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Claim of Dakota Territory. Letter from the Secretary of War, relative to the claim of Dakota Territory for pay, &c., of troops in the Indian war of 1862

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CLAIM OF DAKOTA TERRITORY.

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

The claim of Dakota Territory for pay, &c., of troops in the Indian war of 1862.

APRIL 2, 1872.—Referred to the Committee of Claims and ordered to be printed.

WAR DEPARTMENT, *March 28, 1872.*

The Secretary of War has the honor to transmit to the House of Representatives, asking its reference to the Committee on Military Affairs, in reply to that committee's request of the 15th instant, all the information this Department possesses in the claim of Dakota Territory "for pay, &c., of troops in the Indian war of 1862." The information is embraced in the inclosed papers, viz:

1. The territorial auditor's report of November 30, 1863, to the legislature.
2. A letter from the Secretary of War to Hon. M. K. Armstrong, of March 22, 1871.
3. Report from the Adjutant General of the Army, of March 23, 1872.

WM. W. BELKNAP,
Secretary of War.

AUDITOR'S AND ADJUTANT GENERAL'S REPORTS, DAKOTA TERRITORY,
FOR 1863.

First annual report of the auditor of the Territory of Dakota.

AUDITOR'S OFFICE, YANKTON,
November 30, 1863.

To the honorable Council and House of Representatives :

By the 53d chapter of the laws of 1862 and 1863, it is provided that "all accounts and claims against the Territory, which shall be by law directed to be paid out of the treasury of the Territory, shall be presented to the auditor, who shall examine and adjust the same, and shall issue bills or warrants, payable at the territorial treasury, for the sums which shall be found due from the Territory, specifying in each bill the date of its issue, and the name of the person to whom payable." And also, that "the auditor shall annually make out an accurate statement of the receipts and disbursements of the treasury for the preceding year, ending on the last day of the month previous to the one during which the legislative assembly shall commence its annual

sessions; also, of the unexpended balances (if any there be) of the several appropriations, the amount remaining in the treasury, the amount of bills or warrants issued and not redeemed, (if any there be,) and shall report the same to each branch of the legislative assembly on the third day of its session, together with such remarks on the finances of the Territory as he shall deem proper for the consideration of the legislative assembly."

In compliance with the foregoing provisions, I have the honor to submit the following report, embracing, as far as practicable, the details required:

The total number of warrants issued up to the 30th day of November, 1863, (exclusive of the military warrants,) amount to \$480, to wit:

No. 1. May 8, 1863, James Tufts	\$120 00
No. 2. May 8, 1863, J. R. Hanson	120 00
No. 3. May 8, 1863, Wm. R. Goodfellow	44 00
No. 4. May 8, 1863, Wm. R. Goodfellow	196 00
Total	<u>480 00</u>

All of which warrants are outstanding, and for the payment of the same there is no money in the treasury.

The several acts creating and regulating the offices of territorial treasurer and territorial auditor, provide that the treasurer and auditor shall furnish for their respective offices suitable books, blanks, &c.; neither of which requirements have been complied with, for want of the necessary funds in the treasury, and, for the same reason, the auditor has not been able to furnish his office with a seal, as required by law. The following estimate will indicate the probable amount of liabilities on the last day of December, 1864:

Present outstanding warrants	\$480 00
Books and stationery for treasurer's office	20 00
Books, blanks, and stationery for auditor	25 00
Seal for auditor's office	10 00
Salary of treasurer, from October 1, 1862	112 50
Salary of auditor, from May 20, 1862	129 16 $\frac{2}{3}$
Total	<u>776 66$\frac{2}{3}$</u>

To meet these liabilities, I would recommend that an appropriation be made by the legislature, and that a territorial tax be levied upon the real and personal property within the Territory, and a capitation tax of one dollar upon each male citizen of the Territory. With a capitation tax, as above suggested, a tax of five mills on the dollar on real and personal property, though light, would, in my judgment, raise sufficient revenue to meet the ordinary expenses of the Territory. I hope you will take these suggestions under consideration, and act upon them as in your wisdom you may deem necessary and advisable.

