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Report : Petition of the Sureties of F. St. Vrain

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IN SENATE OF THE UNITED STATES.

JANUARY 13, 1846.

Submitted, and ordered to be printed.

Mr. PENNYBACKER made the following

REPORT :

[To accompany bill S. No. 7.]

The Committee of Claims, to whom was referred the petition of Pierre Menard, Josiah T. Betts, Jacob Feaman, and Edmund Roberts, sureties of Felix St. Vrain, deceased, late Indian agent, praying to be reimbursed the amount of a judgment obtained against them by the United States, with bill S. 7, report :

That they have carefully considered the case, and have come to the conclusion that the petitioners are entitled to relief, for the reasons set forth in a report by the Committee of Claims of the 16th of April, 1844, herewith filed as a part of this report, and that they report to the Senate the bill referred to the Committee on the 28th of December last, but with an amendment.

The Committee of Claims, to whom was referred the petition of Pierre Menard, Josiah T. Betts, Jacob Feaman, and Edmund Roberts, securities of Felix St. Vrain, deceased, late Indian agent, praying the reimbursement of the amount of a judgment obtained against them by the United States, report :

That in May, 1832, and before, Felix St. Vrain, of the State of Illinois, was agent for the Winnebago Indians, and that the petitioners were his securities, bound for the faithful discharge of his duties, and responsible for his pecuniary engagements with the government of the United States. His proper station was at Rock island, the Indian frontier, but his acquaintance with the Indians and his office connected him necessarily with the army of General Atkinson, who was then making war upon the tribes of the Sacs and Foxes under the command of Black Hawk. Under these circumstances, he was ordered by the commander of the American forces, in the beginning of May, 1832, to accompany the army in his capacity of Indian agent, from the station at Rock island to Dixon's ferry, on Rock river. On an advance movement of the army, in a few days after their arrival at the latter place, Mr. St. Vrain, accompanied by five or six other

individuals, by command of General Atkinson, set out on his return to the agency with public despatches to the Secretary of War. On their route homeward, he and his escort were waylaid and attacked by a war party composed of Sac and Fox and Winnebago Indians, and all of them butchered but two, who fortunately escaped by the fleetness of their horses. Mr. St. Vrain was of the slain. His remains were found and recognised a few days afterwards by a detachment of American troops, with the head, feet, and hands separated from the trunk, and his heart taken out of the body, and all carried away by the savages as trophies of war. Some of his clothes were also found near his body, with a pocket-book and a few private papers; but his saddle-bags, in which he was supposed to have carried his vouchers and public papers, were never recovered. The reasonable presumption is, that they were taken off by the Indians, with their contents, and afterwards destroyed.

The committee further report, that subsequent to the death of Mr. St. Vrain, the United States sued the petitioners as his securities, in the circuit court of the United States in the Illinois district, and on the 28th of November, 1838, recovered judgment against them, in damages and costs, to the amount of \$1,428 38. On the 13th December, 1839, this judgment was fully paid and discharged; and the petitioners, under all the circumstances, pray to be refunded the sum so paid, with legal interest.

The justice of this demand must depend upon the strength and probabilities of the proof which is offered to the committee to show that the agent was not in fact a defaulter. On that score nothing positive is submitted to their consideration. The strongest presumptive evidence, however, is relied upon; and, under all the circumstances of the case, the committee believe it is strong enough to justify them in recommending the relief which is prayed for by the petitioners. It is clearly proved, and from the most respectable and unquestionable quarters, intimate and old acquaintances of the deceased, that Mr. St. Vrain was, in the language of one of the witnesses, now a Senator in Congress, "a gentleman of the highest sense of honor, of the strictest integrity, of the most correct business habits, a faithful public officer, and one that would scorn to appropriate to his own use money intrusted to him by the government." Another witness, who held a high rank in the army at the time of Mr. St. Vrain's death, and who is now a territorial delegate, states, that from his personal knowledge of the character of the agent for honesty and integrity, he does not hesitate to declare that he could not have been a defaulter. This witness thinks it probable that he had his vouchers in his saddle-bags for their better security, as the people around the agency had abandoned the country, and retreated for safety to the interior settlements. The committee think so too; and, estimating the unblemished character of the agent, his habits of honor and propriety, the circumstances under which he was compelled to leave his agency and accompany the army, together with the manner of his death and robbery, they believe that he was not justly indebted to the government, and that it will be an act of justice to restore the recovery against his securities.

In corroboration of this opinion, the committee state, that, from a report made to them by the Second Auditor, it appears that neither Mr. St. Vrain nor his securities have been credited by the amount due the former on account of services from the 1st of January, 1832, to the 10th day of May, 1832, when he was killed. His annual salary was \$1,200; and this ad-

mitted fact shows a balance on that score against the government of \$427 40. It also appears, from the papers accompanying the Second Auditor's report, that of the moneys for which the petitioners have been charged as securities, the sum of \$200 was no doubt properly disbursed by Mr. St. Vrain a short time before his death. The evidence of this fact is found in the following endorsement, entered in pencil marks on one of the vouchers against the deceased, to wit: " \$200 of the within paid to Mr. Faruham, to hand to gun and blacksmith—9th May, 1832." This endorsement, as the Auditor states, is in the handwriting of Mr. Ruland, clerk to General William Clark, the officer of government from whom Mr. St. Vrain was in the habit of drawing the moneys it was his duty to disburse.

Impressed with the accuracy of these views, and with the facts above stated, the committee do not hesitate in their conclusions, and they accordingly report a bill for the relief of the petitioners.