

University of Oklahoma College of Law
University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

3-23-1838

Joseph Dukes

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>

 Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

H.R. Rep. No. 719, 25th Cong., 2nd Sess. (1838)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

JOSEPH DUKES.

[To accompany bill H. R. No. 688.]

MARCH 23, 1838.

Mr. PARKER, from the Committee on Indian Affairs, made the following

REPORT:

The Committee on Indian Affairs, to which were referred petitions of the chiefs, headmen, and principal warriors of the Choctaw nation, in behalf of Joseph Dukes, have had the same under consideration, and respectfully submit the following report:

This claim was submitted to Congress in 1832, and referred to the Committee of Claims, who made the following report, in which your committee concur:

“It appears, from the representation of the petitioners, and other satisfactory evidence adduced before the committee, that Joseph Dukes, a native Choctaw, was a resident and citizen of the Choctaw nation, in the State of Mississippi, at the time of the treaty entered into and concluded between the United States and the mingoes, chiefs, captains, and warriors of the said nation, at Dancing Rabbit creek, on the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and thirty; has a small family; and, in the language of the treaty, was, at that time, a “Choctaw head of a family.” That he was, while an infant, left a poor and destitute orphan, and was taken into the missionary family at Mahew, where he and his wife (who is also a Choctaw) have received good English educations, and where they resided at the time of the treaty. Dukes is about twenty-one years of age; both he and his wife have sustained good moral characters, and are calculated to make useful members of society. He has, for the last three years, devoted his time and attention to the improvement of the condition of his red brethren, by acting in the capacity of an interpreter and translator of the Choctaw language for the mission, which has prevented him from accumulating any property for the support of his family. By the provisions of the fourteenth article of the treaty before referred to, each Choctaw head of a family is entitled to a reservation of six hundred and forty acres of land; each unmarried child of the family over ten years of age, to one-half that quantity; and each child under ten years of age, to one hundred and sixty acres; on condition of their intending to become citizens, and residing on the same for five years: which reservation was, by the stipulations of the treaty, to include their then present improvement, or a portion of it. In consequence of Dukes’s residing in the missionary family, he could not be considered as

having any improvements of his own, and therefore did not come within the provisions of the fourteenth article of the treaty. For the same reasons, he did not come within the purview and meaning of the nineteenth article, nor was his case provided for by any general or special provisions contained in the treaty. The petitioners, therefore, pray Congress to grant unto the said Joseph Duker a section, or six hundred and forty acres of land, to be located on any of the unappropriated and uncultivated lands within the limits of that section of country to which the Indian title was extinguished by the aforesaid treaty. The committee are aware that the reservations already granted are so large and numerous as to be prejudicial to the interests of the United States, as well as to the State of Mississippi and her citizens, but cannot pass unnoticed the high claims of so meritorious an individual as Duker. If the committee understand the object and policy of the Government in granting reservations to the Indians, the grants were not considered in payment, or part payment, for relinquishing their title to the lands because the payment was otherwise provided for, but the reservations under the fourteenth article of the treaty, were for the purpose of securing to those who were desirous to remain and become citizens of the States, a home on the land which they inherited from their ancestors, who had occupied the same from time immemorial. The object of the Government was not to drive them forcibly from the place of their nativity, and compel them to seek an asylum in the Western wilds, but only to provide, in that distant land, for those who chose voluntarily to go, and also to guaranty a freehold interest in the soil to those who chose to remain and become amenable to our laws. The question, therefore, before the committee, is not whether we shall give to this humble individual a tract of land to induce him to remain among us, but whether the General Government will deprive him of a home, and drive him from the land of his fathers, merely because he has devoted his time and attention to the amelioration of the condition of his countrymen, instead of cultivating the soil for his own benefit, and accumulating property, when other less meritorious individuals are permitted to take reserves, remain among us, and enjoy all the rights, immunities, and privileges of citizens. The committee do not hesitate to recommend the granting of the prayer of the petitioners, and therefore report a "bill for the relief of Joseph Duker."