By an act of the legislature, entitled "An act appointing and authorizing a commissioner to audit the military accounts against the Territory of Dakota," approved January 9, 1863, James Tufts, esq., was appointed such commissioner, whose duty it was to receive, examine, and audit the military accounts of the Territory. And said act further provides, that "when the claims audited and certified to by the said James Tufts shall be presented by him to the auditor, the auditor shall forthwith issue territorial warrants to the persons entitled to the same, as per amount designated by said commissioner." On the 18th day of March, 1863, the said commissioner presented the following report:

COMMISSIONER'S REPORT.

DAKOTA TERRITORY,
OFFICE COMMISSIONER OF MILITARY ACCOUNTS,
Yankton, March 18, 1863.

SIR: In compliance with an act of the legislature, entitled "An act appointing and authorizing a commissioner to audit the military accounts of the Territory of Dakota," approved January 9, 1863, I submit the following report:

Sections one and two of the above-entitled act read as follows: "Section 1. That James Tufts is hereby appointed and constituted a commissioner to audit all of the

military accounts outstanding against the Territory of Dakota. Sec. 2. That all persons having military claims against the Territory are hereby required to present them to the said James Tufts on or before the first day of March, 1863, and he, the said James Tufts, shall have the same audited and presented to the auditor by the 18th day of March, 1863."

The following general order was published in the *Dakotian*, a weekly newspaper published at Yankton, and the *Dakota Republican*, a weekly newspaper published at Vermillion, in said Territory, to wit.

ORDER No. 12.]

GENERAL HEADQUARTERS, DAKOTA TERRITORY,
ADJUTANT GENERAL'S OFFICE,
Yankton, January 27, 1863.

To Captains F. M. ZIEBACH, A. W. PUETT, DANIEL GIFFORD, A. J. BELL, and MAHLON GORE, Dakota militia:

By order of the commander-in-chief, I am directed to instruct all captains of militia companies raised in the Territory, under the proclamation of the governor, issued August 30, 1862, for protection against Indians, to report themselves without delay to the Hon. James Tufts, at Yankton, who, by an act of the territorial legislature, approved January 9, 1863, has been appointed a commissioner to audit the military accounts of the Territory; and you will then and there present for adjustment the property, authenticated accounts, and claims of your respective companies for services and material furnished for the public defense.

By order of the commander-in-chief.

C. P. BOOGE, *Adjutant General*.

In pursuance of said act, and in conformity to the above order, I entered upon the discharge of the duties of the responsible trust confided to me. It will be observed that the enactment conferred plenipotentiary power upon the commissioner in the discharge of the duties imposed, without enjoining any special directions, or providing for the defrayment of such expenses as might be incurred in obtaining evidence or examining witnesses necessary to a just and equitable adjustment of the claims presented. In the absence of all directionary provisions, the commissioner established as a rule, that all claims presented, whether for material furnished, labor performed, or service rendered, should be authenticated and duly certified to by the commander-in-chief of the militia, or by the captains, or some commissioned officer in command in the county or district where the expense was incurred. Under this rule the commissioner has acted, and in auditing the claims herewith presented he has in no instance sought to obtain testimony beyond the authentication of the commanding officer.

The few claims which have been presented for material and labor have, in nearly every case, in the opinion of the commissioner, been marked by moderation and justice, and this class of accounts have, with perhaps an exception or two, been allowed in full. The accounts of militia companies for military service rendered were in most cases unavoidably conflicting and irregular. The names of the same individuals, in several instances, appeared on different rolls, but in all cases duly certified by the proper officer. This clashing in the returns of the various commanders of companies is attributable to the unfitness and incongruity of our present militia law, together with those conspiring circumstances incident to an unsettled and alarmed state of the public at the time the several companies were ordered into service; and, in the opinion of the commissioner, such collisions were inevitable, and, therefore, excusable.

