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Caddo Indian Treaty. Testimony taken under a commission from the Committee on Indian Affairs, under an order of the House of Representatives of the United States, by R. V. Marye, Esq., and Judge C. E. Greneaux

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CADDO INDIAN TREATY.

TESTIMONY

Taken under a commission from the Committee on Indian Affairs, under an order of the House of Representatives of the United States, by R. V. Marye, Esq., and Judge C. E. Greneau.

DECEMBER 15, 1841.

Presented to the House, referred to the Committee on Indian Affairs, and ordered to be printed.

STATE OF LOUISIANA, *Parish of Caddo* :

In pursuance of a commission to me directed by the Hon. John Bell, chairman of the Committee on Indian Affairs of the Congress of the United States, I, Robert V. Marye, an acting justice of the peace in and for said State and parish, proceeded, in the town of Shreveport, in said parish, to take the testimony of the following witnesses, having first given due notice to Messrs. Raymond Savage and John A. Ragan, counsel for Samuel Norris, and Messrs. Moss and Boysdon, counsel for Mr. Jehiel Brooks, to be and appear before me on the 7th day of December, 1840, in the said town of Shreveport, to attend to the examination, viz :

Lewis Naville Rembin sworn.

Deposeth : Is a citizen of the parish of Caddo, and, in answer to the 2d interrogatory, that he was present at the commencement of said treaty ; that he brought cattle there by order of Mr. Brooks, and sold them to him for the use of the Indians and whites during the negotiation of the treaty ; he arrived with the cattle about one o'clock, P. M., and sold them immediately to Mr. Brooks, who invited him to spend the evening with him ; that, on his first arrival, he heard the chiefs say to the interpreter that they sold to him the hill lands extending to the first running red water ; that he believes the name of the interpreter was John, and that he was a son of Larkin Edwards ; that Mr. Brooks was present, sitting on his gallery, with a piece of paper in his hands, and there were with him two chiefs. He heard Brooks ask the chiefs several questions, and that their answers all went to show that they sold from the first running red water, outward, without defining the quantity ; that, previous to the treaty, he knew the bayou Pierre by the name of Rush river ; that it runs from Red river, and was formerly known amongst the creoles as riviere des Prelles ; that, from said riviere des Prelles, the chiefs motioned their hands west, saying at the same time that they sold from that river, in that direction ; that he has never heard the Indians say that they sold Rush island. He con-

siders the old bayou Pierre to be that stream commencing where a creek or bayou running near to Seaman De Soto's, and known as bayou Pierre, enters the lake, downward to where it enters the Red river, and the upper part of same stream as the bayou des Prelles, from where it leaves Red river; that the rivièrè des Prelles and the Bayou Pierre river are the same stream, and that it leaves Red river on the west side, about four miles below Shreveport, and empties again into Red river, a few miles above Natchitoches, and is now known as the Bayou Pierre chute of Red river, and he understood at the treaty that this chute formed the east boundary of the Caddo lands. He also understood that the Cypress bayou formed the south boundary. All this conversation took place between Jehiel Brooks, the commissioner, the interpreter, John Edwards, and his father, the two Caddo chiefs, and all the rest of the nation.

He was present from the time of his arrival, as mentioned, until the Indians retired to their camps, and remained himself until after breakfast next morning. At the time of the treaty he understood the Caddo language well, and comprehended all that was said; was himself born in the parish of Natchitoches, and has lived in the Bayou Pierre settlement since he was about a year old; is now thirty-eight years old. His brother Charles Rembin and John Joseph Ebarb were with him, and assisted in driving his cattle to the treaty ground.

To the 3d interrogatory, he answers that he does not know the Grappes; they were not any of them present, that he knows; he heard no mention made of the Grappes, or their names called; on that day heard the Indians say that they wished to give old Mr. Edwards a piece of land, and that was all he heard of any reserve.

To the 4th interrogatory, he replies that he knows, by the voice of three persons whom he met as he was going to the treaty, (viz: Joseph Valentin, Francis Bark, and Manuel Flores,) that they were driven away from the treaty ground by the order of Mr. Brooks; they had been sent for by the Indians to be present at their talk, and were driven off by force. One of them, Francis Bark, told him that they wished to tie him to prevent him being present at the treaty. Deponent says that he was not prohibited talking with the Indians, but that when he went amongst them he was escorted by two men, one of them armed with a sword. The two men were soldiers from the garrison. Says that he does not know for what reasons the above-named persons were sent away; that he was in the occasional habit of carrying his horses on to Rush island; does not know that the Grappes ever lived on it.

In answer to the 13th interrogatory, deponent says, there were a number of white persons living on the land reserved, and that Mr. Brooks knew them; they were, Mr. Samuel Norriss, Baptiste Poirier, Leonard Dyson, Francis Poirier, and Antoine Poirier; that all of them had made improvements, by clearing and cultivating the land and building dwellings, of all which facts Mr. Brooks was apprized.

All the interrogatories not referred to deponent is unable to answer.

Question by Mr. Norriss.

Does not know that any Indians ever lived on said reservation, nor ever saw any there; remembers when Brooks came here as agent, in the year 1830 or 1831; does not know that Brooks ever claimed the land in

question as Indian land ; was on friendly terms with Brooks, but not often together.

Cross-examined.

Did not, at the treaty, hear the Indians say they had not sold the land referred to, but heard them say to Mr. Charles Rembin that they did not know that they had any land on the island ; if they had any, they had not sold it. The rivière des Prelles and bayou Pierre was not so large twenty years ago as at present, but always had a current, and was called a river. He has heard that the white settlers alluded to were ordered off by Capt. Grey, some twelve years ago, but does not know it to be so.

Andre Valentin was in the habit of selling goods to the Indians, but does not know that Joseph Valentin referred to was ever engaged in that business ; does not know that the persons mentioned as having been driven away from the treaty were opposed to the making of it, nor that the whites settled in the Indian country at the epoch of the treaty were opposed to it ; did not himself live on the Indian lands at the time, nor ever has.

LEWIS N. REMBIN, his + mark.

Sworn to and subscribed, by making his mark, before me, this 9th day of December, 1840.

ROB. V. MARYE,
Justice of the Peace.

Charles Rembin sworn.

In reply to interrogatories by Norriss, says that he is thirty-two years of age, and a creole of the country. Having heard the testimony of his brother, Lewis N. Rembin, read and translated, says that he understands it well, and knows it to be true in all its material points ; that he was himself present at the treaty ; and, of himself, states, further, that he came to and left the treaty ground in company with his said brother ; that, while sitting at the treaty, he heard Mr. Brooks ask the Indians if they would sell their lands ; that they answered, yes, if he would pay them well for it—upon which Mr. Brooks arose with the chiefs, and they gave each other their hands ; that the Indians said they would sell him the land that their fathers and grandfathers gave them, and that they had never known any other than the highlands : that the chiefs got up and showed with their hands that their lands extended from the red water, and said that they did not claim beyond the rivière des Prelles ; that the land beyond belonged to the Spanish and English, and that they did not know any thing about it—putting their hands to their eyes, at the same time, to signify their ignorance in regard to it.

Deponent has seen the village called the Pascagoula village—it was pointed out to him by his father ; knows that a man by the name of Luke was ordered off the highlands by Mr. Brooks, on the ground that they belonged to the Indians ; was present at an assemblage of the Indians at one Colonel Smyth's ; there heard the Indians, chiefs, and head men, say that they had never sold to Mr. Brooks any land in the swamp ; that the lands sold him commenced at the foot of the hills, and extended down to Cypress bayou, and thence out west. Does not know the object of the In-

dians in assembling at Colonel Smyth's: they sent for him to come there, and there asked him if he remembered to have ever heard them say that they had sold any lands in the swamp; he told them no. Says that one of the chiefs at this meeting told him, in the presence of Cesair Laffitte and Sylvestre Poissot, that one of the Grappes had asked of the Indians a piece of land on Lake Bistinaux, where there was a small prairie; that they replied to Grappe that they did not own any land there, to their knowledge; but that, if they did, he was welcome to it. Did not hear where or when this request of Grappe was made. The assemblage at Col. Smyth's took place one or two years after the treaty aforesaid.

Deponent also states that at this meeting the Indians told him they had never sold Rush island at all, and that they had also been defrauded out of their village; that the treaty of Brooks with the Caddoes was made on the west bank of the rivière des Prelles, and that that was the boundary they pointed out as the one between the whites and Indians; that Rush island is on the east of the rivière des Prelles, and not in the Caddo nation.

Cross-examined.

Has known the bayou des Prelles about fifteen years; that it has maintained about the same size ever since. When he was at the meeting of the Indians at Colonel Smyth's, saw Mr. Samuel Norriss, Antoine Porier, and others, from Rush island, and many other white persons. Ever since he has known the Indians, they have been addicted to drunkenness; and, since the whites have settled in the country, they have not improved.

Re-examined.

The chiefs were not drunk at the meeting at Colonel Smyth's. Did not see Mr. Norriss, or the other persons from Rush island, give them liquor.

CHARLES REMBIN, his + mark.

Sworn to and subscribed, by making his mark, before me, this 9th December, 1840.

ROB. V. MARYE,
Justice of the Peace.

Thomas Wallace sworn.

Deposes to the 5th interrogatory that, the day previous to the treaty of 1835, he was invited by Captain Harrison, Doctor Herd, Lieutenant Bonnell, and others, to go to the treaty-making on the next day; that, on the following day, he mounted his horse to go there, and proceeded a part of the way, when he was met by a couple of Indians, about three miles from the agency, who told him that he could not go there, unless he was willing to risk being put under guard, or be driven off like François Bark, Manuel Flores, and Valentin.

For answer to 10th interrogatory, he thinks the average value of the land included in the reservation in favor of the Grappes, at the time the treaty was made, might be fairly placed at \$20 per acre.

To 12th interrogatory, says the Grappes never did live on the lands reserved to them, or, as he believes, ever cut a stick of wood on it. Their

residence was 50 or 60 miles below, on the east side of Lake Bistinaux, and at Camplé, 10 miles above Natchitoches.

To 13th interrogatory, says that Samuel Norriss, La Fond Dupree François Porier, Antoine Porier, and Leonard Dyson, were living on the said reservation at the time the treaty was made; that Norriss had a wife and eight children, at the time, residing on the land; had sixty-five acres of land cleared, and good buildings thereon. François Porier had about thirty acres of land cleared, and necessary buildings; had a wife and ten children. Dupree had a large family, with ten or fifteen acres of land cleared; and the others, families and improvements. That Brooks knew these people and their claims, and was frequently among them.

Deponent has lived in the neighborhood of Rush island, or in Natchitoches parish, about forty years—about thirty-five years of the time, near Rush island; saw land in cultivation in the island, by Mr. Norriss, in the year 1817; saw Mr. Norriss and others, from Rush island, about the year 1824, on their way to Natchitoches, to prove up their claims to land on said island, under the act of Congress of 1824; knows that Mr. Norriss resided at his place on Rush island all the year 1819; says that Mr. Norriss has resided constantly on said island, since his first settlement there, until the present time, with the exception of about a year and a half that he was in Texas, during which interval he rented his plantation on the island to one Mr. Fee Fer Frederick; recollects a man named John Latham, who settled on the hills on the west side of rivière des Prelles, a little below the agency, who was the first white settler on the Indian lands; that said Latham, about a month after he had settled as above, met with the head chief of the Caddo Indians, "Sawbe," at the house of deponent; that said chief asked deponent who said Latham was, and whether or not he was a good man; stating that if he (Latham) wished to settle on the Indian land, he had no objection, and that the Indian country lay west of the rivière des Prelles; but that, if he wished to be off the Indian land, he should go to the east side of the rivière des Prelles, where the Indians had no claim—on Old river.

Deponent states that the Caddo Indians made their first settlement in this part of the country about four years before the treaty with France, by which Louisiana was acquired; that the principal location was then made at what is now known as the Kiche villages and Caddo villages. He is now about fifty-seven years of age; was always on very friendly terms with those Indians, and frequently traded with them; remembers when Brooks first came into the country; he stayed, with his family, at deponent's house a while, and during the time selected the site for the agency.

Recollects the first meeting between Brooks and Norriss; it occurred at deponent's house, at the time just spoken of. At their first conversation, Brooks asked deponent or Norriss, does not recollect which, where Mr. Norriss resided, and was told by Norriss that he lived on Rush island, on the bank of Old river; does not recollect that any other persons were mentioned as residents there at the time; did not hear any thing said at the time about Rush island being Indian land: heard Brooks order Joseph Valentin, who was then engaged in putting up a building on Boggy bayou, to desist therefrom, and quit the country, as it was Indian land. This order was given in presence of Jacob Irwin also, and while Brooks and deponent were on their way to select a site for the agency, as above mentioned; knows also that one Luke was ordered off for same reasons, and

because he had brought goods to sell to the Indians, which was contrary to the regulations of the Indian department.

Deponent knows the old Pascagoula river; it lies below the Cochoirie, about fifteen miles below De Soto's landing, and about forty on a straight line below Norriss's, and near bayou Wincy; states that when he first knew bayou Pierre or rivièrè des Prelles, about forty years since, it was much smaller than at present, and in dry times fordable, but was as large in 1835 as it is now, or very nearly so, and has been a considerable stream for twenty years.

The first name he recollects of what is now called bayou Pierre was rivièrè des Prelles, or Rush river, which he understood was given it by the Indians.

Cross-examined.

The front land on Rush Island is mostly of value, and runs back about half to three-fourths of a mile; perhaps the average depth does not exceed half a mile on the Old river; the land on Rush river is of little value. In estimating the value of the lands in question, deponent alludes to the front land, fit for cultivation, as being worth twenty dollars per acre; thinks the back land should not be worth more than ten dollars; remembers when a Mr. Grey was agent for the Caddo Indians; and, also, that said Grey issued an order, which was posted at deponent's house, ordering the whites to quit the Indian country, but said order did not describe the boundary of their lands; does not recollect that the settlers on Rush island petitioned Congress to permit them to remain there, nor does he know that the titles of the said settlers were ever suspended in consequence of its being Indian land.

THOMAS WALLACE, his + mark.

Sworn to and subscribed, with his mark, before me, this 9th day of December, 1840.

ROB. V. MARYE, J. P.

Jacob Irwin sworn.

Deposes that he is forty-nine years of age, a resident of Claiborne parish; was employed as gunsmith to the Caddo Indians in the year 1816, and remained thus employed until the treaty with them in 1835, and resided at the agency all that time; was not a witness to the treaty; Mr. Brooks, the agent, objected to his being present, saying that the treaty was to be a secret one; he left the ground, accordingly, the day previous to the one on which the treaty was made; states that a year or two years before the treaty, Mr. Jehiel Brooks, the then agent for the Caddo nation, advised him to remain there and stick to him; Brooks told deponent that he had a grand speculation in view in the West, and that he had lately had a conversation with General Jackson.

