

2-2-1882

Report : Claim of Oregon

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>

 Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

S. Rep. No. 114, 47th Cong., 1st Sess. (1882)

This Senate Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 2, 1882.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 145.]

The Military Committee, to whom was referred the bill (S. 145) to reimburse the State of Oregon for moneys paid by said State in the suppression of Indian hostilities during the Modoc war in the years 1872 and 1873, respectfully report:

That by an act of Congress passed June 18, 1874, the Secretary of War was required "to ascertain the amount of expenses claimed to be necessarily incurred by the States of Oregon and California, or the citizens thereof, for arms, ammunition, supplies, transportation, and services of the volunteer forces in the suppression of Indian hostilities in said States in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, and report the same to Congress at the next session, together with the names of persons who claim to be entitled to relief, together with a statement of the facts and sums upon which such report may be based."

In obedience to the requirements of this act, the Secretary of War on the 20th June, 1874, issued an order detailing Inspector-General James A. Hardie to make the examination and report called for by the act. On the 20th November, 1874, General Hardie submitted his report to the Secretary of War, who on the 15th December following transmitted it to Congress, and the same was published as Ex. Doc. 45, House of Representatives, second session Forty-third Congress. From this report it appears that a thorough examination was made on the ground of all the claims presented. The necessity for calling out the State troops of Oregon to aid the troops of the United States in protecting the settlers and in suppressing the Indian outbreak cannot, the committee think, be questioned. These State troops reported to and in the main acted under the orders of the officers of the United States, and the committee think that the State should be paid the reasonable expenses incident to the service of these troops.

The rules adopted by General Hardie in arriving at the proper amount to be paid to the State of Oregon are thus stated by him in his report:

In this condition of things it would seem fair that the United States should pay into the State treasury the amount of the obligations of the State for the purchase of arms and munitions, cavalry and quartermaster horses and military supplies; for transportation, forage, medical attendance, and the necessary citizens' labor employed, at such rates as the United States was paying on the spot at the time. On account of pay of troops the reimbursement can only reasonably extend to such an amount as the United

States would have paid the same officers and the same men had they been mustered into the service. For the hire of the cavalry horses upon which the troops were mounted the United States' scale of commutation should be allowed. For subsistence the number of rations which the troops would have consumed had they been regularly mustered into the service, commuted at the cost price of the ration where they served, fixes the rate of reimbursement. For the clothing an amount should be reimbursed the State equal to the usual commutation allowance of clothing to volunteers when called into service.

We think this basis of adjustment right. The law of the State of Oregon in force at the time expressly provided that the militia when called into service should receive the compensation allowed by law to the troops of the United States. After carefully examining each claim and rejecting such as did not come within the rules we have stated, and such as were not sufficiently proved, General Hardie reports that the amount due to the State of Oregon on account of the service of the State troops in the years 1872 and 1873 in connection with what is known as the Modoc war, and including all expenses incident to such service, is the sum of seventy thousand two hundred and sixty-eight dollars and eight cents (\$70,268.08). The committee believe this sum to be fairly due to the State of Oregon and recommend that the bill be amended by striking out the words "one hundred and thirty-one thousand dollars," wherever they appear in the bill, and inserting in lieu thereof the words "seventy thousand two hundred and sixty-eight dollars and eight cents," and as thus amended we recommend the passage of the bill.