

GEORGE HIX.

JULY 17, 1846.

Read, and laid upon the table.

Mr. DANIEL, from the Committee of Claims, made the following

REPORT :

The Committee of Claims, to whom were referred the petition and papers of George Hix, report :

The papers hereunto annexed fully explain the claim referred to the committee.

The petitioner, to obtain relief, must show that he was lawfully within the Indian country, and employed in a lawful business. But instead of showing that he had a legal permit or license to go into the Indian country, the petitioner does not so much as aver that a license had been given to him by the proper officer. If he was there contrary to law, as it seems probable in the opinion of the Adjutant General, and also of this committee, then, in that case, the petitioner is a fitter subject for punishment than for relief. The attention of the House to the letter of General Jones is particularly invited.

The committee offer the following resolution, and recommend its passage :

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

WAR DEPARTMENT, May 18, 1846.

SIR: In reply to your request of the 4th instant for information respecting the claim of George Hix for goods taken from him, as he alleges, in the Cherokee nation, in the year 1831, by Lieutenant Fowler of the United States army, I transmit herewith reports from the Indian bureau and Adjutant General, showing that no report of the transaction was ever made to this department. The Adjutant General, however, encloses a copy of a general order issued in May, 1831, respecting persons found trespassing in the Indian country, which renders it probable that Mr. Hix's goods were seized under the 8th section of the act of March 30, 1802,

if they were seized at all by Lieutenant Fowler, who is now deceased. The petition of George Hix is herewith returned.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

HON. J. R. J. DANIEL,
Chairman Committee of Claims, House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, May 15, 1846.

SIR: I have had the honor to receive the communication from the Committee of Claims of the House of Representatives, asking information respecting the claim of George Hix for compensation for depredations on his property by Lieutenant Fowler, in the Cherokee country, in 1831, referred by you to this office for a report.

In answer to the inquiry, I have the honor to state that the files and records of this office have been examined, but it does not appear that the claim was ever presented by the claimant, or reported by an agent of the Indian department. The papers are herewith returned.

Very respectfully, your obedient servant,

SAML. HUMES PORTER,
Acting Commissioner Indian Affairs.

HON. WM. L. MARCY,
Secretary of War.

ADJUTANT GENERAL'S OFFICE,
Washington, May 8, 1846.

SIR: In compliance with your instructions, I have the honor to submit the following report on the letter of the Hon. J. R. J. Daniel, chairman of the Committee of Claims, asking information on the memorial of George Hix, praying compensation for depredations on his property in the Cherokee nation, by a detachment of regular troops commanded by Lieutenant Fowler, in August, 1831.

The Adjutant General has no knowledge of the transactions described in the memorial of George Hix, nor does there appear to have been any correspondence on the subject with this office. From a perusal of the memorial, however, it would seem to be not unlikely that Hix was trading in the Indian country without a *license*, or he would have stated the contrary. If this be so, and his property were actually seized as alleged, it was no doubt done in pursuance of the 8th section of the act of March 30, 1802, "to regulate trade and intercourse with the Indian tribes," &c., which forfeits the merchandise of unlicensed traders, and subjects the offender to fine and imprisonment.

"General order" No. 16, of May 5, 1831, (copy herewith,) strengthens this view of the case. This order, issued only about three months prior to the alleged seizure, alludes to the unauthorized intrusion of white persons into the Indian country, with a view to settlement, and directs the

commanding officers of the several frontier posts to enforce the provisions of the act of March 30, 1802, in relation to their removal.

The Lieutenant Fowler alluded to in the memorial is presumed to be Lieutenant A. C. Fowler, late of the 2d regiment of artillery, who died in service April 30, 1834.

Respectfully submitted.

R. JONES,
Adjutant General.

Hon. W. L. MARCY,
Secretary of War.

ORDER No. 16.]

HEADQUARTERS OF THE ARMY,
Adjt. General's Office, Washington, May 5, 1831.

It having been reported to the War Department that, contrary to the provisions of the act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved March 30, 1802, several white persons, with the intention there to settle themselves, have entered into the country set apart and allotted to the several tribes of Indians established beyond the limits of the States, under treaties made with the said Indian tribes by the United States, the commanding officers of the several posts on the frontiers are enjoined to see that the provisions of the act above alluded to be enforced in relation to the removal of the said unlawful settlers, taking for their guide in the execution of the said duty the act above referred to.

By order of Alexander Macomb, major general commanding the army.

R. JONES,
Adjutant General.

STATE OF TENNESSEE, }
Monroe county. }

This day personally appeared before me, William Williams, a justice of the peace of said county, George Hix, a resident of said county, and made oath that he had, for some weeks prior to the 20th of August, 1831, been at Joseph Philips's, on the waters of the Hightower river, in the Cherokee nation, engaged in selling provisions to the Indians and white men then employed in digging gold in that vicinity. That affiant was not, and had not been employed in digging for gold. That on that day a detachment of regulars of the United States, under the command of Lieutenant Fowler, forcibly took from the possession of affiant's agent, Col. James McCartney, at that place, five barrels of flour, worth eight dollars per barrel; one barrel of bacon, worth ten dollars; a quantity of cooking vessels and castings, of the value of ten dollars; fifty yards of domestic cloth, of the value of twelve dollars and fifty cents; some beef and salt; a bed and blankets, estimated at five dollars; and converted the same to their own use, without making any compensation to affiant therefor. That affiant has never received any remuneration for said property. Affiant further states, that his said agent, Col. McCartney, is since deceased. That affiant delayed applying for indemnity, relying upon Col. McCartney, his said agent, to

attend to the business, as he had promised to do so; but he having failed to make the necessary proof before his death, which happened about two years after the transaction, it was not until the last nine months that affiant was informed he could make the proof of the facts alleged in this affidavit, by Anderson Fox, who was present at the time the property was taken, and his affidavit is hereto annexed. Wherefore affiant prays that the government of the United States may make him compensation for his property lost aforesaid.

