

PETITION

OF

A NUMBER OF CITIZENS OF THE STATE OF ALABAMA,

PRAYING

*To be allowed pre-emption rights to any unlocated public lands, in lieu of others of which they have been deprived.*

JANUARY 8, 1839.

Presented by Mr. CLAY, of Alabama, to accompany Senate bill No. 135, and ordered to be printed.

*To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :*

We, your petitioners, a portion of the citizens of the county of Benton, in the State of Alabama,

WOULD RESPECTFULLY REPRESENT UNTO YOUR HONORS :

That under the treaty of 1832, between the Government of the United States and the Creek tribe of Indians, a certain amount of lands, to wit : forty-nine sections, were guarantied to the chiefs and orphans of the said tribe, which said lands were reserved from sale ; that, after the ratification of the said treaty, your petitioners left their homes and came into the wild forest and cleared and cultivated our farms, by which we enhanced the price of the lands, and indeed made them valuable ; that, in doing so, we suffered all the privations that are necessarily attendant upon the settlement of all new countries ; and, in addition to the usual hardships and fatigues, we had the dread of the depredations of savage vengeance.

This we did under the firm persuasion, that the Government in which we live, in its hitherto wise and liberal policy, would, to a certain extent, compensate the honest pioneers who should go forward in clearing, populating, and civilizing a savage wild. In this we were not mistaken : for, under the act of your body, of June, 1834, "to grant pre-emption rights to actual settlers on the public lands," many of your fellow-citizens in this and the adjoining counties secured their homes, and are now, with the march of civilization, moving on in happiness and prosperity, while we, your petitioners, were, not by law, but by the acts of the agents of the Government, deprived of our homes and all the benefits of the act above referred to. We do not complain of the Government, nor do we

wish to censure, unnecessarily, her agents; yet we must be permitted to represent facts, and knowing that you are well acquainted with the principles of justice, it is upon that we rely for success.

Your honors, or many of you, no doubt, recollect that the lands subject to sale at the land office in the Coosa land district, located at Mardisville, Alabama, were advertised for sale, the sale to commence on the 14th day of January, 1834, and that, previous to that time, it was the duty of Mr. Bright, the agent selected by the Government to locate the aforesaid forty-nine sections, to be reserved from sale for the benefit of the chiefs and orphans of the said Creek tribe of Indians, to have made the location of the said chiefs' and orphans' land, and have filed his certificate in the land office at Mardisville, so as to enable the register at that place to reserve the same from sale; that Mr. Bright, in accordance with his duty, did, on the 13th day of January, 1834, file in said land office the number of the sections, together with his certificate of location, of all the chiefs' and orphans' land to be located in this district; that said locations were made upon good soil, yet of uncultivated lands, and of course did not interfere with the claims of any person under the pre-emption law subsequently passed; that, for want of the plat of the survey of said lands, the sale that was to have commenced on the 14th day of January, 1834, was postponed.

We do not pretend to know, or even suggest, by what means the following change was effected. Yet such is the fact, that although Mr. Bright had previously located said chiefs' and orphans' land, he, in company with an organized band of speculators, some time in the month of March, 1834, came into the county of Benton and selected your petitioners' farms, and reported them as the chiefs' and orphans' land, to be reserved for the nation; all of which are situated near the county site of said county, and are, consequently, very valuable: thus depriving your petitioners of their right of pre-emption, under the act of 1834, and taking their farms from them upon which they had bestowed several years' toil and hard labor. For proof of the above allegations, we refer you to the annexed sheets.

In consideration of the premises, we pray your honorable bodies to pass a law in conformity with the provisions of the bill presented by our honorable and much respected Senator, Clement C. Clay, at your last session. We do not seek indemnification, but ask what we think sheer justice cannot deny, that is, a pre-emption right of float to be laid for all those, and those only, who shall be enabled, by the annexed sheets, to satisfy your minds that they were deprived of their rights, guaranteed by the act of 1834; said pre-emption floats to be located upon any public lands undisposed of, so as not to interfere with other claimants. And, as in duty bound, we will ever pray.

William Beene  
Lemuel Beene  
Peter Heifner  
Jesse Beene  
Allen Upshaw  
Willis Selman  
Francis B. Smith  
James Moore  
his  
Jesse x McBee  
mark.

Benjamin McMahan  
Hezekiah Cross  
Matthew Winn  
W. McMichel  
Benjamin Hollingsworth  
J. B. Pendleton  
Redmun G. Stewart  
Seaborn Watts  
Thomas T. Roggers  
Robert Caskey  
John Gotcher

Nathaniel Hillin  
 Warren Harris  
 George Harris  
 Jesse Harris  
 Richard Harris  
 Samuel Tally  
 James Wood  
 Peter Upshaw  
 John Been  
 Martin Crouch  
 Oba Winn  
 Elias Moore  
 Elijah Allen  
 William Been, senior  
 Henry Boozer  
 Adam Boozer  
 Samuel Cobber  
 Henry Dodson  
 Allen Upshaw  
 Calyer Johnson  
 T. B. Hillion  
 Bady Alford  
 James Clark

Thomas A. Smith  
 John Boozer  
 John Boyd  
 William Simmons  
 C. W. Spook  
 Wiley Puckett  
 Williamson Todd  
 Hezekiah Palmore  
 Joel Chandler  
 Moses Fipps  
 John Fipps  
 Moses Benson  
 John Corbett  
 Richard Moreland  
 Caleb Browning  
 Jeremiah Sampler  
 Nancy Norris  
 Samuel B. Russel  
 James Rice  
 Joshua Browning  
 E. S. Jones  
 John A. Miller