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6-22-1852

### Report : Mr. Sebastian

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#### Recommended Citation

S. Rep. No. 270, 32nd Cong., 1st Sess. (1852)

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IN THE SENATE OF THE UNITED STATES.

JUNE 22, 1852.

Ordered to be printed.

Mr. SEBASTIAN made the following

REPORT:

[To accompany bill S. No. 461.]

*The Committee on Indian Affairs, to whom was referred the petition of Holata Emathla and other Seminoles for compensation for services rendered during the Florida War, beg leave to report:*

That the evidence before the committee shows that when the Florida war broke out, a party of friendly Seminoles were assembled at Tampa bay for emigration. That about the time of Dade's massacre, the garrison at Fort Brook being small and surrounded by a large Indian force, the officer in command armed and enrolled a number of the friendly warriors and put them on the defensive as auxiliaries.

In February, 1836, seventy-five or eighty of these warriors, by order of Major General Gaines, proceeded with that officer to the With-la-coo-chee, under the immediate command of Captain W. G. Sanders. After an absence of one month in this service they returned to Tampa Bay, and in April, 1836, the whole party was removed to the Indian territory west of Arkansas, by an agent of the government.

These facts are established by the testimony of Colonel Betton of the army, and of Captain Sanders, the officer in charge of the detachment under General Gaines, corroborated by the certificate of the latter officer, and of Captain Casey. The officers under whom these Indian volunteers served, all concur in certifying that they are entitled to pay. The only question is, how many are to be paid, and for what time?

The original muster rolls appear to have been lost; Colonel Betton, who first engaged their services, says in a letter to the War Department, dated July 16, 1848, twelve years after the occurrence: "I armed some fifty or sixty of the bands under the above chiefs," (Holata Emathla and Black Dirt.) He adds "I believe they were regularly mustered, and perhaps Captain Casey, now of the Subsistence Department, who spoke the Seminole language well, may have performed that duty. Such rolls, however, may have been lost," &c.

On the other hand Captain Casey himself certifies on the 23d of January, 1847, that on or about the 31st December, 1835, the friendly Seminole warriors were enrolled by him under the order of Brevet Major F. S. Betton, and that "the number enrolled by me on December 31, 1835, was one hundred and twenty-nine, and that their services were rendered whenever

required, until about the period of their emigration in April, 1836." He also states that they were armed on being enrolled; furnished details to assist in guarding the fort whenever the hostiles approached; sent out spies and scouting parties regularly and frequently; had several conflicts with the enemy; captured several of the hostiles; furnished a guard for cattle, &c., &c.

Major General Gaines states that seventy-five of these Indians were with him for one month, on the expedition to the With-la-coo-chiee under the command of Captain Saunders, and are entitled to pay for that time.

The War Department furnishes a list of eighty warriors, as having served with Captain Saunders during the time specified by General Gaines.

Captain Saunders certifies on a duplicate of the War Department roll, that about the time of General Clinch's first battle, the friendly Seminole warriors, then at Tampa Bay, to the number of one hundred and twenty, were taken into the service of the army by Major F. S. Betton, and assisted in the military defence of that fort and region; that several of them were killed and wounded in that vicinity, and that *seventy-six* of the hundred and twenty proceeded under his command to the With-la-coo-chiee, by order of General Gaines; that he cannot tell which four of the eighty on the roll were not with him, and that "it was of no consequence," well knowing that "all of the hundred and twenty were in service, and that all ought to have been mustered and paid for their services."

The committee are of opinion that the evidence shows that but seventy-six of the friendly Seminoles were in service under General Gaines. But it cannot be doubted that those who were retained at Tampa as auxiliaries by Major Betton, and performed then the services described by captains Casey and Saunders, are equally entitled to pay.

As to the entire number in service, the precise statement of Captain Casey, who mustered them, confirmed as it is in a great measure, by Captain Saunders, is more likely to be correct than the more vague account of Major Betton. Captain Casey says he mustered one hundred and twenty-nine; he also certifies that their services were rendered whenever required, until about the period of their emigration in April 1836. According to the statement of this officer, who seems to have had these Indians specially in charge, one hundred and twenty-nine warriors are entitled to pay for at least three month's services, from December 1835, until April 1836.

Reliable information has reached the committee that these Indians rendered themselves, by their adherence to the United States, peculiarly obnoxious to the hostile Seminoles, and that they lost, in consequence, a good deal of property in the shape of cattle and horses. Up to this day they have never received from the government any indemnity for losses, or pay for their services. The treaty with the Creeks and Seminoles, of January 1845, unfortunately cut them off from all hope of obtaining indemnity without making any provision in their favor. This fact presents an additional reason for a prompt and liberal adjustment of their claim for pay. The committee therefore recommend an allowance of three month's pay to the one hundred and twenty-nine warriors mustered by Captain Casey, and herewith submit a bill for that purpose.