

GIDDINGS
JOSHUA REED

THE EXILES OF FLORIDA

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The Exiles of Florida / or, The crimes committed by our government against the Maroons, who fled from South Carolina and other slave states, seeking protection under Spanish laws.:

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Joshua R. Giddings

**The Exiles of Florida / or,
The crimes committed by
our government against
the Maroons, who fled
from South Carolina and
other slave states, seeking
protection under Spanish laws**

*“I, as commander of the army, pledged the national
faith that they should remain under the protection of the
United States.”*

GENERAL JESSUP.

INTRODUCTION

DISCARDING that code of morals which teaches the suppression of truth, for the purpose of upholding the honor, either of the Government, or of the individuals who wield its administration, the Author of the following work has endeavored to give a faithful record of those interesting events which appear directly connected with the Exiles of Florida.

Torn from their native land, their friends and homes, they were sold in the markets of Carolina and Georgia. Feeling the hand of oppression bearing heavily upon them, they fled to Florida, and, under Spanish laws, became free. Holding lands of the Spanish Crown, they became citizens of that Territory, entitled to protection. To regain possession of their truant bondmen, Georgia made war upon Florida, but failed to obtain her object.

At a time of profound peace, our army, acting under the direction of the Executive, invaded Florida, murdered many of these free men, and brought others to the United States and consigned them to slavery. An expensive and bloody war followed; but failing to capture more of the Exiles, our army was withdrawn.

This war was followed by diplomatic efforts. Florida was purchased; treaties with the Florida Indians were made and violated; gross frauds were perpetrated; dishonorable expedients were resorted to, and another war provoked. During its

protracted continuance of seven years, bribery and treachery were practiced towards the Exiles and their allies, the Seminole Indians; flags of truce were violated; the pledged faith of the nation was disregarded. By these means the removal of the Exiles from Florida was effected. After they had settled in the Western Country, most of these iniquities were repeated, until they were driven from our nation and compelled to seek an asylum in Mexico.

Men who wielded the influence of Government for the consummation of these crimes, assiduously labored to suppress all knowledge of their guilt; to keep facts from the popular mind; to falsify the history of current events, and prevent an exposure of our national turpitude.

The object of this work is to meet that state of circumstances; to expose fraud, falsehood, treachery, and other crimes of public men, who have prostituted the powers of Government to the perpetration of murders, at the contemplation of which our humanity revolts.

The Author has designed to place before the public a faithful record of events appropriately falling within the purview of the proposed history; he has endeavored, as far as possible, to do justice to all concerned. Where the action of individuals is concerned, he has endeavored to make them speak for themselves, through official reports, orders, letters, or written evidences from their own hands; and he flatters himself that he has done no injustice to any person.

CHAPTER I.

CIRCUMSTANCES ATTENDING THE EARLY HISTORY OF SLAVERY IN THE COLONIES

Settlement of Florida – Boundaries of Carolina – Enslaving Indians – They flee from their Masters – Africans follow the example – Spanish policy in regard to Fugitive Slaves – Carolina demands the surrender of Exiles – Florida refuses – Colony of Georgia established – Its object – Exiles called Seminoles – Slavery Introduced Into Georgia – Seminole Indians separate from Creeks – Slaves escape from Georgia – Report of Committee of Safety – Report of General Lee – Treaty of Augusta – Treaty of Galphinton – Singular conduct of Georgia – War between Creeks and Georgia – Resolution of Congress – Treaty of Shoulderbone – Hostilities continue – Georgia calls on United States for assistance – Commissioners sent to negotiate Treaty – Failure – Col. Willett's mission – Chiefs, head men and Warriors repair to New York – Treaty formed – Secret article – Extraordinary covenants.

Florida was originally settled by Spaniards, in 1558. They were the first people to engage in the African Slave trade, and sought to supply other nations with servants from the coast of

Guinea. The Colonists held many slaves, expecting to accumulate wealth by the unrequited toil of their fellow-man.

1630

1700

Carolina by her first and second charters claimed a vast extent of country, embracing St. Augustine and most of Florida. This conflict of jurisdiction soon involved the Colonists in hostilities. The Carolinians also held many slaves. Profiting by the labor of her servants, the people sought to increase their wealth by enslaving the Indians who resided in their vicinity. Hence in the early slave codes of that colony we find reference to “negro and *other* slaves.”

When the boundaries of Florida and South Carolina became established, the Colonists found themselves separated by the territory now constituting, the State of Georgia, at that time mostly occupied by the Creek Indians.

The efforts of the Carolinians to enslave the Indians, brought with them the natural and appropriate penalties. The Indians soon began to make their escape from service to the Indian country. This example was soon followed by the African slaves, who also fled to the Indian country, and, in order to secure themselves

from pursuit, continued their journey into Florida.

We are unable to fix the precise time when the persons thus exiled constituted a separate community. Their numbers had become so great in 1736, that they were formed into companies, and relied on by the Floridians as allies to aid in the defense of that territory. They were also permitted to occupy lands upon the same terms that were granted to the citizens of Spain; indeed, they in all respects became free subjects of the Spanish crown. Probably to this early and steady policy of the Spanish Government, we may attribute the establishment and continuance of this community of Exiles in that territory.¹

1738

A messenger was sent by the Colonial Government of South Carolina to demand the return of those fugitive slaves who had found an asylum in Florida. The demand was made upon the Governor of St. Augustine, but was promptly rejected. This was the commencement of a controversy which has continued for more than a century, involving our nation in a vast expenditure of blood and treasure, and it yet remains undetermined.

The constant escape of slaves, and the difficulties resulting therefrom, constituted the principal object for establishing a free colony between South Carolina and Florida, which was called

¹ Vide Bancroft's and Hildreth's Histories of the United States.

Georgia.² It was thought that this colony, being free, would afford the planters of Carolina protection against the further escape of their slaves from service.

These Exiles were by the Creek Indians called “Seminoles,” which in their dialect signifies “runaways,” and the term being frequently used while conversing with the Indians, came into almost constant practice among the whites; and although it has now come to be applied to a certain tribe of Indians, yet it was originally used in reference to these Exiles long before the Seminole Indians had separated from the Creeks.

Some eight years after the Colony of Georgia was first established, efforts were made to introduce Slavery among its people. The ordinary argument, that it would extend the Christian religion, was brought to bear upon Whitfield and Habersham, and the Saltzbergers and Moravians, until they consented to try the experiment, and Georgia became thenceforth a Slaveholding Colony, whose frontier bordered directly upon Florida; bringing the slaves of her planters into the very neighborhood of those Exiles who had long been free under Spanish laws.

1750

A difficulty arose among the Creek Indians, which eventually

² Vide both Histories above cited.

becoming irreconcilable, a chief named Seacoffee, with a large number of followers, left that tribe – at that time residing within the present limits of Georgia and Alabama – and continuing their journey south entered the Territory of Florida, and, under the Spanish colonial policy, were incorporated with the Spanish population, entitled to lands wherever they could find them unoccupied, and to the protection of Spanish laws.³

From the year 1750, Seacoffee and his followers rejected all Creek authority, refused to be represented in Creek councils, held themselves independent of Creek laws, elected their own chiefs, and in all respects became a separate Tribe, embracing the Mickasukies, with whom they united. They settled in the vicinity of the Exiles, associated with them, and a mutual sympathy and respect existing, some of their people intermarried, thereby strengthening the ties of friendship, and the Indians having fled from oppression and taken refuge under Spanish laws, were also called Seminoles, or “runaways.”

After Georgia became a Slaveholding Colony, we are led to believe the practice of slaves leaving their masters, which existed in South Carolina, became frequent in Georgia. But we have no definite information on this subject until about the commencement of the Revolutionary War (1775), when the Council of Safety for that colony sent to Congress a communication setting forth, that a large force of Continental troops was necessary to *prevent their slaves from deserting their*

³ Vide Schoolcraft's History of Indian Tribes.

masters.⁴ It was about the first communication sent to Congress after it met, in 1776, and shows that her people then sought to make the nation bear the burthens of their slavery, by furnishing a military force sufficient to hold her bondmen in fear; and if she adheres to that policy now, it merely illustrates the consistency of her people in relying upon the freemen of the North to uphold her system of oppression.

1776

General Lee, commanding the military forces in that colony, called the particular attention of Congress to the fact, that slaves belonging to the planters, fled from servitude and sought freedom among the “*Exiles of Florida*.”

There also yet remained in Georgia many descendants of those who, at the establishment of that colony and since that time, had opposed the institution of Slavery. These people desired to testify their abhorrence of human servitude. They assembled in large numbers, in the district of Darien, and publicly resolved as follows: “To show the world that we are not influenced by any contracted or interested motives, but by a general philanthropy for all mankind, of whatever climate, language or *complexion*, we hereby declare our disapprobation and abhorrence of slavery in America.” The public avowal of these doctrines, naturally

⁴ Vide American Archives, Vol. I. Fifth Series: 1852.

encouraged slaves to seek their freedom by such means as they possessed. One day's travel would place some of them among friends, and in the enjoyment of liberty; and they were sure to be kindly received and respectfully treated, soon as they could reach their brethren in Florida. Of course many availed themselves of this opportunity to escape from service.

The Exiles remained in the undisturbed enjoyment of liberty during the war of the Revolution. The Creeks were a powerful and warlike people, whose friendship was courted during the sanguinary struggle that secured our National Independence. During those turbulent times it would not have been prudent for a master to pursue his slave through the Creek country, or to have brought him back to Georgia if once arrested.

The Exiles being thus free from annoyance, cultivated the friendship of their savage neighbors; rendered themselves useful to the Indians, both as laborers and in council. They also manifested much judgment in the selection of their lands for cultivation – locating their principal settlements on the rich bottoms lying along the Appalachicola and the Suwanee Rivers. Here they opened plantations, and many of them became wealthy in flocks and herds.

1783

Immediately after the close of the war, the authorities of Georgia are said to have entered into a treaty with the Creek

Indians, at Augusta, in which it is alleged that the Creeks agreed to grant to that State a large tract of land, and to restore such slaves as were then resident among the Creeks. But we find no copy of this treaty in print, or in manuscript. As early as 1789, only six years after it was said to have been negotiated, Hugh Knox, Secretary of War, in a communication to Congress, declared that no copy of this treaty was then in the possession of Congress; and it has not been since reprinted. Indeed, it is believed never to have been printed.

1785

The difficulty between Georgia and the Creeks becoming more serious, the aid of the Continental Congress was invoked, for the purpose of securing that State in the enjoyment of what her people declared to be their rights. Congress appointed three commissioners to examine the existing causes of difficulty, and if possible to negotiate a treaty with the Creeks that should secure justice to all the people of the United States.

Communities, like individuals, often exhibit in early life those characteristics which distinguish their mature age, and become ruling passions when senility marks the downhill of life. Thus Georgia, in her very infancy, exhibited that desire for controlling our National Government which subsequently marked her manhood. Possessing no power under the Constitution to enter into any treaty except by consent of Congress, her Executive

appointed three Commissioners to attend and supervise the action of those appointed by the Federal Legislature. The time and place for holding the treaty had been arranged with the Indians by the Governor of Georgia. At Galphinton,⁵ the place appointed, the Commissioners of the United States met those of Georgia, who presented them with the form of a treaty fully drawn out and ready for signatures, and demanded of the Commissioners of the United States its adoption. This extraordinary proceeding was treated by the Federal Commissioners in a dignified and appropriate manner, in their report to Congress. One important provision of this inchoate treaty stipulated for the return to the people of Georgia of such fugitive negroes as were then in the Indian country, and of such as might thereafter flee from bondage.

The Commissioners appointed by Congress waited at Galphinton several days, and finding only *two* of the one hundred

⁵ This was the residence of George Galphin, an Indian trader, who, in 1773, aided in obtaining a treaty by which the Creek Indians ceded a large tract of land to the British Government. Georgia succeeded the British Government in its title to these lands, by the treaty of peace in 1783. Some fifty years afterwards, the descendants of Galphin petitioned the State of Georgia for compensation, on account of the services rendered by Galphin in obtaining the treaty of 1773. But the Legislature repudiated the claim. The heirs, or rather descendants of Galphin, then applied to Congress, who never had either legal or beneficial interest, in the lands obtained by the treaty. The Representatives from Georgia and from the South generally supported the claim. Northern men yielded their objections to this absurd demand, and in 1848 a bill passed both Houses of Congress by which the descendants of Galphin, and their attorneys and agents, obtained from our National Treasury \$243,871 86, and the term "Galphin" has since become synonymous with "peculation" upon the public Treasury.

towns composing the Creek tribe represented in the council about to be held, they refused to regard them as authorized to act for the Creek nation, and would not consent to enter upon any negotiation with them as representatives of that tribe. This course was not in accordance with the ideas of the Commissioners appointed by Georgia. After those of the United States had left, they proceeded to enter into a treaty with the representatives from the two towns, who professed to act for the whole Creek nation.

This pretended treaty gave the State of Georgia a large territory; and the eighth article provided, that “the Indians shall restore all the negroes, horses and other property, that are or may hereafter be among them, belonging to the citizens of this State, or to any other person whatever, to such person as the governor shall appoint.”⁶

This attempt to make a treaty by the State of Georgia, in direct violation of the articles of Confederation, and to bind the Creek nation by an act of the representatives of only two of their towns, constitutes the first official transaction of which we have documentary evidence, in that long train of events which has for seventy years involved our nation in difficulty, and the Exiles of Florida in persecutions and cruelties unequalled under Republican governments.

The Commissioners of the United States made report of their

⁶ Vide Report of Hugh Knox, Secretary of War, to the President, dated July 6, 1789. American State Papers. Vol. V. page 15, where the Treaty is recited in full.

proceedings to Congress; and those of Georgia reported to the governor of that State.⁷ Their report was transmitted to the Legislature, and that body, with an arrogance that commands our admiration, passed strong resolutions denouncing the action of the Federal Commissioners, commending the action of those of Georgia, and asserting her State sovereignty in language somewhat bombastic.

1786

1787

Soon after the making of this pretended treaty, the Creeks commenced hostilities, murdering the people on the frontiers of Georgia, and burning their dwellings. The Spanish authorities of Florida were charged with fomenting these difficulties, and the Congress of the United States felt constrained to interfere.⁸ The Commissioners previously appointed to form a treaty with the Creeks, were, by a resolution of the Continental Congress, adopted Oct. 26, instructed to obtain a treaty with the Indians which would secure a return of all prisoners, of whatever age,

⁷ Vide papers accompanying the Report of the Secretary of War, above referred to, marked A, and numbered 1, 2 and 3.

⁸ Vide letter of James White to Major General Knox, of the 24th May, 1787. American State Papers, Vol II, Indian Affairs.

sex or complexion, and to *restore all fugitive slaves belonging to citizens of the United States.*⁹

This resolution was the first act on the part of the Continental Congress in favor of restoring fugitive slaves. It was adopted under the articles of Confederation, before the adoption of our present constitution, and of course constitutes no precedent under our present government; yet it introduced a practice that has long agitated the nation, and may yet lead to important and even sanguinary results.

1788

Without awaiting the action of Congress, the authorities of Georgia, by her agents, entered into another treaty, at a place called "Shoulderbone," by which the Creeks appear to have acknowledged the violation of the Treaty of Galphinton, and again stipulated to observe its covenants.¹⁰

We have no reliable information as to the number of the Creek towns represented at the making of this third treaty by Georgia. The whole transaction was by the State, in her own name, by her own authority, without consent of Congress, and all papers relating to it, if any exist, would of course be among the manuscript files of that State. It is believed that

⁹ American State Papers, Vol. V, page 25.

¹⁰ Vide Documents accompanying the Treaty of New York; Am. State Papers, Vol. I, Indian Affairs.

Georgia never printed any of these treaties; and we can only state their contents from recitals which we find among the State papers of the Federal Government. It is however certain, that the Creeks denied that any such treaty had been entered into; and they continued hostilities, as though no such treaty had been thought of by them. This pretended Treaty of Shoulderbone exerted no more moral influence among the Creeks than did that of Galphinton. The war continued between the people of Georgia and the Creeks. The savages appeared to be aroused to indignation by what they regarded as palpable frauds. Excited at such efforts to impose upon them stipulations degrading to their character, they prosecuted the war with increased bitterness.

1788

The natural results of such turpitude, induced Georgia to be one of the first in the sisterhood of States to adopt the Federal Constitution (Aug. 28). Her statesmen expected it to relieve their State from the burthens of the war which then devastated her border.

1789

Soon as the Federal Government was organized under the constitution, the authorities of Georgia invoked its aid, to protect

her people from the indignation of the Creek Indians.

General Washington, President of the United States, at once appointed Commissioners to repair to the Indian country, ascertain the real difficulty, and if able, they were directed to negotiate a suitable treaty, in the name of the United States. The State of Georgia claimed title to the territory ceded by the treaties of Galphinton and Shoulderbone; while the Creeks entirely repudiated them, declaring them fraudulent, denying their validity, and refusing to abide by their stipulations. The governor of Georgia placed in the hands of the Commissioners of the United States, a list of property which had been lost since the close of the Revolution by the people of Georgia, for which they demanded indemnity of the Creeks. This list contained the names of one hundred and ten negroes, who were said to have left their masters *during the Revolution*, and found an asylum among the Creeks. The Treaty of Galphinton contained a stipulation on the part of the Creeks, to return all prisoners, of whatever age, sex or color, and all negroes belonging to the citizens of Georgia, *“then residing with the Creeks.”*

Arrangements had already been made with the chiefs, warriors and principal men of the Creek nation, to meet the Commissioners of the United States at Rock Landing, on the Oconee River. The Commissioners were received by the Indians with great respect and formality; but soon as they learned that the Commissioners were not authorized to restore their lands, they broke off all negotiation, promising to remain in peace, however,

until an opportunity should be presented for further negotiations.

