12-28-1836

Reuben Gentry et al

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Mr. BELL, from the Committee on Indian Affairs, made the following REPORT:

The Committee on Indian Affairs, to which was referred the petition of Reuben Gentry and others, report:

That, adopting the annexed report of the same committee, presented to the House at the first session of the 24th Congress, they report a bill for the relief of the petitioners.

February 4, 1836.

The Committee on Indian Affairs, to which were referred the claims of Reuben Gentry, William Monroe, and others, beg leave to report:

That, from an examination of sundry documents referred to in relation to the facts set forth in the prayer of the petitioners, it appears that, in June, 1813, the Sac and Fox tribe of Indians were removed by the United States three hundred miles from their own country, and located on the Missouri river, near the centre of the now State of Missouri, in the immediate neighborhood of the village of Côté Sans Déssein, and near a flourishing white settlement called Boonslick; that, some short time after their location, it was ascertained that small parties of the tribe had, on several occasions, committed depredations upon the property of the white inhabitants, and thus continued to do, without any serious interference on the part of the whites, with whom the Indians had free and frequent intercourse, and by whom they were at all times kindly treated, until the summer of 1814, when the greater part of the nation became restless in their peaceful situation, and determined to return to their former residence on Rock river. More than half of said Indians took their families beyond the settlements, then returned, and attempted to rob the United States factory, established for their accommodation at the place of their location. Failing in this attempt on the factory, they proceeded to and robbed the adjoining settlements, returned to their former residence on Rock river, and commenced a destructive warfare upon the settlements of the Territory of Missouri, which continued until June or July, 1815: in which, under cover of that portion of the tribe which remained on the Missouri under the protection of the United States, they were enabled to commit great and
repeated depredations. The petitioners were among those who suffered by
the depredations aforesaid. The principal part of their property, for which
they now ask remuneration, was taken or destroyed when the Indians
attacked the settlement of Boonslick, in July, 1814, and when the inhab­

tants of that settlement were not apprized of any hostile movement of the
kind on the part of the supposed friendly Sacs and Foxes, and of course were
not prepared to defend and secure their property from the ravages of the
depredators, but were obliged, for the security of their lives, to desert their
their homes and flee to neighboring forts for protection, leaving every
species of their property in the power of the Indians.

By the treaty of peace concluded between the United States and the Fox
tribe of Indians, dated St. Louis, 4th September, 1815, it was agreed that
every injury or act of hostility by one or either of the contracting parties
against the other should be mutually forgiven and forgotten. The tribe
also ratified, re-established, and confirmed the treaty of St. Louis of 1804,
by which the Government of the United States obtained a large tract of
land in Missouri and Illinois, and stipulated to pay the Indians an annuity
of one thousand dollars. The treaty of the 13th of May, 1816, with the
hostile Sacs of Rock river, renewed, re-established, and confirmed the
treaty of 1804, and agreed to place the Sacs upon the same footing on
which they had stood before the war, provided they should, on or before
the 4th day of July thereafter, deliver up to the officer commanding at
cantonment Davis, on the Mississippi, all the property they, or any part
of their tribe, had plundered or stolen from the citizens of the United
States since they were notified, as aforesaid, of the ratification of the
treaty between the United States and Great Britain; and provided, also,
in case of failure to deliver up the property stolen, as aforesaid, the value
thereof should be deducted from their annuities. A part only of the property
was delivered, and the commissioners were instructed by the President of
the United States to notify the Indians that the part thus delivered was
received in discharge of the obligation imposed by the treaty. The peti­
tioners claim that, by the operation of the fourteenth section of the act of
1802, entitled "An act to regulate trade and intercourse with the Indian
tribes, and to preserve peace on the frontier," they had a vested right to
indemnification; and the United States, by concluding a treaty of
peace with the Indians, became, independent of the law, bound to pay for
the property taken. The fourteenth section, before recited, provides that,
if any Indian or Indians, in amity with the United States, shall come over,
or cross the said boundary line, into any State or Territory inhabited by
citizens of the United States, and there take, steal, or destroy any horse,
horses, or other property belonging to any citizen or inhabitant of the
United States, or either of the territorial districts, or shall commit any
murder, violence, or outrage upon any such citizen or inhabitant, it shall
be the duty of such citizen, inhabitant, their attorney or agent, to make
application to the superintendent, or such other person as the President of
the United States shall authorize for that purpose, who, upon being fur­
nished with the necessary documents and proof, shall, under the direction
of the President, make application to such nation or tribe to which such
Indian or Indians belong, for satisfaction; and if such nation or tribe shall
neglect or refuse to make satisfaction in a reasonable time, not exceeding
twelve months, then it shall be the duty of such superintendent, or other
person authorized as aforesaid, to make return of his doings to the Presi­
dent of the United States, and forward to him all the necessary documents and proof in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the mean time, in respect to property so taken, stolen, or destroyed, the United States guaranty to the party injured an eventual indemnification.

To authorize indemnification for property taken or destroyed under the provisions of this act, it should appear that the Indians offending were, up to the period of the offence, in amity with the United States;

That such Indians came over or crossed the boundary line of a State or Territory inhabited by citizens of the United States, and there committed the offence;

That demands were made, through an authorized agent, to the nation or tribe to which such Indian or Indians belonged, for satisfaction.

Your committee consider the report of Governor Clark conclusive as to the question of amity; which document, with the certificate of Morris Blondeau, United States interpreter, and the deposition of John Davis, who was employed as an express to notify the inhabitants of Boonslick of the intention of the Indians to attack and plunder that settlement, are subjoined and made a part of this report.

