

JAMES M. LINDSAY.

[To accompany bill H. R. No. 766.]

FEBRUARY 23, 1855.

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

REPORT.

The Committee on Private Land Claims, to whom was referred the petition of James M. Lindsay, of the State of Alabama, praying for the confirmation of his claim to certain lands embraced within the limits of an Indian reservation in that State, submit the following report :

By the 1st article of the treaty of August 9, 1814, between the United States and hostile Creeks, it was provided, among other things, "That where any possession of any chief or warrior of the Creek nation who shall have been friendly to the United States during the war, and taken an active part therein, shall be within the territory ceded by these articles to the United States, every such person shall be entitled to a reservation of land within the said territory of one mile square, to include his improvements as near the centre thereof as may be, which shall inure to the said chief or warrior and his descendants, so long as he or they shall continue to occupy the same, who shall be protected by and subject to the laws of the United States; but upon the voluntary abandonment thereof by such possessor or his descendants, the right of occupancy or possession of said lands shall devolve to the United States and be identified with the right of property ceded thereby."

Under the provisions of this trust, Samuel and David Hale, Creek chiefs, obtained a cession of fractional section twenty-one, (21,) township six, (6,) range five, (5,) west of the Alabama river, and continued to hold the same until the year 1826, when they sold their claim to the same to one Adam Carson.

The certificate of reservation held by the Hales were assigned to Carson, but no other method of securing the title of said lands to Carson appears to have been resorted to by the parties, and petitioner asserts that said certificates cannot be found after diligent search.

In 1840 the lands aforesaid were levied upon and sold on execution as the property of said Carson, and purchased by one Lyman Gibbons, with the exception of 160 acres on the south side of said location. Gibbons sold to one Henry Centre; Henry Centre died in the undisputed possession of said lands, and Edward C. Centre, his sole heir and executor, sold to petitioner.

The cession to the Hales is proved by the certificate of the Commissioner of the General Land Office submitted with the petition.

The sale by the Hales to Carson, clearly substantiated by the oaths of numerous respectable witnesses, whose credibility, certified by judicial officers of the State, places the transaction in a fair light. The witnesses swear that the consideration paid by Carson was at the time of the sale the full value of the lands sold by the Hales.

The sheriff-deed to the purchaser at his sale of the lands, the deeds attending the subsequent transfers, authenticated by a certified transcript of the records of Clarke county, Alabama, show that the equity of the petitioner and his claim for relief are based upon the strongest grounds.

Your committee, therefore, report a bill for the relief of petitioner, confirming his title to so much of said fractional section as is now held and occupied by him. (See Little & Brown's Statutes, pages 346 to 762, for acts relative to same class of lands.)