Deponent states that, previous to the treaty, the chiefs of the Caddoes told him that they wished to give him a grant of land, because, as they said, he had come amongst them when young, and supported their women and children, and now that he was old, and ought to have some land; but they said Brooks had refused to make such a grant, and had told them that if they made him (deponent) a grant, they could not be allowed to make one

to Mr. Larkin Edwards, who had an Indian wife; states that the reservation to Edwards was the only one he knew of being made at the time, or heard of; all that grant was spoken of commonly. Immediately after the treaty, Edwards himself told deponent of it; but nothing was known of the reservation to the Grappes for many months succeeding.

From conversations deponent held with Brooks, at divers times previous to the treaty, he is of opinion, and verily believes, that Brooks had the grant to the Grappes in view, as a speculation to accrue to his own benefit; himself and Brooks were always on friendly terms; thinks the four leagues of land reserved to the Grappes was worth, fore and aft, an average of \$25 per acre, in the year 1835; knows that Brooks was apprized, at the time of the treaty, that these lands were partly settled on, and that he knew the settlers personally, and was on good terms with them, and had himself assisted one of them, Mr. Dupree, in raising a house.

The Grappes never, to deponent's knowledge, did live on the four leagues ceded to them; their residence at the time of the treaty, and for twenty-six years preceding it, was at or near Camplé. States that when Brooks objected to his being present at the treaty, Brooks told him that the Government had requested him to make a secret treaty; and that as he, deponent, had never heard of a secret treaty being made with the Indians, he suspected there was something wrong going on.

Cross-examined.

Is well acquainted with the four leagues of land reserved to the Grappes; the highlands will average a depth of about half a mile; the rest of it is swamp, and unfit for cultivation; thinks the front land worth \$50 per acre; the swamp land nothing. Recollects that Capt. Grey, the then Indian agent, issued an order forbidding the whites settling within the Indian territory, and ordering those settled within it to leave; that several persons, directly after the appearance of said order, who were living on the Indian land, came forward and petitioned Capt. Grey to suffer them to remain on it, and that he permitted them to do so until he could hear from Washington city. Those persons were Cæsar Wallace, John Armstrong, James Coats, and others whom he does not now recollect. Became acquainted with Mr. Samuel Norriss in 1830; knew him by reputation some time before; he always understood, and it was understood at the agency, that Norriss and the Pories lived on the Indian land; was at a treaty with the Indians when Capt. Grey settled with them the boundary to their land; that, by that arrangement, the Sulphur fork was the north boundary, Cypress bayou, (near Wallace's) the south, the Cross Timbers the northwest; the east boundary he knows nothing about, but has always understood that Red river separated the States of Arkansas and Louisiana, and that Red river formed the eastern boundary of the Caddo lands below the Arkansas line.

The stream on which deponent now lives, opposite Rush island, has ever been considered the principal stream; that branch now called bayou Pierre was, when he first knew it, not half so large as it now is; he never knew it to be called Red river; believes the Caddoes sometimes kept their horses on Rush island, but never claimed the island; does not know what arrangement, if any, was made between Capt. Grey and the Indians, in regard to Rush island; the Indians might have claimed the island without his knowledge.

Deponent knows something of the Indian language, but not sufficient to understand a business conversation. In his transactions with them he always used an interpreter.

Re-examined.

Saw the notices from Capt. Grey to the settlers, ordering them off the Indian territory; does not know that the notices embraced the names of those persons living on Rush island. Cæsar Wallace lived at the time on what is now section 23, of township No. 17 north, of range No. 13 west, in the parish of Claiborne; John Armstrong at Fairfield, two miles south of Shreveport, and Coats at the bluffs bearing his name, three miles below Shreveport. Did not know of any difficulty between Brooks and Norriss, in relation to the land, prior to the treaty; since the treaty, has heard Brooks say that he would let Norriss have his lands at a low rate, and that he would rather Norriss should have them than any other person.

At the treaty between Capt. Grey and the Indians, nothing was said in relation to the eastern boundary, because every one knew that the Red river was the boundary. The bayou Pierre was, at the period of the treaty between Grey and the Indians, a considerable stream; the steamboat Bolivar passed up it about that time; it was red water.

Capt. Grey and witness talked about the line, and Grey said he did not know how the line ran from where Cypress bayou strikes bayou Pierre lake, whether due north or due east.

JACOB IRWIN.

Sworn to and subscribed, before me, this 10th December, 1840.

ROB. V. MARYE, *Justice of the Peace.*

Joseph Valentin sworn.

Is a creole, aged about 53 years; was on the ground when the treaty of 1835 was made, but was sent off by Mr. Brooks, the commissioner, who told him that he was ordered by the Government to permit no one to be present but the interpreter; that two other persons whom the Indians had sent for, as well as himself, to aid them in making the treaty and to listen, (being acquainted with their language,) were also sent off. One of them, François Bark, was made a prisoner; the other, Manuel Flores, ran off, or made his escape; that François Porier came there and procured of Brooks the release of Bark. The Indians covered Flores with their blankets, to conceal him until he could get away from the troops.

Witness was well acquainted with the Grappes; they are colored people—griffs. The father passed for a Frenchman, but was a brown-skin; the mother a griff. Did not see the Grappes at the treaty, though he remained there until Mr. Brooks drove him off: states that he knows that if Brooks had not driven the whites off from the treaty, these lands could have been purchased for twelve hundred dollars: knows that the head chief offered to his father, Andrew Valentin, to relinquish all the Indian land to him for his stock of goods, which was then worth from a thousand to twelve hundred dollars. This chief was Tarshar, and the offer was made about five or six months before the treaty, which was then in contemplation. Says the Indians were much incensed at Brooks for

driving off the whites, but respected the Government; that the circumstance of the whites being driven off induced the Indians to demand a higher price for their lands than they otherwise would have done.

The Indians went to the prairie country every winter to hunt; that he, deponent, frequently went with them. When not a hunting, they resided for the most part at their villages, at the head of Cos lake: says he understands the Caddo language well; has always understood from the Indians themselves that the rivère des Prelles, now called bayou Pierre, was their eastern boundary, and that they have told him they were much surprised when, after the treaty was concluded, Brooks told them they had owned land on the island, for that they did not own land there. This was told him five or six months after the treaty. The Indians never lived or even hunted on Rush island; never himself went to the island but once; went then to purchase corn of Mr. Norriss, and some Indians accompanied him. Was requested by the Indians to be at a meeting of the nation held at Colonel Smyth's, as well as several others, to interpret for them. The object of the meeting was to memorialize Congress on the subject of the treaty made with Mr. Brooks, which treaty they said had in it nothing just; that they had made no reservations in the island. Witness has been raised with the Indians like two trees, side by side. The elder Grappe was his distant cousin; knows of no grant being made by the Indians to the Grappes; states that the Indians told him they had sold from the river Sabine along Teran's line to where it intercepts the first red water, and thence up.

Cross-examined.

Was in the habit of trading with the Indians when he had a chance to do so. His father had a store in the nation; it was owing to that circumstance that they offered him these lands. Neither his father nor himself was authorized by the Government to trade with the Indians. He would not have traded with the Indians but under the hope of gain, though he sometimes lost by it. He was requested by the Indians to come to the treaty. When he came there with his cattle, he sold them to Brooks, and went to the house of one McLeod; went back next day and told the Indians if they wished him to stay he would do so; if not, he would return home. They requested him to stay. The Indians delayed the treaty a few days, (three or four,) because he had not arrived.

On returning from McLeod's, he went to the camp of the Indians, near Brooks's field; and the next morning he was ordered off. He did not ask leave of Brooks to come back from McLeod's. The other persons that were driven away had arrived at the camp the same evening that he had. Does not know that they were there with the consent of Brooks. Always knew the elder Edwards as interpreter to the Indians. John Edwards, the son, was at all times a sickly person until his death, and died of some unknown disease. Does not know whether he spoke the Caddo language well or not; does not know that the whites in the Indian country were opposed to the treaty; was not himself.

The Indians assembled at Colonel Smyth's in consequence of learning, from the copy of the treaty which was shown them, and which they had not known before, that their village was sold. The Indians have, since the treaty, always told him that they had given to Mr. Edwards a piece of land. Mr. Norriss, and many other white persons, were at the meeting

at Smyth's. Can't say that he thinks the Indians could be induced to say they had not sold their land by a quantity of whiskey; never saw any one give them whiskey to make them drunk. One Mr. Scott gave them three or four barrels of whiskey, to induce them to make him their agent. They drank the whiskey, but did not make him agent.

Re-examined.

Mr. Norriss had no agency, that he knows of, in calling the meeting at Smyth's. The chiefs that, at the meeting at Smyth's, made the declaration in relation to the sale of their village, were sober. At the meeting at Smyth's deponent did not, as he solemnly avers, see Norriss, or any one from Rush island, give the Indians any whiskey.

JOSEPH VALENTIN, his + mark.

Sworn to and subscribed, with his usual mark, before me, this 10th December, 1840.

ROBT. V. MARYE, J. P.

Sylvestre Peissot sworn.

Has lived at what is now called Spanish Town, in the parish of Cadeo, fifty-six or seven years; states that the Indians have told him frequently, and particularly at the meeting at Colonel Smyth's, that the country sold by them to Mr. Brooks was bounded by the line made by General Teran, and lay from where that line struck the first red water to Cypress bayou, and thence west, motioning with their hands in that direction; was sent for by the Indians to meet them at Colonel Smyth's when they assembled there. The object of the meeting at Smyth's was to express their dissent from the treaty made with Brooks, a copy of which they had on the ground. They there said that they never had sold Rush island to the United States, nor set up any claim to, or made any reservation on it. States that he lived with the Indians intimately fourteen years, and understands their language as well as they do; has never known the Indians to hunt on Rush island. The river now known as bayou Pierre was, within his recollection, called Canisniere river, afterwards la riviere des Prelles; knows the Prairie river. The bayou now called Pascagoula runs out of la riviere des Prelles into Prairie river. The bayou first referred to has lately acquired the name of Pascagoula bayou, from the circumstance of some Indians of that tribe having encamped on it.

S. POISSOT.

Sworn and subscribed to before me, this 10th December, 1840.

ROBT. V. MARYE, J. P.

Cesair Laffitte sworn.

States that he is fifty-five years of age; was raised in Bayou Pierre settlement; has lived in the parish of Natchitoches all his life; has always known the Indian country as including the highland from the first red

water northwestwardly from the rivière des Prelles in question; that the rivière des Prelles is the first running red water on the east of the Indian possessions; that he has known no other, and that it is the line. He has never understood, nor have the Indians ever told him, that they owned Rush island. On the contrary, they told him, at a meeting at Colonel Smyth's, that their fathers and grandfathers had told them they held no lands there, and for that reason they held none. Has often been on the island himself, and never saw any Indians on it; has always seen them on the highlands; was raised amongst them; has hunted with them twelve winters. The Indians called together himself, Boit Laffitte, Andre Valentin, Joseph Valentin, Sylvestre Poissot, and several others, at a meeting at Colonel Smyth's, in order to inform the Government that they had never made any reservations to the Grappes; and that as they had been once deceived by Brooks, they did not wish to be again. Thinks the four leagues of land reserved to the Grappes, on Rush island, is of the first quality, and worth, with the improvements on it at the date of the treaty, twenty-five dollars per acre, average. Knows the Grappes well. They have lived, since he first knew them, forty years ago, about Camplé and Lake Bistinaux. They are nearly black, with kinky hair. Their residence is about sixty miles below Rush island; and the Caddo country and many bad lakes and streams between them. Says that from all circumstances that have fallen under his observation, such as excluding the whites from the treaty, the secret manner in which the reservation to the Grappes was made, and the like, he verily believes that Mr. Brooks meditated a fraud—a fraud on the people on Rush island, the Government, and the Indians. The Indians have told him, both before and since the treaty, that they did not own any land on Rush island. Saw Messrs. Norriss, Dyson, Stockman, and Peter Murphy, at Natchitoches in 1824; they went there to prove up Rio Hondo claims on Red river, in Rush island. Thinks that, if the whites had not been driven away from the treaty, the Indians would have sold their territory for the sum of two or three thousand dollars at the most; perhaps for less than either named sum. It is of his knowledge that all the creoles and Americans settled in this country were anxious that the Government should purchase out the Indians, in order that the country might be settled up.

Cross-examined.

Is well acquainted with the land of Rush island. The good lands extend from the river half a mile; in some places not so much. Does not know that the back lands can be cultivated, as he has never tried it. Does not know by the water marks on the trees, as he has never measured them. Would be willing to buy these lands at twenty-five dollars per acre, if he had the means. The persons settled on the highlands on bayou Pierre, and near it, were owners of large stocks of cattle, on which they depended for their income. Owing to the increase of population since the treaty, these persons have been obliged to sell off the most of their stock, the range being exhausted. Since his earliest recollection the creoles and people in general were in the habit of trading in goods, buffalo tongues, robes, &c. Has heard that Mr. Brooks, on coming here as agent, forbade the whites to trade with the Indians within their territory. Was himself in the habit of trading with the Indians before Brooks came, but has not done so since; and does not know that the order created any dissatisfaction. Understood

that the location of the Rio Hondo claims was limited to the west side of Red river. Does not know that the Rio Hondo claims proved up on Rush island, in 1824, were suspended in consequence of the land being owned by the Indians. These claims are on the west bank of Red river. Witness thinks the territory sold under the treaty of 1835 was worth fifty cents per acre.

CESAIR LAFFITTE.

Sworn to and subscribed before me, this 11th December, 1840.

ROB. V. MARYE,

Justice of the Peace.

John Joseph Y. Barb sworn.

Deposeth that he is thirty-four years of age; has lived in the Bayou Pierre settlement since a small boy; was at the treaty of 1835, in company with Louis Naville Rembin and Charles Rembin, and (having heard the testimony of Louis N. Rembin read, and being questioned by Messrs. Ragan and Savage, as to his knowledge of the matters mentioned therein) states that he has heard the testimony as given in by Mr. Rembin, and also the same read and explained to him; believes he understands it thoroughly, and concurs in it, having been present with Rembin; is particular in regard to the eastern boundary of the Indian land being the rivière des Prelles, or bayou Pierre. The Indians did not intend to sell Rush island, or deem that they owned it. Does not know the Grappes, or believe that they were at the treaty, not having seen or heard of them there. With regard to a donation, to old Edwards, and no other person; to Joseph Valentin, Flores, and Bark, being driven from the treaty ground, was with Naville Rembin all the time; and, when permitted to be with the Indians, was guarded by soldiers in the same way. Knows that Norriss and others had improvements, and resided on Rush island at the time of the treaty, and that it was within the knowledge of Brooks. Never saw any Indians on Rush island. It was expressly stipulated by the Indians that Edwards, who had an Indian wife, should have a reservation, but he heard of no other reservation whatever.

