jesup, by a committee appointed for that purpose, at a meeting of the inhabitants of East Florida, convened at the city of St. Augustine upon the occasion of the promulgation of his order. This communication is referred to as embodying the sentiments of the community from which it emanated in relation to that order.

I am, sir, very respectfully, your obedient servant,

G. HUMPHREYS.

Hon. C. DOWNING.

A.

HEADQUARTERS, ARMY OF THE SOUTH,

ORDERS, No. 79.

Tampa Bay, April 5, 1837.

Paragraph 1. The commanding general has reason to believe that the interference of unprincipled white men with the negro property of the

Seminole Indians, if not immediately checked, will prevent their emigration, and lead to a renewal of the war. Responsible as he is for the peace and security of the country, he will not permit such interference, under any pretence whatsoever; and he therefore orders that no white man, not in the service of the United States, be allowed to enter any part of the territory between the St. John's river and the Gulf of Mexico, south of Fort Drane.

Paragraph 2. The inspector general will cause all merchant or transport vessels arriving in this harbor to be immediately examined, and the names of all individuals on board to be registered. No one will be allowed to come on shore, except for the transacting of public business. Vessels from whence any individual shall be landed contrary to this order, or on board of which spirituous liquors may be found, will be immediately sent off, and shall not, under any circumstances, be employed in the public service.

Paragraph 3. All negroes now at this place, the property of citizens of the United States, will be sent to St. Mark's. The inspector general will furnish Lieutenant Vinton a list of them, with their owners' names. Lieutenant Vinton will give notice to their owners to take charge of them immediately.

By order of Major General Jesup :

J. A. CHAMBERS,  
*Lt., A. D. C., and A. A. Gen.*

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B.

SIR: The undersigned, a committee appointed by a public meeting of the citizens of St. Augustine, and other inhabitants of East Florida, convened on the occasion of the promulgation of the order 79 of the commanding general of the army of the South, beg leave respectfully to lay before him their views in relation to it, which its direct bearing on their highest interests renders proper, in their apprehension, for his consideration.

In acknowledging the deep obligation they owe to the commanding general for the exertion of that skill and energy which have, as they confidently believe, brought this calamitous war to a conclusion, they but affirm a sentiment which they are assured pervades the whole of that portion of this Territory which has suffered most from its ravages; yet they cannot, because of the universality of the sentiment, forego the present occasion of expressing the sincerity with which they participate in it.

The undersigned, in common with those whose interests and views they represent, feel, and appreciate truly, the many difficulties which surround the negotiations of the commanding general with a barbarous and faithless enemy. While they believe that the accomplishment of a certain pacification must, as it ought, be an object of primary importance in these negotiations, they persuade themselves that the preservation of the negro property belonging to the inhabitants of this desolated country must be seen by him to be an object of scarcely less moment.

Admitting, as this community unfeignedly does, the singleness of purpose, for the public good, by which the exertions of the commanding general have been directed, they cannot but feel that the particular rights and

interests of the slaveholders of East Florida are made somewhat too palpably by the order referred to, and, as the undersigned venture to think, unnecessarily, a sacrifice to that end. Inhibited as the owners of slaves in the possession of the Indians are, by this order, from appearing in the camp of the commanding general, or elsewhere, for the purpose of identifying their property, the undersigned can conceive no possible means by which it can be secured, or an Indian claim to it be repelled. By what means, it is respectfully inquired, can the commanding general, consistently with that certainty demanded by justice, and the undeniable rights of the people of this Territory, distinguish between their negroes and those of the Indians? By negro or Indian testimony alone can he, as it is conceived, be guided in this discrimination; because these are the only sources which this order leaves to him, whence he can derive his information. How feeble a security this, for the development of the truth, need not be insisted on.

The negro, enamored of change of any kind, and especially of the *quasi* independence which he sees will mark his condition under Indian dominion, will surely be no faithful witness against his own desires, and those of his fellows. And the Indian, greedy in the accumulation of property, but above all eager to add to his physical strength, on entering on a new and unknown country, and amid untried and doubtful friends, will hesitate at no means to convert the slave of the white man into the servant and feudatory of the savage; yet, by the testimony of these witnesses alone, as the undersigned believe, are the rights of the people of this Territory in their large negro property, now in the possession of the Indians, to be judged of and determined.

Against such a course—a course so destructive of their rights and interests—the citizens of St. Augustine, and others, in the above-mentioned public meeting, assembled for themselves and on behalf of the inhabitants of East Florida generally, (notwithstanding the integrity of purpose by which, they freely concede, the order in question has been prescribed,) do *most solemnly protest*. In thus objecting to the course which the commanding general of the troops of the United States in Florida has thought it necessary to adopt on this subject, the undersigned have it especially in charge to disclaim all intention of disrespect towards that distinguished individual. Towards him personally, and as an officer, the undersigned, and those whose sentiments they express, entertain a high respect; but, referring directly to them and their interests, as the order in question does, and promulgated, as it is, for the information and guidance of the people, especially of this part of the Territory, they feel that they are not permitted to suffer its requirements and inhibitions to pass without that candid and respectful exposition of their sentiments in regard to them which it is the purpose of these remarks to render. Silence on their part, under such circumstances, might possibly be deemed an acquiescence in the propriety of this measure, so far as they are concerned. This inference it is the purpose of the undersigned, in the discharge of the duty committed to them, to repel; but they design nothing more.

The undersigned are directed to inform the commanding general, that it was the purpose, before the reception of his order, of some of the members of this meeting, who have lost their negroes during the present war, to make an immediate visit to Tampa Bay, with a view of identifying

and claiming their property, which they supposed would be found collected at that point; but yielding, as they are compelled to do, submission to that order, they have, since its reception, abandoned that design; and to them, in common with all others affected by its mandate, nothing remains but that they throw themselves, with their property and rights, on the power, protection, and care of the commanding general, relying on the justice of the Government for indemnity in so far as their rights may be sacrificed.