The failure of this mission was followed by the appointment of Col. Willett, an intrepid officer of the Revolution, who was authorized to proceed to the Creek nation, and, if possible, to induce its chiefs and headmen to repair to New York, where they could negotiate a new treaty, without the interference of the authorities or people of Georgia.

Col. Willett was successful. He induced the principal chief, McGillivray, the son of a distinguished Indian trader, together with twenty-eight other chiefs and warriors, to come on to New York, for the purpose of forming a treaty with the United States, and settling all difficulties previously existing between Georgia and their nation. On their way to New York, they were received at Philadelphia, by the authorities of that city, with great ceremony and respect. Their vanity was flattered, and every effort made to induce them to believe peace with the United States would be important to both parties.

At New York they found Congress in session. Here they mingled with the great men of our nation. The "Columbian Order," or "Tammany Society," was active in its attentions. They escorted the delegation to the city, and entertained them with a public dinner; and made McGillivray, the principal chief, a member of their society. In this way, the minds of the Indians were prepared for entering into the treaty which followed.

There was, among the people of the entire nation, an intense anxiety to render every part of the Union satisfied and pleased with the Federal Government, then just formed, as they felt that their only hope of prosperity depended upon a continuance of the federal union. There was also a general sympathy throughout the nation with the slaveholders of the South, who were supposed to have suffered much, by the loss of their servants, during the war of the Revolution; few people at that time realizing the moral guilt of holding their fellow-men in bondage.

While the revolutionary contest was going on, many slaves in the Southern States escaped from the service of their masters, and, under the proclamations of various British commanders, enlisted into the service of his Britannic Majesty; and having taken the oath of allegiance to the crown of England, were regarded as British subjects. Others escaped with their families, and getting on board British vessels, sailed to the West Indies, where they settled as "*free persons.*" Thus, while one class of masters had sustained great losses by the enlistment of their slaves, another class had suffered by the escape of their bondmen, through the aid of British vessels; while a third sustained an equal loss by the escape of their servants to the Seminoles in Florida. These three different interests united in claiming the aid of government to regain possession of their slaves, or to obtain

indemnity for their loss.

The timely arrival of Mr. Pinckney, secured the insertion of a clause in the Treaty of Paris, providing that his Britannic Majesty should withdraw his troops from all American forts, arsenals, shipyards, etc., without destroying ordnance or military stores, or “carrying away any negroes or other property of the inhabitants.” This provision was regarded by the slaveholders of the South as securing a compensation to all those whose slaves had enlisted in the British army, as well as to those whose slaves had escaped to the British West India Islands by aid of English vessels; while those whose servants were quietly living with the Seminoles, had not been provided for by the treaty of peace.¹¹ These circumstances rendered the owners of the Exiles more clamorous for the interposition of the State Government, inasmuch as the federal authority had entirely omitted to notice their interests, while it was supposed to have secured a compensation to the other two classes of claimants.

It was under these circumstances, that General Washington proceeded to the negotiation of the first treaty, entered into under our present form of government. The chiefs, headmen and warriors of the Creek nation were present at New York: Georgia was also there by her senators and representatives, who carefully watched over her interests; and General Knox, the Secretary of

¹¹ The reader need not be informed, that these demands of indemnity for slaves were promptly rejected by the English government; and Jay's Treaty of 1794, surrendered them forever.

War, was appointed commissioner to negotiate a treaty, thus to be formed, under the personal supervision of the President.

The object of the President was effected, a treaty was formed, and bears date August 1, 1790. It constitutes the title-page of our diplomatic history. This first exercise of our treaty-making power under the constitution, was put forth for the benefit of the Slave interests of Georgia. It surrendered up to the Creeks certain lands, which the authorities of Georgia claimed to hold under the treaty of Galphinton, but retained substantially the stipulation for the surrender of negroes, which had been inserted in that extraordinary compact.

By the third article of this new treaty, it was stipulated as follows:

“The Creek nation shall deliver, as soon as practicable, to the commanding officer of the troops of the United States stationed at Rock Landing, on the Oconee River, all citizens of the United States, white inhabitants or negroes, who are now prisoners in any part of the said nation. And if any such prisoners or negroes should not be so delivered, on or before the first day of June ensuing, the governor of Georgia may empower three persons to repair to the said nation, in order to claim and receive such prisoners and negroes.”

Historians have referred to this clause as containing merely a stipulation for the surrender of *prisoners*;¹² but the manner in which the term “*negroes*” stands connected in the disjunctive

¹² Hildreth, in his History of the United States, speaks of in that light.

form with that of "*prisoners*," would appear to justify, at least to some extent, the subsequent construction put upon it, so far as regarded negroes then resident with the Creeks; but it certainly makes no allusion to those who were residing with the Seminoles in Florida.

It is a remarkable feature of this treaty, that the Creek chiefs, principal men and warriors should, in its first article, profess to act, not only for the Upper and Lower Creek Towns, but for the Seminoles who were in Florida, protected by Spanish laws. They had not been invited to attend the negotiation, had sent no delegate, were wholly unrepresented in the Council; indeed, so far as we are informed, were wholly ignorant of the objects which had called such a council, and of the fact even that a council was held, or a treaty negotiated.

Our fathers had just passed through seven years of war and bloodshed, rather than submit to "*taxation without representation*;" but this attempt to bind the Seminole Indians to surrender up the Exiles, who were their friends and neighbors, and who now stood connected with them by marriage, and in all the relations of domestic life, without their consent or knowledge, constitutes an inconsistency which can only be accounted for by the desire then prevalent, to gratify and please those who wielded the slaveholding influence of our nation.

Another extraordinary feature of this treaty may be found in the secret article, by which the United States stipulated to pay the Creeks fifteen hundred dollars annually, in all coming time. The

reason for making this stipulation secret is not to be learned from any documentary authority before the public, and cannot now be accounted for, except from the delicacy which the authorities of our nation then felt in taxing the people of the free States, to pay southern Indians for the return of those Exiles. And it is interesting at this day to look back and reflect, that for nearly seventy years the people of the nation have contributed their funds to sustain the authority of those slaveholders of Georgia over their bondmen, while Northern statesmen have constantly assured their constituents, they have nothing to do with that institution.

It would be uncharitable to believe, that General Washington was at that time conscious that he was thus precipitating our nation upon a policy destined to involve its government in difficulties, whose termination would be uncertain.

After the treaty had been agreed to by the parties making it, General Washington met the chiefs, headmen and warriors, assembled in the Hall of Representatives, in the presence of members of Congress and a large concourse of spectators. The treaty was publicly read, and to each article the Indians expressed their assent, and signed it in the presence of the people, each receiving from the President a string of wampum. The President then shook hands with each, which concluded the ceremonies of the day.

The treaty was transmitted on the following day to the Senate, accompanied by a Message from the President, saying: "I flatter

myself that this treaty will be productive of present peace and prosperity to our Southern frontier. It is to be expected, also, that it will be the means of firmly attaching the Creeks and neighboring tribes to the interests of the United States.” The President also alluded in his message to the treaty of Galphinton, as containing a stipulation to cede to Georgia certain other lands, which it was believed would be detrimental to the interests of the Indians, and, therefore, that covenant had been disregarded in the “treaty of New York.” In another Message to the Senate, on the eleventh of August, the President says: “This treaty may be regarded as the main foundation of the future peace and prosperity of the Southwestern frontier of the United States.”

On the ninth of August, a motion was made in the Senate to refer the treaty to a select committee, which was rejected by a vote of ten nays to eight yeas; and on the twelfth, it was approved by a vote of fifteen yeas to four nays; but we have no report of any discussion upon the subject, nor do we know at this day the objections which dictated the votes given against its ratification.¹³

¹³ Vide Annals of Congress, Vol. I, pages 1068-70-74.

CHAPTER II.

FURTHER EFFORTS TO RESTORE EXILES

Seminoles repudiate Treaty of New York – Attempts to induce Spanish authorities to deliver up the Exiles – Their refusal – Lower Creeks hostile to Treaty – McGillivray – His parentage and character – Georgia hostile to Treaty – Makes war upon Creeks – General Washington announces failure to maintain Peace – General Knox's recommendation – Decision of United States Court – Exertions – Combination of various classes of Claimants – Washington finds his influence powerless – Appoints Judge Jay – Failure of claims on England – Condition and habits of Exiles – Effect on Slaves of Georgia – Treaty of Colerain – Commissioners of Georgia leave Council in disgust – Election of the elder Adams – His Administration – Election of Jefferson – His Administration.

The long pending difficulties between Georgia and the neighboring tribes of Indians were now (1791) believed to be permanently settled, and it was thought the new government would proceed in the discharge of its duties without further perplexity. But it was soon found impossible for the Creeks to comply with their stipulations. The Seminoles refused to

recognize the treaty, insisting that they were not bound by any compact, arrangement or agreement, made by the United States and the Creeks, to which they were not a party, and of which they had no notice; that they were a separate, independent tribe; that this fact was well known to both Creeks and the United States; and that the attempt of those parties to declare what the Seminoles should do, or should not do, was insulting to their dignity, to their self-respect, and only worthy of their contempt. They therefore wholly discarded the treaty, and repudiated all its provisions. They resided in Florida, under the jurisdiction of Spanish laws, subject only to the crown of Spain. There they enjoyed that liberty so congenial to savages, as well as civilized men. The Creeks dared not attempt to bring back the Exiles by force, and the Government of the United States was unwilling to invade a Spanish colony for the purpose of recapturing those who had escaped from the bonds of oppression, and had become legally *free*.

1792

In this state of affairs, an agent by the name of Seagrove was sent to Florida for the purpose of negotiating with the Spanish authorities for the return of the Exiles. He had been agent to the Creek Indians, and well understood their views in regard to the treaty. When he reached Florida, he found the authorities of that Province entirely opposed to the surrender of any subjects of the

Spanish crown to slavery. The Exiles were regarded as holding the same rights which the white citizens held; and it was evident, that the representatives of the King of Spain encouraged both the Seminole Indians and Exiles, to refuse compliance with the treaty of New York.¹⁴

Nor was the Creek nation united upon this subject. The “lower Creeks,” or those who resided on the southern frontier of Georgia, were not zealous in their support of the treaty; and it was said that McGillivray, the principal chief of the Creeks, was himself becoming unfriendly to the United States, and rather disposed to unite with the Spanish authorities. This man exerted great influence with the Indians. He was the son of an Indian trader, a Scotchman, by a Creek woman, the daughter of a distinguished chief. He had received a good English education; but his father had joined the English during the Revolution, and he, having been offended by some leading men of Georgia, had taken up his residence with the Indians and become their principal chief, in whom they reposed implicit confidence.

Amid these difficulties, the people of Georgia manifested an equal hostility to the treaty, inasmuch as it surrendered a large territory to that State, which the authorities of Georgia pretended to have obtained by the treaty of Galphinton. The general feeling in that State was far from being satisfied with the action of the Federal Government. Seagrove, writing to the Secretary of War

¹⁴ Vide Correspondence on this subject between Seagrove and the War Department. American State Papers, Vol. V, pages 304-5, 320, 336, 387, and 392.

on this subject, declared, that “to such lengths have matters gone, that they (the Georgians) now consider the troops and servants of the United States who are placed among them, nearly as great enemies as they do the Indians.”¹⁵

Under these circumstances, the Governor of Georgia was addressed, by order of the President; but he evidently participated in the popular feeling of his State. While the Spanish authorities and Seminoles, both Indians and Exiles, repudiated the treaty of New York, Governor Telfair, of Georgia, declared that the people of his State “*would recognize no treaty in which her commissioners were not consulted.*” Instead of observing its stipulations of peace, he proceeded to raise an army; invaded the Creek country, attacked one of their towns said to be friendly to Georgia, killed some of their people, took others prisoners, burned their dwellings, and destroyed their crops.

1794

The Creeks declared their inability to return the Exiles,¹⁶ and, on the thirtieth of January, General Washington, in a Special Message to Congress, announced the failure of all efforts to maintain tranquillity between the people of Georgia and the Creek Indians. Such were the difficulties surrounding the subject of regaining the Exiles, that General

¹⁵ American State Papers, “Indian Affairs.” Vol. II, p. 306.

¹⁶ Vide talk of principal Chief at Treaty of Colerain.

Knox, Secretary of War, in a written communication addressed to the President, recommended that Congress should make an appropriation to their owners, from the public treasury, as the only practicable manner in which that matter could be settled.¹⁷ This communication was transmitted to Congress by the President, accompanied by a special message, recommending it to the consideration of that body; but the members appeared unwilling to adopt the policy thus suggested. They seem to have entertained doubts as to the propriety of appropriating the money of the people to pay for fugitive slaves. They respectfully laid the Message, and the recommendation of the Secretary of War, upon the table, and ordered them to be printed.¹⁸

The claimants of the Exiles were again encouraged and strengthened in their expectations by the excitement prevailing in the southern portion of the Union, arising from a decision of the Circuit Court of the United States, held at Richmond, Virginia. At the commencement of the war, the States prohibited the collection of debts due British subjects from citizens of the Colonies. These debts had remained unpaid for some sixteen years; and although the debtors entertained an expectation of paying them at some future period, many intended meeting those demands by the funds which they supposed would be awarded them as indemnity for slaves carried away in British vessels

¹⁷ Vide Annals of Congress of that date.

¹⁸ Vide papers accompanying the Treaty of Colerain. American State Papers, Vol. I, "Indian Affairs."

during the Revolution, and for those enlisted into the British army.

These laws, enacted at the commencement of the Revolution, were declared by the Court to have been superseded by the treaty of peace, in 1783; and the debtors in the several States thus became liable to the payment of those debts, while their demands of indemnity for slaves were pending, and the British Government had thus far refused to acknowledge their validity. These claimants became impatient of delay, and demanded that another treaty be formed with England, by which they could obtain indemnity for the loss of their slaves. These uniting with those who claimed a return of the Exiles in Florida, constituted an influential portion of the people of the Southern States, whose joint influence was exerted to involve the Government in the support of slavery.

Notwithstanding these clamors, the Government was powerless as to obtaining relief for either class. The British Ministry refused indemnity, and the Seminoles, supported and encouraged by the Spanish authorities, were inexorable in their refusal to surrender the Exiles.

At that early period of our history, the subject of slavery greatly perplexed the Federal Administration; nor was the genius, or the influence of Washington, sufficiently powerful to silence the malcontents. He was fortunate in selecting Judge Jay, of New York, as a Minister Plenipotentiary, for negotiating a treaty with Great Britain. This illustrious patriot possessed great purity of

character; had long been distinguished for his devotion to the welfare of the nation; and, although a Northern man, Southern slave claimants could raise no objection to him.

But every step towards the adjustment of the claims arising for slaves carried away by the English ships, or enlisted into the British army, had the effect to render the owners of Exiles more importunate. There was only one recourse, however, left for the Administration; they could do no more than to call on the Creeks for a new treaty, in order to adjust these claims.

1795

As the President was about to take measures for obtaining another treaty with the Creeks, news arrived from England that Judge Jay, in forming a new treaty with the British Crown, had been constrained to surrender all claims of our citizens for slaves carried from the United States in British vessels during the war, or for those who had enlisted into the British service. This news created much excitement among the slaveholders of the Southern States. The treaty was denounced by the public Press, and a strong effort was made to defeat its approval by the Senate. But failing in that, the slave power was rallied in opposition to making any appropriation, by the House of Representatives, for carrying the treaty into effect, and perhaps at no time since the Union was formed, has it been in greater danger of disruption; but the friends of the treaty prevailed in both Houses of Congress, and

it became a paramount law of the nation.

While those incidents were transpiring, the Exiles were engaged in cultivating their lands, extending their plantations and increasing their flocks and herds, and consolidating their friendships with the Indians around them. Of all these facts the bondmen of Georgia had full knowledge. It were impossible for them to contemplate their friends, in the enjoyment of these rights and privileges, without a strong desire to share in those blessings of freedom. The example of the Exiles was thus constantly exerting an influence upon those who remained in bondage. Many of them sought opportunities to flee into Florida, where they, in like manner, became free subjects of Spain.

1796

This condition of things induced General Washington to make another effort to remedy existing evils, and prevent their recurrence in future. He took measures to obtain the attendance of the Chiefs, head men and warriors of the Creek nation, at a place called Colerain, for the purpose of forming another treaty. He again appointed Benjamin Hawkins, George Clymer and Andrew Pickens, Commissioners, to meet the Indians in Council, and agree upon the proper adjustment of pending difficulties. These men were interested in the institution of Slavery, and were supposed to be perfectly acceptable to the claimants, as well as to the authorities of Georgia.

The parties met at the place appointed, and proceeded to the consideration of the proposed treaty. The Creeks were not disposed to make further grants of territory; nor were they able to give any better assurance for the return of the Exiles than had been given at New York. They insisted that, by the treaty of New York, they were only bound to return those negroes who had been captured *since* the treaty of peace between the United States and Great Britain; these they had delivered up, so far as they were able to surrender them. They admitted there were more negroes among them, whom they might probably obtain at some future day, and expressed a willingness to do so. It is however evident, from the talk of the various Chiefs, that they had no idea of returning those Exiles who were residing in Florida – no allusion being made to them by either of the Commissioners, on the part of the United States, nor by the Indians. The Council was also attended by Commissioners on the part of Georgia, who attempted to dictate the manner of transacting the business, and, even in offensive language, charged the Commissioners of the United States with improper conduct; but in no instance did they name the Seminoles, nor allude to any obligation, on the part of the Creeks, to return the Exiles resident among the Seminoles. It should however be borne in mind, that these Commissioners on behalf of Georgia left the council in disgust, before the close of the negotiation. In the treaty itself, however, there is a stipulation that the treaty of New York shall remain in force, except such parts as were expressly changed by that entered into at Colerain;

and that portion of the treaty of New York by which the Creeks assumed to bind the Seminoles, was not changed.¹⁹

The seventh article of the Treaty of Colerain reads as follows: – “The Creek nation shall deliver, as soon as practicable, to the Superintendent of Indian Affairs, at such place as he may direct, all the citizens of the United States, white inhabitants and negroes, who are now prisoners in any part of the said nation, agreeably to the treaty at New York; and also all citizens, white inhabitants, negroes and property, taken since the signing of that treaty. And if any such prisoners, negroes, or property, should not be delivered on or before the first day of January next, the Governor of Georgia may empower three persons to repair to the said nation, in order to claim and receive such prisoners, negroes and property, under the direction of the President of the United States.” This stipulation was understood by the Creeks, and they were willing to perform it; but it is very obvious, from all the circumstances, that they had no idea of binding the Seminoles to return the Exiles resident in Florida.

