

CORRESPONDENCE

In relation to the payment of the East Florida troops.

EXECUTIVE DEPARTMENT,
Tallahassee. 22d February, 1841 }

To the Legislative Council of Florida:

Since my late message upon the subject of Colonel Brown and Major Garason's claims, in behalf of their regiment and battallions, and after the Council had refused to take action thereon, I was applied to, in the most earnest manner, to issue the bonds which the Council had been informed by a message, I was prepared to execute.

In the *interim*, however I had received the enclosed letter from the Hon. Madison C. Livingston, which is herewith transmitted to the Council, with letters from the Hon. J. C. Pelot, J. G. Cooper, and others; members of the Council from East Florida.

I submit to the Legislative Council, if it might not be proper, before the Executive complies with the resolutions already adopted, to cause an investigation to be made into the imputations and charges contained in the communication of the Hon. Mr. Livingston.

It seems to me to be due to the claimants, to the parties assailing and defending them, and to the character of East Florida.

The investigation might be made by a commissioner or commissioners, to be appointed by the Legislative Council or the Executive.

If these claims be just, as the resolutions recently passed unanimsly by the Legislative Council, suppose them to be, they should be promptly and immediately settled, if they are unjust, let those who are in possession of the proofs, have an opportunity to present them.

I respectfully request the Honorable the House of Representatives, after reading the original letters herewith communicated, to transfer them to the Senate for the information of that body.

ROBERT RAYMOND REID.

TALLAHASSEE, February 19, 1841.

To His Excellency ROBT. RAYMOND REID,

SIR:—The undersigned, Senators of East Florida, and Re-

representatives of Alachua, Hamilton, Columbia, and Nassau, beg leave respectfully to call your attention to resolutions passed at the present session of the Legislative Council, authorising a settlement, with the militia, ordered into service under Col. Robert Brown, and Major Isaac Garrason, in the spring of 1838. The payment of these troops has been delayed nearly three years, and many of them, and the families of those who have died, are suffering for the want of what is due them, for services, and disbursements in that year. The House of Representatives having refused any action interfering with the operation of the resolutions, above referred to, we deem it our duty, in behalf of our constituents, to ask as immediate a settlement as will suit your Excellency's convenience.

We are, respectfully,

Your obedient servants,

J. G. COOPER,
JOHN C. PELLOT,

Senators.

DANIEL BELL, Hamilton,
JOHN L. THIGPEN, Nassau,
EDWARD BIRD, of Alachua

TALLAHASSEE, February 20th, 1841.

DEAR SIR.—I feel it a duty I owe to the Territory of Florida, to address you on the subject of settling the claims of a regiment commanded by Col. Robert Brown, and a Battalion commanded by Maj. J. Garrason, for military services rendered in the year 1838.

Believing, as I do, that there are more men claiming pay for services rendered, than ever performed said service, I am compelled to state to you, as the Governor of the Territory, what are my opinion respecting said claims, and the reason for that opinion.

About the middle of June, 1838, I was ordered (being then in the U. S. service) from Madison county, where I was then on duty, to proceed, via Mineral Springs, to the upper Suwannee near the Osteenke swamps, for the purpose of pursuing and hunting out a party of Indians which had passed through Columbia county, and fought twice with the volunteers on their way to the swamp—once with Capt. Sanderlins' and once with G. W. Smiths' command; I was directed to furnish provision (subsistence) and forage for any Territorial militia, which might be in service and would accompany the command to which I

was attached, in pursuit of the Indians. When I arrived at the Mineral Springs, I heard that three or four companies of Florida militia rendezvoused at that place, some of which had just returned from pursuit of the Indians; I applied to some of the officers to send detachments of their commands with us; excuses were made that it would not be politic to leave the vicinity of the spring (where there were a number of inhabitants collected) unprotected; and others, that they had just returned from a *scout*. I was of the opinion from conversing with several citizens, that but few of the companies were full, for I had been applied to by several, to recommend them to the commanding officer of the U. S. Troops, who at that time wished to receive one company into the U. S. service; stating to me that if they could get an order to raise a company, they would be ready to muster into the U. S. service in a short time; now if they considered themselves in the Territorial service for 4 months why did they apply to me to get into the U. S. service, to be sent, as I was, from one section of the Territory to the other, I would prefer guarding my own fire side to that of another. I was afterwards applied to by Capt. North, to get into the U. S. service, stating to me that the command then under Sanderlin, would join him, and with the men he then had, would make out a full company. Capt North with three or four men accompanied us into the Okefenoke swamp. He was soon after that time, say 20th June, mustered into the U. S. service.