Cross-examined.

Does not know how long the treaty lasted. Nothing was signed that he knows of while he stayed. Was there from midday to the following morning early.

Re-examined.

Does not know whether or not the treaty was concluded, with the exception of the signatures, at the time he left the ground.

JOHN J. Y. BARB, his † mark.

Sworn to and subscribed, with his mark, before me, this 11th December, 1840.

ROB. V. MARYE, J. P.

Michel Lattier sworn.

Is a native of the parish of Rapides; has lived on the east of Red river, in the parish of Claiborne, since 1833. States that Mr. Jehiel Brooks, to his knowledge, assisted Mr. Dupree to build him a dwelling-house on Rush island, below Mr. Norriss's, previous to the conclusion of the treaty of 1835 with the Caddoes. Mr. Brooks did not then make any objection to Dupree's building and settling there. At that time, Samuel Norriss, Lefroy Dupree, Francis Porier, Antoine Porier, Francis D. Porier, Leonard Dyson, and John B. Prevost, were all residing on the island, and on the land since reserved by the treaty of 1835 to the Grappes. All the individuals named, with the exception of Dyson, had families; Dyson was an old man. Mr. Norriss had 25 or 30 acres of land cleared and under cultivation, with all necessary buildings; Francis Porier about same quantity, with a good dwelling and other houses. All the other persons named, except Dyson, had buildings and cleared land. Thinks the reservation of four leagues to the Grappes was, in 1835, worth an average of \$5 per acre, and not more, including the then made improvements.

Cross-examined.

Would not at this time, if he had funds to purchase, give more than ten bits per acre for the whole reservation, with such improvements as existed in 1835.

Re-examined.

Knows that a Mr. Pills has a large plantation in cultivation on said reservation, with a cotton-gin and press. Mr. Mahlé, also, has a large farm in cultivation, with a cotton-gin. Porier's place has about 50 acres of land cleared; Mr. Norriss's a cotton-gin. Thinks it worth about \$10 the acre to clear land on Red river. Thinks Norris's gin worth about \$1,000; has not seen the others closely.

Cross-examined.

Mr. Pills's improvement has been made since 1835, and the greater part of Mahlé's and Francis Porier's. Thinks the front land on Rush island as good as any on Red river. Mr. Norris's gin has been built since 1835. Deponent was raised a planter.

MICHEL LATTIER.

Sworn to and subscribed, before me, this 9th December, 1840.

ROBT. V. MARYE,

*Justice of the Peace.**Francis Lattier sworn.*

States that it is of his own knowledge that Mr. Brooks assisted Mr. Dupree in raising his house on Rush island, in the year 1833 or 1834.

FR. LATTIER.

Sworn to and subscribed, before me, this 9th December, 1840.

ROBT. V. MARYE, J. P.

Pierre Rublo sworn.

Deposes that he is a native of Natchitoches parish, and 75 years old; has known the Bayou Pierre settlement 58 years; remembers the change in the Government in 1803. The Caddo Indians came to this country from Pecan point about three or four years before that period; they had come from Kio Michie to Pecan point previously; is well acquainted with their language, and has hunted with them several winters. It is certain their lands could have been purchased of them for a much smaller sum than was paid for it, because they wished to retire from it, and therefore esteemed it of little value. The game was exhausted, and they were in consequence obliged to extend their hunts as far as the Cross Timbers, in order to procure enough food. The Governor of Montereé sent a messenger express to the Caddo tribe, to invite them to emigrate to that country, and offered liberal pay to any whites that would conduct them out. A deputation of eighty-three persons from the Caddoes, about sixty of them warriors, the balance women and children, was sent to Montereé; himself and Joseph Valentin accompanied that deputation. The deputation was asked by the Governor of Montereé if their tribe had received any lands from the Americans, and replied that they had not; that they came to their then residence whilst the country was owned by France, from whom they had received no lands; nor had any since the change of government been assigned to them by the Americans; they had held their villages without disturbance from either of the Governments. The Governor General of Montereé asked the deputation if they wanted lands, offering, at same time, to assign them a country, if they would remove to it. They replied that they did, and would come and settle on it; whereupon, the Governor General did assign to them a tract of country, lying on the Guadalupe river, commencing where the upper road from St. Antoine to Nacogdoches crosses that stream, and running up it to its source. This happened in August, 1821. The Indians informed deponent that it was their intention to emigrate to the country thus given them, but does not know whether their failure to do so is attributable to the revolution in Texas or not. The Caddoes have always occupied the highlands; has never seen them in the swamp; has heard them say that their lands extended from Cypress bayou along the hills upwards, and has never known them to claim Rush island. It is about 40 miles from the Caddo villages to Isle des Prelles. They stayed generally at their villages. Their large hunting parties went westward. They hunted occasionally in small parties in the direction of bayou Pierre, but has never known them cross that stream.

Cross-examined.

Knew François Grappe, the father, about fifty years; he stood high with the Indians, and was their civil adviser in most important matters; was held in esteem by the Indians to his death, and understood their language better than themselves. The children of Grappe were not raised among the Indians, but hunted with them, as deponent was in the habit of doing; knows that Jacques and Balthazar spoke the Indian tongue about as well as he (deponent) did, and Dominique about as well as the creoles generally. In the year 1801, François Grappe was a man considerably advanced in years, and his sons; mentioned above, grown young men. Grappe, the

father, was a man of mixed blood—a part Indian, of what nation he does not know, but has heard an aunt of Grappe's say that he was of the Chitimiche tribe.

Re-examined.

John Pierre and Onezieme Grappe are the legitimate sons of John Baptiste Grappe, who was the full brother of François Grappe, deceased. Jacques, Balthazar, Honoré, and Dominique, sons of François Grappe, and in whose favor the reservation named was made, were nearly black, their mother being a negress.

PIERRE RUBLO, his + mark.

Sworn to and subscribed before me, this 12th December, 1840.

ROBT. V. MARYE, J. P.

Manuel Laffitte sworn.

States that he was born and raised on the bayou Pierre. The Indians have told him what lands they sold by treaty in 1835, but not the quantity; they sold from Teran's line, where it touched Red river, out towards sunset; they told him they sold to the rivière des Prelles, on the east, now called bayou Pierre, which name he never heard until the treaty. Has never heard the Indians claim Rush island, but has heard them say that they held no claim to it; if they had a right to it, they were ignorant of it. Knows when Mr. Brooks first came to the country, and has never heard him claim the island for the Indians. Knows the Indian language well—was raised with them.

Cross-examined.

Never heard Brooks say that he did not claim Rush island; never heard him say any thing about it.

MANUEL LAFFITTE, his + mark.

Sworn to and subscribed before me, this 11th December, 1840.

ROBERT V. MARYE, J. P.

Joseph Valentin further examined.

States that he went with a deputation of Caddo Indians about nineteen or twenty years since; then heard the commandant ask the Indians if they owned any land, who was answered by the chiefs that they had none; that they had lived with the Spaniards, French, and Americans, a long time, but had not as yet received a donation of land from them.

Witness states that the Caddoes came into this country to avoid the Osages, of whom they stood in fear.

The Mexican Government gave them a tract of country, which they accepted, but did not go to occupy it, in consequence of the revolution in

Texas, and the illness of one of the Indians,—an old man whom they much respected, and whom they did not wish to leave behind.

The Caddoes requested him (deponent) to go with them to their new country. The determination of the Caddoes to leave this section and settle on the lands donated them by the commandant of Monterée, was manifested at the time Mr. Jehiel Brooks came out as commissioner, as well as before. Their departure was arrested by Mr. Brooks, who told them that he had papers, and a gunsmith, and other things for them, and that he wished to buy their lands.

The deputation to Monterée amounted to about eighty-two in all—about sixty warriors, seven of whom were chiefs and head men, the balance women and children.

The Indians have always told him that the Bayou Pierre chute of Red river, formerly called la rivière des Pnelles, was their boundary. Knows that it was the opinion of the people generally of this country, that Mr. Brooks, by the treaty of 1835, did defraud the settlers on Rush island of their lands. Deponent is satisfied that the Indians would have left the country about the time Mr. Brooks came to it, if he had not held out inducements to them to remain, because several families, five or six in number, actually left and crossed the Sabine on their way.

JOSEPH VALENTIN, his + mark.

Sworn to before me, this 15th December, 1840.

ROBERT V. MARYE, J. P.

STATE OF LOUISIANA, *Parish of Caddo* :

This day personally came and appeared before me, the undersigned justice of the peace in and for the State and parish above written, Charles A. Sewall, who, being sworn, deposeth as follows :

That, in a conversation with Mr. John C. McLeod, since deceased, the said McLeod told him that the goods given to the Indians by Mr. Jehiel Brooks, as payment in full of the second instalment due them under the treaty of 1835, were, at the rate at which he then sold goods, not worth more than fifteen hundred dollars ; but that he cared not, for that Brooks had promised him five hundred dollars to procure a receipt in full from the Indians, and that he had succeeded in doing so. Deponent further states, that said McLeod told him that Brooks offered Edwards, the captain of the steamboat Charleston, one hundred dollars per hour to wait for him to take him off, as he apprehended danger from the Indians if he remained, as they were getting drunk ; further, that Mr. Larkin Edwards told him that the Indians had asserted that the amount paid them by deponent, as agent, exceeded in amount all they had previously received from the United States.

CHARLES A. SEWALL.

Sworn to and subscribed before me, this 15th December, 1840, in the town of Shreveport.

ROBERT V. MARYE, J. P.

STATE OF LOUISIANA, *Parish of Caddo* :

Larkin Edwards this day personally came before me, the undersigned justice of the peace, and, being duly sworn, deposes that he was interpreter for the Caddo Indians, under the agency of Mr. Jehiel Brooks, previous to the treaty made with them in 1835, and says he saw ten boxes containing merchandise, for the payment of the second instalment of ten thousand dollars due said Indians, conformably with said treaty ; that each box was marked \$1,000 ; that, after the Indians had consented to receive said boxes as equivalent to the instalment due them, he saw them opened, and was of opinion, as he still is, that the contents of the whole ten boxes were not worth over fifteen hundred or two thousand dollars ; and that such seemed to him to be the opinion of those who saw the goods, as well as himself. Deponent says that, when these boxes were tendered to the Indians, they were tendered as full payment of the ten thousand dollars then due them, and Mr. Brooks refused to allow them to be opened until the Indians should sign a receipt in full for the instalment ; that the Indians refused for several days to take them, and did not consent to receive them until after Mr. Brooks had left the ground and been absent several days, when one Mr. John C. McLeod, as agent for Brooks, succeeded in procuring their receipt, and delivered the goods ; that, on opening the boxes, the Indians were very much dissatisfied, and complained that they had not received one-half of what was due them ; and, further, that one of the boxes contained rifles, and not more, to the best of his recollection, than thirty to thirty-five in number ; that they were of very common quality, and were the only contents of that box ; the other boxes contained blankets, strouds, domestics, &c., and some trinkets ; states, further, that said McLeod told him, at Coats's bluff, that he was instructed by Mr. Brooks to deliver the goods named to the Indians whenever they should sign a receipt in full for the instalment, and not before, and to tell them that if they did not take the goods they should have nothing. States that the Indians appointed Mr. John G. Green their agent to receive the third instalment of ten thousand dollars, promising to continue him in office, if he should be faithful to them, until they were paid off by the Government ; that said Green, on receiving the appointment, went North, and did not return for eight or nine months ; that, on his return, he sent for deponent, and told him that he had brought on goods to pay the Indians in full, but said that he did not wish to make the payment in Shreveport, where he then was, but would send them the goods to some other point ; that said Green did send a few goods in a boat, by the son of deponent, to Shenix's ferry, on Ferry lake ; and that the Indians, on going to that place to receive them, found the quantity of goods so small, and so trivial in value, in regard to the amount due them, that they absolutely refused to receive them, and that they never did receive that instalment, or any part of it, unless, perhaps, a barrel or two of flour, which was supplied them when they came to Shreveport to see him on the subject of the annuity.

LARKIN EDWARDS, SEN.

Sworn to and subscribed before me, this 16th December, 1840.

ROBERT V. MARYE, J. P.

COMMITTEE ON INDIAN AFFAIRS,
House of Representatives, March 19, 1840.

SIR : I am directed by the Committee on Indian Affairs to forward to you the enclosed interrogatories, with a request that you will take the answers of Dr. D. M. Heard, and any other witnesses who may be brought before you by Jehiel Brooks or Samuel Norriss, and return them to me carefully sealed and authenticated in the manner prescribed by the laws of Louisiana.

This letter will be your commission to take the testimony of the above-named witnesses, and of any others who may be brought before you, to be read and considered in the question now pending before said committee, under an order of the House of Representatives, on a charge of fraud alleged in the memorial of Samuel Norriss, in the negotiation of the treaty concluded on the 1st July, 1835, between Jehiel Brooks, the commissioner on the part of the United States, and the Caddo Indians.

Major Brooks may desire to propound *cross* or additional interrogatories; if so, you will of course allow him to do so. Mr. Norriss will be entitled to the same privilege in the examination of any witness brought forward by Major Brooks.

I am, respectfully, your obedient servant,

JNO. BELL,

Chairman Committee on Indian Affairs.

HON. CHARLES E. GRENEAUX.

P. S. I am advised that John A. Ragan, Esq., of Natchitoches, will attend to the examination of the witness in behalf of Norriss, if applied to.
B.

Interrogatories to be propounded to Dr. D. M. Heard, Natchitoches, La.

1st. Were or were you not witnesses to a treaty made on the 1st day of July, in the year 1835, at the agency house in the Caddo nation of Indians, in the State of Louisiana, by Jehiel Brooks, commissioner on the part of the United States, and the chiefs, head men, and warriors, of the Caddo nation of Indians? And are, or are you, and each of you, not represented as being witnesses to certain supplementary articles to said treaty, containing several reservations of land, in the names of certain persons of the name of Grappe? If yes, please state the circumstances and particulars under which you became witnesses to said treaty.

2d. Were you present during the whole time said negotiation was in progress? If you were, state all you know in relation to the circumstances and facts attending the transaction.

3d. Do you know whether Jacques Grappe, Balthazar Grappe, and Dominique Grappe, or any of them, were present at the time of making the aforesaid treaty, or whether any of the heirs of François Grappe, deceased, were present? If not, who was representing said persons, or any of them? State all the particulars you know in relation to the reservations made in the supplemental articles to said treaty, and the manner of the claims being presented.