The State of Georgia obtained very little territory by this treaty, and no further indemnity for the loss of their fugitive bondmen. The people of that State, therefore, were greatly dissatisfied with it. But the extraordinary feature of this treaty, consists in the subsequent construction placed upon it by the

¹⁹ Vide the papers accompanying this Treaty when submitted to the Senate. They are collected in the second volume of American State Papers, entitled “Indian Affairs.” They will afford much interesting matter as to the doctrines of “State Rights” and Nullification, which it is unnecessary to embrace in this work.

authorities of Georgia, who, twenty-five years subsequently, insisted that the Seminoles were in fact a part of the Creek tribe, bound by the Creek treaties, and that the Creek nation were under obligation to compel the Seminoles to observe treaties made by the Creeks.

In each of the treaties made between the State of Georgia and the Creeks, as well as in that made at New York, between the United States and the Creek nation, attempts had been made to bind the Seminoles, although that tribe had steadily and uniformly denied the authority of the Creeks to bind them; and being sustained by the Spanish authorities, it became evident that all further efforts to induce them to submit to the government of the Creeks would be useless. This independence they had maintained for nearly half a century. They had in no instance acknowledged the authority of the Creeks since they left Georgia, in 1750; nor is it reasonable to suppose the authorities of that State, or those of the United States, were ignorant of that important circumstance.

The flagrant injustice of holding the Creeks responsible for fugitive slaves resident in Florida, and under protection of the Spanish crown, must be obvious to every reader; and the inquiry will at once arise. Why did the Creek chiefs at New York consent to such a stipulation? The answer *perhaps* may be found in the secret article of that treaty, giving to the Creeks fifteen hundred dollars annually, *forever*, and to McGillivray *twelve hundred dollars during life*, and to six other chiefs *one hundred dollars*

annually. These direct and positive bribes could not fail to have effect. The necessity for keeping this article secret from the Indians generally, and from the people of the United States, is very apparent; as the propriety of thus taking money, drawn from the free States to bribe Indian chiefs to obligate their nation to seize and return fugitive slaves, would have been doubted by savages as well as civilized men. But the duty of the Creeks to seize and return the Exiles was legally recognized by the treaty of Colerain, which admitted the treaty of New York to be in force. This was regarded as a continuance of the claims of Georgia, although the Creeks appear to have had no idea of entering into such stipulations.

1797

Many circumstances now combined to quiet the apprehensions of the fugitive bondmen in Florida. The elder Adams had been elected President in the autumn of 1796, and assumed the duties of his office on the fourth of March following. A descendant of the Pilgrims, he had been reared and educated among the lovers of liberty; he had long served in Congress; he had reported upon the rights of the people of the Colonies in 1774, and was chairman of the committee who reported the Declaration of Independence, in 1776, and to its doctrines he had ever exhibited an unflinching devotion. From such an Administration the claimants in Georgia could expect

but little aid.

Another consideration, cheering to the friends of Freedom, was the total failure of the claims on Great Britain, for slaves lost during the War of the Revolution. The influence of those claimants was no longer felt in the Government. The public indignation was also somewhat excited against the institution of Slavery by incidents of a barbarous character, which had then recently transpired in North Carolina. After the promulgation of the Declaration of Independence, the Quakers of that State, conscious of its momentous truths, proceeded in good faith to emancipate their slaves; believing that the only mode in which they could evince their adherence to its doctrines.

The advocates of oppression were offended at this practical recognition of the "equal right of all men to liberty," and, to manifest their abhorrence of such doctrines, arrested the slaves so emancipated as *fugitives from labor*. The Quakers, ever true to their convictions of justice, lent their influence, and contributed their funds, to test the legal rights of the persons thus set at liberty, before the proper tribunals of the State; and the question was carried to the Court of Appeals, where a final judgment was rendered in favor of their freedom. This decision appears to have disappointed general expectation among the advocates of slavery, and created much excitement throughout the State.

At the next session of the Legislature, an act was passed authorizing persons possessing landed property to seize and reënslave the people thus emancipated. But the planters of that

State were usually possessed of wealth and intelligence, and, holding principles of honor, they refused to perform so degrading a service; and the liberated negroes continued to enjoy their freedom.

But the opponents of liberty became so clamorous against the example thus set in favor of freedom, that the Legislature passed an amendatory act, authorizing *any person* to seize, imprison and sell, as slaves, any negro who had been emancipated in said State, *except those who had served in the army of the United States during the war of the Revolution.*

Persons of desperate character, gamblers, slave-dealers and horse thieves, were now authorized to gratify their cupidity, by seizing and selling persons who had for years enjoyed their liberty; and the scenes which followed, were in no respect creditable to the State, to the civilization or Christianity of the age. Emancipated families were broken up and separated for ever. In some instances the wife escaped, while the husband was captured. Parents were seized, and their children escaped. Bloodhounds were employed to chase down those who fled to the forests and swamps, in order to avoid men more cruel than bloodhounds.

The Quakers, so far as able, assisted these persecuted people to escape to other States. Some left North Carolina on board ships; others fled north by land; and many reached the free States, where their descendants yet live. But even our free States did not afford a safe retreat from the cruelty of inexorable slave-catchers.

Those free persons were seized in Philadelphia, and, under the fugitive slave law of 1793, were imprisoned in that city; and, what excites still greater wonder, were delivered up and carried back to bondage.²⁰

Some of these people, while in Pennsylvania, sent petitions to Congress, praying protection against such barbarity; and great excitement was aroused among Southern members by the presentation of such petitions. The Quakers of that State, and of New Jersey, also sent petitions to Congress, praying that these people may be protected against such piratical persecution. The popular feeling of the nation was shocked at these things, and great indignation against the institution, generally, was aroused.

We have no record of further attempts on the part of the claimants to obtain a return of the Exiles, after the Treaty of Colerain, until the close of Mr. Adams's administration. During that period, the fugitives remained quietly in their homes, undisturbed by their former masters. Their numbers were often increased by new arrivals, as well as by the natural laws of population, and they began to assume the appearance of an established community.

In 1801, Mr. Jefferson entered upon the duties of President. He had himself penned the Declaration of Independence, and manifested a deep devotion to its doctrines. Nor do we find that any attempt was made by him for the return of the Exiles; nor were there any measures adopted to obtain indemnity for the loss

²⁰ Vide Annals of IVth Congress, 2d Session

of the claimants during the eight years of his Administration.

In 1802, a new law regulating intercourse with the Indian tribes was enacted, by which the holders of slaves were secured for the price or value of any bondmen who should leave his master and take up his residence with any Indian tribe resident in the United States, or Territories thereof – at least such was the construction given to this statute.

The Creeks, Cherokees, and other Southern tribes, had gradually adopted the institution of Slavery, so long practiced by their more civilized neighbors, and thus became interested in every effort to extinguish the hope cherished among their own bondmen, of regaining freedom by fleeing from their masters. And many circumstances now appeared to favor the idea, that no more attempts would be made to compel a return of the Exiles to bondage.

CHAPTER III.

HOSTILITIES

MAINTAINED BY GEORGIA

Mr. Madison's election – His character – Desire of people of Georgia to enslave Exiles – They demand annexation of Florida – Congress passes a law for taking possession of that Territory – General Mathews appointed Commissioner – Declares insurrection – Takes possession of Amelia Island – Spanish Government demands explanation – The President disavows acts of Mathews – Governor Mitchell succeeds Mathews – Georgia raises an Army – Florida Invaded – Troops surrounded by savage foes – Their danger – Their retreat – Stealing Slaves – Lower Creeks join Seminoles – Georgia demands their surrender – Chiefs refuse – Georgia complains – President refuses to Interfere – Another Invasion of Florida – Towns burned; Cattle stolen – Troops withdrawn from Amelia Island – Public attention directed toward our Northern frontier – Lord Cockrane enters Chesapeake Bay – Issues Proclamation to Slaves – Dismay of Slaveholders – Slaves go on board British ships – Several vessels enter Appalachicola Bay – Col. Nichols lands there with Troops – Gathers around him Exiles and Indians – Builds a Fort, arms it, and places Military Stores in Its Magazines – Treaty of Peace with England – Provision in regard to Slaves taken

away during War – Claimants of the Exiles encouraged – Col Nichols delivers Fort to the Exiles – Their plantations, wealth, and social condition – Our Army – General Gaines represents Fort as in possession of Outlaws – Plans for its destruction – Correspondence – General Jackson’s order – Col. Clinch’s Expedition – Met by Sailing-Master Loomis and two gun-boats – Fort blown up – Destruction of human life – Negroes captured and enslaved – Property taken – Claimed by Governor of Florida – First Seminole War commenced.

When Mr. Madison assumed the duties of President (March 4, 1809), the Exiles were quietly enjoying their freedom; each sitting under his own vine and fig-tree, without molestation or fear. Many had been born in the Seminole country, and now saw around them children and grand-children, in the enjoyment of all the necessaries of life. Many, even of those who fled from Georgia after the formation of that colony, had departed to their final rest; but their children and friends had been comparatively free from persecutions since the Treaty of Colerain, in 1796. Discarding all connection with the Creeks, and living under protection of Spain, and feeling their right to liberty was “self-evident,” they believed the United States to have tacitly admitted their claims to freedom. With these impressions, they dwelt in conscious security, believing no further attempts would be made to reënslave them. Mr. Madison had penned the memorable Address of Congress to the people of the United States, published near the close of the old Confederation, in

which was reiterated, in glowing language, the doctrines of the Declaration of Independence; and in the Convention that framed the Constitution, he had declared “it would be wrong to admit, in that instrument, that *man can hold property in man.*”

1810

The people of Georgia were not satisfied with the existing state of things. They were greatly excited at seeing those who had once been slaves, in South Carolina and in Georgia, now live quietly and happily in the enjoyment of liberty, with their flocks and their herds, their wives and their little ones, around them; but they were on Spanish soil, protected by Spanish laws. The only mode of enslaving them was, firstly, to obtain jurisdiction of the Territory; and the annexation of Florida to the United States was, accordingly, urged upon the Federal Government.

1811

Spain had acquired her American territories by conquest, and was too proud to part with them. An excitement, however, was raised in favor of its annexation; and this anxiety to secure the slave interests of the South, soon extended to Congress, and infused itself into the Executive policy of the nation. A law was passed by the two Houses, in secret session, and approved by

the President, for taking possession of Florida. Gen. Mathews, a slaveholder of Georgia, was appointed Commissioner for that purpose. A few malcontents were found in the northeastern part of the Territory; their numbers were increased by men of desperate fortunes from Georgia; and an insurrection was proclaimed by the Acting General. Mathews, commanding the insurgents, took possession of Amelia Island, and of the country opposite to it on the main land. The Spanish Government, on learning the outrage, remonstrated with our Executive, who disavowed the acts of Mathews, whom he recalled; and proceeded to appoint General Mitchell, the Governor of Georgia, to act as Commissioner, in place of Mathews.

Mitchell, however, continued to hold military possession of the island and part of the main land, and, in fact, continued to carry forward the policy which Mathews had inaugurated. These things occurred while our nation was professedly at peace with Spain, and constituted a most flagrant violation of our national faith.

1812

The Executive of Georgia, apparently entertaining the idea that his State was competent to declare war and make peace, raised an army, which, under the command of the Adjutant General, entered Florida with the avowed intention of exterminating the Seminoles, who had so long refused to

surrender the Exiles; while the real object was the recapture and reënslavement of the refugees. The Creeks of the Lower Towns, however, took sides with the Seminoles, in opposing this piratical foray of slave-catchers. The army having penetrated a hundred miles or more into Florida, found itself surrounded with hostile savages. Their supplies were cut off; the men, reduced almost to a state of starvation, were compelled to retrace their steps; and with great loss the survivors reached Georgia. But they robbed those Spanish inhabitants who fell in their way of all their provisions, and left them to suffer for the want of food. Nor were the Georgians satisfied with taking such provisions as were necessary to support life; they also took with them a large number of slaves, owned by Spanish masters, with whom they resided.²¹

The people, and the authorities of Georgia, were greatly incensed at the Creek Indians, who had assisted the Seminoles in defending themselves; and the Governor of that State demanded of the chiefs a surrender of those individuals who had thus offended against the sovereignty of that commonwealth. The chiefs refused to deliver up their brethren, and the Governor complained to the President of this disregard of slaveholding

²¹ The claims of these ancient Spanish inhabitants for indemnity against these robberies, have been pressed upon the consideration of Congress for the last twenty-five years, and were recently pending before the Court of Claims. When the bill for their relief was under discussion before the House of Representatives, In 1843, Hon. John Quincy Adams presented a list of some ninety slaves, for the loss of whom the owners claimed compensation from the United States. But the discussions which arose on private bills were not at that time reported; and neither this exhibit, nor the speech of Mr. Adams, are to be found in the Congressional Debates of that day.

comity by the Creeks.

The Federal authorities appear to have felt very little interest in the matter, and Georgia determined to redress her own grievances. The Legislature of that State, deeming their interests neglected by the Federal Government, passed resolutions declaring the occupation of Florida essential to the safety and welfare of their people, whether Congress authorized it or not; and they passed an act for raising a force “*to reduce St. Augustine and punish the Indians.*”

Under this declaration of war by the sovereign power of Georgia, another army was raised. Hunters, trappers, vagabonds, and men of desperate fortunes, were collected from that State, from East Tennessee, and from other Southern States, to the number of five hundred; and Florida was again invaded. This expedition was more successful, in some respects, than the first. They burned two or three of the smaller Seminole towns, destroyed several cornfields that had been planted by the Exiles, and drove back to Georgia large herds of cattle, which they had stolen from the negroes; yet the principal object of the Expedition failed: They were unable to capture an individual, or family, of the Exiles. There were no Spanish inhabitants in that part of Florida from whom they could capture slaves, and they were compelled to return without human victims, but with the loss of several individuals of their own party. Thus, after a struggle of more than two years (ending May, 1813), the State of Georgia found itself unable to conquer Florida or the Seminoles,

or to capture the Exiles. Further prosecution of the war was given up, the troops were withdrawn from Amelia Island, and peace was restored.

This extraordinary proceeding, on the part of Georgia, appears to have excited very little attention at the time; probably in consequence of the more important operations that were then being carried forward, upon our Northern and Northwestern frontiers. Harrison at Tippecanoe, and at Maumee; and Scott and Van Rensselaer at Queenston, and along the Niagara frontier, were gallantly confronting the British army, aided by powerful allies from the various neighboring tribes of savages; and so greatly was the attention of the people of the Northern States absorbed in these operations, that they were scarcely conscious of the slave-catching forays carried on by the State of Georgia. Indeed, during these operations, the public men of that State were among the most vehement advocates for a strict construction of the Federal Constitution, and for maintaining the American Union.

1814

These transactions upon our Southern frontier, called attention of British Ministers to the Seminoles and the Exiles. A hostile fleet entered Chesapeake Bay, under Lord Cochrane, who issued a proclamation inviting all persons (meaning slaves), who desired to emigrate from the United States, to come with their

families on board his Britannic Majesty's ships of war; assuring them of the privilege of entering his Majesty's naval service, or of settling with their families, as *free* persons, in either of the British West India Islands. This proclamation was widely circulated, and spread very general consternation along our Southern seaboard. it gave the slaveholders of Georgia occasion to look to their own protection, and to secure the fidelity of those bondmen who yet remained in the service of their masters.²²

Two British sloops of war and some smaller vessels suddenly appeared in Appalachicola Bay, where they landed a body of troops, under Lieut. Colonel Nichols, of the British Army, for the purpose of lending support and protection to the Exiles and their Indian allies. He opened communications with them, furnished them with arms and ammunition, and soon drew around him a considerable force of Indians as well as negroes. His encampment was on the east side of the Appalachicola River, some thirty miles above its mouth. In November, he completed a strong fort on the bank of that stream. Some eight pieces of heavy ordnance were mounted upon its walls, and its magazine was well stored with the

²² Many slaves actually fled from their masters and found an asylum on board British vessels. Some sixty, belonging to a planter named Forbes, who resided in Georgia, left his plantation and took shelter on board the ship commanded by Lord Cochrane. They were transported to Jamaica, where they settled and lived as other free people. After the restoration of peace, Forbes sued his Lordship, before the British courts, for damages sustained by the loss of these slaves. The case elicited much learning in regard to the law of Slavery and, next to that of Sommerset, may be regarded as the most important on that subject ever litigated before an English court.

material of war.²³ It was evidently intended as a defense against the forays of slave-catchers, who were not expected to bring with them heavy artillery. The plan was well conceived. Even the plundering expeditions authorized by the State of Georgia, would have been unable to make any impression on this fortification. But neither Nichols, nor the Exiles, appear to have anticipated the employment of the United States navy in a piratical work, discarded by most Christian nations and people, and allowed to be carried on only upon the African coast.

The British fleet withdrew from the coast of Georgia, and the slaveholders of that State were relieved, for a time, from those apprehensions of slave insurrection which had been excited by the proclamation of Lord Cochrane.

