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John Donnelson, Stephen Heard, and others – Representatives of.

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Recommended Citation

H.R. Rep. No. 83, 35th Cong., 2nd Sess. (1859)

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JOHN DONNELSON, STEPHEN HEARD, AND OTHERS—
REPRESENTATIVES OF

[To accompany Bill S. No. 54.]

JANUARY 7, 1859.

Mr. RUFFIN, from the Committee on Public Lands, made the following

REPORT.

The Committee on Public Lands, to whom was referred the Senate bill to revive and extend an act entitled "An act for the relief of the representatives of John Donnelson, Stephen Heard, and others," approved May 24, 1824, respectfully report :

That by the aforesaid act John Donnelson, Stephen Heard, William Downs, Joseph Martin, John Sevier, and Thomas Carr, or their heirs and representatives, respectively, were authorized to enter, under direction of the Secretary of the Treasury, 5,000 acres of land, within two years from the passage of the act, in any land office in Mississippi or Alabama, "being the amount of a grant made to them by a resolution of the legislature of the State of Georgia, in the year 1786."—(U. S. Statutes at Large, volume 6, page 313.)

On the 15th of May, 1826, this act is revived and extended for twelve months.—(*Ibid*, page 340.)

On the 19th of May, 1832, it is again extended twelve months.—(*Ibid*, page 486.) On the 23d of June, 1836, it is again revived and extended for twelve months, and the beneficiaries of the act are authorized, in addition to Mississippi and Alabama, to enter their lands in any land office in Louisiana or Arkansas.

It appears by the letter of the Commissioner of the General Land Office, hereto appended and made part of this report, that prior to the passage of this last act, 23d June, 1836, some 1,460.46 acres of land had been located and patented for the Donnelson claim, out of the 5,000 acres granted by the original act, leaving still 3,539.54 acres to be located under the act of 1836; that prior to the expiration of the twelve months' limitation of said act, application was made by the Donnelson representatives to enter certain lands, in virtue of said act, in certain townships in Mississippi, which had been withdrawn from sale prior to the passage of the said last act of 1836, to await the adjustment of the boundary line of the Chickasaw cession; and that these lands thus applied for, and having been withdrawn from

market before the passage of said last named act, the General Land Office did not and could not properly recognize the location thus made by the representatives of said Donnelson, and can only obtain relief through Congress. The committee find the original claim a just and legal one, recognized as such by four several Congresses; that it has been but partially satisfied; and they can discover no good reason why the beneficiaries of the act sought to be revived should not be permitted to locate the balance of the lands awarded to them by the State of Georgia in 1786, and confirmed to them by the United States in 1824, as authorized by the act of 1836. The committee therefore report back the bill with an amendment, and recommend that the same do pass.

GENERAL LAND OFFICE, *May 26, 1858.*

SIR: I have the honor to return herewith Senate bill No. 54, to revive an act entitled "an act for the relief of the legal representatives of John Donnelson, Stephen Heard, and others," approved May 24, 1824, received at this office in a communication signed "A. Ten Eyck, Secretary to the Committee on Public Lands," and in reply to the inquiry in Mr. T's letter, I herewith enclose a copy of a letter from this office of the 12th of July, 1856, to B. H. Sheppard, esq., giving the history and present condition of the said John Donnelson claim.

With great respect, your obedient servant,

THOS. A. HENDRICKS, *Commissioner.*

HON. CHAS. E. STUART,

Chairman of the Com. on Public Lands, Senate United States.

GENERAL LAND OFFICE, *July 12, 1856.*

SIR: In reply to your letter of the 9th instant, asking the history and present condition of the John Donelson claim, I have to state as follows: By an act of Congress approved 24th of May, 1824, (United States Statutes at Large, volume 6, page 313,) the heirs and representatives of John Donelson were authorized to enter, within two years from the passage of the act, 5,000 acres of land at any land office in Mississippi or Alabama.

The 2d section of said act, provided that said claim should "not be located or entered on any lands, except those which may have been previously to the making of said entry, offered at public sale, nor upon any lands forfeited or relinquished to the United States." This act was revived and continued in force by an act approved May 19 1832, for twelve months from the passage of that act, (same vol. statutes, page 486), and on the 23d of June, 1836, another act was passed reviving and continuing the same in force for a like period from the passage of said act of 1836; and in addition to the states of Alabama and Mississippi, authorizing the entry of the lands at any of the land offices in Louisiana or Arkansas.

The operation of this act ceased on the 23d of June, 1837. Before the passage of the act last mentioned, 1,460 $\frac{4}{8}$ acres had been located and patented for the Donelson claim, leaving 3,539 $\frac{4}{8}$ acres to be located under said act of 1836; and prior to the expiration of said act application was made on behalf of the representatives of John Donelson to enter by virtue of said act, certain lands which were found to be situated in certain townships in Mississippi, which were not subject to sale, having been withdrawn from market prior to the passage of the aforesaid act of 1836, to await the adjustment of the boundary line of the Chickasaw cession, from an apprehension that said townships might be found to fall wholly within that cession, and not therefore be subject to entry as public lands of the United States. The lands thus applied for under the act of 1836, not being in market, having been withdrawn before the passage of said act, pursuant to instructions from this office of 27th of June, 1834, this office did not feel authorized by the terms of the law for the benefit of said representatives in recognizing their location, and relief can now only be extended by the intervention of Congress, the last beneficial act in the case having expired by limitation.

Very respectfully, your obedient servant,

THOS. A. HENDRICKS, *Commissioner.*

B. H. SHEPPARD, Esq., *Present.*

WASHINGTON, *January 2d*, 1835.

SIR: Colonel King having mislaid my letter to him, stating the circumstances which prevented my taking advantage of the act for the benefit of Morgan Heard, and others, which was revived for one year in 1832, I beg leave to mention them for your consideration as chairman of the committee to which the bill reviving the same act again has been referred.

It was not in the power of either my brother or myself, who were entitled jointly under the provisions of that act to 500 acres, to visit the country in which the entry was authorized to be made. We therefore sent to General Coffee the papers setting forth our claim and empowered him to act for us. Knowing that he was interested in a claim to about the same amount of land, derived from the same source, we had every assurance that he would execute the agency we had confided to him; but he was unfortunately prevented by sickness from attending to it, and before we had notice of his inability there was not time for the appointment of another agent within the twelve months which limited the revival of the law.

Under such circumstances, as the consideration on which that law was passed was deemed just and equitable, I trust that there can be no objection to the revival of the law for another year, so as to enable my brother and myself to secure its benefits. When it is recollected that the value of its provisions has been greatly decreased since its first passage in consequence of most of the good lands which it subjected to entry having long since been entered, it will be seen that

we could have had no motive in not taking advantage of it within the earliest possible time.

As there may be other representatives who may not have had notice of the existence of the law, or from similar causes may not have been able to take advantage of it, it was thought that the law had better be generally revived.

Your obedient servant,

A. J. DONELSON.