The proclamation under which the militia of the Territory was organized and called into active service was issued on the 30th day of August, 1862. The order has not been revoked at the present writing nor has the militia been discharged from service by any official order, or otherwise. Under these circumstances, the captains could not do otherwise than present their claims for pay from the time they entered the service to the first day of the present month. Though not in constant service, they were obliged, under the law, to hold themselves in readiness, subject to the orders of the commander-in-chief, and by virtue of the existing orders they are entitled to the presumption of uninterrupted active service. While the commissioner, therefore, deems the accounts of the militia-men for four months' pay as reasonable and justifiable by the outstanding orders of the executive of the Territory, he is quite aware that the term of actual active service would fall considerably short of the period named above, and the commissioner has therefore endeavored to approximate, in auditing these pay-accounts, as nearly as in his power, to such time as would be warranted by facts, paying due regard to the interests of the claimants, and according them the benefit of any uncertainty or margin of doubt existing. The commissioner believes that some companies have performed more actual service than others, but as there was no evidence before him to show the length of time which any of them had been in actual service, (other than the muster-rolls,) he resorted to a uniform rule of allowance, as may be seen by the schedule hereunto appended.

In conforming to this rule, it may be that slight injustice has been done in some cases, but the commissioner is confident that no other rule could have been pursued, whereby more exact justice could have been accorded.

The commissioner trusts that the incompleteness of our territorial militia system, and the complications and embarrassments consequent thereto, together with the meager provisions of the law creating this commission, and a desire to award to the yeoman militia of Dakota their full and just deserts, will furnish a pleary excuse for his shortcomings, and pardon to him those errors into which he may have unconsciously fallen.

All of which is respectfully submitted.

JAMES TUFTS, *Commissioner.*

JUSTUS TOWNSEND, Esq.,
Auditor of Dakota Territory.

The foregoing report was accompanied by an itemized statement of the accounts audited and allowed by the commissioner, which concluded with the following summary :

RECAPITULATION.

ON WHAT ACCOUNT AUDITED.

Pay, commutations, &c., of Company A, Dakota militia, for two months..	\$4,629 00
Pay, commutations, &c., of Company B, Dakota militia, for two months..	2,206 00
Pay, commutations, &c., of Company C, Dakota militia, for two months..	4,811 00
Pay, commutations, &c., of Company E, Dakota militia, for two months..	3,128 00
Pay, commutations, &c., of Captain Fuller's company, for two months....	2,027 00
Recruiting service and pay of staff, for two months.....	3,320 82
Quartermaster's department for two months	2,312 85
Commissary department for two months	5,095 75
Surgeon and hospital expenses for two months	406 75
Incidental expenses for two months.....	200 00
Total.....	<u>28,137 17</u>

Agreeable to the list of audited accounts reported to me by the commissioner, and in obedience to the act creating the commission, I issued warrants on the treasurer, to the amount of \$28,137 17, as represented by the following statement :

Statement of warrants issued for the military expenses of the Territory of Dakota, by authority of chapter 50 of statutes of 1862-'63.

MAY 5, 1863.

No.	To whom issued.	Amount.	No.	To whom issued.	Amount.
1	F. M. Ziebach	\$261 00	30	N. Felling	\$51 00
2	David Fisher	221 00	31	James Falkenburg	51 00
3	John Lawrence	211 00	32	L. M. Griffith	51 00
4	George W. Kingsbury	65 00	33	J. B. Greenway	51 00
5	Antoine Robeart	59 00	34	J. R. Hanson	51 00
6	Samuel Mortimer	59 00	35	William High	51 00
7	Samuel Grant	59 00	36	Peter Johnson	51 00
8	Henry C. Ash	59 00	37	Augustus High	51 00
9	Obed Foote	53 00	38	Samuel Jerue	51 00
10	Henry Bradley	53 00	39	John Johnson	51 00
11	William H. Werdebaugh	53 00	40	John Keltz	51 00
12	J. C. Trask	53 00	41	George W. Lamson	51 00
13	H. T. Bailey	53 00	42	William P. Lyman	51 00
14	John Rouse	53 00	43	Charles McKinny	51 00
15	D. T. Bramble	53 00	44	William Miner	51 00
16	Newton Edmunds	53 00	45	John McGuire	51 00
17	James M. Allen	51 00	46	Charles Noland	51 00
18	Henry Arend	51 00	47	Barry Oleson	51 00
19	M. K. Armstrong	51 00	48	George N. Propper	51 00
20	John E. Allen	51 00	49	Thomas C. Power	51 00
21	William Borden	51 00	50	Charles F. Picotte	51 00
22	George Brown	51 00	51	Charles F. Rossteuscher	51 00
23	P. V. Brown	51 00	52	P. H. Riseling	51 00
24	John Bradley	51 00	53	J. M. Reed	51 00
25	W. N. Collamer	51 00	54	T. J. Reed	51 00
26	J. W. Evans	51 00	55	Washington Reed	51 00
27	A. D. Fisher	51 00	56	J. S. Fresho	51 00
28	James Faucett	51 00	57	J. M. Stone	51 00
29	B. C. Fowler	51 00	58	A. B. Smith	51 00