In the meantime the Treaty of Ghent was ratified, and peace restored to the country. In that treaty the interests of Slavery had not been forgotten; and the same stipulations were

²³ "Monette," In his "History of the Valley of the Mississippi," says Woodbine erected this fort in the summer of 1816; and such were the representations made before the Committee appointed in 1819, to investigate the conduct of General Jackson, in taking possession of Florida. But the reader will notice the Letter of General Gaines, hereafter quoted, which bears date on the 14th May, 1815, and *officially* informed the Secretary of War that "*negroes and outlaws have taken possession of a Fort on the Appalachicola River.*" This was more than a year before the time of erecting the fort, according to "Monette." The parapet of the fort was said to be fifteen feet high and eighteen thick, situated upon a gentle cliff, with a fine stream emptying into the river near its base, and a swamp in the rear, which protected it from the approach of artillery by land. On its walls were mounted one thirty-two pounder, three twenty-four pounders, two nine pounders, two six pounders, and one brass five and a half-inch howitzer. Vide Official Report of Sailing-Master Loomis.

inserted, in regard to the withdrawal of his Majesty's troops and navy, "without taking or carrying away any negroes or other property of the citizens," which characterized the treaty of 1782. The owners of slaves who had fled from service under the proclamation of Lord Cochrane, now determined to obtain compensation for their loss. This general feeling again aroused the cupidity of those whose fathers had once claimed to own those Exiles, who fled from Georgia some thirty or forty years previously.

In the spring of 1815, Colonel Nichols and his troops withdrew from Florida, leaving the fort, with its entire armament and magazine of military stores, in the possession of the Exiles, who resided in the vicinity. Their plantations extended along the river several miles, above and below the fort.²⁴ Many of them possessed large herds of cattle and horses, which roamed in the forests, gathering their food, both in summer and winter, without expense or trouble to their owners.

The Pioneer Exiles from South Carolina had settled here long before the Colony of Georgia existed. Several generations had lived to manhood and died in those forest-homes. To their descendants it had become consecrated by "many an oft told tale" of early adventure, of hardship and suffering; the recollection of which had been retained in tradition, told in story, and sung in

²⁴ This is the official account of Sailing-Master Loomis, who commanded the naval expedition subsequently sent to reduce this fortress. "Monette," in his History of the Valley of the Mississippi, says, "*Near the Fort the fields were fine, and extended along the river nearly fifty miles.*"

their rude lays. Here were the graves of their ancestors, around whose memories were clustered the fondest recollections of the human mind. The climate was genial. They were surrounded by extensive forests, and far removed from the habitations of those enemies of freedom who sought to enslave them; and they regarded themselves as secure in the enjoyment of liberty. Shut out from the cares and strifes of more civilized men, they were happy in their own social solitude. So far from seeking to injure the people of the United States, they were only anxious to be exempt, and entirely free from all contact with our population or Government; while they faithfully maintained their allegiance to the Spanish crown.

1815

Peace with Great Britain, however, had left our army without active employment. A portion of it was stationed along our Southern frontier of Georgia, to maintain peace with the Indians. The authorities and people of Georgia maintained social and friendly relations with the officers and men of the army. By means of Indian spies, the real condition of the Exiles was also ascertained and well understood. What means were used to excite the feelings or prejudices of the military officers against these unoffending Exiles, is not known at this day. Most of the officers commanding in the South were, however, slaveholders, and probably felt a strong sympathy with the people of Georgia in

their indignation against them, for obtaining and enjoying liberty without permission of their masters.

General Gaines, commanding on the Southern frontier of Georgia, making Fort Scott his head-quarters, wrote the Secretary of War (May 14), saying, "certain negroes and outlaws have taken possession of a fort on the Appalachicola River, in the Territory of Florida." He assured the Secretary, that he should keep watch of them. He charged them with no crime, imputed to them no hostile acts. He was conscious that they had taken possession of the fort solely for their own protection; but he styled them *negroes*, which, in the language of that day among slaveholders, was regarded as an imputation of guilt; and *outlaw* was supposed to be a proper term with which to characterize those who had fled from bondage and sworn allegiance to another government.²⁵

For more than a year subsequently to the date of this letter, General Gaines made the Exiles a subject of frequent communication to the War Department. In this official correspondence, he at all times spoke of them as "runaways," "outlaws," "pirates," "murderers," etc.; but in no instance did he

²⁵ The reader will at once see, that these people were as much under the protection of Spain, as the fugitive slaves now in Canada are under the protection of British laws. They were as clearly Spanish subjects as the latter are British subjects. By the law of nations, Spain had the same right to permit her black subjects to occupy "Blount's Fort," that the Queen of England has to permit Fort Malden to be occupied by her black subjects. The only distinction between the two cases is, Spain was weak and unable to maintain her national honor, and national rights; while England has the power to do both.

charge them with any act hostile to the United States, or to any other people or government.

Of these communications the Exiles were ignorant. They continued in peaceful retirement, cultivating the earth, and gaining a support for themselves and families. In the autumn of 1815, they gathered their crops, provided for the support of the aged and infirm, as well as for their children. They carefully nursed the sick; they buried their dead; they lived in peace, and enjoyed the fruits of their labor. The following spring and summer found them in this enviable condition.

1816

While the Exiles living on the Appalachicola were thus pursuing the even tenor of their ways, plans were ripening among the slaveholders and military officers of our army for their destruction. A correspondence was opened by the Secretary of War with General Jackson, who commanded the Southwestern Military District of the United States, holding his head-quarters at Nashville, Tennessee. Various letters and communications passed between those officers in regard to this "Negro Fort," as they called it.

Power is never more dangerous than when wielded by military men. They usually feel ambitious to display their own prowess, and that of the troops under their command; and no person can read the communications of General Gaines, in regard to the

Exiles who had gathered in and around this fort, without feeling conscious that he greatly desired to give to the people of the United States an example of the science and power by which they could destroy human life.²⁶

At length, on the sixteenth of May, General Jackson wrote General Gaines, saying, "I have little doubt of the fact, that this fort has been established by some villains for the purpose of rapine and plunder, and that it ought to be blown up, regardless of the ground on which it stands; and if your mind shall have formed the same conclusion, destroy it and return the *stolen negroes* and property to their rightful owners."²⁷

Without attempting to criticise this order of General Jackson, we must regard a fort thus situated, at least sixty miles from the border of the United States, as a most singular instrument for the purpose of "rapine," or plundering our citizens. Nor could General Jackson have entertained any apprehensions from those

²⁶ Vide the voluminous Correspondence on this subject contained in Ex. Doc. 119, 2d Session, XVth Congress.

²⁷ Perhaps no portion of our national history exhibits such disregard of International law, as this unprovoked invasion of Florida. For thirty years, the slaves of our Southern States have been in the habit of fleeing to the British Provinces. Here they are admitted to all the rights of citizenship, in the same manner as they were in Florida. They vote and hold office under British laws; and when our Government demanded that the English Ministry should disregard the rights of these people and return them to slavery, the British Minister contemptuously refused even to hold correspondence with our Secretary of State on a subject so abhorrent to every principle of national law and self-respect. Our Government coolly submitted to the scornful arrogance of England; but did not hesitate to invade Florida with an armed force, and to seize the faithful subjects of Spain, and enslave them.

who occupied the fort. The entire correspondence showed them to be *refugees*, seeking only to avoid our people; indeed, his very order shows this, for he directs General Gaines to return the “*stolen negroes* to their rightful owners.” The use of opprobrious epithets is not often resorted to by men in high official stations: yet it is difficult to believe, that General Jackson supposed these negroes to have been stolen; for, neither in the official correspondence on this subject, nor in the papers accompanying it, embracing more than a hundred documentary pages, is there a hint that these negroes were “*stolen*,” or that they had committed violence upon any person, or upon the property of any person whatever. They had sought their own liberty, and the charge of stealing themselves, was used like the other epithets of “outlaws,” “pirates” and “murderers,” to cast opprobrium upon the character of men who, if judged by their love of liberty or their patriotism, would now occupy a position not less honorable in the history of our country than is assigned to the patriots of 1776.

Nor is it easy to discover the rule of international law, which authorized the Executive of the United States, or the officers of our army, to dictate to the crown of Spain in what part of his territory he should, or should not, erect fortresses; or the constitutional power which they held for invading the territory of a nation at peace with the United States, destroy a fort, and consign its occupants to slavery. But those were days of official arrogance on the one hand, and popular submission on the other. The Exiles, or their ancestors, had once been slaves.

They now were cultivating the richest lands in Florida, and possessed wealth; they were occupying a strong fortress. Many slaves during the recent war had escaped from their masters, in Georgia, and some were supposed to be free subjects of Spain, living in Florida; and if the Exiles were permitted to enjoy their plantations and property in peace, it was evident that the institution in adjoining States would be in danger of a total overthrow. These facts were apparent to General Jackson, as well as to General Gaines and the slaveholders of Georgia.

General Gaines only awaited permission from his superior to carry out the designs of the slaveholders, who had become alarmed at the dangers to which their “peculiar institution” was subjected. Upon the receipt of the order above quoted, he detailed Lieut. Col. Clinch,²⁸ of the regular troops, with his regiment and five hundred friendly Creek Indians, under McIntosh, their principal chief, to carry out the directions of General Jackson. Colonel Clinch was directed to take with him two pieces of artillery, for the purpose of cannonading the fort if necessary.²⁹

This commencement of the first Seminole war was, at the time, unknown to the people of the United States. It was undertaken for the purposes stated in General Jackson’s order,

²⁸ Hon. Duncan L. Clinch. He left the service in 1841, and was subsequently a Member of Congress for several years, and died in 1852.

²⁹ War was thus waged against Spain, by Executive authority, without consulting Congress; and no member of that body uttered a protest, or denunciation of the act.

to “blow up the fort, and *return the negroes to their rightful owners.*” Historians have failed to expose the cause of hostilities, or the barbarous foray which plunged the nation into that bloody contest which cost the people millions of treasure and the sacrifice of hundreds of human lives.

It was July before the arrangements were fully made by Colonel Clinch and his savage allies for descending the river, with suitable artillery and supplies, to accomplish the object of their mission.³⁰ The Creeks, having entered into the treaties of New York and Colerain, by which they bound themselves, twenty years previously, to return those Exiles who fled from Georgia, and having failed to perform those stipulations, now cheerfully united with the American army in this first slave-catching expedition undertaken by the Federal Government.

Of these movements the Exiles had been informed by their neighbors, the friendly Creeks; for, among the Lower Creeks, were individuals who at all times sympathized with them, and kept them informed of the measures adopted for their destruction. All the families living on the river and in the vicinity of the fort, fled to it for protection. They had no idea of the

³⁰ In Ex. Doc. No. 119, 2d Session, XVth Congress, may be found the official correspondence between the War Department and General Jackson; also that between General Jackson and General Gaines, together with the orders of each, as well as the correspondence between the Secretary of the Navy and Commodore Patterson; and the order of the latter officer to Sailing-Master Loomis; and the final report of Sailing-Master Loomis and General Clinch. In none of these papers is there any act of hostility mentioned or referred to as having been committed by the Exiles, or the Seminole Indians, prior to their reaching the vicinity of the Fort.

advantages arising from scientific warfare; they believed their fortification impregnable. Colonel Nichols had erected it for the purpose of affording them protection, and they had no doubt of its efficiency for that purpose.

Such were the delays attending the journey, in consequence of difficulties in transporting heavy guns and provisions, that the troops did not reach the vicinity of the fort until the twenty-fourth of July. In the meantime, Commodore Patterson, in pursuance of orders from the naval department, had detailed Sailing-Master Loomis, with two gun-boats, to assist in carrying out the order of General Jackson.³¹

On the twenty-fourth of July, Colonel Clinch commenced a reconnoissance of the fort. On the twenty-fifth, he cleared away the brush and erected a battery, and placed upon it two long eighteen-pounders, and commenced a cannonade of the fortress. At the time of this investment, there were about three hundred Exiles in the fort, including women and children, besides thirty-four Seminole Indians:³² yet in the official report of Colonel Clinch, he makes no mention of his fire being returned; nor does he say that any of his men were killed or wounded by the occupants of the fort.

On the twenty-sixth of July, Sailing-Master Loomis, with his

³¹ Hildreth states that *three* gun-boats were detailed on that occasion; but the report of Sailing-Master Loomis speaks only of *two*.

³² Hildreth states the number to have been about three hundred, partly Indians and partly negroes.

command, reached a point on the river some two miles below the fort. Colonel Clinch met him at that place, for consultation, and informed him that his fire had thus far proved ineffectual, and that a nearer approach of artillery by land would be difficult.³³

Judging from the language used in his official dispatch, Sailing-Master Loomis must have entertained some feelings of distrust towards Colonel Clinch, as they evidently separated in bad temper: yet no officer in the service of the United States ever exhibited greater prudence in his preparations, or more firmness in battle, than Colonel Clinch. He was, however, a man of kind and humane feelings, and high notions of honor. It has been supposed by many of his friends, that he shrank from the perpetration of the outrage which he had been detailed to commit.³⁴

On the morning of the twenty-seventh, Loomis, with his boats, ascended the river and cast anchor opposite the fort, while Colonel Clinch and the Creek Indians took positions so as to cut off retreat by land. The cannonade was resumed, and the land

³³ Monette says this expedition was undertaken by Col. Clinch upon his own responsibility, to enable some boats laden with provisions to pass up the river. A strange misapprehension of facts, as shown by official documents.

³⁴ At this conference, Sailing-Master Loomis informed Colonel Clinch that, on the day previous, while a party of his men were on shore, they were fired on by Indians and one man killed. This was the first and only act of hostility against our troops. It was committed by *Indians*, not by *Exiles*; but it was subsequently seized upon and published as a justification for carrying out General Jackson's order, bearing date more than two months prior to the occurrence, directing General Gaines to destroy the fort and return the negroes to slavery.

and naval forces of the United States were engaged in throwing shot and shells for the purpose of murdering those friendless Exiles, those women and children, who had committed no other offense than that of having been born of parents who, a century previously, had been held in bondage. Mothers and children now shrieked with terror as the roar of cannon, the whistling of balls, the explosion of shells, the war-whoops of the savages, the groans of the wounded and dying, foretold the sad fate which awaited them. The stout-hearted old men cheered and encouraged their friends, declaring that death was to be preferred to slavery.

The struggle, however, was not protracted. The cannon balls not taking effect upon the embankments of earth, they prepared their furnaces and commenced the fire of hot shot, directed at the principal magazine. This mode proved more successful. A ball, fully heated, reached the powder in the magazine. The small size of the fort, and the great number of people in it, rendered the explosion unusually fatal. Many were entirely buried in the ruins, others were killed by falling timbers, while many bodies were torn in pieces. Limbs were separated from bodies to which they had been attached, and death, in all its horrid forms, was visible within that doomed fortress.³⁵

Of three hundred and thirty-four souls within the fort, two hundred and seventy were *instantly killed*; while of the sixty

³⁵ Monette says, "The scene in the fort was horrible beyond description. *Nearly the whole of the inmates were involved in indiscriminate destruction; not one-sixth of the whole escaped. The cries of the wounded, the groans of the dying, with the shouts and yells of the Indians, rendered the scene horrible beyond description.*"

who remained, only *three* escaped without injury.³⁶ Two of the survivors – one negro and one Indian – were selected as supposed chiefs of the allied forces within the fort. They were delivered over to the Indians who accompanied Colonel Clinch, and were massacred within the fort, in the presence of our troops;³⁷ but no report on record shows the extent of torture to which they were subjected.

We have no reliable information as to the number who died of their wounds. They were placed on board the gun-boats, and their wounds were dressed by the surgeons; and those who recovered were afterwards delivered over to claimants in Georgia. Those who were slightly wounded, but able to travel, were taken back with Colonel Clinch to Georgia and delivered over to men who claimed to have descended from planters who, some three or four generations previously, owned the ancestors of the prisoners. There could be no proof of identity, nor was there any court authorized to take testimony, or enter decree in such case; but they were delivered over upon *claim*, taken to the interior, and sold to different planters. There they mingled with that mass of chattelized humanity which characterizes our Southern States,

³⁶ Vide Official Report at Sailing-Master Loomis, Ex. Doc. 119: 2d Sess. XVth Cong.

³⁷ Some years since, the author wrote a short sketch of the general Massacre, but omitted this point as too revolting to the feelings of humanity, and too disgraceful to the American arms, to be laid before the popular mind in such an article; and he would most gladly have omitted it in this work, could he have done so consistently with his duty to the public.

and were swallowed up in that tide of oppression which is now bearing three millions of human beings to untimely graves.

Sailing-Master Loomis informed the Naval Department, through Commodore Patterson, that the value of the property captured in the fort was “not less than two hundred thousand dollars.” He also stated that a portion of this property was “delivered over by Colonel Clinch to the Indians who had accompanied him, on the *express agreement that they should share in the plunder.*” Another portion of property was held by Colonel Clinch, as necessary for the use of the troops. A list of the articles thus taken is given in the report: it embraces spades, shovels, pickaxes, swords, sword-belts, pistols and muskets. The remainder of the property was taken on board the gun-boats, and held subject to the order of the Secretary of the Navy.³⁸

The Governor of Florida demanded, in the name of “his Most Christian Majesty the king of Spain,” possession of the property thus captured in the fort; denying the right of either our army or navy to invade the territory of Spain, and take and carry away property from its fortifications.

