

BENT, ST. VRAIN, & CO.

MARCH 3, 1845.

Read, and laid upon the table.

Mr. THOMPSON, from the Committee on Indian Affairs, made the following

REPORT :

The Committee on Indian Affairs, to whom was referred the petition of Bent, St. Vrain, & Co., for compensation for depredations committed by the Pawnee tribe of Indians, beg leave to report :

The following facts seem to be satisfactorily established : That, in the year 1838, Messrs. Bent, St. Vrain, & Co. were on their route to Santa Fe, on a trading expedition, and encamped on one of the branches of the Arkansas river : that, while in camp, a company of Pawnee Indians attacked them, killed one man, and wounded three others ; and seized and carried away their merchandise, mules, horses, and travelling equipage. An invoice of the articles stolen accompanies the papers : their value is estimated at \$3,273 13. Messrs. Bent, St. Vrain, & Co., in accordance with the provisions of the intercourse law of 1834, applied to the Pawnee tribe of Indians, through their agent, for payment for the property of which they had been robbed. The Indians acknowledged the justness of the claim, but declared themselves unable to make payment. After a lapse of five years, the claim is presented to the Commissioner of Indian Affairs for liquidation : this delay in the presentation of the account is explained as resulting from the neglect of the agent of the government. From a letter of the Commissioner of Indian Affairs, which is found among the papers, it is ascertained that the Pawnee Indians have no annuity out of which this debt can be discharged ; and the question for the House to decide is, Shall an appropriation be made to satisfy this claim against the Pawnee Indians ?

In the 17th section of the act approved June 30, 1834, entitled " An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," it is provided, that if any Indian or Indians, belonging to any tribe in amity with the United States, shall, *within the Indian country*, take or destroy the property of any person lawfully within such country, such person, being a citizen or inhabitant of the United States, may, through the proper Indian agent, under the direction of the President of the United States, make application to the nation or tribe to which said Indian or Indians shall belong, for satisfaction ; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, it shall be the duty of such Indian agent to make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of

the President, to obtain satisfaction for the injury. And if the nation or tribe to which such Indian may belong receives an annuity from the United States, such claims shall, at the next payment of the annuity, be deducted therefrom, and paid to the party injured; and if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the treasury of the United States.

The object of this law was to secure peace among our various friendly tribes of Indians, and to prevent our own people from any attempt to redress their own wrongs. But the provisions of the law are so liberal and extensive, that the committee feel unwilling to go beyond its letter and spirit in granting relief. All the facts are satisfactorily established, except the one most material to its allowance. That Bent, St. Vrain, & Co. were deprived of their property by the Pawnee Indians, they do not doubt: that they applied for redress in the manner pointed out in the statute, is apparent. But the robbery was not committed in the United States, or within any Indian territory. It is proved and admitted by the claimants themselves, that the robbery was committed in the country "between Fort Bent and the Spanish settlements," and therefore must have been committed in the Mexican territory. When a trader leaves the United States, this government ceases to be responsible for any losses which may attend his adventures. To adopt any other principle, would make our government responsible as insurers against all losses upon the ocean, and devolve upon it a liability which would be onerous in the extreme. The depredation complained of was committed beyond the limits of the United States. It is not even shown that, in this instance, the Pawnee Indians followed them out of the United States, so as to bring them within the equity of the law.

Your committee, therefore, are unanimous in their opinion that the prayer of the petitioners should not be granted; and ask to be discharged from the further consideration of the same.

WAR DEPARTMENT,
Office Indian Affairs, January 8, 1845.

SIR: As requested in your letter of the 6th instant, I have the honor to enclose the papers filed in this office having reference to the claim of Messrs. Bent, St. Vrain & Co., for depredations committed on their property by the Pawnee Indians; and also to return the letter of Mr. Bogy.

Very respectfully, your most obedient servant,

T. HARTLEY CRAWFORD.

Hon. JAMES B. BOWLIN,
House of Reps.

INDEPENDENCE, *August 9, 1838.*

DEAR SIR: Enclosed you will find a copy of our account against the Pawnee Indians. You will also find Messrs. Papin and Robidoux's testimony, proving that the robbery was committed by the Pawnees. Should the proofs we now send you not be sufficient, we wish you to call on Mr.

Papin or Mr. Robidoux, (who will be with the Pawnees,) and get all the information you may think necessary to make our claim good.

