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James Bourdeau and Clement Lamoureaux. Letter from the Secretary of the Interior, transmitting claims of James Bourdeau and Clement Lamoureaux, for depredations by Sioux Indians.

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JAMES BOURDEAU AND CLEMENT LAMOUREAUX.

LETTER

FROM

THE SECRETARY OF THE INTERIOR.

TRANSMITTING

*Claims of James Bourdeau and Clement Lamoureux, for depredations by
Sioux Indians.*

JANUARY 26, 1871.—Referred to the Committee of Claims and ordered to be printed

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 26, 1871.

SIR: I have the honor herewith to submit for the consideration and action of Congress, under the provision contained in the 4th section of the act of July 15, 1870, making appropriations for the Indian Department, the papers in the case of the claim of James Bourdeau and Clement Lamoureux, for depredations committed by Sioux Indians in 1865.

A report of the Commissioner of Indian Affairs, dated the 21st instant, in relation to the claim, is also herewith transmitted.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

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

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 21, 1871.

SIR: I have the honor to transmit herewith the papers in the case of the claim of James Bourdeau and Clement Lamoureux, for depredations by Sioux Indians in 1865.

The claim is for the value of 36 cattle killed near Fort Laramie, in April, May, and June, 1865; and 106 cattle and 47 horses, taken at Horse Creek, in June of the same year, amounting in the aggregate to \$14,960.

It is the opinion of this office that the case is well sustained as to the fact of the depredation, and as to the number of cattle and horses killed or taken, as alleged. Eleven of the chiefs and headmen of the Sioux, in open council, in June, 1866, and before the United States Indian agent,

Vital Jarrot, acknowledged the depredation, saying their people had taken and carried away "200 head of cattle and a great many horses and some mules," and that over 100 of the cattle and near 50 horses bore the brand of Mr. Bourdeau. Some discrepancy exists in the testimony as to the number of the cattle taken near Laramie; one affiant, Jacob Herman, who was an employé of the claimant, testifying that 35 were taken, while claimant and the other affiants give the number as 36; so also this affiant testifies that the horses were worth \$115 each; the others depose they were worth \$200.

The question is whether a too high value has not been placed upon the property, 106 of the cattle being valued at \$60, and the rest (26) at \$100 each; 7 of the horses at \$200, and the remainder (40) at \$100 each. Taking the value of property of this character, as allowed by the Department in the past year or two, in several cases of depredation claims, I would suggest that perhaps a mean of these values would be just and equitable, or, that they be determined as follows: 106 cattle, at \$40, and 26 at \$60 each, making the value of the cattle to be \$6,200; and 7 horses at \$150, and 40 at \$75 each, making their value to be \$4,050; the whole amounting to \$10,250.

I respectfully submit the case for your consideration, and recommend that it be laid before Congress for the action of that body, under the provision relating to claims for depredations by Indians, contained in the 4th section of the act of July 15, 1870, making appropriations for the Indian Department.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

FORT LARAMIE, July 19, 1866.

SIR: I have the honor to forward you all the papers in relation to the claim of James Bourdeau and Clement Lamoureux. I presented said claim to the chiefs of the Sioux, as desired by the claimants, and received for answer that the claim was just and that they would desire to pay it, but protested that they had no means to do so. They desired me (as they frequently did in the council with the Northwest Commission) to say to their Great Father that they felt a desire that this claim should be paid. All of which is most respectfully submitted.

Very respectfully, your obedient servant,

VITAL JARROT,
United States Indian Agent.

Hon. D. N. COOLEY.

Petition of James Bourdeau, in the matter of the claim of James Bourdeau and Clement Lamoureux against the Sioux Indians for horses and cattle stolen by said Indians.

To Vital Jarrot, United States Indian Agent of the Upper Platte Agency, in Dakota Territory: Your petitioner, James Bourdeau, respectfully represents that he has been living on the Platte, about nine miles from Fort Laramie, for many years, and that during the last few years (say five years) he and Clement Lamoureux have been living at said place keeping a ranch and raising cattle and horses; and that they have been, during said period, doing business as partners. That during the months of March, April, May, and June, of the year 1865, the Sioux camped near Fort Laramie—continued killing his cattle till they had killed thirty-six head, of the value of sixty dollars each, the property of your petitioner and his partner. That afterward, at Horse Creek, on the 14th day of June, the same Indians took at Horse Creek, about forty miles from Fort Laramie, and drove away, one hundred and six head of cattle and forty-seven horses, the property of your petitioner and said partner; that twenty-six of said cattle were large oxen, worth one hundred dollars apiece; that the other eighty were young steers,

