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Samuel Drury

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H.R. Rep. No. 755, 24th Cong., 1st Sess. (1836)

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SAMUEL DRURY.

JUNE 9, 1836.

Read, and laid upon the table.

Mr. E. WHITTLESEY, from the Committee of Claims, made the following

REPORT:

The Committee of Claims, to which was referred the petition of Francis Durey, report:

That the alleged grievances are, that the petitioner, in the year 1816, resided near the Caddo nation of Indians engaged in mercantile business; that, being a mechanic, he was serviceable to the tribe in repairing their guns; that John Jemmisson, Indian agent, with Major Riddle, of the United States army, and forty men, seized his property, amounting to more than two thousand five hundred dollars, which, he understood, they carried to New Orleans, and disposed of for the benefit of the United States. The place where he then resided, he supposed, was in the Province of Texas. He has no knowledge of there being any cause for making the seizure.

His excuse for not preferring the claim before is, that, soon after the transaction, he was obliged to go to, or near the city of Mexico, to transact some business. He instituted suits against Jemmisson and Riddle: but both of them died insolvent soon after.

John Sibley certifies, he believes the statement to be true. Charles Nayvil testifies to the seizure of the property by Jemmisson and Riddle, of the value of between two thousand five hundred and three thousand dollars, which was wholly disposed of, and wasted by them. James Wallace testifies, he lived about 35 miles from Mr. Drury; that Jemmisson and Riddle came to his house with the goods mentioned; he furnished the means of transportation; the value of the goods he does not know, but he says their weight was about three thousand pounds.

The committee sought information from the Secretary of War, and he furnished the letter of J. Brookes, under the date of May 17, 1836, late agent for the Caddo tribe. He has no personal knowledge of the transaction; but thinks, from the petitioner's statement, he must have been a trader among the Indians without a license.

In the opinion of the committee, if the statement in the petition was true, the United States are not liable to remunerate the petitioner any damages he suffered. The evidence is wholly unsatisfactory, and would not authorize an allowance, if there was an obligation resting on the United States to pay damages for the trespasses of their officers.

The following resolution is submitted:

Resolved, That the prayer of the petitioner ought not to be granted.