

MILLEY YATES.

[To accompany bill H. R. No. 168.]

DECEMBER 22, 1837.

Adopted by the committee, and ordered to be reprinted.

MARCH 21, 1836.

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

REPORT:

The Committee on Indian Affairs, to which was referred the petition of Allen Yates, and Milley, his wife, make the following report:

The petitioners represent that Allen Yates is a white man, who has long lived and been naturalized in the Choctaw tribe of Indians, and that his wife, Milley, is a native of that tribe. They further represent, that, after the conclusion of the treaty with the Choctaws, at Dancing Rabbit creek, on the 27th of September, 1830, it was proposed that supplemental articles should be added, providing reservations of land to certain individuals of the tribe, among whom was the petitioner, Allen Yates; that after the supplemental articles had been agreed upon by the commissioners of the United States and the chiefs of the Choctaws, by one of which the right to two sections was reserved to the said Allen Yates, that the Chief Nit-uk-chachee insisted that two sections should also be secured to the petitioner, Milley Yates, in consideration of her having taught the women of the tribe to spin, weave, &c.: that, in compliance with the said supplemental articles, four sections of land, in legal subdivisions, were located for them by Colonel George W. Martin, the agent appointed to locate reserves under the treaty, and that, in due time, they exhibited his certificate to the register and receiver at St. Stephen's, in whose district the locations had been made, and requested that the lands described in the certificate might be marked on the map and reserved from sale. But this their reasonable request was disregarded, and a large portion of the lands thus located were exposed to sale, and purchased by persons having full knowledge of their claim; this sale having been made on the alleged ground that the petitioners were only entitled to two sections, instead of the four secured to them by the supplemental articles of the treaty. They further state, that, according to the custom of the Choctaws, the husband and wife are not considered one person in law, but hold separate and distinct property, wholly independent of each other; and they pray Congress to grant them such relief as to equity and justice shall appertain.

Your committee, after a due examination of the original and supplemental articles of the treaty, are satisfied, that if doubt existed as to the rights

of the petitioner, Milley Yates, she is entitled to the most liberal interpretation of that instrument. But, without such interpretation, they are convinced by the certificate of the Chief Nit-uk-cha-chee, bearing date the 1st of December, 1835, and attested by R. W. Jones, United States interpreter, and William Armstrong, Choctaw agent, which certificate they ask may be taken as part of this report, that the Choctaw custom of separate rights and property between husband and wife is as has been stated by the petitioners; and that, in the final arrangement of the supplemental articles of the treaty, it was the intention of the contracting parties to secure two sections of land each to the petitioners, of two of which they have been deprived, as alleged in their petition. Although your committee have no doubt that the petitioner, Milley Yates, has been unjustly deprived of the benefit of locations secured to her by the treaty, and believe the lands so located have passed into the possession of persons probably acquainted with her rights, forasmuch as expense and litigation might arise from an attempt to secure to her the lands located for her by Col. Martin, they would recommend the passage of an act authorizing the location of two sections of land, in the name and for the use of the said Milley Yates, on any of the public lands within the country acquired by that treaty, and not previously located to any Choctaw reservee, nor subject to any pre-emption claim: and for this purpose they report a bill.

FORT TOWSON, CHOCTAW NATION,

December 1, 1835.

I certify that, at the late treaty made between John H. Eaton and John Coffee, commissioners on the part of the United States, and the Mengoes Chiefs, and of the Choctaw nation, concluded at Dancing Rabbit creek, September 28, 1830, I called on John H. Eaton, and stated that, for services rendered in instructing the Choctaw women to weave, spin, &c., I was desirous that the wife of Allen Yates should be separately provided for; that I was aware that the family was provided for, yet, for the reasons above stated, I wished her separately provided for; and it was at my request, at the conclusion of the treaty, that the alteration was made, giving to Allen Yates and wife each two sections of land.

NIT-UK-CHA-CHEE, his + mark.

Witness:

R. M. JONES, *United States interpreter.*

The within statement of the Chief Nit-uk-cha-chee was interpreted to him by R. M. Jones, United States interpreter; by him acknowledged to be his understanding of the treaty, and what Allen Yates and his wife were entitled to.

WILLIAM ARMSTRONG,

Choctaw Agent.