Your attention to the above business will be thankfully received by your friends,

BENT, ST. VRAIN, & Co.

Major JOHN DOUGHERTY,

Agent for the Pawnee Indians.

A.

List of the property stolen from Marcelen St. Vrain, who was in command of a trading expedition sent by Charles Bent, Ceran St. Vrain, William Bent, and George Bent, traders, under the name and style of Bent, St. Vrain, & Co., by the Pawnee Indians of the river Platte, in the month of September, 1837—the trading expedition then on its way to New Mexico.

8 pieces moleskin, 428½ yards, at \$1 per yard	-	-	\$428 50
40 pieces domestics, 1,299¼ yards, at 50 cents per yard	-	-	649 63
38 pairs brogans, at \$3 per pair	-	-	114 00
15 pieces domestics, 495 yards, at 50 cents per yard	-	-	247 00
6 pieces calico, 180 yards, at 75 cents per yard	-	-	135 00
1 piece of scarlet cloth, 36 yards, at \$5 per yard	-	-	180 00
10 pounds balls, at 50 cents per pound	-	-	5 00
25 pounds steel, at \$1 per pound	-	-	25 00
9 mules and saddles, at \$75 each	-	-	675 00
3 horses and saddles, at \$100 each	-	-	300 00
15 pounds coffee, at \$1 per pound	-	-	15 00
25 pounds sugar, at 50 cents per pound	-	-	12 50
3 camp kettles, at \$5 each	-	-	15 00
1 axe	-	-	5 00
23 buffalo robes, at \$4 50 each	-	-	103 50
10 reams paper, at \$10 per ream	-	-	100 00
1 large record (10 quires)	-	-	20 00
25 pounds printer's ink	-	-	40 00
2 Latin missals (or church books,) at \$20	-	-	40 00
1 rifle, (taken from Crawford, killed)	-	-	40 00
			<hr/>
			3,150 73
8 Spanish bridles, at \$6 each	-	-	48 00
guns, at \$25 each	-	-	75 00
			<hr/>
			<u>3,273 13</u>

STATE OF MISSOURI, }
County of St. Louis, } ss:

Be it remembered, that on the eleventh day of July, in the year of our Lord one thousand eight hundred and thirty-eight, before me, a justice of the peace in and for the county aforesaid, came Alexander Papin, who is personally known to me, and, being by me duly sworn, on his oath states: That some time in the month of December last, a party of Pawnee Indians

came to his trading-post at Bellevue, six miles above the river Platte, on the Missouri river, who told him that about three months before, they had met a party of white men on one of the forks of the Arkansas river; the whites were on a trading expedition, and were travelling at the time the Indians met them; they (the whites) were unwilling that the Indians should approach them. The Indians then collected, and rallied around them, attacked and fired on them; they then pillaged or took everything which the whites had, viz: merchandize, horses, mules, and all the travelling equipage. From the description given by the Pawnees, he (affiant) entertained no doubt, at the time, that the party of white men robbed was the company of traders to New Mexico, of Bent, St. Vrain, & Co., under the command of Marcelen St. Vrain. The Pawnees who made the above statement to affiant belong to the same tribe with those that committed the robbery. And further affiant saith not.

A. PAPIN.

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

P. WALSH,
Justice of the Peace.

STATE OF MISSOURI, }
County of St. Louis, } ss:

Be it remembered, that on the eleventh day of July, in the year of our Lord one thousand eight hundred and thirty-eight, before me, a justice of the peace in and for the county aforesaid, came Michelle Robidoux, who is personally known to me, and, being by me duly sworn, on his oath states: That, in the month of April last, he was at the Pawnee village on the river Platte, about two hundred miles from its mouth, and was in the cabin of the chief of the nation, when a young Pawnee told him that he was one of a party who, in the fall preceding, had met a party of white men on one of the forks of the river Arkansas, whom they (the Indians) robbed of everything, viz: merchandise, horses, mules, and all their travelling equipage. The young Pawnee showed to the affiant several *Spanish blankets* and *Spanish bridles*, with many other valuable articles, which the Indians stated they had stolen from that party of white men. From the description given to affiant by the Pawnees, of the time, place, and other circumstances of the robbery, he entertains no doubt that the party of white men alluded to by the Indians as having been robbed by them, was the company of Bent, St. Vrain, & Co., on their way to New Mexico, under the command of Marcelen St. Vrain. And further affiant saith not.