CLAIM OF DAKOTA TERRITORY.

Statement of warrants issued for the military expenses, &c.—Continued.

MAY 5, 1863.

No.	To whom issued.	Amount.	No.	To whom issued.	Amount.
59	John Smart	\$51 00	139	A. Halverson	\$51 00
60	Henry Strunk	51 00	140	H. Knudson	51 00
61	John Stange	51 00	141	J. Knudson	51 00
62	William Thompson	51 00	142	P. Anderson	51 00
63	A. Van Osdel	51 00	143	M. Severson	51 00
64	Rudolph Van Ins.	51 00	144	H. Oleson	51 00
65	Bly Wood	51 00	145	Charles Shosa	51 00
66	Charles Wallace	51 00	146	Otto Oleson	51 00
67	C. S. White	51 00	147	William Shriver	51 00
68	James Wetherspoon	51 00	148	P. H. Jewell	51 00
69	O. B. Wheeler	51 00	149	S. B. Mulholland	51 00
70	Cosac Bouret	51 00	150	J. P. Mulholland	51 00
71	L. Oleson	51 00	151	J. A. Jacobson	51 00
72	Skagar	51 00	152	Gustave Jacobson	51 00
73	Egleberson	51 00	153	H. Compton	51 00
74	Charles Philbrick	51 00	154	E. M. Bond	51 00
75	Lewis Peterson	51 00	155	Jacob Demel	51 00
76	D. W. Reynolds	51 00	156	L. D. Robinson	51 00
77	William Stevens	51 00	157	M. Wilkinson	51 00
78	John La Fevire	51 00	158	J. M. Allen	51 00
79	A. W. Puett	261 00	159	B. Bothun	51 00
80	A. A. Patridge	221 00	160	H. Wangnas	51 00
81	John W. Boyle	211 00	161	H. Peterson	51 00
82	L. Bethun	65 00	162	Mahlon Gore	261 00
83	F. B. Jewell	59 00	163	S. M. Crooks	221 00
84	George Demmick	59 00	164	M. M. Rich	211 00
85	F. M. Thompson	59 00	165	Nels Oleson	65 00
86	O. B. Larson	51 00	166	Lawrence Degnan	59 00
87	Frank Verzine	51 00	167	Ole Kettleston	59 00
88	L. R. Sivalhson	51 00	168	William H. Fate, jr	59 00
89	C. Ellefson	51 00	169	T. Andrews	51 00
90	Lewis Larson	51 00	170	Theodore Oleson	51 00
91	Timon Johnson	51 00	171	M. Munson	51 00
92	A. Anderson	51 00	172	Ole Halverson	51 00
93	R. Thorson	51 00	173	H. Townsend	51 00
94	Nels Nelson	51 00	174	D. Ross	51 00
95	T. Halverson	51 00	175	F. Furlong	51 00
96	Ivar Larson	51 00	176	Barny Verwick	51 00
