

Highwater Garrison

1st August 1811.

9898

I have received your letter of the 4th ult. stating your claim to a Negro man named Andrew in virtue of your having taken 1st Negro acting as deputy Sheriff of Mairie County as the property of John D. Christophel & that the said Negro before the day of intended sale made his escape. & that you was to pay the amount of such intended sale to the Creditors of John D. Christophel. "If successful in the suit." & to himself if no debt was recovered against him. ~~to the day of sale.~~ You observe that previous to the day of sale the Negro made his escape from your place. Is it not questionable whether you are accountable for said escape of the 1st Negro in such case. The same being as to you an accident & inevitable? I presume you cannot be accountable for events, which might possibly happen: such events being at the time beyond the reach of all human foresight. (Providence only could do this.) of this reason may you ~~accountability~~ in this case ~~cannot be expected~~.

It is my duty conformably to my instructions to lend a listening ear to the complaints of the Cherokee. & as far as I can support their rights. The ~~statement~~ ^{claim} of Mrs. Nancy came to me in a credible shape. & backed & ~~supported~~ by the Head Chief & the Black Fox, & ~~two others~~ the path killer the second man in rank in the C. Nation & two others. Principal Chiefs. & The second the first husband of Nancy stated that on or about the middle of May some white men by force & violence took the body of said Negro Andrew & carried him out of the Cherokee nation into the State of Tennessee & requested my aid to enable him to recover the property of his wife Nancy. all these ^{of the Indians} ~~moving~~ ^{have} the appearance of justice & propriety & were as good evidence to me of the right of Nancy as the nation of the case could furnish. The whole

more regular, than Indian transactions generally are.

The testimony or what you name the statements made by Moses Melton & Andrew Elliott before John Hamellon without any official signature. ~~only~~ are to be considered only as of a negative character & cannot be of weight to set aside the positive claim of Nancy ^{to do this other evidence will be necessary} Andrew Elliott in particular gives a history of transactions between ~~Chipolm~~ In. D. Chipolm. Esq: Chipolm and James Chipolm. I do not doubt the creditability of Melton or Elliot & that they have stated what they believe on the subject: but I am confident that no person on earth ~~except~~ the Chipolms & Nancy can unravel all the intricate & changeable transactions between these persons. Double headed Death has had a great effect on the concerns of the white citizens than that of any other Indian war had. Many reputable people are sufferers without a fault & yet the circumstances are such as that even Government cannot give them immediate relief, ^{but will at some future period} if even.

You will observe that the Seed the present husband of Nancy positively states that, some white man did "on or about the middle of May (1810) by force & violence take the body of a Negro Slave named Handy or Andee (meaning Andrew). The property of his wife Nancy a Cherokee woman, and carried the said Negro Slave from the Muscle Shoals into the State of Tennessee."

By the 4th Section of the act to regulate trade & intercourse with the Indian tribes, & to preserve peace on the frontiers the acts of the person or persons who by force & violence carried said negro from the Cherokee nation into the State of Tennessee are liable to be prosecuted for a breach of that law & their acts would be denominated by the language of that Act Robbery, Larceny, or trespass by the learned in the law: & the consequences of such prosecution will ^{in I think ought to be} immediate