cows, and heifers, of the value of sixty dollars each; and that seven of said horses were large horses and were worth two hundred dollars each, and that the other forty were worth one hundred dollars each. Your petitioner further says that the said Indians appropriated all said property to their own use, and has been a total loss to your petitioner and partner; that your petitioner or partner has never sought or obtained private revenge against said Indians, nor have they ever received from said Indians or any other sources any compensation for said losses. Your petitioner, therefore, asks that this our claim, amounting to fourteen thousand nine hundred and sixty dollars, be by you presented to the chiefs of the Sioux, and demand be made of payment from them; and that afterward you forward this petition, the answer of the chiefs, with all the depositions we propose to take before you in support of this claim, to the Commissioner of Indian Affairs at Washington, and that you accompany the same with such statements as you may deem it your duty to make in the premises.

JAMES BOURDEAU.

In the matter of the claim of James Bourdeau and Clement Lamoureux against the Government of the United States and the Sioux Indians, for loss of stock at Horse Creek and elsewhere, near Fort Laramie, Dakota Territory, by said Sioux.

TERRITORY OF DAKOTA, Fort Laramie :

Jacob Herman, being first duly sworn, deposes and says that he is well acquainted with James Bourdeau and Clement Lamoureux; that for the last five years said Bourdeau and Lamoureux have been doing business in partnership, and have been living about nine miles from Fort Laramie, in Dakota Territory, keeping a store and raising horses and cattle; that this deponent has been engaged most of the said five years by said Bourdeau and Lamoureux, as a blacksmith, when smith-work was to be done, and keeping their accounts and attending to their stock, when not engaged in the shop. Deponent says that a large number of Indians were collected in the vicinity of Laramie and kept there by the military commander, and not being half fed, from March till June, they continued to kill the cattle of said Bourdeau and Lamoureux during that time, to wit, from March till June, A. D. 1865, till they had killed thirty-five head of cows and steers of the value of sixty dollars each; that in June, 1865, by order of General Connor, said Indians, about one thousand in number, (Ogalallas and Brulé Sioux,) were started to Kearney, under a military escort, commanded by Captain Foust, of the Seventh Iowa Cavalry Volunteers; that said Bourdeau, Beauvais, Jott, this deponent, and other citizens availing themselves of said escort, started and traveled with, and subject to the orders of said Foust; that when starting from Horse Creek, about thirty-five miles from Fort Laramie, on the morning of June 14, 1865, said Captain Foust and command became engaged in a fight with said Sioux, and that said Sioux, after repulsing said command and driving them from the field, stole and drove away a great number of cattle and horses belonging to said citizens then traveling with the command; that among the number of horses and cattle then and there taken by said Indians, were twenty-six oxen, worth then and there one hundred dollars each, eighty head of steers and cows, of the value of sixty dollars each, and forty-seven horses, of the value of one hundred and fifteen dollars each, the property of said Bourdeau and Lamoureux. This deponent further says that he knows from the Indians themselves that they did not take said stock for any wrongs or ill-treatment from said Bourdeau, but want and necessity, as they allege, was the principal cause of their then and there taking the stock of said citizens, and further says not.

JACOB HERMAN.

Sworn to and subscribed before me, this 27th of June, A. D. 1866, at Fort Laramie, Dakota Territory.

VITAL JARROT,
United States Indian Agent.

In the matter of the claim of James Bourdeau and Clement Lamoureux, partners, against the United States, for losses by them sustained from depredations of said Indians, Sioux and Cheyennes.

TERRITORY OF DAKOTA, Fort Laramie :

Geminien P. Beauvais, being first duly sworn, on oath deposeseth and saith that he has for many years been doing business and living five miles east of Fort Laramie, and about four miles of the residence of James Bourdeau and Clement Lamoureux, in Dakota Territory, and that said Bourdeau & Lamoureux, being his nearest neighbors and engaged in the same kind of business, to wit, keeping a store and dealing in cattle and horses, they necessarily were familiar with each other's business and knew each other's stock.

