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1841

Seminole War -- Slaves Captured: Message from the President of the United States transmitting The information called for by a resolution of the House of Representatives of August 9, 1841, in relation to the origin of the Seminole war

United States, 27th Congress, 2nd Session, No. 55.

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UUID: D1B5C693-AE72-4B06-A319-C1579F02E336

Recommended Citation:

Spencer, John C. & Thomas Sidney Jesup. Seminole War -- Slaves Captured: Message from the President of the United States transmitting The information called for by a resolution of the House of Representatives of August 9, 1841, in relation to the origin of the Seminole war, of slaves captured...27th Congress, 2nd Session. No.55.(Washington: Quartermaster General's Office, 1841). <http://hdl.handle.net/10428/1062>.

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SEMINOLE WAR—SLAVES CAPTURED.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

The information called for by a resolution of the House of Representatives of August 9, 1841, in relation to the origin of the Seminole war, of slaves captured, &c.

JANUARY 29, 1842.

Read, and laid upon the table.

To the House of Representatives :

I transmit, herewith, a report of the Secretary of War, in answer to the resolution of the House of Representatives of the 9th of August, 1841.

JOHN TYLER.

WASHINGTON CITY, *January 27, 1842.*

DEPARTMENT OF WAR, *January 25, 1842.*

SIR: Conformably to the resolution of the House of Representatives requesting the President to transmit to the House "all evidences in his possession, not heretofore communicated, respecting the origin of the Seminole war, together with a list of all slaves captured during said war by the troops engaged in the service of the United States in Florida; the amount paid for the capture of such slaves, (if any,) and the manner in which said slaves have been disposed of since their capture," I have the honor to state that all the evidence in the possession of this Department is embraced in the annexed reports of the Quartermaster General and the Commissioner of Indian Affairs.

Very respectfully, your obedient servant,

JOHN C. SPENCER.

To the PRESIDENT of the *United States.*

QUARTERMASTER GENERAL'S OFFICE,
Washington City, December 28, 1841.

SIR: Under that part of the resolution of the House of Representatives of the 9th of August last, in relation to the causes of the war in Florida, which requires a list of the slaves captured, the sums paid for their capture, and the disposition made of them, I have the honor to report, that the number captured during the short period of my command amounted, I think, to more than four hundred. They were all reported to the Indian department; at all events, I directed that they should be so reported; and that department, I presume, can furnish the list. I am not aware that any thing has yet been paid for their capture, though a small compensation was promised to the friendly Indians for all slaves they should take and deliver to me, belonging to our citizens; and all the property of the hostiles they should capture was promised to them. To have adopted any other course would have caused the destruction of the negroes in place of their capture; and the measure, besides being in accordance with the laws of nations, had the sanction of precedent in the revolutionary war, as well as in subsequent wars.

Of the negroes captured by the troops under my command, those taken by the hostile Indians from the planters and citizens of Florida, and about whose title there was no dispute, were by my order delivered to their masters whenever they could be found, except a small number retained as guides. But a large portion of the negroes captured were known to be Indian negroes, and were either the property of the Seminoles or were claimed by them. They comprised four distinct classes:

1. The descendants of negroes taken from citizens of Georgia by the Creek or Muskogee confederacy in former wars, for which that confederacy had by treaty indemnified the State of Georgia, through the Government of the United States.

2. Negroes that had been fairly purchased by the Indians from the Spanish authorities and from individuals, that had formerly belonged or were the descendants of such as had belonged to citizens of the United States, who, having settled in Florida and become Spanish subjects, had engaged in an insurrection against the Government, in consequence of which their property, including their negroes, had been regularly confiscated by Spanish courts, according to the Spanish laws, and sold.

