

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

6-11-1870

Claim of Black Beaver, a Delaware Indian. Letter from the Secretary of War in relation to the claim of Black Beaver, a Delaware Indian

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

H.R. Exec. Doc. No. 290, 41st Congress, 2nd Sess. (1870)

This House Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

CLAIM OF BLACK BEAVER, A DELAWARE INDIAN.

LETTER

FROM

THE SECRETARY OF WAR

IN RELATION TO

The claim of Black Beaver, a Delaware Indian.

JUNE 11, 1870.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington City, June 4, 1870.

SIR: I have the honor to transmit, for the consideration of Congress, the accompanying papers, constituting the claim of Black Beaver, a Delaware Indian, for losses sustained in consequence of his serving as guide to United States troops commanded by Major (now General) Emory, from the Indian country to Fort Leavenworth, Kansas, at the breaking out of the rebellion in 1861.

The value of the services rendered by Black Beaver, and unquestionably proved, together with the severe consequences to him of his patriotic conduct, appear to fully warrant that so much of the claim as the appropriate committee may find on inquiry to be just should receive favorable action.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 6, 1870.

SIR: The accompanying papers, constituting the claim of Black Beaver, a Delaware Indian, referred to in the accompanying copy of a letter of the 25th ultimo, from the Commissioner of Indian Affairs, are herewith transmitted for the consideration of the honorable the Secretary of War.

Very respectfully, your obedient servant,

J. D. COX,
Secretary.

Hon. SECRETARY OF WAR.

DEPARTMENT OF THE INTERIOR, INDIAN OFFICE,
Washington, D. C., April 25, 1870.

SIR: I have the honor to transmit herewith the claim, and papers relating thereto, of Black Beaver, a Delaware Indian, for losses sustained in consequence of services rendered in guiding the United States troops under General Emory from the Indian country to Fort Leavenworth, in the year 1861.

These papers have been pressed upon the attention of this office by Messrs. C. E. Mix & Co., claim agents of this city, who now request that the Secretary of the Interior will transmit them, with his indorsement, to the Secretary of War, to be by him referred to Congress for settlement.

I beg to say, while complying with the request of the claimant, and believing that he is entitled to compensation for his services, if not already paid, as well as for losses he may have sustained by reason of those services, that in my opinion where losses have been sustained, or services rendered in aid of the military authorities, the adjudication of such claims properly belongs to the War Department, and if upon investigation they are found to be just, it is the province of that department to recommend them to the favorable action of Congress.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. J. D. Cox,
Secretary of the Interior.

DEAR SIR: I take the liberty of addressing my grievances to you, and of respectfully asking your advice in a matter in which I am earnestly concerned. I would represent that I am an Indian belonging to the Delaware tribe. That I have been in the employ of the government all or nearly all of the time since the commencement of the Mexican war. During the Mexican war I was captain of a company of Delawares and Shawnees in the United States Army; since that time up to the commencement of the last war, I have been employed as guide and interpreter by the different commanding officers at the posts of Arbuckle and Fort Cobb, in the Indian Territory, and by the superintendent and agents for the Indians in the vicinity of Forts Cobb and Arbuckle, as can be attested by Generals Marcy, Emory, Sturgis, Stanley, and Sackett, and any or all of the military officers stationed at the aforementioned posts prior to the war, as also Ex-Superintendent Rector of Arkansas, and all of the United States Indian agents in that locality. I was at the post of Fort Arbuckle for about five years, and the post of Fort Cobb one year, immediately preceding the last war, and during that time had invested all of my means and earnings in cattle and hogs, and had, at the breaking out of the war, a large stock of cattle and hogs, as will be attested by some if not all the aforementioned persons.

In the spring of 1861, General Emory requested me to guide his command, as also the combined commands from Forts Smith, Cobb, and Arbuckle, to Fort Leavenworth, Kansas, which I did; but hesitated about leaving my stock until General Emory assured me that I should be paid by the United States for my losses, and on that representation I complied with his request, and came with his command to Fort Leavenworth, Kansas, and remained there until the war ceased. When I visited my old place, I found that my stock was all gone, some of the cattle having been killed by the wild Indians and some by the southern army.

About two years since I acquainted United States Indian Agent Shanklin with the facts, and asked him to adopt measures for procuring my pay for me. He (Shanklin) was agent for the affiliated bands of Indians in the southern superintendency, and I was at the time employed as interpreter under his directions. I have had no word from him in the matter, and do not know whether he made any effort in my behalf or not. I, therefore, make this request at your hands, hoping that, if it may not be in your province to give attention to such matters, you will advise me as to the best course to pursue to get my dues.

I am now an old man, (upward of sixty years old,) and too feeble to earn a livelihood, and what is justly due me from the government is all that I have to depend on in my old days. Most if not all of the officers before named are well acquainted with me and can vouch for the correctness of my statements.

As to the extent and nature of my claim, I can furnish abundant proof, as many persons of my acquaintances before the war are at their old places.