But, in doing this, the undersigned would, with great respect, submit it to his consideration and judgment, whether his order might not be so far beneficially modified as to permit the owners of slaves in the possession of the Indians to visit Tampa Bay, or some other place to be indicated, and to point out their property, under such restraints and guards as the commanding general might adopt, and as would certainly secure the end proposed by his order, and at the same time enable those sufferers to recover this remnant of their wrecked fortunes, which will otherwise, to a great extent, there is too much reason to fear, pass from their power forever.

The undersigned would also respectfully solicit that, instead of sending the slaves who may be retained, and acknowledged to belong to the people of East Florida, to St. Mark's, as the order contemplates, they may be sent to this place, or some convenient point on the St. John's river, where they can be received without subjecting their owners to the great inconvenience, hazard, and expense of conducting them through a depopulated and ravaged country, to a place of security; an evil, to the small slave proprietor, little less grievous than the surrender of his property to the Indians.

JOS. L. SMITH.  
 JOHN DRYSDALE.  
 GAD HUMPHREYS.  
 ANDREW ANDERSON.  
 GABRIEL W. PERPALL.  
 THOMAS DOUGLASS.  
 THOMAS H. DUMMETT.  
 JOSEPH S. SANCHEZ.  
 DAVID R. DUNHAM.

Major General THOS. S. JESUP.

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C.

HEADQUARTERS, ARMY OF THE SOUTH,  
*Tampa Bay, April 30, 1837.*

SIR: I have received your letter of the 27th, on the subject of the negroes which you claim as now among the Indians. Several said to belong to you were captured by the Indians, and have been sent to St. Mark's. Ansel is claimed by Judge Smith. I have retained him as an interpreter.

Your letter, with the list of slaves will be handed to Major William M. Graham, the agent of the Seminoles, who will see that the Indians be protected in their property, at the same time that they shall not take off that of the citizens of Florida.

I am, sir, respectfully, your obedient servant,

THOMAS S. JESUP,

*Maj. Gen., comdg. Army of the South.*

Col. G. HUMPHREYS, *St. Mark's, Florida.*

TUSKEGEE, (ALA.), July 29, 1838.

SIR: Immediately after my arrival (about the 1st of this month) I was taken sick with the fever, from which I am just recovering; which will account for the delay in communicating the result of my mission to procure the Seminole negroes that were to have been turned over to me as agent of the Creek Indians.

I left Washington on the 10th of May, and arrived in New Orleans on the 22d, the day after Lieutenant Reynolds had left there with the Indians, and all the negroes, except thirty-two that were detained by the civil authority, at the instance of Love. I did not overtake Reynolds until he arrived at Vicksburg, when, after some exertion, I succeeded in having his order handed to him, and he came ashore and suggested the probability of his being able to induce the Indians to consent to deliver the negroes willingly (between thirty-five and forty of which, by a comparison of our lists, we found he had in his possession) if I would go on board and proceed up the river with him. This I acceded to, as I was anxious to pursue such a course as would tend ever so remotely to conciliate the Indians and harmonize with the views of the officer in charge. The experience of a day or two, however, proved that these calculations were erroneous, and I went on to Little Rock to get a force to coerce their delivery. On our arrival there, Lieutenant R. called upon the acting Governor of Arkansas for assistance, *but, from some cause or other*, he refused it, as will be seen by the correspondence forwarded you by Lieutenant R. I then proceeded with the party to Fort Gibson, calculating certainly on being able to obtain the necessary assistance at that place. Lieutenant R. on arriving within three miles of the fort, landed one of the boats, and proceeded with the other (having all the negroes and some Indians) directly to the fort, and made known to General Arbuckle the situation of the affair, and presented him with all the papers. He held a lengthy interview with the Seminole chiefs, in which the various talks and promises of General Jesup were detailed; the number and identity of the negroes denied, and the validity of the whole transaction questioned, &c.; and hence the conclusion, as he had received no order in relation to the negroes, he should not interfere, and directed Lieutenant R. to land them with the Indians; first, however, to conclude the farce, he exacted from each chief, separately, the promise, if *the President should decide that the negroes should be given up*, that they would deliver them to him. This, of course, they promised; any explanation or remonstrance urged by me was unavailing.

On arriving at New Orleans, on my return, I found the representatives of Love had withdrawn their claim against those thirty-two negroes that were left there, thirty-one of which Lieutenant R. expressed himself satisfied belonged to the claim. I addressed a note to Lieutenant R., requesting that such of the negroes as he was satisfied of the identity might be turned over to me; he, in reply, referred me to Major Clark who was his senior officer, and who had received similar instructions to his own. I had, in company with Lieutenant R., the day before called upon Major Clark, and learned his determination in relation to the negroes. He did not recognise the validity of his order, inasmuch as "By order of the Secretary of War" did not precede your signature; and had even the hardihood to state that, by an examination of the lists, none of those negroes in New Orleans were embraced in the claim I presented; and

subsequently ordered Lieutenant Reynolds to send the negroes forthwith to Arkansas. After I saw a settled and determined purpose to thwart me there, as well as elsewhere, I left New Orleans the next day for this place; and since my arrival here, I have learned, by a letter from Lieutenant Reynolds, that the negroes were sent off the next day after I left.

Captain Morrison I did not see. Not, perhaps, being as fruitful in expedients as some others of them, he stopped at Fort Jackson, and sent to New Orleans for transportation, outfit, &c, and passed the city on his way up, without but few knowing who he was, or any thing else in relation to him. I learned indirectly from Major Clark, (who probably did not intend this admission for me,) that he had between twenty and thirty of the negroes on board belonging to this claim.