To this claim Sailing-Master Loomis replied, that the property

³⁸ Monette says that three thousand stands of arms and six hundred barrels of powder were destroyed by the explosion. This is probably somewhat of an exaggeration. We have no fact to warrant the assertion, that there was any addition made to the stores left by Col. Nichols, when he delivered the fort to the Exiles. The same author states, that one magazine, containing one hundred and sixty barrels of powder, was left unharmed by the explosion; but no mention of such fact is found in the Official Report, by Sailing-Master Loomis.

did not belong to the Spanish crown, but to the Exiles, who were in possession of it, from whom it was taken by *conquest*. This correspondence between his Excellency the Governor of Florida and the Commander of the two gun-boats, was duly transmitted to our Government at Washington, and may now be found in our National Archives.³⁹

Some twenty-two years subsequent to the capture of this property, and the massacre of those who were in possession of it, a bill was reported in the House of Representatives,⁴⁰ granting five thousand dollars to the officers, marines and sailors who constituted the crews of those gun-boats, as compensation for their *gallant* services. Whether the honorable Chairman of the Naval Committee who reported the bill, or any member of the House who voted for it, was aware of the true character of the services rendered, is a matter of doubt; but the bill passed without opposition, became a law, and the people of the United States paid that bonus for the perpetration of one of the darkest crimes which stains the history of any civilized nation.⁴¹

The official correspondence connected with this massacre was

³⁹ Vide Documents before the Committee of Congress appointed to investigate the cause of General Jackson's invasion of Florida: XVth Congress, 2d Session.

⁴⁰ This bill was reported by Mr. Ingham of Connecticut, Chairman of the Committee on Naval Affairs.

⁴¹ Vide Statutes enacted at 2d Session, XXVIth Congress. The author was then a member of the House of Representatives, but had not learned to watch the movements of slaveholders and "their allies," so closely as subsequent experience taught him would be useful.

called for by resolution, adopted in the House of Representatives, and was communicated to that body at the second session of the fifteenth Congress. But no action appears to have been proposed in regard to it; nor does it appear that public attention was at that time particularly called to this most wanton sacrifice of human life.

In this massacre, nearly every Exile resident upon the Appalachicola River, including women and children, perished or was reënslaved. Their homes were left desolate; their plantations, and their herds of cattle and horses, became the property of those who first obtained possession of them. Probably one-third of all the Exiles at that time resident in Florida, perished in this massacre, or were reënslaved by Colonel Clinch; yet the atrocious character of the transaction appears to have attracted very little attention at the time. General Jackson was popular as a military officer, and the Administration of Mr. Madison was regarded with general favor. No member of Congress protested against the transaction, or made known its barbarity to the people; while the ablest members taxed their ingenuity, and brought all their rhetoric to bear, in vindication of those concerned in the outrage.⁴²

While Mr. Clay and others severely condemned the technical invasion of Florida, as an act of hostility toward the King of Spain, they omitted all reference to this wanton massacre of

⁴² Vide Speeches of Hon. George Poindexter and others on the Seminole War, in 1819.

the Exiles: nor have we been able to learn that any member even intimated that the bloody Seminole war of 1816-17 and 18, arose from efforts of our Government to sustain the interests of Slavery; or that our troops were employed to murder women and children because their ancestors had once been held in bondage, and to seize and carry back to toil and suffering those who escaped death in that barbarous massacre. The officers of Government, and historians of that day, appear to have avoided all reference to the fact, that the people thus murdered had been far longer in the wilderness than were the children of Israel; that they were contending for that Liberty which is the rightful inheritance of every human being. Indeed, more than twenty years elapsed after this massacre, before a distinguished Philanthropist gave to the public the first intimation that such a people as the Exiles had existed.⁴³

⁴³ Hon. William Jay, of New York, published his Views of the action of the Federal Government in 1887.

CHAPTER IV.

GENERAL HOSTILITIES

The Troops along the Florida frontier become active – The Exiles on Suwanee and Withlacoochee prepare for War – General Gaines's representation of their numbers – Depredations committed during the Spring and Summer of 1817 – Massacre of Lieutenant Scott and his party – Its Effect upon the Country – Congress not consulted as to this War – General Gaines authorized to Invade Florida – General Jackson ordered to the Field – Mr. Monroe assumes the Duties of President – His Cabinet – Character of Congress – Public Sentiment in regard to discussion of Subjects connected with Slavery – General Jackson concentrates his Army at Fort Scott – Proceeds to Mickasukie – Battle – Destruction of the Town – Marches to St. Marks – Indian Chiefs decoyed on board a Vessel – Hanged by order of General Jackson – The Army moves upon Suwanee – Its Situation – Exiles prepare for a decisive Battle – Severe Conflict – General Jackson takes the Town – Captures Indian Women and Children – Burns the Villages of that region – Returns to Pensacola – Capture and Trial of Arbuthnot and Ambrister – Their Execution – Invasion of Florida condemned by some of our Statesmen, and vindicated by others.

The nation having been precipitated into war (1816), the

Officers of Government, and the army, at once became active in carrying it on. Orders were sent to General Gaines, exhorting him to vigilance, caution and promptitude. He was on the southern frontier of Georgia, where it was naturally supposed the first blow, in retaliation for the massacre of Blount's Fort, would fall. His scouts were constantly on the alert, his outposts strengthened, and his troops kept in readiness for action.

The Seminole Indians had lost some thirty men, who had intermarried with the Exiles, and were in the fort at the time of the massacre. They entertain the opinion that the souls of their murdered friends are never at rest while their blood remains unavenged; nor could it be supposed that the Exiles would feel no desire to visit retributive justice upon the murderers of their friends. Long did this desire continue, in the minds of the surviving Exiles, until, many years subsequently, their vengeance was satiated, their hands were stained, and their garments saturated, in the blood of our troops.

The surviving Exiles had their principal remaining settlements upon the Suwanee and Withlacoochee rivers, and in the Mickasukie towns. These settlements were on fertile lands, and were now relied upon to furnish provisions for their support during hostilities. Savages are usually impetuous; but the Exiles were more deliberate. Colonel Clinch had returned to Georgia; Sailing-Master Loomis was at Mobile Bay, and no circumstances demanded immediate action. They gathered their crops, obtained arms and ammunition from British and Spanish merchants, and

made every preparation for hostilities. During the summer and autumn of 1816, General Gaines reported slight depredations on the frontiers of Georgia, but in February, 1817, he reported that larger bodies of Indians were collecting in some of their villages; and in one of his letters he stated that *seven hundred negroes* were collected at Suwanee, and were being daily drilled to the use of arms. This number of fighting men would indicate a larger population of Exiles than is warranted by subsequent information.

1817

During the Spring and Summer, both parties were in a state of preparation – of constant readiness for war. A few predatory excursions to the frontier settlements, marked the action of the Indians and Exiles, while the army, under General Gaines, often sent parties into the Indian country, without any important incident or effect. The first effective blow was struck in November. A boat was ascending the Appalachicola river, with supplies for Fort Scott, under the escort of a Lieutenant and forty men, in company with a number of women and children. Information of this fact was communicated to the Exiles and Indians resident at Mickasukie, and a band of warriors at once hastened to intercept them. They succeeded in drawing them into ambush, a few miles below the mouth of Flint River, and the Lieutenant, and all his men but six, and all the children, and all

the women but one, were massacred on the spot. Six soldiers escaped, and one woman was spared and taken to Suwanee as a prisoner. Here she was kept by the Exiles through the winter, and treated with great kindness, residing in their families and sharing their hospitality. She had thus an opportunity of learning their condition, and the state of civilization to which they had attained, as well as their desire to be at peace with mankind, in order to enjoy their own rights and liberties.

1818

This massacre was regarded by the country as a most barbarous and wanton sacrifice of human life. The newspapers blazoned it forth as an exhibition of savage barbarity. The deep indignation of the people was invoked against the Seminoles, who were represented as alone responsible for the murder of Lieutenant Scott, and his men. Probably nine-tenths of the Editors, thus assailing the Seminoles, were not aware of the atrocious sacrifice of human life at "Blount's Fort," in July of the previous year. Even the President of the United States, in his Message (March 25), relating to these hostile movements of the Seminoles, during the previous year, declared "*The hostilities of this Tribe were unprovoked,*" as though the record of the massacre at "Blount's Fort" had been erased from the records of the moral Universe. Notwithstanding our army had, in a time of profound peace, invaded the Spanish Territory, marched

sixty miles into its interior, opened a cannonade upon "Blount's Fort," blown it up, with an unprecedented massacre, in which both Seminole Indians and negroes were slain, and two of their principal men given over to barbarous torture; yet, the President, in his Message, as if to falsify the history of current events, declared that "as almost the whole of this Tribe inhabit the country within the limits of Florida, Spain was bound, by the Treaty of 1795, to restrain them from committing depredations against the United States." Such were the efforts made to misrepresent facts, in relation to the first Seminole War. With its commencement, the people had nothing to do; they were not consulted, nor were their Representatives in Congress permitted to exercise any influence over the subject. The correspondence between General Gaines and the Secretary of War, in regard to the occupation of the fort by the Exiles, had commenced on the fourteenth of May, 1815. It was continued while Congress was in session, in 1815 and 1816, but no facts in regard to the plan of destroying it, and entering upon a war, for the purpose of murdering or enslaving the Exiles, had been communicated to Congress or the public.

Orders were now issued to General Gaines, authorizing him to carry the war into Florida, for the purpose of punishing the Seminoles. General Jackson was ordered to take the field, in person, with power to call on the States of Tennessee and Georgia for such militia as he might deem necessary, for the due prosecution of the war; and the most formidable arrangements

were made for carrying on hostilities upon a large scale.

Mr. Monroe had assumed the duties of President in March, 1817. He had appointed Hon. John Quincy Adams Secretary of State, at the commencement of his administration; but the office of Secretary of War was not filled by a permanent appointment, for some months, in consequence of Governor Shelby's refusal to accept it, on account of his advanced age. It was finally conferred on Hon. John C. Calhoun, who, through his entire official life, was distinguished for his devotion to the institution of Slavery; and this war having been entered upon for the support of that institution, it may well be supposed that he exerted his utmost energies for its vigorous prosecution.

The fifteenth Congress assembled in December, 1817. Most of the members from the free States had not enjoyed the advantages of having served long in that body. They afterwards showed themselves able men; but the business of legislation requires experience, industry, and a perfect knowledge of the past action of government. This cannot be obtained in one session, nor in one Congress; it can only be gathered by the labors of an active life. It is, therefore, not surprising that Congress granted to the War Department whatever funds the President required to carry on the war.

It is not our province to applaud, or condemn, public men; but history represents no member of the fifteenth Congress as having proclaimed the cause of this war, or the atrocious massacre which characterized its commencement. On the contrary, those

who spoke on the subject, represented it as entirely owing to the Indian murders on the frontiers of Georgia, and to the massacre of Lieutenant Scott and his men. There was great delicacy exhibited, and had been for many years previously, in regard to the agitation of any question touching the institution of Slavery; and the people of the free and slave States appeared to feel that silence on that subject was obligatory upon every citizen who desired a continuance of the Union. These circumstances rendered it easy for the Administration to prosecute the war, with whatever force they deemed necessary for the speedy subjection of Indians and Exiles.

On entering the field of active service, General Jackson called on the State of Tennessee for two thousand troops. He repaired to Harford, on the Ockmulgee, where a body of volunteers, from Georgia, had already assembled, and organizing them, he requested the aid of the Creek Indians also. They readily volunteered, under the command of their chief, McIntosh, ready to share in the honors and dangers of the approaching campaign. With the Georgia volunteers and Creek Indians, General Jackson marched to Fort Scott, where he was joined by about one thousand regular troops.

With this force, he moved upon the Mickasukie towns, situated near the Lake of that name, some thirty miles south of the line of Georgia. It was the nearest place at which the Exiles had settled in considerable numbers. There were several small villages in the vicinity of this Lake, inhabited almost entirely

by blacks. A large quantity of provisions had been stored there. There were also several Seminole towns between Mickasukie Lake and Tallahassee, on the west.

The Exiles appear to have viewed the approach of General Jackson with coolness and firmness. They had evidently calculated the result with perfect accuracy. Their women and children were removed to places of safety, and their herds of cattle were driven beyond the reach of the invading army; and some of their Indian allies followed the example thus set them by the Exiles; yet others were not equally careful in calculating future events.

Neither Indians nor negroes had made these towns their general rendezvous; nor did they expect a decisive battle to occur at that point; yet they prepared to meet General Jackson, and his army, in a becoming manner. Most of their forces were collected prior to the arrival of our troops. In making the requisite dispositions for battle, the Indians were formed in one body, and the negroes in another – each being under their respective chiefs.

General Jackson encountered the allied forces at some little distance from the Mickasukie towns, April first. The battle was of short duration. The Indians soon fled. The Exiles fought with greater obstinacy. Their fire was so fatal that a reinforcement was ordered to that part of the field, and the Exiles were driven from their position, leaving twelve of their number dead upon the field.

In his official report of this battle, General Jackson insisted

that British officers had drilled the negroes, and British traders had furnished them ammunition. He also reported that he burned more than three hundred dwellings, and obtained a supply of provisions and cattle for his army.

The Exiles, generally, retreated to Suwanee, and the Indians continued to hang around the American army, watching its movements. General Jackson, however, directed his course towards St. Marks, a Spanish fort, situated on the river of that name, some fifty miles southwest of Mickasukie Lake.

The American army reached St. Marks on the seventh of April, and remained there several days. One of the American vessels lying in Appalachicola Bay, hoisted British colors, in order to decoy some Indians who were looking at them from the shore. Two of the "Red Stick" band ventured on board; they were said to be chiefs, and in alliance with the Seminoles. General Jackson ordered them to be hanged, without trial or ceremony, justifying the act by charging them with having participated in the massacre of Lieutenant Scott and his party, during the previous autumn, apparently unconscious that, by his own orders, two hundred and seventy people, including innocent children and women, had been most wantonly and barbarously murdered at the fort on Appalachicola, and that Lieutenant Scott and *thirty* men were murdered in retaliation for that act, according to savage warfare. He appears to have felt it due to offended justice, that these men should die for being suspected of participating in that act of retaliation. In all these cases, the most assiduous efforts

were exerted to misrepresent the real state of facts.

The time occupied in the approach and capture of Fort St. Marks, gave to the Exiles and Indians full opportunity to concentrate their forces at Suwanee. It constituted the most populous settlement of the Exiles, after the destruction of that upon the Appalachicola. It was regarded as their stronghold. Surrounded by swamps, it was approached only through narrow defiles, which rendered it difficult for an army to reach it. Here many of the Exiles had been born and reared to manhood. Here were their homes, their firesides. Here their chief, Nero, resided; and here they concentrated their whole force. They had removed their women and children, their provisions and cattle, to places of safety, and coolly awaited the approach of General Jackson's army.⁴⁴

Scouting parties were, however, sent out to harrass his advance guard, and delay his approach, and render it more difficult; but, notwithstanding these obstacles, the army steadily advanced, and on the nineteenth of April reached the "Old Town" of "Suwanee," and found the allied forces in order of battle, prepared to contest the field. The Indians were again formed on the right, and the Exiles constituted the left wing, bringing them in conflict with the right wing of General Jackson's forces.

⁴⁴ Monette says Arbuthnot sent word to the Negroes and Indians, notifying them of the approach of General Jackson; but the official report of that Officer shows that his advance guard was daily engaged in skirmishing with the Indians.

With the Exiles, there was no alternative other than war or slavery; and they greatly preferred death upon the battle field, to chains and the scourge. We may well suppose they would fight with some degree of desperation, under such circumstances; and the battle of Suwanee gave evidence of their devotion to freedom. They met the disciplined troops, who constituted General Jackson's army, with firmness and gallantry.⁴⁵ At the commencement, their fire was so fatal that the right wing of the American army faltered, and ceasing to advance, gave signs of falling back. But the left wing, opposed to the Indians, made a successful charge; the Indians gave way, and the reserve was suddenly brought into action to sustain the right wing, when a general charge was ordered, and the Exiles were compelled to fall back.⁴⁶

General Jackson, in his official report of this battle, refers to the desperation with which the negroes fought, and says they left

⁴⁵ Vide General Jackson's Official Report of this battle, Ex. Doc. 175, 2d Session XVth Congress.

⁴⁶ Williams, in his History of Florida, states that three hundred and forty Negroes again rallied after the first retreat, and fought their pursuers, until *eighty* of their number, were killed on the field. "Monetta" also states the same fact; but General Jackson, in all his Reports, evidently avoided, as far as possible, any notice of the Exiles, as a people. Indeed such was the policy of the Administration, and of its officers, and of all slaveholders. They then supposed, as they now do, that slavery must depend upon the supposed ignorance and stupidity of the colored people; and scarcely an instance can be found, where a slaveholder admits the slave to possess human intelligence or human feeling; indeed, to teach a slave to read the Scriptures, is regarded as an offense, in nearly every slave State, and punishable by fine and imprisonment.

many dead upon the field, but does not mention their number. He entered the town and set fire to the buildings, and burned all the villages in the vicinity. He also captured some three hundred Indian women and children, while those belonging to the Exiles had been carefully removed beyond the reach of the American army. This superior caution and provident care appears to mark the character of the Exiles in all their conduct; while the Indians appear to have practised none of these precautions.

But the allied forces, defeated, and their warriors scattered in various directions, were pursued by McIntosh and his Creek warriors, who had accompanied General Jackson, until fearing the Seminoles might rally in force against them, they returned and again united with the American army.

This battle substantially closed the war of 1818. It had been commenced for the destruction of the Exiles; they had shared in its dangers, and by their energy and boldness, had given intensity to its conflicts. From the time they united in the expedition for the destruction of Lieutenant Scott and his party, in November, 1817, until the close of the battle of Suwanee, they had been active participants in every skirmish, and had uniformly displayed great firmness; bearing testimony to the truth of those historians who have awarded to the African race the merit of great physical courage.

General Jackson appears to have spoken as little of the Exiles as duty would permit, when communicating with the Secretary of War; yet he was more free to complain of them in his

correspondence with the Governor of Pensacola. In a letter to that officer, dated a few days after the battle of Suwanee, he says: "*Negroes who have fled from their masters, citizens of the United States, have raised the tomahawk, and, in the character of savage warfare, have spared neither age nor sex. Helpless women have been massacred, and the cradle crimsoned with blood.*"

We can, at this day, scarcely believe that this eloquent description of savage barbarity was from the pen of a man whose order for the massacre of defenseless women and children, at the Fort on Appalachicola, bore date less than two years before writing this letter; nor can we readily comprehend the effrontery of him who thus attempted to justify the invasion of Florida, by reference to acts done by the Exiles long after the army under his command had entered that territory, and committed the most atrocious outrages ever perpetrated by civilized men upon an unoffending people.

