

1-31-1850

Report : Petition of J. Williams

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IN SENATE OF THE UNITED STATES.

JANUARY 31, 1850.

Submitted, and ordered to be printed.

Mr. FELCH made the following

REPORT:

[To accompany bill S. No. 40.]

The Committee on Public Lands, to whom was referred the petition of Joseph P. Williams, praying the confirmation of his claim to certain lands, and also a bill for his relief in respect to the same, respectfully report:

By a statement obtained by the committee from the General Land Office, it appears that the petitioner was the owner of Choctaw certificate No. 13, for three hundred and twenty acres of land, and on the 30th day of November, 1848, he was permitted to locate under it, at the Helena land office, in Arkansas, the south half of section No. 25, township 13 north, range 10 east, containing three hundred and twenty acres. To this land the petitioner claimed a pre-emption right, and the Choctaw certificate above mentioned was used by him in payment therefor. His pre-emption right, as to the east half of said premises, was founded on his own claim as a settler under the act of 1841, and was proved and allowed. As to the west half of the premises, he claimed such right under Cherokee pre-emption certificate No. 88, of which he held an assignment from the administrator of James Costley, deceased.

But this last mentioned certificate, at the time of the location of the land, was not valid. It originally belonged to Costley, but had been assigned by him in his lifetime, and the assignee had located lands under it. Some three years after the assignment by Costley, it had been again sold and assigned by Costley's administrator, and by several subsequent assignments came into the hands of the petitioner. Having been once satisfied by a location of land to the full quantity mentioned in it, it was at the time of the assignment by the administrator, and the second location by the petitioner, totally void and inoperative.

From this statement it is evident that, although the petitioner entered the land in question, and applied to its purchase the Choctaw certificate No. 13, he had no right under it (the Cherokee certificate of pre-emption No. 88 not being in force) so to enter the west half of said half section.

It appearing, however, at the land office, that there is no adverse claim or right which would interfere with the confirmation of the land to the petitioner, and there being no evidence of a want of good faith on his part, or of any knowledge of the invalidity of the Cherokee certificate,

the committee see no objection to allowing him to retain the land. This should be done, however, only on the surrender of the two certificates, or otherwise providing for indemnity against them.

The committee herewith report the bill which was referred to them, with an amendment, embracing the views above expressed.

THE HOUSE OF REPRESENTATIVES
REPORT

REPORT

THE HOUSE OF REPRESENTATIVES

The Committee on Public Lands, to whom was referred the petition of
Joseph P. Williams, praying the enlargement of his lease & extension
thereof, and also a bill for his relief, as prayed in the said petition,
report:

By a warrant obtained by the petitioner from the General Land
Office, it appears that the petitioner was the owner of a certain tract of
No. 12, 24 acres bounded and surveyed June 18, 1841, and on the 15th
of November, 1841, he was permitted to locate under it, in the Indian
land office in Arkansas, the south half of section 20, containing 12
acres more or less, containing three hundred and twenty acres. The
land the petitioner claimed a pre-emption right, and the Government
lands were returned was paid up him in payment thereof. His pre-
emption right, as to the east half of said section, was forfeited and
claim as a matter of fact, and the land, which he paid for and allowed, as
to the west half of the section, he claimed that said right under Chapter
the act then entitled No. 26, of which he had an agreement from the
administration of James Calley, deceased.
That the petitioner had no certificate, at the time the location of the land,
was not valid. It originally belonged to Calley, but had been assigned
of him in his lifetime, and the assignee had located lands under it.
Some time since after the assignment by Calley, it had been again sold
and assigned by Calley's administrator, and by several subsequent as-
signments down to the hands of the petitioner. It was hereupon
sold by a portion of land in the full quantity mentioned in it, it was at the
time of the assignment by the administrator, and the second location by
the petitioner, totally void and inoperative.
That this assignment is in violation of the petitioners request
the land in question, and applied to its purchase the Chinese certificate
No. 11, he had no right therein (the Chinese certificate of pre-emption
No. 11, he had no right therein) so to enjoy the west half of said tract.
It appears, however, in the land office, that there is no evidence
of right which would interfere with the continuation of the land in the
petitioner, and there being no evidence of a will of good title on his
part, or of any knowledge of the invalidity of the Chinese certificate