3. Negroes taken from the plantations of citizens of Florida, prior to the treaty of Payne's landing; and,

4. Negroes claimed under pretended purchases from the Indians, some of whom had been in the possession of the claimants, but had deserted their plantations and joined the hostile Indians, or had been captured by them, and some of whom had continued with their Indian masters after the pretended purchase. The claims for this class of negroes the Indians declared to be unjust or fraudulent. They asserted that the sales had been made by persons who were not the owners of the slaves sold, and who had no right to sell them, or that the consideration stipulated had not been paid for them. It was obvious, that in regard to the first and second classes there could be no just claim; for the third, the treaty of Payne's landing provided indemnity; and, in regard to the fourth class, I could find no legal authority for the purchase of slaves from the Indians. Congress alone possesses the power, under the Constitution of the United States, to regu-

late trade and intercourse with the Indian tribes; and I could not discover that any law had ever been passed by that body, authorizing our citizens to trade with the Indians for their slaves. The principal claimant was a former agent of the Seminoles; but, even had the trade been recognised, he, as agent, was forbidden by law to engage in it, and all the purchases made by him when agent were illegal; and, after his agency ceased, he could not legally trade with the Indians, unless licensed as a trader. This latter objection applied to the cases of all the other claimants. None of them, as far as I could learn, were licensed traders.

The 4th section of an act of Congress to regulate trade and intercourse with the Indian tribes, &c., approved the 6th of May, 1822, and the 22d section of an act approved the 30th of June, 1834, provide that in all trials about the right of property, in which an Indian may be a party on the one side and a white person on the other, the burden of proof shall rest upon the white person. This whole class of cases involved questions of the utmost importance, as well in regard to personal rights as to national policy and constitutional law; and as I had neither the time nor the means to investigate the claims presented, nor the legal authority to decide upon them, had I possessed both time and means, I ordered all the Indian negroes, who were not required as guides in the operations of the troops, to New Orleans, to await the orders of the Government or the action of the claimants. Of the disposition since made of them, I have no official information.

The foregoing is respectfully submitted.

And I remain, with high consideration and respect, your obedient servant,
 TH. S. JESUP,
Maj. Gen. and Q. M. Gen.

To the Hon. J. C. SPENCER,
Secretary of War, Washington City.

ADJUTANT GENERAL'S OFFICE,
Washington, January 24, 1842.

SIR: In compliance with your instructions of the 20th instant, I report: It does not appear that "there is any evidence respecting the origin of the Seminole war," to be derived from the records of this office, which has not been communicated to Congress, in answer to calls heretofore made.

I am, sir, with great respect, your obedient servant.

R. JONES, *Adjutant General.*

Hon. J. C. SPENCER,
Secretary of War.

DEPARTMENT OF WAR,
Office Indian Affairs, January 18, 1842.

SIR: The House of Representatives of the United States, on the 9th day of August last, resolved, "That the President be requested to transmit to this House, as early in the next session as may be convenient, all evidences in his possession (not heretofore communicated) respecting the

origin of the Seminole war, together with a list of all slaves captured during said war by the troops engaged in the service of the United States in Florida; the amount paid for the capture of such slaves, (if any,) and the manner in which said slaves have been disposed of since their capture." On this resolution I have the honor to report:

That, in obedience to a resolution of the Senate of the United States, of the 3d February, 1836, calling upon the President for "all the information in his power relative to the cause" of the Indian hostilities in Florida, a report was made by the War Department on the 9th February, and on the same day transmitted to the Senate by the President, which is numbered 152, 24th Congress, 1st session. A similar resolution was passed by the House of Representatives of the United States on the 21st May, 1836, in answer to which a report was made on the 25th, and transmitted to the House by the President on the 26th May, 1836. A supplemental report on the same resolution was made and transmitted, as above, on the 3d June, of the same year. These documents are respectively numbered 267 and 271, House of Representatives, 24th Congress, 1st session. Upon a careful examination, the reports referred to appear to be full up to their dates. I do not find any "evidences" on file in this office of a later day, "respecting the origin of the Seminole war," and therefore respectfully refer to the reports named, as containing all the information on the subject that the records and files of this office furnish.