GEORGE HIX.

Sworn to and subscribed before me, this 21st day of August, 1843.

WM. WILLIAMS,

Justice of the Peace for Monroe county, Tenn.

STATE OF TENNESSEE, }
Monroe county.

I, John A. Stephens, clerk of the county court of the county aforesaid, do hereby certify that William Williams, esq., whose signature appears affixed to the foregoing affidavit, is now, and was at the time of signing the same, an acting justice of the peace in and for said county, duly commissioned and sworn, and full faith and credit is due to all his official acts as such.

[L. s.] Given under my hand and seal of office, at office in Madisonville, September 1st, 1843.

JOHN A. STEPHENS, *Clerk.*

Clerk's fee, 50 cents.

STATE OF TENNESSEE, }
Monroe county.

I, John Carson, chairman of the county court of Monroe county, do certify that John A. Stephens, whose name appears affixed to the foregoing certificate, is, and was at the time of signing the same, an acting clerk in and for said county, and that full faith and credit is due to all his official acts as such.

Given under my hand and seal this 5th September, 1843.

JOHN CARSON, [L. s.]

Chairman of Monroe county.

Chairman's fee, 25 cents.

I do certify that George Hicks, whose name appears to the foregoing, is a respectable citizen, and is entitled to full credit, this 5th Sept., 1843.

JOHN CARSON, [L. s.]

Chairman of Monroe county.

STATE OF TENNESSEE, }
Polk county.

This day personally appeared before me, Robert H. McConnell, a justice of the peace for said county, Anderson Fox, a citizen of said county, and made oath that in the summer of 1831 he was at Joseph Philips's, on the

waters of Hightower river, in the Cherokee nation; that on that day a detachment of regulars of the United States, under the command of Lieutenant Fowler, forcibly took from the possession of Col. James McCartney, agent of George Hix, five barrels of flour, of the value of eight dollars per barrel. Affiant further states that he saw them burning a quantity of bacon, which he believed to be the property of George Hix. And further this deponent saith not.

ANDERSON FOX.

Sworn to and subscribed before me, this 26th day of August, 1843.

ROBERT H. McCONNELL,
Justice of the Peace.

I certify that the above deponent is a respectable citizen, and is entitled to full credit, this 26th August, 1843.

R. H. McCONNELL,
Justice of the Peace.

STATE OF TENNESSEE, }
Polk county. }

This day personally appeared before me, Robert H. McConnell, a justice of the peace for said county, George W. Price, a citizen of said county, and made oath that some time in the latter part of the summer of 1831, a detachment of regulars of the United States under the command of Lieutenant Fowler, forcibly took from the possession of Col. James McCartney, agent of George Hix, five barrels of flour of the value of eight dollars per barrel, a quantity of bacon and dried beef, a box with some clothing, the value of which affiant cannot tell precisely. Affiant further states that they took a quantity of castings, the property of George Hix, with divers other little articles, the property of said Hix. Affiant states that he was in the employ of James McCartney at the time the above articles were taken; and further this deponent saith not.

G. W. PRICE.

Sworn to and subscribed before me this 26th day of August, 1843.

ROBT. H. McCONNELL,
Justice of the Peace.

STATE OF TENNESSEE, }
Polk county. }

I, James Parks, clerk of the county court of Polk county, do certify that R. H. McConnell, esq., whose signatures appear to the foregoing certificates, is, and was at the time of signing the same, an acting justice of the peace for my county, duly commissioned and qualified according to law, and that faith and credit are due his official signatures.

[L. s.] In testimony whereof, I have hereunto set my hand and affixed my seal of office at office in Burton, this 9th day of February, 1846.

JAMES PARKS, *Clerk.*

Clerk's fee, 50 cents. Paid.

STATE OF TENNESSEE, }
Polk county. }

I, John Shields, chairman of the county court of Polk county, do hereby certify that James Parks, whose name appears to the foregoing certificate, is at this time, and was at the date of said certificate, clerk of the county court of the county aforesaid, and that his signature appears to be in his own proper handwriting.

Witness my hand and seal this 9th day of February, 1846.

JOHN SHIELDS, [L. s.]

Chairman of court of county aforesaid.

Fee, 25 cents. Paid.

I certify that the above document is a respectable citizen, and is entitled to full credit, this 20th August, 1843.
K. H. McCONNELL
January 1843
This day personally appeared before me J. H. McConnell, a Justice of the Peace for said county, George F. Price, a citizen of said county, and made oath that some time in the latter part of the summer of 1843, a detachment of riflemen of the United States under the command of Lieutenant Fowler, located west from the possession of Col. James McHenry, agent of George Hix, has taken of four of the value of eight dollars per barrel, a quantity of lead and dried beef a box with some clothing, the value of which amount cannot tell precisely. About further states that they took a quantity of cash, the property of George Hix, with divers other items which he claims to be his. He further states that he was in the employ of James McHenry at the time the above articles were taken and further the document with him.
G. W. PRICH
Sworn to and subscribed before me this 9th day of August, 1843.
ROBT. H. McCONNELL
January 1843
I, James Parks, clerk of the county court of Polk county, do hereby certify that R. H. McConnell, Esq., whose signature appears to the foregoing certificate, is and was at the time of signing the same an acting Justice of the Peace for my county, duly commissioned and qualified according to law, and that said certificate was his official signature.
In testimony whereof, I have hereunto set my hand and official seal of office at office in Barton, this 9th day of February, 1846.
JAMES PARKS, CLERK