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### Report : Petition of the Administrator of J. Wray

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S. Rep. No. 391, 34th Cong., 3rd Sess. (1857)

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 14, 1857.—Ordered to be printed.

Mr. BENJAMIN made the following

**REPORT.**

[To accompany bill S. 592.]

*The Committee on Private Land Claims, to whom was referred the "petition of the administrator of John F. Wray, deceased, praying that the money paid for certain lands purchased of the United States, his title to which has been declared null and void by the courts of the State of Mississippi, may be refunded," have had the same under consideration, and submit the following report:*

Under the 6th article of the treaty with the Chickasaw nation of Indians of the 24th of May, 1834, the conditions therein having been complied with, a reservation of one section of land was made to a Chickasaw Indian by the name of Ho-ya-po-nubby, by the proper register and receiver of the land office. This location was made upon section 16, township 9, of range 5 east, on the 29th day of June, 1838.

That subsequent to such location the proper department refused to approve and confirm such location, and the said section, No. 16, together with other lands, was in May, 1844, offered for sale as public lands, under a proclamation of the President of the United States. That under such proclamation, the said John F. Wray, in his life time, entered the northwest quarter, the southeast quarter, and the southwest quarter of said section 16, for the sum of six hundred and two dollars and nineteen cents, and took possession thereof. In September, 1845, an action of ejectment was commenced against said Wray, in the circuit court of Pontitoc county, by the said Ho-ya-po-nubby, and the title was decided to be in the said Indian. Upon an appeal taken by the said Wray to the high court of errors and appeals, the decision of the said court was affirmed, and the said Wray was evicted of his title.

Upon application to the Commissioner of the General Land Office for a return of the purchase money under the act of 1825, it was decided that there was no authority under the law to return the purchase money. The money went into the treasury for the benefit of the Chickasaw fund.

The said Wray has since died, and the petitioner, Jefferson Wilson, was appointed administrator of the estate of said Wray.

