

Doaksville, Choctaw Nation,  
Nov. 13, 1854.

Copies

Sir,

Allow us to place before you a statement of facts relating to the capture in the Indian country, & the removal of several members of the "Beams family of free negroes," by the agents, employees, and parties in interest of Mr. John B. Davis of Mississippi, which we shall endeavor to do, for purposes herein stated, & in the order we have learned they transpired.

First, let us allude to a few facts in the eventful history of this family. William Beams, a white man living in the Old Choctaw Nation, East of the Mississippi river, having lost by death his Indian wife, by whom he is said to have had four children, purchased a mulatto woman named Nelly, with the express condition of purchase that before or upon the happening of his death, he should emancipate her, and a child she had borne by her recent owner. By this woman Beams himself had some six or eight children.

In the year 1823, wishing to carry out the terms upon which he purchased the woman Nelly, and likewise manumit his own offspring, Beams, by the advice of friends, gave notice in writing, posted in conspicuous places, there (being)

being no newspaper in the country, of his intention, and calling upon his creditors, if any, to present their demands; and afterwards took Nelly her children and grand children, to the number of thirteen to the state of Illinois, and there on the 19<sup>th</sup> day of August, 1823, at a Special term of the County Commissioners Court of Pope County, held at Golconda, acknowledged bond under the requirements of the Statute in the several sum of thirteen thousand dollars, to keep the Counties of that state free from charge by the emancipation of his thirteen slaves, and at the same time & place, executed deeds of manumission. (A copy of one of these deeds, now on file in the Office of U. S. Choctaw Agent, we herewith transmit.)

During the same year of 1823, Beams returned to the Old Nation with these persons, and there publicly declared what he had done. His friends and neighbors all, thereafter knew and regarded these persons as free, tho' they abode still at the old homestead.

In the year 1828 or 1829, Beams being very old and anxious to secure fully to these people the enjoyment of their freedom, gave notice in the manner he had before done, divided the rest of his estate among his Choctaw children, and removed to settle permanently with this family in the state of Illinois. After a residence of perhaps more than a year in that state he died, and when the second crop raised by  
(them)

them was gathered & sold, this family of people returned to the old nation, and again established themselves at their old home, then within the limits, and under the jurisdiction of the State of Mississippi.

About this time, in the year 1831, as recent information shows, John B. Davis & one Daniel Hawie contracted with Betty & Jesse Beams, the then only remaining children of Wm. Beams deceased, that they should take possession of the Beams family of negroes, remove them to Louisiana; sell them, and on their return, account to them for one half of the proceeds of sales. They forcibly took possession of the family and were removing them, when Greenwood Leflore, one of the chiefs of the Choctaws, remaining in that state, interposed, & induced the civil authorities by proper process of law, to seize and liberate them.

In March 1832 the grown up ones of these people, under the requisitions of a statute of Mississippi passed in the winter of 1831-2 appeared before the County Court of Madison County, gave satisfaction of their "good character & honest deportment", and obtained licences to remain in the state as "free negroes". (We inclose a copy of one of these licences, now on file in the Office of U. S. Choctaw Agent.)

In the fall of 1832, the family fearing for their safety after their Indian friends and neighbors had emigrated West, placed them  
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selves under the guidance of a white man named Stephen R. Williams, and after a tedious journey reached this Nation, and located in the vicinity of Fort Towson. Here they were unmolested for several years.

In May 1836 there was an ineffectual attempt to obtain possession of them. They then filed their free papers in the Agents Office, for record & took copies.

In Nov. 1837 another effort was made by Davis & his confederates, but the family fled to Fort Towson and were protected by Capt. Vase, then commanding there, whose conduct was sanctioned & encouraged by Supt. & Agent Armstrong, and afterwards, as we have learned, approved by the government.

In 1840, Wm. H. Fowler, an agent of John B. Davis, hired a man to pilot him & others, by night to the home of this family, & there finding the entrance barred, stormed the house by firing into it, killing Abraham Beavers, three balls, striking his person, and badly wounding one of his sisters. They seized three women, Lotty, Betty, & Nancy, and one child, & forced them off, leaving an infant of tender age.

This occurrence produced the great excitement among the Choctaws. The case was reported to the Commissioner at Washington, by the Supt. & Agent at the time, as will appear by the correspondence of those officers. (See copies)

ies of Supt. & Agent. Armstrong's letters on file in the Agency office, viz. Feb. 9<sup>th</sup> 1839, Feb. 22<sup>d</sup> 1839, March 9<sup>th</sup> 1839, March 10<sup>th</sup> 1839, May 1<sup>st</sup> & 25<sup>th</sup> 1839, and April 2<sup>d</sup> 1840.)

The Choctaw Agent & Supt. notified Davis and his party never again to enter the nation, for the purpose of taking the "Beams family".

From this period Davis was in the habit of applying to each new appointee as Agent, to aid in the capture & delivery of these negroes, and each time was told that their free papers were recorded & on file in the Agency office, and that unless orders from Washington came, no assistance would be given.

These repeated efforts kept the "Beams family" and their descendents in constant dread, and for greater safety, they wandered among several of the other Indian tribes.