Thus I have given you, as briefly as possible, the prominent features attending the prosecution of this claim.

I am, sir, with the highest respect, yours, &c.,

N. F. COLLINS.

C. A. HARRIS, Esq.,

*Com'r Indian Affairs, Washington City.*

MONTGOMERY, (ALA.) August 8, 1838.

SIR: Since writing you a week since, I have understood that Lieut Reynolds has informed you that on his arrival in New Orleans the negroes that were detained there had been surrendered to him, and that, in consequence of my not being there, they were sent off to Arkansas, &c.

After seeing so much duplicity and management as has been manifested by the officers with whom I have recently had intercourse, particularly Lieutenant R., I am not surprised at the above statement.

Lieutenant R. is well apprized that the negroes had been turned over to him while I was in New Orleans; and it is also susceptible of proof, that, during my stay there, arrangements were privately making to charter a boat to transport them. After I learned this, I purposely threw myself in his way; but he said not a word to me in relation to the negroes, until I addressed him the note which is herewith enclosed. After receiving his answer, I, in his presence, addressed the enclosed copy to Major Clark; but before I had procured a messenger to carry it to Major C., Lieutenant R., after being a short time absent from the room, returned, and informed me that he had seen the sheriff, and he had refused to turn over the negroes to him; which rendered it, as I conceived, unnecessary to send the note to Major C. After my return home, he wrote that (the next day after I left, it seems) the sheriff reviewed his decision, and a *second time* turned them over to Lieutenant R.; and, as he states in his letter to me, that Major Clark *ordered them to proceed forthwith to Arkansas*. Why was it necessary, then, for me to have been there, since he had yielded every thing to his senior officer; and that officer he knew had determined not to respect the order he had received, and had determined (as his previous statement and subsequent conduct prove) to send them forthwith to Arkansas? It is about such a subterfuge as the sheriff turning over the negroes, and withholding them after my letter to Major C. was seen, and then turning them over again after it was known I had left. It is due Lieutenant

R. to observe that he stated to me that the sheriff told him *a lie*. I know not what object he could have had in view in doing so.

I remained in New Orleans four days; in which time I became convinced, from the manœuvring that was evinced, that nothing would be gained by a longer stay; and as the sickly season was approaching, I left, with the conviction that the sheriff would alter his decision as soon as I left there.

I am, sir, with the highest respect, yours, &c.

N. F. COLLINS,  
*Agent Creek warriors.*

C. A. HARRIS, Esq.,  
*Commissioner Indian Affairs, Washington.*

NEW ORLEANS, June 25, 1838.

SIR: Will you do me the favor to inform me if there has been any decision in relation to the Seminole negroes that were detained here under the claim of Love, and what number of them you are satisfied are embraced in the claim of the Creek Indians, under the decision of the Secretary of War? As the agent of the Creek Indians, I request that, in conformity with your orders, you will deliver to me all the negroes that have been satisfactorily identified, as soon as the claim of Love has been dismissed.

Respectfully,

N. F. COLLINS.

Lieut. J. G. REYNOLDS,  
*Assistant Emigrating Agent.*

NEW ORLEANS, June 26, 1838.

SIR: I have received your note of yesterday's date, and have to state that the case alluded to by you has been, I am informed, dismissed by the authorities having jurisdiction over the same. But being, as I *now* am, subject to the orders of an officer senior in rank to myself, and one who has received similar orders or letters in relation to the negroes in question, I must refer you to him (Major Clark) for an answer to the other questions contained in your letter.

I am, respectfully, your obedient servant,

JNO. G. REYNOLDS,  
*1st Lt. U. S. Marine Corps, and Disb'g Ag't Ind. Dept.*

N. F. COLLINS,  
*New Orleans.*

NEW ORLEANS, June 26, 1838.

SIR: In answer to a note of mine to Lieutenant Reynolds, requesting him, in conformity with an order he had received, to deliver to me such Seminole negroes as are now here, and embraced in the claim of Creek

warriors, he referred me to you, as the agent of the Creek Indians. I have the same request to make of you.

I hope the informality, which you stated to me a few days since, you conceived in the order of the Commissioner of Indian Affairs, will not present a bar to the claim I represent, inasmuch as you also stated you were daily expecting a letter from the Commissioner, either denying or affirming that his order to you was by authority of the Secretary of War.

In the interim, that no loss should accrue to the United States, I propose that the negroes shall remain at my expense, until the Department is heard from. An answer is solicited, as early as your convenience will admit, at the Orleans hotel.

Respectfully,

N. F. COLLINS.

Major I. CLARK,  
*New Orleans.*

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HEADQUARTERS, 2d DEPARTMENT, W. DIVISION,  
*Fort Gibson, August 27, 1838.*

SIR: I had the honor on the 22d instant to receive your instructions of the 21st ultimo, together with the papers to which they refer.

I extremely regret that the United States is liable to suffer loss, in consequence of the Creek warriors having sold and received pay for the negroes they captured from the Seminole Indians in Florida; and these negroes having imprudently been returned to the possession of their former owners at New Orleans, and brought to this place with two hundred or more other negroes belonging to the Seminoles. Owing to these transactions, it would be extremely difficult, if not impossible, to identify at most but few of them, and, from the present posture of this case, it is not probable that one of the negroes will be obtained except by force.

For further information in relation to this subject, I beg leave to refer you to my letter to Captain Armstrong, acting superintendent of the western territory, of this date, a copy of which is herewith enclosed. I shall do all in my power to prevent loss to the Government, and will at an early period have the honor to advise you of the success of the measures taken in the case.