This affiant says that whilst he himself, said Bourdeau, Jott, Reynolds, and others were traveling with and subject to the command and orders of Captain Foust, of the Seventh Regiment of Iowa Volunteers, who was then escorting about one thousand Sioux to Fort Kearney, on the 14th day of June, A. D. 1865, the said Sioux revolted and became engaged in a fight, resulting in the killing of said Foust and three privates, and driving his command from the field; that then the said Sioux drove away a large number of horses, cattle, and mules belonging to this affiant, Bourdeau & Lamoureux, partners, Jott, and others; that among the number thus driven away by said Indians was one hundred and six head of cattle, thereabout, and forty-seven horses, the property of the said Bourdeau & Lamoureux; that twenty-six head of the said cattle so taken and driven away by said Indians were oxen, of a good quality and of the value of one hundred dollars per head, and that the other eighty head were beef cows, of the value of sixty dollars each; and that seven of the said horses so taken by the said Indians at said Horse Creek were fine horses, of the value of two hundred dollars each, the property of said partners, Bourdeau & Lamoureux; and that the other forty (40) horses, so taken as aforesaid, were of good quality, and of the value of one hundred dollars each.

This affiant further says that the said Bourdeau & Lamoureux, partners, also lost by said Sioux Indians, in the spring of 1865, from March up to the 12th of June, 1865, some thirty-six head of cattle, consisting of oxen, cows, and heifers, and of an average value of sixty dollars each; that the said Indians had frequently acknowledged the taking and killing said cattle, and that the Indians were encamped in the vicinity of Fort Laramie in a starving condition.

This affiant further says that he has never before or since the perpetration of the afore-mentioned thefts by said Indians known of any acts of said Bourdeau & Lamoureux calculated to irritate or provoke said thefts; but, on the contrary, said Indians, in acknowledging their acts, plead that necessity and want impelled them, and, not having the means themselves to indemnify them, they desire the Government to do so; and further he saith not.

GEMINIEN P. BEAUVAIS.

Signed in my presence and acknowledged by me this 26th day of June, A. D. 1866.

VITAL JARROT,
United States Indian Agent.

In the matter of the claim of James Bourdeau and Clement Lamoureux against the Government of the United States and the Sioux Indians, for loss of stock at Horse Creek and elsewhere, near Fort Laramie, in Dakota Territory, by said Sioux.

TERRITORY OF DAKOTA, *Fort Laramie, ss:*

James Bourdeau, being first duly sworn, on oath deposeth and saith that Clement Lamoureux and this affiant are and have continued partners since A. D. 1860, doing business about nine miles east of Fort Laramie, in the Territory of Dakota; and that on the 14th day of June, A. D. 1865, this affiant and the said Lamoureux, as such partner, owned and had in their possession at Horse Creek, in said Dakota Territory, about one hundred and sixty head of cattle and about fifty head of horses; that this affiant was then traveling with said stock in company with, and under the directions and orders of, Captain Foust, of the Seventh Iowa Cavalry Volunteers; that said Foust was engaged in taking to Fort Kearney about one thousand Sioux Indians, Ogalallas, and Brulés; and that on the day above stated, at said Horse Creek, the said Indians rebelled and became engaged in a fight with said Foust and command; that, after killing said Foust and driving his command, said Indians forcibly took and drove away one hundred and six head of the said cattle and forty-seven horses, the property of the said Bourdeau and Lamoureux. That twenty-six head of the said cattle so taken and driven away by said Indians, were oxen of a superior quality, of the value of one hundred dollars per head, and that the other eighty head were beef cows, of the value of sixty dollars each; and that seven of the said horses so taken by the said Indians, at said Horse Creek, were fine horses, of the value of two hundred dollars each, the property of said partners, Bourdeau & Lamoureux, and that the other forty horses so taken, as aforesaid, were of good quality, and of the value of one hundred dollars each. This affiant further says that he and his said partner also lost by said Sioux Indians, between the 10th day of March, A. D. 1865, and the 12th day of June of the same year, at various places in the vicinity of said Fort Laramie, in said Territory, thirty-six head of cattle, consisting of cows, steers, and heifers, ranging from two to six years old, and of an average value of sixty dollars each; that the said Indians had frequently acknowledged the taking and killing said cattle, and that this affiant has seen a considerable number of said last-named cattle dead, with arrows in their carcasses, evidently killed by said Indians, then camped in the immediate vicinity. This affiant further says that none of said stock was ever returned to him or partner, nor did they, or either of them, ever receive any compensation for them; nor has this

affiant or his partner ever sought private satisfaction by revengeful acts or other means forbidden by law. This application, together with the proofs herewith submitted, is made for the purpose of obtaining, through the proper department of the United States, the value of the property so lost, and amounting to the sum of fourteen thousand nine hundred and sixty dollars. And this affiant further says that it was absolutely out of the power of himself and partner to prevent the loss of said property, or any part thereof; and further saith not.

