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**Letter from the Secretary of the Treasury, transmitting a further report upon the subject of war claims of the State of California, called for by Senate resolution of December 19, 1889**

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LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

*A further report upon the subject of war claims of the State of California,  
called for by Senate resolution of December 19, 1889.*

MAY 10, 1890.—Referred to the Committee on Printing.

May 17.—Ordered to be printed.

May 19, 1890.—Referred to the Committee on Military Affairs.

TREASURY DEPARTMENT,

May 9, 1890.

SIR: Referring to the resolution of the Senate of December 19, 1889, in relation to the claim of the State of California, and to the letter of this Department of January 13, 1890, in reply thereto (see Senate Ex. Doc. No. 26, present session), I have the honor to transmit herewith a further report thereon by the Third Auditor of the Treasury, of the 8th instant, together with additional papers in the case.

Respectfully yours,

GEO. C. TICHENOR,  
*Acting Secretary.*

The PRESIDENT OF THE SENATE.

[Senate Ex. Doc. No. 26, Fifty-first Congress, first session.]

LETTER FROM THE SECRETARY OF THE TREASURY, TRANSMITTING, IN RESPONSE TO THE RESOLUTION OF THE SENATE OF DECEMBER 19, 1889, A REPORT OF THE THIRD AUDITOR RELATIVE TO THE INDIAN WAR CLAIMS OF THE STATE OF CALIFORNIA.

TREASURY DEPARTMENT,

January 13, 1890.

SIR: I have the honor to acknowledge the receipt of the resolution of the Senate of December 19, 1889—

That the Secretary of the Treasury be, and he is hereby, authorized and directed to examine all vouchers, accounts, papers, and evidence which heretofore have been, or which hereafter may be, submitted to him in support of the war claims of the State of California against the United States, growing out of Indian hostilities and Indian disturbances in said State and upon the borders thereof, and therefrom ascertain and report to the Senate the total amount of all such claims, and also the amounts of money shown thereby to have been paid as principal and as interest thereon by the State of California, including the amounts of all liabilities by it incurred, and

of all obligations by it assumed or issued therein but not paid by said State, including interest accruing upon money borrowed or upon obligations by it assumed or issued in payment or liquidation of the expenses incurred by said State in matters connected with said hostilities and disturbances; and also to report the authority of the State of California under which said expenditures so paid, liabilities so incurred, and obligations so assumed or issued were alleged to have been done; and also to report the amounts of money which have heretofore been paid by the United States as principal and as interest on account to said State and to any holders of the said obligations of said State, in partial payment of said claims; and also to report the amount of money claimed by the State of California to be still due it as principal and interest and payable by the United States on account of the matters herein recited.

In reply thereto, I have the honor to transmit herewith the report of the Third Auditor, dated the 13th instant, giving a full statement of these claims as shown by the records and coming within the knowledge of his office.

Respectfully, yours,

GEO. S. BATCHELLER,  
*Acting Secretary.*

The PRESIDENT OF THE SENATE.

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TREASURY DEPARTMENT,  
THIRD AUDITOR'S OFFICE,  
Washington, D. C., January 13, 1890.

SIR: I have the honor to return Senate resolution of December 19, 1889, relative to Indian war claims of the State of California, etc., which you referred to me December 21, 1889, for report.

Some of the information called for is not and could not well be within the official knowledge of any officer of the United States, and could be furnished only by the State. Upon the matters within the knowledge of this office I submit the following report:

EXPENSES SUPPRESSING INDIAN HOSTILITIES PRIOR TO JANUARY 1, 1854-

(Acts August 5, 1854 (10 St., 582-583); August 18, 1856 (11 St., 91); June 13, 1860 (12 St., 104); July 25, 1868 (15 St., 175); and March 3, 1881 (21 St., 510).)

At the session of 1853-'54 the State applied to Congress, and by act August 5, 1854, the Secretary of War was authorized to examine and ascertain the amount of the expenses incurred and now actually paid by the State in the suppression of Indian hostilities prior to January 1, 1854, and to pay to the State the amount so ascertained, not to exceed \$924,259.65.

The State presented no claim under this act, hence the officers of the United States have no knowledge of the detail or the aggregate of such expenses. I understand that the State officials, upon learning that they would be required to present an itemized account, supported by vouchers, concluded not to file a claim, but to apply to Congress to change the programme.

To raise funds wherewith to defray said expenses the State had issued bonds running for a term of years, and bearing 7 and 12 per cent. interest, and sold them on the market. By act of August 18, 1856—evidently upon solicitation by the State—it was provided that the appropriation made by said act of 1854 should be applied to pay the holders of the bonds issued by the State on account of such expenses prior to January 1, 1854, the amount payable upon each bond to be indorsed by the State commissioners appointed under State law of April 19, 1856, etc.