It is further shown by the report of Governor Clark that the Indians did cross the boundary line, and were, by the act of the United States, located at the mouth of the Osage river, within the then limits of the county of St. Louis, upon lands to which the Indian title was extinguished by treaty with the Osage tribe, dated November the 10th, 1808.

Your committee do not believe that the temporary location of the Indians in the vicinity of the white inhabitants, upon lands to which the Indians held no title, and over which the jurisdiction and laws of the Territory of Missouri were and had been for several years extended, should affect the rights of citizens exposed to the depredations of those Indians. On the contrary, your committee consider this act of the Government, independent of the act of 1802, before recited, as affording ground sufficient to warrant the claim of the petitioners for indemnification; and, with a view of granting such relief as the nature of the several cases respectively require, your committee beg leave to suggest a reference of the whole subject to the Secretary of War; and for that purpose they report a bill.

Office of the Superintendent of Indian Affairs,
St. Louis, January 12, 1826.

Upon entering on the duties of Governor and Superintendent of Indian Affairs of the Territory of Missouri, I was informed by General Benjamin Howard, who then commanded the Western department, that, in June, 1813, the principal chiefs of the Sac and Fox nations visited him, and offered the services of their nation to the United States, in the war then carried on by the British and certain Indians against the United States. In answer to General Howard’s refusal to accept their services, the chiefs expressed much regret, and observed that, when war was all around them, it was impossible to restrain the braves from taking part; that they preferred the American side; but, as the Americans would not suffer the Indians to join with them in the war, they must go and join the British,
who had invited them to do so. Without loss of time I sent an agent after
the Sacs and Foxes, inviting them all to meet me in council at Portage
de Sioux, on the 28th of September, 1813.

In that council, the Sacs and Foxes agreed not to join either party in
the war, and to proceed, agreeably to my wish, to the south side of the
Missouri river, and remain on the lands of the United States, outside of
the settlement, and near the Osages, during the contest. In 1814, a part
of the friendly Sacs became restless in their peaceful situation, and deter-
mined to return to their old village. More than half of that nation took
their families beyond the settlements, returned, and attempted to rob the
United States factory on the Missouri, which was defended by the friendly
part of that nation which remained south of the Missouri river. Failing
in their attempt on the factory, they scattered, and robbed the upper settle-
ments on the Missouri, and returned to their old village on Rock river,
and immediately after commenced a destructive warfare against the settle-
ments of the Territory, and continued it until about June or July, 1815.
The Sacs on Rock river, in conformity with the second and third articles
of their treaty, entered into the 13th day of May, 1816, delivered up
twenty-two horses, which they stole after they were notified of the treaty
of peace with Great Britain. The commissioners wrote to the Secretary
of War, the 15th July, 1816, that the chiefs of that tribe alleged that many
of the horses were dead, and the other property lost or destroyed; and that
they had surrendered all that it was in their power to return, &c. The
acting Secretary of War, in answer to the commissioners, by letter of the
13th July, 1816, states that their communications had been received and
laid before the President, and that he was instructed to inform them they
were authorized to accept of the property which had been delivered up by
the Sacs on Rock river, as a fulfilment, on their part, of those stipulations
of the treaty relative to the delivery of property. On the 16th of September
following, the commissioners informed the Sacs of Rock river of the Presi-
dent’s instruction that they should accept of the property delivered up by
the Sacs, as a fulfilment, on their part, of those stipulations in the treaty
relative to the delivery of property.

Regular demands have been made by me for compensation for property
taken in 1814, also in 1815, which have not been complied with; the chiefs
alleging that many of the horses were dead, and the other property either
destroyed, or dispersed in such a manner that they could not collect it. In
1820 they delivered four horses, stolen from traders, to pay for all they
had taken and not previously restored. I refused to take such of the horses
as were not taken from the claimants. The chiefs requested that the horses
should be sold, and that the amount of money arising from the sale be paid
for such horses as were proved to have been taken by them. Those thirty-
seven horses were sold at public sale for $339 75, and the amount paid to
several persons whose claims have been admitted since by the honorable the
Secretary of War. I must observe that, for nearly all the property claimed
in this estimate, regular demands have been made by myself, either as
agent, or as Superintendent of Indian Affairs, to the tribe to which the
aggressors belonged. Many horses, as well as other property, have been
delivered up or paid for, at different times, which are not charged in the
foregoing claims.

WM. CLARK,
Superintendent Indian Affairs.
Certificate of M. Blondeau, United States interpreter for the Sac and Fox Indians on the Missouri in 1813, 1814, and 1815.

ST. CHARLES, December 23, 1814.

I do certify that a part of the friendly Indians, (Sacs,) which were sent on the Missouri, having joined those of the Mississippi, went to Cole's settlement, where they plundered and robbed all the houses they could find. This I know by the Sacs themselves, who told it to me, and by the express whom I had sent to Mr. Cole, to advise him of the Indians' intent; he having arrived there at the time of the plunder.

MAURICE BLONDEAU.

Attest: B. PAUL.

John Davis's affidavit, taken by F. Bates, Secretary of the Territory of Missouri.

OCTOBER 3, 1815.

John Davis, duly sworn, says that, in June or July, 1814, Blondeau asked witness, at Johnson's factory, if he (witness) could venture to take an express (that is, letters,) up to the settlement. Witness arrived in the settlement between 10 and 12 o'clock; on entering the settlement a gun fired, and he has reason to believe the Indians were plundering. The most of the property of the settlement was taken off by these Indians at that time. Witness does believe that the above property was taken at that time by the Sacs, then said to be friendly.

FREDERICK BATES.