After the battle of Suwanee, General Jackson returned to St. Marks, being unable to follow the Indians and Exiles into the more southern portions of Florida. While at St. Marks, he ordered a court-martial, constituting General Gaines president, in order to try Arbuthnot and Ambrister. The history of their trial and execution is familiar to the reader. The first and principal charge against Ambrister was, that he excited the *negroes* and Indians to commit murder upon the people of the United States; the second charge was for supplying them with arms. On these charges he was convicted and executed. It was also alleged, that

he was present at the battle of Suwanee; and some writers say he commanded the Exiles on that occasion, and had previously taught them military discipline.

In May, General Jackson issued an Address to his troops, declaring the war at an end; and wrote the Executive, asking permission to retire to his home in Nashville, there being no further use for his services in the field.

The Exiles now returned to their homes. They had full leisure to contemplate their situation. Many of their best men had fallen. Nearly the entire population residing upon the Appalachicola River had been massacred. Their villages at Mickasukie and Suwanee had been burned; and it is probable that nearly one half of their entire population had been sacrificed, in this first war waged by the United States for the murder and recapture of fugitive slaves.

The invasion of Florida by General Jackson was condemned by many public men, and was approved by others with equal ability. Even the then Secretary of State, John Quincy Adams, in his correspondence with Don Onis, the Spanish Minister, defended the invasion with great ability. But in the discussions of this subject, we find no allusion to the massacre at "Blount's Fort;"⁴⁷ that appears to have been regarded as a subject of too delicate a nature for public scrutiny. In the alcoves of our

⁴⁷ Various names have been given this Fort. The author, having heretofore adopted that of "Blount's Fort," prefers to continue that name. It was equally known, however, as the "Negro Fort," and as "Fort Nichols."

National Library, we find many volumes of documents touching this war, embracing some thousands of pages, in which there is the strongest censure expressed against the Seminoles for provoking the war, and condemnation for the barbarous manner in which they conducted it; but we search them in vain to find any condemnation, by American statesmen, of the object for which the war was commenced, or the unprovoked and worse than savage massacre which marked its beginning.

CHAPTER V.

FURTHER EFFORTS OF THE GOVERNMENT TO RESTORE EXILES TO SERVITUDE

Effects of the War – Situation of the Exiles – Servility of Northern Statesmen – Determination of Southern Slaveholders – The purchase of Florida demanded – Causes which led to it – Territory obtained – Authorities of Georgia demand a new Treaty with Creeks – Mr. Calhoun Secretary of War – His efforts in favor of the Claimants – Georgia appoints Commissioners – They attempt to dictate those appointed by the United States – Correspondence – Mr. Calhoun dissatisfied with those whom he had appointed – They resign – New Commissioners appointed – Their relation to the subject – Difficulties – Indian Talks – Treaty effected – Agreement – Assignment of Fugitive Slaves to United States in trust for the Creek Indians – Claims adjudicated – Slaveholders claim the funds belonging to the Creek Indians.

The first Seminole war, like most other wars, was attended with great sacrifice of blood and treasure. It had corrupted the morals of the nation; but the Administration had entirely failed to attain the objects for which it had been commenced. Not

ten slaves had been captured, if we except those who were wounded and taken prisoners at “Blount’s Fort,” one half of whom had died of their wounds. Under such circumstances, the Government could not, with propriety, condescend to make a treaty with a community of black men, whose ancestors had fled from slavery. Such act would, in the opinion of slaveholders, have compromised the dignity of the Slaveholding States; nor could they treat with the Seminole Indians as a separate tribe, for the Administration was endeavoring to hold the Creeks responsible for the acts of the Seminoles, who, the slaveholders insisted, were a part of the Creek tribe. The army was therefore withdrawn from Florida, without any treaty whatever. But the act of withdrawing the army and permitting the Exiles to remain in a state of freedom and independence, constituted an acknowledgment of the inability of our Government to reënslave them, although it was constantly asserted that they were a degraded race, incapable of supporting themselves if set at liberty.

In looking over the official reports of our officers, the action of Congress, and the tone of the public press, we are forcibly impressed with the constant and unceasing efforts to hide from the popular mind of the nation the real questions involved in this war. Nor can we account for it upon any other hypothesis, than the popularity of President Monroe’s Administration. The old Federal party had ceased to exist. They had been the only party opposed to Mr. Monroe; and no member of Congress appears

to have possessed the requisite independence, information and ability, to take a position distinctly against his policy.

Soon as our army was withdrawn from Florida, peace was of course restored, and things remained as they were prior to the invasion under Colonel Clinch, in 1816. The Exiles were again left in peace, as they had been prior to the commencement of the war. Nothing had been gained to the United States by the vast expenditure of blood and treasure which attended the prosecution of hostilities. The Exiles had maintained their liberty for at least a century, and now they had set the American Government at defiance. These considerations operated upon the minds of the slave population of Georgia and Alabama, who now became more anxious to join them; and their numbers were thus increased almost daily by slaves from those States.

From 1790, our Government had endeavored to reënslave these people. No Northern statesmen objected to the policy; while those of the South had come to believe that, although the Union may not have been formed solely for the purpose of capturing slaves, yet that duty was regarded by them as *one* of its most important objects. It had now become evident that no military force could pursue them into their retired fastnesses, or seek them out when scattered among the hommocks, the swamps and everglades of that singular country.

Southern statesmen now turned their attention to the purchase of Florida. That would deprive the Indians and Exiles of the nominal protection of Spanish laws, and would bring them under

the jurisdiction of the United States; they therefore addressed themselves to that policy with renewed assiduity. Recent events had convinced the authorities of Spain that it was impossible for them to maintain the dignity of the Spanish crown, or the sanctity of her soil from invasion against an American army, when in pursuit of fugitive slaves. She had seen her territory invaded; her forts at Pensacola and at St. Marks captured, and that upon the Appalachicola destroyed; her subjects massacred; her authority despised, and her rights as a nation treated with indignity by our army. There was, indeed, no other way for her but to accede to the proposition of the United States.

1819

A treaty was negotiated (February 22), and in consideration of five millions of dollars, Florida was transferred to the United States, and the Seminoles were brought within the jurisdiction which they most dreaded.

The slaveholders of Georgia, who had so long pressed their claims for fugitive slaves, now became more clamorous. They saw, with intense interest, the pertinacity with which the Executive had pressed the claims of those who lost slaves, in the then recent war with England. Under the Treaty of Ghent, the President insisted upon full indemnity to those whose slaves had left the country, under British aid; and when the English ministry refused, and insisted upon the same construction as that placed

upon the treaty of 1783, which contained the same words, the American Executive refused, and the question was referred to the umpirage of the Autocrat of Russia, who held an entire nation in slavery, and could not be expected to decide in any other manner, than that most favorable to the institution.⁴⁸

1820

The influence of the slave power having increased so greatly since 1796, as to induce the British Government to change its policy, adopted at the framing of Jay's Treaty, was now believed competent to compel the Creek Indians to comply with the

⁴⁸ The people of the free States should understand, that almost every question touching slavery which has arisen between our Government and that of England, the latter has yielded, since the formation of Jay's Treaty in 1795. The payment for slaves who were shipwrecked on board the Comet, the Encomium, and the Enterprise, and found freedom by being landed on British soil, constitute rare instances in which slaveholding arrogance has proved successful in the arts of diplomacy. The case of the Creole constitutes another admirable illustration of successful effrontery. In this case, the slaves took possession of the ship, guided it to Nassau, a British Island, went on shore and became free. The officers of the slave ship demanded that the British authorities should seize the negroes, and return them to the ship. They refused. Daniel Webster, Secretary of State, became the voluntary Agent, Attorney and Solicitor, for the slave dealers, who should have been hanged, instead of receiving the encouragement of our Government. But the subject was submitted to the umpirage of a man, said to have once lived in Boston, who, principally upon the authority of Mr. Webster, decided that the people of the British government should pay the slave dealers for these parents and children; and after fifteen years of continued effort, the money was obtained.

treaties of New York and Colerain. A quarter of a century had passed, since the signing of the last of these treaties, and they had been forgotten by many; but the people of the free States, and their Representatives and Senators in Congress, had quietly submitted to this prostitution of our national character and influence, and none appeared to doubt the propriety of continuing these efforts.

1821

Georgia now demanded of the Federal Government a new treaty with the Creek Indians,⁴⁹ in order to obtain from them indemnity for the slaves she had lost, subsequent to the close of the Revolution, and prior to the act of 1802. To this demand the Federal Executive assented. The Secretary of War, Mr. Calhoun, with his attachment to the institution, could do no less than to exert what influence he was able to wield, in assisting Georgia to obtain a compensation for the loss of her slaves. On him devolved the burthen of selecting commissioners to negotiate the contemplated treaty. Careful to place the subject in the hands of men who would be likely to wield their power for the benefit of the “peculiar institution,” he appointed General Andrew Pickens of his own State, and General Thomas Flournoy of Georgia, to conduct the negotiation.

⁴⁹ Vide Letter from the Secretary of War to Messrs. Pickens and Flournoy, August 8, 1820. Am. State Papers, Vol. VI, p. 249.

In his letters of instruction to those gentlemen, he was careful to inform them that the treaty was to be negotiated *for the benefit of Georgia*;⁵⁰ that she would also appoint commissioners to attend the negotiation, and watch over the interests of her people. The commissioners proceeded to make arrangements for the treaty. They appointed the time and place for holding it; employed an agent to furnish the requisite supplies, and made arrangements for the necessary payments. At this point a correspondence arose between them and the commissioners of Georgia, who assumed to dictate the terms on which the treaty was to be founded. The commissioners of the United States, finding those of Georgia inclined to dictate the course of action which they were to pursue, were unwilling to submit to such dictation, and reported the difficulty to the Secretary of War; while the commissioners on the part of Georgia, feeling perfect confidence in the devotion of that officer to the interests of slavery, made their report of the matter to him also.⁵¹

The Secretary returned an answer, reproofing the commissioners whom he had himself appointed, so severely for their refusal to obey the dictation of those appointed by Georgia, that they both immediately resigned their offices, appearing to feel that their own self-respect must be compromised by acting

⁵⁰ Vide Letter of the Secretary of War to Gen. Flournoy, of the 19th of October, 1820. Ibid, 250.

⁵¹ Vide Papers transmitted to Congress, in connection with the Treaty of "Indian Spring." Am. State Papers, "Indian Affairs," Vol. I, No. 174.

under the instruction of the State Commissioners.⁵²

Apparently determined to appoint no man who should again prove refractory, the Executive – probably at the instance of the Secretary of War – next selected as commissioner, in the place of Mr. Flournoy, David Meriwether, who had, up to the time of receiving the appointment, acted as commissioner on the part of Georgia. At the request of the Secretary of War, he resigned his office of commissioner on behalf of the State, and accepted the appointment from the Federal Government. Hon. D. M. Forney, of North Carolina, was selected as the other commissioner, in place of Mr. Pickens. These commissioners were expressly instructed to assist the State of Georgia in obtaining the objects for which she was striving.⁵³

These preliminary arrangements could not fail to foreshadow the character of the treaty negotiated under such auspices. Anticipating no other motive for the treaty than the settlement of the boundary between the State of Georgia and the Creeks, the chiefs, head-men and principal warriors of the tribe assembled at the time and place appointed. After the ordinary formalities on such occasions, the commissioners on the part of the United States opened the business by simply stating, that the people of Georgia complained to the President that the Creeks had not returned the property (negroes, cattle and horses), which they were under obligations to return to their owners in Georgia, by

⁵² Ibid.

⁵³ Ibid. Letter of Instructions contained in the papers referred to on preceding page.

the treaties of New York and Colerain.

The commissioners on the part of Georgia now delivered their talk, saying, that by the treaty of Augusta (1783), of Galphinton (1785), and of Shoulderbone (1786), the Creeks had agreed to return to their owners, negroes who had left their masters, and other property; that these treaties were all made before the formation of the government of the United States under their present Constitution; but they were ratified by the treaty of New York (1790), and of Colerain (1796), made with the United States, and Georgia now demanded compensation for the loss of her negroes and other property.

On the following day, General McIntosh, principal chief of the Creeks, replied, that he came to meet the commissioners of the United States, and had no expectation of meeting those of Georgia; nor had he or his friends any idea that such claims were to be presented. That the chief, McGillivray, when he returned, after the treaty of New York, informed them that they were to deliver up such negroes as were *then in the nation*; that they were to pay for none who had removed or died; that they all so understood that treaty, and that nothing was then said about any other claims than for *negroes*; that the *prisoners*, both black and white, were delivered up under the treaty of New York; that the claims now presented were also presented at the treaty of Colerain, in 1796, but the Creeks then absolutely refused to acknowledge any further obligation than that contained in the treaty of New York, and by that they were under obligation

to surrender no property except persons held as prisoners, and negroes then in the nation. That many of these negroes were carried away by the British, during the war of 1812; that others were in the fort at Appalachicola, when he and his warriors went with Colonel Clinch and blew it up, and killed nearly all who were in it; and the others were with the *Seminoles*, and not with the Creeks.

To this answer the commissioners of Georgia replied, that by the treaties of Augusta, and Galphinton, and Shoulderbone, the Creeks were bound to deliver all negroes who had left their masters in Georgia; that, if they had done so, the British would not have carried them off, nor would they have been killed in the fort; that the *Seminoles were a part of the Creek nation*, who were responsible, not only for the slaves and their increase, but also for the loss of the labor which they would have performed had they remained in bondage.

Of the means used to obtain the treaty, we have no other information than appears of record. Those acquainted with the usual modes of negotiating Indian treaties, by the use of intoxicating liquors, by bribery, and those appliances generally used on such occasions, will not wonder at the stipulations contained in the Treaty of "Indian Spring."

By the first article, the Creeks ceded to the United States, for the benefit of Georgia, about five million acres of their most valuable territory. The second article provided for the reservation of certain lands, to be retained by those who were then living

upon them. The third reserved certain lands for the use of the United States agency; and the fourth is in the following words:

“It is hereby stipulated and agreed, on the part of the United States, as a consideration for the land ceded by the Creek nation, by the first article, that there shall be paid to the Creek nation, by the United States, ten thousand dollars in hand, the receipt whereof is hereby acknowledged, forty thousand dollars as soon as practicable after the ratification of this convention, five thousand dollars annually for two years thereafter, sixteen thousand dollars annually for five years thereafter, and ten thousand dollars annually for six years thereafter; making in the whole fourteen payments, in fourteen successive years, without interest, in money or goods, and implements of husbandry, at the option of the Creek Nation, seasonably signified, from time to time, through the agent of the United States residing with said nation, to the Department of War. And as a further consideration for said cession, the United States do hereby agree to pay to the State of Georgia, whatever balance may be found due by the Creek Nation to the citizens of said State, whenever the same shall be ascertained, in conformity with the reference made by the commissioners of Georgia and the chiefs, headmen and warriors of the Creek Nation, to be paid in five annual installments, without interest, provided the same shall not exceed the sum of two hundred and fifty thousand dollars; the commissioners of Georgia executing to the Creek Nation a full and final relinquishment of all the claims of the citizens

of Georgia against the Creek Nation, for property taken or destroyed prior to the act of Congress, of one thousand eight hundred and two, regulating the intercourse with the Indian tribes.”

The fifth article merely provides for running the boundaries of the several reservations. It was duly signed and witnessed, and bears date on the eighth of January, 1821.

Deeming the treaty not sufficiently explicit in its terms, the commissioners on the part of Georgia, entered into a further agreement with the Indians, which reads as follows:

“Whereas at a conference, opened and held at the Indian Spring, in the Creek Nation, the citizens of Georgia, by the aforesaid commissioners, have represented that they have claims to a large amount against the said Creek Nation of Indians: Now, in order to adjust and bring the same to a speedy and final settlement, it is hereby agreed by the aforesaid commissioners, and the chiefs, head-men and warriors of the said Nation, that all the talks had upon the subject of these claims, at this place, together with all claims on either side, of whatever nature or kind, prior to the act of Congress of one thousand eight hundred and two, regulating the intercourse with the Indian tribes, with the documents in support of them, shall be referred to the decision of the President of the United States, by him to be decided upon, adjusted, liquidated and settled, in such manner and under such rules, regulations and restrictions as he shall prescribe: Provided, however, if it should meet the views of the President of the

United States, it is the wish of the contracting parties, that the liquidation and settlement of the aforesaid claims shall be made in the State of Georgia, at such place as he may deem most convenient for the parties interested; and the decision and award thus made and rendered, shall be binding and obligatory upon the contracting parties.”

There was also an assignment of the title, or right of property claimed, executed to the United States by the Commissioners of Georgia, which is in the following language:

“Whereas a treaty, or convention, has this day been made and entered into, by and between the United States and the Creek Nation, by the provisions of which the United States have agreed to pay, and the commissioners of the State of Georgia have agreed to accept, for and on behalf of the citizens of the State of Georgia having claims against the Creek Nation, prior to the year one thousand eight hundred and two, the sum of two hundred and fifty thousand dollars:

“Now know all men by these presents, that we, the undersigned, commissioners of the State of Georgia, for and in consideration of the aforesaid sum of two hundred and fifty thousand dollars, secured by the said treaty, or convention, to be paid to the State of Georgia, for the discharge of all bona fide and liquidated claims which the citizens of the said State may establish against the Creek Nation, do, by these presents, release, exonerate and discharge the said Creek Nation from all and every claim and claims, of whatever description, nature or

kind the same may be, which the citizens of Georgia now have, or may have had, prior to the year one thousand eight hundred and two, against the said Nation. And we do hereby *assign, transfer and set over unto the United States, for the use and benefit of the said Creek Nation*, for the consideration hereinbefore expressed, all the right, title and interest of the citizens of the said State to all claims, debts, damages, and property of every description and denomination, which the citizens of the said State have or had, prior to the year one thousand eight hundred and two, as aforesaid, against the said Creek Nation.”