4th. Do you know any thing about a number of white persons who were present, or desired to be present, at the making of the treaty, but

who were ordered off by Jehiel Brooks, the commissioner, or ordered off by the commander of the United States troops then present, at the instance or solicitation of said Brooks? If you know any thing about it, state all the particulars, and the reasons they were sent away; also the names of the persons.

5th. At the time you signed said treaty as a witness, did you know there were any reservations of land in it in favor of the heirs of François Grappe, or any of the Grappes mentioned in the third interrogatory? If yes, state the quantity, the place, and all other particulars fully.

6th. If you know any thing about the supplemental articles to said treaty, and the reservations mentioned in them, what was the reason given by Brooks, or any other person, for making the supplemental articles, and why were not the reservations made in the body of the treaty? State all the particulars and facts, as far as you know them.

7th. Were the supplemental articles aforesaid read in the same manner, and signed at the same time, as the original articles of the treaty? If not, what were the reasons?

8th. During the time of the negotiation of said treaty, did you hear of the Grappes, or any of them, setting up any claim or claims to reservations of land, or was any person present urging such claims in their behalf? If yes, state who, and all other particulars.

9th. Do or do you not know that Jehiel Brooks, the commissioner who negotiated the treaty aforesaid, immediately after it was concluded, purchased, or contracted to purchase, all the aforesaid reservations of said Grappes? If yes, state dates and circumstances, the price paid, or to be paid, and every thing else in relation to the purchase or contract.

10th. What was the value of the land contained in the aforesaid reservations in July, 1835, and at this time, as nearly as you can judge?

11th. Do you know any thing more in relation to this subject, other than what you have stated? If you do, state it fully.

12. Did the Grappes, or any of them, reside on the land reserved to them in the aforesaid treaty? If not, where did they live, and how far from the said reservations?

13th. Were or were not a number of white persons living on the land included in said reservations at the time of making the treaty, and did not Jehiel Brooks know it? State the number, names, extent of improvements, and other particulars.

PARISH JUDGE'S OFFICE,

Natchitoches, (La.) September 16, 1841.

SIR: In conformity with a commission to me addressed, by the chairman of the Committee on Indian Affairs, I have taken the depositions of all the witnesses who have been brought before me, by Jehiel Brooks and Samuel Norriss, "to be read and considered in the question now pending before said committee, under an order of the House of Representatives, on a charge of fraud alleged in the memorial of Samuel Norriss, in the negotiation of the treaty concluded on the 1st July, 1835, between Jehiel Brooks, the commissioner on the part of the United States, and the Caddo Indians."

I return, herewith, the commission and interrogatories propounded to the witnesses, together with the answers and depositions. I have given the parties great latitude, leaving it entirely with the committee to admit or reject such part of the evidence as they may deem proper.

These documents belonging to your Department, I have thought it best to forward them to you, with a request that they may be laid before the committee.

I am, respectfully, your obedient servant,

C. E. GRENEAUX.

HON. JOHN BELL,

Secretary of War, Washington City.

STATE OF LOUISIANA, *Parish of Natchitoches :*

Be it remembered that on the fifth day of May, in the year of our Lord one thousand eight hundred and forty, by virtue of a commission to me directed by the Hon. John Bell, chairman of the Committee on Indian Affairs, dated March 19, 1840, to take the depositions of D. M. Heard, and other witnesses, on a charge of fraud, alleged in the memorial of Samuel Norriss, in the negotiation of the treaty concluded on the 1st July, 1835, between Jehiel Brooks, the commissioner on the part of the United States, and the Caddo Indians, and having notified the said Jehiel Brooks on one part, and Samuel Norriss, by his attorney, John A. Ragan, on the other part, of the time and manner of taking the said depositions, and they both being present, I proceeded, in virtue of said commission, to cite, and cause to appear before me, the said Daniel M. Heard, to answer to the interrogatories propounded and attached to said commission, who, being first duly sworn on the Holy Evangelists of Almighty God, deposes and answers.

To the first interrogatory. Says he was a witness to the treaty; he was a witness to the supplementary articles of that treaty, containing reservations in favor of the Grappes, and that he is represented as a witness thereto; and, if his memory serves him right, he signed as a witness to the said supplementary articles; he was on the ground as acting assistant surgeon, employed by the Government of the United States to attend in that capacity the detachment of troops under the command of Capt. Harrison, U. S. A., and was invited, after his arrival, by the commissioner, Col. Jehiel Brooks, to attend the council as a witness to the treaty, and attended the council regularly, every day, until the conclusion of the treaty.

To the second interrogatory. He was there at the council, every day, from the opening of the council to its adjournment; did not see any thing transpire that indicated dissatisfaction on the part of the Indians, or any one else, during those periods of the day.

To the 3d interrogatory. Does not know any thing of the Grappes being present, or of their being represented by any one, or of the heirs of François Grappe, deceased, being there or represented. So far as his recollection serves him, witness says Col. Brooks, the commissioner, informed witness with those present, that there were supplementary articles to the treaty on the table, for their inspection. Witness and others were about to proceed to read these supplementary articles, when Captain Harrison observed that it was not necessary to read them, as they had been read and translated to

the Indians, who were apparently satisfied with them; on which witness signed the supplementary articles to the treaty, without knowing any thing of the contents of these supplementary articles, except that he was told that these articles contained reservations; did not hear in whose favor these reservations were.

To the 4th interrogatory. That intelligence was given to Col. Brooks and Capt. Harrison, that two suspicious persons were in the Indian camp, who were taken under guard. Witness does not know this, but heard it rumored, and understood that these men were ordered off, as suspicious persons, by Capt. Harrison and Col. Brooks; does not know the names of these persons; they were considered as persons who ought not to be in the Indian camp, because they might influence the Indians.

To the 5th interrogatory. Says he has answered the 3d interrogatory, and knows nothing about these reservations.

To the 6th interrogatory. Knows nothing more of the supplementary articles than what he has stated; does not know why these articles were not inserted in the body of the treaty.

To the 7th interrogatory. Has already stated that the supplementary articles were not read in his presence, but that, as far as his memory serves him, these supplementary articles and the original articles of the treaty were signed at the same time.

To the 8th interrogatory. Has no knowledge of the Grappes being present or setting up any claims to the land, or of any one's urging claims for said Grappes.

To the 9th interrogatory. Some time after the execution of the treaty, witness understood that Jehiel Brooks purchased the claims of the Grappes to the land; does not know when he purchased from them, or the price to be paid.

To the 10th interrogatory. Does not know and cannot tell the value of those lands.

To the 11th interrogatory. Knows nothing further, that he recollects of.

To the 12th interrogatory. The Grappes did not, to his knowledge, reside on the lands reserved; understood that they lived near Camplé, about 60 or 80 miles from the land reserved.

To the 13th interrogatory. Does not know.

The witness, having answered the interrogatories annexed to the said commission, was cross-examined by the parties, as follows, after having been duly sworn to answer truly all questions propounded.

Interrogatories by Jehiel Brooks to Dr. D. M. Heard.

Are or are you not interested in the purchase or sale of lands in the reservation to the Grappes, contained in the Caddo treaty? If yea, state the particulars, from whom acquired, to whom sold, and with whom connected.

Answer. He has not purchased; does not now or ever did own a cent's value of the said land; and is not in any manner interested in said lands.

Were you or were you not frequently out during the sessions of the council?

Answer. He may have gone out to get a drink of water, or something of the kind; he possibly may have been out, but thinks he was pretty generally in attendance.

Where or in what portion of the agency house were the councils held?

Answer. They were held at the end of the gallery farthest from the river.

Did or did not the commissioner say, at the opening of the council for the signing of the treaty, "here are the papers, gentlemen, containing a treaty of limits and cession of all the Caddo land falling within the United States, and supplementary articles, containing reservations of lands to individuals," or words to the same import?

Answer. He observed that there was the treaty of cession of those lands by the Caddoes; does not recollect the particular remarks about the reservations in the supplementary articles; though they were told, in words similar to those in the question, that there was the treaty and supplementary articles thereto.

Question. Were any of these papers read by the witnesses before signing? If yea, what did the papers so read contain, and by whom read?

Answer. Those papers were translated to the Indians in the presence of the witnesses before signing; the papers were on the table and open; the witnesses had an opportunity of reading them or not, as they pleased; that they did occasionally take them up and read them; that witness, Lieut. Bonnell, Field, and others, were in the habit of taking up these papers, which were on the table for their inspection, and reading them. Mr. Williamson also read these papers, as the other witnesses did.

Did or did not Captain Harrison state, in addition to the remarks before related, that he had often attended Indian treaties, or words to that effect?

Answer. Yes; Capt. Harrison did use words to that effect.

Do you or do you not recollect that but one of the white men, as reported to be found in the Indian encampment, was taken into custody by the military, and that the other was reported by the guards to have made his escape?

Answer. That there were two men reported to have been in the Indian camp; cannot say whether one or both were taken into custody; they were said to be suspicious characters.

Did or did not the commissioner express any objection, or show any unwillingness, towards any person whatever in attending the council, or in visiting the council-house, during the continuance of the council?

Answer. Heard no objection made to any person; did not discover any uneasiness on the part of the commissioner at the attendance of *any* one at the council-house or council.

Were there or were there not a chain of sentinels posted around the Indian encampment, immediately after the white men were found in it, and was any person but Indians permitted afterwards to enter it without the pass word? and did not this occur immediately before the first council?

Answer. There were a chain of sentinels posted along the Indian camp, and no one but Indians allowed to pass them without the counter-sign; does not recollect whether it was prior or subsequent to the first session of the council.

Did you or did you not know any thing of Brooks's purchase of the Grappes, other than from the public notoriety of it throughout this section of country?

Answer. I knew it from public notoriety.

Did or did not the commissioner, on calling up every individual Indian

of the council, ask him if he knew, and was satisfied with what he was about to sign? and did any one individual of said council express or exhibit any unwillingness or reluctance in subscribing to the same?

Answer. Each individual Indian was asked, through the interpreter, Mr. Edwards, whether he knew what he was about to sign, and was satisfied with it; there was no objection, dissatisfaction, or unwillingness, urged by any individual Indian, or any person present.

Was or was not the commissioner in bad health at the time of executing the treaty with the Caddo Indians, on the morning of the 1st of July, 1835?

Answer. Yes; he was in a delicate state of health.

Questions propounded by J. A. Ragan, for Samuel Norriss.

How many days was the council in session?

Answer. Three, or four, or five days; does not recollect.

Was or was not the treaty signed two or three days prior to the signing of the supplementary articles?

Answer. According to his belief and recollection, they were all signed together.

Were you or were you not as much in attendance on the sessions of the council as any other of the witnesses?

Answer. Yes; he was.

Did you know Jacques Grappe, Balthazar Grappe, and Dominique Grappe, or the heirs of François Grappe, at the time of the treaty?

Answer. He did not know them then, and does not know them now.

If they had been present, do you not think you would have known it?

Admitted by Colonel Brooks that the Grappes were not on the treaty-ground at this time; and their interest was represented by depositions placed in the hands of the commissioner.

[The latter part of the above admission was objected to by Mr. Ragan, as illegal.]

Did you or did you not know any thing of the reservations contained in the supplementary articles to the treaty?

Answer. No; he did not.

Do you or do you not know if any of the other witnesses read these supplementary articles?

Answer. He does not recollect. They were on the table, subject to the inspection of the witnesses.

Were you or not present the whole time, with the witnesses, that the papers referred to were on the table for inspection?

Answer. Yes, pretty generally.

Did or did not Captain Harrison state, in the presence of the witnesses, while the papers were lying on the table, that it was unparliamentary to read the supplementary articles?

Answer. Captain Harrison did state that it was not necessary to read those articles; that the Indians were perfectly satisfied; and insinuated that it would be unparliamentary to read them. This is as near as witness recollects.

Question propounded by Col. Brooks.

Did Captain Harrison, in his remark just alluded to, speak singly as to

the supplementary articles, or to the whole treaty as then presented for signature?

Answer. Does not know to which he had reference.

And there being no further questions at present for Dr. Heard, his testimony is closed, with the privilege, to either party, to have him recalled.

D. M. HEARD, *M. D.*

Sworn to and subscribed, on this 5th day of May, A. D. 1840, before me,
C. E. GRENEAUX,

Parish Judge.

STATE OF LOUISIANA,

Parish of Natchitoches, May 5, 1840.

We, Jehiel Brooks, and John A. Ragan, counsel for Samuel Norriss, do hereby waive all objections as to the form and manner, time and place, of taking the answers of the witnesses to the interrogatories forwarded by John Bell, Esq., to be propounded, in the presence of the parties, to the witnesses, by the Hon. C. E. Greneau; which answers are taken by commission, to be laid before the Committee on Indian Affairs; and acknowledge that we have each been regularly notified to attend the taking of said depositions.

Done at the town of Natchitoches, at the office of C. E. Greneau, parish judge of said parish, on the day and year above written.

J. BROOKS,

JOHN A. RAGAN,

Attorney for S. Norriss.

Signed before me,

C. E. GRENEAUX,

Parish Judge.

And afterwards, to wit, the on 12th day of May, A. D. 1840, personally appeared before me the undersigned parish judge, Athanase Poissot, witness on the part of the defendant, who, being first duly sworn, says, for answer to the questions propounded, as follows:

Questions by J. Brooks.

Were you acquainted with François Grappe, commonly called Toulaine?

Answer. Yes, he knew him.

Was or was not said Toulaine, or François Grappe, of Indian extraction by the mother's side?

Answer. Yes, he understood him to be of Indian blood.

Did or did not you understand that said Toulaine's Indian blood, from the mother's side, was Caddo?

Answer. He does not know.

Did or did not François Grappe, or Toulaine, live for a number of years on the borders of Lake Bistineaux, opposite to Rush island?

He had his vachery there, on the east side of the lake, but does not know if Grappe resided there; but witness has been to Toulaine's vachery several times, in company with Toulaine, or Grappe.

Was or was not François Grappe, or Touline, a civil chief of the Caddo nation for many years ?

Witness does not know if he was a chief, but he was in great esteem with the Caddo Indians ; or, in witness' words, " beaucoup considéré."

Were not these Indians in the habit of calling on François Grappe to assist and advise them in their intercourse and business transactions with the French and Spanish authorities, and in their business transactions generally ?

Answer. Yes.

Did not Touline, or Grappe, entertain and furnish food to any of the Caddo tribe that called on him, and did he not keep what is termed "open house" for the tribe ?

Says yes; that the Indians never came here without going to see him.

How many years, to your knowledge, did this intercourse exist between Grappe and the Indians ?

Says about thirty years.

Was not the nick-name of Touline given to François Grappe by the Caddo Indians, and did you ever hear him called Grappe by the Caddoes ?

Witness does not [know] that the Caddoes gave him this nick-name, but he never heard them call him any thing else but Touline.

Was not Jacques Touline, or Jacques Grappe, the eldest son of François Grappe, or Touline ?