On my return from the *swamp*, I passed through part of Ware and Lowndes counties, Georgia, through the neighborhood where Capt. Bryant had raised a company, as he said, under the orders of Col. Brown. He at that time was trying to get into the Georgia service, and many of his men, whom I saw did not consider themselves in the Territorial service, as they thought they would never get paid, and also that it was then necessary for them to guard their own families and farms.

From the foregoing circumstances, and taking into consideration, the number of men claimed in said command, and the number of citizens (voters) in Columbia and Hamilton counties, I am conscientiously of the opinion that many of the men borne on their muster rolls, are fictitious, and many of the others never done service at all. You may add together all the militia of Columbia and Hamilton counties, and all in Ware county, and take from the total of those counties the command, and then in the United States service, under G. W. Smith, and you cannot make out the number.

At the same time I will beg leave to state, that I am confident many of the militia in said regiment done good and efficient service, and I would be the last man in the Territory, to

wish to deprive them of their pay, for I know the hardships and privations they have undergone.

As respects the battallion of Maj. Garrason, I have heard various rumors, but not knowing any thing of my own knowledge, I will express no opinion.

I would the more suggest to your Excellency, the propriety of sending an officer (well qualified for the duty) to inspect and muster the various companies, and if necessary have men sworn to the service rendered.

I would not have written this letter had not the Council refused to act on your late message on that subject, and feeling for the honor and character of our Territory, it was my duty, as a citizen, to give any information respecting said claims, which I might possess.

I am, very respectfully,

Your obedient servant,

MADISON C. LIVINGSTON.

To His Excellency R. R. REID, Tallahassee.

EXECUTIVE DEPARTMENT,

Tallahassee, Feb. 20, 1841.

GENTLEMEN:—I enclose for your perusal and consideration, a letter from the Hon. Madison C. Livingston, which you will be pleased to return to me.

I am, gentlemen,

Very respectfully,

Your obedient servant,

ROBERT RAYMOND REID.

The Honorable, Messrs. Cooper, Pelot, Bird, Thigpen and Bell.

TALLAHASSEE, February 21, 1841.

To His Excellency R. R. REID,

SIR:—We have read and considered the extraordinary letter of Mr. Livingston. In the accompanying letters you will find our reply. It would be gratifying to us but should you deem his communication of sufficient importance to justify delay in the settlement of these claims, until the companies are inspected, you would, in the first place, ask of Mr. Livingston to make affidavit to it.

We have taken the liberty to retain a copy of his letter to you, and in justice to our constituents, whose honor has been impeached by his communication, we feel it right to say, that we have no objection to your despatching an officer to muster and inspect the troops at the time of settlement, (so far as they are still living or within reach) in accordance with the usual rules and regulations of the military service.

We remain, very respectfully,

Your obedient servants,

J. G. COOPER *Senator E. F.*

EDWARD BIRD.

DANIEL BELL,

J. L. THIGPEN, *Nassau, Co.*

Representatives.

TALLAHASSEE, February, 21, 1841.

To His Excellency R. R. REID:

SIR:—At the request of the Eastern Delegation, being more familiar with the facts connected with the subject of Mr. Livingston's letter, enclosed with your communication of this morning, I have the honor to submit my views. Of this extraordinary communication, I shall, at present, content myself with a notice of such portions only as contain assertions calculated to mislead you in your action under the resolutions referred to. I commanded a company myself in Col. Brown's regiment, and received a *message* from Capt. Livingston, asking a reinforcement: I was under orders from Col. Brown, in the Territorial service, and had no authority to move with my company, otherwise than by Col. Brown's command, and for this reason I took no notice of his *message*; for the same reason the other Captains, with several of whom I conversed afterwards upon the subject, pursued a similar course. But if this reason had not existed, the reason stated by Mr. Livingston as being given in excuse, would have been ample, to wit: "That it would not be politic to leave the vicinity of the spring (where there were a number of inhabitants collected) unprotected; and others, that they had just returned from a scout." Had Mr. Livingston applied to Col. Brown, who commanded the regiment for co-operation, he would have found no difficulty in obtaining all the succor he required. Besides the troops were in the Territorial service for defence of the frontier, and not for service in expeditions of U. States troops, any further than the Col. might deem consistent with the purpose of his command. It would

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have been a violation of military duty and breach of order, in any Captain to have placed his company under the orders of Mr. Livingston, upon requisition not passing through a superior officer.

