

SURRENDER OF SITTING BULL.

L E T T E R

FROM

THE SECRETARY OF STATE,

TRANSMITTING

A communication from Sir Lionel West relative to the bill (H. R. 4553) to compensate Jean Louis Legaré for services and expenses in procuring the surrender of Sitting Bull.

JULY 12, 1886.—Referred to the Committee on Foreign Affairs and ordered to be printed.

DEPARTMENT OF STATE,
Washington, July 10, 1886.

SIR: With reference to the bill now pending in the House of Representatives (H. R. 4553) for the relief of Jean Louis Legaré, by compensating him for services and money expended, as is alleged, in bringing into the United States and procuring the surrender of Sitting Bull and his followers, under the direction of the War Department, I have the honor to transmit herewith, for the information of the House of Representatives, a copy of a note on the subject to this Department from the honorable Sir Lionel S. Sackville West, K. O. M. G., Her Britannic Majesty's minister at this capital.

I have the honor to be, sir, your obedient servant,

• T. F. BAYARD.

HON. JOHN G. CARLISLE,
Speaker of the House of Representatives.

[Inclosure 1.]

Sir Lionel West to Mr. Bayard.

WASHINGTON, July 3, 1886.

SIR: I have the honor to transmit to you herewith a petition from Jean Louis Legaré to the governor-general of Canada, together with copies of certain documents from the United States military authorities, with respect to his claim for services rendered to the United States Government in inducing Sitting Bull and his followers to return to

United States territory. It would appear that a bill (H. R. 4553) was introduced into the House of Representatives for the relief of the said Jean-Louis Legaré in the amount of \$13,412, for full compensation, and the petitioner seeks for an early consideration of the matter before Congress with a view to the just and equitable settlement thereof.

I have the honor to be, with the highest consideration, sir, &c.,
L. S. SACKVILLE WEST.

Hon. T. F. BAYARD.

[Inclosure 2.]

To his excellency the most Hon. Henry Charles Keith Petty Fitz Maurice, Marquis of Lansdowne, governor-general of Canada, and vice-admiral of the same, &c. :

The petition of Jean Louis Legaré, of the Wood Mountains, in the Northwest Territories of Canada, sheweth as follows:

1. Your petitioner is a British subject, residing for the past sixteen years in the said Wood Mountains, where he has been and is now following the calling of a trader among the Indians and others.

2. Your petitioner, during the winter of 1880 and 1881, having occasion to be at Fort Buford, Dakota Territory, for the purpose of purchasing goods for his business, was introduced by Mr. W. R. Jordan, post-trader at said post, to Major Brotherton, then in charge of the United States post at that place. I had an interview with him with reference to bringing in Sitting Bull and his followers, then in the Woody or Wood Mountains, on the Canadian side, as your petitioner was on friendly terms with those Indians.

At that interview your petitioner promised said Major Brotherton to do his utmost to accomplish the task of bringing in the said Indians to the United States authorities on the understanding with the said Major Brotherton that although he could not legally bind his Government to compensate your petitioner for his labor, skill, and the money which he would expend in the proposed work, yet, nevertheless, the said Government would recognize his claim when the work was completed, and pay him a reasonable compensation.

3. Your petitioner then or shortly afterwards entered upon the task of conciliating said Indians and inducing them to surrender to the United States authorities, and bringing them in. He was engaged at this work from the early part of May, A. D. 1881, until some time in September of the same year, to the entire neglect of his own business of a freighter-trader, and during that time he had to expend large sums of money in feeding said Indians and in transporting them to Dakota from the Canadian Northwest, and in other ways, to induce the said Indians to come in and surrender, and he succeeded in bringing in and procuring the surrender of Sitting Bull and other Indian hostiles, to the number of 235 in all, at different times during said year, having made in all three trips from the said Canadian Northwest to Fort Buford in said work alone.

4. When your petitioner on or about the fourth day of May, A. D. 1881, brought to the said post the first lot of the said Indians, on handing them over to the said Major Brotherton he was informed by him that he had no right to contract with your petitioner, but that your petitioner would be paid by the United States Government if he brought the rest of the Indians in.

5. In accomplishing the foregoing work your petitioner expended and used in feeding and transporting the said Indians and otherwise provisions and other goods which cost your petitioner in cash the sum of about \$4,000.

6. Your petitioner had to bring these Indians a distance of about 150 miles through a country perfectly barren, so that he had not only to transport the Indians but all his supplies and even his fuel.

