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### Arkansas – losses by Choctaw Treaty

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ARKANSAS—LOSSES BY CHOCTAW TREATY.

[To accompany bill H. R. No. 116.]

DECEMBER 22, 1837.

Mr. YELL, from the Committee on the Public Lands, to which the subject had been referred, made the following

REPORT:

The committee adopt the report made at a former Congress, which is as follows :

JANUARY 13, 1836.

*The Committee on the Public Lands, to which was referred the memorial of the Legislature of the Territory of Arkansas, praying for a donation of one quarter section of the unappropriated public land to each head of a family who resided west of the present western boundary of the Territory of Arkansas, as an indemnity for the loss of certain improvements which were ceded to the Choctaws by the Government, beg leave to report :*

That prior to the treaty of 1821, between the United States and the Choctaw Indians, the settlements in Arkansas extended some forty or fifty miles farther west than they do at present. That in that section of the country, at that time, there were organized counties, in which, for several years, courts of justice had been regularly held, and from which members of the Legislature had been regularly sent to the Legislature, and in which all the rights and privileges common to any other portion of Arkansas were fully exercised ; and without the knowledge or consent of these people, this country, including them, was transferred to the Choctaw Indians, and the inhabitants ordered off for the settlement of the Indians. Many of the settlers promptly obeyed the order of the Government, and moved away ; whilst the greater part of them refused to comply with the request of the Government, but held on to the possession of their improvement, in open resistance, until the spring of 1828, when Congress passed an act, granting to each settler then residing upon the ceded country a section of 320 acres of the unappropriated land, as an indemnity to them for the loss of their improvement, and as an inducement to them to remove away. After the passage of the act of 1828, the country was peaceably surrendered to the Indians, and upon it they now reside. The Legislature of Arkansas now ask, as they have done on several former occasions, an indemnity of one hundred and sixty acres of the unappropriated land to each head of a family, who, in obeying the order of the Government, by removing from their possessions, lost, by their non-residence upon their improvements in the ceded coun-

try, at the time of the passage of the act of 1828, the benefit of that act. To place them upon something like an equal footing with those who have been compensated for their losses, seems to the committee but reasonable and just, and therefore they report a bill.

HOUSE OF REPRESENTATIVES, *December 24, 1835.*

SIR: I am directed by the Committee on the Public Lands, to ask of you to furnish the committee, at your earliest convenience, the amount of donation claims which have been allowed in Arkansas, to those who lost their improvements by virtue of Indian treaties; and also to state the probable number, if you have any data in your possession on which you can ground an opinion, that have not been provided for by the donation act; that is, the number of those who lost their improvements by the Choctaw treaty, but who did not reside in the ceded country at the passage of the act of 1828.

Respectfully, your obedient servant,

Z. CASEY.

E. A. BROWN, Esq.

*Commissioner General Land Office.*

GENERAL LAND OFFICE,

*January 14, 1836.*

SIR: I should have been gratified to have afforded an earlier answer to your inquiry of the 24th ultimo, "as to the amount of donation claims which have been already obtained in Arkansas by those who lost their improvements by virtue of Indian treaties," but have been prevented from so doing by the multiplicity of official calls and engagements, which have incessantly occupied my attention.

You also request to know from any data possessed by the office, on which an opinion may be grounded, "the probable number that have not been provided for by the donation act; that is, the number of those who lost their improvements by the Choctaw treaty, but who did not reside in the ceded country at the passage of the act of 1828."

The only official information that can be afforded to the committee by this office, in reference to the subject of inquiry, is, that there have been issued three hundred and sixty-seven "donation patents," under the act of 1828, fourteen of which, however, are yet in this office, held under suspension; and on the 12th ultimo, it was ascertained that the number of Arkansas donation patent certificates to claimants, granted by the registers of land offices in that Territory, on which the issuing of patents was suspended, amounted, in number, to sixty-eight. The number of those who lost their improvements by the treaty referred to, is not officially known, nor is it apparent how that fact can be satisfactorily ascertained.

The idea strongly suggests itself, that it would have been a wise and safe policy, had the act of 1828 ordered that a census be taken as to the individuals intended to be benefited by the act, and not left the subject in that state of uncertainty which appears to have been the fruitful cause

of all the subsequent alleged frauds and misdemeanors in relation to the establishment of claims under that act.

