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Brief Description	This article describes how General Thomas Jesup's promise of freedom to the Seminole Negroes remained in dispute more than a decade later. It reports competing claims of ownership, federal involvement, and renewed threats to seize members of the community. Published just months before the 1850 exodus to Mexico, the article provides evidence of the federal government's failure to protect the freedom it had promised.
Keywords	Seminole Negroes; Seminole slaves; Seminole; Seminoles; Negroes; General Jesup (Jessup); Sub-Agent Duval; Fort Gibson; Indian Territory; runaway slaves; ownership claims; Seminole removal; President Polk.
Historical Terminology Note	This document contains language and terminology used in the nineteenth century. The original wording has been preserved to reflect the historical record and does not necessarily represent the terminology preferred by the Seminole Negro Indian Scouts Historical Society.
Transcription Note	The original spelling, capitalization, and language have been preserved where legible. The newspaper contains several separate reports related to the Seminole Negroes. Editorial headings identifying their locations in the newspaper have been added for clarity.

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THE SEMINOLE NEGROES.

Arkansas Intelligencer — Editorial Introduction

We publish below a letter written to the Courier Enquirer, in relation to negroes among the Seminole Indians. We believe the charge against Mr. Duval, the Sub-Agent, is unfounded. These letter writers move and live in so much corruption about the purlieus of the Departments, that they are ready to believe in the corruption of all persons who have opportunities. We would be highly pleased to learn that the Agent and the department had adopted some action by which this State would be relieved from this intolerable evil located on our frontier. The negro towns in the Seminole country are places of refuge for runaway negroes, from Arkansas and Louisiana.

New York Courier and Enquirer — Washington Correspondence, October 13, 1849

The Washington correspondent of the New York Courier and Enquirer gives the following singular details:

WASHINGTON, Oct. 13, 1849.

There is reason to apprehend a serious disturbance among the Indians on the south-western frontier, through the knavery of certain whites, assisted, as is believed, by the present Indian sub-agent for the Seminoles. It will be remembered that during the Florida war, about the worst enemy our troops had to contend with was certain runaway slaves, who had fraternized with the Indians, and who fought with a desperation made doubly fierce by the fear of being again reduced to servitude.

The commander of our forces, under authority from the Government, sent to them [illegible] guaranteeing their freedom on condition that they would surrender and assist in persuading the Indians to remove west of the Mississippi. Many accepted the proposition, rendered good service, and emigrated with the Seminoles to the West, by whom they were held for mutual benefit, in the gentlest condition of servitude.

So soon as they had become settled in their new homes, certain citizens of Georgia and Alabama went among them, claimed a large number of the negroes as their property, and [made] a formal demand of the Indians for their surrender.

The matter was finally carried to the President for adjudication, and was not disposed of until last year. Mr. Polk required the opinion of the Attorney General on the premises, which officer happened to be Hon. Isaac Toucey of Connecticut.

That gentleman saw that the question was of a somewhat delicate nature, and did not like to touch it. He, therefore, left Washington for home; and the Hon. J. Y. Mason becoming Acting Attorney General, dispatched the business at once in a manner adroit and summary.

His opinion was, after the most laborious investigation, that the negroes ought to be immediately awarded to the Seminoles—or their rightful owners!

The opinion was endorsed by the President. With this oracular response for the authority, the commander of Fort Gibson proceeded to affirm the right of the Seminoles to the negroes, which, as he alleges, he did as a military operation.

The claimants being thus defeated, resolved upon a new mode of proceeding. They now told the Indians that it was through their (the claimants') agency the award was made in favor of the Indians, and claim as a consideration one third of the negroes!

And on such a claim they propose to seize the negroes and carry them off forcibly.

Our Indian Agent, Mr. Duval, seconds the movement and calls upon the commander of Fort Gibson to disarm the negroes. That officer declines, and looks to the Secretary of War for instructions.

In the absence of Mr. Crawford, the matter is referred to Secretary Ewing; and he is the last man to follow the example of the Hon. Isaac Toucey.

