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Report : Petition of J. Ragan

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IN SENATE OF THE UNITED STATES.

FEBRUARY 9, 1846.

Submitted, and ordered to be printed.

Mr. JARNAGIN made the following

REPORT :

The Committee on Indian Affairs, to whom was referred the petition of John A. Ragan, for compensation as counsel in defending the interests of the United States in a certain controversy, have given to the subject their attention, and now present to the Senate the following report :

The petitioner states, that in March, 1840, he was engaged by the Hon. John Bell, at that time chairman of the Committee on Indian Affairs in the House of Representatives, as counsel on behalf of the United States in a certain controversy against Jehiel Brooks, Caddo agent, relative to the fraud alleged to have been committed by said Brooks, the commissioner who negotiated the treaty with the Caddo Indians, on the 1st of July, 1835; that he, petitioner, on behalf of the United States, attended promptly and faithfully to the case, and was laboriously and almost constantly occupied from the 5th of May, 1840, to the 31st August, 1841, in taking testimony and arguing law points before the commissioners who took the depositions. He thinks his services worth the sum of five thousand dollars, and asks to be paid that amount. That in consequence of the facts elicited by him, fraud was so clearly proven and established, that Congress passed an act on the 20th day of August, 1842, authorizing and requiring the district attorney of the United States for the western district of Louisiana to institute such legal proceedings in the proper court as might be necessary to vindicate the right of the United States to certain lands pretended to be reserved to named individuals in the Caddo treaty of the 1st of July, 1835; that suit was instituted, and has not been determined, but it is not stated that petitioner has had any thing to do with this suit, all his services having been rendered before its institution. He further states he has never received any compensation for his services from individuals, or from the United States.

To enable the committee to form an opinion as to the justness, and on the merits of petitioner's claim, they found it necessary to examine House report No. 1,035, from the Committee on Indian Affairs, at the second session of the 27th Congress. It appears that in February, 1840, one Samuel Norriss presented a memorial to Congress, stating that he was the claimant, occupant, and proprietor of a certain section of land on Rush island, in the Red river: that in 1835, one Jehiel Brooks, agent of the Caddo In-

dians, negotiated a treaty with said Indians, and fraudulently caused a reservation to be made to certain individuals by the name of Grappe, upon the lands claimed by the memorialist, but in fact for the benefit of said Brooks. The memorial prayed that Congress would thoroughly investigate the subject; would send for persons and papers, revoke and annul said reservation, and grant to the memorialist his right to said section of land. The matter was referred to the Committee on Indian Affairs of the House, of which the Hon. John Bell was at that time chairman. On the 7th of March, 1840, he informed Mr. Brooks that, by order of the committee, he had sent commissions to Robert V. Mayre, Esq., of the parish of Caddo, and the Hon. Charles E. Greneaux; of the parish of Natchitoches, "to take the examination of such witnesses as either party may bring before them." In this notice, the chairman says, "I am also directed to inform you, that if you desire to take the testimony of any persons not included in the list below, their depositions will be received, and considered by the committee, provided you will give notice of the time and place of taking them to Samuel Norriss or John A. Ragan, Esq., of Natchitoches." On the 19th of March, 1840, Mr. Bell, the chairman of the Committee on Indian Affairs, wrote to the Hon. Charles E. Greneaux, enclosing to him interrogatories; with a request that he would take the depositions of any witnesses who might be brought before him by Jehiel Brooks or Samuel Norriss. In this letter Mr. Bell says, "I am advised that John A. Ragan, Esq., of Natchitoches, will attend to the examination of the witnesses in behalf of Norriss, if applied to." It does not appear Mr. Bell ever wrote to Mr. Ragan, or engaged his services. Why should he have done so, when the proceedings in which the depositions were wanted were not on behalf of the United States, but at the instance and on the memorial of Samuel Norriss? If Mr. Bell had engaged an attorney, why was it that he prepared and sent to the commissioner appointed to take depositions sundry interrogatories, and did not transmit them to his attorney? Between him and Mr. Ragan there does not appear to have been any correspondence, much less an engagement that the latter should render services to the United States. He was the attorney of Norriss, from whom, no doubt, Mr. Bell learned he would attend to-taking depositions. How did Mr. Ragan understand his own character and position? From the depositions it appears he was recognised as the attorney of Norriss by the commissioner, for in most of them we find the following: "Questions propounded by J. A. Ragan, for Samuel Norriss." In no instance did he represent himself as the agent or attorney of the United States. On the 5th of May, 1840, he entered into the following agreement: "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 Hon. C. E. Greneaux, which answers are taken by commission, to be laid before the Committee on Indian Affairs; and acknowledge that we have not been regularly notified to attend the taking of said depositions. Done at the town of Natchitoches, at the office of C. E. Greneaux, parish judge of said parish, on the day and year above written.

J. BROOKS.

JOHN A. RAGAN,

Attorney for S. Norriss."

Yet, strange as it may appear, now he says he was attending to this business for and on behalf of the United States, and claims five thousand dollars for his services. He has certainly been a very indulgent creditor, for, although his services were rendered in 1840 and 1841, he has not even asked for compensation till October, 1845, the date of his memorial. He says he has not been remunerated by the United States, or by individuals. The committee think he has himself, or the insolvency of his client, to blame for this, and it furnishes no reason why the United States shall assume the debts of Samuel Norriss. It may be, and no doubt is true, that the investigation on Norriss's petition led to the passage of the act of Congress of the 20th of August, 1842, directing legal proceedings on behalf of the United States, against Jehiel Brooks, for Rush island, in the Red river; but Mr. Ragan has not been retained as counsel in these proceedings, and has no claim against the United States for services rendered to Samuel Norriss, although those services may have led to the assertion of a right on the part of the United States. The committee will refrain from further comment, and, entertaining the opinions here expressed, recommend the adoption of the following resolution :

Resolved, That the prayer of John A. Ragan ought not to be granted, he having no claim against the United States for professional services.