Although in your letter of the 24th ultimo it is not stated that the committee have been pleased to call for such information as the files of this office may afford in relation to alleged frauds under the act aforesaid, I nevertheless deem it my bounden duty, on this occasion, to submit for its information such allegations touching that subject as are on file, and which are herewith transmitted, (papers numbered 1 to 19 inclusive;) from which you will perceive, that the President has ordered the further issuing of patents to be suspended, and the suspected cases to be reported to the district attorney for the Territory, in order that proper proceedings may be instituted in prosecution of the offenders against the law.

With great respect,

Your obedient servant,

ETHAN A. BROWN, *Commissioner.*

HON. ZADOK CASEY, *House of Representatives.*

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No. 1.

LAND OFFICE AT LITTLE ROCK,

June 3, 1835.

SIR: We conceive it to be our duty to state to you, that we have been credibly informed that donation claims, under the act of 24th May, 1828, and the subsequent acts of Congress in relation thereto, which were rejected at this office, have been adjudicated and established at the land office at Helena, in this Territory.

Since we have learned (though unofficially) that claims under the above acts to donations of land were adjudicated at that office, we have transmitted to the officers thereof a list of the adjudications made at this office.

We have the honor to be, sir,

Very respectfully, your obedient servants,

B. SMITH,

P. T. CRUTCHFIELD.

ELIJAH HAYWARD, Esq.

*Commissioner of the General Land Office, Washington City.*

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No. 2.

LITTLE ROCK, June 9, 1835.

DEAR SIR: I have not had any business in your office, therefore am unknown; but I, as one of the citizens of Arkansas and of the United States, have the right to detect error in the officers of the Government of this republic. You will discover, from an examination in the General Land Office, two claims proven up as donation claims at the land office at Little Rock, in February or March, 1833, I think, or perhaps one of those months, 1834, in the name of — Campbell, who claimed themselves as citizens and settlers in the county of Miller, at the cession of that country to the Indians; which claims, after proof had been made in the office, I went to the officer, (receiver,) Chambers, and informed him

were fraudulently obtained; and I now pledge myself to produce ten respectable men of the county and adjoining counties, who will swear that those men, Campbells, had never lived, for ten years previous to the passage of the donation law, within two hundred miles of the ceded country. I, at the time the objection was made, produced a letter from men that would swear the facts above stated, and desired it to be filed with the papers, that is, the testimony taken in the case. The testimony would be, that those men forged their given names, and after the fact of their having proven up claims was known in the neighborhood, they ran away. And, sir, if there has not been one-third of the claims proven spurious, I am deceived. They are going on now, here, bringing in men and proving claims that we know nothing of. If the poor or needy of the country were to profit by it, it would not be so much to be looked at; but only a few speculators, who are making fortunes out of the Government, to the exclusion of the mass of the people. If the Government, at the passage of the law, had appointed (or would now) agents besides the officers of the land office, who were the civil officers of the counties at the time of the cession, much fraud would have been prevented. I have never been directly or indirectly engaged in any of the claims, but have been the sheriff of this county for five years, and have noticed how things have been conducted; and therefore respectfully submit the facts to you, who have the control on this subject, until Congress shall meet, and then have the facts represented fairly. Do you suppose for a moment that any man who had a claim to land, (320 acres,) would have been silent ever since 1828 until now, if he had a good claim? No; for the longer the thing was postponed, the more likely the witnesses would be to be dead or out of the way, &c.

Yours, respectfully,

JOHN K. TAYLOR.

SECRETARY of the Treasury.

No. 3.

LITTLE ROCK, A. T., June 15, 1835.

SIR: I feel it my duty to apprise you (as I am informed from a source I can rely upon) that the claim of Daniel Phillips, (a Lovely claim,) proven up and confirmed at the Little Rock land office, 2d February, 1833, and located on the northeast quarter of section 17 and southeast quarter of section 18, in township 19 south, range 1 west of the fifth principal meridian, was fraudulently obtained. I have the names of three respectable witnesses to prove the fact; and, sir, there is a species of fraud and speculation going on with regard to those claims, perhaps not equalled. There are, I have no doubt, men hired to ride through the remote parts of the Territory to hire men to come and prove claims who never saw the ceded country; and if some persons were appointed to re-examine the claims that have been allowed, there is but little doubt there would be a saving to the Government perhaps of half a million dollars. (Consider the immense value of the Mississippi lands at present in this Territory.) I have no doubt there have also been more pre-emption floats proven up at Helena land office than the Territory is entitled to. A review is necessary.

