

ments there was an immediate and considerable increase of the settlements, at and below Kia-miche on Red River.

In this state of things the Treaty of Dokes-stand of the 18th October 1820³ was entered into. This Treaty, as the petitioners very correctly state, provided for the removal of the whole of them, which they say greatly alarmed them. No subsequent act followed upon that Treaty, until the Treaty of January last, which had for one of its objects the purchase, from the Indians, of those lands upon which the petitioners, in part, reside. The whole of these lands could not be realized. It was thought best to make a Treaty upon the basis of a line beginning at the Arkansas, one hundred paces east of Fort Smith, and running thence, due south, to Red River. The line recognized by the Treaty of Dokes-stand, being far east of this, and including nearly three times the number of settlers, it was thought important to adopt the line recognized in the Treaty of January last, & it was accordingly agreed upon.

The only difference made to the Settlers by the Treaty of January last, is, that it relieves the United States from the obligation to remove all, the settlers, instead of a part of them, the Treaty of Dokes-stand being no less binding on this point, than that of Washington, of January last.

The petitioners appear to have no right to the occupancy of the lands they have settled. They do not attempt to shew a title to them, except that which they derive from the indulgence of the United States which has permitted them to remain in their occupancy so long.

All which is respectfully submitted

THO: L: M^cKENNEY

[Endorsed] Mc.Kenney T. L. 26 Oct. 1825 Submitting a petition from the inhabitants of the Territory of Arkansas.

PETITION TO THE PRESIDENT BY CITIZENS OF
MILLER COUNTY

[NA:OIA, Lets. Recd. (Ark.): DS⁴]

[No date, 1825]

To the President of the United States

The Petition of the undersigned Inhabitants of that Part of Miller County, in the Territory of Arkansas, ceded and confirmed to the Choctaw Nation of Indians, by Treaty made with them at Washington City, in the present Year (1825). Respectfully Sheweth.—

That the tract of Country upon which Your Petitioners reside, was

³ 7 STAT. 210-214. See *ante*, XIX, 749, n.

⁴ How the document became separated from its cover is not clear.

acquired by the United States from the Quapaw Nation of Indians, by Treaty made with them about the Year 1818.⁵—By which said Treaty, the said tract of Country became a part of the public Lands of the United States. And that the Legislature of the Territory of Missouri (within which the said tract of country was then situated) included the said tract of Country upon which Your Petitioners now reside, within the Civil Jurisdiction of Hempstead County of that Territory, by an Act of the Legislature thereof (which has since been divided and Miller County erected out of the Western part of said County of Hempstead). That about the Year 1819, a part of the same public Lands upon which Your Petitioners now reside, were under the Authority of the United States surveyed into Townships, and subdivided into sections, as far as Ranges 38 or 39 West, and within about eight Miles of the present western boundary of Arkansas Territory, as established by Act of Congress,⁶ and lately surveyed and marked. That on the 5th January 1819. (see accompanying document N^o 1.⁷) by Authority of an order from the Secretary of War,⁸ a few Settlers that were on Red River above Kia-Miche, and on the Arkansas above the Poto, were removed below, and East of those Rivers, to where no prohibition to settling then, or since, existed, and within a few Miles of which point (Kia-Miche on Red River) the public Lands were about that time, or soon afterwards, surveyed into sections, as if to facilitate Settlers in acquiring titles to the Lands they choose to settle, in the usual way provided for by law. That under these encouragements by the Authorities of the Government, there was an immediate and considerable Increase of the settlements at and below Kia Miche, on Red River, upon and near the lands surveyed into sections as aforesaid, most of which settlements were made with a view to being permanent, and improvements large and valuable. That Your Petitioners became greatly alarmed by a Treaty made with said Choctaw Nation of Indians at Dokes stand, about the year 1820,⁹ by which the country upon which Your Petitioners reside (together with other large extents of adjoining Territory) was then ceded to said Indians,—But were soon afterwards reconciled by assurances from the President of the United States, received by James Miller, Governor of Arkansas, that it was not the view or intention of the General Government, to remove any of the Settlers from the Lands then ceded to said Indians and that the then settled

⁵ Concluded Aug. 24, 1818. See *ante*, XIX, 10, n.