97	E. Ellingson	51 00	177	E. B. Lamoure	51 00
98	A. Peterson	51 00	178	S. Horton	51 00
99	Jesse Shriver	51 00	179	Joseph Furlong	51 00
100	J. Russell	51 00	180	W. W. Frisbie	51 00
101	Ole Anderson	51 00	181	Thomas Fate	51 00
102	Samuel Thompson	51 00	182	T. C. Watson	51 00
103	H. K. Vick	51 00	183	Henry Lowe	51 00
104	C. Larson	51 00	184	Carl Kingsley	51 00
105	Ole Bottolfson	51 00	185	Ole Kittleson, sr	51 00
106	A. C. Van Meter	51 00	186	A. Anderson	51 00
107	H. A. Kennerly	51 00	187	Mons Oleson	51 00
108	Minor Robinson	51 00	188	Ole Oleson	51 00
109	J. P. Burgman	51 00	189	H. Mattison	51 00
110	Frank Taylor	51 00	190	Targe Mitchelson	51 00
111	M. Larson	51 00	191	Ole Thompson	51 00
112	John Burt	51 00	192	Halve Nelson	51 00
113	Peter Nelson	51 00	193	Thomas Oleson	51 00
114	A. Iverson	51 00	194	A. R. Philips	51 00
115	A. Garzon	51 00	195	William Anderson	51 00
116	A. Brugier	51 00	196	Methias Larson	51 00
117	John Brugier	51 00	197	T. Andrews	51 00
118	John Gedrass	51 00	198	E. Christenson	51 00
119	C. V. Cordier	51 00	199	Peter Peterson	51 00
120	Alex. Dombrouse	51 00	200	J. O. Taylor	51 00
121	Erick Oleson	51 00	201	Lewis Johnson	51 00
122	Erick Johnson	51 00	202	Thomas J. Watson	51 00
123	Samuel Lyon	51 00	203	James Fate	51 00
124	B. W. Collar	51 00	204	Hans Christian	51 00
125	Henry Omeg	51 00	205	James Oleson	51 00
126	George W. Pratt	51 00	206	Benjamin Andrews	51 00
127	G. B. Bigelow	51 00	207	Andrew Tervis	51 00
128	N. Ross	51 00	208	Albert Gore	51 00
129	J. Carpenter	51 00	209	W. E. Bonney	51 00
130	A. Carpenter	51 00	210	Russell Phillips	51 00
131	H. Gunderson	51 00	211	Rufus Mead	51 00
132	Sevir Strik	51 00	212	Daniel Gifford	261 00
133	H. Burgess	51 00	213	S. G. Irish	221 00
134	M. McCue	51 00	214	N. McDonalds	211 00
135	P. Eckman	51 00	215	John H. Shober	65 00
136	Lyman Burgess	51 00	216	M. Metcalf	59 00
137	James Whitehorn	51 00	217	L. Gates	59 00
138	J. W. Tawney	51 00	218	W. W. Warford	53 00