I have no interest, only as a citizen of one of the best Governments ever known to man.

Yours, respectfully,

JOHN K. TAYLOR.

To the SECRETARY OF THE TREASURY  
of the United States.

P. S. I wrote you some days since about some other claims, and could about many more.

Yours,

JOHN K. TAYLOR.

N. B. Please answer me what action can be had at your Department.

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No. 4.

LAND OFFICE, HELENA, June 22, 1835.

SIR: The very high value which at this time obtains for land situate on the margin of the Mississippi river and the adjoining lakes and bayous, in every part of the alluvial region where the cotton-plant flourishes, has induced the speculators and land-dealers to resort to every expedient which ingenuity can suggest, to acquire a title to land situate in the above-described locations. To accomplish this object in a summary manner, a great number of individuals, from the most remote parts of the Territory, have recently visited this office for the purpose of establishing *donation claims*. The abstract of claims under this title, herewith forwarded to the Department, shows the whole number confirmed at this office since it was first established. There is, at this time, proof on file in relation to at least thirty additional claims, upon which I have refused to act, solely on the ground that the claimants ought to apply for relief at the land office situate in the district of country wherein they reside. On this point I respectfully solicit instructions from the Department.

Should this question be decided affirmatively, the motives for moving up these claims would be greatly diminished, and the temptations now held out to many individuals to commit the crime of perjury almost entirely removed. And it may be, that in the claims now suspended on the ground above stated, there are several cases of actual bona fide sufferers, for whose relief the Government has made such ample provision: if so, I am positively certain that a large number of fraudulent claims have been confirmed, although the testimony might have been conclusive in every point required in the instructions.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN T. CABEAN.

HON ELIJAH HAYWARD.

*Abstract of donation claims adjudicated upon at the land office at Helena, Arkansas Territory, under the 8th section of an act of Congress, passed May 24, 1828, granting donations to certain persons in Arkansas Territory.*

No. of claim.	Names of claimants.	When adjudicated.	Decision.	Remarks.
No. 1	Thomas Coil - -	1835. Feb. 2, sus- pended for further tes- timony.	-	Re-examined and confirm- ed, April 18, 1835.
2	Isaiah Moss - -	Susp. do.	-	Confirmed do.
3	Isaac Myers - -	March 28	Confirmed.	
4	Benj. Cuthbert, heir of John Cuthbert -	" "	do	
5	George Jamison -	April 7	do	
6	Benjamin Bencker -	" 8	do	
7	James Matthews -	" "	do	
8	Henry Reel - -	" "	do	
9	Robert McElhany -	" "	do	
10	Fy. Weiland - -	" 14	do	
11	John Nooner - -	" "	do	
12	John Snell - -	" "	do	
13	James C. Wilcox -	" 15	do	
14	Rob't McConnell, jr.	" 16	do	
15	Jesse Vincent - -	" "	do	
16	Eleazer Doane - -	" "	do	
17	John Murray - -	" 18	do	
18	Robert Anderson -	" "	do	
19	Saml. L. McFarland	" 20	do	
20	Nancy Johnson, late Nancy Kelly -	" 27	do	
21	Solo. Moffit, heirs of	" "	do	
22	William McCown -	" "	do	
23	James Polk - -	" "	do	
24	Alex. McLaughlin -	" "	do	
25	Edward Carney -	" "	do	

JOHN T. CABEAN,  
Register.

June 22, 1835.



No. 5.

MARSHAL'S OFFICE,

*Little Rock, A. T., July 6, 1835.*

SIR: From recent information, I am induced to make to your Department some suggestions relative to what are called in this country donation land claims. By the act of Congress of 1828, there was allowed to the citizens residing in what was termed Lovely county, a donation of 320 acres of land, to be located on any unappropriated lands in this Territory. The time given by this act for claimants to prove up their claims, was, by subsequent acts of Congress, extended to some four or five years from the passage of the last act. At the time of the passage of the first act of the treaty with the Cherokee Indians, the number of persons residing in the ceded country who were supposed legitimately entitled to the benefits of the act, was not more than four hundred.

From the best information I can get, I am inclined to think that some seven or eight hundred claims have been proven up and allowed, at different land offices in this Territory; at all events, a number largely over the correct estimate of inhabitants or heads of families entitled to claims. Within the last few months, I am inclined to believe that a number of claims have been procured, presented, and passed or confirmed, by fraud, perjury, and subornation of perjury, and the most valuable lands of the United States applied to their satisfaction. As an evidence of this fact, several claims were presented at the land office in this place, and the fraud detected, and prosecutions instituted without the interposition of the United States attorney.

