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Report : Mr. Tappan

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IN SENATE OF THE UNITED STATES.

JANUARY 26, 1842.

Ordered to be printed.

Mr. TAPPAN submitted the following

REPORT :

The Committee on Private Land Claims, to whom was referred the memorial of William Waller, praying to be confirmed in his title to an Indian reservation, report :

That the title held by the memorialist to an Indian reservation is a deed from Arthur Sizemore, a Creek Indian, of the land in question, which, being duly executed, passes to the memorialist all the right, title, and interest, of said Sizemore; but it seems from the memorial that Sizemore had no right or title to the land which would be conveyed by him. Sizemore's title is to be found in "An act to relinquish the reversionary interest of the United States in certain Indian reservations in the State of Alabama," approved 29th May, 1830. This act relinquishes to Arthur Sizemore the reversionary interest which would accrue to the United States under the treaty between the United States and the Creek Indians (vol. 1, page 700, Laws of the United States), on his voluntary abandonment of the reservation in question, "provided that the said Arthur Sizemore, with his family, shall remove to his tribe west of the Mississippi river, not included in any State or Territory."

The memorial truly states that "as the said Sizemore did not on his part comply by removal west of the Mississippi, but died, and his family have not thought fit to go, the title from the Government is incomplete." The title of Sizemore under the treaty was a mere right of occupancy by law, and, as an inducement to remove himself and family at his own expense to his people west of the Mississippi, he was allowed on such removal to convey the fee of the land and enjoy the proceeds of it. The memorialist received a deed from Sizemore, and neither Sizemore or his family ever removed, or attempted to remove, west of the Mississippi. The committee are of opinion that the memorialist has no claim on the Government for a title to this land; he bought it with a full knowledge of all the law and the facts in the case, and must have taken Sizemore's deed at the risk of Sizemore's confirming or not confirming its validity by removal. They, therefore, ask to be discharged from the further consideration of the memorial.