M. ROBIDOUX.

Sworn and subscribed before me, the day and year first aforesaid.

P. WALSH,
Justice of the Peace.

BELLEVUE, May 3, 1839.

This is to certify, that I this day presented for payment the account (A) in favor of Bent, St. Vrain, & Co., to the Pawnee Loup tribe of Indians, in

general council assembled, and asked them what they had to say concerning the same; and if said account was correct, what excuse they had to offer for such conduct? One of the principal men (called the Big Soldier) rose and said, that he commanded a war party of their young men about the time stated in the account; and that between Bent's fort, on the Arkansas river, and the Spanish settlements, they fell in with a party of whites, whom they took to be Spaniards; that said whites had a number of mules and horses packed with various kinds of merchandise; that his young men attacked said whites, ran them off, and pillaged them of nearly all their mules, horses, and goods. "I am sorry," said the Big Soldier, "it now turns out that these white men were not Spaniards, but my white American brothers. This, my father, is all I can say at present." All the other chiefs and warriors confirmed the statement of the Big Soldier.

All of which is respectfully referred to the department for its decision.

I have the honor to be, very respectfully, your obedient servant,

JNO. DOUGHERTY,

Indian Agent.

T. HARTLEY CRAWFORD,
Commissioner of Indian Affairs.

STATE OF MISSOURI, }
County of St. Louis, } ss:

Be it remembered, that on this eleventh day of July, in the year of our Lord eighteen hundred and thirty-eight, before me, a justice of the peace within and for the county aforesaid, personally came Blass Grego, who, being duly sworn, on his oath says: That he was one of the hands employed by Bent, St. Vrain, & Co.; that while said company was travelling on their way to Mexico, they were attacked by a party of Indians on one of the forks of the river Arkansas, some time in the month of last September. He believes said Indians were of the Pawnee tribe. That the said company of Bent, St. Vrain, & Co., while endeavoring to effect their escape from said Indians, had one of the said company killed by said Indians in said attack, and in which this affiant, and two others of said company, were wounded; that the said company was then on a trading expedition to Mexico; that, in the aforesaid attack, the said Indians robbed said company of every article of merchandise they then had, consisting of twelve mule and horse loads, comprising cloths, domestics, shoes, Spanish blankets, Spanish bridles, &c. &c., as per inventory hereto annexed, (marked A,) together with nine mules, three horses, saddles, ropes, &c. Affiant knows the articles described in said inventory, from the fact of having assisted in packing them. And further deponent saith not.

his
BLASS x GREGO.
mark.

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

P. WALSH,
Justice of the Peace.

STATE OF MISSOURI, }
 County of St. Louis, } ss:

Be it remembered, that, on the tenth day of July, in the year of our Lord one thousand eight hundred and forty-four, before me, the undersigned, clerk of the court of common pleas for the county and State aforesaid, came Jared W. Folger, who, being duly sworn, upon his oath says: That he has been for several years engaged in the Indian and *Santa Fe* trade, and that he is perfectly familiar with the price of goods in that country. The price charged for each article mentioned in the invoice marked A, and written on the other side of this affidavit, amounting to the sum of \$3,273, he believes to be the usual and customary prices in that country. And further this deponent saith not.

JARED W. FOLGER.

Subscribed and sworn to this tenth day of July, eighteen hundred and forty-four, before me, N. Paschall, clerk of the St. Louis court of common pleas, within and for St. Louis county, and State of Missouri.

In testimony whereof, I hereto set my hand and affix the seal of said [L. s.] court, at office in the city of St. Louis, the day and year last above written.

N. PASCHALL, *Clerk.*
 By S. D. BARLOW, *Dep. Clerk.*

WAR DEPARTMENT,
Office Indian Affairs, June 18, 1844.

SIR: The claim of Messrs. Bent, St. Vrain, & Co., for depredations said to have been committed by the Pawnee Indians, transmitted to this office by L. V. Bogy, esq., on the 24th ultimo, has been under consideration, and, after a careful examination, I have come to the following conclusions:

The claim appears to be pretty well established, though the prices of the articles seem to be very high—indeed, enormously so.