There is also a species of claims called *floating pre-emptions*, allowed and passed, as I am informed, at the land office at Helena, which were never designed by the spirit or meaning of the act granting pre-emption rights, or by the instructions of the officer at the head of the land department. The high estimation in which the cotton-lands of the country are held, has been a great inducement to men to procure those claims by the most profligate and abandoned course, with a view to speculation. A rigid investigation of all the claims passed and confirmed during the last twelve or eighteen months, would no doubt save to the Government a large quantity of valuable cotton land, and bring before the public, for retributive punishment, the conspirators in the scheme of speculation and fraud. This action would necessarily have to be in the United States court, to avail the Government of all the evidence which can and will be adduced.

Colonel Rutherford, the deputy marshal, and myself, have been absent for some time on official business, or I would have noticed this business sooner. The Governor of the Territory has just informed me that he had, or would, represent the same matter to the heads of departments.

I am, dear sir,

Your obedient servant,

ELIAS RECTOR,

*Marshal A. T.*

To the Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*



No. 6.

LITTLE ROCK, July 21, 1835.

SIR: I have sat down to inform you of some of the greatest frauds ever practised on the Government of the United States since the Yazoo speculations. When I speak of fraud and speculation in Arkansas, it is with regard to the Lovely and Miller donations. You will recollect the law passed 24th May, 1828, giving donations to sufferers; and yet, after the lapse of from that to this time, there have been more claims proven up in the last twelve or eighteen months than in all the five or six years previous, which is of itself sufficient evidence to show the fraud. I, sir, have no personal acquaintance with you myself, but can refer you to gentlemen of the first respectability of the country, for the truth of what I shall say to you about the matter intended to be represented. If we had a good prosecuting attorney for the Government, there could be no doubt of success on the part of the Government, in matters now pending before the United States court now sitting at this place. There have been many persons presented for fraud, at this court, who could be convicted, without doubt, but for the former reason. The thing has just commenced; and you may be assured it will be prosecuted with effect, if such a thing can be done by some few honest men yet left in Arkansas. We have a clew to some ten or twelve of those fraudulent claims, and this court will unravel many others. As to my assertion to the incompetency of the district attorney, (having no ill-will towards him,) I will refer you to Hon. A. Yell, Major F. W. Armstrong, Hon. Benjamin Johnson, Elias Rector, marshal, and Colonel Wharton Rector. I write you solely for the good of my country, without ill-will or malice to any individual. I have been the acting sheriff of this county for the last five years, and have seen enough to convince any honest man of what I now inform you. Much more could be said: this is sufficient.

Your humble, obedient servant,

JOHN K. TAYLOR.

To Gen. ANDREW JACKSON,  
*President of the United States.*

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 No. 7.

WINCHESTER, VA., July 28, 1835.

SIR: I was anxious to have had a good deal of conversation with you, when recently in Washington, in relation to the affairs of the land office at Helena, Arkansas; but you were, unfortunately, too unwell to admit of it.

I now beg to say to you, that the only way for the Government to defeat the frauds growing out of the floating pre-emption law of 1834, will be to suspend every entry under that law made at Helena. You will have ample apology for doing so, from the fact that not one case in a hundred has been proven up according to law, nor is there one case in that number that is genuine. To give you an example: in many cases, the husband and wife have been allowed floats. The testimony in relation to floats has almost in every case been taken before magistrates in the county, when your instructions only contemplate that the testimony should be so taken in special cases.

I beg to furnish your department with the names of the individuals who have been active in committing these frauds upon the Government. Their names follow : Edwin T. Clark, Robert Burton, Wm. B. R. Horner, Wright W. Elliott, and John J. Bowie. Wm. D. Ferguson is also suspected of having proved up some spurious cases.

I am, sir, with great respect,

Your obedient, humble servant,

THOMAS P. ESKRIDGE.

Judge HAYWARD, *Washington City.*

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No. 8.

HELENA, ARKANSAS TERRITORY,

*July 29, 1835.*

SIR: I take the liberty to inform you that Littleberry Hawkins, the receiver of public moneys at this place, is guilty of the following charges, viz :

*First.* Of acting as agent for others in the purchase of public land to a very large amount. The grievance or impropriety of which arises from the advantage which he possesses over all others: he being one of the public officers, should not be interested, directly or indirectly, in the purchase of land, that all might expect an impartial and correct course to be pursued by him, being entirely uninfluenced by any selfish interest.

