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Heirs of Semoice. (To accompany bill H. R. no. 152)

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HEIRS OF SEMOICE.

[To accompany bill H. R. No. 153.]

JANUARY 29, 1852.

Mr. MILLER, 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 the committee fully concur in the reports made by the Committee on Private Land Claims at the 2d session of the thirtieth Congress, and the 1st session of the 31st Congress, which are hereto appended. The committee believe the prayer of the petitioners ought to be granted, and herewith report a bill.

IN THE HOUSE OF REPRESENTATIVES, March 28, 1850.

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 this subject has been several times before Congress, and has always been favorably acted upon by the House of Representatives. At the 2d session of the 30th Congress the Committee on Private Land Claims made a favorable report in this case, accompanied by a bill granting the relief sought. The committee append the report made on that occasion, and invite attention to it, as embodying all that is considered necessary to be said on the subject. They report a bill.

IN THE HOUSE OF REPRESENTATIVES, January 16, 1849.

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 inure 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 2d 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 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 report a bill to that effect.