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Lowry Williams.

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H.R. Rep. No. 644, 30th Cong., 1st Sess. (1848)

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Report No. 644.

[To accompany bill H. R. No. 510.]

HOUSE OF REPRESENTATIVES.

LOWRY WILLIAMS.

MAY 20, 1848.

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

REPORT:

*The Committee on Indian Affairs, having considered the petition of Lowry Williams, report:*

The petitioner claims \$1,960 50, under the following state of facts. He was entitled, as an individual of the Cherokee tribe of Indians, to a certificate, No. 4068, under the 9th article of the treaty of 1835, for the sum aforesaid, dated 4th April, 1838. On that day, the certificate purports to have been paid to the said Lowry Williams, and a receipt, purporting to be signed by him, is endorsed on the certificate. The petitioner swears that it was not paid to him, or to any person for him, and that it has never been received by him from any person whatsoever. The payment seems to have been made by the disbursing agent, Simonton, at the Cherokee agency, East Calhoun, Tennessee. On that day, the 4th April, 1838, the petitioner swears, and proves the fact by two creditable witnesses, that he was at Cassville, Georgia, some 80 miles from Calhoun. The committee are satisfied from the accompanying testimony, that the statement of the said Lowry Williams is entitled to credit, and that the facts relied on for the recovery of his claim are true, and that the money is still due and unpaid to the said Lowry Williams, and ought to be paid to him, having been improperly paid without his authority or consent to another person.

The committee report a bill for his relief, and ask the papers, marked A, B, C, and D, to be taken as part of this report.

A.

CASSVILLE, Georgia.

*To the Speaker of the House of Representatives of the United States:*

Your petitioner, Lowry Williams, of the county of Cass and State aforesaid,

RESPECTFULLY SHOWETH:

That under the provisions of the treaty of 1835, between the United States and the Cherokee nation of Indians, east of the Mississippi, your petitioner was allowed as a claimant, under said treaty, a certain amount for his improvements, which were taken from him by the State of Georgia; and that after having received a part of the sum due him for said improvements, he applied for the remainder at Calhoun, in the State of Tennessee, in the month of March, 1838, and was then and there informed, by the proper authority, the remainder of the money due your petitioner could not be paid there, but would be paid "west." And your petitioner further showeth, that afterwards, in the year eighteen hundred and thirty-nine, he went west to the Cherokee nation, and applied there to the proper authority for payment of the money due him, and was there informed that it had been paid "east." And your petitioner further showeth, that afterwards, he went to the city of Washington to inquire into the matter, and was informed there by the proper authority, that the money due your petitioner had been drawn; and purported to have been drawn by your petitioner, on the fourth day of April, in the year eighteen hundred and thirty-eight, at Calhoun, in the State of Tennessee. And your petitioner positively states, that on the day on which the said sum of money, to wit, the sum of nineteen hundred and sixty-one dollars, is represented to have been paid your petitioner, he was in Cassville, Georgia, some eighty miles from Calhoun; that he did not draw said money, nor did he authorize any one else to draw it for him; that it was done without the knowledge or consent of your petitioner, and that he has never received the same nor any part thereof, and that the said sum of nineteen hundred and sixty-one dollars is still due him, under said treaty, for his improvements; and, as your petitioner is advised, with the legal interest thereon. And your petitioner herewith submits the affidavits of Michael Fricks and William Silen, proving that your petitioner was in Cassville, Georgia, on the day it is represented your petitioner drew said sum of nineteen hundred and sixty-one dollars, at Calhoun, in Tennessee. Under these circumstances, and with these facts, your petitioner hopes that the Congress of the United States will make such provision, as will insure your petitioner speedily to receive the money justly due him under said treaty. All of which is respectfully submitted.

LOWRY WILLIAMS.

GEORGIA, *Cass county.*

Personally came before me, William Latimer, a justice of the peace in and for said county, Lowry Williams, and being duly sworn on oath, saith, that the facts stated in the foregoing and annexed petition are true.

LOWRY WILLIAMS.

Sworn to and subscribed before me, this 22d day of January, 1848.

WM. LATIMER, *J. P.*

GEORGIA, *Cass county.*

I, Arthur Haire, the clerk of the superior court in and for said county, do hereby certify that William Latimer, whose name appears to the annexed affidavit, above, is a justice of the peace in and for said county, and that full faith and credit are due his official acts.

[L. s.] Given under my hand and seal of office, this 22d day of January, 1848.

ARTHUR HAIRE, *Clerk.*

GEORGIA, *Cass county.*

I, Augustus R. Wright, the judge of the superior courts of the Cherokee circuit, in which is said county of Cass, do hereby certify that Arthur Haire, whose name appears to the above certificate, is the clerk of the superior court of said county, and that his attestation is in due form of law.

Given under my hand, this 22d day of January, 1848.

AUGUSTUS R. WRIGHT,

*Judge of the superior courts of the Cherokee  
circuit of said State.*

B.

WASHINGTON CITY; *April 7, 1848.*

SIR: I had the honor to present the memorial and other papers supporting the claim of Lowry Williams to this Congress, and they were referred, on my motion, to the Committee on Indian Affairs. It may be useful to the committee to know something of the claimant, Mr. Lowry Williams. He is a white man, entitled to the privileges of an Indian, from the fact that he intermarried with a Cherokee woman, and resided within the limits of the country occupied by the Cherokee Indians. He was then, and is now, in

good circumstances. He remained, when the Indians removed west, in Georgia, and now resides within the limits of my district, and is one of my constituents; I have known him for ten years or more, and I take pleasure in stating to you, and through you to the committee, that he is a man of respectability, and esteemed a good and worthy citizen in the neighborhood where he resides. I have no hesitation in saying that, from my knowledge of his general character, that his statements are entitled to credit. I presume some of my colleagues will be able to concur with me in this statement.

