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Tennessee -- Settlers on reservation four miles square

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TENNESSEE—SETTLERS ON RESERVATION FOUR MILES SQUARE.

[To accompany bill H. R. No. 372.]

FEBRUARY 19, 1836.

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

REPORT :

The Committee on Private Land Claims, to which was referred the petition of Tennessee settlers, report :

The petitioners set forth in their petition, that they have been seated down in the actual cultivation and possession of the premises now occupied by them for twelve or fifteen years ; these lands lie in the western district of Tennessee, and are comprehended in a tract of four miles square, on both sides of Sandy river, commonly called the Salt lick reservation. They pray to be allowed all the rights and benefits of occupancy and pre-emption, which has been secured under the laws of Tennessee to other persons similarly situated in the western District of Tennessee, who lived out of said reservation, and that they may be put upon an equality, in point of privileges and benefits, in every respect whatsoever. The committee have examined the facts upon which the prayers of the petitioners are based, and beg leave to state, that by the 4th article of the treaty of the 19th of October, 1818, at Old Town, between the Chickasaw Indians and the United States, it was stipulated and agreed that the before mentioned four miles square, should be reserved for the use and benefit of the warriors and poor Indians, with this limitation and condition, to wit : " For the benefit of this reservation, as before recited, the trustees or agents are bound to lease the said reservation to some citizen or citizens of the United States, for a reasonable quantity of salt, to be paid annually to the said nation, for the use thereof. And that from and after two years, from and after the ratification of this treaty, no salt made at the works on this reservation, shall be sold within the limits of the same for a higher price than one dollar per bushel of fifty pounds weight, and on failure of which the lease shall be forfeited, and the reservation revert to the United States." In pursuance of the above article, James Brown, and Levi Colbert, two of the principal chiefs were appointed agents and trustees, and proceeded to lease the same, with the view of carrying the stipulations of the treaty into effect, in this behalf. But it seems that the expectations of all parties concerned, proved to be illusory and deceptive, as there was no salt water procured within said reservation, from that time to this, and the objects in contemplation wholly failed, whereby the reservation reverted to the United States. The land, disconnected with the expectations of procuring salt, was of an indifferent quality, taking it in the aggregate. It now remains for the Government to

take such steps as may be necessary, having in view a due regard to the cession act of North Carolina of 1789, and the compact between the United States, North Carolina, and Tennessee, in 1806, and the act of Congress, passed the 4th of April, 1818, entitled "An act supplementary to an act, entitled an act, to authorize the State of Tennessee to issue grants and perfect titles, to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same, passed the 18th of April, 1806." The first section of this act authorized the State of Tennessee to adopt such *rules, regulations, and restrictions*, in regard to the entering and appropriating the lands secured by the treaty aforesaid, (which comprehends what is now called the Western District of Tennessee,) as was then in force in Tennessee, or by similar laws thereto. In pursuance of this authority, the State of Tennessee, in opening the land offices for the purposes mentioned in said act, gave (as she had done before in several instances,) rights of occupancy and pre-emption, to any person or persons who were seated down, on the 1st of September, 1819, in the actual occupation and cultivation of any piece of vacant and unappropriated land within this district of country, not exceeding one hundred and sixty acres, as will more fully appear by reference to the land laws of Tennessee, Haywood and Cobbs Revisal, page 88, and section 9. This privilege conferred no other benefit than this, that if the settlers would procure a good and genuine warrant, and extinguish so much of the North Carolina claims as he wished to enter, that the office should be open to him to appropriate his warrant to his occupant claim *sooner* than it was opened for general entry. If he did not procure a warrant to appropriate his claim, it was subject to the entry of any other warrant holder by a particular day. But such lands as were fit for cultivation in this reservation of four miles square, were not subject to the laws of Tennessee, as it was not known to whom it would belong, until it was ascertained whether or not salt could be procured as was anticipated. That event being now perfectly ascertained, by many experiments, in the negative, and that the land in this reservation has reverted to the United States, and as there are some outstanding warrants yet to satisfy, the petitioners pray that they may be placed in the same situation as all other settlers have been, and with the same privileges enjoyed by those who settled out of this reservation, and they ask no more.

The committee are of opinion that their prayers are reasonable, and such as ought to be granted, and have reported a bill accordingly.