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Heirs of Thomas F. Reddeck

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HEIRS OF THOMAS F. REDDECK.

[To accompany bill No. 137.]

JANUARY 12, 1836.

MR. HUNTSMAN, from the Committee on Private Land Claims, made the following

REPORT:

The Committee on Private Land Claims, to which was referred the petition of the heirs of Thomas F. Reddeck, beg leave to report:

That they have diligently examined all the documents and testimony submitted for their consideration, which present the following statement of facts as the foundation of said claim:

On the 30th of March, 1799, Zenon Trudeau, then acting as Lieutenant Governor of Upper Louisiana, officially issued the following order:

“It is permitted to Mr. Lewis (Fresson) Honori to establish himself at the head of the rapid of the river Desmoines; and, his establishment once formed, notice of it shall be given to the Governor General, in order to obtain for him the concession of a space sufficient to give value to the said establishment, and, at the same time, to render it useful to the commerce of the peltries of this country; to watch the Indians, and to keep them in the fidelity which they owe to his Majesty.”

There were other privileges given in said order, to trade with the Indians, &c. Possession of the land, now claimed, was immediately taken by Lewis Fresson Honori, which lies in the district of St. Charles, upon the river Mississippi, above the river Desmoines, and perhaps two hundred and fifty miles above St. Louis. The taking and the keeping possession from 1799 until 1805 is satisfactorily proven by two witnesses. While he retained possession of the premises, he became indebted to one Joseph Robedoux, who applied, under the then existing Government and laws, to the proper authority for process to coerce the payment of said debt. The ordinary proceedings having taken place, in pursuance of the usual form of legal proceedings in those tribunals, a decree was obtained the 12th day of March, 1803, for the seizure of the property of Lewis Fresson and others; which was executed on the 27th of March, 1803. This land was sold on the 15th day of May, 1803, and purchased by Joseph Robedoux, in satisfaction of his decree. The order of seizure aforesaid, and the levy thereof, gives a minute description of the lots and lands which was levied upon, and says, amongst other things, that “the land lies about six leagues above the river Desmoines;” and that “the four lots, here above mentioned, are a part of one league (square) which has been granted by the Government to

Mr. Lewis Fresson Honori, whose titles are in the archives at St. Louis, of Illinois. The said league (square) was also seized, &c. It appears that the lots, attached to and being a part of this land, was improved, by building houses, planting orchards, and a small piece was under fence, and cultivation; and that a continued possession of the premises has been kept up by the said Honori, and those claiming under him, up to this time. Joseph Robedoux died, and, by his last will and testament, appointed Augusti Choteau his executor, with power in said will to dispose of his property, personal and real. And, on the ~~the~~ day of April, 1805, the said Augusti Choteau, executor aforesaid, proceeded, according to law, to dispose of said land at public sale; when and where the said Thomas F. Reddeck became the purchaser; and, in a short time, entered into the possession and enjoyment of the premises, where his heirs yet remain. The grant to Fresson Honori, which is recited in the proceedings, or a copy of it, has not been produced, and there is no evidence that it exists, or ever existed.

The evidence establishing the foregoing facts, together with the claim, was submitted to the commissioner appointed by the Government, (to wit, Frederick Bates,) for the adjudication of similar claims. He proceeded in the examination, and by the authority of the acts of Congress of 1812, '13, '14, and '15, &c. granted 640 acres to the claimants, in the following words, to wit: "Granted 640 acres, *if Indian right extinguished.*"

This last expression has created all the difficulty in obtaining a patent by the heirs of Reddeck.

It is contended by the petitioners that the claim for six hundred and forty acres has been confirmed by the several acts of Congress, passed in 1804, page 509, 14th section; the act of 1805, section 2, page 518; 1812, section 3, page 620-21; 1814, section 1 and 2, page 652, of the volume of the Land Laws. Those several acts of Congress have been examined to ascertain how far an actual settlement by Honori, in 1799, and a continuation of it until after the 20th day of December, 1803, under the aforesaid written authority from the Spanish Government, comes within the purview and meaning of said acts, and the result of that examination has produced a conviction upon the minds of the committee that the claim has been confirmed, substantially, by those acts; but the Commissioner of the Land Office, feeling some difficulty in regard to the expression in the award of the commissioners appointed to adjudicate those claims, to wit: "*if the Indian claim extinguished,*" hesitated to issue the patent, and recommended the claimant to apply to Congress for further legislation upon the subject, as appears by his letter, dated the ———, and filed with the committee.

The committee, therefore, think the prayer of the petitioner reasonable, and such as should be granted.