I would respectfully ask that you make inquiry of General Marcy or General Emory as to my character and claim, and that you would advise me as to the best course to pursue in the premises. I have never realized one cent from the property I abandoned, and am now in need. I do not think that Agent Shanklin has made any effort whatever in my behalf; or, if he has, it has been done in such an indirect manner that he has either accomplished nothing or failed to advise me of the result.

I have the honor to be, very respectfully,

BLACK BEAVER.

Address box 22, Baxter Springs, Kansas.

Hon. COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

THE UNITED STATES

TO BLACK BEAVER,

DR.

For property lost on the False Washita River, near Forts Arbuckle and Cobb, in the Indian Territory, west of Arkansas, by being abandoned in the spring of 1861, for the purpose of guiding the troops under the command of Major Emory and Captain Sackett, United States Army, from their camps on the False Washita River, Indian Territory, to Fort Leavenworth, Kansas, under a promise made by Major Emory, in the presence of Captain Sackett and Lieutenant Stanley, that the property would be paid for by the government of the United States, to wit:

250 head cows and calves, at \$12	\$3,000
200 head steers and heifers, from one to three years old, at \$10 ..	2,000
150 head steers, from four to nine years old, at \$20	3,000
3 mares, at \$60	180
1 stallion	150
1 mule	100
300 head hogs, from one to seven years old, at \$3	900
1 ambulance	100
1 two-horse wagon	150
1 set ambulance harness	35
1 large steel prairie plow	50
4 one-horse plows, at \$12	48
4 sets plow gears, at \$5	20

1 clock	\$15
2 pairs bedsteads, at \$10	20
1 leather trunk	15
1 fine broadcloth coat	20
2 pairs fine broadcloth leggins, fancy trimmed, at \$15	30
2 fine bead shot-bags, at \$25 each	50
1 cooking stove, with vessels complete	35
1 large wash kettle	15
1 sack coffee, 165 pounds, at 20 cents	33
1 barrel sugar, 260 pounds, at 15 cents	39
1 chest carpenter tools	60
1 whip saw	12
1 walnut round table	5
12 chairs, at 50 cents	6
1 house, hewed logs, four rooms entry between; porch length of the whole	500
Rails, and improvement of ninety acres land	400
4,500 bushels corn, at \$2 50 per bushel (?)	11,250
	<hr/>
	22,268
	<hr/> <hr/>

TERRITORY WEST OF ARKANSAS, *Chickasaw Nation, ss :*

On this 24th day of November, 1869, personally appeared before me, S. L. Woodward, first lieutenant and adjutant Tenth United States Cavalry, brevet major United States Army, Black Beaver, of the Delaware tribe of Indians, who, after being duly sworn according to law, deposes and says: That under a promise made by Major Emory, in the presence of Captain Sackett and Lieutenant Stanley, and others of the United States Army, in the spring of 1861, he consented to abandon the property named in the foregoing account, valued to \$22,268, and guide the troops under their command from their camps on the False Washita, in the Indian Territory west of the Arkansas, to Fort Leavenworth, in the State of Kansas; and in consequence of so doing the property was lost and destroyed; and that he has never received compensation for it, or any part thereof, at any time or from any source whatever.

BLACK ^{his} + BEAVER.
mark.

Witness:

- WM. H. BECK,
First Lieut., R. Q. M., Tenth Cavalry.
- JOHN SHIRLEY.
- H. P. JONES,
United States Interpreter.

Sworn and subscribed to before me the day and year aforesaid.

S. L. WOODWARD,
First Lieut. and Adj. Tenth U. S. Cav., Bvt. Major U. S. A.

On this 24th day of November, 1869, at Fort Sill, Indian Territory, personally appeared before me, a commissioned officer of the United States army, Horace P. Jones, United States interpreter, who, after being duly sworn, deposes and says: That he is personally acquainted with Black Beaver, and was for some years prior to the year 1861, and firmly believes that he owned the property named in the foregoing account; and that the valuation placed upon it is a fair valuation, and his

statement in relation to the loss of it is true in every particular; and that he does not know of his ever receiving any compensation for it or any part of it, from any source whatever.

H. P. JONES,
United States Interpreter.

Witness:

WILLIAM H. BECK,
First Lieut., R. Q. M. Tenth Cavalry.

Sworn and subscribed to before me, this 24th day of November, 1869.
S. L. WOODWARD,
First Lieut. and Adj't, Tenth U. S. Cav., Bvt. Major U. S. A.

On the 24th day of November, 1869, at Fort Sill, Indian Territory, personally appeared before me, a commissioned officer of the United States Army, John Shirley, of Cherokee Town, Chickasaw nation, Indian Territory, who, after being duly sworn, deposes and says: That he is personally acquainted with Black Beaver, and was for some years prior to the year 1861, and firmly believes that he owned the property named in the foregoing account; and that the valuation placed upon it is a fair valuation, and his statements in relation to the loss of it is true in every particular; and that he does not know of his ever receiving any compensation for it, or any part of it, from any source whatever.