*Second.* He has left the office for so long a time at once, without any person knowing where he was gone, and that, too, immediately after his return from below to make the deposits, that almost every person (from Hawkins's broken condition) believed that he had run away, and it was so reported throughout the whole Western country. In this long absence many persons had to suffer, as some branches of the land business could not be acted upon in his absence, whereby many remained till his return, and many left to return again.

*Third.* He has privately contracted for Lovely claims before they were adjudicated; from which it is reasonable to believe that the same influenced his decision, and that he is no guard or watch over the rights of individuals, or the interest of his country.

*Fourth.* He refused to give up certain papers relative to the establishment of certain Lovely claims (which he had purchased) to Dr. Cabean, the register at this office, who was summoned to appear, forthwith, at Little Rock, before the superior court, now in session, for the purpose of establishing certain facts in regard to certain Lovely claims. The register was compelled to go without the papers. It is well known that there are a great many spurious Lovely claims, and when such a disposition is evinced in one of our land officers, it is not to be wondered at.

*Fifth.* He has formed a partnership with the notorious John J. Bowie. This man is well known throughout the Western States, being the same who presented so many spurious Spanish claims to our court for confirmation; those rejected claims now known by the name of the Bowie claims.

*Sixth.* He has used false keys to the register's office, thought for the purpose of making many quarter sections as having been entered; all for speculation and advantage in different ways.

*Seventh.* He has frequently carried into his books entries and locations of pre-emption floats, without application at the register's office. One circumstance I will name: Benjamin Desha (formerly receiver of public moneys at Little Rock) came to Helena to locate one Lovely claim, which he wished to locate on the north half of section four, township six south, range two east. The map of said township arriving at the register's office by express at this time, Hawkins, to obtain this half section, carried the entry, by pre-emption floats, into his books, without ever having made the application at the office of the register. But Desha was not to be swindled in this way; he knew too much of the business for that; he threatened Hawkins that he would inform the department of his conduct, by which Hawkins became alarmed, and gave Desha three thousand dollars for a compromise. At this same time he located a pre-emption float on the widow Tucker's place, in the same township, although informed that it was a good pre-emption right, and obtained his certificate from the register, by stating what was false, saying that he had purchased.

*Eighth.* He speculates upon the public funds; buys draughts at a great discount.

*Ninth.* He purchases pre-emption claims and pre-emption floats before his adjudication of them, and is guilty of various other malpractices in office, too tedious to mention; but all the specified charges can be substantially proven by any amount of testimony.

With much respect,

Your obedient humble servant,

JOHN C. D. THORNTON.

ELIJAH HAYWARD, Esq.,

*Commissioner of the Gen. Land Office.*

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No. 9.

LAND OFFICE, HELENA, July 30, 1835.

SIR: By request of Doctor J. T. Cabean, I have the honor herewith to enclose a copy of a subpoena, executed by the marshal of the Territory on the 25th instant.

The mandate of the court required the doctor's immediate presence before the judges now in session at Little Rock; and on the day after the service of the writ, he left this place, leaving his office under my charge. He requested me to state that he will return with the least possible delay.

I have the honor to be, very respectfully,

Your obedient servant,

H. L. BRISCOE.

ELIJAH HAYWARD, Esq.,

*Commissioner of the Gen. Land Office.*

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UNITED STATES OF AMERICA, }  
 Territory of Arkansas, } ss.

To the Marshal of Arkansas Territory—Greeting:

You are hereby commanded to summon John T. Cabean, register of the land office at Helena, if he be found within your bailiwick, to appear before the judges of our superior court, at the court-house, in the town of Little

Rock, forthwith, at our present July term; then and there to give evidence to the grand jury of the United States, and to bring with him, for the inspection of the grand jury, the depositions of George W. Thorn, George Jay, and Benjamin Boswell, proving up donation claims, and all the papers relating to the same, on file in the land office at Helena; and that you make due return of this writ to our said court.

In testimony whereof, I have hereunto set my hand as clerk, and affixed the seal of office, this 21st day of July, 1835, and of the independence of the United States the sixtieth.

WM. FIELD, *Clerk.*

I do certify that the above is a true copy of the original. Given this 25th of July, 1835.

NAT. DENNIS, *Deputy Marshal for*  
ELIAS RECTOR, *Marshal of Arkansas T.*

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No. 10.

