

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. BAYARD, from the Committee on Private Land Claims, submitted the following

REPORT:

[To accompany bill S. 1043.]

*The Committee on Private Land Claims, to whom was submitted the bill (S. 1043) to quiet certain land titles in the State of Mississippi, having had the same under consideration, report as follows:*

The lands in question were ceded by the Chickasaw Nation to the United States under treaty of October 20, 1832 (Statutes at Large, vol. 7, p. 381), and by further "articles of convention and agreement made between the United States and the delegation representing the Chickasaws" May 24, 1834. (*Id.*, p. 450.)

By the 4th article of convention it is provided as follows:

The Chickasaws desire to have within their own direction and control the means of taking care of themselves. Many of their people are quite competent to manage their affairs, though some are not capable and might be imposed upon by designing persons; it is therefore agreed that the reservations hereinafter admitted shall not be permitted to be sold, leased, or disposed of, unless it appear by the certificate of at least two of the following persons, to wit, Ish-ta-ho-ta-pa, the king, Levi Colbert, George Colbert, Martin Colbert, Isaac Albertson, Henry Love, and Benjamin Love, of which five have affixed their names to this treaty, that the party owning or claiming the same is capable to manage and to take care of his or her affairs; which fact, to the best of his knowledge and information, shall be certified by the agent, and furthermore that a fair consideration has been paid; and thereupon the deed of conveyance shall be valid, provided the President of the United States, or such other person as he may designate, shall approve of the same, and indorse it on the deed; which said deed and approval shall be registered at the place and within the time required by the laws of the State in which the land may be situated; otherwise to be void.

It is essential that the requirements for the validity of these deeds should be proven by the parties now claiming, and upon an examination of the deeds produced by them in support of their claim of title and conveyance it is obvious that they have failed to comply with the provisions of the treaty, for none of the persons named, whose certificate is essential, have so certified. Nor has any President of the United States or any person designated by any President ever approved of these deeds or any of them; nor has any indorsement to that effect been made by the only officer or person authorized in the treaty; and in default of this it is expressly provided that the deed shall be void.

This being so, your committee have no hesitation in deciding that for want of the performance of the conditions so plainly made necessary by the treaty, there is no duty incumbent upon Congress to fortify the defective titles of the claimants; they therefore report back the bill adversely, and recommend its indefinite postponement.