

2-9-1852

## On the Case of L. Thomas and T. Rogers

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S. Rep. No. 71, 32nd Cong., 1st Sess. (1852)

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 9, 1852.

Ordered to be printed.

Mr. ATCHISON made the following

REPORT:

[To accompany bill S. No. 198.]

The Committee on Indian Affairs have examined the claim of Lewis A. Thomas and Thomas Rogers, against the government of the United States, for professional services in defending two Indians of the Sissiton band of Sioux, indicted for the murder of white men in the district court for the Territory of Iowa, in the year 1845, and find the following facts:

In the summer of the year 1844, an attack was made by a war-party of Sioux of the Sissiton band, upon a company of white men from the State of Missouri, in charge of a drove of cattle destined to be delivered at Fort Snelling. The white men, it seems, had missed their way to the fort, and travelled some hundred or two hundred miles north of the fort, where they were met by the war-party of Sioux, and attacked by them, as it was afterwards ascertained, under a mistake; several white men were killed before the mistake was discovered. Two of the Indians engaged in the affair were taken by Captain Sumner, in command of a company of dragoons, and delivered over to the civil authorities of the Territory for trial. The Indians were indicted in the district court for the Territory of Iowa, held in the county of Dubuque, on the 11th of August, 1845. The petitioners were assigned by the court as counsel for the defence of said Indians; which duty they performed in a very satisfactory manner. It is also shown that they were at considerable expense in procuring testimony for the prisoners; for which services and expense they claim from the United States the sum of five hundred dollars.

The committee are of opinion that, inasmuch as the Indians receive no benefits from the government, and have no means of compensating the claimants for their services, or indemnifying them for money expended in their defence, the government of the United States, both as a matter of equity and policy, should assume and pay the demand of the petitioners; and for that purpose, they report a bill.