The second branch of the resolution, relating to slaves, appears to have been the subject of a call from the House of Representatives, on the 28th January, 1839, on the Secretary of War, "for all the information in his Department respecting the disposition which has been made of such negroes and other property as have been captured from the hostile Indians in the course of the present war in Florida," &c. The answer was reported on the 26th February, 1839, (No. 225, House of Representatives, 25th Congress, 3d session,) which, with House document No. 78, 25th Congress, second session, referred to therein, contains the information sought by the resolution of August last, "so far as it is in the power of the Department to furnish it." To these documents I respectfully refer, as part of this report.

Since January, 1839, the annexed papers and tables will show what slaves and other negroes have been turned over for emigration by the military officers in Florida, and how disposed of, according to the records and rolls on file. What proportion of these have surrendered, or how many have been captured, I have not the means of ascertaining in this office, nor what (if any thing) has been paid for such as have been captured. The files do not inform me of the capture or surrender of slaves other than those stated.

The lists of slaves are not so complete as could be wished, or as the resolution calls for, which no doubt intended that the name of each slave should be given; but they are as full as the returns, which have been followed, enable me to make them.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

HON. JOHN C. SPENCER,
Secretary of War.

Extract of a letter to the Commissioner of Indian Affairs, from Captain P. Morrison, United States army, dated

“FORT GIBSON, April 16, 1839.

“SIR: I have the honor herewith to transmit a muster roll of Seminole Indians and negroes delivered at this place on the 13th instant.”

No. 1.

List of slaves and free negroes, as found on rolls transmitted in the preceding letter from Captain Morrison, and the one following from Captain Stephenson.

Names.	No. of slaves.		No. of free negroes.		Remarks.
	Males.	Females.	Males.	Females.	
Holatoochee -	2	1			
Co-e-hadjo -	1				
Harriet Bowlegs	10	6			
Abraham -	2	-	1		
Tom -	-	-	1		
Codjo -	-	-	1		
Toney Barney -	-	-	1		
John Bull -	-	-	1		
Martinus -	-	-	1		
Kitty -	-	-	-	1	
Polly -	-	-	-	1	
Becky -	-	-	-	1	
Judith -	-	-	-	1	
Margaret -	-	-	-	1	
Grace -	-	-	-	1	
Lidy -	-	-	-	1	
Mary Ann -	-	-	-	1	
	6	2	-	-	Belonging to Micco Pictokee.
	2	10	-	-	Belonging to Micanopy.
		5	-	-	Belonging to Polly.
	1	-	-	-	Belonging to Nocose Yoholo.
Total -	24	24	6	8	

Extract of a letter to the Commissioner of Indian Affairs, from Captain J. R. Stephenson, United States Army, dated

“FORT GIBSON, April 24, 1839.

“I also enclose a muster roll of Seminole Indians lately turned over to me at this place by Captain Morrison.”

NEW ORLEANS BARRACKS, *April 4, 1841.*

SIR : I have the honor to report to you that I arrived at this post on the 29th ultimo, with two hundred and five Florida Indians and six Indian negroes, one hundred less than General Armistead wished and expected to send at the time I wrote you last. They all embarked to-day, on the steamer President, for Fort Gibson, Arkansas, under the direction of Major Belknap, 3d infantry, assisted by Lieutenant Sprague, 8th infantry, and Assistant Surgeon Barnes, United States army, with every prospect of a fine run.

We lost, on the passage and since our arrival here, five; all of whom were sick before we left Florida. I herewith enclose you a muster roll of the party that left to-day.

Very respectfully, your obedient servant,

LEGRAND G. CAPERS,

Disbursing Agent of Indian Affairs.

COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

No. 2.

List of slaves, as found on rolls enclosed in the foregoing letter, of 4th April, 1841, from L. G. Capers, Esq., and roll transmitted by Major Belknap.

