

Report No. 28.

[To accompany bill H. R. No. 719.]

HOUSE OF REPRESENTATIVES.

HEIRS OF SEMOICE.

JANUARY 16, 1849.

Mr. GAYLE, from the Committee on Private Land Claims, made the following

REPORT:

*The Committee on Private Land Claims, to whom was referred the petition of sundry citizens of the State of Alabama in behalf of the heirs of Semoice, a friendly Creek Indian, have had the same under consideration, and report:*

That in the first article of the agreement and capitulation entered into between General Jackson and the chiefs of the Creek nation, on the 9th August, 1814, it is stipulated that the chiefs and warriors who had been friendly to the United States during the war with said Indians, and taken an active part therein, and whose possessions were within the territory ceded by said agreement to the United States, should each be entitled to a reservation of land, within said territory, of one mile square, to enure to such chief or warrior and his descendants, so long as he or they should continue to occupy the same, but upon the voluntary abandonment thereof the said reservation to revert to the United States; that the said Semoice was entitled to the reservation provided for in the said agreement or treaty, but the same was afterwards sold by the United States; and, in order to secure to him the land to which he was entitled, Congress on the 2nd July, 1836, passed an act conferring on him the right to enter, at the proper land office, 640 acres of land without payment, "to be held on the same terms and conditions as the reservations given by the said treaty;" that on the 3d March, 1817, Congress passed an act which provides, "that when any chief or warrior, entitled to a reservation of land at the time of signing the treaty, shall have since died,

and left a widow and child or children who has or have continued to occupy and cultivate the said land, they shall have the right of selection in the same manner as the original claimant would have if he was living; and the title of the land so selected shall be a fee simple in the child or children, reserving to the widow, if any, the use and occupation of one-third of the land during her life: *Provided, however,* That the said child or children shall not have power to alienate the said land, except by devise, until each and every one of them shall have arrived at the age of twenty-five years."

It is apparent that the persons in whose behalf the petition is presented are not embraced by this act of 1817, and that they are only entitled to the possessory right specified in the treaty. The committee can perceive no reason for this exclusion, as their claims are the same in every particular with those embraced in that act. The petition states that the land is of little value, and would not be entered at the government price if it were abandoned. Its situation is represented to be unfavorable to health, so that it cannot be occupied during the summer months, without great liability to contract the malignant diseases incident to the climate. The committee think that a benefit would be conferred on the children of Semoice by granting to them a fee simple title in the land, and have directed me to report a bill to that effect.

The Committee on Indian Land Claims, to whom was referred the petition of certain citizens of the State of Alabama in behalf of the heirs of Semoice, a friendly Creek Indian, do hereby report, and recommend, that

That in the first article of the agreement and capitulation entered into between General Jackson and the chiefs of the Creek nation on the 9th August, 1814, it is stipulated that the chiefs and warriors who had been friendly to the United States during the war with the Indians, and taken an active part therein, and whose possessions were within the territory ceded by said agreement to the United States, should each be entitled to a tract of land, within said territory, of one half section, to agree to such chief or warrior and his descendants, so long as he or they should continue to occupy the same, but upon the voluntary alienation thereof the said tract was to revert to the United States. That the said Semoice was entitled to the tract of land provided for in the said article of treaty, but the same was afterwards sold by the United States and in order to secure to him the land to which he was entitled, Congress passed an act on the 25th March, 1817, which by its 11th section, gave to the proper land office the right to issue to the proper land office, and to the said Semoice, the said tract of land, without payment of the value of the same, and the said Semoice, upon the said act, did thereupon apply to the proper land office for the said tract of land, and the same was accordingly issued to him, and he thereupon entered upon the same, and has since that time occupied the same, and has since that