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Thigh Walker.

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THIGH WALKER.

JANUARY 9, 1838.

Read, and laid upon the table.

Mr. EVERETT, from the Committee on Indian Affairs, made the following

REPORT:

The Committee on Indian Affairs, to which the petition of Thigh Walker was referred, report:

That the facts in the case are stated in the report of the Indian agent, dated January 16, 1832, and letter of the Secretary of War, dated January 16, 1832, filed with the papers marked Nos. 3, 4; which are made part of this report. The committee, agreeing with the opinion of the Secretary of War, report the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

No. 3.

OFFICE OF INDIAN AFFAIRS,

January 16, 1832.

Colonel Montgomery, Cherokee agent, states, in his letter to the Secretary of War, of June 10, 1830, that, about 25 years ago, a man by the name of McCormick brought the old woman to Maryville, where he remained for some time, and then returned to Virginia, leaving the woman with his landlord, Mr. Upton, and did not return for several years. In the mean time, the woman had a child, and Upton sold them both in the nation for McCormick's board, which he had left unpaid.

The negroes, after passing through several owners, fell into the hands of Fire Killer. The woman was given to Sally Raincrow.

McCormick afterwards returned, and, with a party of white men, took possession of both negroes, and sold them away. Measures appear to have been taken to arrest McCormick under the law, which was effected; and Colonel Meigs, for some cause unknown, did not prosecute him. He was discharged.

Fire Killer is since dead, and Major Walker, his kinsman, claims the negro girl. Fire Killer, it is said, left a will, giving Major Walker all his property. The will cannot now be found. The negro girl is valued, by the agent, at \$400; the old woman at nothing.

Colonel Montgomery further states that Colonel Meigs was advised by his counsel that the proceedings before referred to were illegal. Another

process was issued, but not served—McCormick not to be found ; and, further, if found, is not worth any thing.

The agent is of opinion that \$400 is the value of the negroes ; and that the Government ought to pay it.

Colonel McKenney also states, January 15, 1830, that he had examined Captain Tayler, one of the Cherokee delegation then here, on the subject, who confirms Colonel Montgomery's statement, and concludes that Walker ought to be paid. Taylor thinks the negroes were worth \$400.

No. 4.

DEPARTMENT OF WAR, January 16, 1832.

SIR : The enclosed abstract, prepared in the Indian Office, in relation to Major Walker's claim for certain negroes, is transmitted for your information.

It does not appear, from any thing on file, that Mr. McCormick, the owner of the negroes in question, ever authorized the sale of them, or that they were legally disposed of by Upton, to whom he had been indebted. Such being the case, it cannot be expected that the Government ought to be answerable for McCormick's conduct, or liable for the amount claimed by Walker. The Department, therefore, declines to recognise it.

Very respectfully,

Your obedient servant,

LEWIS CASS.

Col. JAMES STANDEFER.

Mr. Secretary, from the Commission on Indian Affairs, made the following report: ... Colonel Montgomery, Cherokee agent, states in the letter to the Secretary of War of June 10, 1830, that about 1827 years ago a man by the name of McCormick brought the said woman to Marietta, where he resided for some time, and then returned to Yorktown, leaving the woman with the landholder, Mr. Upton, and did not return for several years. In the mean time, the woman had a child, and Upton told her, in the name of McCormick's bond, which he had not made. The woman, after passing through several owners, fell into the hands of John Miller. The woman was given to Sally Foster. McCormick afterwards returned, and with a party of white men, possession of both negroes, and sold them away. ...