I have the honor to be, sir, with great respect, your obedient servant,  
M. ARBUCKLE,  
*Brevet Brig. Gen. U. S. A.*

HON. J. R. POINSETT,  
*Secretary of War, Washington city.*

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HEADQUARTERS, 2d DEPARTMENT, W. DIVISION,  
*Fort Gibson, August 27, 1838.*

SIR: I received by the last mail, from the honorable the Secretary of War, a communication under date of the 21st ultimo, on the subject of negroes captured by the Creek warriors, together with a letter from the Commissioner of Indian Affairs to the Secretary of War, under date of the 19th ultimo, relating to this subject; copies of which are herewith en-

closed. All other papers or transactions in relation to this matter it is presumed that you are apprized of. It will be seen by the communication first referred to, that it was not known at Washington, at the date of that letter, that the Creek warriors had been paid for the negroes; that circumstance, however just to the warriors, and proper, so far as you have had an agency in the affair, will increase the difficulty of obtaining the negroes, as it is believed the Creek warriors will not now give themselves any trouble to have the negroes delivered to the individuals to whom they sold them. And notwithstanding the pledge of the Seminole chiefs to me, to surrender the negroes in the event the Government should so require, (after reconsidering their claim to them,) I do not believe they will comply with their promise, with the knowledge that the negroes are to be taken from this country as the servants of a white man. Finally, as the Seminoles are greatly under the influence of their negroes, there is scarcely a hope that the captured negroes will be surrendered, without the application of force, (which is not required;) and in that event, it is not probable they could be had, as they would no doubt run away the moment they are informed a military force is to be employed to take them; and in such case, it is believed they would be assisted, when necessary, by most of the Seminoles, and by all the Seminole and Creek negroes; and if the captured negroes could be placed in the possession of the Creek agent, he would not detain them a moment, without he had a suitable guard for that purpose. I am, therefore, of the opinion that the best means that can now be resorted to, to prevent loss to the United States, is, if possible, to induce the Seminoles to refund from their annuity the sum paid to the Creek warriors for the negroes, and the interest on the same until paid.

I will be much gratified if you can visit this post in six or eight days, when the Seminole chiefs can be assembled here, with the object of inducing them to agree to the measure proposed, or such other as may be regarded more advisable. In the event that it may not be convenient for you to be at this post at an early period, I request that you will favor me with your views on the subject of this communication by the return of mail.

I am, sir, with much respect, your obedient servant,

M. ARBUCKLE,  
*Brig. Gen. U. S. A.*

To Capt. W. ARMSTRONG,  
*Acting Superintendent W. Territory, Choctaw Agency.*

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NEW ORLEANS, (LOUISIANA,)

September 20, 1838.

SIR: Your letter dated 27th ultimo, enclosing copies of two communications received at your office from Mr. N. F. Collins, the Creek attorney, came to hand on the 10th instant. I was surprised at being called upon to answer for "my conduct" towards Mr. Collins, as also the Department, for disregarding its orders. Indeed, sir, I have been, in my own estimation, too faithful a servant in the special department in which it was the pleasure of General Jesup to assign, and you to continue me, to make a defence to the allegations advanced by Collins. At the time of Mr. Collins's depar-

ture from this city, he did not evince that virulence of feeling that he has thought proper to express in his letter; on the contrary, he was then apparently under the full conviction that I had done all that was possible to aid him and carry out the orders received in relation to the negroes in question. What object could I possibly have in wishing clandestinely, and in the very face of orders, to send those negroes to Arkansas? Had Mr. Collins been here, sir, so far as I was concerned, he should have had the negroes upon *identity*. I enclose papers, sir, from various gentlemen, to disprove the assertion of Mr. Collins, "that the negroes were in my possession during the time that he was here;" on the contrary, they did not come into my hands until some time after his departure. It is true, I have frequently referred to Major Clark for advice in matters relative to my official situation; it was on account of the high regard I have of his character as a gentleman and an officer of long standing and experience, and whose integrity stands pre-eminently and deservedly high.

I have the honor to be, sir, very respectfully, your obedient servant,

JNO. G. REYNOLDS,

*1st Lieut. U. S. M. C., Disbursing Agent Ind. Dept.*

C. A. HARRIS, Esq.,

*Commissioner of Indian Affairs, Washington city.*

I certify that the thirty-three negroes arrested from the charge of Lieutenant Reynolds by me on the 21st day of May last, in the case of the Heirs of Love vs. General Gaines and the said Lieutenant Reynolds, were not surrendered to Lieutenant Reynolds until the 28th day of June following, although he had been previously informed at my office, upon application, that the negroes were subject to his order. Upon reference, however, it was ascertained that the time allowed the plaintiffs by the court had not expired, and that my first and only order upon the jailer for the delivery of the above-mentioned negroes to Lieutenant Reynolds was dated the 28th day of June, 1838.

FRED. BUISSON,

*Sheriff of the parish of Orleans, State of Louisiana.*

NEW ORLEANS, *September 12, 1838.*

DEAR SIR: Your letter enclosing Mr. C. A. Harris's letter, with the copies of Mr. N. F. Collins, are before me—contents particularly noticed. It is with pleasure that I give you the circumstances that come within my knowledge.

You are aware that the contract was made with me for transporting all the Seminole Indians and negroes in the month of March last. The thirty-two or three *negroes* came within my immediate knowledge, as a writ was placed on the boat to prevent her leaving at the time she was to have left, by the civil authorities; and it gives me pleasure here to remark that you did every thing in your power to do the Indians and the claimants every justice.

