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James C. Watson (To accompany bill H.R. no. 351.)

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JAMES C. WATSON.

[To accompany bill H. R. No. 351.]

APRIL 12, 1842.

Mr. CARUTHERS, from the Committee on Indian Affairs, submitted the following

### REPORT:

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

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

States all said negroes, and deliver them over to General Watson. The War Department gave its sanction to this arrangement, and issued orders for the delivery of said slaves to General Watson or his agent. This order was presented by Mr. Collins to the officer in command at Fort Pike, who declined complying with it. Lieutenant Reynolds, who had charge of the emigrating Seminoles, also refused to separate said negroes from the party of Seminoles, who were then reunited with their former slaves, and claimed them on the ground that General Jesup had promised them their property if they would emigrate. Mr. Collins continued with them until they reached Arkansas, under an assurance by Lieutenant Reynolds that he would apply to General Arbuckle, who was in command of the United States troops in that quarter, for a military force sufficient to coerce the delivery, and compel acquiescence on the part of the Seminoles. But General Arbuckle likewise refused to comply with the direction of the Department in surrendering the negroes, but permitted them to go on with the Seminoles to their new home.

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

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

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

difficulties of overcoming their obstinate resistance to the policy of the Government.

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

They are therefore clearly of opinion that every consideration of good faith and justice requires that the claim of the petitioner to compensation should be granted, and that the only matter of consideration is, as to the amount he should be allowed.

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

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

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