There is, however, no fund (annuity) out of which it could be paid. The Pawnee Loups are entitled to receive for next year, (the last,) under the treaty of 1833, \$1,000 *in goods*. It is thus apparent that there are no means to meet this demand; but besides, there are two claims which have been heretofore allowed for depredations, and unpaid, amounting to \$797 50. The delay in presenting the papers at this office is explained.

Very respectfully, your most obedient,

T. HARTLEY CRAWFORD.

MR. ST. VRAIN, *at Gadsby's Hotel.*

ST. LOUIS, *December 12, 1844.*

DEAR SIR: I herewith enclose you the copy of a letter which I addressed to the Commissioner of Indian Affairs, on the 24th May, 1844, as the agent for Messrs. Bent, St. Vrain, & Co. You will see, by this letter, that Messrs. Bent, St. Vrain, & Co. have a claim against the government of the United States, for depredations committed by the Pawnee Indians. I also send you the answer of the Commissioner to my letter. Messrs. Bent, St.

Vrain, & Co., when here last summer, requested me to leave or place the whole matter in your hands, so that you might place the matter before Congress. You will, therefore, obtain from Mr. Crawford all the papers in this case. I also send you the depositions of two witnesses, in relation to the price of the goods taken by the Indians. By carefully looking over all these papers, you will see that Messrs. Bent, St. Vrain, & Co., did all they could to get the matter adjusted as soon as possible. The cause of the delay is explained in my letter to Mr. Crawford, who, in his answer to me, says that the explanation is entirely satisfactory. But he also says that there is no fund (annuity) out of which it could be paid, as the Pawnee Loups, by the treaty of 1833, were entitled to receive for next year \$1,000 in goods.

By the act to regulate trade and intercourse with the tribes, approved June 30, 1834, section 17, page 2,394 and following, 4 vol. Laws United States, (Story,) the United States guaranty the payment of all such claims, and provide that the amount shall be paid out of the treasury of the United States. I presume, under this law, the claim has to be presented to Congress. I wish you, therefore, to do so.

* * * * *

With esteem and regard, yours, respectfully, &c.,

LEWIS V. BOGY,
Per E. MILTENBERGER.

HON. JAS. B. BOWLIN,
Washington City.

ST. LOUIS, May 24, 1844.

SIR: I received your letter of the 2d of August, 1843, addressed to Messrs. Bent, St. Vrain, & Co., in relation to a claim those persons have against the Pawnee Indians for depredations, &c. I lately received the following papers in relation to this claim, and which I herewith send you, viz: A letter, addressed by Messrs. Bent, St. Vrain, & Co., to John Dougherty, at that time agent for these Indians, enclosing the depositions of Alexander Papin, Michelle Robidoux, and Blass Grego, and an account or inventory of the goods lost; and requesting Mr. Dougherty to obtain all the information he might think necessary to make the claim good. On this letter Mr. Dougherty made the following endorsement, viz: "*Bent, St. Vrain, & Co.'s claim against the Pawnees, 1838.*"—"May 3, 1839, the Loups acknowledged the within account to be correct.—J. D., I. A." I also send you a letter from John Dougherty, as Indian agent, addressed to yourself, dated May 3, 1839, certifying that on that day he had presented the claim of Messrs. Bent, St. Vrain, & Co., to the Pawnee Loup tribe of Indians in general council assembled, and asked them what they had to say concerning the same; that one of the principal men, called the Big Soldier, rose and said that he commanded the party who had committed the robbery; and that all the other chiefs and warriors confirmed the statement of the Big Soldier, &c. I also send you the inventory or account of the goods lost, amounting to \$3,173 13. In your letter of the 2d August, 1843, you suggest the propriety of placing the whole of this matter before the Indian agent, to be by him laid before the Indians for their assent, in conformity with the intercourse law of 1834. In compliance with this suggestion, I herewith send

you the papers ; the whole matter having several years ago been placed in the hands of the proper agent, and by him presented to the Indians for their assent.

The depositions prove the fact of the robbery, and the letter or report of Mr. Dougherty proves the assent of the Indians. These papers have been lost or mislaid until a few days ago. The matter was placed in the hands of Mr. Dougherty but a short time before his resignation of the office of Indian agent ; he was succeeded by a Mr. Hamilton, whose habits at that time, as I have been informed, entirely disqualified him from attending to the duties of the office. They were placed in the hands of Mr. Hamilton by Mr. Dougherty when he went out of office ; and since that time constant efforts have been made to obtain them, but they could not be found until within a few days ago. They were found in a small box belonging to Mr. Hamilton, in the possession of Captain Trenor of the dragoons, and by him sent to this place. Thus has this matter been delayed for several years by the inattention and neglect of the government.