Statement of warrants issued for the military expenses, &c.—Continued.

MAY 5, 1863.

No.	To whom issued.	Amount.	No.	To whom issued.	Amount.
219	Morris Metcalf	\$53 00	279	John Pincney	\$46 00
220	R. M. Johnson	51 00	280	William Bordeno	20 00
221	D. C. Gross	51 00	281	Enos Stutsman	100 00
222	Hugh Fraley	51 00	282	George N. Propper	7 50
223	Benton Fraley	51 00	283	J. Whitcomb	3 65
224	William Hammond	51 00	284	Henry Arend	30 25
225	Charles Cooper	51 00	285	Henry C. Ash	100 00
226	John Bradford	51 00	286	George W. Kingsbury	31 00
227	George L. Tackett	51 00	287	H. Townsend	42 00
228	Daniel McDonald	51 00	288	George N. Propper	31 50
229	George Rounds	51 00	289	William N. Collamer	9 00
230	George Moxsheson	51 00	290	Mahlon Gore	12 50
231	Samuel Hardy	51 00	291	M. U. Hoyt	43 25
232	E. W. Gifford	51 00	292	Henry Arend	18 00
233	Croel Gifford	51 00	293	William E. Hamer	63 00
234	James Skinner	51 00	294	H. B. Houghton	27 00
235	Reuben Wallace	51 00	295	Hotchkiss & Whitcomb	100 00
236	Joseph Stager	51 00	296	Paul Pacquette	36 80
237	John F. Hook	51 00	297	John W. Boyle	3 00
238	Jacob Kiel	51 00	298	Lewis Larson	30 00
239	Henry Hartsough	51 00	299	Miles Russell	49 00
240	B. M. Smith	51 00	300	Jacob Denel	40 00
241	John Brown	51 00	301	Ole Kittleson	59 00
242	Ira Brown	51 00	302	Steven Horton	66 00
243	Sterling S. Parker	51 00	303	Thomas Fate	51 00
244	Jock Napoleon	59 00	304	Theodore Oleson	47 00
245	Peter Lapan	59 00	305	Ole Halverson	49 00
246	William G. Hargis	59 00	306	S. M. Crooks	8 00
247	William Long	51 00	307	Thomas C. Watson	4 00
248	Steven Williams	51 00	308	Henry Lowe	4 00
249	Christopher Arend	51 00	309	Carl Kingsley	4 00
250	Pierre Clermont	51 00	310	Andrew Anderson	4 00
251	Benjamin Gray	51 00	311	Mons Oleson	4 00
252	Jacob Hack	51 00	312	Ole Oleson	4 00
253	Luse Mariae	51 00	313	Helge Mattison	4 00
254	Pierre DuPuis	51 00	314	Targe Mitchelson	4 00
255	J. Julianah	51 00	315	Hans Oleson	4 00
256	William Van Osdel	51 00	316	Ole Thompson	4 00
257	Erastus Rowley	51 00	317	Halver Nelson	4 00
258	Mose Arconge	51 00	318	Thomas Oleson	4 00
259	Samuel Van Osdel	51 00	319	William Anderson	4 00
260	J. Arend	51 00	320	Matthew Larson	4 00
261	Charles Young	51 00	321	Erick Christenson	4 00
262	John Young	51 00	322	Peter Peterson	4 00
263	Franklin Wixson	379 75	323	Lewis Johnson	4 00
264	H. D. Booge & Co.	2, 978 00	324	Hans Christian	4 00
265	Jonathan Brown	88 50	325	A. J. Bell	18 00
266	Charles Noland	5 00	326	Peter Le March	45 00
267	William Bordeno	162 00	327	James Maloney	432 43
268	John E. Wood	175 00	328	R. M. Hagaman	1, 192 00
269	White & Rouse	20 00	329	A. G. Fuller	71 39
270	H. D. Booge & Co.	30 00	330	A. G. Fuller	872 00
271	William Tripp	174 00	331	A. G. Fuller	1, 816 00
272	Picotte & Armstrong	200 00	332	Enos Stutsman	100 00
273	E. B. Wixson	425 00	333	R. M. Hagaman	100 00
274	Seigfred Loeber	75 00	334	George W. Kingsbury	25 00
275	D. T. Bramble	125 00	335	H. D. Booge and Co.	320 00
276	George W. Pratt	4 80	336	Charles P. Booge	1, 276 00
277	John C. McBride	18 85			
278	M. M. Rich	95 00		Grand total	22, 137 17

This expense was necessarily incurred in defending the lives and property of our citizens from the numerous bands of hostile Indians which infested our Territory during the fall of 1862, before adequate protection was afforded by the Government. I would, therefore, recommend that you memorialize Congress for an appropriation of twenty-eight thousand one hundred and thirty-seven dollars and seventeen cents, to refund to the Territory the amount expended for the defense of the frontier of Dakota, which was also affording protection to Northern Nebraska, Northwest Iowa, and Western Minnesota.

All of which is respectfully submitted.

JUSTUS TOWNSEND, Auditor.

Adjutant general's report.

ADJUTANT GENERAL'S OFFICE,
Yankton, Dakota Territory, December 1, 1863.