The opinion asserted by Mr. Livingston, that but few of the companies were full, is *mere opinion*, which is contradicted by the superior evidence of the certificates of the Colonel, Adjutant and Captains on honor, as to the number of men enrolled under them.

In respect to the asserted conversation with Cap. North, concerning his own and Capt. Sanderlin's companies, I have to say, that the companies of Captains North and Sanderlin, were mustered into the Territorial service side by side, at the same time by Lieut. Col. Webb.

The inference attempted from the assertion that the number of men in Columbia and Hamilton, together with Ware county, Georgia, would not afford a sufficient force to constitute a regiment, is not founded in fact. The regiment consisted of men drawn from the counties of Columbia, Hamilton, parts of Alachua and Nassau, and from Georgia. There are in Columbia county, between three and four hundred "voters," and in Hamilton about two hundred. In those two counties there must have been at the time nearly three hundred persons capable of bearing arms, who were under the age of 21 years, or transient persons, and not entitled to votes. Here are nine hundred in these two counties alone; add to this probably one hundred men from Nassau and Alachua, and about the same number from the neighboring counties of Georgia, (who came over and enlisted, and did service in Florida,) and you have an aggregate of nearly one thousand men. The companies composing the battalion of Lieut. Col. Webb, were mustered into the service in the following manner, to wit: My company and Captain Martin's, were mustered in at the same time; Sanderlin's and North's at the same time, and Bryant's and Johnson's at their respective head quarters. The companies composing the battalion of Major Wilson occupied the lower part of the country, and were mustered under his supervision. A sufficient answer to the suggestion of fictitious names by Mr. Livingston, is, I apprehend, to be found in the fact that the rolls are certified to by the proper officers, whose *respectability* and *characters* are quite equal to that of Mr. Livingston's.

I have no hesitation in stating *upon knowledge*, that the imputations attempted by Mr. Livingston, are not supported by facts, that the justice and correctness of the returns and claims cannot

be impeached, and that there exists no reason's why any delay should ensue in the settlement directed by the Legislature.

You have permission to do as you please with this letter.

Very respectfully,

Your obedient servant,

JOHN C. PELOT,

Senator from E. F.

TALLAHASSEE, February 21, 1841.

To His Excellency R. R. REID:

SIR:—In reference to that portion of Mr. Livingstons letter, which relates to the battallion under Major Garrason, I think it proper to say, that if any rumors intimated by him tend to impeach the justice of the claim against the payment of which he strives, or the accuracy of the rolls, they are basely calumnious.

A was myself Adjutant of the battallion, inspected and mustered in and out, the companies comprising it, therefore speak confidently and with a knowledge of facts.

Very respectfully,

Your obedient servant,

EDWARD BIRD.

HOUSE OF REPRESENTATIVES,
February 23, 1841.

The House ordered that the enclosed message, No. 7, together with the accompanying letters, be transmitted to the Senate.

Attest,

JAS. H. GIBSON, Clk.

HOUSE OF REPRESENTATIVES,
Tallahassee, February 23, 1841.

SIR:—In reply to your enquiry I have to say, that upon the occasion referred to in Mr. Madison Livingston's letter to Gov. Reid, I was myself the commanding officer of the expedition, Mr. Livingston being a captain under me. That I was directed by Major Dearborn to take two of the companies of Col. Brown's regiment with me, he being under the belief that Col. Brown's regiment had been mustered into the United States service. Upon reaching the Suwanee I found that the regiment was not in the United States service, but in the Territorial, and I did not therefore feel myself authorised to make the demand,

and did not. I offered to furnish with provisions any that would join me, and some of the regiment, with the permission of their officers, volunteered and accompanied me. I was serving at the time with the rank of Major, and was in the service of the United States.

Respectfully yours,

JOHN L. TAYLOR.

To Hon. JAMES G. COOPER.

TALLAHASSEE, February 24, 1841.

DEAR SIR:—At your request, and in justice to my constituents, I have no objection to state that to the best of my recollection, it was late in August 1838, that Capt. North's Company was mustered into the U. S. service, and that in a conversation which I had with Capt. Livingston on the morning after the indefinite postponement of the report and resolutions of Mr. Brown, as chairman of a committee of conference to the Brown and Garrason volunteers, he observed that we had done right in postponing them.