Under this act the holders of bonds were paid, for principal and in-

terest, an aggregate of \$915,897.49, leaving \$8,263.16\* unexpended of the maximum, but that balance is no longer available, being in the "surplus fund." It is known to this office that some few bonds were not presented while yet the fund was available, but the entire number outstanding I can not state. Neither has this office official knowledge of the entire number of bonds sold by the State, its knowledge being necessarily confined to those presented for payment.

It thus appears that the Government proffered to the State reimbursement of all said expenses incurred prior to January 1, 1854, to be ascertained by the usual method of an account and vouchers; that the State preferred and asked that, in lieu of that mode, the Government assume payment of the bonds whereby the State had raised the fund with which to defray said expenses; and that Congress assented to the request. It should therefore be conclusively presumed that the assumption of the bonds was in fact a full and complete equivalent to a direct re-imbursement to the State; and the matter of said expenses prior to January 1, 1854, should be regarded as an account fully liquidated and finally closed.

On the great bulk of the bonds interest was paid by the United States only to January 1, 1854, although the act assuming payment was not passed until nearly two years and eight months thereafter; but this loss of interest fell, of course, on the bondholders, and not on the State.

I understand that the maximum of \$924,259.65 (act of 1854) had been based upon a computation of interest only to January 1, 1854, and as that sum was not enlarged by the act of 1856, the fund would not suffice for any greater allowance of interest; at all events, the rule was adopted to pay interest only to January 1, 1854, and on that basis the great bulk of the payments were made.

A few bonds were presented which had been issued in 1854 and 1855; but it was held that they could not be paid without further legislation. I understand that the reasons for that conclusion were, that they had not entered into the estimate by the State upon which said maximum was fixed; also that the act of August 5, 1854, had been confined to expenses incurred and now actually paid. The act of June 23, 1860, provided for payment, from the unexpended balance, of "any outstanding and unpaid bonds and coupons" on account of the war debt of the State prior to the passage of the act of August 5, 1854, but bearing date subsequent to January 1, 1854. Under the clause above quoted it was considered that allowance of interest on the bonds thus provided for could not be restricted to January 1, 1854; hence on such bonds interest was paid to July 1, 1860.

On the part of the State it has been represented that it had not completed the auditing of said expenses when it applied to Congress at the session of 1853-'54, and that its computation of \$924,259.65 was only partial, and based on the auditing as far as then accomplished; that

\* Manuscript stated the amount as \$8,362.16, but in type-writing was transposed to be \$8,263.16. But for statement of true amount, see note below:

NOTE.—This statement, of aggregate paid from, and unpaid balance of, this appropriation, was derived from Treasury books, and is literally correct as concerning the account of this appropriation. But, in the minute examination on which Third Auditor's further report (May 8, 1890) was based, it was developed that, in 1863, one bond and interest (\$542.09) had, by some oversight, been paid from the appropriation of \$400,000 made by act March 2, 1861. Had this payment been made from the appropriation of \$924,259.65 (acts 1854 and 1856), the Treasury books would now show aggregate paid on these bonds and interest as \$916,439.58, and the unexpended balance as \$7,820.07.—*Vide* Auditor's Report of May 8, 1890.



the aggregate of such bonds issued by the State much exceeded said maximum; also that the State itself had redeemed and now holds a large number of the bonds.

If Congress should deem proper to make provision for the payment of any such bonds now outstanding, it would seem just that the State should stand upon the same footing with individual holders. And in the event of such further legislation, it is highly important that Congress make some very specific provision to govern the matter of interest. The Government may perhaps not deem proper to pay 12 or 7 per cent. interest for long periods to holders who did not present their bonds when redemption thereof was proffered by the United States.

In connection with this subject, I invite attention to an elaborate report by the House Committee on War Claims, which will be found in House Report No. 1847, Forty-seventh Congress, second session.

EXPENSES SUPPRESSING INDIAN HOSTILITIES IN 1854, 1855, 1856, 1858 AND 1859.

[Act March 2, 1861, 12 Stat., 199.]

By said act the necessary amount, not to exceed \$400,000, was appropriated to re-imburse the State expenses incurred in sundry Indian expeditions in the years named. Presumably the State incurred no such expense in 1857; otherwise provision therefor would, no doubt have been included in the act.

Under this act, there was found due and was paid to the State an aggregate of \$230,529.76.

HUMBOLDT INDIAN EXPEDITION OF 1861—CAPTAIN WEEK'S COMPANY.

[Act of June 27, 1882, 23 Stat., 111.]