Says yes; he believes he was.

Has not Jacques Grappe, since the death of his father, François Grappe, or Touline, filled the same station with regard to these Indians that his father did before him ?

Says he does not know.

Did not François Grappe maintain a high respectability for his probity and honesty ?

Answer. Yes; there is *nothing* to be said against him.

Have not the children of François Grappe enjoyed the same respectability for their probity and honesty as their father ?

Answer. Yes; they have.

You mean Jacques, Dominique, Balthazar, and the others of the family ?

Answer. Yes.

Witness, being asked, says he (witness) is a creole of this parish, and is sixty-five years of age.

Cross-examined by J. A. Ragan, Esq., for Samuel Norriss.

Do you know, of your own knowledge, that François Grappe had any claim on the justice or generosity of the Caddo Indians, or is it from hearsay ?

Answer. That it is to his own knowledge that he was " beaucoup estimé," or much esteemed by the Indians; does not know whether there were any interested motives in the matter.

Did you ever see François Grappe in the Caddo nation or their villages ?

Answer. He never saw him in the villages, but knows that he went there several times.

How do you know that François Grappe was at the villages, when you say you never saw him there ?

Says that he (witness) lived on the road to these villages, and that Touline or Grappe, in passing, told him that he was going to the villages; that he went several times.

What distance is it from the old vachery of François Grappe, on the east side of Lake Bistineaux, to the Caddo villages ?

From three to three and a half days' journey.

Are there not a wide lake, two rivers, and a very extensive bad swamp, between the said vachery and the said villages ? And do you know that these Indians often passed by that route ?

They sometimes passed there, but generally they passed by the road through Natchitoches to Camplé.

Was not the mother of Jacques Grappe, Dominique Grappe, and Balthazar Grappe, and the other children of François Grappe, a negress ?

Yes ; she was.

Is it not, to your knowledge, that it is not contrary to the custom and habits of the Caddo Indians to have any one as a chief of their nation who is not a full-blooded native Caddo ?

It is not to his knowledge that they were in the habit of choosing other than of their own tribe for chiefs : it was from father to son, and to relatives.

Do you know the legitimate heirs of François Grappe ?

Witness knows the nephews and neices of François Grappe ; that he had no lawful children, and had no other than natural children. His nephews and nieces reside about Camplé.

Have you any direct or indirect interest in this affair ?

Says he has none.

Do Jacques, Balthazar, and Dominique Grappe, live at the old vachery ? or where do they reside ?

Says he does not know where any live, but has heard that Jacques Grappe lives on the old vachery ; believes that the others live near Camplé.

Witness, being asked, says he does not know when the Caddoes came here ; but they have been here as long as he can recollect.

Re-examined.

S. POISSOT.

Sworn to and subscribed, on this 12th day of May, A. D. 1840, before me,
C. E. GRENEAUX,

Parish Judge.

Jean Baptiste Perot, having been duly sworn as a witness for plaintiff, says, to the following questions :

Do you recollect if the Grappes were at home at the time of the Caddo treaty, and if they told you they were at home at that time ? Is it or is it not to your personal knowledge ?

Says he does not know if the colored Grappes or Toulines were at home or at the treaty.

It is admitted that none of the Toulines or Grappes were at the treaty.

Witness, being asked, says that the mother of Jacques Grappe was a negress ; that his father, François Grappe, was considered a white man.

Cross-examined.

Witness, on being asked, says that Athanase Poissot's evidence, with regard to the intercourse existing between François Grappe, or Toulaine, and the said Caddo Indians, is also within his own knowledge ; that François

Grappe acted as interpreter before Dr. Sibley, then Indian agent here; that, at each assembly here, the said Toulaine was called by them as interpreter. Witness saw old François Grappe, or Toulaine, die. It is more than ten years ago.

Has not Jacques Grappe, since the death of his father, filled the same station with the Indians as his father?

Does not know; for, since the death of Toulaine, witness has not known the Indians to have come here. Has heard they did come once since his death, but witness was not present. Jacques Grappe did not live much about Camplé, but has generally lived at the old vachery, on Lake Bistineaux.

Re-examined.

Is not your wife a legitimate heir of François Grappe, deceased?

Yes; my first wife was a legitimate niece of François Grappe.

If this reserve shall not be annulled, do you or do you not expect that your son will receive his portion of the said reserve of one league?

On this question being propounded, the defendant objected to it, when the commissioner decided that he had no right or authority to refuse any question that might be propounded. Whereupon the witness answered as follows:

Yes, certainly, he believes he will. Witness himself has no interest, as his son is of age.

Witness is about fifty years of age.

J. B. PEROT.

Sworn to and subscribed, on this 12th day of May, 1840, before me,
C. E. GRENEAUX, *Parish Judge.*

And afterwards, to wit, on the 14th day of May, 1840, John A. Ragan, counsellor for S. Norriss, being present, was called on to be sworn and to testify by J. Brooks, and answer the following questions; when the said J. A. Ragan refused to be sworn as a witness, on the ground that of having an interest in annulling the claim of Brooks, because he is interested in the lands covered by the reservation, which he hopes to obtain under the guaranty which he holds and for fees which he expects to receive from various Rio Hondo claimants on said reserve; and because he knows nothing about the execution of the said treaty and reservé except from hearsay. After this refusal, Ragan, Esq., demanded oyer of the interrogatories, whereupon they were at first repressed, but were afterwards submitted as follows, to wit:

1st. Did you not write the memorial for Samuel Norriss and others, in November, 1829, forwarded on to Congress, charging Jehiel Brooks with certain frauds in relation to the treaty made with the Caddo tribe of Indians on the 1st day of July, 1835?

2d. Had you not, previously to your writing the said memorial, sold six hundred and forty acres of land, or thereabouts, to Mr. Ambrose Lecomte, and another adjoining Norriss's tract of land above, and lying within the reservation made by the treaty to the Grappes?

3d. Had not Mr. Lecomte and another, at the time you wrote the

memorial, brought a suit, under the laws of Louisiana, of jactitation of title, against Jehiel Brooks, in order to have recourse against you for the purchase money?

4th. Did you not leave Shreveport, the parish seat of the parish of Caddo, and go down to Norriss's, unsolicited, at the time you wrote the memorial?

Which questions said Regan refused to answer, for the reasons above stated.

Colonel Haden Edwards, a witness on the part of Col. Jehiel Brooks, being sworn, answers and testifies as follows, to wit:

Question propounded by J. Brooks. Are you personally acquainted with Samuel Norriss, now residing in the parish of Caddo, in the State of Louisiana? If yea, state the time and place of such acquaintance, and the circumstances attending it, so far as regards the credibility of the said Norriss, either in a private or official capacity, as also every other fact that goes to prove him not to be a citizen of these United States.

Answer. That, in the summer of 1825, in consequence of he (witness) having obtained a grant of land from the Mexican Government, for the settlement of families, he (witness) moved to Nacogdoches, in Texas, where he first became acquainted with Samuel Norriss. In the fall of the said year, there was an election held for alcalde of that place and the neighborhood; the said Norriss and Chaplin became candidates; Chaplin was elected, and received the papers from the former incumbent. Norriss being disappointed, called together the few Mexicans (perhaps twenty-one or two) that were then residing in the country, who privately elected him alcalde; Norriss, upon which proceedings, wrote to the political chief that Chaplin was elected by the American emigrants, that were not considered citizens of the country; that he himself was and had been citizen for a length of time, and was elected only by the legitimate or legal voters of the country; the political chief responded, and ordered Chaplin to give up to Norriss the papers of the office, as he said Chaplin was not a citizen of the country, or any of the Americans who voted for him. Norriss declared himself a Mexican citizen; and was opposed, strenuously, to any citizens of the United States settling in the country; he (Norriss) remained there until 1827, at the time of the Fredonian business, when he was driven out by the Americans; that, at that time, Samuel Norriss and his brother, Nat Norriss, joined the Mexican forces; there was a battle, and the Americans defeated the troops in which said Samuel Norriss served. In the year 1826, witness was on a visit to the United States, to enlist families to settle in Texas, according to the provision of his grant. Norriss rode through different sections of that country, reading documents which he (Norriss) said he received from the Governor. The documents were in Spanish; and Norriss expounded to the American citizens in English, purporting to censure (by the Government) the conduct of witness, of having violated his contract and the laws of the country. Some time after, witness having returned to the country in consequence of Norriss's violent treatment of some Americans, the Americans rose in a body, surrounded his house, took possession of said Norriss and his papers; at the same time witness was taken prisoner by the same party, and ordered to attend the court martial, which was then formed by the same party, to be tried in conse-

quence of the information said Norriss had read to the people. When witness was called before the court martial, Norriss and his papers being in the same apartment, the court called upon Norriss to exhibit those papers which he had read to the community; when he (Norriss) declared that he had never received any letters or instructions from the Governor; that he (Norriss) and his clerk had forged said documents; and declared that he knew nothing of witness's conduct in violation of his contract, or of the laws of the country; whereupon witness was discharged by the court martial. Norriss and his clerk, Sepulbeda, were then put upon their trial; and, after a lengthy examination of witnesses, were both condemned to be hanged by this party of Americans who surrounded the house and formed the court martial as above stated; they said Norriss and his clerk were only released from this punishment by the interposition of witness, and the punishment was commuted to depriving said Norriss and clerk of their offices, and swearing them (Norriss and his clerk) never to serve in any official capacity in the country again. The ostensible cause of the rising of the Americans (as above stated) against Norriss was, that a young American, by the name of Basset, emigrated to that country, and brought letters of recommendation with him, and deposited them with Norriss, as alcalde. Basset afterwards became clerk to a mercantile house in that country, and was sent up by said house with goods among the Cherokee Indians, to trade. Norriss demanded twenty dollars for the privilege of trading with the Indians, from this mercantile house; they refused to pay this, knowing Norriss had no right to demand it. In consequence, Norriss became an inveterate enemy of this house or firm. On one of the firm visiting Basset in the Indian nation, he was requested by Basset to call upon Norriss for his papers of recommendation, which he refused to deliver; Basset was informed of this, through letter, by his employers. Some time after, Basset, passing through Nacogdoches to see his employers, called upon Mr. Norriss in a respectful manner to return his papers of recommendation. Norriss informed him that he had given them into the hands of his employers. Basset left Norriss's office, to proceed on his journey, when Norriss instructed his officer to pursue him and take him prisoner; he (Norriss) had Basset tied on his horse, with his legs under the horse's belly, and his hands behind his back; witness knows this; he saw it himself; Norriss lived but a few steps from witness; Norriss sent four Mexicans with Basset, tied in this way, with instructions to pass through the woods, and avoid American settlements; to take Basset over the Sabine, on the return of Basset to the Ayish bayou. This gave cause for great excitement among the Americans, and was the last act of Norriss causing the rising as above mentioned. This is the same Samuel Norriss who now lives in the parish of Caddo, Louisiana. Basset was highly esteemed by those who were acquainted with him. Witness knows that the acts of oppression of Norriss gave rise to the Americans rising, as Norriss's representation of the treatment to himself caused an order from the Government that all those concerned should be driven out of the country. Upon this, the Americans took a stand, and a revolution was the consequence, called the Fredonian affair.

Question on the part of Brooks. Do you or do you not know that before a man exercises the office of alcalde in that country he must take the oath of allegiance to the Mexican Government, and renounce his allegiance to other Governments?

Answer. I know that he must swear allegiance to that Government, but do not recollect if he is required to renounce his allegiance to other Governments.

This question was objected to by the counsel for Norriss, as illegal proof.

Question by Brooks. Are you acquainted with the general character of Samuel Norriss? and, if yes, will you state whether or not you would believe him on his oath in a court of justice?

Answer. I am acquainted with his general character from hearsay; what I know myself I have already stated; I could not have confidence in the oath of a man in a court of justice who had acknowledged that he had forged papers against his neighbor without cause.

Cross-examined by J. A. Ragan, Esq., for Norriss.

Question. Will you have the goodness to state whether you know or not if Mr. Norriss is not a native citizen of the State of Maryland?

Answer. I do not know; I never heard that he was; I always understood that his father moved from this country when he was a boy; does not know this, has only heard so.

Question. Do or do you not know that Samuel Norriss left Rush island, on Red river, about 1825 or 1826, and moved to Texas?

Answer. I do not know when he moved to Texas; have not heard Norriss, or any one for him, state when he removed to Texas last, prior to the Revolution. When witness moved there, in the summer of 1825, Norriss was there, and had a plantation, with an abundance of stock and cattle. Norriss spoke the Mexican language as well as a Mexican; he was elected alcalde in the fall of 1825.

Were not these seeming oppressions of Mr. Norriss, while acting as alcalde, the acts of the Mexican Government, enforced by him as alcalde?

I believe his acts were from himself; he never showed any instructions of the Government to act in that way. I do not know that he had no instructions; he never exhibited any; and there were none found in his papers.

Did you not command the Fredonian phalanx in Texas? or were you not one of these Fredonians?

No, sir; I did not command, and I objected to being one, until I received a letter from the Governor, ordering me, from the false representations of Norriss and others, to leave the country. I repeatedly wrote to the Governor of Coahuila and Texas, calling upon him to appoint or send men to investigate my conduct; that I knew there were false representations, that were forwarded by different individuals; that I was there with my family, and willing to undergo any investigation, and suffer any penalty of the law which I had incurred. I never received any answer from the Governor.

Were you subsequently expelled from Texas by the Mexican Government?

No, sir; I came out at that time. We found that we were not strong enough to sustain ourselves; our allies forsook us, and we left and abandoned the country. There was a battle between the Americans and Mexicans at Nacogdoches; there were forty-five Mexicans and disaffected Americans, the Norrisses and their brother-in-law, against ten Americans and twelve Cherokees; the latter beat the former decently, killed one of their men, and

wounded several others. Nat Norriss was one of the wounded ; none on the other side were hurt. I had already been chosen president by the people of the Fredonia republic. After this battle we remained in the country some two months or more, and then left the country. I have suffered great wrongs at the hands of the Mexican Government. I do not know whether it was from the Government or their agents. I do not feel any enmity against the Mexican Government, as I do not believe my wrongs emanated from the Government, but were caused by the invidious individuals (Norriss and others) I had around me. I have never had any personal quarrel with Norriss, or any public or private contention with him. I always treated him with as much respect as I did other men of his station. I treat every one with respect, even if it is a negro. I do not know if Sam. Norriss was immediately in the battle ; but he was armed with a rifle, and rode round to collect and stir up the Mexicans to fight against the Americans, who were the Fredonians. On being asked, witness answered—I do not bear the least malice in the world against Samuel Norriss, for I think him too contemptible to excite my anger or my feelings. I know this Samuel Norriss to be the same man. I have heard Norriss himself say he lived on the Rushes, on Red river.