In reply to that part of Mr. Collins's letter in which he states that Love had withdrawn his claim, he was mistaken; and in that part of his letter of the 8th of August, in which he says that the negroes were in your

possession, &c., previous to his departure, he was very much mistaken. I shall always remember the circumstances and the difficulty in your getting the negroes after Mr. Collins had left the city. You did call on me to have a boat ready to transport the negroes; as you informed me that the negroes would be delivered to you, and that you wished to send them off before any other claims should be put on them for the purpose of detaining them; and I think I told Mr. Collins that I was getting a boat for that purpose. After the boat was chartered, Lieutenant Reynolds informed me that the negroes had been bonded again, and that the sheriff would not give them up; that another claim from Georgia had come out against them. As Lieutenant Reynolds was suspicious of my acting with duplicity towards him, I took some pains to eradicate that opinion, and told him that I did not believe that the negroes had been bonded, and went with him to the sheriff, and inquired in the presence of Lieutenant R., and was informed that they had been bonded; I then demanded to know by whom, and was referred to the court of records, and there found that it was not the case. I then went to the sheriff, and inquired why he had informed Lieutenant Reynolds that he could have them, and then not give them up? But he was under the impression that the time allowed by the court had expired, when there were several days yet; that the negroes were liable to the plaintiff's order; and he then acknowledged that he was mistaken in the time, and that he would deliver them up when it did expire, &c. As the plaintiff and attorneys, sheriff, &c. were all present, I proposed to Lieutenant Reynolds to try and get them released, in which we succeeded; and they were delivered over and transported. Before the time had expired, Mr. Collins had left this city. In that part of Mr. C.'s letter in which he says that there were private arrangements making to get boats to transport them, Mr. Collins was aware that the contract was made with me; and if there were any private arrangements to get boats, that was altogether my fault, if there was any; as I did not wish the boats to combine, as you are well aware that the Arkansas boats do so, and there were but few of them in port at that time.

In that part where Mr. C. says that Captain Morrison sent to the city for transportation, Captain M. came to the city himself, and, in company with me and several other officers of the army, went on the levee to find suitable boats.

I believe that Captain Morrison detained the negroes at Fort Jackson for the purpose of avoiding the many difficulties that I had already experienced, as well as yourself, in regard to the negroes under your charge.

In conclusion, I have to say that, throughout, the whole arduous duties that have been assigned to you as an agent for the Government, so far as has come under my observation as contractor for removing the Seminole Indians, have been *enduring*, both for the interest of the Government as well as the Indians placed under your control; and farther, that at the time of the surrender of the negroes by the plaintiffs, you inquired of me whether Mr. Collins had left the city, for I believe it was your intention to resign the negroes into his hands. My reply was, that he left the day before for Mobile.

Your very obedient servant,

GEO. WHITMAN.

Lieut. J. G. REYNOLDS.

## QUARTERMASTER'S OFFICE,

New Orleans, September 13, 1858.

DEAR SIR: I have read the two letters from N. F. Collins to C. A. Harris, Esq., Commissioner of Indian Affairs, as also Mr. Harris's letter to you. I am astonished that Mr. Harris should attach so much importance to these communications. It is very evident to me, that Mr. Collins, if not sole owner of the claim, is very deeply interested in it. As to the charges he has made against you, they are too scurrilous to notice. The delays and wavering he speaks of were caused by the court. The judge made decisions, and reversed them from day to day, which gave you much trouble and anxiety. I herewith furnish you with a statement of Captain John C. Casey, an officer who has served all the war in Florida, and knows more of the Indians and negroes than any other man. By his statement it will be seen that very few of the negroes claimed by Collins were taken by the Creeks; this, together with other testimony, which can be produced, and the claims of white persons upon the same negroes, confirmed me in the belief that they should not be given up. I so told Collins when he called at my office; and I further told him, if they were given up to him here, they would be seized by other claimants immediately, and give us more trouble; that they had better be sent off immediately to Arkansas, and let the question be decided there: he left my office apparently satisfied. I saw no more of him. Some two days after this, you called at my office, and told me the negroes had been given up, and that Collins had left, and there was no agent here of the Creek claim. I then gave it as my advice that they be immediately sent off, or other claimants would seize them, and create more trouble and expense to the Government. I take pleasure here in stating, that throughout the whole of the troubles and difficulties we had in getting the negroes released, and the removal up the river, your conduct deserves the highest applause from the Department. I did not at that time, nor do I now, believe that the negroes should have been given up to the Creek agent.

I observe Mr. Harris, in his letter to you, says you were subject to no orders but those of Captain Morrison. Mr. Harris appears to be ignorant of the fact, that a great portion of the Seminole emigration has been conducted under the immediate orders of the commanding general in Florida; and that officers in charge of the parties were instructed to call on me, when passing through, for further instructions as to quartering the Indians, and their further removal up the river. In the performance of this very unpleasant duty, I have exercised the right of giving orders to my juniors, and shall continue to do so, so long as I hold a commission in the army, although the officer may happen to be detailed for Indian duty.

I am, sir, with esteem and respect, your obedient servant,

I. CLARK,

Major and Quartermaster.

Lieut. J. G. REYNOLDS,  
*Marine corps, present.*

P. S. I also furnish you with a copy of the claim of Colonel Humphreys for some of the same negroes which were claimed by the Creeks.

I. C.

TAMPA BAY, (FLORIDA,) July 11, 1838.

MY DEAR SIR: Since the return of Holah-too-chee and Abram, I have learned the names of the Seminole negroes detained in New Orleans in consequence of certain (or uncertain) claims by Jim Boy, or Mr. Love, &c.

To aid the district attorney in traversing the villanous schemes of a few mongrel vagabonds, and to protect some really honest Indians in the possession of their rightful property, I have made minute inquiries about the ownership of the detained slaves.

I believe the following account may be relied on; and though, from the circumstances, *of course* incapable of being sustained by white witnesses, yet it will aid the advocate in his examination, and must carry with it a certain weight inseparable from a true story.

*First.* Slaves belonging to the Indian woman, Harriet Bowlegs (daughter of old King Bowlegs, and grand-daughter of old Cow-keeper.) King Bowlegs was called by the Indians Eneha Micco.