I understand that the State presented to the Secretary of War, in 1887, a large and miscellaneous claim, covering a period of several years, and relating to volunteer service in the late war, Indian hostilities, guarding overland mail, etc. The Secretary of War extracted therefrom one item which seemed to come within the province of the above act referred to, viz, expenses of Captain Week's company in the Humboldt Indian expedition in 1861. The State claimed on this item \$38,323.74; but, on reducing the charges to rates paid by United States for like service, etc. (as required by said act), the aggregate found due the State was \$11,723.64; and that sum was paid from appropriation made in deficiency act of October 19, 1888. Only the papers relating to this one item came before this office; respecting the other matters embraced in said claim I have only the general and unofficial information above noted. I presume that the Secretary of War has reported, or will report thereon to the Senate, in pursuance of Senate resolution of February 27, 1889.

MODOC WAR, 1872-773.

[Act January 6, 1883, 22 Stat., 399.]

By section 2 of said act \$4,441.33 was appropriated to pay the State, and to citizens thereof, for arms, ammunition, supplies, transportation, and services of volunteer forces, as found due and reported by General Hardie to the Secretary of War, and specially reported by the Secretary of War to the House of Representatives. The amount found due and paid to the State was \$495.72. The residue was due to citizens \$3,945.61.

Very respectfully,

W. H. HART,  
*Auditor.*

Hon. WILLIAM WINDOM,  
*Secretary of the Treasury.*

TREASURY DEPARTMENT,  
THIRD AUDITOR'S OFFICE,  
Washington, D. C., May 8, 1890.

SIR: Referring again to Senate resolution of December 19, 1889, relating to Indian war claims of the State of California, my report to you of January 13, 1890 (Senate Ex. Doc. No. 26, herewith), was based upon all matters within the knowledge of this office; and the State did not intimate to me any purpose to present anything further.

It has since presented some lengthy statements, accompanied by papers, and including the bonds and coupons paid by it. With this aid I am able to report more precisely upon some points.

(1) EXPENSES, PRIOR TO JANUARY 1, 1854, IN SUPPRESSING INDIAN HOSTILITIES.

Comparison between the State comptroller's report of bonds issued, the bonds paid by the United States, and the bonds now presented by the State, developed discrepancies. The State agent, Mr. Mullan, has procured for my use the original "bond register"\* of the State, which shows exactly how many of each denomination were issued, with the serial numbers, the aggregate being 1,564.

	State act 1851 (12 per cent.) —\$1,000.	State act 1852 (all 7 per cent.).				Total.
		\$1,000.	\$500.	\$250.	\$100.	
Issued by State .....	200	341	420	172	431	\$837, 100
Paid by United States .....	197	341	402	118	310	799, 500
Unpaid by United States .....	3	.....	18	54	121	37, 600
Held by State (see note A) .....	.....	.....	15	34	70	23, 000
Unknown holders .....	3	.....	3	20	51	14, 600
On 119 bonds State has paid principal (see note A) .....						\$23, 000. 00
Interest thereon .....						12, 718. 06
Total .....						35, 718. 06
On 1,368 bonds United States has paid .....						799, 500. 00
Interest thereon .....						116, 939. 58
Total .....						\$916, 439. 58

† This is the true aggregate; it exceeds by \$542.00 the total which the Treasury books show to have been drawn from this appropriation. But it is now discovered that in 1863 one bond (\$500, and interest, \$42.00), was by some error paid from the appropriation of \$400,000 made by act March 2, 1861; vide Sett. 1941 of September, 1863.

NOTE A.—I have excluded from the above computation five bonds now presented by the State, and which should not be recognized by the United States, viz:

The State presents original No. 34 (\$1,000, 12 percents). On some representation of the loss of the original, the State, act April 30, 1853, directed a duplicate to issue, which duplicate the United States duly paid.

The State presents No. 343 (\$100); whereas the United States has paid such a bond. The State agent offers a theory of explanation; but it rests on mere surmise of mistake in number, and admits of no verification; it should not be accepted.

The "bond register" recites that bonds (\$100) 432 and 433 were issued to be in lieu of Nos. 344 and 345. The State presents No. 433, and two bonds numbered 432, having apparently made the mistake of issuing two duplicates of one (supposed) lost original. But the United States has paid the originals—Nos. 344 and 345.

I see no reason why the United States should not provide for the unpaid principal, \$37,600, thus carrying out the purpose of the act of August 18, 1856.

Interest.—The United States should also provide for the payment of all unpaid interest, to the date of payment of the principal, on any

\* Now returned to him.

bond heretofore paid by the United States; and to the maturity of the bonds on those not yet paid. But such payments should be made only upon presentation of the bonds or coupons to be paid.