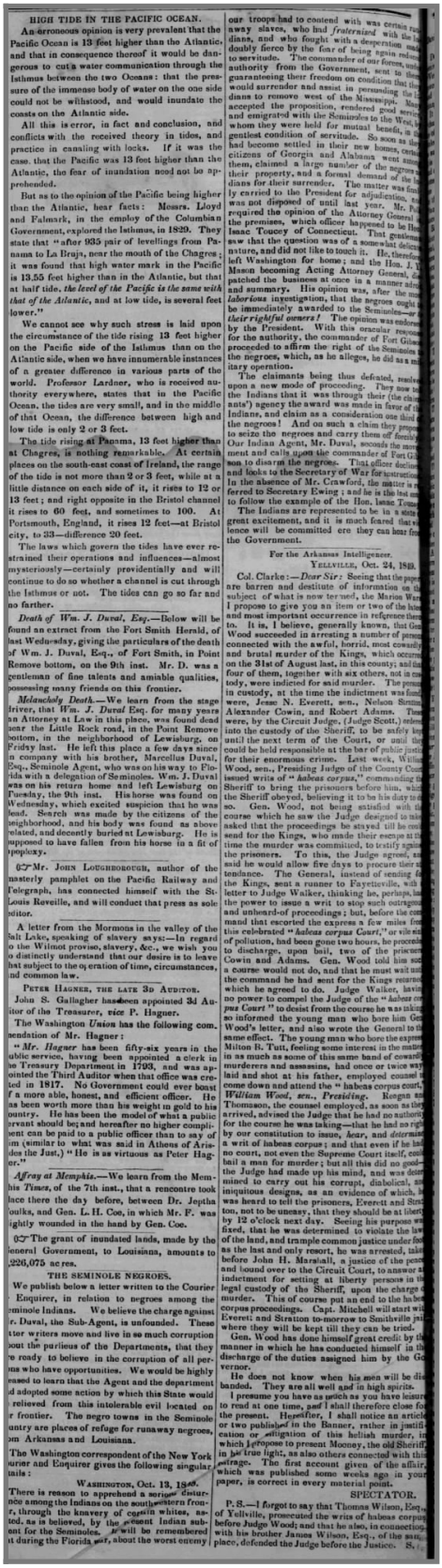
The Indians are represented to be in a state of great excitement, and it is much feared that violence will be committed ere they can hear from the Government.

Source: Arkansas Intelligencer, November 17, 1849, page 2.

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HIGH TIDE IN THE PACIFIC OCEAN.

An erroneous opinion is very prevalent that the Pacific Ocean is 13 feet higher than the Atlantic, and that in consequence thereof it would be dangerous to cut a water communication through the Isthmus between the two Oceans: that the pressure of the immense body of water on the one side could not be withstood, and would inundate the coasts on the Atlantic side.

All this is error, in fact and conclusion, and conflicts with the received theory in tides, and practice in canaling with locks. If it was the case, that the Pacific was 13 feet higher than the Atlantic, the fear of inundation need not be apprehended.

But as to the opinion of the Pacific being higher than the Atlantic, hear facts: Messrs. Lloyd and Falmark, in the employ of the Columbian Government, explored the Isthmus, in 1829. They state that "after 935 pair of levellings from Panama to La Bruja, near the mouth of the Chagres; it was found that high water mark in the Pacific is 13.55 feet higher than in the Atlantic, but that at half tide, *the level of the Pacific is the same with that of the Atlantic*, and at low tide, is several feet lower."

We cannot see why such stress is laid upon the circumstance of the tide rising 13 feet higher on the Pacific side of the Isthmus than on the Atlantic side, when we have innumerable instances of a greater difference in various parts of the world. Professor Lardner, who is received authority everywhere, states that in the Pacific Ocean, the tides are very small, and in the middle of that Ocean, the difference between high and low tide is only 2 or 3 feet.

The tide rising at Panama, 13 feet higher than at Chagres, is nothing remarkable. At certain places on the south-east coast of Ireland, the range of the tide is not more than 2 or 3 feet, while at a little distance on each side of it, it rises to 12 or 13 feet; and right opposite in the Bristol channel it rises to 60 feet, and sometimes to 100. At Portsmouth, England, it rises 12 feet—at Bristol city, to 33—difference 20 feet.

The laws which govern the tides have ever restrained their operations and influences—almost mysteriously—certainly providentially and will continue to do so whether a channel is cut through the Isthmus or not. The tides can go so far and no farther.

Death of Wm. J. Duval, Esq.—Below will be found an extract from the Fort Smith Herald, of last Wednesday, giving the particulars of the death of Wm. J. Duval, Esq., of Fort Smith, in Point Remove bottom, on the 9th inst. Mr. D. was a gentleman of fine talents and amiable qualities, possessing many friends on this frontier.

Melancholy Death.—We learn from the stage driver, that *Wm. J. Duval* Esq. for many years an Attorney at Law in this place, was found dead near the Little Rock road, in the Point Remove bottom, in the neighborhood of Lewisburg, on Friday last. He left this place a few days since in company with his brother, Marcellus Duval, Esq., Seminole Agent, who was on his way to Florida with a delegation of Seminoles. Wm. J. Duval was on his return home and left Lewisburg on Tuesday, the 9th inst. His horse was found on Wednesday, which excited suspicion that he was dead. Search was made by the citizens of the neighborhood, and his body was found as above related, and decently buried at Lewisburg. He is supposed to have fallen from his horse in a fit of apoplexy.

☞Mr. John Loughborough, author of the masterly pamphlet on the Pacific Railway and Telegraph, has connected himself with the St. Louis Reveille, and will conduct that press as sole editor.

A letter from the Mormons in the valley of the Salt Lake, speaking of slavery says:—In regard to the Wilmot proviso, slavery, &c., we wish you to distinctly understand that our desire is to leave that subject to the operation of time, circumstances, and common law.

Peter Hagner, the late 3d Auditor.

John S. Gallagher has been appointed 3d Auditor of the Treasury, vice P. Hagner.