Do you think Samuel Norriss would wilfully and maliciously swear falsely in a controversy before Congress ?

I have answered that already ; if he would swear falsely in a court of justice, he would any where. Yes, sir, I really think he would swear falsely ; from his character, he would not hesitate if his interest required it.

Have you any interest, directly or indirectly, in the result of this cause ?
No, sir, not the least particle, neither directly nor indirectly.

Re-examined.

Was Norriss ever elected alcalde but once, to your knowledge ?

No, sir ; the election mentioned in cross-examination is the same, and only one, as mentioned in the examination in chief.

HADEN EDWARDS.

Sworn to and subscribed, on this 14th day of May, A. D. 1840, before
me,

C. E. GRENEAUX,

Parish Judge.

And afterwards, to wit, on the 15th day of May, 1840, appeared L. G. De Russy, major in the United States army, cited as a witness on the part of J. Brooks, Esq., who, being duly sworn, deposes and says, in answer to the questions propounded, as follows, to wit :

Were you acquainted with Captain George Grey while he was agent of the Caddo tribe of Indians ?

Yes, sir ; I came here in the winter of 1826, when I was personally acquainted with Captain George Grey, Indian agent, and saw him frequently from that time till his death, in 1828, both at Natchitoches and at Fort Jesup, where he was in the habit of spending some two or three weeks at a time.

During the time of your acquaintance with Captain Gray, did he not

frequently communicate to you circumstances in relation to his duties as agent of the Caddo Indians generally? and if he did, did he not tell you that the Caddo Indians wished to make a reserve in favor of the Grappes? To which question Norriss's counsel objected, as being "hearsay evidence, and being inadmissible and irrelevant."

Captain Grey did frequently communicate with me in relation to the interest of the Caddo nation. I think the last conversation with him on that subject was while he was sick at Fort Jesup, in the spring of 1828, where he remained a month or six weeks. He stated to me that the Caddoes had made some donations of land. Among one or two others which he mentioned was one made to the Grappe family; and I was under the impression, from what Captain Grey told me, that the donation was made then, and had already been made before he came here. He expressed, at the same time, his determination to let no white man remain in the Indian nation, on any portion of the Indian lands, as owners or claimants to that land; that he had made it his duty to drive off any such claimants from the Indian lands; that he could recognise no such power in the Caddoes to dispose of their lands to any body. I can add that I believe it to have been known by many at that time that the Grappe family expected to own land by donation from the Caddoes; that one reason why I believe it was generally known was, that Major R. B. Hyde, late of the army, at that time an intimate acquaintance of Captain Grey, spoke to me of a proposition he entertained or had made, as early as 1827 or 1828, to buy that land of the Grappes; but did not go into the speculation, as I understood, from an impression on his mind, derived, as I thought, from Captain Grey, that the Government would not confirm titles to the land.

Were you or were you not personally acquainted with Captain T. J. Harrison, of the army, prior and subsequent to the Caddo treaty? If yea, state what was his general character for honor and probity.

I had known Captain T. J. Harrison intimately many years; for honor and integrity I believe his character was unimpeachable.

Do you know if the said Harrison is not now dead? If yea, state the time and period of his death.

I know that Captain Harrison is deceased; and I think he died in 1836 or 1837. I am not positive, though I was near him when he died.

Did or did you not hear the said Harrison relate occurrences that transpired while present at the making of the Caddo treaty? If yea, please relate them, to the best of your recollection.

Captain Harrison was detailed from Fort Jesup, as commandant of a detachment to attend at the Caddo agency, upon the occasion of the treaty above referred to. I saw him immediately upon his return, and after the treaty had been concluded; he mentioned the hospitality of the commissioner on that occasion, and of the treaty, generally, as one openly made, between the commissioner and the Indians; so much so as to have been read in whole or in part by the officers of his command, after signing. That, upon his officers' reading the treaty, Captain Harrison told me he had told them that as yet the treaty was a private document, and no one had a right to read it until it had been seen at Washington, and had been approved or disapproved by the Government; that he had been at Indian treaties before; and that it was unusual for a document of that kind to be public; that it was a document for the action of the Government, and was not a public document until the Government had acted upon it; he repre-

senting at the time the impropriety of the conditions of a treaty being known, as the Indians might easily be persuaded by designing persons to depart from any previous engagement.

Did you or did you not hear the said Harrison relate any remarks as having been made by the commissioner on that particular occasion above mentioned? If yea, please state them.

I don't recollect any particular remarks; but the general tenor of Capt. Harrison's conversation impressed me with an idea that the treaty was offered and allowed to be looked upon by the commissioner as a public document until he himself objected to it; having attended previous treaties, as he told me, and knowing the bad tendencies of having such a document published at such a time.

Do or do you not know Col. Haden Edwards? If yea, please state the estimation you have of his character.

I do not know what standing the character of Mr. Haden Edwards may have; I consider him myself, from acquaintance with him, a benevolent, honest man; a benevolent, honest old gentleman.

Is or is he not remarkable in his deportment, for mild, bland, gentlemanly manners?

Yes.

Cross-examined by J. A. Ragan, Esq., counsel for S. Norriss.

Do you know, of your own knowledge, any thing concerning the execution of the Caddo treaty?

No.

Do you know where this reserve, as spoken of by Grey, was to be located or made? Do you know any thing about that reserve?

I never heard any thing about any reserve from Grey. I merely heard from him that the Caddoes had already given a certain portion of their lands to one of the old men, (Grappes,) for services rendered to the Caddoes, and that he could not acquiesce in any such donation; that he could not recognise any such right in the Indians to donate or dispose of any portion of their lands to white persons; and that, on those grounds, he had driven off the old man, Trichel; that the Government of the United States would recognise no right of the Indians to sell or dispose of their lands to any body; and that he, representing the Government, was obliged to act in conformity with the views of the Government.

Do you know where Mr. Trichel lived in the Caddo nation?

I do; it was on the Caddo prairie, near a place called Black bayou, about sixty miles above the present agency.

Do you know the line agreed upon by Captain Grey and the Indians, as the limit or boundary of the Caddo nation and the whites?

I never knew that any agreement had been made by Captain Grey and the Caddoes, about any line. The white people of that country consider the territory appertaining to the Caddoes to be bounded south by a creek running east and west, about four miles above Wallace's old farm, easterly by the Red river, north by the Sulphur fork, and westerly to the Sabine river; and the whites were allowed to live above and below, south and north of those lines, by Capt. Grey, without molestation.

Do you know where Rush island is situated?

No; I do not.

Have you not heard this reserve almost universally reprobated, as illegal, unjust, and fraudulent, and that it ought to be annulled?

I have heard the commissioner accused of fraud, and the reservation is an unpopular one with interested persons; that is, that the reservation is not looked upon as such, if it had gone to Grappe, but the purchase of it by the commissioner is looked upon as one evidence of fraud on the part of the commissioner; and the purchase has provoked the censure that attaches to that individual, which I believe would have reached any person who would have made the purchase from the Grappes.

Do you know the secret and clandestine manner in which this purchase was made by the commissioner from the Grappes?

I had heard, when the purchase of Mr. Brooks from the Grappes was generally known, that there had been unfairness in the purchase. Having inquired into the manner of this alleged unfairness, my conclusions do not accord in the censure attaching to Mr. Brooks. I have made, and many of my friends, about as good bargains, on a smaller scale, perhaps, as Mr. Brooks.

At what date did the first purchase occur?

I never knew of any purchase until the one made after the treaty had been ratified by the President and Senate, and, as I supposed, after the commission given to Mr. Brooks had ceased to exist.

Do you know the value of this reserve of four leagues?

I presume their present value would amount to two hundred thousand dollars; they would have sold about the time of purchase for one hundred thousand dollars. The additional value I attribute to the improvements made on the front lands since the purchase.

Do you know the price paid by the commissioner for this land?

I understood it to be at the time six thousand dollars.

Do you know these Grappes?

Not intimately.

Do you not consider them poor ignorant negroes?

Some of the Grappes I have understood to be white people, and some of them to be colored; and their appearance of poverty is probably more attributable to their ignorance than any want of means.

Do you know the claimants residing in this reserve?

I know some of them, only two—Samuel Norriss and John H. Mahle.

Have you any interest, direct or indirect, in the result of this reservation? No, sir; none whatever.

Re-examined in chief.

You have spoken of the unpopularity of the Brooks claim, and the alleged frauds in relation to the treaty. Do you not know or believe that this unpopularity has grown out of the noise raised by interested persons, and that the allegations of fraud have been made mostly by persons interested?

The commissioner who had been intrusted with the making of that treaty had generally been an unpopular man in this country. The first persons who produced unpopularity to the treaty were to my knowledge interested in doing so, endeavoring at the same time to make purchase from another branch of the Grappe family, whom they considered as the legitimate heirs, by tempting them with a few thousand dollars more than had been given by Mr. Brooks.

Do you not believe that if Brooks had not purchased the land of the Grappes then, and that if the land had remained with the Grappes, there never would have been any charge of fraud?

I believe there would have been no accusation of fraud, had not Mr. Brooks purchased the land.

In the cross-examination of the opposite counsel, you have spoken of this purchase of the Grappes by the *commissioner*. Do you or do you not know whether the said purchase was made during the existence of the authority of that commissioner?

I have stated, in some part of my testimony, that I had heard of the ratification of the treaty, and of the return of Mr. Brooks to this country, unclothed of this office when he made the purchase of the reservation spoken of.

Re-cross-examined.

Do you know Samuel Norriss? If yea, state whether you would or would not believe him on his oath in a court of justice.

What I do know of Norriss is favorable to him, and I should believe him.

Re-examined.

Have you ever had any business transactions with Samuel Norriss, or any interest connected with him, directly or indirectly, or social intercourse, by which you might ascertain his character?

I have answered the previous question merely upon the ground that every man should be believed under the obligation of his oath, unless convicted of having departed from truth. I have never had a close contact with Mr. Norriss, either socially or on business, suggested in the present question.

LEWIS G. DE RUSSY.

Sworn to and subscribed, on this 15th day of May, A. D. 1840, before me,

C. E. GRENEAUX,

Parish Judge.

And afterwards, to wit: on the eighteenth day of May, of the same year, personally appeared Theophile D. Tauzin, a witness on the part of J. Brooks, Esq., who, being first duly sworn, deposes and says, in answer to the questions propounded, as follows, to wit:

Questions on the part of Col. J. Brooks.

Question. Were you or were you not acquainted with Captain George Grey during the time he was agent of the Caddo tribe of Indians? and if yea, did you not have frequent conversations with him in relation to his duties as agent?

Answer. Yes, certainly. I knew him before and during the time he was agent, and I did have conversations with him on his public duties as agent. I spent a week in company with my wife on a visit to him at the agency, on Caddo prairie, in the fall of 1828. I am not certain that I knew him

before he was agent, but have known him soon after he came to this country.

Question. Did or did not Captain Grey, whilst agent, inform you that it was the wish and intention of the Caddo tribe of Indians to give to the family of Touline lands for the services rendered the nation by their ancestors? and if so, please state the time as near as practicable.

Norriss's counsel objects, and protests against the admission of hearsay testimony or evidence, as inadmissible and irrelevant.

The commissioner, being of opinion that he had no authority to refuse to take such answers as should be given in before him, ordered that the answers be taken.

Answer. I remember that Captain Grey did tell me that the Caddo Indians intended to give Touline's family (I think it was four leagues of) land, but do not remember whether it was for services or not; this was told me by Grey in the fall of 1828, while I was with him at the agency in Caddo prairie.

Question. Was or was not the Touline family as well known by the name of Grappe as that of Touline?

Answer. At that time I did not know them to be one and the same, but have since learned them to be one and the same.

Question. Is not Captain Grey dead, and at what time did he die?

Answer. Yes, sir; he died that same fall.

Cross-examined by J. A. Ragan, Esq.

Question. Have you any interest, direct or indirect, in the result of this cause?

Answer. No, sir.

Question. Since the treaty of 1835 was known at Natchitoches, did you not tell a gentleman here in town that Mr. Brooks was to let you have a plantation in the reserve, on Rush island, at a very low price, and that you were going to establish a plantation on it?

Answer. I did tell a gentleman that I intended to purchase land from Mr. Brooks in that reserve, but did *not* say to that gentleman any thing about a low price, except that I would buy, some time past, if Brooks would sell it at a low price, and that I have made no bargain with Mr. Brooks in relation to the price and specific tract of land in the reserve, and that I intended to establish a plantation if I purchased the lands.

Question. Don't you expect that your future rights will be injured if this reserve shall be annulled, and you disappointed in establishing your plantation there? and do you not expect to be interested in the matter?

Answer. I do not care any thing at all about it, because I have two other places of my own now.

Question. What was the bargain between you, if Mr. Brooks established his right to the reserve? What was the price you were to pay him for the plantation you expected to establish up there?

Answer. There was no bargain, price, or agreement, except this: that when Mr. Brooks's land is surveyed, and his boundaries established, I can buy from him or not, as I choose.

Question. Don't you intend to buy a piece of the reserve from Mr. Brooks?

Answer. Yes, I did intend to purchase, if the price and every thing else

sued me ; I have since changed my mind. All I know about this intended purchase of the land from Brooks, I have already stated.

Question. Did not Mr. Grey tell you that he would not allow the Indians to sell that land to the Toulines, because it was contrary to law for the Indians to sell their lands, except to the United States by treaty ?

Answer. No, not a word like that.

Question. In the summer or fall of 1835, did not Col. Brooks put up at your house, on his way to Camplé to purchase lands of the Grappes, on Rush island ?

Answer. I do not know.

Question. Do you or do you not know any thing of the existence of the first contract or purchase of the said reserve by Brooks, from the Grappes, prior to the first day of December, 1835, and before Mr. J. Brooks went on to Washington city ?

Answer. I did not know that there was more than one sale ; this is the first I have heard of there being more than one sale, and I do not know the date of the sale.

Question. Have you been on Rush island ? Do you know the value of the land there ?

Answer. No, sir, I never have been there, and do not know the value.

Question. Do you not earnestly desire Col. Brooks to obtain this reserve ?

Answer. I earnestly desire it, because I wish every body to prosper.

Question. What age are you ?

Answer. I am thirty-six years of age.

Upon hearing his evidence read, witness states that he believes he recollects that it was said there were two sales from the Grappes to Brooks, but for the same land ; the first not being considered good, on account of some informality, as he was informed. He further states that he will not purchase land from Mr. Brooks ; that he has no longer any such intentions.

Question. What is the cause of your having so suddenly changed your intention of purchasing a part of the said reserve, and establishing a plantation on Rush island, as you mentioned in the first part of your testimony ?

Answer. I have not changed my mind suddenly, but for several days past, and because I have heard and believe the land is all overflowed.

