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Colonel John Lowry.

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H.R. Rep. No. 916, 25th Cong., 2nd Sess. (1838)

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COLONEL JOHN LOWRY.

MAY 19, 1838.

Read, and laid upon the table.

Mr. CBARY, from the Committee on Indian Affairs, submitted the following:

REPORT:

*The Committee on Indian Affairs, to whom was referred the petition of Colonel John Lowry, report :*

The petitioner represents that at an early period of his life he became an inhabitant of Blount county, in the neighborhood of the Cherokee nation of Indians, and consequently became well acquainted with many of them ; that, by reason of such acquaintance, he was frequently called upon to render them services in their intercourse with their white neighbors ; that on the 2d of August, 1816, at a council of the principal chiefs, he was, by an article signed by five chiefs, appointed attorney for the nation in the courts of the State of Tennessee ; that he acted as their attorney and counsellor in the said courts, as well as in their councils ; that he spent two months at the Cherokee agency in the making of the treaty of the 8th of July, 1817, and accompanied them to Washington in 1818, at their request, and assisted them in the making of the treaty of the 27th of February, 1819.

The petitioner further states, that on the 28th of May, 1818, the principal chiefs, in consideration of his past services, by an article signed by four chiefs, conveyed to him a certain tract of land for the full term of fifty years, provided the grant did not prevent any Indian from taking his reserve agreeably to the terms of the said treaty of the year 1817, but that he has never had any benefit from said conveyance.

The petitioner further states, that by his article of agreement to act as attorney, he expected to receive of the Indians \$500 a year ; but, intending to place his services on equitable ground, he is willing to accept the sum of \$300 a year from the 2d day of August, 1816, to the 2d day of August, 1835—a period of 19 years.

The claim of the petitioner was presented to the Cherokee committee authorized by the treaty of the 29th of December, 1835, with the evidence in support of the same then in his possession. This committee, being unwilling or not disposed to allow the claim, referred it to the commissioners provided for in the same treaty, who, on an examination of the case, adjudged that a certificate issue to the petitioner for the sum of \$1,000, under a provision in the 10th article of the treaty of the 29th of December aforesaid.

The petitioner now asks of Congress the payment of the balance of his claim, amounting to \$4,700, reckoning his services at \$300 a year for 19 years, and deducting the amount paid by the commissioners. The petitioner claims that sum under a provision of the 10th article of the treaty, which is in the following words, to wit:

“The United States also agree and stipulate to pay the just debts and claims against the Cherokee nation, held by the citizens of the same, and also the just claims of citizens of the United States for services rendered to the nation; and the sum of sixty thousand dollars is appropriated for this purpose.”

In the opinion of the committee, the sum of \$60,000 was appropriated for the purpose of liquidating all the claims above specified, whether held by citizens of the Cherokee nation or by citizens of the United States.

In the present case, the sum of \$1,000 has been allowed by the commissioners, and from their statement it does not appear that they considered him entitled to any further sum; but, if they did, the committee do not think that the United States are under any obligation to allow it.

The committee, therefore, report that the prayer of the petitioner ought not to be granted.