JOHN SHIRLEY.

Witness:

WILLIAM H. BECK,
First Lieut., R. Q. M. Tenth Cavalry.

Sworn and subscribed to before me, this 24th day of November, 1869.
S. L. WOODWARD,
First Lieut. and Adj't Tenth U. S. Cav., Bvt. Major U. S. A.

FORT MCPHERSON, March 19, 1870.

This is to certify that the estimate made by me of Black Beaver's losses, appended in a postscript to my letter addressed to the honorable Commissioner of Indian Affairs, of June 12, 1869, was made without any precise knowledge of his actual losses, my aim being to come within the limit due him by the United States, and I knew I was probably within the limit, as I had seen on his place a quantity of stock and farming fixtures, utensils, &c.; but the precise amount I did not know then and do not now know. My estimate was based on what I thought could and would be allowed without possibility of doing injustice to the United States. It was not my intention to make any estimate at all; but, if my recollection serves me, it was brought about in this manner: After visiting General Parker and urging on him the justice and necessity of keeping faith with Black Beaver, and compensating him for his actual losses and the eminent services he rendered, and in the absence of being able to find any record of the numerous applications I had made in Black Beaver's behalf, General Parker asked me to a table, to put in writing my statement to him. I did so; and my letter of June 12, 1870, was that statement. After reading the letter, General Parker suggested I would name some amount that was reasonable, and that he might be able to pay it out of the two millions placed in the hands of the President for the general purpose of Indians. The statement of some amount was essential to his action. Under these circumstances, and knowing Black Beaver's extreme want and destitution at that time, and the necessity there was for immediate relief, I did not hesitate to

name a sum which I considered far within the limits of what was due him, in my opinion, for his services alone. The extrication of the command, of which Beaver was the guide, from the frontier of Texas and the country of the rebellious Indians acting in sympathy with the South, which I was enabled to do by the aid of Black Beaver, had a momentous effect in favor of the Union party on the destiny of Kansas and the State of Missouri, and I exceedingly regret Beaver's claims have not been before acknowledged. He could at no time during the war, or for some time after, have returned to his own home without instant assassination. I, of course, can have no knowledge of the items of property lost by Beaver or the precise amount, but his character for veracity and honesty would lead to believe any statement he would make.

W. H. EMORY,

Colonel Fifth U. S. Cavalry, Brevet Major General U. S. A.

WASHINGTON, June 12, 1869.

GENERAL: I have read carefully the letter of Black Beaver, the Delaware guide, dated Baxter Springs, Kansas, June 3, 1869, and I hereby certify that it is every word true, and I exceedingly regret that the government has so far neglected the claim of this worthy and patriotic man who has rendered such eminent and valuable services.

When the war broke out I was in *quasi* command of the troops in the Indian country on the northern frontier of Texas; that is to say, I was to take command and withdraw the troops only in case Arkansas *passed the act* of secession. She never passed that act before proceeding to actual hostilities, and to the attempt to capture the troops stationed in the Indian country, so that, when I got information of what was going on, I was obliged to act without orders from the government. Orders subsequently arrived, but not until long after the step was taken which I now describe, and in which Black Beaver rendered such essential service. That step was to concentrate all the troops at Arbuckle, and withdraw them *en masse*. Before the concentration was effected, I learned, from undoubted authority, that four thousand rebels from Texas were marching directly on me, and that some two thousand from Arkansas were moving to strike my flank.

This compelled me to seek, with my comparatively small command, the open prairie. To do this guides were essential, and of all the Indians upon whom the government had been lavishing its bounty, Black Beaver was the only one that would consent to guide my column. He was then living near Fort Arbuckle, in a comfortable house, surrounded by his family, with a small farm well stocked with cattle and horses, and a field of corn. All these he abandoned to serve the United States, with a full knowledge that in doing so his horses and cattle would be seized by the enemy and his property destroyed; and such was the case, and Black Beaver has never returned to his home; and it is my belief, if he was now to return, he would be murdered by the bad white men who, in 1861, instigated the Indians to go into rebellion against the United States, and whom he so greatly offended by guiding my command through the prairies in safety to Fort Leavenworth.

I need not say how invaluable were his services and great his sacrifices on that occasion. He was the first to warn me of the approach of the enemy, and give me the information by which I was enabled to capture the enemy's advance guard, the first prisoners captured in the

war. I cannot too urgently press upon the honorable Commissioner the justice of his claim, and the pressing necessity there is for doing something at once to relieve the wants of this aged and worthy man.

I have the honor to be, your obedient servant,

W. H. EMORY,
Brevet Major General United States Army.

I estimate Black Beaver's losses at about five thousand dollars.

W. H. EMORY.

General E. S. PARKER,
Commissioner of Indian Affairs.