LITTLE ROCK, *August 6, 1835.*

SIR: The supreme court of Arkansas have been in session for the last four weeks. During that time some forty or fifty indictments have been found against individuals for perjury, in proving up spurious *Lovely donation claims*; and I have but little doubt there will be as many, or more, found at the next term of the court. This information I have thought it my duty to give, that the proper department might look to the propriety of further investigation of the subject. Nearly all these fraudulent claims have been purchased by speculators, who now hold them. The Government has been swindled out of some thousands of acres of the best Mississippi land; some of it worth at this time from \$20 to \$40 per acre.

I presume Governor Fulton has written to the proper department on the subject. I believed it my duty to give the information, that the system of swindling may be brought to a close; and at this time I am happy to believe that public opinion will aid us in a full and fair investigation of the subject, &c.

I am, as ever, your friend,

A. JACKSON, *President, Washington.*

A. YELL.

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No. 11.

NASHVILLE, *Tennessee, August 8, 1835.*

SIR: We have settled some lands in Arkansas, in township six south, range seven west, south of the Arkansas river. The lands in this township have been surveyed seven or eight years ago, and have not as yet been offered for sale, nor has the plat been returned (though it has been received) to the office.

A considerable portion of the lands in this, as well as the adjoining townships, are held by *Lovely claims*, which is the case with the lands we claim. We are very desirous to get the title perfected to our lands, and to extend our purchases, which we are deferred from doing, from the above circumstance. The Government heretofore has not been called upon to offer these lands, from the circumstance of a few land speculators wishing to cover them with those forged claims, and delay

gives time to make more of them; and further, there are thousands of acres held at this time simply by the filing an application at the office for lands to be covered by Lovely claims, (but no claim filed,) and it appears not necessary to file the claims, or purchase them to file, until the lands are offered by the Government for sale; and thereby these few individuals are enabled to hold large bodies of land without paying a dollar for them. When an opportunity offers to make a sale at a high price, then it is, and not until then, a claim is filed. This you see enables them, with a few claims in their pocket, to hold large bodies of lands, to the prejudice of those disposed to settle and cultivate the soil.

We ask the sale of the above-named township to be as soon as convenient, as we are not only anxious to get titles to our lands, and extend our purchases, but get neighbors about us; all of which is prevented, from the above-named circumstance.

Yours, very truly,

H. R. W. HILL,  
JOHN WATERS.

General ANDREW JACKSON,  
*President of the United States.*

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No. 12.

LAND OFFICE, *Helena, August 12, 1835.*

SIR: I have the honor to inform the Department, that at the last term of the superior court of this Territory, bills of indictment for perjury were found against Enoch Campbell and James Duncan, in establishing donation claims before the land officers at Little Rock. These claims have each been located at this office.

Certificates of location, No. 1 and No. 24, contain the land embraced by these locations.

I have the honor to be, very respectfully,

Your obedient servant,

HON. ELIJAH HAYWARD.

JOHN T. CABEAN.

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No. 13.

LITTLE ROCK, *August 14, 1835.*

DEAR SIR: I have again sat down to trouble you with some accounts from Arkansas, and would not do so, but know no other source to apply to for redress of wrongs done to the Government under which we live. The superior court of the Territory adjourned its July session on the 10th instant. The grand jury adjourned on the 8th instant, 9 o'clock, P. M., which body brought to light some of the most glaring frauds ever practised upon this Government, the Bowie and Yazoo claims not excepted. Sir, it was clear to the mind of every juror, that men had gone to the different land offices, and proven up Lovely donation claims, and for which patents have, in many instances, issued; when, in fact, such individuals never saw the country ceded to the Indians. The jury above alluded to have, from proof in their deliberations, found some twenty-five or thirty bills of indictment against persons for perjury, and subornation of perjury, one of which individuals we caught and had upon trial, and his only means of acquittal was to claim the statute of limitation. (See Gordon's Digest.) It says that no man shall be convicted of a crime, (not capi-