1. Flora, old, light black, now in New Orleans.

2. Juba, daughter of Flora, say 25 years.

3. Abby, or Cumba, daughter of Juba, say 3 years.

The mother of Flora, named Fai, or Fy, was owned by old Cow-keeper; he bequeathed her to one of his female relations,\* and from her King Bowlegs purchased Flora. When Bowlegs died, he left Flora and her offspring to his daughter Harriet Bowlegs.

4. Noble, black, very stout and handsome, say 23 years, now in New Orleans, Louisiana.

The mother of Noble, named Beck, was bought in the English time by old Bowlegs, in St. Augustine, before the birth of her first child (Polly.) This first child, Polly, became a mistress of old Bowlegs, and he freed her and her children.

The other children of Beck, (all born in the nation,) including Noble, he bequeathed to his daughter Harriet Bowlegs.

5. Jacob, }  
6. Daly, } brothers, black, young, in New Orleans.

Old Bowlegs bought their grandmother, named Rose, from Mr. Forrester, the elder brother of the present Alexander, or Sandy Forrester, Esq., near St. Augustine, who was, I believe, a clerk or agent of the famous house of Forbes & Co. She (Rose) and her offspring, including Jacob and Daly, were willed to the sister of Harriet Bowlegs (named Sanathlaih-Kee.) This sister died a year ago, and the property now belongs to Harriet Bowlegs, her nearest kin.

Of all the above slaves of Harriet Bowlegs, only two were caught by the Creeks under Jim Boy, viz: Juba and Jacob; the others came in voluntarily during the peace of Fort Dade, and were detained by order of General Jesup commanding.

The owner of the above property came in under the treaty of Fort Dade, and never violated said treaty, having remained in ever since. She is still here, and is an intelligent woman, speaking English fluently. She has repeatedly been assured by the commanding general who made the treaty, and by the Indian agent, (John C. Casey,) that all her slaves should be secured to her in compliance with the treaty; and it was specially ex-

\*Sister of Echo Fixico, now in New Orleans, I believe.

plained that any of her negroes who might be captured by the army would be regarded in the same light as similar property belonging to the whites, and surrendered to her. I may add, that I believe no one ever pretended to claim one of these negroes before.

The *second* case is that of—

1. Louis, black, 40 years, good-looking, intelligent, can read and write, and speak Spanish, Indian, &c.

This man belongs to the estate of the widow Pacheco, now of Havana, formerly of Saragota, forty miles south of this place. He formerly belonged to General Brooke, who sold him to Major McIntosh, United States army, who sold him to the late Don Pacheco, of Saragota, Florida. Captain Wm. Bunce, or Manuel Olivello, or Major McIntosh, can prove it. Bunce is here, and administrator to the estate of Pacheco.

The *third* case is that of—

1. Katy, yellow, wall-eye, stout.

2. Her daughter, black, a little girl. Mr. F. Newcomb, late of the army, knows all about this case, as she formerly belonged to him. I believe hers is the only doubtful case, if any are so. Nelly Factor was her original owner, and I believe she has received part payment, (say 70 odd dollars) from Gad Humphreys.

The *last* and longest case is that of the negroes belonging to Micco Potokee, an Indian chief, who has gone west with Cloud and others.

To understand the claim to these negroes, it is necessary to go back a little.

The old Mickasukey king, named Kinhaitsee, bought in the English time, near St. Augustine, two negro girls named Melinda and Dolly. Old Pompey, who lately died at Fort Pike, had both these women for wives and both were prolific; for from them sprang all Micco Potokee's negroes. Melinda and Dolly were not related, and were purchased from different men. King Kinhaitsee made his will, bequeathing all his negroes to his nephew, according to the old Indian law of descent. After his death, Micco Potokee declined taking them at first, and told the son (Tuska Gueha) and daughter of his uncle to keep them.

Tuska Gueha killed himself, and his sisters died; when Micco Potokee, by the double claim of the will and relationship, took possession of the negroes.

He caused the matter to be examined by the agent, the late Wiley Thompson, and recorded at the agency. The agent gave him a certificate, which he had, and probably still has in his possession.

It is difficult to refer to any white persons who knew the Mickasukeys and their negroes before the change of flags, as the old population has almost entirely disappeared from the frontier.

The following is a list of negroes detained at New Orleans who belong to Micco Potokee:

1. Long Toney, black, say 30 years.
  2. Molly, black, say 33, sister to Long Toney.
  3. Teena, black, short, very old, aunt to Long Toney.
  4. Mary, light black, large, 25 years, daughter of Teena.
  - 5, 6, 7, 8, 9, children of Mary.
  10. Nancy, light black, 12½ years, daughter of Teena.
- All these descended from Melinda.

11. Prince, handsome negro, 30 years.
12. Dolly, light black, very old.
13. Peggy, light black, 48, daughter of Dolly.
14. Hagar, light black, 19, daughter of Peggy.
15. Hagar's baby, sucking.
16. Scilla, black, tall, 40, daughter of Polly.
17. Fanny, light black, tall, handsome, daughter of Polly, 28.
18. Eliza, do do do do daughter of Polly, 20.
19. Bella, black, 6 or 7 years, daughter of Scilla.
20. Charles, son of Fanny, aged 7 years.
21. Margaret, 6, daughter of Fanny.
22. Silvia or Silby, 2½, do.

All, from 11 to 22, both inclusive, are descendants of Dolly (12.)

The following negroes were brought in by the Creeks as prisoners:

Dolly (12,) Peggy (13,) Hagar (14,) Scilla (16,) Fanny (17,) Eliza (18,) Bella (19,) Hagar's baby (15,) Charles (20,) Margaret (21,) Silvia (22,) Teena (3,) Mary and 5 children (4, 5, 6, 7, 8, 9,) Molly (2.)