Thus matters continued until the present year, when application was made by Wm. Houser, Woosley, and Bishop of Van Buren, Arks, (to whom Davis had sold one fourth interest each, in this family and their increase), to Agent Cooper, to whom they presented letters from Washington City to Davis' attorney and brother in law Stephen Cook of Miss. that the Attorney General of the U. States had, in a written opinion, decided that these negroes should be surrendered to the claimant.

Agent Cooper refused to interfere, as he had in his office their free papers, properly authenticated, and as he had received no instructions from the Commissioner, or the Secy of the Interior. He stated to them that if they would wait, as he was about starting, until he removed his agency office to Fort Towson, he would direct, that such of the family as were within the Choctaw country be brought before him, & Mr. Davis could then have an opportunity to establish his right to them, and if he should do so, he would send them in charge of the Indian authorities to Van Buren, and there let Mr. Davis in the Court settle the question of their freedom, & of his right to property in them. This, these parties implicitly promised to do.

But while the Agent was en route for Fort Towson, these individuals preceded him represented to the Chief of this district, Col. Harkins, that the government of U. S. thro' the Attorney General had decided that these people were slaves & the property of Davis - exhibited a written requisition which Supt. Drew had, in the absence of the Creek Agent Garrett given upon the authorities for the delivery of such as resided there, and stated that Agent Cooper had promised to have those residing in the Choctaw nation taken & conveyed to Van Buren.

The Chief <sup>not</sup> having authority to proceed formally, and wishing to avoid directly in conflict

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conflict with the represented views of the U. States  
Officials, yielded to these incorrect statements, and said  
to these parties, "that if they had property in the  
nation to go and take it." In this way two of the  
connexion, William & Sitas were removed to Arks.  
before Agent Cooper reached Bowson.

From the Creek nation they took five, viz.  
Martin, Mary & child Katy, Ellen and David, with the  
aid of the Creek authorities upon the aforementioned  
requisition of Supt. Drew. Martin was shot in the  
left breast and badly wounded, before taken.  
Mitchel, who had secreted himself, they sold on a  
credit to Mr. McIntosh, of North Fork, Creek nation,  
for the sum of one thousand dollars: the pay-  
ment of which is now stayed, to await the deci-  
sion of the Court, relative to his freedom. They also  
took a bond of Mr. E. B. Bright of Creek Agency, for  
the delivery at any time of a woman, (name, un-  
known,) and her three children.

David escaped and returned to the Creek Nation.  
The remainder, six in number, they removed  
to Van Buren; having stated to the negroes, and  
to the Officers aiding in their capture, that they  
would have a fair & impartial trial, as to their  
right to freedom.

When they arrived at Van Buren, John  
B. Davis' son & Agent was there, and with the  
Others claiming a fourth interest each, they  
decided that these negroes were slaves, and  
their property, and proceeded to apportion  
(them)

them. Woosley took Ellen & Silas; buying Davis share in them. Houser took Martin & William - sold Martin to P. H. White & Co. and out of the proceeds, paid Davis share. Bishop took Mary & child, accounting to Davis for his interest.

Several gentlemen & ourselves, friends of this family, learning these facts employed an Attorney, Mr. J. Dator from Mississippi, and residing at the time with Agent Cooper, to proceed ~~and~~ to Van Buren, take with <sup>him</sup> the free papers, on file in the Chartaw Agents office, & upon them institute proceedings, in the Court, to establish their freedom, & thus prevent their removal before <sup>the</sup> case should be tried.

The Attorney went to Van Buren, instituted proceedings in the State Circuit Court for them all, and, by the process obtained, secured their presence when the trial comes on, the second Monday in June next; & in the meanwhile their good treatment. William had been forced off by Houser & sold before the Attorney reached Van Buren, and despite all efforts made, his whereabouts ~~not~~ not been ascertained, at latest advices.

The preceding facts existing, as we most firmly believe they do, and this unfortunate family, through a misapprehension, as we believe, on the part of the Government, as to the facts in the case, being now placed in a position where various persons claim property in them, having paid money therefor, and that expensive proceedings have been commenced, and



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to be continued to establish their right to liberty, and that the fate that for twenty years has hung over them; and prevented their accumulating the means wherewith to fee counsel, induces us to request that you will instruct the Choctaw Agent, to fee such counsel, & on such terms as you may direct, to investigate and prosecute to a termination the suits that have been commenced, and thereby secure a fair and impartial trial, as to the freedom of this much injured family; and in the case of success, dispell the fears & anxieties, which for so many years, have afflicted their friends & relatives in the Creek & Choctaw countries.

It is not surprising that a family living for sixty years among the Indians, and intermarrying with them, should become allied and attached to an extensive connexion, both by blood, & the bonds of friendship. Several of them bear strikingly the lineaments of the Red People, & speak but imperfectly any other language.

We trust we shall be pardoned for the length of this communication. In justice to those whose cause we plead, we could not have done otherwise, or said less.

We are Sir very respectfully,  
Your obt. Servants,

(Signed,)

C. Kingsbury,  
Sampson Folsom.

Hon. Geo. W. Manypenny,  
Commissioner Indian Affairs,  
Washington City.