It were useless for the historian to criticise the language of these several instruments. The “claims” mentioned in them, and referred to the President, were mostly for slaves who left their masters during the Revolution, and prior to 1802; at least such was the construction given to the treaty, the agreement and assignment by the parties; and we cannot, at this day, assert that they did not understand their own compacts.

The Creeks were to receive two hundred thousand dollars in cash; and the United States agreed to pay to Georgia her claims, provided they did not exceed *two hundred and fifty thousand dollars*. The amount due to Georgia was to be ascertained by the President, and paid by the United States. The third, and a very important point was the *assignment* to the United States, for the benefit of the Creek Indians, of the interest vested in the claimants to the *property and persons* claimed – the *United States to hold such interest in trust* for the Creek Indians.

By this arrangement, our Government became owners of the Exiles referred to, *in trust for the benefit of the Creeks*, according to the construction which the Indians, the authorities of the United States and those of Georgia, placed upon the assignment, the agreement and treaty. This important point, if borne in mind, will aid the reader in understanding the subsequent action of the Federal authorities in relation to this subject.

1822

In pursuance of this treaty, the President promptly appointed a commissioner to ascertain the amounts due the several claimants. But great difficulties had to be encountered. The claims commenced in 1775 and extended down to 1802, and it was extremely difficult to obtain evidence of facts which transpired so long prior to the examination. Sufficient proof was produced, however, to satisfy the commissioner that ninety-two slaves had, within the periods mentioned, left their masters, in Georgia, and fled to the Indians; and the estimated value of slaves and other property lost to the owners in this manner, amounted to one hundred and nine thousand dollars.⁵⁴

⁵⁴ Vide Report of Commissioner on this subject; also, the Report of Wm. Wirt, Attorney General of the United States, to whom the President referred the subject. "Opinions of the Attorney General," 1822. Mr. Wirt states the price paid for those slaves was from two to three times their real value.

This amount of money was duly appropriated by Congress. So far as we are informed, no member of the House of Representatives, or of the Senate, appears to have entertained doubts as to the propriety of this governmental slave-dealing. The whole negotiation and arrangement had been conducted and managed by Southern men, and Northern statesmen quietly submitted. Thus, after a struggle of thirty-eight years, the Slaveholders of Georgia, by the aid of our Federal Government, obtained compensation for the loss of their fugitive bondmen.

After the distribution of the amount found due to the claimants, there yet remained in the hands of the President one hundred and forty-one thousand dollars, being the remainder of the two hundred and fifty thousand appropriated by the treaty to secure the payment of these claims. This money apparently belonged to the Indians. The claimants for slaves could not have any title to it, for they had expressly stipulated, that the award of the commissioner should be *conclusive* upon the parties. The claimants, by that award, received full compensation for their loss; yet they next demanded of the President the hundred and forty-one thousand dollars which remained in his hands. Notwithstanding the commissioners on the part of Georgia expressly agreed to abide by the award, and had assigned all interest in the property and *in the persons* residing with the

Indians, to the United States, and had received their money in full, under the treaty; yet they desired to get the remainder, which was considerably larger than the amount awarded them by the commissioner.

CHAPTER VI.

FURTHER EFFORTS TO ENSLAVE THE EXILES

Indians and Exiles on the Appalachicola River – Other Exiles at Withlaeoochee, St. John’s, Cyprus Swamp, Waboo Swamp – Indians in various parts of Territory – Difficulty of the subject – President’s Message – Committee of Congress – Interrogations – Mr. Penieres’ Answer – General Jackson’s Answer – He relies on Force – United States recognize the Florida Indians as an Independent Band – Willing to treat with them – Difficulties – Instructions to Commissioners – Treaty of Camp Moultrie – Reservations – Covenants on part of United States – Covenants on part of the Seminoles – Congress makes no objection – Effect of Treaty – Its Objects – Election of the younger Adams – His Policy – Indian Agent, Colonel Humphreys – William P. Duval’s Instructions – Claimants complain of the Agent – Commissioner of Indian Affairs reproves him – His Letter – Reply – Difficulty of Agent – Dangers which threaten the Exiles – Colored Man seized and enslaved – Indians Protest – Colonel Brooke’s Advice – United States Judge expresses his Opinion – Effect on Exiles – Mrs. Cook’s Slave – Demand for Negroes – Suggestions of Agent – Practice of Government – Treaty of Payne’s Landing – Its Stipulations – Abram – His Character – Chiefs become Suspicious –

Delegations sent West – Executive Designs – Supplemental Treaty – Major Phagan – Petition of the People of Florida – Indorsement thereon – Treaties approved by Senate – Creeks remonstrate – Payment of \$141,000 to Slave Claimants – Supineness of Northern Statesmen – Creeks demand Exiles or Slaves – Georgians kidnap Exiles – Their Danger – They dissuade from Emigration – Their Warriors – Wiley Thompson’s Statement – General Clinch’s Interest – Colonel Eaton’s Views – General Cass’s Reply – His Address to Indians – He authorizes Slave trade – Effects of such License – Agent and others Remonstrate – He replies – Agent rejoins – Exiles prepare for War.

After the close of the war of 1818, many of the Seminole Indians took possession of the deserted plantations and villages along the Appalachicola River, whose owners had fallen in the massacre of Blount’s Fort, in 1816; and some of the Exiles united in reoccupying the lands which had been reduced to cultivation by their murdered brethren. Some six or eight small bands of Indians thus became resident along that river. The fertile bottom lands, near that stream, constituted the most valuable portion of Florida, so far as agriculture was concerned. These towns afforded convenient resting places for fugitive slaves, while fleeing from their masters in Georgia, Alabama, Tennessee and Louisiana, to the interior portions of Florida.

The United States, nor the slaveholders of the States named, could with any propriety whatever hold the Creek Indians responsible for the many refugees, who were now almost daily

increasing the number of fugitives located far in the interior of Florida; and the difficulties attending the holding of slaves increased in exact proportion as the slaveholding settlements extended towards these locations; while the greater portion of the Exiles were taking up their residence farther in the interior of the territory, upon the Withlacoochee, the St. John's, the Big Cypress Swamp, the Islands in the Great Wahoo Swamp, and places far retired from civilization. The Seminole Indians were scattered extensively over different portions of the country; and although the United States now owned the unoccupied lands, it was difficult to determine upon any course of policy by which the difficulties, so long existing, could be terminated.

1822

The subject was alluded to by the President in his Annual Message to Congress (Dec. 3), and a select committee was appointed to take that portion of it into consideration. The committee propounded interrogatories to various officers of government, who were supposed capable of giving useful information in regard to the subject.⁵⁵

In answer to these interrogatories, Mr. Penieres, Sub-Agent for the Florida Indians, replied, stating the number of Indians at more than five thousand, while the number of slaves which

⁵⁵ Vide Reports of Committee XVIIth Congress, 2d Session, No. 125.

they held were estimated at only forty. These he declared to be far more intelligent than the slaves resident among the white people, and possessing great influence over their Indian masters. He alluded to the Exiles in the following language: "It will be difficult (says he) to form a prudent determination with respect to the 'maroon negroes,' (Exiles), who live among the Indians, on the other side of the little mountain of Latchiouc. They fear being again made slaves, under the American Government, and will omit nothing to increase or keep alive mistrust among the Indians, whom they, in fact, govern. If it should become necessary to use force with them, it is to be feared that the Indians will take their part. It will, however, be necessary to remove from the Floridas this group of freebooters, among whom runaway negroes will always find a refuge. It will, perhaps, be possible to have them received at St. Domingo, or to furnish them means of withdrawing from the United States!"

This gentleman appears to have had more knowledge of the Exiles, than was possessed by the officers of the United States, generally, who supposed that each negro must have a legitimate master. He appears, also, to have had sufficient humanity to suggest the plan of their *removal*, rather than their enslavement.

In answer to the interrogatories of this committee, General Jackson proposed to compel the Seminoles to *reunite with the Creeks*, by leaving Florida and returning to the Creek country; and closed his recommendation by saying, "this must be done, or the frontier will be much weakened by the Indian settlements,

and be a perpetual harbor for our slaves. These *runaway slaves*, spoken of by Mr. Penieres, MUST BE REMOVED from the Floridas, or scenes of murder and confusion will exist.”⁵⁶

This suggestion of General Jackson for the removal of the Seminoles, both Indians and negroes, bears date September second, 1822, and is the first suggestion, of that precise character, of which we have knowledge. General Jackson was a warrior, and had more faith in the bayonet than in moral truths. He trusted much to physical power, but had little confidence in kindness, or in justice or moral suasion. He was an officer of great popularity, however, and it is not unlikely that his views had greater weight with those who followed him in official life, than their intrinsic merits entitled them to. It is certain that his policy of removing the Indians and Exiles from Florida, was subsequently adopted by him while President, and has continued to be the cherished object with most of his successors in that office.

The controversy between the State of Georgia and the Creeks had been settled at Indian Springs. In the treaty entered into at that place, the United States had held the Creek Nation responsible for the action of the Seminoles, under the plea that they were a part of the Creek Nation. Having obtained two hundred and fifty thousand dollars from the Creeks in this way,

⁵⁶ Vide Am. State Papers, Vol. VI, pages 411, 412. It will be observed that General Jackson discarded the term “*maroon*,” used by Penieres, as that in Jamaica, signifies “*free negroes* of the mountains,” who once fled from service, but have maintained their liberty so long that they cannot be identified, and are therefore admitted to be free.

to satisfy the slave claimants of Georgia, the Executive now suddenly became satisfied that the Seminoles were a distinct and independent tribe, and he prepared to treat with them as such. Commissioners were appointed for that purpose, and efforts made to collect their chiefs, warriors and principal men, in order to carry out this object.

1828

Suspicious of the objects which prompted this proposal, the Indians were unwilling to meet the commissioners. Runners were sent to the different bands, and eventually some thirty or forty were collected. These were declared by the commissioners to represent a majority of the Seminole tribe, and (Sept. 18) they proceeded to form the treaty of "Camp Moultrie." The letter of instructions, from the Secretary of War, was specific on one point only. The commissioners were directed to so arrange the treaty, as to constrain the Indians to settle within the territory south of Tampa Bay, excluded from the coast on all sides by a strip of country at least fifteen miles in width. This would have taken from them their most fertile lands on the Suwanee River, the Appalachicola River, and in the vicinity of the Mickasukie Lake. Some six chiefs, who had taken possession of the plantations which had been opened and cultivated by the Exiles murdered at "Blount's Fort," refused to sign the treaty. They were, however, prevailed upon to agree to the treaty, when

it had been so modified as to give them each a reservation of fertile lands, to meet their own necessities.

By agreeing to these stipulations, the commissioners obtained their signatures to the treaty – the United States guaranteeing to the Indians peaceable possession of the country and reservations assigned them. They also covenanted to “*take the Florida Indians under their care and patronage, and AFFORD THEM PROTECTION AGAINST ALL PERSONS WHATSOEVER,*” and to “*restrain and prevent all white persons from hunting, settling, or otherwise intruding, upon said lands.*” They also agreed to pay the Indians six thousand dollars in cattle and hogs, furnish them with provisions to support them one year, and pay them five thousand dollars annually for twenty years. But one great object of the treaty was embraced in the seventh Article, which was expressed in the following language:

“The chiefs and warriors aforesaid, for themselves and tribes, stipulate to be active and vigilant in preventing the retreating to, or passing through, the district, or country assigned them, of any absconding slave, or fugitives from justice; and they further agree *to use all necessary exertions to apprehend and deliver the same to the agent, who shall receive orders to compensate them agreeably to the trouble and expense incurred.*”

It is worthy of note, that the commissioners, acting under instructions of the Secretary of War, now assured the Seminoles that they had been a separate and independent tribe more than a century; while other commissioners, acting under instructions

from the same Secretary, only twenty months previously, insisted that the Seminoles were, at that time, a part of the Creek tribe; and on that assumed fact, the Creeks were held responsible for the value of such slaves as left their masters during the Revolution and prior to 1802, and took up their residence with the Seminoles. But these contradictory positions appeared to be necessary to sustain the slave interest.

It may be remarked that from the signing of this treaty, there was no longer any controversy between our Government and the Creeks in relation to fugitive slaves. That quarrel was transferred to the Seminoles; and now, after thirty-four years have passed away, and many millions of treasure have been expended, and thousands of human lives sacrificed, at the moment of writing these incidents, our army is actively employed in carrying on the contest which arose, and for more than the third of a century has been almost constantly maintained, for the recapture and return of these people; and although our members of Congress from the free States had witnessed the long and expensive contest, and the vast sacrifice of blood and treasure, which had been squandered in efforts to regain possession of the Exiles; yet we do not find any objection to have been raised or protest uttered against this new treaty, in either branch of our National Legislature. Indeed, so far as we have information on the subject, the appropriations for carrying it into effect were cheerfully made, without objection.

This compact drew still more closely the meshes of the federal

power around the Exiles. The United States now held what is called in slaveholding parlance the "legal title" to their bones and sinews, their blood and muscle, while the Creek Indians were vested with the entire beneficial interest in them. But neither the United States nor the Creek Indians had been able to reduce them to possession. The white settlements were, however, gradually extending, and the territory of the Seminoles was diminishing in proportion; and it was easy to foresee the difficulties with which they were soon to be surrounded.

By the treaty, many of their cultivated fields, and most of the villages, which they had recently defended with so much bravery, were given up to the whites, and those who had so long occupied them, were compelled to retire still further into the interior, and commence new improvements. A few Exiles remained with the chiefs who held reservations upon the Appalachicola. Those who remained, however, were persons who had become connected by marriage with the Indians belonging to those small bands, from whom they were unwilling to separate.

To this treaty some writers have traced the causes which produced the recent "Florida War." They attribute to its stipulations that vast sacrifice of treasure, and of national reputation, which has rendered that territory distinguished in history. With that war, our present history is connected only so far as the Exiles were concerned in its prosecution; but it would appear difficult for any historian to overlook the important fact that obtaining possession of fugitive slaves constituted the

moving consideration for this treaty, and the primary cause of both the first and second Seminole wars.

1824

Most of this year was occupied in removing the Indians to their new territory. They also suffered severely for the want of food, and the attention of both Indians and officers of Government appears to have been occupied with these subjects.

1825

In the autumn, Mr. Adams was elected President. But his policy was in part unfavorable to the Exiles. Removals from office under his administration were limited. If an officer were removed, it was not until after it had been ascertained that just cause existed for the removal. This policy continued nearly every man in office who had been connected with the Indian Department under the former Administration. Colonel Gad Humphreys had been appointed Agent for the Seminoles as early as 1822. He was a resident of Florida, and a slaveholder, deeply interested in maintaining the institution; but so far as his official acts have come before the public, he appears to have performed his duty with a good degree of humanity. Indeed, such were his efforts in behalf of justice to the oppressed, that he became

obnoxious to Southern men, and was eventually removed from office on that account. William P. Duval was also continued in the office of Governor, and ex-officio Superintendent of Indian Affairs for the Territory of Florida. He was also a slaveholder, and resident of the territory; but even Southern men found little cause to complain of his devotion to liberty or justice. He, and many other officers, appear to have supposed the first important duty imposed on them, consisted in lending an efficient support to those claims for slaves which were constantly pressed upon them by unprincipled white men.

Early as the twenty-fifth of January, Governor Duval, acting Superintendent of Indian Affairs for the Territory, wrote Colonel Humphreys, giving him general directions in regard to the course which he should pursue in all cases where fugitive slaves were claimed. "On the subject (said he) of runaway slaves among the Indians, within the control of your agency, it will be proper in all cases, where *you believe* the owners can identify the slaves, to have them taken, and delivered over to the Marshal of East Florida, at St. Augustine, so that the Federal Judge may inquire into the claim of the party, and determine the right of property. But in all cases where the same slave is claimed by a white person and an Indian, *if you believe* the Indian has an equitable claim to the slave, you are directed not to surrender the slave, except by the order of the Hon. Joseph L. Smith, Federal Judge residing at St. Augustine; and in that case, you will attend before him, and defend the right of the Indian, *if you believe* he has right on his

side.”

In all these cases, the slave or colored man, whether bond or free, was to be treated in the same manner as a brute. He was permitted to say nothing upon the subject of his own right to liberty. His voice was silenced amidst the despotism with which he was surrounded. No law was consulted. The *belief* of a slaveholding Agent decided the fate of the person claimed. Those who claimed to own their fellow men, would always find persons to testify to their claims, and it was in vain for an Indian to attempt litigation with a slaveholding white man before a slaveholding Judge.⁵⁷

The Exiles were not the property of the Indians in any sense. The Indians did not claim to own them. Under the rule prescribed, if a white man could get one of the Exiles within his power, he could at any time prove some circumstance that would entitle him to claim *some* negro; when he proved this, the law of Florida presumed every colored man to be a slave, unless he could prove his freedom. This, no Exile could do; and, when seized, they were uniformly consigned to bondage. The only safety for the Exile was, to entirely avoid the whites, who were not permitted to enter the territory except upon the written permit of some officer.

