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James Brown and John Brown (to accompany bill H. R. no. 717).

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JAMES BROWN AND JOHN BROWN.

[To accompany bill H. R. No. 717.]

JANUARY 28, 1833.

Mr. THOMPSON, of Georgia, from the Committee on Indian Affairs, made the following

REPORT:

The Committee on Indian Affairs, to whom was referred the petition of James Brown, and the petition of John Brown, make the following report:

The petition of James Brown alleges that he is a citizen and half breed of the Cherokee nation of Indians, and that, in pursuance of the treaty of 1819, between the United States and said Indians, he abandoned two improvements, for which he asks compensation.

The evidence submitted to the committee shows, that the improvements claimed by said James Brown, the first, as appears from the evidence, consisting of fifty-five acres of cleared land, under fence and in cultivation, with one dwelling house, one and a half stories high, nineteen feet wide by twenty-two long, well ceiled above and below, two shed rooms in the rear, piazza in front, under shingle roof, a good stone chimney, with one fire place below and one above stairs; a kitchen, smoke house, corn crib, stables, &c.; and the other, consisting of forty acres of improved land, with several ordinarily good cabins, was, at the time, or immediately after the surrender of them by said James Brown, worth the sum of six hundred and forty-seven dollars. That the first of said improvements was made by said James Brown, for his own special use; and that the other improvement "was made partly and mainly by said James Brown's means, and partly and mainly for the use of a school which the said James Brown did maintain, mostly at his own expense." And that "said Brown abandoned said improvements to his successors, without any consideration from the State of Tennessee or any individual."

The petitioner, John Brown, alleges in his petition, that he is a citizen of the Cherokee nation, and that the General Government deprived him of an improvement made by himself, by including it in a reserve granted by the United States to David Fields, for which the petitioner claims compensation.

The evidence submitted to the committee proves, that the improvements for which the petitioner, John Brown, claims compensation, consisting of, as appears from the evidence, forty acres of land, enclosed and in cultivation; one grist mill and two log cabins, was, at the time the said John

Brown was dispossessed, worth the sum of three hundred and thirty dollars; and that the said improvement was included in the reserve granted to the said David Fields.

The petitioners claim compensation for improvements of which they were deprived by the operations of the treaty of 1819, between the United States and the Cherokee nation of Indians, under the second article of said treaty, by which "the United States agree to pay according to the stipulations contained in the treaty of the eighth of July, eighteen hundred and seventeen, for all improvements on land lying within the country ceded by the Cherokees, which add real value to the land." It is shown, by the evidence submitted to the committee, that the improvements, for which compensation is now claimed, was included in the country ceded by the treaty of 1819, and are now situated within the country of Hamilton, in the State of Tennessee. A letter from the officer in charge of the Indian Bureau, addressed to a member of this committee, in reply to a call for information on the subject, shows that that office affords no evidence that the improvements in question were appraised, or paid for under the provisions of the treaty of 1819, "according to the stipulations contained in the treaty of the eighth of July, eighteen hundred and seventeen." While it is admitted that the treaty of 1817 provided an allowance for improvements surrendered in pursuance of that treaty, to such Indians and Indian countrymen only who actually emigrated west of the Mississippi river, the committee are of opinion that the broad provision made by the second article of the treaty of 1819, for the payment of the value of improvements surrendered with the country ceded by the last mentioned treaty, entitles the petitioners to a fair compensation for the improvements which they surrendered in pursuance of said treaty. The evidence shows that those improvements added a certain real value to the ceded land. By a surrender of those improvements, the petitioners were deprived of the benefits secured to the possessor of the land by such improvements. Common justice will, therefore, award to the petitioners remuneration. The committee are of opinion that the evidence submitted to them bears satisfactory marks of credibility, and that the valuation of the improvements described by the evidence, is not unreasonable. Believing that James Brown is entitled to the sum of six hundred and forty seven dollars, and that John Brown is entitled to the further sum of three hundred and thirty dollars, the committee therefore report a bill for their relief.