Question. Did or did you not say this moment, that you changed your intention of purchasing a portion of that land in consequence of having been asked the questions above ? (pointing your finger to the question I asked you in regard to your interest in the said land ?)

Answer. No, sir ; with regard to Brooks's title, I believe he has now as good a title as any one can get.

The further testimony of this witness was postponed till to-morrow morning.

May 19th, 1840. Testimony resumed.

In answer to the last question propounded, witness adds, since the arrival of Mr. Brooks, he informed me that he had been informed, a few days before his departure from Washington, that some steps were to be taken in relation to the Caddo treaty, and a reserve that had been made ; I then told him that Captain Grey had told me what I have already stated ; I have changed my mind, for several reasons, since he (Brooks) received notice of this accusation of fraud ; he told me that he would have my testimony taken ; I then had a great mind to abandon the idea of purchasing

the land from Brooks, being sworn to testify what I knew on the subject of Grey; I have since determined not to buy at all, having good reason also to believe the land subject to overflow; I stated in my evidence yesterday that, in conversation with Captain Grey, he mentioned the wish of the Caddoes to give four leagues of land to Toulino, but on reflection I recollect that the name of Trichel was also mentioned; and whether the quantity of four leagues was connected to the name of Toulino or Trichel, I am now in doubt, and that at that time I understood the English language but imperfectly.

The witness then made the following declaration, which he requested to be spread on the record, which was objected to by Mr. Norriss's counsel, and was directed to be so done by the commissioner, to wit: *J'ai lieu de croire que M. Ragan, sachant et s'étant aperçu que je ne connais pas bien la langue Anglaise, que J'avais répondu a ses questions sans conserver exactement leur forces et que ce n'est qu' a la traduction que le Juge Greneaux, m'a fait que J'ai vu que je n'avais pas répondu en Anglais aux questions comme je puis le faire en Français.*

Question. Relate all you know about the first deed of sale, or obligation or contract between Mr. Brooks and the Grappes, in summer or autumn of 1835.

Answer. I have already stated all I know about this.

Question. If such a deed of sale as you mentioned yesterday existed, what was the date and tenor of that writing?

Answer. I don't know.

Question. What was the conversation you had with Mr. Brooks, with regard to the establishment by you of a plantation, as you mentioned yesterday, and what was the date of such conversation?

Answer. As to the intention I had of establishing a plantation, I have already stated; as to the date, I do not recollect.

Question. Are you not intimate with Mr. Brooks, and does he not board with you? and has he not told you all about this controversy and reserve?

Answer. Yes; he boards with me, and I am intimate with him; he has had some conversations with me about this affair, but whether he told me all or not I do not know; he read to me a part of the charge made against him, perhaps the whole charge, but do not recollect.

Question. Did or did not Mr. Brooks say that, if you would do certain things for him, he would give or sell you a piece of his land? Relate all that occurred on that occasion.

Answer. No.

Question. Since your examination was broken off on yesterday, have you or have you not held conversation with Mr. Brooks or his counsel, or some other person, in regard to the evidence you are to give to-day?

Answer. Since then, I showed to Mr. Brooks the answer I gave to-day to the last question propounded yesterday, and also to the commissioner; and my intention in showing it to Mr. Brooks was to ascertain if it was good English; he corrected one or two words; it was the changing the word "sufficient" for "good."

Question. Was or was not the conversation you said you held with Grey, in 1828, held in regard to the Emanuel Trichel claim of four leagues on Caddo prairie, and not about the Grappe claim?

Answer. I have already stated this morning what I knew of that subject.

Question. Did not some person tell you, or suggest to you since yester-

day, to say that you did not well understand the English language? and did you make any objection to being examined in English on yesterday?

Answer. No, sir; no person ever suggested to me *to say* that I do not understand the English language well; I know myself that I do not understand English perfectly well; I made no objection to being examined in English, because I do not recollect if that was or was not asked of me yesterday.

Question. Did or did you not know some days ago that the reserve was inundated?

Answer. I heard that some of it was.

T. E. TAUZIN.

Sworn to and subscribed before me,

C. E. GRENEAUX, *Parish Judge.*

On the day last above written, also appeared before me, William H. Harrison, a witness on the part of Samuel Norriss, who answered under oath to the interrogatories to him propounded, as follows, to wit:

Question. Are you or are you not register of mortgages of this parish?

Answer. Yes, I am.

Question. Are or are you not acquainted with Samuel Norriss, of the parish of Caddo, Louisiana?

Answer. Yes, sir.

Question. Is or is not Mr. Norriss a quiet, good citizen? and would you or would you not believe him entitled to credibility on oath in a court of justice?

Answer. Yes, sir; as far as I know or have seen.

Question. How long have you known Mr. Norriss?

Answer. I have seen him frequently, and got acquainted with him in 1837, whilst I lived at Coats's bluff, in the parish of Caddo.

Cross-examined.

Question. Please relate what was the intercourse between you and Mr. Norriss, upon which your acquaintance was founded.

Answer. I have seen his name in my father's books, and his account there was settled; I met him afterwards at the bluff, when I was clerk for McLeod & Carr, and sold him some goods, and was told by McLeod he was a good man for what he wanted, and in that country was one of the best pay.

Question. Do you or do you not know any thing in regard to Samuel Norriss's legal acts or transactions?

Answer. No, sir; I know nothing of them.

Question. Do you know any thing, of your own knowledge, of Samuel Norriss, beyond what you have previously stated? If yea, please state it.

Answer. I do not.

Question. How long did you remain at Coats's bluff?

Answer. I remained there about seven or eight months.

Question. Please state your age.

Answer. Twenty-two years.

Question. Do you or do you not know that John C. McLeod is dead?
[Objected to by adverse counsel.]

Answer. Yes, I believe so.

Re-examined.

Question. Is or is not Mr. Norriss generally reputed in the neighborhood in which he lives to be a person much esteemed by his neighbors?

Answer. I think so.

Re-cross-examined.

Question. Please state your opportunities of knowing his neighbors and their names, so far as you can recollect.

Answer. His neighbors were in the habit of visiting the store whilst I remained there. I knew several by the name of Porier, and another by the name of Prevost, and others; from them I gathered that they held him in some esteem.

Question. Do you or not know that the Poriers are connexions of Samuel Norriss?

Answer. I believe they are, but am not certain.

There being [no] other questions to be propounded to Mr. Harrison, his testimony was closed.

W. H. HARRISON.

Sworn to and subscribed, on this 19th day of May, A. D. 1840, before me,
C. E. GRENEAUX, *Parish Judge.*

And afterwards, on the 20th of the same month, appeared Melville Crossman and Samuel Kathreus, witnesses introduced in favor of J. Brooks, being duly sworn, depose and answer to the questions propounded, as follows, to wit: These two witnesses are introduced on the part of Mr. Brooks, to testify relative to the character, standing, and occupation, of John C. McLeod, as an upright man and a good merchant, he being one of the appraisers of the goods delivered by the commissioner to the Caddo nation, under the stipulations of the treaty concluded with said nation on the 1st of July, 1835—he, the said McCleod, being in business at the time at Coats's bluff, a few miles above the agency, in what is now the parish of Caddo.

Questions to Samuel Kathreus.

Question. Please state the time you first had any connexion, or made sales of goods to John C. McLeod, as a dealer on his own account. [Objected to, as leading question.]

Answer. I think it was in the summer of 1834.

Question. Do you or do you not know that John C. McLeod established himself as a dealer in merchandise at Coats's Bluff? If yea, state the time.

Answer. Yes; he was first at the agency, and then moved to Coats's bluff, I think in 1835.

Question. What was the general character of J. C. McLeod for honesty and capacity as a man of business and merchant?

Ans. I always considered Mr. McLeod as an honest, correct, and industrious, saving man, and a respectable good business man up to the time of his death.

Ques. Do you or not know that J. C. McLeod is dead? If yea, state the time of his death, as near as you know.

Ans. He died some time last winter—so I understood.

Cross-examined.

Ques. How do you know that Mr. McLeod did business as a merchant at Coats's bluff?

Ans. I know it, sir, because I sold him goods; and was myself at Coats's bluff, and saw him there, doing business.

Ques. What intercourse have you had with Mr. McLeod?

Ans. No more than selling him goods.

Ques. Do you know of your own knowledge that Mr. McLeod is dead?

Ans. No more than that Mr. McLeod's death was published in the Caddo Free Press, where I read it, and being told by Mr. Jenkins that he had administered on his estate.

Ques. Have you any interest, direct or indirect, in the result of this question?

Ans. No, sir.

Re-examined.

Ques. How long have you been doing business as a merchant?

Ans. Since I was a boy—about sixteen years.

SAML. KATHREUS.

Sworn to and subscribed, on this 20th day of May, A. D. 1840, before me,
C. E. GRENEAUX, *Parish Judge.*

Melville Crossman examined.

Ques. Have you heard the evidence of Samuel Kathreus? If yea, do or do you not concur with him in the answers that refer to the character of J. C. McLeod?

Ans. Yes, sir, I do.

Ques. Have or have you not been for some time a merchant in this place, and in partnership with Samuel Kathreus?

Ans. Yes, sir.

Cross-examined.

Ques. What intercourse have you had with Mr. J. C. McLeod?

Ans. We have sold him goods, and were in the habit of doing business with him.

Ques. Have you any interest, directly or indirectly, in the result of this cause?

Ans. No, sir.

M. CROSSMAN.

Sworn to and subscribed, on this 20th May, 1840, before me,
C. E. GRENEAUX, *Parish Judge.*

And afterwards, to wit, on the 13th of July, 1840, before me, the said judge, personally appeared Jacques Grappe, for M. C., witness on the part of Samuel Norriss, who, being first duly sworn, answered as follows, to the interrogatories to him propounded, to wit:

Ques. Do you or did you know Jehiel Brooks in 1835?

Ans. That he knew him at the time he sold his land, and at the time of the treaty.

Ques. At what time did you sell your land to Mr. Jehiel Brooks?

Ans. Says he does not know.

Ques. Was or was it not in the summer or fall of 1835?

Ans. Says it was in the fall; does not recollect the year.

Ques. Did or did you not sell your lands to Mr. J. Brooks immediately after the date of the Caddo treaty?

Ans. Says yes; some time after.

Ques. Was or was not the first deed of sale from you to Brooks made before Brooks left the country, after the treaty.

Ans. Yes.

Ques. Why did you sell so large and valuable a tract of land to Mr. Brooks for so trifling a sum of money?

Ans. Because he did not know where to take the land.

Ques. Did or did you not know the quantity of land you sold to Brooks at the time you made the bargain with Brooks?

Ans. Says he did not know the quantity, or he would not have sold it for so little. That he was afraid or thought that Brooks would give some bad piece of land; that Brooks told him there was some land coming to him, and that he was afraid Brooks would give him some bad piece; that was the reason he sold it to him.

Ques. Did or did not Brooks tell you that you had a small piece of land in the Caddo nation; and that if you (Grappe) did not let him (Brooks) have the land, he would locate it in the swamp and mud?

Ans. No; he did not tell him so.

Ques. Did or did you not make a contract, either written or verbal, with Mr. Brooks, for the sale of your land, before the treaty was made?

Ans. No.

Ques. Did or did you not tell some person that the first deed of sale was passed in the autumn after the treaty, and before Mr. Brooks left for the North?

Ans. No.

Ques. Do you or do you not recollect that the first deed of sale was torn up or destroyed by Brooks, in the presence of Doctor Breda, when the second deed of sale was signed?

Ans. No.

Ques. Did or did not some person say to you that, if you give evidence against Brooks, and he (Brooks) should lose his land, you would be bound in warranty to Brooks, and that you would lose all the money you received from Brooks? If yes, tell all that was said.

Ans. No.

Ques. Do you or do you not know that you gave no warranty to Mr. Brooks; and that, if he shall lose the land in controversy, you are not bound to refund the money?

Ans. That he sold the land without warranty, and does not believe he would be bound to refund the money.

Cross-examined.

Question. Did you ever sign more than the one sale to Mr. Brooks, at which Mr. Athanase Trichel was a witness?

Answers: No.

Question. Was not the deed that you signed at that time explained to you by Mr. Trichel, or some other person ?

Answers: That the deed he signed when Mr. Trichel was present was for a tract of land at Camplé, which Mr. Brooks was to have entered.

Question. Has Mr. Athanase Trichel died since that time ?

Answers: Yes.

Question. Shortly after the sale to Brooks of the Caddo reserve, did you not refuse to bring suit to annul that sale, on account of lesion, or for any other cause ; and, at the same time, did you not express your satisfaction with the conduct of Mr. Brooks ?

Answers: That he did refuse to bring suit to annul that sale ; did not express his satisfaction at the conduct of Mr. Brooks.

Question. Was or was not Mr. Athanase Trichel present when the deed of sale was executed by you to Brooks, as your friend and as witness ?

Answers: Yes ; that he had brought Mr. Trichel there as friend and witness.

Question. Did or did not Mr. Trichel explain to you the nature of the sale, or advise you to execute it ?

Answers: That Mr. Trichel explained the deed, and told him to sign it ; that it was his own property.

Examined in chief.

Question. Did you or did you not know the quantity of land you sold to Brooks ; and did Trichel tell you the quantity ?

Answers: That he did not know the quantity ; that Mr. Trichel did not tell him ; that it had not been surveyed, and was to be taken in the Caddo lands.

Question. Did or did you not know in what part of the Caddo nation your land was situate ?

Answers: That he did not know.

Question. Did or did not one of your brothers, Balthazar, refuse to sign the deed of sale, and that the name of that brother was on the deed when it was recorded, by virtue of the affidavit of Athanase Trichel ? and did not Brooks send afterwards for Balthazar to sign the deed for Caddo lands ?

Answers: That Balthazar had nothing to do with these Caddo lands ; that Mr. Brooks sent for him to sign a deed concerning the Camplé lands.

Question. When Mr. Brooks first applied to you to sell him your land in the Caddo nation, did or did you not tell Brooks that you had no land in the Caddo nation ; that you could not sell land when you had none ?

Answers: That he could not have told him so, because he sold him the land immediately.

Question. Did you or did you not know that you had land in the Caddo nation before Brooks told you that you had some land there ?

Answers: Yes ; that he did know.

Question. Do you or do you not know who were the witnesses to the deed of sale of the Caddo lands ?

Answers: Mr. Athanase Trichel and an old man whose name he does not recollect.

Cross-examined again.

Question. Did you bring Mr. Athanase Trichel with you at the time you signed the sale to Mr. Brooks for the Caddo reserve as your friend and ad-

viser, and for the purpose of seeing the deed properly executed on your part?

Answers: Yes.

Re-examined.

Question. Do or do you not know if the deed of sale was properly executed or not, and do you know the contents?

Answers: He believes it was well executed, and knew the contents.

