

JAMES McDANIEL—HEIRS OF.

MAY 18, 1860.—Ordered to be printed.

Mr. REAGAN, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom was referred the letter of George W. Parks and the papers accompanying it, in relation to a reserve of 640 acres of land, taken by James McDaniel, under the treaties of 1817 and 1819 between the United States and the Cherokee nation, and afterwards sold by him to James Wiley, beg leave to report:

That they have examined said papers, and find that on the 10th of July, 1817, James McDaniel took a reserve of 640 acres of land, as the head of a Cherokee family, under the provisions of the 8th article of the treaty of the 8th of July, 1817, which is as follows:

“And each and every head of an Indian family residing on the east side of the Mississippi river, on the lands that are now, or may hereafter be, surrendered to the United States, who may wish to become citizens of the United States, the United States do agree to give a reservation of six hundred and forty acres of land, in a square, to include their improvements, which are to be as near the centre thereof as practicable, in which they will have a life estate, with a reservation in fee simple to their children, reserving to the widow her dower, the register of whose names is to be filed in the office of the Cherokee agent, which shall be kept open until the census is taken as stipulated in the third article of this treaty: *Provided*, that if any of the heads of families for whom reservations may be made should remove therefrom, then, in that case, the right to revert to the United States,”

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It also appears from the proof submitted by the claimant that McDaniel removed from said reserve in 1822 or 1823; and one of the witnesses, whose affidavit he presents, says that he understood McDaniel sold the reserve before his removal from it. And there is a copy of a deed from McDaniel to Wiley for this land, dated December 27, 1822. McDaniel soon afterwards removed to the Cherokee nation, west of the Mississippi river.

It will be seen that upon his removal from this reserve the land reverted to the United States, and the fee simple title to the heirs and the widow's right of dower reverted with the life estate, under