7. Your petitioner submits that the sum of \$13,412, which he claims from the United States Government for his said services and outlay incurred, was fully earned by him under the following circumstances:

There were nearly five hundred persons in all who had taken refuge on the Canadian side after the Custer massacre. They were in a starving condition. They could not believe that the Americans would ever pardon them, and thought that if they returned to United States territory they would certainly be put to death. Only a little over a year before General Miles had come close to Wood Mountain with six thousand men and had had a fight with Sitting Bull and his warriors on Milk River, in which some Indians were killed. The first feast your petitioner gave was on the 20th of April, 1881, when he had to feed all refugees, men, women, and children, the

bad with the good, before they would hear a word from your petitioner. He had to make solemn and strong promises to them, assuring them of safety and kind treatment if they would return to United States territory. His life itself and the lives of his boys were exposed to great danger if he could not fulfill those promises to the letter, for there was no protection anywhere nearer than forty miles, where there were only a few men of the northwest mounted police. His half-breed neighbors left the neighborhood, being afraid of the proximity of so many starving Indians. He was left with his boys alone in his house, and had to stop any kind of work or business on his own account. One-third of the Indians at least were furious when talking of the Americans, as they thought their lives were in danger, and Sitting Bull himself after spoke very roughly to your petitioner, saying that he was going to sell the Indians by the pound. Your petitioner then became an object of suspicion and mistrust on the part of many of the Indians, and suffered much unjust and annoying treatment at their hands, not being at all master of his own property or secure in his person. All kinds of provisions were very expensive at Wood Mountain in that year; for example, flour was \$15 per 100 pounds; sugar, 50 cents a pound; tea, \$1.50 a pound, &c., and nobody had any provisions on hand; therefore, your petitioner was compelled to sell all his robes and furs, and expend all the money he had in procuring such provisions, and actually expended in said work about \$4,000 in cash or its value in furs, all his provisions having been purchased from Messrs. Leighton & Jordan, of Fort Buford, in Dakota.

Your petitioner also continued his efforts until the spring of 1882, when the last of the refugees surrendered, they having made him wait month after month because they had heard that Sitting Bull and his party had been put on the steamer by force, which they considered a bad sign, and your petitioner submits that the said sum of \$13,412 is a reasonable, fair, and just compensation for work performed and materials supplied.

8. Your petitioner refers to correspondence between said Major Brotherton and General Terry and others, copies of which are hereto attached; also to the sworn declaration of Walter B. Jordan, of Saint Paul, Minn., made at Washington on 22d February, A. D. 1884, a copy of which is also hereto attached.

9. A bill is now before the House of Representatives at Washington, bearing date the 26th day of January, 1886, and numbered 4553, for the relief of your petitioner, which bill has been read twice and referred to the Committee on Claims.

10. Said bill, as printed, names the said sum of \$13,412 as proper compensation for your said petitioner, but it has been intimated to him that said bill will not be allowed to pass unless your petitioner will consent to the reduction of the amount to the sum of \$2,000, which would be much less than the moneys actually expended by your petitioner, as aforesaid, and your petitioner hesitates to accept such reduced amount.

Your petitioner therefore prays that this petition may be forwarded to the British minister at Washington, with the request that he will use his influence with the United States authorities to secure a full and early consideration of the said claim of your petitioner, with a view to the just and equitable settlement thereof.

JEAN LOUIS LEGARÉ.

[Enclosure 3.—Telegram.]

FORT BUFORD, DAK.,
May 29, 1881.

General A. H. TERRY,

Commanding Department of Dakota, Saint Paul, Minn. :

I have considered it best to retain Mathey's troop, as sending it away would reduce its garrison to 186 present for duty. I expect more Indians in very soon, perhaps the greater portion of those at Woody Mountains, and, it may be, some from Sitting Bull, at Lake Qu'appelle. There (are) at the two places about 60 lodges, in most cases, I am informed, two families to a lodge, and in all about 300 men, women, and children. Mr. Legaré, a trader at Woody Mountains, who has brought in his last two trips 48 Indians, came (brought?) in on the 26th instant 32. These were sent with the others to Yates. I sent back with him two of those he brought in after they had seen and talked with their friends there. Mr. Legaré tells me that the fact of their friends having gone below peaceably, and were so well treated while here, will, he thinks, produce a movement at once of the Indians at Woody Mountain in this direction to surrender, as they are starving where they are, and also that there is now a strong probability that Sitting Bull himself, finding so many of his adherents leaving him, even his own daughter, will have to come in.

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I have known Mr. Legaré since last summer; he is well known and reliable, and I have every reason from the way things look now to believe his impression will be realized.

He has been here quite a number of times, but usually very reticent on the subject of the Indians coming in, but is now outspoken, and seems thoroughly convinced that all will come in.

With this in view, I thought best to retain Mathey's troop, as I presume all that come in will be charged to Yates. The Indians shipped the other day embarked cheerfully, willingly, to all appearance. I sent with them Allison and Running Antelope.

Mr. Legaré left here yesterday with his train for Woody Mountain; said he would return in about two weeks with all the Indians who desire to come in.