JAMES BOURDEAU.

Subscribed in my presence, and sworn to before me this 27th day of June, A. D. 1866.

VITAL JARROT,
United States Indian Agent.

In the matter of the claim of James Bourdeau and Clement Lamoureux, partners, against the Government of the United States, for losses by them sustained from depredations of Sioux and Cheyenne Indians.

FORT LARAMIE, Dakota Territory, ss :

Sefroy Jott, being first duly sworn, deposes and says that he has for many years past lived a near neighbor of James Bourdeau and Clement Lamoureux; that he knew them well, and also knew their stock, which usually was herded together with that of this affiant; that on the 14th day of June, this affiant, Bourdeau, and Beauvais, availed themselves of the protection of Captain Foust, of the Seventh Regiment of Iowa Volunteers, and command, to return to the States, and that, when thus traveling under and subject to the orders of said Foust, on the 14th day of June, A. D. 1865, at Horse Creek, in Dakota Territory, said Foust and command became engaged in a fight with the Sioux they were escorting to Fort Kearney; that the said Indians, after routing said command from the field and killing said Foust, took and drove away the stock of this affiant, and one hundred and six head of cattle, the property of said Bourdeau and Lamoureux, of which twenty-six were fine oxen, worth one hundred dollars each, and the others, to wit, eighty head, were cows of the value of sixty dollars each; that said Indians also took and drove away forty-seven horses, also belonging to said Bourdeau & Lamoureux; that of said horses five were large work horses, of the value of two hundred dollars each, and the others, to wit, forty, were worth one hundred dollars. This affiant further says that previous, before leaving his ranche, said Indians, at different times, from March till June, of 1865, were camped near his place by orders of the commanding officer at Fort Laramie, and, being kept in a half-starved condition, continued to kill said Bourdeau and Lamoureux's cattle till they killed between thirty and forty head, of the value of sixty dollars each; this affiant, who speaks the Sioux language well, often heard the Indians acknowledge frequently that they had killed said cattle to keep their families from starving; and further saith not.

SEFROY JOTT.

Sworn to and subscribed before me this 7th day of July, A. D. 1866.

VITAL JARROT,
United States Indian Agent.

In the matter of the claim of James Bourdeau and Clement Lamoureux against the Government of the United States and the Sioux Indians, for loss at Horse Creek and elsewhere, near Fort Laramie, in Dakota Territory, by said Sioux.

We, the undersigned, chiefs and headmen of the Sioux Indians of the Platte, in Dakota Territory, acting for and in behalf of the various bands of Sioux of the Platte, and in open council, state and acknowledge that when our people at Horse Creek last summer determined to die there, rather than be taken prisoners to Fort Kearney in a starved condition, we took and carried away about two hundred cattle, a great many horses and some mules; that over one hundred of said cattle had Bourdeaux's brand and belonged to him and Lamoureux, and nearly half of one hundred horses also had the brand of Bourdeau, and we knew they belonged to him and his son-in-law, Lamoureux; that from early in the spring till in the summer, when the troops started with us, we were all the time starving; and though James Bourdeau and Geminien P. Beauvais had always been good to us, we were compelled to kill a great many of their cattle to keep our women and children from dying with hunger. Their cattle were those the nearest to our camps, and that was the reason we killed them. We further acknowledge that we have never returned or paid for said stolen property or any part of it, and honestly aver that we have not the means of paying for it, but insist that the Government of the United States, through our Great Father, shall pay to said James

Bourdeau and his son-in-law, Clement Lamoureux, for the loss of said property the amount that honest white men who know it, will say it was worth. Believing that he and some others we named in council will be paid by our Great Father, we signed the treaty, and we told the commissioner we expected it.

his
TALL + MANDAN.
mark.

his
WHITE + TAIL.
mark.

his
BIG + MOUTH.
mark.

his
STANDING + CLOUD.
mark.

his
BLEW + HORN.
mark.

his
BIG + HEAD.
mark.

his
SPOTTED + TAIL.
mark.

his
SWIFT + BEAR.
mark.

his
DOG + HAWK.
mark.

his
HAWK + THUNDER.
mark.

his
STANDING + ELK.
mark.

Signed in my presence, and acknowledged before me at Fort Laramie, Dakota Territory, June 27, A. D. 1866.

VITAL JARROT,
United States Indian Agent.

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