⁶ Approved May 26, 1824, 4 STAT. 40-41.

⁷ Not present.

⁸ Not found.

⁹ See *ante*, XIX, 749, n.

parts of said country so ceded to said Indians would be repurchased from them, which assurances have been by the Delegate in Congress from said Territory, frequently since that time renewed. And under which assurances, Your Petitioners became satisfied, and have continued enlarging their farms and improvements.

Your Petitioners further respectfully represent, that from the time of their first settlement where they now reside, Civil Government, and Civil Jurisdiction has been extended to them, and Courts of ~~Law~~ Law established and held, within the tract of Country lately ceded and confirmed to said Choctaw Indians by the aforesaid Treaty of the present year (1825) and that under the authority of an Act of Congress (passed in 1824) granting rights of pre-emption for lands on which to establish permanent seats of Justice of New Counties,¹⁰ a quarter section of land had been selected by the proper commissioners of said County of Miller, and part of the public buildings contracted for. Under which assurances of protection and Civil Government a large number of Settlers (see accompanying Document N^o 2)¹¹ have continued to ~~improve~~ enlarge their improvements, plant Orchards, and increase their Stocks &c, up to the present time, and that now to abandon their plantations, and remove their families and property, is to them ruinous and impossible.

Your Petitioners are aware, that the General Government have heretofore remove from Indians lands, Citizens of the United States, who settled upon lands owned at the time of such settlements by Indians, Where the settlement at at the beginning were upon Indian lands, but Your present Petitioners respectfully deny having settled upon Indian lands: They settled upon the public lands of the United States, where settlements were not prohibited by any order of the Government, where part of the public lands were surveyed into sections (a thing Never done for Indian purposes) and where, after the same country was first ceded to the Choctaws, the people have had assurances from the highest Authority, that the settled parts of said Country should be repurchased, and Your Petitioners afforded an opportunity of acquiring titles to their possessions, in the way that the Settlers upon the public lands have usually done, in Ohio, Indiana, Illinois, Missouri, Alabama &c. Yet notwithstanding all the foregoing circumstances and assurances, Your Petitioners are now informed, that the lands they now occupy, are ceded and confirmed to said Choctaw Indians, and that Your Petitioners are shortly to be removed from their farms, without payment or recompence for their improvements, to give Place to Indians !! An Act that would have no

¹⁰ 4 STAT. 50.

¹¹ Not present.

example in any civilized Government, under the same circumstances which these settlements were made. An improved Country of Citizens where they have had the protection of Civil Laws and Civil Government for more than six successive Years, to be ceded by their Government to a Nation of Indians, has, it is believed, No examples.

These settlements, not having been commenced upon the lands of the Choctaw Indians, but upon the public Lands of the United States, then surveying for market, still claim the same protection of the same laws and Government, under the faith of which they commenced their settlements. To be forced and driven by our own Government from the farms and improvements we have laboured for years to make, for the support of our families, in order to give place to Indians, would under all the circumstances and assurances before mentioned, appear so unjust and unprecedented, and to the Settlers so ruinous, that its enforcement would produce the greatest possible excitement. Your Petitioners therefore respectfully ask of Your Excellency to suspend the survey of the eastern boundary of Territory, lately ceded to said Choctaw Indians, and to suspend the time of giving said Indians possession of said Territory, and cause to be re-purchased from them, the parts of said Territory settled and improved by Citizens of the United States, as aforesaid East of the Kia-Miche on red River, and of the Poto on Arkansas, where settlements by Citizens has never been prohibited, but approbated and encouraged as before mentioned.

