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Report : Claim of Kansas, Nevada. Oregon. Texas, Idaho, and Washington

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IN THE SENATE OF THE UNITED STATES.

MAY 12, 1882.—Ordered to be printed.

Mr. GROVER, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 1673.]

The Committee on Military Affairs, to whom were referred Senate bill 1144, and Senate joint resolution 10 and 13, "to authorize an examination and adjustment of the claims of the States of Kansas, Nevada, Oregon, and Texas, and of the Territories of Idaho and Washington, for repelling invasions and suppressing insurrections and Indian hostilities therein," submit the following report:

OREGON.

It appears by the report of the Adjutant-General, United States Army, of April 3, 1882, that one regiment of cavalry one regiment of infantry, and one independent company of cavalry were raised in the State of Oregon during the late war of the rebellion, and that the expenses incident thereto have never been reimbursed said State by the United States; and that the claims therefor have never been heretofore presented by said State for audit and payment by the United States, as per report of the Secretary of War of April 15, 1882, and of the Third Auditor of the Treasury of April 8, 1882. Under section 3489 of the Revised Statutes, the claim for expenditures so incurred by said State cannot now be presented for audit and payment without legislation by Congress. In addition thereto there are some unadjusted claims of said State growing out of the Bannock and Umatilla Indian hostilities therein in 1877 and 1878, evidenced by a communication of the Secretary of War of date last aforesaid, and some unadjusted balances pertaining to the Modoc war, not presented for audit to General James A. Hardie, approximating the sum of \$5,000.

NEVADA.

It appears by the report of the Adjutant-General, United States Army, of February 25, 1882, that one regiment of cavalry and one battalion of infantry were raised in the late Territory of Nevada during the late war of the rebellion, and that the expenses of raising, organizing, and placing in the field said forces were never paid by said Territory, but were assumed and paid by the State of Nevada, and that none of said expenses so incurred by said Territory, and assumed and paid by said State, have ever been reimbursed the State of Nevada by the United States, and that no claims therefor have ever been heretofore

presented by either said Territory or said State for audit and payment by the United States. Under section 3489 of the Revised Statutes, hereinbefore referred to, the payment of these claims is barred by limitation.

These forces were raised to guard the overland mail-route and emigrant-road to California, east of Carson City, and to do other military service in Nevada, and were called out by the governor of the late Territory of Nevada upon requisitions therefor by the commanding-general of the Department of the Pacific, and under authority of the War Department, as appears by copies of official correspondence furnished to your committee by the Secretary of War and the general commanding the Division of the Pacific; and it further appears that there are some unadjusted claims of the State of Nevada for expenses growing out of the so-called White River Indian war of 1875, and aggregating \$17,650.98, and of the so-called Elko Indian war of 1878 therein, and aggregating \$4,654.64, and which sums, it appears by the official statements of the comptroller of said State of Nevada, were expended and paid out of the treasury of said State.

TEXAS.

The unadjusted claims of the State of Texas provided for by this bill are those which accrued subsequent to October 14, 1865. These have been heretofore the subject-matter of much correspondence between the State authorities of Texas and the authorities of the United States, and have several times received the partial consideration of both branches of Congress, but without reaching any finality, never having been audited or fully examined, and consequently no payment on account thereof has been made.

These claims are referred to in Senate Ex. Doc. No. 74, second session Forty-sixth Congress, and in the executive documents therein cited.

It appears by the official correspondence exhibited in the document referred to, and copies of official correspondence from the State authorities of Texas, and submitted to your committee, that the expenses for which the State of Texas claims reimbursement were incurred by the authorities thereof under its laws, and for the proper defense of the frontiers of said State against the attacks of numerous bands of Indians and Mexican marauders. These claims approximate the sum of \$1,027,375.67, and were incurred between October 14, 1865, and August 31, 1877.

WASHINGTON AND IDAHO.

The volunteer troops in Washington and Idaho were in the field during Indian hostilities in 1877, and 1878, in said Territories, by orders of the local authorities thereof. While these volunteers were not mustered into the regular service of the United States Army, they were attached to the command of United States troops in the Department of the Columbia, and acted with said troops, rendering valuable and faithful services during said wars, under the orders and immediate command of officers of the Regular Army of the United States, as appears by copies of orders in the hands of your committee.

The obligation of the general government to defend each State is acknowledged to be included in the constitutional obligation to maintain the "common defense," by a long series of acts of Congress making appropriations to cover the expenses of States and Territories of the Union

which have raised troops and have incurred liabilities in defending themselves against Indian hostilities and other disturbances.

The bill herewith reported provides for an examination of the claims and accounts of the States and Territories therein named by the Secretary of the Treasury, acting in connection with the Secretary of War, and that they report the amount of money necessarily expended and indebtedness properly assumed in organizing, supplying, and sustaining volunteers and militia called into active service by each of them in repelling invasions and suppressing Indian hostilities therein, during the periods named.

This bill is carefully guarded against the assumption by the United States of unnecessary liabilities, and fixes the pay of volunteers and militia of these several States and Territories on the basis of the pay of regular troops.

Your committee therefore report the present original bill as a substitute for Senate bill 1144 and Senate joint resolutions 10 and 13, which heretofore have been under consideration by said committee, having the same objects as provided for by this bill, and recommend its passage.

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