Names of heads of families.	No. of slaves.		Remarks
	Males.	Females.	
Par-hose-fin-i-co, (<i>sub-chief</i>), Dennis	1 2		
Friday or Jim, (slave)	3 1	3 -	Claimed and proven to be the property of General Duncan L. Clinch, and by letter of 1st June, 1841, from L. G. Capers, disbursing agent of Florida emigration, to Gen. Clinch, is identified as one of the slaves indicated on the muster roll, of which the above is an abstract.

FORT GIBSON, *April 19, 1841.*

SIR: I have the honor to enclose herewith a muster roll of Florida Indians that emigrated to this place under my superintendence.

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

W. G. BELKNAP.

COMMISSIONER OF INDIAN AFFAIRS,
Washington City.

U. S. BARRACKS, NEAR NEW ORLEANS, LA.,

May 18, 1841.

SIR: I have the honor to report that I arrived at this post on Thursday, the 13th instant, with a party of two hundred and six Florida Indians, which I paid and enrolled, agreeably to my instructions from General Armistead, and herewith transmit to you a copy of the muster roll.

I am gratified to be able to report, further, that in consequence of the favorable condition of the river, and the unusual number of steamers now in the city, I have been able, with the assistance of Major Clark, to procure transportation for them direct to Fort Gibson, for eight dollars each.

The party embarked yesterday in the steamer John Jay, under the direction of Captain H. McKavett, Lieutenant Armistead, and Lieutenant Lugenbeel, with every prospect of reaching Fort Gibson in seven or eight days.

* * * * *

With much respect, sir, I am your humble servant,

LEGRAND G. CAPERS,

Disbursing Agent of Indian Affairs.

COMMISSIONER OF INDIAN AFFAIRS,
Washington City.

No. 3.

List of slaves, as found on a roll of Florida Indians conducted west by Captain McKavett, United States army, in the month of May, 1841.

Names of heads of families.	No. of slaves.		
	Males.	Females.	
Cosa Tustenuggee (chief) -	-	1	Enrolled in the name of the owner.

Extract of a letter from L. G. Capers, Esq., to the Commissioner of Indian Affairs, dated

“TAMPA BAY, FLORIDA, *July 27, 1841.*”

“There are now at this post between one hundred and sixty and one hundred and seventy Indians and negroes, which, with seventeen more of Coacoochee’s band, we are expecting in a few days, will make up enough for another shipment.”

Extract of a letter from L. G. Capers, Esq., disbursing agent, to the Commissioner of Indian Affairs, dated

“TAMPA BAY, FLORIDA, *August 9, 1841.*”

“SIR: I have the honor to report the arrival at this post of thirty-three Indians, since my last communication, brought in by negotiation, and making our list number one hundred and ninety-nine, including negroes.”

Extract of a letter to the Commissioner of Indian Affairs, from L. G. Capers, Esq., disbursing agent, dated

“CHARLESTON, S. C.; *November 6, 1841.*”

“Herewith I transmit to you a muster roll of the Indians who embarked on the 20th October, from the United States barracks near New Orleans, Louisiana, in the steamer Little Rock, for their new homes.”

No. 4.

List of slaves, as exhibited on roll forwarded by L. G. Capers, Esq., in the preceding letter from him, of November 6, 1841..

Names of heads of families.	No. of slaves.	
	Males.	Females.
Ah-halac-hadgoche - -	1	
Sam - - -	1	
Billy, (colored man) - -	3	1
Charles - - -	2	1
	7	2

RECAPITULATION.

	No. of slaves.		No. of free negroes.	
	Males.	Females.	Males.	Females.
List number 1 - - - -	24	24	6	8
List number 2 - - - -	3	3		
List number 3 - - - -	-	1		
List number 4 - - - -	7	2		
	34	30	6	8

NOTE.—Slaves, where their names are not given on the rolls transmitted by the agents, are put down numerically opposite the names of their owners.