As Your Petitioners in duty bound will ever pray

Petitioner Names

Aaron Coe.—
Bailey English
Jesse Cheek
Joseph English
Micajah Reder
Solomon Moffitt
John Swagerty
Allon Rains
Thomas Gatathite
Thomas Wafer jun
Thomas Wafer Snr
Mabry Wafer
Josiah Trent
John Trent
Rucker Tanner
joseph Porter
John J Mors
Lewis Potter
Zacariah Thompson
Wesley Tollett
Elijah Tollett

James Watt
Walter Hogon
Henry Tollett
Henry K Brown
Asa Hartfield
James R, Brown
Travis G Wright
John Hinds—10
John Adams
D Clark
Johnston Bowers
Jonathan Poole
Franklin Greenwood
John Greenwood
Joel Greenwood
Henry B Greenwood
Philip Henson
Nathaniel More—10
William Hensley
Thomas More
John Tucker

Thomas J Garner
 Nicholas Porter
 Samuel Strickland
 John Green—
 Butler Roberts
 Otho, B Cocke
 Paul Scarbrough—10
 John farly
 Adam Hampton
 Thomas Owen
 W^m Slingland
 Wilobe Sparks
 Will Woods
 Joshua Ewing
 Jessey keliher
 George Wilser
 Maurice Pendergast
 Arther Leebe—
 Lewis Boatright
 Alexander Linch
 Mathew Sparks—
 Thos Boatright
 William Modglan
 David Gutman
 Philip Tramell
 Allon Miller
 Thomas Linch
 Thomas P French
 Joseph French
~~Levy C. French~~
 Amos Strickland
 W^m Brice J^r
 James Amburn
 Thomas Cheser
 David Fraser
 Taylor Polk
 Thomas Tramel
 James Polk
 Ruland Polk
 William Bradford
 James S. Hanks—
 Richard Stiles
 John Emmerson
 Allen Carter
 John Will
 Elijah Carter
 Ad. Chr. Hartung
 Joseph Reed
 John Stiles
 James Harrell.
 Joel Harrell
 Isaac Harrell

Timothy Harrell
 Joshua Harrell
 Hodg P Raburn
 Jacob Nidever
 George nidever
 Mark nidever
 Mitchel crownover
 Joseph Adkison
 David Frame
 Joseph Jenkins
 William Stiles
 Jesse Perkins
 Partrick T Carnall
 William Forsyth
 Absolom Sparks Jnr
 Isaac N Charles
 William Brice Junior
 Peter Miller
 John Morton
 Samuel Brice
 James Brice
 Jas Clark
 T. B. Ballard
 John M^ovay
 John Kerley
 John Wood
 Noah Reeder
 Samuel Guthry
 Thomas Guthry
 William Guthry
 Gorge Lawrence
 Jams Lawrence
 Walter Poole
 David G Strickland
 Ezra M^oElvey
 Maurice Pendergast
 Hugh M^oElvey
 David lawrence
 Wyat Hanks
 Ja^s Strickland
 Amos Strickland
 Ja^s M^oElvey
 John Hudson
 Adam Lawrence Jun^r
 John Chumney
 Ambrose Hilburn
 Joseph Clark
 John Deck—
 Joseph Deck
 John Roberts
 Luke Robberts
 John Wolsey

Wreding Robberts	Roabit Slaven
ElsBerry Sparks	Joseph James
John Woolsey	Stephen Wingate
Jonathan Franklin	Thomas Swagerty
James Smith Sen	Isaac Landers
A: Hanscom	Abr ^m Landers
Elijah Reid—	John Lackey
Charles Curtiss	Mark Lewis
Abra ^m Tidell	Jane Brown,
G.G M ^c Kinny	Margaret Tollett
Tho ^s Potter	Pharoah Kitchen
J.C. Ragsdall	Preston Kitchen
James Smith Junior	Clayborn Wright
Samul. S. Fench	William Fagan
M Rulong	A Carnall
Absolam Sparks	Silas C Blair
I. G. Pennington	Hiram Tidwell
Nath ^l Dixon	J H Carnall
W ^m Porter—	Partrick Carnall
B L Kavanaugh	E G blair
William Long	James Brown—
Isaack Murphy	Leonard M Simpson
George Carlton	William King
John H. Fowler	J. G. W. Pierson
Benjamin Crownover	John Noll
G.C. Wetmore	Tho ^s Barrow
Ja ^s Furguson—	William Harse
Jacob Black	Larken Noll
George F. Lawton	Elizabeth Denton
John Ring	Samuel French
John Edmondson	John Ball
Joshua Calloway	Levi C. French—10
William Montgomery	Samuel Moren
B. Gooch	Abram Ogdon
Andrew Montgomery	Cornelius Martin
W.P. Ferguson	John Robins
L.M. Rice	Alex ^r O. Wetmore
David Clap	Nathaniel Robbins
Jacob Shurley	John Dunlop
Nathaniel Mare Junior	Lewis, B. Dayton
Evrirt Edwars	William Humphry
Stephen Wiley Jun.	William Woods—10
Thomas Wiley	James J. Ward Sr—
Holawar Noll	James J. Ward, Jun—
Clark, Robinson	Joshua Robbins
Y E Bradsaw	Hugh B. Shaw
John Newman	Alfred Sain
Daniel Conner	James Burkhm
Tho ^s Coil	J E Hopkins
Ralph Shelton	E ^d Hopkins
Bengeman Geames	Benjamin Polk
Asa Blankinship	Rich ^d Harvey

