

KERR, BRIERLY & CO.

[To accompany Bill H. R. No. 609.]

MAY 29, 1858.

Mr. WOODSON, from the Committee on Indian Affairs, submitted the following

### REPORT.

*The Committee on Indian Affairs, to which was referred the memorial of Kerr, Brierly & Co., praying indemnity for losses sustained, in consequence of Indian hostilities, while crossing the plains to Utah Territory, ask leave to submit the following report:*

Your committee having examined this case with great care find it highly meritorious, and the facts relied on for relief amply sustained by the proof.

It appears that for several years, and up to the 23d of August, 1856, the Sioux Indians were entirely peaceable and friendly to the trains crossing from Missouri to Utah and California, and not in the least predatory upon them; but, on the contrary, rendered the trains frequent and valuable aid. The Pawnee Indians had exhibited appearances of hostility, and fears were entertained, by travellers, that they would commit depredations upon trains crossing on their way to Utah and California, especially upon trains freighting merchandise. From information upon file at the Indian Bureau, it seems that hostile meetings had taken place between small parties of the Sioux and Pawnees, and this added to the uneasiness of emigrants and merchants.

In order to keep the hostile Indians quiet, General Harney, with a strong detachment of United States troops, was sent into the Indian country; and while on the march out, and when he was near the "Blue Water river," or "Ash Hollow," as it is sometimes called, the Sioux, desirous of expressing to him their pacific intentions, and fearing that some of their tribe might inadvertently be treated with harshness, sent a deputation, at the head of which was "Little Thunder," their chief, consisting, in part, of women and children; which deputation encamped at "Ash Hollow" to await the approach of General Harney. The friendly disposition of this Indian tribe is certified by the testimony of Captain Van Vliet, who was present, and in command under General Harney; of Mr. Vaughn, the Indian agent for the Sioux; of Joseph Tesson, government interpreter; and other persons, many of whom are personally known to members of your committee to be eminently credible.

The testimony further shows, that when General Harney arrived at Ash Hollow with his command, he immediately drew up his men in line of battle within rifle-range of the Indian camp. The statement of Captain Van Vleit, who, as before remarked, was present and under command of General Harney, together with the evidence of several other persons who were also on the ground, shows that the Sioux chief, finding that his party was about to be treated as hostile by the United States army, immediately came forward and had an interview with General Harney and begged for peace; urging his known friendship for the white man, which was fully sustained by the fact that several emigrants were then in his camp enjoying his hospitality, which fact is abundantly sustained by testimony in the possession of your committee.

For reasons which your committee have no doubt were entirely satisfactory to General Harney, he declined to treat with the Indian chief. It further appears that he ordered his men to charge upon the Indian camp, which order they obeyed, killing in all some forty or fifty persons. Had General Harney been apprised of the fact that a large number of women and children were in the camp, some of whom shared the same fate as the warriors, *that* circumstance would have convinced him of their friendly character and pacific intentions; and such knowledge would also have determined him to pursue a line of policy altogether different from that which he adopted in the premises as he understood them.

From the testimony before your committee it appears that these Indians, in consequence of this rencontre, which, as indicated above, resulted from a misunderstanding of their real character and intentions, became highly exasperated and declared their purpose to be revenged. Accordingly they commenced putting their threats into immediate execution by making predatory descents upon emigrant and other trains that were then crossing from the western border of Missouri, to Utah and California. The petitioners, Kerr, Brierly & Co., had, at that time, a large train some two days' drive in the rear of General Harney, laden with ninety-five tons of merchandise, which they were hauling to Great Salt Lake city. These exasperated Indians at once waylaid them, and robbed them of a number of their mules and horses, and otherwise annoyed them with threats and robberies, until it became impossible to proceed, except at the peril of their lives. In this emergency they appealed to General Harney, who, perceiving their imminent danger, detailed a small escort of twenty men, under the command of Captain Heath, to protect their train, and thus enable them to proceed. This force, however, proved to be altogether inadequate for the purpose; so much so that Captain Heath found it necessary to impose such terms and orders upon Kerr, Brierly & Co., respecting their manner of travelling—compelling them to travel slower than usual, to stop and encamp earlier in the afternoon, and to corral their cattle and horses so closely that they had not an opportunity to graze sufficiently to keep them in travelling order. The train was so much delayed and reduced in flesh by reason of these orders, that it was from fifteen to twenty-five days longer than is usual in reaching Great Salt Lake city. It was, for the same

reasons, overtaken by the snow storms, which covered up the grass, and thus still further reduced the cattle; as that, partly from starvation and partly from the intense cold that followed, the cattle all perished, except thirty head. Moreover, the petitioners were compelled to purchase cattle from trains that overtook and passed them, and also to send ahead for others when within 113 miles of Great Salt Lake city. These facts are all proven by Captain Van Vliet and other credible witnesses.

It is abundantly proven that, within two days prior to this rencontre with the Indians, trains had passed by unmolested; that they had been hospitably treated by this tribe, and no signs of hostility whatever were exhibited.

All of the witnesses concur in the statement that the train of Kerr, Brierly & Co. was one of the best equipped trains that started out during the season. It is also proven that the cattle were in like good condition when they passed Fort Kearney, and up to the time that Captain Heath found it necessary, for the reasons set forth, to restrict their grazing. And, finally, it is proven that but for the untoward circumstances herein detailed the train would have arrived at Salt Lake, in good condition, from fifteen to twenty-five days before the snow storms set in.

By these disasters the petitioners sustained a loss of mules, horses, cattle, and other property, amounting to \$20,135; a detailed statement of which, duly certified by reliable affidavits, is now before your committee.

In view of the facts above set forth, and disclaiming any intention to impugn the motives or call in question the action of General Harney, your committee are unanimously of opinion that the prayer of the memorialists should be granted, and accordingly they ask leave to report the accompanying bill.