tal, unless he flies from justice,) that shall have been committed two years previous to the finding the indictment; and many others will get off on the same grounds. The next grand jury, I have no doubt, will have evidence sufficient before them to find bills against many persons who have gone to the different land offices, and changed their names and proven up claims. It has also been latterly discovered that some of the speculators have had influence enough over some of the land officers, to have the plats marked as if entries had been made, then let them have time to go and examine before the land was certainly entered; which course of conduct is calculated to deceive those who might wish to enter. To give some knowledge of the extent of the frauds committed at the cession of Lovely and Miller counties to the Indians, I have been informed that, at the extent, not more than five hundred persons were entitled to claims; and also understand eight or nine hundred have proven up. I do not know what course Government will take, (if any,) but if there would be a board of three or five vigilant persons, sent with authority to the border of each of those counties, with power sufficient to compel persons and papers to come before them, every man could be identified who lived there at the cession. The sheriffs and clerks are yet living, I believe; also, the tax lists, perhaps, can be found; indeed I have understood that the old clerk of Lovely county has the tax list of 1828, which year the law giving donations passed, &c. I, sir, have no interest in making those developments, but think it a duty due to my country. I am, and have been sheriff of this county for five years, and am now deputy marshal, and as such, think I would not be doing my country justice, in standing by and seeing such fraud and speculation, and say nothing.

I have the honor to be, your obedient servant,

JOHN K. TAYLOR.

To General ANDREW JACKSON,  
*President of the United States.*

No. 14.

TREASURY DEPARTMENT, August 28, 1835.

SIR: I refer to you a letter from the honorable A. Yell, on the subject of certain frauds committed at the land offices in Arkansas. You will perceive, from the endorsement, that the President has directed that no patents issue from the land office where frauds are suspected, in the particular class of cases named, until investigation can be had; and, in the mean time, that you be directed to instruct the land officers to report to the district attorney of the United States all suspected cases, and to request the attorney to institute proper prosecutions.

I am, respectfully, sir, your obedient servant,

LEVI WOODBURY,

*Secretary of the Treasury.*

COMMISSIONER of the General Land Office.

No. 15.

To the honorable the Secretary of the Treasury of the United States:

The undersigned, composing the grand jury to the July term, 1835, of the superior court for the Territory of Arkansas, beg leave to present to your consideration the following matters which have transpired during



their recent session. Among the various matters which they have been called upon to investigate, the subject of the validity of donation claims to land under the treaty with the Cherokee Indians, (commonly known in this country as the Lovely claims,) has engaged their most serious attention.

This investigation, which has been continued for several weeks, has resulted in a firm conviction upon the minds of the undersigned, that a large proportion, if not a majority, of those claims, have been procured by the basest fraud and perjury. One of the land officers, and a great many witnesses, summoned from the section of country where those claims are pretended to have originated, have undergone a patient and thorough examination before the grand jurors, which has resulted in the finding of many bills of indictment for perjury against the principals in the claims; and the witnesses, besides the jury, are fully satisfied that many more claims upon which they could not act, from the difficulty of procuring sufficient legal testimony, are spurious: inasmuch as the validity of many of these claims will be tested at the next term of our court, we have thought it not only proper, but our duty, respectfully to suggest to the Department the propriety of suspending the further issuance of patents upon such claims, until their validity shall have been fully examined into and substantiated.

All of which is respectfully submitted.

W. Rector, *foreman of the grand jury.*

D. B. Green,

Richard Fletcher,

Charles C. Rice,

John Douglass, jr.

Samuel Bigham,

Nathaniel Lewis,

Jared C. Martin,

Moses H. Blue,

Valentine Brazie,

James Hester,

John F. Lindsey,

Elijah Garis,

Jesse Bland,

Richard C. Hawkins,

Benjamin Kellogg,

Hardy Jones,

John V. Boyle.

We concur in the above:

BENJAMIN JOHNSON, *Judge.*

A. YELL, *Judge.*

DE LA F. RAGSDON, *Assisting prosecuting attorney for the U. S. for Arkansas Territory.*

WM. FIELD, *Clerk Dist. Court.*

No. 16.

LITTLE ROCK, *September 16, 1835.*

DEAR SIR: I have this moment received yours of the 26th ultimo, saying you had forwarded copies of my letters written to your Department on the subject of the Campbell and Phillips claims; you might have added the claim of Hudson. In the case of Hudson and the Campbells, I pledged myself to prove false, which I did, and the grand jury, at the July session of the superior court, found bills of indictment vs. the Campbells and Hudson. Nor is this all; they found against thirty for perjury and subornation of perjury, and how many the next jury may find is yet to be seen.

Yours, respectfully,

JOHN K. TAYLOR.

In any case I pledge myself in, my name need not be concealed; some of the speculators will not now speak to me.

J. K. T.

JOHN M. MOORE, Esq.