Mr. St. Vrain, one of the claimants, is at this time in Washington city; and if you will let him know of the receipt of these papers, I think it probable that he will be able to give you all the information you may desire. You will please let me know what disposition may be made of this matter, as I am the authorized agent.

Yours, respectfully, &c.,

LEWIS V. BOGY.

Hon. T. HARTLEY CRAWFORD,
Commissioner Indian Affairs,
Washington City.

STATE OF MISSOURI, {
County of St. Louis, } *ss:*

Be it remembered, that on this tenth day of July, in the year of our Lord one thousand eight hundred and forty-four, before me, the undersigned, clerk of the court of common pleas for the county and State aforesaid, came John O. Simpson, who, being duly sworn, upon his oath says : That he has been in the Indian and Sante Fe trade, and is familiar with the price of goods in that country. The price charged for each article mentioned in the invoice marked A, and written on the other side of this affidavit, amounting to the sum of three thousand two hundred and seventy-three dollars, (\$3,273,) he believes to be the usual and customary prices in that country ; and further this deponent saith not.

JOHN O. SIMPSON.

Subscribed and sworn to this tenth day of July, eighteen hundred and forty-four, before me, N. Paschall, clerk of the St. Louis court of common pleas within and for St. Louis county, and State of Missouri.

[L. s.] In testimony whereof, I hereto set my hand, and affix the seal of said court, at office in the city of St. Louis, the day and year last above written.

NATHANIEL PASCHALL, *Clerk.*
By S. D. BARLOW, *Deputy Clerk.*

A.

A list of merchandise and other property taken from Marcelen St. Vrain, (belonging to us,) by a war party of Pawnee Indians, in August, 1837.

8 pieces moleskin, 428½ yards, at \$1	-	-	-	\$428 50
40 pieces domestics, 1,299½ yards, at 50 cents	-	-	-	649 62
38 pairs brogans, at \$3	-	-	-	114 00
15 pieces domestics, 495 yards, at 50 cents	-	-	-	247 50
6 pieces calico, 180 yards, at 75 cents	-	-	-	135 00
1 piece scarlet cloth, 36 yards, at \$5	-	-	-	180 00
10 pounds lead-balls, at 50 cents	-	-	-	5 00
25 pounds spring steel, at 75 cents	-	-	-	18 75
9 mules and saddles, at \$75	-	-	-	675 00
3 horses and saddles, at \$100	-	-	-	300 00
25 pounds of sugar, and 15 pounds of coffee*	-	-	-	30 00
Camp equipage	-	-	-	22 00
23 buffalo robes, at \$4 50	-	-	-	103 50
10 reams of paper, at \$10	-	-	-	100 00
1 8 quire record	-	-	-	20 00
25 pounds printer's ink	-	-	-	40 00
2 Latin missals, at \$20	-	-	-	40 00
1 rifle	-	-	-	40 00
8 Spanish bridies, at \$6	-	-	-	48 00
3 fusils, at \$25	-	-	-	75 00
				<hr/>
				<u>\$3,271 87</u>

Names of the men from whom taken.

Marcelen St. Vrain, in charge; Blass Grego, wounded;—Crawford, killed; Rafael Sanchez, wounded; Sebastiano Xaninellio, Santes Padico. Property of Bent, St. Vrain, & Co.

WAR DEPARTMENT,
Office Indian Affairs, January 20, 1845.

SIR: In accordance with the promise made you this morning, I have caused an examination to be made of the location where Messrs. Bent, St. Vrain, & Co., were robbed by the Indians. It is stated to have been at a point between Fort Bent and the Spanish settlements. I find that Fort Bent is within the territory of the United States—immediately, however, on the line, the Arkansas river being the boundary between the United States and Texas and Mexico. The outrage complained of is said to have been between this fort and the Spanish settlements; consequently it occurred out of the territorial limits of our government, and the claim for damages cannot be recognised unless it is proved to the contrary.

I send you, herewith, a map showing the location of Fort Bent, that you may judge for yourself; and return the papers.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

HON. JACOB THOMPSON,
House of Representatives.

* NOTE.—The sugar and coffee above mentioned are estimated very low.