TO HIS EXCELLENCY, GOVERNOR NEWTON EDMUNDS,
Commander-in-Chief of Dakota Militia:

I have the honor to submit this, my first annual report of the military operations coming within the supervision of this department since my appointment by Governor William Jayne, in September, 1862.

By proclamation of the governor, dated August 30, 1862, the militia forces of the Territory were called out to protect the settlements against a threatened invasion of the hostile Sioux; and the following officers were also appointed, who, with the governor, compose the present roster of Dakota militia, to wit: governor and commander-in-chief, Newton Edmunds; adjutant general, Charles P. Booge, brigadier general; quartermaster general, D. T. Bramble, brigadier general; paymaster general, Enos Stutsman, colonel; judge advocate general, J. H. Hanson, colonel; aide-de-camp to governor, R. M. Hagaman, colonel; surgeon general, Justus Townsend, captain; brigade chaplain, Melancthon Hoyt, captain.

The following captains and company officers were also commissioned and ordered to raise and muster five companies of militia with all possible dispatch. In obedience to this call, 266 men were enrolled in companies as herein set forth, to wit:

Company A, (at Yankton:) captain, F. M. Ziebach; first lieutenant, David Fisher; second lieutenant, John Lawrence—79 men.

Company B, (Bon Homme:) captain, D. Gifford; first lieutenant, S. G. Irish; second lieutenant, N. McDonalds—32 men.

Company C, (Vermilion:) captain, A. W. Puetz; first lieutenant, A. A. Patridge; second lieutenant, J. W. Boyle—83 men.

Company D: captain, A. J. Bell; first lieutenant, J. M. Somers; second lieutenant, J. R. Wood. (Not reported.)

Company E, (Brulé Creek:) captain, Mahlon Gore; first lieutenant, S. M. Crooks; second lieutenant, M. M. Rich—50 men.

Company F, (mounted rangers:) captain, A. G. Fuller; first lieutenant, James Malony; second lieutenant, Wm. Borden—22 men.

The officers of the militia, as above classified, all entered upon the discharge of their duties with commendable promptness and energy, and were zealous and untiring in their efforts at enrolling the militia and gathering the people together in places convenient for self-defense.

By the militia law of the Territory, it is required that the sheriffs of the different counties shall enroll the militia at the time of assessment, after which they will be formed into companies consisting of not less than forty men each.

But the Territory was yet in its infancy, and no enrollment of the militia had ever been made; and now, amid the terror and consternation of the people, without arms or ammunition, in the face of a threatened outbreak of the Sioux Nation, prefaced by the horrid massacre in Minnesota, surely the citizens of Dakota were not in a situation to leave their homes and defenseless families, for the purpose of forming themselves, with drilled precision, into the ranks of new-made companies.

Every able-bodied man relied upon himself and his trusty rifle to defend his household from the nightly expected attack of the knife and the tomahawk, until the isolated settlers could assemble together and throw up their hasty fortifications for mutual protection.

Hence, no official muster-rolls of the militia then in service have ever been properly made to this office, and I am not therefore able, in this report, to furnish your excellency with the real aggregate of the Dakota militia, for the reason that, when the muster was made, many had left the Territory through fear of an Indian war; and I have, therefore, left the matter open for future enrollment, and would respectfully recommend a thorough revision of the militia law, such as will insure a speedy and accurate enumeration, and an organization of the territorial militia, to be armed and equipped, in readiness at all times to meet our frontier foe.

I would also respectfully recommend to your excellency the propriety of the legislature appropriating a small annual amount, sufficient to defray the expense of storing the territorial arms, ammunition, and ordnance, and to pay a suitable officer of the militia, (to be designated by the commander-in-chief,) to act as keeper of the ordnance stores of the Territory.

In November, 1862, twenty-nine tons of these stores were shipped from the Saint Louis arsenal, by Government, to this Territory, and were received and receipted for by your predecessor in office.

A large portion of these arms and ammunition are in the hands of the disbanded militia throughout the Territory, and can be collected by order at any time.