The slave-catchers, therefore, had recourse to the practice of

⁵⁷ It is an interesting fact, that the doctrine recently avowed by the Supreme Court of the United States, that “*black men have no rights which white men are bound to respect,*” was recognized and practiced upon in Florida, more than thirty years since, by the officers of Government.

describing certain black persons, in the Indian country, as their slaves, and demanding that the Agent should have them seized and delivered to him. But the Agent, knowing these claims to be merely fictitious in some instances, paid no attention to them. The claimants, intent on obtaining wealth by catching negroes, and selling them as slaves, complained of the Agent to the Commissioner of Indian Affairs, who, on the eighth of February (1827), wrote the Agent, reproving him for his remissness in failing to capture and return fugitive slaves, saying: "Frequent complaints have been made to the Department, respecting slaves claimed by the citizens of Florida, which are in possession of the Indians; all which have been acted on here, in issuing such orders to you as it was expected would be promptly obeyed; * * * and that these proceedings would be followed by the proper reports to the Department. *Nothing satisfactory has been received.*"

1826

Thus the Indian Bureau, at Washington, took upon itself the responsibility of deciding particular cases, upon the *ex parte* testimony which the claimants presented; and the commissioner concluded his letter by a peremptory order to Colonel Humphreys, directing him to capture and deliver over two slaves, said to be the property of a Mrs. Cook.

To this order the Agent replied in the language of dignified rebuke. After stating that one of the slaves had been captured by

the Indians, and given up, he says: “but they will not, I apprehend, consent further to risk their lives in a service which has always been a thankless one, and has recently proved so to one of their most respected chiefs, who was killed in an attempt to arrest a runaway slave.”⁵⁸

The love of liberty is universal. We honor the individual who gives high evidence of his attachment to this fundamental right, with which God has endowed all men, and we applaud him who manfully defends his liberty, whether it be a Washington with honors clustering upon his brow, or the more humble individual who defends his liberty in Florida, by slaying the man who attempts to deprive him of it. But these views were not recognized by the agents of our Government.

1827

While the Department at Washington supposed the Agent to have neglected his duty, the Superintendent of Indian Affairs for the territory supposed the Agent had been quite too faithful to the slaveholders. On the twentieth of March he wrote Colonel Humphreys, saying, “*Many slaves belonging to the Indians ARE NOW IN POSSESSION OF THE WHITE PEOPLE.* These slaves cannot be obtained for their Indian owners without a lawsuit;” and he then directed the Agent to submit the claim, in

⁵⁸ Vide Executive Documents, No. 271, 2d Session XXVth Congress.

all cases where there was an Indian claimant, to the chiefs for decision.

In these contests between barbarians and savages, concerning the rights which they claimed to the bodies of their fellow men, the Exiles had no voice. They well understood that the rapacity of the slave claimants was unbounded and inexorable; they therefore endeavored to avoid all contact with the whites, and to preserve their freedom by affording the piratical slave-catchers no opportunity to lay hands on them.

These demands for negroes alleged to be among the Indians, continued to excite the people of Florida and to perplex the officers of Government, threatening the most serious results,⁵⁹ and continually enhancing the dangers of the Exiles.

1828

The troops at Fort King were called on to aid in the arrest of fugitive slaves; but their efforts merely excited the ridicule and contempt of both Indians and negroes. These circumstances becoming known to the slaves of Florida, naturally excited them to discontent; and while their masters were engaged in efforts to arrest negroes to whom they had no claim, their own servants in whom they had reposed every confidence, suddenly disappeared and became lost among the Exiles of

⁵⁹ Captain Sprague, of the United States Army, so states, in his History of the War.

the interior. The white people became irritated under these vexations. Their indignation against the Indians was unbounded. The Agent, Colonel Humphreys, gave a vivid description of their barbarity, in a letter to the Commissioner of Indian Affairs.⁶⁰ But remonstrances with the Indian Department appeared to have no effect. Peremptory orders for the arrest and delivery of slaves continued to reach the Agent. These orders he *could not carry into effect*, as he could command no force adequate to the arrest of the fugitives. Governor Duval began to regard the Agent as remiss in his efforts, and so reported him to the War Department. Some of the most wealthy Seminoles had purchased slaves of the white people, and for many years, perhaps we may say for generations, had been slaveholders. They held their slaves in a state between that of servitude and freedom; the slave usually living with his own family and occupying his time as he pleased, paying his master annually a small stipend in corn and other vegetables. This class of slaves regarded servitude among the whites with the greatest degree of horror.

The owners of fugitive slaves, or men who pretended to have lost slaves, when able, would seize and hold those belonging to the Indians. The Indians being ignorant of legal proceedings, were unable to obtain compensation from those who thus robbed them of what the slaveholders termed *property*. This practice became so common that, on the seventeenth of April, many of the chiefs and warriors assembled at the Agency, and made

⁶⁰ Vide Letter of the Agent, dated sixth of March, 1827.

their protest to the Agent, declaring that “many of their negroes, horses, cattle, etc., were in the hands of the white people, for which they were unable to obtain compensation.” Contrary to the treaty of Camp Moultrie, white men were at that time in the Indian country searching for slaves, and the chiefs demanded of the Agent the reason why the white people thus violated the treaty to rob the Indians? The Agent could only reply, that the white men were there by permission given them by the *Secretary of War*.⁶¹

So flagrant were these outrages upon the Indians and negroes, that Colonel Brooke, of the United States Army, at that time commanding in Florida, took upon himself the responsibility of addressing the Agent, advising him not to deliver negroes to the white men, unless their “*claims were made clear and satisfactory*.”⁶² The District Judge of the United States for the Territory, also wrote Colonel Humphreys, giving his construction of the rules adopted by the Indian Bureau. He thought, in no case, should a negro be delivered up, where the Indians claimed him, until proofs had been made and title established before judicial authority.⁶³

No law was looked to as the rule by which officers of

⁶¹ Vide Minutes of Talk held at Seminole Agency, with Treskal, Mathla, and other Chiefs. Ex. Doc. 271, 1st Sess. XXIVth Congress.

⁶² Vide Letter of Col. Brooke to Col. Humphreys, 6 May, 1828, contained in the above cited Document.

⁶³ Vide Letter of Judge Smith, May 10, 1828, contained in same Document.

Government were to be controlled in their official duties. The opinion, the judgment, of the individual constituted his rule of action. During the nineteenth century, perhaps no despotism has existed among civilized nations more unlimited, or more unscrupulous, than that exercised in Florida, from 1823 to 1843.

This state of affairs determined the Exiles *not to be arrested by white men*. Thus, when Governor Duval ordered a compensation for a slave claimed by Mrs. Cook, to be retained from their annuities, the chiefs held a talk with the Agent, and assured him that the “*man was born among the Seminoles, and had never been out of the nation.*”⁶⁴

These demands for negroes increased in number; and the whites became more and more rapacious, and the Indians more and more indignant, until hostilities appeared inevitable. The Agent, from long association with the Indians and his knowledge of facts, naturally sympathised with them. He assembled a number of the chiefs at the Agency, and suggested to them the absolute necessity of submitting to the white people; and for the purpose of avoiding further difficulties, advised them to emigrate west of the Mississippi, or, rather, to send a delegation to examine the country; and, as an inducement, offered to accompany their chiefs and warriors on such a tour. To this proposition a few of them consented, and the Agent notified the Department of the fact.⁶⁵

⁶⁴ Vide Statement of John Hick, 15 August, 1828. Ex. Doc. 271, before quoted.

⁶⁵ Vide Letter of Gad Humphreys, Oct. 20, 1828. It probably was the first time the

It was easy to see that, under the existing state of affairs, hostilities could not long be avoided. Up to the period of which we are speaking, the action of our Government had been dictated by those who sought to uphold and encourage Slavery; nor could it be expected that this long-established policy would be suddenly changed, unless such change were peremptorily demanded by the people.

There was apparently but one course to be pursued under this policy – that was the removal of the Indians from Florida. This plan had been recommended by General Jackson ten years previously, and he now being President, had an opportunity of carrying out his proposed policy. To effect this purpose, it would be necessary to negotiate a treaty by which the Indians should consent to abandon Florida and remove west of the Mississippi.

It had long been the policy of those who administered the Government, to select Southern men to act in all offices in which the institution of slavery was likely to be called in question. From the time General Washington sent Colonel Willett to ascertain facts in regard to the controversy between the State of Georgia and the Creek Indians, in 1789, to the period of which we are now speaking, no Northern man was appointed to any office which required his personal attention to the situation of the Exiles.⁶⁶

proposition was submitted to the Seminoles.

⁶⁶ Even Mr. Adams, when President, continued in office those men who had been placed there by his predecessors.

In accordance with this practice, General Cass, acting as Secretary of War, appointed Colonel James Gadsden, of South Carolina, to negotiate the treaty of Payne's Landing. By the preamble of this treaty, the Seminoles stipulated that eight of their principal chiefs should visit the Western country, "*accompanied by their faithful interpreter, Abraham,*" (an Exile, and a man of great repute among both Exiles and Indians,) and should they be satisfied with the character of the country, and of the favorable disposition of the Creeks to reunite with the Seminoles as one people, they would, in such case, agree to the stipulations subsequently contained in said treaty.

The first article merely makes an exchange, by the Seminoles, of lands in Florida for an equal extent of territory, west of the Mississippi, adjoining the Creek Nation.

The second article provides compensation for the improvements, and specifically stipulates, that Abraham and Cudjoe (two Exiles who acted as interpreters) should receive, each, two hundred dollars.

The third provides for the distribution of blankets and frocks among them.

The fourth article provides for certain annuities, etc.

The fifth merely stipulates the manner in which the personal property of the Seminoles shall be disposed of in Florida, and

the same articles supplied them in their new homes at the West.

The sixth is in the following language: "The Seminoles, being anxious to be relieved from the repeated vexatious demands for slaves and other property, alleged to have been stolen and destroyed by them, so that they may remove to their new homes unembarrassed, the United States stipulate to have the same properly investigated, and to liquidate such as may be satisfactorily established, provided the amount does not exceed fourteen thousand dollars."

The seventh article stipulates that a portion of the Indians should remove in 1833, and the remainder in 1834.

Two leading features of this treaty attract the attention of the reader. The first is the removal of the Seminoles; second, their *reunion with the Creeks*. The Creeks, having paid the slaveholders of Georgia for their loss of Exiles, had permitted the subject to rest in silence, and, so far as we are informed, no formal claim had yet been asserted by the Creeks to seize and hold the Exiles as slaves; but it is evident that the negotiators of this treaty intended to place the Seminoles, when settled in their western homes, within the power, and under the jurisdiction, of the Creeks. Yet it was well known that, from the time of their separation, in 1750, up to the signing of this treaty, they had disagreed and, at times, had been in open war with each other. General Cass, the Secretary of War, as well as the President, must have known that McIntosh, the principal chief of the Creeks, had accompanied Colonel Clinch, with

five hundred warriors, when he invaded Florida for the purpose of massacring the Exiles at "Blount's Fort," in 1816; that the Creeks shared in that massacre, and had publicly tortured and murdered one Indian and one negro, whom they styled chiefs. It is difficult to believe that any man could expect them to live together in peace, with the recollection of those scenes resting on the mind; nor has any explanation yet been given, nor reason assigned, for the anxiety of our officers to place the Seminoles within the power of the Creeks, except a desire to enslave the Exiles.

Abraham, who acted as interpreter, had been born among the Seminoles. His parents had fled from Georgia, and died in their forest-home. He appears to have been a man of unusual influence with his more savage friends; and although he insisted on emigrating to the West, in opposition to many of his brethren, yet he has to this day maintained a high reputation among his people. Cudjoe was less known, and, subsequently, was less conspicuous than Abraham; indeed, we know but little of him. But the experience of Abraham, nor the learning of Cudjoe, could detect that vague use of language which was subsequently seized upon for justifying the fraud perpetrated under this treaty.

In the preamble, it was stipulated that the Seminoles were to send six of their confidential chiefs to view the western country; and if *they* were satisfied with the country, etc. The Seminoles supposed the pronoun *they* had relation to the Tribe; while General Jackson construed it to refer to the chiefs sent West. If

they were satisfied, he held the Tribe bound to emigrate at all events; and his efforts were, therefore, directed to satisfying the chiefs who went to view the country.

But the leading men of the Seminoles became suspicious of the design of the Creeks to enslave the Exiles, before their delegation left Florida, and publicly expressed their suspicion.⁶⁷

The President appears to have determined on securing the emigration of the Indians at all hazards and at any sacrifice. For that purpose he appointed commissioners to go west and obtain from the Seminole delegation, while yet in the western country, and absent from the tribe, an acknowledgment that the country was suitable for a residence, and that the Creeks were anxious to unite with them as one people. This was to be obtained before the Seminole delegation should return to Florida, or make report to their nation, or give the Tribe an opportunity to judge or act upon the subject.

1833

His object was accomplished (March 28). The commissioners obtained an "*additional treaty*," signed by the Seminole delegation sent West, without any authority from their Nation to enter into any stipulation; nor had the commissioners, on the part of the United States, authority to form any treaty whatever: yet

⁶⁷ Vide Sprague's History of the Florida War.

this additional treaty, as it was called, after reciting some of the stipulations contained in that of Payne's Landing, declares "that the chiefs sent to examine the country are well satisfied with it;" and then stipulates, "that the Seminole Indians shall emigrate to it so soon as the United States shall make the necessary preparations." There was also another provision in this additional treaty of vast importance to the Exiles; it designated and assigned to the Seminoles a certain tract of country, giving its metes and bounds, to the "*separate* use of the Seminoles forever."

Their agent, Major Phagan, appears to have been willing and capable of performing his part in this diplomatic intrigue. We have no knowledge of the means used to obtain this additional treaty, nor the bribery by which it was secured; but it is known that the chiefs, before they went West, expressed their dislike of reuniting with the Creeks; that when they returned, they denied having agreed to settle under Creek jurisdiction; it is also certain that the additional treaty stipulates that the Seminoles shall have their lands *separate* from the Creeks.

When they returned, their agent, Major Phagan, represented them as having stipulated for the positive removal of the Seminoles. The chiefs denied it, and insisted they had understood their authority as extending only to an examination of the country, and to report the result to the Nation. They requested that the chiefs, head-men and warriors be assembled to hear their report, and to express their own determination. But the agent refused to call such council, and assured them that their homes

and heritage were already sold, and that nothing now remained for them to do but to prepare for removal.

The people of Alachua County, Florida, feeling indignant at the determination of the Seminoles to remain in that Territory, addressed a protest to the President of the United States, declaring that the Seminoles did *not capture and return* the fugitive slaves who fled to the Indian country, according to their stipulations in the treaty of Camp Moultrie, but rather afforded protection to them. They further stated that while the Seminoles remained in the country no slaveholder could enjoy his property in peace. This protest was signed by ninety of the principal citizens of said county, and forwarded to the President.

This statement aroused the ire of the President, who at once indorsed on the back of the petition an order to the Secretary of War to “inquire into the alleged facts, and if found to be true, to direct the Seminoles to *prepare to remove West and join the Creeks.*” The order was characteristic of the author. He waited not for the approval or ratification of any treaty; with him the whole depended upon the alleged fact of the Seminoles failing to bring in fugitive slaves – not upon treaty, nor upon the ratification of treaties.⁶⁸

⁶⁸ Vide Documents relating to the Florida War, 1st Session, XXIVth Congress.

The Senate of the United States was subsequently called on by the President to approve the treaty after the lapse of nearly two years from its date. This was done, and the President by his proclamation immediately declared it in force. It was said by public officers, then in Florida, that had the Seminole delegation been permitted to give an unbiased opinion to their people, there would not have been a man in the Nation willing to migrate.⁶⁹

The whole Nation became indignant at this treatment, and such was the feeling against the agent that he deemed it prudent to retire from the agency. General Wiley Thompson was appointed to succeed him. General Clinch was appointed to the command of the troops, and every preparation was made to insure the speedy removal of the Indians and Exiles west of the Mississippi.

In the meantime, the Creeks learning that a tract of country was, by the additional treaty, agreed to be set off to the separate use of the Seminoles, saw clearly the influence which Abraham had exercised in the matter, and, fearing their own designs for obtaining slaves would be defeated through their principal chiefs, addressed a protest to the Hon. Lewis Cass, then Secretary of War, remonstrating against the policy of giving the Seminoles a *separate* country.

⁶⁹ Vide Sprague's History of the Florida War.

These chiefs were sagacious men, who had attained distinction with the Creeks by their manifestation of superior intelligence. Two of them, Rolley McIntosh and Chilley McIntosh, sons of a Scotch trader who lived with the Indians, had been educated, and were regarded as among the able politicians of the day. They, together with “Toshatchee Mico” and “Lewis,” urged the propriety of uniting the two tribes as one people, without any separate organization. The next day they addressed another letter to Secretary Cass, giving additional reasons and arguments why the Seminoles should not have separate lands.⁷⁰

The President had already adopted the policy of compelling the Seminoles to unite under one government with the Creeks: and this stipulation for *separate* lands was introduced into the “additional treaty,” by commissioners who were not fully informed of the President’s views. This compact, entered into at Fort Gibson, erroneously called an “additional treaty,” was known to be void: neither the Seminole chiefs nor the United States commissioners had authority to negotiate any treaty whatever; and this stipulation, for holding separate lands by the Seminoles, appears to have been totally disregarded by the Executive, as will more fully appear hereafter.

Another circumstance had induced the Creeks to remain silent in regard to the Exiles. By the treaty of Indian Spring, they had placed at the President’s disposal \$250,000, out of which the slaveholders of Georgia were to be paid for slaves and

⁷⁰ Vide Ex. Doc. 271, XXIVth Congress, 1st Session, pages 43 and 44.

property lost prior to 1802. The commissioners appointed to make the examination found but \$109,000 due the claimants under this stipulation, leaving in the hands of the President \$141,000 belonging to the Creeks. This, however, was claimed by the slaveholders, in addition to the amount allowed by the treaty. To obtain this money the slaveholders sent their petition to Congress. The subject was referred to a committee, of which Mr. Gilmer, of Georgia, was Chairman. The committee made a very elaborate report, setting forth that the claimants had an equitable right to this money as an indemnity "*for the loss of the offspring which the Exiles would have borne to their masters had they remained in bondage,*" and it is among the inexplicable transactions of that day, that the bill passed, giving the money to those claimants without the uttering of a protest, or the statement of an objection, by any Northern representative or senator.

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