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### Petition of the citizens of the State of Mississippi remonstrating against Indian claims

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H.R. Doc. No. 89, 24th Cong., 1st Sess. (1836)

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INDIAN CLAIMS IN MISSISSIPPI.

PETITION

OF THE

CITIZENS OF THE STATE OF MISSISSIPPI,

*Remonstrating against Indian Claims,*

FEBRUARY 1, 1836.

Read, referred to the Committee on Indian Affairs, and ordered to be printed.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled.*

The undersigned citizens of the State of Mississippi, and of other States, now pending the land sales with the view of purchasing from the Government,

RESPECTFULLY REPRESENT :

That by the provisions of the 14th article of the treaty of Dancing Rabbit creek, there was "granted" to each Choctaw head of a family one section of land, and to all children over ten years, one-half section of land, and to those under ten years of age one quarter section of land; to carry which article into effect, by securing on the one hand the rights of the Indians, who truly desired to become citizens of the State, and on the other, to protect the Government from fraud and imposture, the President of the United States, at a very early period, ordered the Indian agent, Colonel William Ward, to enroll in a proper register, the names of the heads of families and their children, who should signify their intention to avail themselves of the benefits held forth by said article.

At a later period, but before the commencement of the first land sales, the Executive appointed George W. Martin, Esq. special locating agent, with instructions to locate all Indian claims, following for his guide the provisions of the 14th article of the treaty, and the register of the said William Ward. While in the discharge of his duties a number of applications were made to Mr. Martin, the locating agent, for reservations which he felt bound to reject, for the reason that their names were not to be found on the said register. Some of the applicants thus rejected, applied to the Department of War for relief, enclosing testimony of a compliance so far as depended on their own acts, with the several conditions of the grant offered by said 14th article; and praying that other lands might be reserved from sale; and where sold, that other lands might be set apart for them, so as to save them from the delay, vexation and expense so inseparable from a trial of their rights to the particular tracts in a court of law, and which they were so illy prepared to encounter.

On mature consideration of the evidence submitted, the President thought proper to issue an order to the proper Departments, directing instructions to be given to the locating agent, and the Registers of the land offices, to reserve from sale lands of similar value, and equal quality, subject to the future action of Congress, in the names of each Indian claimant, who would adduce satisfactory evidence of being the head of a Choctaw family. 2d: Of application to the agent for registration within six months after the ratification of the treaty. 3d: Failure or refusal by the Indian agent to record, or of loss of the record when registered. These instructions were general in their terms; though predicated on the particular cases above referred to.

A few active, enterprising, and intelligent speculators, discovering the opening which was thus presented, for the acquisition of large fortunes, have, by agents beyond the Mississippi, and at home, produced documents purporting to be powers of attorney from Indians to select lands, and transfer their rights to lands selected and supported by ex-parte testimony on the above named points, suggested in the President's order; and the instructions from the Departments of the Treasury and of War, and by those papers have caused to be set apart for them the choicest lands in the country; sweeping over large districts inhabited and cultivated by persons who settled the public lands on the faith of the policy of the Government indicated by the passage and renewal of pre-emption laws at almost every session of Congress, that their homes would be given them at a reasonable price, unexposed to the heartless grasp of the voracious speculator. To the alarm of your memorialists, these claims have now amounted, as they are informed, to upwards of three thousand, which, at an average of 1,280 acres each, amount to the enormous aggregate of three millions eight hundred and forty thousand dollars; and the said speculators, availing themselves of the panic which these operations have produced, are now selling out, receiving a portion of the price in ready money, which they refuse to become bound to refund, in the event that the title is not confirmed, thus securing to themselves large fortunes, without having advanced to the Indians one cent, so far as your memorialists are informed and believe.

Your memorialists are persuaded, that not more than one out of twenty claims are founded in justice and equity, and if scrutinized by a tribunal sitting in the vicinities of the land offices, with competent powers to reject, or confirm; and to compel the attendance of witnesses, those honestly claiming would be secured in their rights, and a most stupendous system of fraud on the Government would be exposed and defeated; the settlers relieved from the embarrassments thus brought on them; and Congress saved from the teasing and vexatious applications of false claimants for a series of years to come. A compliance with the above suggestion by the passage of a proper law, your memorialists most respectfully solicit. They also pray, in behalf of actual settlers, an extension of the privileges of the pre-emption law.

James R. Marsh

William R. Taylor, *Woodville,*  
*Mississippi*

John Colbert

Allen Jenkins

John W. Nelson

Robert Dorn

Andrew Lee, jr.

Samuel Nelson

Alfred M. Small

Reddin Wemble

Albert Sneed

William Fanning	H. P. Womble
Alexander Laughlin	Jesse Lane
Griffin Ross	A. M. Carothers
John M. Hardeman	James Herron
Richard Sneed, <i>North Carolina</i>	William Dyer
Samuel Gwin	Stephen Smith
R. H. Stirling	Pennel Keel
J. M. Porter	James K. Orr
R. C. Ticer	James Henderson
William J. Womble	John Porter
J. G. Stone	William L. Porter
Edward M. Long	James Garrett
David P. Brown	Samuel M. Carothers
Thomas W. Denby	O. S. Carothers
Cullen McMullin	John A. Hurd
Kinchen Mayrs	Joshua Jones
William H. Wilkins	James Bailey
A. Neill	James Gunton
Alfred Tribble	Samuel Swearingen
Thomas McCracken	Andrew Herron
J. Lusk	J. L. Watkins
J. H. Mahon	P. N. Marr
James Steele	R. E. Meriwether
W. A. Brown	C. H. P. Marr
David Brown	John A. Tanner
Moses Newman	Alanson Herron
Joseph R. Brown	William Shearer
Henderson Kirk	Thomas Ticer
James Alford	S. B. Choate
John M. Wilkins	Joseph Carson
William Sutton	D. Y., Sawyear
Abraham Peterson	Hudson Alford
James C. Baird	A. J. McDanol
James A. Houston	John Murphy
William R. Conner	William P. O'Neal
Benjamin Carson	William Owen
Samuel F. Herron	Nathaniel W. Daniel
Granville Sherman	Ansel H. Ferguson
George Crofford	Edmund Jenkins
H. W. Moss	A. L. Humphrey.