A large amount of ammunition was also necessarily used and damaged during the

Sioux troubles of 1862-'63; but a major share, however, of these arms and stores, are in the Government store-houses at Yankton and Vermilion, including two six-pound brass field-pieces, (mounted;) 15 boxes of shell and shot; 120 Prussian muskets, and 60,000 rounds of musket cartridges.

Aside from the militia force of the Territory, there have been raised and mustered into the United States service two full companies of Dakota cavalry, numbering in the aggregate 188 men.

Company A was recruited at Yankton, by Captain Nelson Minor, and was mustered into the United States service April 29, 1862, by Lieutenant M. R. Luce, Fourteenth Iowa Volunteer Infantry, numbering 92 men.

Company B was recruited at Elk Point, by William Tripp, and was mustered into the United States service March 31, 1863, by Lieutenant J. A. Hearn, Sixteenth United States Infantry, numbering 86 men.

Since the mustering of these companies into the United States service, the following changes have occurred in the ranks of officers and privates:

Officers at organization.	Strength at organization.	Present officers.	Present strength.	Resigned.	Died.	Discharged.	Drummed out of service.	Recruits.
Company A.		Company A.						
Captain N. Miner.....	92	Captain N. Miner.....	87	2	2	5	1	5
First Lieutenant J. K. Fowler.....		First Lieutenant J. A. Bacon.....						
Second Lieutenant Ploghoff.....		Second Lieutenant I. C. Smith.....						
Company B.		Company B.						
Captain William Tripp.....	86	Captain William Tripp.....	89					3
First Lieutenant J. R. Wood.....		First Lieutenant J. R. Wood.....						
Second Lieutenant T. E. Clark.....		Second Lieutenant T. E. Clark.....						
Total.....	178	Total.....	176	2	2	5	1	8

These companies have been constantly stationed upon the border for the protection of the frontier settlements, and have been of incalculable benefit to Dakota, in sustaining the hopes of the people and dispelling a fear which threatened to depopulate our Territory, at a time when the settlements were menaced by a barbarous foe, and the Government was unable to assist us with timely re-enforcements.

During the past year these two companies of cavalry have been scouting in detachments through most of the ceded lands in the Territory, and their frequent inroads upon the Indian grounds have done much to admonish the savages and restore peace and security to our settlements.

I have the honor to remain, sir, your most obedient servant,

C. P. BOOGE,
Adjutant General, Dakota Militia.

WAR DEPARTMENT,
Washington, D. C., March 22, 1871.

SIR: In reply to your letter of the 17th instant, inclosing copy of a report of the auditor of Dakota Territory, setting forth certain expenses alleged to have been incurred in defending the lives and property of citizens of that Territory from Indians during the fall of 1862, and inquiring what steps are necessary to take to procure an adjustment of the claim, I have the honor to inform you, that no authority from the Government seems to have been asked or obtained to call out the militia in question, and the force does not appear to have been placed subject to the orders of the United States through any officer in the military service. This Department, therefore, has no authority to pay such claims, and no State or Territory has been paid them, unless they were connected with service rendered under military commanders of the United States, or in co-operation with United States forces.

Your only course is to apply to Congress for special legislation in the matter. A copy of the act relative to the Montana militia claims is herewith inclosed for your information.

Very respectfully, your obedient servant,

W. W. BELKNAP,
Secretary of War.

Official copy:

THOMAS M. VINCENT,
Assistant Adjutant General.

Hon. M. K. ARMSTRONG,
House of Representatives.

WAR DEPARTMENT,
Adjutant General's Office, March 23, 1872.

Respectfully returned to the Secretary of War. August 30, 1862, by proclamation of the governor of Dakota, the militia forces of the Territory were called out to protect the settlements against a threatened invasion of hostile Sioux; this, without the authority of the Government being asked or obtained.

The force does not appear to have been placed subject to the orders of the United States, nor was it commanded by any officer in the United States military service.

March 17, 1871, Hon. M. K. Armstrong, Delegate from Dakota, presented the matter to the Secretary of War, and, on the report of the Adjutant General, he was answered by letter dated March 22, 1871; see letter herewith.

Nothing further appears in the case.

E. D. TOWNSEND,
Adjutant General.

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