THE MEMPHIS DAILY APPEAL.

BY M'CLANAHAN, TROUSDALE & DILL. MEMPHIS, THURSDAY, MARCH 17, 1859. VOLUME X.—NUMBER 63.

Daily Appeal.

LEVEES ON THE MISSISSIPPI RIVER, IN THE STATES OF TENNESSEE AND KENTUCKY.

HOUSE OF REPRESENTATIVES, FEBRUARY 15, 1859.

Mr. ATKINS, from the Select Committee, proposes to submit the following

REPORT:

The Select Committee, to whom was referred a joint resolution relative to whom was referred memorials from the citizens of Shelby, Tipton, Lauderdale, Dyer and Obion counties, in Tennessee, praying a survey of the eastern bank of the Mississippi river, with the view to approve of the cost of a permanent levee to ... their bottom lands from overflow, and be ... a grant of lands or other means ... furnished by the General Government to aid in the construction of said levee, beg leave to report:

That the questions presented for their consideration are of great importance, both as respects the territory to be reclaimed and to the whole country having any relation therewith.

To show how these memorialists came in possession of these lands, we will cite the law relative thereto. In "An act to amend an act entitled 'An act to authorize the sale of the lands, upon which there shall be no public lands in the State to repair certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed the 18th of April, 1806, the State of Tennessee was constituted the agent of the government, with full power and authority to sell and dispose of the vacant unappropriated and refuse lands within the limits of said State, etc.

In this act we find that Tennessee was authorized to satisfy all legal and bona fide claims of North Carolina upon said lands by making provisions by law. After satisfying the claims aforesaid, "the State of Tennessee shall offer for sale the rest and residue of said lands in such manner, in such quantities, and by such description, as may be most convenient; and for the holders of grants to lands and after the time therein allowed for the location of North Carolina land warrants, may sell and dispose of, and perfect titles to the same, at a price not less than twelve and a half cents per acre." And finally, "so much of the said lands as remain unsold at the expiration of the said three years, shall be disposed of as aforesaid, at such price per acre as it may bring in competition." Provided, That the proceeds of the sale of said lands, over and above the expenses of the expenditure of the same, should be paid to the State of North Carolina, in satisfaction for services and expenses incurred by Tennessee." The surrender therefore, of the "vacant and refuse lands" to the State, had was in satisfaction for expenses incurred and services rendered.

The general condition of most of the territory lying on the Mississippi river, is south of the States bordering on it, from about midway of Mississippi and the northern boundary of Illinois to the southern limit of Louisiana, is of a low and overflowed character; alluvial in its principal formations, and possessing a degree of fertility unexcelled by any lands on this side of Egypt. It has all the requisites for which, since it became the property of the United States, in preference to most of the adjacent highlands, it should have been sought. But by a large majority of this territory was subject to annual overflow by the Mississippi, depreciating its value, and much of which lay far below the level of the river, it was to render it comparatively worthless.

That portion of it lying in Tennessee and Kentucky is equally valuable for agricultural and other purposes, and similarly liable to inundation, if not protected by levees from the river. Such of these lands as were above ordinary overflow have been successfully cultivated for many years, yielding profitable crops to the farmer; and from their high character, for fertility had acquired a fair value in the land markets of the country.

SWAMP LAND ACT.

By an act of Congress, September 28, 1850, entitled "An act to enable the State of Arkansas and other States to reclaim the 'swamp lands' within their limits," it is enacted, "that the Surveyor General of Arkansas is to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this act shall be, and the same are hereby, granted to said State."

By this law, as it title indicates, all the swamp and overflowed lands, which were unsold at the passage of the act, were granted to the States of Arkansas and Louisiana, upon the condition that they were bound to construct the necessary levees and drains to reclaim them. This law has conferred on these several States millions of acres of what were called "swamp and overflowed lands—as the title marked A, in this report—for the express purpose of enabling them to build the levees, which resulted, consequently to the States of Tennessee and Kentucky, and are now a subject of complaint.

By this act it will be observed that the General Government gave to the States, not only for no pecuniary considerations, for expenses incurred, or services rendered, but for a special purpose of enabling them to construct levees and drains for their reclamation, the whole benefit of which was to inure to such States. Out of this grant, some of the States have constructed levees in conformity with the tenure of that act, extending along a portion of their boundaries.

From the information before this committee, the operations of these levees have been disastrous in their influence to lands and other property of Tennessee and Kentucky in the aggregate. We are alluding more particularly, however, to the effects of the levee system in those portions of Missouri and Arkansas lying immediately west and opposite the lands in question.

By obstructing the diffusion of the water when flowing over the river banks, in all high tides, and preventing its return back to the ocean over the adjoining lowlands, which extend back from the river ten, twenty and forty miles, the result is, as might have been readily anticipated, a throwing back of the sediment this vast sea of water, to form and precipitate its defacing accumulations over the eastern shore; and the consequence has been from proper higher than was ever known previous to the building of said levees, inundating the whole river country, submerging thousands of acres of valuable lands, and rendering the navigation and washing away the bank by the acre, in many places where this shore has withstood the action of the current in all stages of high water in a century; destroying growing crops; drowning stock of every kind; rendering untenable the dwellings of the inhabitants; depreciating the value of the lands for all purposes; ruining the property and prospects, and endangering the lives of many of our citizens. Nor do the evils stop here; the levees built on the western bank of the Mississippi are now being enlarged and strengthened, and are designed for durable and substantial structures; therefore the evils resulting from these obstructions must be as continuous as those embankments are enduring.

The facts are within the knowledge of this committee, that the large sums of money, which, if, by an act passed in 1850, surrended to Tennessee, of the sale of said lands, as well also, the lands then unsold; for that law expressly stipulated that the surrender was made "in satisfaction for services and expenses incurred by Tennessee." The surrender therefore was in full satisfaction for expenses incurred and services rendered.

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