I am not prompted by any personal interest in this matter, only so far as my constituents are concerned, I was neither officer nor private in that service, nor neither have I purchased any claims in that service.

Respectfully your obedient servant,

DANIEL BELL.

To Hon. J. C. PELOT.

TALLAHASSEE, February 27, 1841.

DEAR SIR:—I enclose you herewith two printed copies of my correspondence with Col. Brown and Maj. Garrason. Give one of them to Gen. Brown. For further information I refer you to my annual message for the year 1839, which you will find in the journals of that year.

At page 5, of the enclosed pamphlet, you will find Brown's letters of the 15th March and 8th of April, in neither of which does he pretend to have had any troops at the time of mustering in service. My order authorizing him to raise troops, you will find at page 6, dated the 13th of April, *read it carefully*. My order to disband them, you will find at page 7, dated 23d June. You will find his acknowledgement of the receipt of that order on the same page, in which he says his men were enrolled for 4 months, unless sooner discharged, *but that "some of the companies fell short of it."*

Now see what time he claims to have served. You will find Garrasons letters to me on the 9th and 11th of April, at page 11 and 12. He shows clearly that he had no men in service at those dates, and asked me for an order to raise a force. That order was given on the 15th of April, which you will find at page 12 and 13. You will perceive it contemplated a force to be raised from his battalion, and not the whole of his battallion, to be ordered into service. My order to disband these troops, was given on the 23d of June, a copy of which was sent to Col. Brown for his government, as you will perceive from my letter to him, at page 7. This letter to Garrason you will find at page 14. Even if he had the number of men he pretends to have had, they could not have been more than two months in service. Now if the Council is determined to pay them for 6 months service, they must do it on their own responsibility and not on mine. You will perceive from my correspondence with Brown and Garrason, that after receiving my order of the 13th and 15th of April, to raise troops, neither of them made any report of their proceedings until the 12th of June, when Garrason wrote me that he had ordered the whole of his battalion into service. Immediately on the receipt of this letter, I wrote him on the 23d of June, (see page 14) ordering him to disband his whole force. I had then learned nothing from Brown, but presuming that he was playing the same game, I enclosed him a copy of my letter to Garrason, and directed him to consider it as an order directed to him, if the same state of things existed in his regiment. (See my letter to Brown, dated 23d of June, at page 7.) Both of these letters were sent by Adjutant Bird, now a member of the Council, and Col Beckham, and must have been received in 4 or 5 days after their date. Please show this letter to Col. Dupont and Gen. Duval, with the printed correspondence. If the people of Middle and West Florida are to be taxed to pay the troops of East Florida, the number of men and officers, as well as the time they served, should be closely examined and fully ascertained.

Yours,

Capt. LIVINGSTON.

R. K. CALL.

MARCH 1, 1841.

DEAR SIR:—I have a distinct recollection that Capt. Martin told me that one of the companies of Col. Browns regiment should not be paid for the full term of service. He said the

Captain had left the Territorial service and gone over in Georgia.

I am, very respectfully, &c.

ROBERT RAYMOND REID,

Hon. Mr. LIVINGSTON.

In confirmation of the opinion expressed in my letter to the Executive of the Territory, dated 20th February, respecting the claims of the troops under Col. R. Brown and Maj. Isaac Garrason, for military services rendered in 1838. I request that I may be permitted to offer the correspondence between the Gov. of the Territory and said officers, on the subject of raising troops for the defence of the frontier, of Alachua and Columbia counties, in the spring of 1833; as also a letter from General Call, and one from the Governor of the Territory.

My object in offering this correspondence, is to show on what grounds I stood, and how far facts sustained me in the opinion I advanced.

You will perceive from this correspondence that on the 8th of April, Col. Brown writes the Governor from Newnansville, requesting to be permitted to raise a regiment, I will quote his language. "I therefore hope you will order me into the service with a regiment of rangers, *which I am certain can be raised immediately.*" I have no doubt the Senate will be astonished when I tell them that a full regiment is reported to have been mustered into the Territorial service two days previous to this, (on 6th of April) the day from which all their muster rolls are made out.