Dan¹ Willson
 John Oniell
 Hiram Tidwell
 David Tramell
 Dennis Tramell
 Ritchard Boatright
 Mongomer Roberson
 William Brice Sn^r
 John Bowman
 henry nidever
 James Lawrence
 Jesse Robinson
 James gillelad
 Richard Wilson
 Edward Taylor
 John Lawrence
 Wiat Anderson
 Samuel Brown
 Benjamin Rains
 Edward Chosser
 Richard boatright
 Daniel gilleland
 James Rains
 Daniel Wilson
 Adam Laurance
 Jesse Shelton
 James Andeson
 William Shelton
 G. N. Martin
 Matthew Martin
 Jessey Moren
 Jason Pate

Eligah Cutbuth
 Martin g. Noll
 Thomas Paterson
 William Noll
 Samuel Clark
 James Hall
 Silus Rogers
 John M^e Murry
 Joseph Green
 William Collins
 John Spurlock
 James Taylor
 Samuel Wyley
 Cornelius Wiley
 Isaack Tyler
 Willis M^e Conn
 Charles Moore
 Samuel Burnam
 John Dollarhide
 William Bartlet
 George Halbrook
 David umphry
 Andrew Dollarhide
 A. H. Ash
 Young Bradshaw
 Sherod Bradshaw
 Absalam Bauren
 Francis Hopkins
 Henry Wyatt Seign
 Henry Watt Junior
 N. Thomes
 George T Boren

[*Endorsed*] Petition of sundry inhabitants of Miller County in Arkansas Territory, praying that measures may be adopted to relieve them of the difficulties under which they are placed by the late treaties with the Choctaws, giving them lands in Arkansas.¹²

THOMAS L. MCKENNEY TO GOVERNOR IZARD

[NA:OIA, Lets. Sent, Bk. 2¹³]

DEPARTMENT OF WAR, Office Indian Affairs, *October 27th 1825.*
 TO HIS EXCELLENCY, GEORGE IZARD, Little Rock, Ark^s Terr^y

SIR, Your letter to the Secretary of War of the 24th Ult^o is received.¹⁴
 In my letter of the 8th July last,¹⁵ I had the honor, by direction of

¹² The word "print", is written in pencil between the columns of names on the above petition. Whether the document was ever printed has not been ascertained.

¹³ An extract of this letter is printed in *A. S. P., Ind. Affairs*, II, 707.

¹⁴ *Ante*, p. 112.

¹⁵ *Ante*, p. 87.

a red line west & an angle of another South, looking towards the Arkansas for quantity.⁷⁵

Respectfully Submitted THO: L: M^cKENNEY

[*Endorsed*] McKenney. T. L. 18 March, 1828. In answer to the subjects contained in the letter of the Cherokee delegation.

PETITION TO GOVERNOR IZARD BY CITIZENS OF MILLER COUNTY

[NA:OIA, Lets. Recd. (Delawares and Shawnees): DS 76]

[March 20, 1828]

