

7-19-1852

Report : Mr. Sebastian

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IN THE SENATE OF THE UNITED STATES.

JULY 19, 1852.

Ordered to be printed.

Mr. SEBASTIAN made the following

REPORT:

[To accompany bill S. No. 488.]

The Committee on Indian Affairs have considered the memorial and claim of Billy Senna Factor, and report:

That Billy Senna Factor, Rose his mother and Nancy his wife, who were raised among the Creeks as free persons of color, resided near Mount Vernon in Florida at the time of the breaking out of hostilities in the Seminole war in Florida, and in that portion of the country exposed to the incursions of the hostile Seminoles. They owned considerable property, all of which was destroyed either by the orders of the commanding officers of the United States troops to prevent its falling into the possession of the Seminoles, or by the hostiles on account of the well known fidelity of the family to the fortunes and interests of the United States. That Rose the mother and Billy her son were often employed as interpreters, and were brought by Gen. Jesup and Gen. Call, with the Creek regiment, to Tampa Bay. That they were compelled to abandon their homes and property to destruction and seek protection from the United States forces. That finally, in 1840, they were emigrated to their country west of Arkansas as "Seminole negroes." Rose Factor has since died, leaving Billy her son and heir.

The committee received from the Commissioner of Indian Affairs in answer to their request, a statement indicating that the claimants were slaves, and so legally incompetent to prefer this claim for indemnity. But the committee are satisfied that the board of officers convened by Col. North to value certain negroes, about to be embarked for Arkansas, were mistaken in supposing the claimants to be slaves, a mistake likely enough to mislead on account of the great number of slaves captured and surrendered, who migrated at the close of the war. The letters of Gen. Taylor, Gen. Jesup, John Retz and other proof, seem to put the question beyond doubt. They were undoubtedly free, in point of fact, with no persons claiming to be their owners. Billy Senna Factor now resides in Van Buren, Arkansas, and no such claim has ever been made there. The evidence leaves only a weak probability, with no fact to establish it, that they might originally have been fugitives from the States, from their speaking the English language.

Their claims consist of three items, covering losses respectively of Rose, Billy and Nancy Factor, of the several sums of \$3,307, \$1,750 and \$1,025.

The evidence shows that Rose lost all her property to the value claimed, by destruction under the orders of United States officers, and for this the United States are liable. The property of Billy and Nancy Factor was abandoned when they fled for protection to the American camp, and in all probability was destroyed by the Seminoles, as it was never occupied or recovered again by them. This does not embrace two mules and two horses, pressed by the United States officers for public use, valued at \$400, for which he is entitled. The committee reject all that part of the claim which is for property destroyed by the Seminoles, in a state of war, as no such losses ever constitute a legitimate claim on the government. The aggregate value of property of Rose and Billy taken for public use or destroyed to prevent its capture or occupation by the enemy amounts to \$3,707, for which amount the committee have reported a bill.