The others came in voluntarily, and were detained by order of General Jesup, about the time the Indians bolted, in 1837.

I must now close this long account, with the hope that the claims of a few vagabond squatters, whose race provoked this war by their iniquities, will not be allowed any more consideration than they are entitled to.

Please to notify me of the progress of this dirty business. I am grieved to see our African Seminoles go west, for I have always urged their removal to Africa. But still less do I wish the success of such scoundrels as Jim Boy, who combines all the vices of white, Indian, and negro, without the virtues of any.

There is one more woman whose case I had nearly forgotten: 1. Silla or Scylla, black, 20, large, born in the nation, granddaughter of Fai or Fy, (see p. 117,) and belongs to "Echo Fixico," who is now in New Orleans, I believe. He went there with "Orange Stick."

I have now accounted for 31; the other two are not recollected, but are probably the children of some of those named.

I am, dear sir, very truly, your friend and servant,

JNO. C. CASEY,

*Acting Seminole Agent.*

Major ISAAC CLARK,

*Quartermaster U. S. A., New Orleans, La.*

*A list and descriptive roll of refugee and captured slaves belonging to Colonel G. Humphreys, of Alachua county, Florida, who are in possession of the Seminole Indians.*

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No.	Age.	Names.	Complexion.	Description as to size, &c.	General remarks.
1	45	Peter, 1st	Black	Tall, straight, and well made.	
2	45	Peter, 2d	Do	Short and bandy-legged.	
3	55	Tom	Do	Well made, and gray.	
4	46	Sam	Do	Tall and slender make	Son of Mickasuky, or Big-swamp Pompey.
5	28	Lancaster	Do	Medium size	} Brothers, sons of Cornelia.
6	25	Sampson	Do	Tall likely negro	
7	27	Morris	Do	Stout make, pop eyes	
8	23	Joe, 1st	Do	Short, stout, and very well made	
9	21	Andrew	Do	Common size, well made	
10	40	Dick	Do	Tall, well made.	
11	25	Hardy	Yellowish	Straight and slender	Son of Peter, 1st.
12	23	Worley	Black	Tall and stout	Lame in one of his feet.
13	24	Ansil	Do	Tall and large	Prominent under lip, and very large feet.
14	20	Israel	Do	Stout make	} Brothers, sons of Katy, 3d.
15	18	Jim	Do	Common size	
16	16	Cyrus	Do	Common size	Stammers badly, son of Jane.
17	45	Mungo	Do	Very tall	Has but one hand.
18	25	Joe, 2d	Do	Rather tall, but well made.	
19	55	Cornelia	Do	Middling size	Mother of Lancaster, Morris, &c.
20	60	Katy, 1st	Do	Common size, gray	Wife of Jim, and decrepit.
21	40	Jane	Do	Common size	Mother of Cyrus, Stephen, and Affy.
22	35	Dolly	Do	Common size	Wife of Sam.
23	28	Sophy	Do	Tall and slender	Wife of Morris.
24	28	Beck	Do	Good size and likely	Wife of Lancaster.

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25	28	Amy	-	-	Do	-	Tall and likely	-	-	Wife of Peter, 1st, and mother of Nurcy, Ly- mus, York, and Hester.
26	24	Nancy	-	-	Do	-	Short and well made	-	-	Wife of Handy.
27	24	Hagar	-	-	Do	-	Middling size	-	-	Daughter of Peggy and mother of Philip.
28	40	Peggy	-	-	Brown	-	Common size	-	-	Mother of Hagar.
29	45	Pamilla	-	-	Black	-	Ordinary size	-	-	Enticed away by an Indian called Friday, who has her as his wife.
30	24	Caty, 2d	-	-	Yellowish	-	Do	-	-	Has a defect in one eye, and is the wife of Sampson.
31	35	Lydia	-	-	Black	-	Rather tall	-	-	Wife of a negro called March.
32	8	Nurcy	-	-	Do	-	Common size	-	-	} Children of Peter, 1st, and Amy.
33	6	Lymus	-	-	Do	-	Do	-	-	
34	4	York	-	-	Do	-	Do	-	-	
35	2	Hester	-	-	Do	-	Do	-	-	
36	9	Cooter	-	-	Do	-	Ordinary size	-	-	
37	7	Tom	-	-	Do	-	Do	-	-	} Children of Lancaster and Beck.
38	5	Frank	-	-	Do	-	Do	-	-	
39	2	A girl	-	-	Do	-	Do	-	-	
40	7	Stepney	-	-	Yellowish	-	Do	-	-	} Children of Jane.
41	5	Affy	-	-	Do	-	Do	-	-	
42	5	Cyrus	-	-	Black	-	Do	-	-	} Children of Sampson and yellow Caty.
43	4	Elcey	-	-	Do	-	Do	-	-	
44	5	Philip	-	-	Brownish	-	Do	-	-	
45	}	-	-	-	-	-	-	-	-	} Children of Hagar.
46		-	-	-	-	-	-	-	-	
47	40	Caty, 3d	-	-	Black	-	Common size	-	-	Mother of Nancy, Israel, and Jim.

I certify that the foregoing list of slaves was in my possession at the time Collins made his claim. Lieutenant Reynolds was instructed to respect the claims of white persons.

I. CLARK, Major and quartermaster.

Doc. No. 225.

NEW ORLEANS, *September 14, 1838.*

DEAR SIR: I have been directed by Mr. T. Robinson to reply to yours received a day or two since, so far as to state that his extreme indisposition prevents him, for the present, from replying thereto, but is in hopes that he will, in a few days, be enabled to answer in full, not only to your satisfaction, but also that of the Department which you represent.

Very respectfully, yours, &c.

J. RITCHEE, *M. D.*

Lieutenant REYNOLDS.

