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Report : Memorial of A. Wilson

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1874.—Ordered to be printed.

Mr. PRATT submitted the following

REPORT:

The Committee on Claims, to whom was referred the memorial of A. M. Wilson, praying compensation for property taken, used, and enjoyed by the military forces of the United States, submit the following report :

The memorialist submits the following statement of facts :

- 1st. That he is a Cherokee Indian by birth.
- 2d. That he is now fifty-four years of age, and made his home in the Cherokee Nation from the date of his nativity until July, 1862.
- 3d. That he married a native Cherokee, who died near Fort Gibson, March, 1862, and that he has three children by first and second marriages, the oldest of whom is nine years of age.
- 4th. That he is now, as he has been in the past, faithful to the Government of the United States, its Constitution, treaties, and laws, and never having engaged in rebellion against the same.
- 5th. That he was a resident of the said nation at the beginning of the rebellion, and remained there until July, 1862, at which time he fled, leaving in the nation, at Mackey's Salt-Works, near Fort Gibson, the following property, of which he was legally possessed.

Mansion house	\$1,000
Furniture	500
Books	500
Growing crop	1,000
Blacksmith shop, iron material, tools, &c.	1,000
Ten road-wagons	1,000
Two hundred head of hogs	750
Twenty-five horses and mules	2,500
Forty oxen	1,000
One hundred and fifty head of cattle	1,500
Salt-works, kettles, cord-wood	2,500
Dry-goods in store	2,000
Salt on hand	1,000
Total	45,750

6th. That the said property, in the aggregate, was worth \$45,750.

7th. That in the month of July, 1862, on account of threatened danger to his person, and because there was no protection offered him, he fled from his home, leaving said property at and near his residence, at Mackey's Salt-Works, near Fort Gibson.

8th. That he refused to take up arms and join in rebellion against the Government of the United States; that by reason thereof many of those

engaged in insurrection and rebellion became highly incensed, and denounced memorialist as a coward and Union man.

9th. That most of the property aforesaid, as were the Mackey Salt-Works, after memorialist fled, was taken, used, and enjoyed by the military forces of the United States, as memorialist is informed and believes.

10th. That the property aforesaid, of the value aforesaid, was a total loss to him.

11th. That without any fault of his, never having violated the Constitution, treaties, or laws of the United States knowingly, he is left penniless.

In consideration of the premises, he prays that the Government, at least to some extent, re-imburse him in his losses.

The memorial is signed by the memorialist, and sworn to before the clerk of the district court of Marion County, Texas, on the 21st day of May, 1870—and additional evidence is submitted in the affidavit of one J. G. Scarborough, of Little Rock, who testifies that he is personally acquainted with Dr. A. M. Wilson, the memorialist, and that the statement as to items 1, 2, 3, 4, 7, 8, and 10 are true, as stated in the memorial, which he has carefully read, and that he believes the other items to be true, as stated, and that he is disinterested.

Also, the affidavit of William Wilson, a resident of the Cherokee Nation, who states that he is personally acquainted with Dr. Wilson, the memorialist, and that of his own knowledge items 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11 are true, as stated in the memorial, which he has carefully read, and that he is disinterested.

Also, the affidavit of Richard H. Lewis, a resident of Marion County, Texas, who states that he has carefully read the memorial of Dr. A. M. Wilson, and that the same contains true statements of fact, according to his knowledge, *so far as it goes*; that the property described was in his possession when the Federal troops came; that the same property and much more was taken possession of by General Eagin's troops, the general being in command of cavalry; that one Captain Williams, of Wisconsin, took possession of the goods named, and also took affiant prisoner and carried him to Talaqua, and that he treated him kindly.

This is all the proof which accompanies the memorial. This is all we have in support of this claim for \$45,750.

What does it amount to on the first proposition to be made out affirmatively by the petitioner, that he was thoroughly loyal to the Government of the United States during the rebellion—that he lent no aid by speech or deed to the rebels? Who are his witnesses? Were they loyal or disloyal during the war? Are they men of good or bad character? Would they be believed at home? Have they stated the truth, the whole truth, and nothing but the truth? No such oath seems to have been administered. As to one of them, the venue where his affidavit was made does not appear.

Then again, upon the main facts, what proofs have we before us? Was this property taken by authority of any officer qualified to issue such an order? For what purpose was it taken—for the use of the United States or to prevent its falling into the hands of the enemy? Was it taken for quartermaster or commissary stores, and actually used as such; and if so, to what extent? Did its appropriation to some extent relieve the officers, whose business it was to procure supplies for the Army, from purchasing them elsewhere; if so, to what extent? What use was made of the mansion house? How did it come to be burnt down? To what extent was the loss of the memorialist due to the tor-

tious acts of private soldiers, acting without authority? Upon all these points we are without light.

We know, as matter of fact, that the Indian Territory was enemy country; that a large portion of the Cherokee Nation was hostile to the United States, and in the early part of the war, and indeed until after the battle of Pea Ridge, engaged with the enemy in war upon the United States. It is also true, and to their credit, that three regiments of loyal Indians were organized in this Territory and contributed to put down the rebellion.

Again, if the memorialist was, as he claims to have been, loyal to the United States, and gave such hearty manifestations of his sentiments as to draw upon him the odium of his rebel neighbors; if, as he claims was the case, he was compelled to flee from his home on account of threatened danger to his person, and because of his loyalty, and because there was no protection offered him, may we not, without straining a point, infer that his rebel neighbors took possession of his abandoned property and destroyed or appropriated it; for it will be observed that he lays emphasis in his memorial—that he fled from his home because there was no protection offered him. Who did he flee from? Not the Union Army, because he pretends to have been its friend. If he fled from his rebel enemies, it was because they were near at hand and equally as capable of inflicting injury upon his property as upon his person.

But could we surmount this difficulty, and conclude that Dr. Wilson was entitled to some relief, we should be utterly at a loss to determine its measure. Where is the proof that his house was worth just \$1,000, no more no less, his furniture \$500, his books \$500, &c., and how, counting up all the items of his loss at his own valuation, does he make the sum total \$45,750? We can make only \$16,250 by our footing up of the items.

There is some peculiarity in the language his witnesses employ. Take, for example, Mr. Lewis, the last one. He swears that the memorial contains true statements of facts according to his knowledge, so far as it goes. But how far does that knowledge go? Where does it begin and where does it end? He says that the property described was in his possession when the Federal troops came. But what was its condition and value at that time? How far had it been spoiled by the enemy? He says that the troops took possession of the property, but what was the form of possession, and how long did it last? Was it an unlicensed possession by the troops, each man taking what suited his fancy, or was it taken possession of by authority of an officer, and turned over by his direction to the quartermaster or commissary department? Probably Mr. Lewis could not answer all these questions, because he says he was taken a prisoner and carried to Talaqua. But wherefore a prisoner and in bonds, if he was standing a faithful sentinel over this property, representing the loyal owner, who was absent? The loyalty of a character, distinguished as Dr. Wilson must have been, owning property worth \$45,000, and dwelling in enemy's country, must have been of that conspicuous character as to have sounded far and near, and been visible, like a great light, to the advancing army, whose pride and pleasure it would have been to mark their approbation of that scarce article by affording every possible security to his home and property.

Taking the case then as we find it, and forbearing to dwell further upon defects in the evidence, the committee ask to be discharged from further consideration of this memorial.