

PETITION

OF

JOHN M. NAIL,

*In behalf of a number of Choctaw Indians, praying that provision may be made for satisfying outstanding claims to reservations under the treaty of Dancing-rabbit Creek.*

AUGUST 17, 1841.

Ordered to be printed; to accompany bill Sen. 8.

*To the Hon. Members of the Senate and House of Representatives of the United States in Congress assembled:*

John M. Nail, a citizen of the Choctaw Nation, west of the Mississippi, in behalf of his countrymen, begs leave to represent:

That, by virtue of the 19th article of the treaty of Dancing-rabbit creek, the following reservations of land were allowed and guaranteed: 1st. One section of land to each head of a family, not exceeding forty in number, who, during that year, had cultivated fifty acres or more of land, and had a dwelling-house thereon. 2d. Three quarter sections to each head of a family, not exceeding four hundred and sixty, who shall have cultivated thirty acres. 3d. One half section, as aforesaid, to those who shall have cultivated from twenty to thirty acres; the number not to exceed four hundred. 4th. A quarter section to such as shall have cultivated from twelve to twenty acres; the number not to exceed three hundred and fifty. And one-half that quantity to those who shall have cultivated from two to twelve acres; the number not to exceed three hundred and fifty persons. The whole embraced in each class to be so located as to contain the dwelling-house and improvement of the reservee.

The Chiefs, separately or together, should determine who shall be excluded in the respective districts, in case a larger number of claimants shall apply than are limited in the respective classes. In pursuance of this power, the Chiefs made a regular return of the names of the Indians entitled in the different classes, and the amount each were entitled to under the above classification, and the neighborhood of each ones residence, which were regularly on file in the Indian Department; and there is a fixed certainty, by recorded evidence, of the name and amount of land of each Indian claimant under this article of the treaty. The emigration of the Indians were pressed by all the influences of the Government at a time when the surveys were but partially made, and a proportion of each of the classes of reservees, and especially of the claimants of the smaller tracts, were hurried off before they could make any advantageous disposition of their tracts of land.

Justice demanded that the Indians should not have been urged away until the surveys were made, and a locating agent had ascertained and reported in what section or division of a section, with the township and range, the land of each reservee was situated. Several of the reservations above described, especially of those entitled to the smaller tracts, have been sold by the Government. The reservees although entitled to a recovery at law, feel themselves incompetent to assert their rights at law against the influence of the white man and his superior intelligence and means, especially for a property so small, and living, as they do, at so great a distance. But to the poor Indian this small property is very important. The stern policy of the Government has forced the red man to abandon a country, beautiful and fertile, the home of his ancestors, endeared to us by all those ties which so irresistibly bind these children of the forest to their native home, the home of their forefathers. A very small boon was reserved for so mighty a sacrifice; and, small as it was, a part of this people have been deprived of it by the action of that Government, to whom the untutored red men have been taught to look for justice and protection.

Their claims are involved in no mystery or uncertainty, the name of each claimant and the amount of his reservation, is fixed and recorded in conformity with the treaty, and were so defined, and in the Government office before the emigration. Their reservations have been sold, and the Government obtained the value of their land and the improvements thereon. They are not disposed to disturb the Government sales, even if they had the means and capacity to enter into a course of litigation for the recovery of their rights. They have for ten years been without the use of their property, or the proceeds of it; during a part of which time lands have been of high value.

The small boon they ask now, is that Congress may pass an act authorizing the Secretary of War to locate, out of the remaining public lands in the Choctaw cession, for each reservee who has been deprived of his land by the Government sales, as much land as such reservee was entitled to under the treaty, and not less in value; to be located in quarter sections, wherever the reservation amounts to a quarter section or more. This mode of location is rendered most imperatively necessary, now that the lands have been culled over by ten years of Government sales and pre-emption selections.

The poor red man has not a voice loud enough to make his complaints heard, pleading for justice to the authorities of this great nation, in its great councils. In their behalf, then, I have taken the liberty to present their cases before the individual members, and appeal to their high sense of justice and humanity in behalf of my countrymen, and for their influence to see justice rendered.

Without speedy action by Congress the door of justice will be closed to these unhappy supplicants forever. Every person who selects and sits down on a quarter section of land for pre-emption, lessens their chance of redress. Can a just, a generous, and a humane people, retain longer from this much injured and impoverished people, the small boon they are willing to receive for a property they have been deprived of by the Government for ten years?

Again I beg leave to state that their claims are of that class which are entirely certain and undisputed, and can be designated by record.

Very respectfully,

JOHN M. NAIL.