The gentleman above mentioned is one of the two attorneys, viz: Messrs. Chinn and Robinson, who represented Love in the case of Love *vs.* General Gaines and myself.

JOHN G. REYNOLDS,  
*Lieutenant, &c.*

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NEW ORLEANS, (LA.) *October 3, 1838.*

SIR: I have the honor to enclose Mr. Robinson's statement in connexion with the negroes.

I leave for Tampa Bay, via St. Mark's, this week, in company with the superintendent.

I am, sir, very respectfully, your obedient servant,

JOHN G. REYNOLDS,

*1st Lieut. U. S. M. C., and disbursing agent Ind. Dept.*

C. A. HARRIS, Esq.,

*Com. Indian Affairs, Washington city.*

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NEW ORLEANS, *October 2, 1838.*

DEAR SIR: I have read the communications of Mr. N. F. Collins to Mr. C. A. Harris, of the War Department; and can explain, with ease, a mistake which Mr. C. has made relative to the Seminole negroes, which seems to be the foundation of the charges made by him against you.

Suit was first commenced against General Gaines; afterwards, yourself and Whitman were made parties defendant—for what reason, or under what circumstances, it is needless now to mention: a writ of sequestration, and one of injunction, also, were sued out. After this, General Gaines and yourself left the State, and departed for your several places of destination; the suit, then, against General Gaines and yourself was dismissed, and Whitman was left sole defendant. A rule was then taken by Mr. Slidell, United States attorney, to show cause why the negroes which had been seized under the writ of sequestration should not be delivered to the defendants, or rather applicants, Gaines and yourself, and the suits against Whitman dismissed, for the reasons set forth in the rule. This rule was sustained by the court, and the negroes were ordered to be delivered to you or your agents. From this decision we prayed an appeal; and, by the practice of our courts, ten days are allowed to file a petition of appeal, bonds, &c. During the ten days after the order of the court sustaining the rule had been made, Mr. Collins was here, and, know-

ing that the order of the court had been made directing the negroes to be delivered, and not knowing that such order was not absolute until after the expiration of the ten days, I attribute, at once, his surprise and charges against you to his ignorance of this fact. The sheriff, had he delivered these negroes to you during these ten days, would have done it at his own risk; in fact, he had no more power to do so than he had to release them at any time previous. The day before the expiration of the ten days, the negroes were ordered by me to be given to you, and the day before that Collins had left the city, as I was informed. You could not get the negroes until the time had expired; and, if I had prosecuted the appeal, would not have got them until the appeal had been decided.

Permit me, sir, in conclusion, to testify to you my approbation of your conduct throughout the whole of this. As an agent of the Government, you did your duty to the satisfaction of all who are acquainted with the circumstances; and I hope that this *exposé* of some one of the circumstances which appears to be the principal ground of complaint against you, will serve to disabuse the mind of your superior officers of the impression which Mr. Collins's charges have made against you; and that it will satisfy the mind of Mr. Collins himself of his error, and, being so satisfied, that he will at once correct it.

Your obedient servant,

TOD ROBINSON,  
*Attorney for Love's heirs.*

Lieut. J. G. REYNOLDS.

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HEADQUARTERS, 2d DEPARTMENT, W. DIVISION,  
*Fort Gibson, September 28, 1838.*

SIR: I have the honor to report that I regarded it most advisable to defer making an effort to comply with your instructions of the 21st of July last, until the 26th instant, when Jim Boy and several of the Creek warriors were at this post, on their return from the general council held at the Cherokee council-house.

I had hoped that the Creek warriors who captured the negroes from the Seminoles would have taken some interest in having them turned over to them, that the individuals to whom they had sold them might obtain them. In this I was disappointed: they stated that they had sold the negroes when they were in the possession of the United States, and, as they had been paid for them, they did not wish to have any thing further to do with them. Micanopy, the principal chief of the Seminoles, refused to give up the negroes, or told me that I must consult those that claimed them, in relation to their surrender; and I judge that he could not have acted in a different manner, as I am satisfied that he had not the power to give them up, in consequence of their former owners and all the negroes in the Seminole camp being opposed to the measure; it is, therefore, settled, that the negroes captured by the Creek warriors in Florida cannot be had, except by a military force being employed; and, in that case, their being obtained would be very questionable, as they would certainly desert the moment they were informed that a military force was approaching their encampment or settlements; independent of this, there is no one here who is acquainted with any of them.

The great number of bad negroes brought to the Creek nation by the Seminoles I doubt not will prove an injury to the tribe, and to the States of Missouri and Arkansas, by furnishing a harbor for runaway negroes and horse-thieves.

I have the honor to be, sir, very respectfully, your obedient servant,

M. ARBUCKLE,

*Brevet Brigadier General U. S. A.*

Hon. J. R. POINSETT,

*Secretary of War, Washington city.*

TUSKEGEE, (ALABAMA,)

October 18, 1838.

SIR: I have previously advised you of my failure, as agent of the Creek warriors, in obtaining possession of the Seminole negroes that you had directed to be turned over to them, and the difficulties and opposition that attended it.

I have now to request that, should General Arbuckle be unable to comply with the instructions I understand he has received, (which, from my knowledge of Indian character, I have no doubt he will,) this claim may be laid before the agent who may be appointed to investigate the claims of the Creeks, with the necessary documents, that it may be examined and reported on by him.

Will you inform me who the agent will be, and the time and place of the investigation, that I may be present to represent this claim?

From my long and intimate acquaintance with the Creeks, I was enabled, while there, to allay any excitement likely to be produced on this subject, and prevented, for the present, any attempt on their part to take possession of the negroes, by the promise that the Government would ultimately satisfy them.

With the highest respect, I am yours, &c.

N. F. COLLINS.

Hon. JOEL R. POINSETT,

*Secretary of War, Washington.*