Petition

To his Excellency Gen^l Geo Izard Gov^r of Arkansas Territory

Your petitioners Citizens of the Territory of Arkansas Miller County, and living within the Civil and Millitary jurisdiction of the United States humbly sheweth, That we are and for some time past been verry much annoyed by the Indians, particularly Shawanees, settling among us, building their huts contigious to our corn Cribs & fields, pilfering from houses and Corn-cribs Killing Hogs, Driving their Stocks of Horses and Cattle among us, Cutting Down Timber & and all done under the Authority of his Excellency Don Jose Antonio Saucedo of the Department of Texas who has given them a permission in writing, dated the 20th March 1827 at Nacgdoches to settle at this place (pecan point) untill the line between the two Governments shall be run, then they are to be confirmed in their title ⁷⁷—Your petitioners believing it to be within the power of the Executive of this Territory to cause the removal of the aforesaid Indians, humbly solicit the Interference of His Excellency—in the behalf this section of the country, Otherwise we see no prospect but of being oblidged to abandon our homes and fields which most of us have cultivated from Ten to 12 years or be oblidged to come to an open rupture with

⁷⁵ See *post*, p. 633. For a discussion of Secretary of War Barbour's views of Indian removal to the West, see Abel, "Ind. Consolid. West of the Miss.," A. H. A. *Rept.* for 1906, II, 365-367. In brief, a bill prepared by Barbour proposed to remove the Indians as individuals and not as tribes, and ultimately to create an Indian Territory after the disappearance of tribal lines.

⁷⁶ This document is found in a cover with the following endorsement: "1828 Papers relating to the Expedition, against certain Shawnee Indians, under the command of Colo Rector, by order of Gov^r Izard of Arkansas T^r—". No other papers are present.

⁷⁷ See Foreman, *Indians and Pioneers*, pp. 250-251, 272-273, for discussion of this episode.

them as they have frequently threatened to drive us off if not pleased with their conduct

Your petitioners will await with impatience the commands of his Excellency and in duty bound will ever pray Pecan Point 20th March 1828

Petitioners Names	James S. Hanks
J. G. W. Pierson	H. M ^o Hanks
Geo: C Wetmore	W ^m Slingland
Isaac Clover	Jonathan Jones
James Leavins	Franklin J Greenwood
Joseph Leavins	Clayborn Wright
James Walters	Elijah Cutbirth
James Furguson	Peter Cleck
William Montgomery	Geo. F. Lawton
Edley Montgomery	David Tammell
Andrew Montgomery	John Bowman
James J Ward Sen	Jas Hordy
James. J. Ward Juni	Walter Hagan
Joseph Green	John Cutbirth
John Rolins	J B Ballard
Thomas Humphris	Pharo Kitchens
Peter Hammond	Wm Hogan
David Clapp	Zachariah Killey
J. Wallis	David Lorrence
Wyatt Woods	William House
Jn ^o Newman	John Pelin—
J. Edmondson	Martin G Noll
H. Shaw	

We the Undersigned Grand Jury impanneled at the March term of the Miller circuit court for the year 1828 present that the facts stated in the foregoing petition are true and that the community suffer much from indian depredations.

Geo: C Wetmore	John Dunlop
Jn ^o Robins	W ^m M ^o Atee
Tho ^s Boatright	Thomas hunpres
James T Ward Sen ^r	Levi Davis
Willis M ^o cann	James S. Hanks
James Clark	Andrew Dolahide
John Teal	H M ^o Hanks
Pharah Kitchens	Ben Patton

[Endorsed] Petition to His Excellency Gen^l Geo Izard Gov^r of Arkansas Territory ⁷⁸

⁷⁸ See *post*, p. 632.

U.S. State Dept.

THE TERRITORIAL PAPERS OF THE UNITED STATES

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Compiled and edited by
Clarence Edwin Carter

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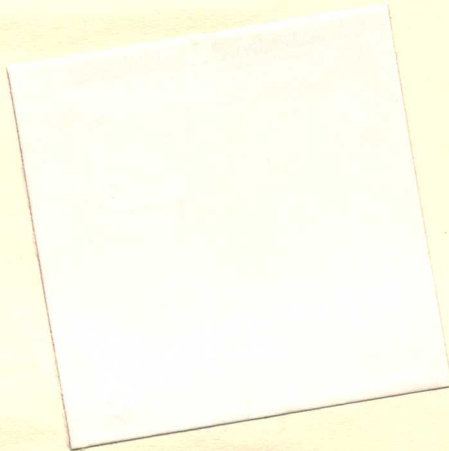
Publication No. 54-15

VOLUME XX

The Territory of Arkansas

1836-1838

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