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Reuben Gentry et al

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REUBEN GENTRY ET AL.

[To accompany bill H. R. No. 248.]

DECEMBER 28, 1837.

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 some 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 Coté Sans Dessein, 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 inhabitants 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 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 petitioners 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 that 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 furnished 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 sub-joined 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 determined 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 settlements on the Missouri, and returned to their old village on Rock river, and immediately after commenced a destructive warfare against the settlements 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 President'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.