Yours, respectfully,

JNO. H. LUMPKIN.

HON. DANIEL M. BARRINGER,  
*Chairman of the Committee on Indian Affairs.*

I am also acquainted with Mr. Williams, and fully concur in all Mr. Lumpkin has said touching his character and respectability. I believe him to be a man of truth and integrity.

ALEXANDER H. STEPHENS.

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C.

GEORGIA, *Lumpkin county.*

Personally came before me, James H. Worley, an acting justice of the peace in and for said county, Augustus M. Russell, who, being duly sworn, says, that he was at the Indian agency at Calhoun, in East Tennessee, during six or seven months of the year 1838, and that he saw Lowry Williams in the said agency in the month of March in said year aforesaid, and knows that he had a claim before the commissioners as an Indian country man; and believes that this deponent went with the said Lowry Williams, in the month of March, in the year aforesaid, to the office of the commissioners to assist him in drawing the balance of his claims from that office, when the commissioners informed the said Williams that he could not draw the balance due him, but that he would have to go to the west before he could draw it.

A. M. RUSSELL.

Sworn and subscribed before me, this the 26th day of January, 1848.

J. H. WORLEY, J. P.

GEORGIA, *Lumpkin county.*

I, Milligan P. Quillian, clerk of the superior court of said county, do hereby certify that James H. Worley, whose name appears to

the foregoing certificate, is a justice of the peace in and for said county, and that full faith and credit are due his official acts.

[L. s.] Given under my hand and seal of office, this 26th day of January, 1848.

M. P. QUILLIAN, *Clerk.*

GEORGIA, *Cass county.*

I, Augustus R. Wright, the judge of the superior courts of the Cherokee circuit, in which is the county of Lumpkin, do hereby certify that M. P. Quillian, whose name appears to the above certificate, is the clerk of the superior court of Lumpkin county, and that his attestation is in due form of law.

Given under my hand this 31st day of January, 1848.

AUGUSTUS R. WRIGHT,

*Judge of the superior courts of said Cherokee circuit.*

D.

GEORGIA, *Cass county.*

This indenture, entered into the fourth day of April, eighteen hundred and thirty-eight, between Michael Fricks, of said county and State, of the one part, and Lowry Williams, of said county and State, of the other part, witnesseth: that for and in consideration of the sum of five hundred and fifty dollars to the Michael Fricks by the said Lowry Williams in hand paid, the receipt of which is hereby acknowledged, the said Michael Fricks has sold and conveyed unto the said Lowry Williams all that tract or portion of land in the fifth district of the third section, formerly Cherokee, now the county of Cass, number two hundred and forty-six, (246) containing one hundred and sixty acres, more or less. The titles to which said described lot or portion of land the said Michael Fricks will well and truly warrant and defend from the claim of all persons whomsoever unto the said Lowry Williams, his heirs and assignees, forever in fee simple.

In witness whereof, the said Michael Fricks has hereunto set his [L. s.] hand and seal, the day and date aforesaid.

MICHAEL FRICKS.

Signed, sealed, and delivered in presence of—

CALEB LUTHER,

WILLIAM SILEN, *J. P.*

Recorded April 26, 1838.

C. HAWKS, *Clerk.*

STATE OF GEORGIA, *Cass county.*

I, Arthur Haire, clerk of the superior court in and for said county, do hereby certify that the above and forgoing is a true copy and

transcript of an original deed, taken from the record in this office, in relation to the property thereby conveyed between the parties in the above copy mentioned of record appears in this office.

Given under my hand and seal of office, at Cassville, January 8, A. D., eighteen hundred and forty-eight.

ARTHUR HAIRE, *Clerk.*

GEORGIA, *Cass county.*

Personally came before me, William Latimer, a justice of the peace, in and for said county, William Silen and Michael Fricks, who, being duly sworn on oath, say, that they subscribed the original deed, of which the within is a copy, one as a witness, and the other as maker; that the same was done in Cassville, Georgia, on the day said deed bears date, and that Lowry Williams was present when said deed was executed; and that it is from this place to Calhoun, Tennessee, seventy-five or eighty miles, and these deponents believe it impossible for said Lowry Williams to have been in Calhoun on that day.

WILLIAM SILEN,  
MICHAEL FRICKS.

Sworn to and subscribed before me, this 22d day of January, 1848.

WILLIAM LATIMER, *J. P.*

GEORGIA, *Cass county.*

I, Arthur Haire, the clerk of the superior court of said county, do hereby certify that William Latimer, whose name appears to the above certificate, is a justice of the peace in and for said county, and that full faith and credit are due his official acts.

Given under my hand and seal of office, this 22d day of January, 1848.

ARTHUR HAIRE, *Clerk.*

GEORGIA, *Cass county.*

I, Augustus R. Wright, the judge of the superior courts for the Cherokee circuit, in which is said county of Cass, do hereby certify that Arthur Haire, whose name appears to the two annexed certificates as clerk of the superior court of Cass county, is the clerk of said court, and that his attestation is in due form of law.

Given under my hand this 22d day of January, 1848.

AUGUSTUS R. WRIGHT,

*Judge of the superior courts of the Cherokee circuit of said State.*