Question. Do you know the quantity of land which you sold?

Answers: No; they did not tell him the quantity, and that he did not know it.

JACQUES GRAPPE, his + mark,
Declaring that he does not know how to write.

Sworn to and subscribed before me, on this 13th day of July, 1840.

C. E. GRENEAUX,
Parish Judge.

And afterwards, to wit, on the 19th of October, 1840, personally came and appeared Jean Philippe Breda, of this parish, a witness on the part of Samuel Norriss, who, being first duly sworn, deposes and says, to the interrogatories to him propounded, as follows:

Question. Are you acquainted with the parties?

Answers: Yes; he has seen them.

Question. Were or were you not a witness to a deed of sale by which Jacques Grappe, Balthazar Grappe, &c., sold four leagues of land to Jehiel Brooks, on Rush island.

Answers: Yes.

Question. Do you or do you not know of the existence and destruction or loss of a deed of sale of that same land, passed from the said Grappes to the said Brooks, and torn up or burnt directly after the signing of the second deed of sale?

Answers: Yes; after the signing of the deed of sale to which I was a witness, Brooks gave four thousand dollars, in five hundred dollar bills, to Pierre Trichel, to be divided amongst the parties who had sold. Afterwards Brooks stated that there was another deed for the same land by the same parties, when it was mentioned that they had already received two thousand dollars; and, taking the first deed, he observed that it was of no further use, as the four thousand dollars paid to Pierre Trichel made the six thousand dollars, the price of the land by him purchased; that the first deed was not explicit enough, and was of no further use, and kept it. Brooks said that the first deed was of the same contents as the second, except that it was not so explicit; that the witness translated or read the contents of the last deed to the parties, in French, the deed being written in English; that they affixed their marks to the same, stating that they were satisfied.

Question. Do you or do you not recollect that the first deed of sale was executed by the parties in the summer or fall of 1835, directly after the Caddo treaty was made? Please state all you know on this subject with regard to the first deed of sale.

Answers: That he does not know; that he was then absent at the raft;

thinks that he returned from the raft in April, 1835; had been absent 8 or 9 months.

Question. Did or did you not hear some of the parties say that the first deed of sale was made a short time before the treaty, or a month or two after?

Answers: Knows nothing positive about the date of the sale except from hearsay; that Remé Perot and witness spoke of purchasing from the heirs. The parties never told him any thing about it. It was rumored in the neighborhood that Brooks had cheated the Grappes out of their land; that he never heard the Grappes say that they had any land claims from the Caddo Indians until after the act to which he was a witness.

Cross-examination.

Says that he is unable to say whether the first deed was an act under private signature or not; cannot recollect whether the deed was in Brooks's possession, or whether it was in that of the other parties; saw it in Brooks's possession at the time of signing the second deed. Pierre Trichel was present as the first friend of the Grappes; that he acted for them, and through their directions; that they were present, and did not say a word in objection, but consented to every thing that was done.

And further he saith not.

J. P. BREDA.

Sworn to and subscribed, on the 19th October, 1840, before me,

C. E. GRENEAUX,
Parish Judge.

And afterwards, to wit, on the thirtieth day of August, in the year one thousand eight hundred and forty-one, personally came and appeared before me, the said judge, Cesaire Fontenau, a witness on the part of Samuel Norriss, who, being also first duly sworn, deposes and answers as follows to the interrogatories to him propounded, to wit:

1st. How long have you known Jehiel Brooks?

Ans. Does not recollect precisely. Saw him and first knew him when he came to get Balthazar Grappe to sign the deed, after the other Grappes had signed it. Does not recollect at what time.

2d. Do you know what agency Mr. Athanase or Pierre Trichel had in obtaining the signatures of these Grappes to the deed of sale to Brooks? Tell all you know about it.

Ans. No; except from what Balthazar told him, that Trichel urged him to do it.

3d. Did or did not the Grappes express a great deal of dissatisfaction to you about the sale of their Caddo land to Brooks, and say that Brooks had misrepresented the affair, and deceived them, and cheated them out of their land?

Ans. That he asked Jacques Grappe why he sold his land to Brooks. Jacques stated that he sold it because he thought Mr. Brooks had a right to locate it wherever he pleased. That, not knowing where it could be located, he thought it was better for him to sell it.

Balthazar told witness that he had signed the deed because he was urged to it by Athanase Trichel and others of the family.

Cross-examined.

Says that Athanase, alias Pierre Trichel, always acted as the agent and friend of the Grappes in all their transactions. That they had confidence in him because he was always considered a respectable and honest man, and was the administrator or testamentary executor of the old man Grappe.

Re-examined.

Did or did not Athanase, alias Pierre Trichel, live in open concubinage with a sister of the Grappes, who signed the deed of sale to Brooks ?

Ans. Yes.

CESAIRE FONTENAU.

Sworn to and subscribed, on this 30th day of August, 1841, before me,
C. E. GRENEAUX, *Parish Judge.*

And, at the same time, also appeared Jacques Grappe, who was formerly examined in this case, who, being questioned again, answered as follows, on the part of Norriss :

Did you or did you not know the extent of your right at the time you sold ; and did not Trichel influence you in signing the deed ?

Ans. That, had he known the value and extent of his rights at that time, he would not have sold for that price. Trichel told him it was good, and to pass the deed, but never had any influence on him ; nor did he influence him in the signing of this deed.

Ques. Did or did you not believe, when you signed the deed for the Caddo lands, that you were signing one for the Camplé tract.

Ans. No. That when he signed the deed for the Camplé land he had already sold the Caddo tract.

Ques. Were or were not the other brothers absent when you signed the act of sale to Brooks ?

Ans. Yes, they were absent.

Ques. Did you or did you not see Pierre Trichel, or any other person, make the marks of the other brothers to the deed ?

Ans. That he saw no one make the marks.

Ques. From the circumstances, do you or do you not know that Mr. Brooks misrepresented the affair, and cheated you and the Government out of the land ?

Ans. No.

Ques. Did or did not Mr. Brooks obtain a deed of sale for the Caddo land prior to his going to Washington, and immediately after the treaty, and returned subsequently and obtained a second deed.

Ans. That he never signed but one act of sale for that land.

Ques. Why did you state on your last examination that you had passed a deed of sale to Brooks in the autumn directly after the treaty, and now state that there was but one deed passed ?

Ans. That he always said that there was but one deed for this land ; that he signed another paper, with all the other Grappes, to authorize Mr. Brooks to act for them in another land claim at Camplé.

Ques. Was or was not the contract first made with Brooks at the Caddo agency a few days after the treaty, and concluded at Natchitoches about two weeks after it?

Ans. No; that Mr. Brooks proposed to purchase the land from witness at Natchitoches, one or two weeks after the treaty.

Ques. Did or did not Mr. Brooks then offer you four thousand dollars and a negro for your Caddo land?

Ans. That Mr. Brooks asked him, laughing, whether he would take four thousand dollars and a negro for his Caddo land. Witness answered no. Brooks then told him to make his price. Witness said he would take six thousand dollars and a negro, which was acceded to by Mr. Brooks. This was a week or two after the treaty. That Mr. Brooks had no conversation with him on this subject in the autumn previous to his departure for Washington.

Ques. Did Athanase Trichel act as interpreter for you and Mr. Brooks in this transaction.

Ans. Yes.

Further states, being questioned, that some time before the treaty, the Caddo chief sent for witness, and told him to tell the American chief (Mr. Brooks) that, after taking out the land which had been reserved for him, (witness) that he (Brooks) might tell the great chief (the President) he could have the balance and remainder of the Caddo lands for eighty thousand dollars.

Cross-examined.

Ques. Is it or not to your knowledge that shortly after you sold to Brooks some of the settlers on the land threatened to put you in jail or give you some trouble for having sold to Brooks?

Ans. Yes; that Mr. Mahle threatened him.

Ques. Did you or did you not come to Natchitoches to consult Mr. Morse, your lawyer, on the subject?

Ans. Yes.

Ques. Did you or did you not state to Mr. Morse, at that time, that, though you had sold your land for less than its value, every thing was fair, and that you would abide by the bargain?

Ans. Yes.

Ques. How long have you been acquainted with Rush island?

Ans. That he has known it for the last fifty years.

Ques. Is or is not the lower end of Rush island bounded by a bayou called now "bayou Pascagoulà?"

Ans. Yes, it is.

Ques. Whether, during the time you have been acquainted with Rush island, it was or was not claimed by and considered as belonging to the Caddo tribe of Indians?

Ans. Yes.

Ques. Were the Indians in the habit of putting their horses on that island during the winter?

Ans. Yes; always.

Ques. State all you know concerning the claim, occupancy, and ownership of Rush island by the Caddo Indians previous to the treaty?

Ans. That all he knows is, that these Indians were in the habit of put-

ting their horses there; that the Caddo Indians never told him that they claimed this island as their property.

Ques. Did or did not the chief or chiefs of the Caddo Indians repeatedly tell you, prior to the treaty, that lands would be reserved to you, or to you and your brothers?

Ans. That they did tell him that he (witness) would have a reserve, but not his brothers.

Ques. Did the chiefs say positively that your brothers would not have lands reserved to them, or did they merely omit to mention them?

Ans. That his brothers names were not mentioned.

JACQUES GRAPPE, his + mark.

Sworn to and subscribed before me,

C. E. GRENEAUX, *Parish Judge.*

The 31st day of August, 1841, being the day fixed and agreed upon to close the testimony in this case, and no witness having appeared to be examined, I have closed and signed these presents, and have hereto affixed my official seal, at the town and parish of Natchitoches, on the day above written.

[L. s.]

C. E. GRENEAUX, *Parish Judge.*

[Appended to Doc. 25.]

CADDO TREATY.

APRIL 1, 1842.

Submitted to the House, and ordered to be printed.

Testimony of Captain J. Bonnell, taken before Ambröse Kirtland, Esq.

The said J. Bonnell, having been first duly sworn, testifies as follows:

1 In reply to the first interrogatory, he answers: I attended as a witness of a treaty made by Jehiel Brooks, a commissioner on the part of the United States, and the chiefs and councillors of the Caddo nation, (so said to be,) at the council-house in the Caddo country, on the 1st of July, 1835. I do not recollect signing any *supplemental articles* making reservations for the "Grappes," although it is possible I may have done so. I was ordered from Fort Jesup, Louisiana, to accompany Capt. Harrison's company, 3d infantry, and to attend the above-named treaty as a witness.

2d interrogatory, answers: I was present during the whole time of the treaty, during which time I took from the table a folded paper, with the intention of reading it. Mr. Jehiel Brooks, who sat by me, took hold of the paper, and said he wished I would not read it; that it contained reservations of land; and that there were some persons who expected reservations who would be disappointed, and, of course, very much disappointed. I told him that I was taking notes, and that I wished to see the document; but, as he insisted upon my not reading it, I returned it to him unread. Two or three chiefs and twenty-one or two councillors were assembled at the treaty, which was held on the stoop or piazza of the agency house. The articles of the treaty were read, one by one, I think by Mr. Brooks himself. The interpreter addressed the Caddoes each time, or as soon as an article was read, in the Caddo language. Whether it was correctly interpreted, I cannot say; but to each article they apparently consented. The interpreter was a young man by the name of Edwards. He was in bad health, and, I was told, subject to fits.

3d interrogatory, answers: I cannot at this time state whether Jacques Grappe, Balthazar Grappe, or Dominique Grappe, or either of them, were present at the treaty, or whether any of the heirs of François Grappe deceased, or any person to represent them, were there or not. I have no recollection of seeing, reading, or hearing read, the supplementary articles, or of seeing any claim presented.

4th interrogatory, answers: There were a number of white persons at and about the agency at the time of the treaty. Some appeared much dissatisfied; but whether Mr. Brooks had ordered them away, I cannot say. The treaty was held on the piazza, and many persons stood outside, on the ground. If any were ordered away by the commander of the troops, or other officer, I am not aware of it. I cannot state the names of any persons that may have been sent away.

5th interrogatory, answers: At the time I signed the treaty as a witness, I signed it only as witnessing the *signing* (by touching of the pen) of the chiefs and councillors there present; and I recollect to have been very particular in this respect, as I did not feel satisfied with the rapidity with which a matter of so much importance to the Indians had been carried through. I have no recollection of any reservations whatever.

6th interrogatory, answers: I suppose, from what Mr. Brooks told me, that his reason for having supplemental articles was for the purpose of preventing persons present who expected reservations, and who had not been provided for, from being acquainted with the fact. I heard several speak as if they expected reservations, and, by being unacquainted with what reservations the supplemental [articles] contained, they remained quiet, which would not otherwise have been the case.

7th interrogatory, answers: I do not recollect of reading, hearing read, or witnessing, said supplement.

8th interrogatory, answers: Both before and during the treaty, I heard several persons speak as if they expected reservations; but more generally one person would speak of the claims of another person. I saw a Mr. Irvine there; he was formerly a blacksmith to the Caddoes. He spoke very freely relative to Mr. Brooks, the reservations, and the treaty. An old Mr. Edwards was also there; he was formerly interpreter to the Caddoes. I recollect hearing that he refused to interpret on the occasion of this treaty.

9th interrogatory, answers: I know nothing relative to this question (the purchase of Brooks from the Grappes) at that time. The next year, 1836, being in that section of the country on duty, I heard that Brooks had made purchase of a reservation or reservations of land contained in the treaty of the 1st of July, 1835, for three or five thousand dollars; and that it had been well understood, at the time of the treaty, that if he (Brooks) would obtain a reservation for a certain person, he should have the same at a specified sum. These same lands were then said to be worth one hundred thousand dollars.

10th interrogatory, answers: The lands alluded to were said to be the finest and best in the Caddo purchase, and the best located. I do not know what they were worth at the time of the treaty.

11th interrogatory, answers: A brother-in-law of Mr. Brooks, a young man by the name of Queen, was present at the treaty. Mr. Brooks informed me that he had with him, stored in and about the agency, fifteen thousand dollars' worth of Indian goods; and that the merchants in that neighborhood told him he ought to receive at least *one hundred per centum* advance on such articles of merchandise. As Mr. Brooks made the treaty, he arranged one article so that thirty or forty thousand dollars of the purchase money should be paid in goods. So, accordingly, on the same day of the treaty, the store-houses were opened, and each Indian appeared

to take what pleased him—each one taking any and every thing that he chose.

12th interrogatory, answers: I do not know where the Grappes then resided.

13th interrogatory, answers: I cannot say positively whether any whites resided on the Indian lands or not. I saw several small cabins near the agency.

J. BONNELL,
Captain 8th infantry, late 1st Lieutenant 3d infantry.

I certify that the foregoing is a correct copy of the testimony of Capt. Bonnell.

JAMES COOPER,
Chairman Committee on Indian Affairs.

MARCH 31, 1842.