In answer to this letter the Governor authorised Col. Brown to call out a sufficient volunteer force for the protection of the frontier—I use his words, "In the exercise of the authority with which you are hereby invested, you will use a sound discretion, and call out no larger force than in your judgement will be absolutely necessary for *defensive operations.*" Now suppose in the exercise of a sound discretion, the Col. did think it necessary to call out a full regiment, how is it possible for the whole 8 or 10 companies to date back to the 6th April, for it must have taken 4 or 5 days for the order to have reached him and then some 4 or 5 days more to raise this regiment and organise it, which will bring the time to 23d April. There seems, however, to have been no report made to the Executive of the number of men raised or the service rendered; until the Governor, in a letter dated 23d June, writes, "that he had receiv-

ed no report from him with regard to the number of men in his regiment, and the length of time he may have deemed it necessary to continue them in service." And at the same time orders them discharged from the Territorial service; this communication, it seems, did not reach its destination until 22d July, although sent by the Adjutant of Maj. Garrason's regiment, Capt. Bird. From these facts you will perceive that it would be impossible for Col. Brown to have had a regiment in service under the orders of the Governor, for a longer time than three months. (from 23d April to 23d July.)

As respects the correspondence with Maj. Garrason, you will see that from Brown's letter of the 8th April, and Garrason's to the 9th and 11th of April that there was no Territorial troops then in service, but they request that they may be ordered into service; which order was issued on 15th April, at Tallahassee.

The Governor in his letter of 15th April to Garrason, after directing him to offer his volunteers to the commanding General and in the event of his refusing to receive a sufficient volunteer force to co-operate with the regular troops in defending the country, he said, in that event, "you are hereby authorised to organise such a force from your battallion, under the authority of the Territory, as will give security to the frontier of Alachua." This is the only order Major Garrason received from the Governor to raise troops, still his muster rolls date back to 19th of March. No report is made to the Governor of the number of men raised, or what duty they had performed, until 12th June, when he writes the Governor that he had the whole of his battallion in service. Immediately on the receipt of which report, the Governor orders him to discharge them, (see letter 23d June) which it seems the Major disregarded and continued them in service until 19th September.

From this correspondence it is evident that Maj. Garrason did not consider his battallion in the Territorial service, on the 11th April, and that he did not get an order to organise a force from his battallion, until 15th April, yet we find his muster rolls bearing date from 19th March, to the 19th of September, continuing them in service some three months after he was ordered to discharge them.

Are not these facts something on which a man might, very rationally, form an opinion, that all was not right? The conclusion which every mind would come to after reading this correspondence is this; that the commanding officers of the regiment and battallion, deliberately wished to deceive the Governor, knowing that he would not allow, such a large force kept in service, or that they never had the number of men for which they claim pay, regularly organised.

From the letter of Gov. Reid, it is evident that other persons doubted the propriety of paying all the command of Col. Brown, as one company left and went over to Georgia, which fully sustain my assertion respecting Capt. Bryant's company.

I did not, in my communication to the Executive, make any personal allusions, although I, perhaps, ought to have done so, as I knew that two of the Captains in Brown's regiment, had left the country, charged with having committed frauds on the Government, I therefore did not put much confidence in their certificates, others of that command I hold in the highest estimation, and have not the least doubt that they did good and efficient service, and for that reason I was anxious to have their claims put in a proper train for collection, for I am confident, they never can nor never will be paid either by the Executive of this Territory or the United States, on the application of their agents with the muster rolls and pay rolls as they are now made out, claiming the full amount by power of Attorney—not knowing whether all the men are alive, or whether some of them have not moved away, and perhaps some run away. I am sustained in this last assertion by the Senator from the East, who argued "that it would be impossible to have a correct muster now, as some of the men were dead and others had moved away, &c." Do not their powers of attorney die with them?

I will here remark that an expression in my letter, in speaking of the time I saw Capt. North, I use the expression shortly after that time, (say 20th June) Capt North was received into the United States service, and I do not mean that Capt North went into the United States service about 20th June, but that it was the 20th June when I saw him; the sense of which is evident from other parts of my letter.

In answer to Maj. Taylor's letter, I can only say that I did not claim to have the command of the expedition to the Okefenokee swamp; but I do say I was ordered by Maj. Dearborn, to proceed to the swamp, &c., and that Maj. Taylor arrived at my camp the evening before I was to start after I had made all necessary preparation to start, and that the requisition on Maj. Jones at Charles' Ferry, for forage and subsistence for the troops, was made by me, and I had to account for them. I am therefore of the opinion that Maj. Taylor mistook the meaning of my letter, if he saw it, or else he merely answered a question put to him by Maj. Cooper.

My letter is itself an answer to Capt. Bird's letter, as I make no charges against, or opinion of the battallion of which he was Adjutant.

March 2d, 1841.

M. C. LIVINGSTON.