The Washington *Union* has the following commendation of Mr. Hagner:

"*Mr. Hagner* has been fifty-six years in the public service, having been appointed a clerk in the Treasury Department in 1793, and was appointed the Third Auditor when that office was created in 1817. No Government could ever boast of a more able, honest, and efficient officer. He has been worth more than his weight in gold to his country. He has been the model of what a public servant should be; and hereafter no higher compliment can be paid to a public officer than to say of him (similar to what was said in Athens of Aristides the Just,) "He is as virtuous as Peter Hagner."

Affray at Memphis.—We learn from the Memphis *Times*, of the 7th inst., that a rencontre took place there the day before, between Dr. Jeptha Boulks, and Gen. L. H. Coe, in which Mr. F. was slightly wounded in the hand by Gen. Coe.

☞The grant of inundated lands, made by the General Government, to Louisiana, amounts to 1,226,075 acres.

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For the Arkansas Intelligencer.

Yellville, Oct. 24, 1849.

Col. Clarke:—*Dear Sir:* Seeing that the papers are barren and destitute of information on the subject of what is now termed, the Marion War, I propose to give you an item or two of the latest and most important occurrence in reference thereto. It is, I believe, generally known, that Gen. Wood succeeded in arresting a number of persons connected with the awful, horrid, most cowardly and brutal murder of the Kings, which occurred on the 31st of August last, in this county; and that four of them, together with six others, not in custody, were indicted for said murder. The persons in custody, at the time the indictment was found, were, Jesse N. Everett, sen., Nelson Stratton, Alexander Cowin, and Robert Adams. These were, by the Circuit Judge, (Judge Scott,) ordered into the custody of the Sheriff, to be safely kept until the next term of the Court, or until they could be held responsible at the bar of public justice for their enormous crime. Last week, William Wood, sen., Presiding Judge of the County Court, issued writs of "*habeas corpus*," commanding the Sheriff to bring the prisoners before him, which the Sheriff obeyed, believing it to be his duty to do so. Gen. Wood, not being satisfied with the course which he saw the Judge designed to take, asked that the proceedings be stayed till he could send for the Kings, who made their escape at the time the murder was committed, to testify against the prisoners. To this, the Judge agreed, and said he would allow five days to procure their attendance. The General, instead of sending for the Kings, sent a runner to Fayetteville, with a letter to Judge Walker, thinking he, perhaps, had the power to issue a writ to stop such outrageous and unheard-of proceedings; but, before the command that escorted the express a few miles from this celebrated "*habeas corpus Court*," or vile cloak of pollution, had been gone two hours, he proceeded to discharge, upon bail, two of the prisoners, Cowin and Adams. Gen. Wood told him such a course would not do, and that he must wait until the command he had sent for the Kings returned, which he agreed to do. Judge Walker, having no power to compel the Judge of the "*habeas corpus Court*" to desist from the course he was taking, so informed the young man who bore him Gen. Wood's letter, and also wrote the General to the same effect. The young man who bore the express, Milton B. Tutt, feeling some interest in the matter, in as much as some of this same band of cowardly murderers and assassins, had once or twice waylaid and shot at his father, employed counsel to come down and attend the "habeas corpus court," *William Wood, sen., Presiding.* Reagan and Thomason, the counsel employed, as soon as they arrived, advised the Judge that he had no authority for the course he was taking—that he had no right by our constitution to issue, *hear*, and *determine* a writ of habeas corpus; and that even if he had, no court, not even the Supreme Court itself, could bail a man for murder; but all this did no good—the Judge had made up his mind, and was determined to carry out his corrupt, diabolical, and iniquitous designs, as an evidence of which, he was heard to tell the prisoners, Everett and Stratton, not to be uneasy, that they should be at liberty by 12 o'clock next day. Seeing his purpose was fixed, that he was determined to violate the laws of the land, and trample common justice under foot as the last and only resort, he was arrested, taken before John H. Moralall, a justice of the peace, and bound over to the Circuit Court, to answer an indictment for setting at liberty persons in the legal custody of the Sheriff, upon the charge of murder. This of course put an end to the habeas corpus proceedings. Capt. Mitchell will start with Everett and Stratton to-morrow to Smithville jail, where they will be kept till they can be tried.

Gen. Wood has done himself great credit by the manner in which he has conducted himself in the discharge of the duties assigned him by the Governor.

He does not know when his men will be disbanded. They are all well and in high spirits.

I presume you have as much as you have leisure to read at one time, and I shall therefore close for the present. Hereafter, I shall notice an article or two published in the Banner, rather in justification or obligation of this hellish murder, in which I propose to present Mooney, the old Sheriff, in his true light, as also others connected with this outrage. The first account given of the affair, which was published some weeks ago in your paper, is correct in every material point.

SPECTATOR.

P.S.—I forgot to say that Thomas Wilson, Esq., of Yellville, prosecuted the writs of habeas corpus before Judge Wood; and that he also, in connection with his brother James Wilson, Esq., of the same place, defended the Judge before the Justice. S.

Dispute over Freedom of Seminole Negroes

Clipped By:
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