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PETITION

OF

A NUMBER OF CITIZENS OF THE STATE OF ALABAMA,

PRAYING

To be allowed pre-emption rights to any unlocated public lands, in lieu of others of which they have been deprived.

JANUARY 8, 1839.

Presented by Mr. CLAY, of Alabama, to accompany Senate bill No. 135, and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :

We, your petitioners, a portion of the citizens of the county of Benton, in the State of Alabama,

WOULD RESPECTFULLY REPRESENT UNTO YOUR HONORS :

That under the treaty of 1832, between the Government of the United States and the Creek tribe of Indians, a certain amount of lands, to wit : forty-nine sections, were guarantied to the chiefs and orphans of the said tribe, which said lands were reserved from sale ; that, after the ratification of the said treaty, your petitioners left their homes and came into the wild forest and cleared and cultivated our farms, by which we enhanced the price of the lands, and indeed made them valuable ; that, in doing so, we suffered all the privations that are necessarily attendant upon the settlement of all new countries ; and, in addition to the usual hardships and fatigues, we had the dread of the depredations of savage vengeance.

This we did under the firm persuasion, that the Government in which we live, in its hitherto wise and liberal policy, would, to a certain extent, compensate the honest pioneers who should go forward in clearing, populating, and civilizing a savage wild. In this we were not mistaken : for, under the act of your body, of June, 1834, "to grant pre-emption rights to actual settlers on the public lands," many of your fellow-citizens in this and the adjoining counties secured their homes, and are now, with the march of civilization, moving on in happiness and prosperity, while we, your petitioners, were, not by law, but by the acts of the agents of the Government, deprived of our homes and all the benefits of the act above referred to. We do not complain of the Government, nor do we

wish to censure, unnecessarily, her agents; yet we must be permitted to represent facts, and knowing that you are well acquainted with the principles of justice, it is upon that we rely for success.

Your honors, or many of you, no doubt, recollect that the lands subject to sale at the land office in the Coosa land district, located at Mardisville, Alabama, were advertised for sale, the sale to commence on the 14th day of January, 1834, and that, previous to that time, it was the duty of Mr. Bright, the agent selected by the Government to locate the aforesaid forty-nine sections, to be reserved from sale for the benefit of the chiefs and orphans of the said Creek tribe of Indians, to have made the location of the said chiefs' and orphans' land, and have filed his certificate in the land office at Mardisville, so as to enable the register at that place to reserve the same from sale; that Mr. Bright, in accordance with his duty, did, on the 13th day of January, 1834, file in said land office the number of the sections, together with his certificate of location, of all the chiefs' and orphans' land to be located in this district; that said locations were made upon good soil, yet of uncultivated lands, and of course did not interfere with the claims of any person under the pre-emption law subsequently passed; that, for want of the plat of the survey of said lands, the sale that was to have commenced on the 14th day of January, 1834, was postponed.

We do not pretend to know, or even suggest, by what means the following change was effected. Yet such is the fact, that although Mr. Bright had previously located said chiefs' and orphans' land, he, in company with an organized band of speculators, some time in the month of March, 1834, came into the county of Benton and selected your petitioners' farms, and reported them as the chiefs' and orphans' land, to be reserved for the nation; all of which are situated near the county site of said county, and are, consequently, very valuable: thus depriving your petitioners of their right of pre-emption, under the act of 1834, and taking their farms from them upon which they had bestowed several years' toil and hard labor. For proof of the above allegations, we refer you to the annexed sheets.

In consideration of the premises, we pray your honorable bodies to pass a law in conformity with the provisions of the bill presented by our honorable and much respected Senator, Clement C. Clay, at your last session. We do not seek indemnification, but ask what we think sheer justice cannot deny, that is, a pre-emption right of float to be laid for all those, and those only, who shall be enabled, by the annexed sheets, to satisfy your minds that they were deprived of their rights, guaranteed by the act of 1834; said pre-emption floats to be located upon any public lands undisposed of, so as not to interfere with other claimants. And, as in duty bound, we will ever pray.

William Beene
Lemuel Beene
Peter Heifner
Jesse Beene
Allen Upshaw
Willis Selman
Francis B. Smith
James Moore
his
Jesse x McBee
mark.

Benjamin McMahan
Hezekiah Cross
Matthew Winn
W. McMichel
Benjamin Hollingsworth
J. B. Pendleton
Redmun G. Stewart
Seaborn Watts
Thomas T. Roggers
Robert Caskey
John Gotcher

Nathaniel Hillin
 Warren Harris
 George Harris
 Jesse Harris
 Richard Harris
 Samuel Tally
 James Wood
 Peter Upshaw
 John Been
 Martin Crouch
 Oba Winn
 Elias Moore
 Elijah Allen
 William Been, senior
 Henry Boozer
 Adam Boozer
 Samuel Cobber
 Henry Dodson
 Allen Upshaw
 Calyer Johnson
 T. B. Hillion
 Bady Alford
 James Clark

Thomas A. Smith
 John Boozer
 John Boyd
 William Simmons
 C. W. Spook
 Wiley Puckett
 Williamson Todd
 Hezekiah Palmore
 Joel Chandler
 Moses Fipps
 John Fipps
 Moses Benson
 John Corbett
 Richard Moreland
 Caleb Browning
 Jeremiah Sampler
 Nancy Norris
 Samuel B. Russel
 James Rice
 Joshua Browning
 E. S. Jones
 John A. Miller