He brings these Indians in, hauling their plunder on his carts, and has so far fed them on the way.

Cannot he be reimbursed in some way?

D. H. BROTHERTON,
Major Seventh Infantry, Commanding.

[Inclosure 4.—Te'legram.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., June 6, 1881.

Commanding Officer, Fort Buford:

Department commander regrets he has no funds applicable or available for paying Mr. Legaré for bringing Indians into Fort Buford to surrender, and feeding them on route.

BRECK,
Assistant Adjutant-General.

[Inclosure 5.]

FORT BUFORD, DAKOTA,
August 30, 1881.

SIR: I have the honor to state that I have delayed answering dispatch of the 5th instant, referring to the amount of compensation that should be allowed Mr. Louis Legaré for his services in bringing into this post Sitting Bull and other Sioux Indians until I had again heard from him as to the prospect of his being able to bring in the remainder.

Mr. Legaré has been engaged in this business since the early part of May last. It has been followed up by him to the neglect of his business as freighter; he also had to feed the Indians, not only on the way in, but also for some time before they came in. The total number brought in by him, including those under Sitting Bull, numbers 235. As to the sum to be allowed him as compensation for his services, taking into consideration the amount expended by him and the importance of his service to the Government, eventuating in the surrender of Sitting Bull, I do not think \$2,000 would be too large an amount to allow him; this would probably cover all loss to him and allow him a reasonable bonus besides, which I certainly think he deserves.

My estimate is based not only on my personal knowledge of the facts, but from all that I could learn from others as to the value of the services rendered and the amount of loss incurred by Mr. Legaré.

Very respectfully, &c.,

D. H. BROTHERTON,
Major Seventh Infantry, Commanding.

ASSISTANT ADJUTANT-GENERAL, DEPARTMENT DAKOTA,
Fort Snelling Minn.

[Inclosure 6.]

DISTRICT OF COLUMBIA,
County of Washington, ss:

In the matter of the claim for compensation of Jean Louis Legaré for bringing in Sitting Bull and his followers.

On this 22d day of February, 1884, personally appeared before me, a notary public in and for the District of Columbia, duly authorized to administer oaths, Walter B.

Jordan, of Saint Paul, Minn., well known to me to be reputable and entitled to credit, and who being duly sworn states: That he was post-trader at Fort Buford, Dakota, from 1876 to 1882, and a member of the firm of Leighton & Jordan; that he is well acquainted with said Legaré, who was a trader at Woody Mountain, Canada West; that Legaré bought goods from affiant's store at Fort Buford; that on one of his trips, during the latter part of 1880 or early in 1881, affiant got claimant to see Major Brotherton in reference to bringing in Sitting Bull and his followers, then in the Woody Mountain region; that he had known Legaré for years, and knew that he was friendly to Sitting Bull and could bring him in if any one could.

Affiant introduced Legaré to Major Brotherton, and he assured the major that he, Legaré, was a man of influence and thoroughly responsible.

After their interview claimant told affiant he was to bring Sitting Bull in, and under an arrangement with the major he brought in the first lot of Indians.

After this claimant told affiant that Major Brotherton said he had no right to contract with him, but that he would be paid if he brought the Indians in; affiant told him that it would be all right; that the major had no authority to make a contract with him, but if he did the work the Government would pay him.

Major Brotherton told affiant that he had assured claimant that he would be paid if he performed the services. Claimant then went to Woody Mountain and returned with Sitting Bull.

After he had done the work, Major Brotherton asked affiant what compensation claimant should have for his services, saying that he thought \$2,000 or \$3,000 would be ample pay.

Affiant told him that he did not know what the services were worth, that he knew nothing as to claimant's expenses except from claimant's statements, and that so small a sum would not cover his expenses; that he had bought two or three thousand dollars' worth of goods from affiant's store, which he hauled to Canada; paid duties of 14 to 40 per cent., which he said he had used up and given to the Indians to induce them to come in. The distance he had to bring these Indians was 150 miles. The country was perfectly barren, so that he had not only to transport the Indians, but all his supplies, even his fuel. Affiant is familiar with the country and the work done by Legaré, and regards two or three thousand dollars as inadequate compensation.

That Legaré was not freighting for affiant or for Leighton & Jordan; that the firm of Leighton & Jordan had a store at Woody Mountain in opposition to Legaré's store.

[Inclosure 7.]

[Forty-ninth Congress, first sess' on. H. R. 4553.]

A bill for the relief of Jean Louis Legaré.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of thirteen thousand four hundred and twelve dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for full compensation to Jean Louis Legaré, for services and money expended in bringing into the United States and procuring the surrender of Sitting Bull and his followers, under the direction of the War Department; and that the Secretary of the Treasury is hereby authorized and directed to make payment of the same.

H. Ex. 356—2