

University of Oklahoma College of Law  
**University of Oklahoma College of Law Digital Commons**

---

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

---

12-16-1828

James Scull.

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

---

### Recommended Citation

H.R. Rep. No. 5, 20th Cong., 2nd Sess. (1828)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact [darinfox@ou.edu](mailto:darinfox@ou.edu).

JAMES SCULL.

DECEMBER 16, 1828.—Read, and laid upon the table.

Mr. McDUFFIE, from the Committee of Ways and Means, to which was referred the petition of James Scull, made the following

REPORT :

*The Committee of Ways and Means, to whom was referred the memorial of the Legislative Council of the Territory of Arkansas, urging upon Congress the private claim of James Scull, beg leave to report :*

That they believe there is no one of the rules that have been established, in relation to private claims, founded on more obvious grounds of policy than that which forbids Congress to act upon any private claim without an application in writing, signed by the petitioner or his authorized agent. However much, therefore, they feel disposed to show deference to the memorial of the Legislative Council of Arkansas, they cannot consider it as dispensing with the necessity of a formal application, by the individual in whose behalf the interposition of Congress is solicited.

This remark is the more peculiarly applicable to the present case, because, if Congress were to grant the application, it could only be upon the supposition that the claimant had made an election, of which there is no sufficient evidence before the committee.

But the committee are of the opinion that it would be inexpedient to grant the appropriation solicited, even if there were no informality in the application.

The United States, in the treaty with the Quapaw Indians, stipulated to grant to James Scull a reservation of 1280 acres of land, in discharge of a debt due to the said Scull by the said tribe of Indians, or to discharge the debt in some other mode. It does not appear that the reservation of land was inadequate to the payment of the debt; on the contrary, Scull himself alleges that it is worth more than the sum due him. It does not appear that he declined accepting the land; but, from aught that appears to the committee, he may now be in possession of it. As the treaty with the Indians absolved them from the debt, it is certainly incumbent on the Government to take care, that, in making a commutation by its sovereign authority, no injustice be done to the individuals whose rights are subjected to the stipulations of that treaty.

As there is no reason, however, for believing that such injustice has been done, the question presented to Congress is not one of good faith, but of expediency, merely. Is it for the interest of the United States to purchase lands from individuals, in the very region where they have millions of acres for sale? As a general rule, the committee think it would be unwise to purchase of individuals at any price; and they can see no reason why the Government should, in the present instance, give six dollars an acre for land, of which they know nothing, when it is notorious that the average sales of the public lands do not produce two dollars per acre.

They recommend that the application contained in the memorial be not granted.