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Report : Mr. Sevier

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IN SENATE OF THE UNITED STATES.

JANUARY 3, 1837.

Read, and ordered, to be printed.

Mr. SEVIER made the following

REPORT,

WITH SENATE BILL NO. 91.

The Committee on Indian Affairs, to whom was referred the petition of George W. Brand, a citizen of the Cherokee nation of Indians west of the Mississippi river, report:

That it appears in testimony before the committee that Messrs. Brand and Barbour, Indian traders, built at the falls of the Verdigris river, then in the organized limits of the Territory of Arkansas, and now within the acknowledged limits of the Cherokee nation of Indians, an extensive trading establishment, consisting of ten or twelve houses, and that they cleared at that place about thirty acres of land, and established a ferry across the river at that place; that afterwards Barbour and Brand sold the establishment to Colonel A. P. Chouteau, and afterwards said Chouteau sold the establishment to Colonel David Brearley for a Creek agency. In this situation was the property in question until the spring of 1828, when the United States transferred the country embracing this agency to the Cherokees; and by the 3d article of that treaty, it was made the duty of the United States, so soon as the boundary line between the citizens of Arkansas and the said Indians should be run, to remove all white persons from the west to the east side of said line. Yet, notwithstanding this provision, Colonel Brearley, the United States agent for a different tribe of Indians, (the Creeks,) in despite of the repeated remonstrances of the Cherokees and the Cherokee agent, and after the line was run, he continued to reside in the country belonging to them, and in the occupancy of the buildings, field, and ferry in question. It also appears that Brand, a citizen of the Cherokee nation, demanded the property of Colonel Brearley, to which demand, in his own language, he "*peremptorily refused to comply,*" on the ground that, as a public agent, he could not give up the buildings, or he had no other place to move his agency to, and for a depot for the public property in his charge. It appears evident to the committee also, that Brand was clearly entitled to the possession of the buildings, field, and ferry, from the time that the line was run. The chiefs and the Cherokee agents, on behalf of Brand, have made many ineffectual attempts to get possession of the property; but no order to the agents

