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Duncan and Taylor

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H.R. Rep. No. 217, 24th Cong., 2nd Sess. (1837)

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DUNCAN AND TAYLOR.

FEBRUARY 14, 1837.

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 William H. Duncan and Walter H. Taylor, of Jackson county, Missouri, report:

That it appears from the petition that Duncan and Taylor were desirous of obtaining a license to trade in the Indian country, within the agency of Governor Clark; and on the 21st of October, 1834, they started a wagon loaded with goods for the Indian trade, from Independence, in the charge of a black man as a driver, under the direction of Mr. John Reed, with positive orders not to cross the line into the Indian country. Mr. Duncan started in advance of the wagon, to see Governor Clark and procure a license.

They then state a conversation they had with Governor Clark, in which they were induced to believe the license would be given. Governor Clark spoke of having a bond executed that evening, when one of the petitioners asked if the next morning would not do? to which Governor Clark said, if they came early. The wagon was driven over the Indian boundary line, and Governor Clark seized the goods. They were taken to St. Louis and libelled, and, after trial, were ordered to be restored.

The freight on the goods was \$72 50 from St. Louis to Boonville, and \$30 to the residence of the petitioners, in Jackson county. They were deprived of the goods eighteen months; some of them were lost, and most of them damaged. They were worth, when seized, \$1,400.

The petitioners ask for compensation. They refer to vouchers from 1 to 5, inclusive, in support of the petition. Voucher No. 5 is said to be the record of the court. That voucher is not among the papers.

The committee sent the papers to the War Department, for information, at the last session. The Commissioner of Indian Affairs returned an answer at the present session. The committee wished to know whether Governor Clark had made any report of the facts to the War Department. It appears, by the communication mentioned, that no report was made.

Before the committee would report in favor of the claimants, were there no other objection, they would require the testimony of Governor Clark; but in this case, it appears, from the statement made by the petitioners, that they violated the law; and their excuse is, they did not do it intentionally.

They say they gave directions not to have their team pass the line. The violation of this order was not conduced by any thing Governor Clark might have said to the petitioners.

The testimony contained in vouchers from 1 to 4, inclusive, is offered to prove that the driver having the goods in charge violated the orders given to him, and that Governor Clark had assented to take bonds for the license in the morning; but the same testimony proves that the law was violated the evening before. The petitioners do not allege, nor do any of the witnesses prove, that Governor Clarke gave any permit for the goods to enter the Indian country until the license was granted. He was ready to receive the bond in the evening; the petitioners proposed to postpone its execution until the morning, and, in the mean time, their goods were taken over the line. Governor Clark might have supposed, from these circumstances, that there was an intentional violation of the law.

The committee remark, that the petition, depositions, certificates, and signatures, appear to be in the same hand-writing. The following resolution is submitted :

Resolved, That the petitioners are not entitled to relief.