*Acting Comm'r General Land Office.*

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No. 17.

LAND OFFICE, HELENA,

*September 17, 1835.*

SIR: The very great extent of the operations at this office in pre-emption claims, where floating rights accrue, will, I have no doubt, excite the suspicion and rigid scrutiny of the Department, when the claims are presented for final adjudication.

The very high value of Mississippi land, and there being no opportunity at this time of obtaining it at private entry, has compelled the speculators to resort to these claims as one of the methods to obtain title and possession to land which has not been offered at public sale. Almost in every case, the transfer of floating claims, the acknowledgment before the magistrate, and the certificate of magistracy, are all perfected long before the claim has been confirmed, or even any evidence of intention to enter the land. Artful and designing men can establish almost as many pre-emption claims of this class as they please; and while floating claims command such a high price, and meet with such a ready sale as now obtains at this office, there is no calculating how many claims can, or will, be established before the expiration of the present law.

I respectfully submit these facts to the consideration of the Department, and solicit additional instructions, which will require the pre-emptors in all cases to establish their claims in the presence of the land officers.

I have the honor to be, very respectfully,

Your obedient servant,

JOHN T. CABEAN.

HON. JOHN M. MOORE.

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No. 18.

GENERAL LAND OFFICE, *August 26, 1835.*

GENTLEMEN: Herewith I enclose to you copies of two letters, dated the 9th and 15th June last, to the Secretary of the Treasury, alleging that the donation claim which has been confirmed to Daniel Phillips, and two claims "in the name of Campbell," have been fraudulently obtained. The number of the donation certificate in favor of Daniel Phillips, is No. 216; number of the claim 284. There are two certificates in the name of Campbell. No. 223 in the name of William Campbell; claim No. 299. No. 237 in the name of Jeremiah Campbell; number of claim 309. If the register is in possession of the patents for the claims in question, (which have been sent to his office,) he will be please to return them to this office immediately. You are requested to

inquire into the truth of the charges preferred in the enclosed, and make a report in relation to the same, accompanied by such explanations, in reference to the confirmation of the claims in question, as the papers on file in your office may enable you to give.

I am, very respectfully, your obedient servant,

JOHN M. MOORE,  
*Acting Commissioner.*

REGISTER AND RECEIVER,  
*Little Rock, Arkansas Territory.*

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No. 19.

LAND OFFICE, LITTLE ROCK, *November 17, 1835.*

SIR: In responding to the letter of the acting Commissioner of the 26th August last, enclosing to us "copies of two letters dated the 9th and 15th of June last," addressed to the Secretary of the Treasury, which alleged, "that the donation claim which has been confirmed to Daniel Phillips, and two claims in the name of Campbell, have been fraudulently obtained," we have the honor to state, that agreeably to the request of the acting Commissioner's letter, we have inquired into the truth of the charges preferred in those letters. We herewith enclose to you copies of the testimony in each case on which the claims of Daniel Phillips, William Campbell, and Jeremiah Campbell, were adjudicated, which correspond with the numbers of the claims indicated in the letter of the acting Commissioner. The patent to William Campbell is herewith enclosed. The patents issued to Daniel Phillips and Jeremiah Campbell are not in the register's office, having been delivered to those claiming them. We have ascertained from the clerk of the superior court of this Territory, that *Jeremiah Campbell* has been indicted, in that court, for perjury, in the several cases, jointly with Enoch Campbell and Jonathan Hudson. One of the indictments is for perjury committed in the proof of the claim of the said Jeremiah Campbell, the copy of which is herewith transmitted, as above mentioned, wherein it will appear that Enoch Campbell and Jonathan Hudson are witnesses. The other *two* indictments against said Jeremiah Campbell, jointly with Enoch Campbell and Jonathan Hudson, are, as we understand from the clerk, for perjury committed in the proof of the respective claims of Enoch Campbell and Jonathan Hudson. We are informed that the said persons, so indicted, have absconded. We have not been able to ascertain any thing by which the claims of Daniel Phillips and William Campbell are impeached. The aforementioned copies of the testimony in each of those claims, together with the adjudication endorsed on each, herewith transmitted, contain all the information we are enabled to impart concerning them, except what we have hereinbefore stated.

We are, sir, very respectfully, your obedient servants,  
SAM'L M. RUTHERFORD,  
P. T. CRUTCHFIELD.

HON. ETHAN ALLEN BROWN,  
*Commissioner of General Land Office, Washington, D. C.*