The fund provided by the United States (act August 5, 1854) was sufficient only to pay the principal of such bonds as had been issued prior to January 1, 1854, and with interest only to *that* date. When Congress two and two-thirds years after that date made the fund without enlargement applicable to the payment of the *bonds*, it could not have been ignorant of the patent fact that it was providing no means for payment of the additional accrued interest. And at a still later date (June 23, 1860) Congress directed payment, from the same fund without enlargement, of the additional bonds, bearing date subsequent to January 1, 1854. Thus it can not be said, even as to the bonds now outstanding, that their holders neglected or delayed to take early advantage of a sufficient provision for their relief, the fund falling far short when first made applicable to the bonds.

On a principal of \$790,850 the United States has paid interest to January 1, 1854, and on \$8,650 to July 1, 1860; this discrimination in favor of a few bonds being compelled by the phraseology of the act June 23, 1860, as was explained in my former report (Senate Ex. Doc. 26).

The 12 percents (State act, 1851) matured April 1, 1861; the 7 percents (State act, 1862) matured May 2, 1862.

According to computations by the State comptroller and by a committee of the State legislature, the unpaid interest on all the bonds to September 1, 1856, would amount to about \$195,000. Accepting them as a sufficient guide for a mere advance estimate, I compute that about \$25,000 would cover interest since that date to dates of payment on bonds paid by the United States, and to dates of maturity on those not paid, making an aggregate of about \$220,000 for interest, which, added to the unpaid principal, makes a grand total of \$257,600.

The State includes in its claim all principal and interest due to holders of unpaid bonds or coupons; but I presume this was done more in a view of advocating also the just claims of such holders than in any expectation that Congress would authorize payment to it of bonds or coupons belonging to other parties.

In addition to the matter of the bonds, the State asks re-imbusement of large payments represented to have been of expenses of Indian wars prior to January 1, 1854, or to have grown out of them; but these demands are so vaguely set out, and so intermingled with the expenses of later wars, that it is not possible to distinguish even what aggregates are supposed to pertain to the prior period.

About \$10,000 thereof is claimed to account of warrants, certificates, etc., drawn upon the State treasurer at dates prior to January 1, 1854; but, except the fraction thereof representing cost of printing, etc., of the bonds, nothing indicates what kind of debts or expenses were in fact liquidated by such warrants or certificates.

Other parts of these demands are for expenses in putting the bonds on the market, and for salaries of the bond commissioners and their clerk, and expenses connected therewith.

And in a supplemental statement made by the State agent March 17, 1890, an aggregate of \$22,595 is set out as expenses (said to have been assumed by the State) of various Indian campaigns, in several counties, in several years, both before and after January 1, 1854, with no distinction as between the two periods; and this supplement is not supported by a solitary voucher of any kind.

To all these claims for expenses, treated by the State as outside of and in addition to the bonds, the objection at once arises, that nothing interferes with the highly reasonable presumption that every dollar so paid out by the State had been realized by sale of the bonds; and the United States has been placed by the State in a condition in which it has no possible means of applying any test. To pay the expenses incurred by the State, in addition to assuming its bonds, would be to duplicate the payments.

In no event should the United States recognize any demands of the character above indicated. It proffered to the State, by the act of 1854, full re-imbursement of all its actual expenses for Indian hostilities prior to January 1, 1854, to be ascertained by the proper and usual mode of an account, with supporting vouchers, to be submitted by the State, and had Congress insisted upon that programme the United States would now be in a position to know exactly what expenses it had in fact re-imbursed. But the State disliked this programme as involving labor and on various grounds, and by its solicitation and showing Congress was induced (act of 1856) to accept that the proceeds of the bonds had been or would be devoted exclusively to the particular expenses, and that an assumption by the United States of the bonds would be a fair equivalent to the direct and exact mode of re-imbursement before offered. Certainly the State ought to be content to, and ought to be held to, abide by the programme of its own selection after rejecting the more exact one offered by the Government. I hold that the United States should provide such additional fund as will complete the payment of the bonds and interest, and that the account between it and the State for expenses for Indian hostilities prior to January 1, 1854, or in any manner growing out of or pretaining thereto, should then be regarded as liquidated in full and forever closed, and I recommend that this condition be definitely expressed in any act making such appropriation.

(2) INDIAN HOSTILITIES IN 1854, 1855, 1856, 1858, AND 1859 (ACT MARCH 2, 1861).

The following table shows the expeditions named in the act, the amounts claimed, the allowances (in 1863), and the amounts stated to have been then actually paid by the State :

Expeditions.	Claimed.	Allowed (1863).	Paid by State.
Shasta, 1854.....	\$4,068.64	\$1,261.38	.....
Siskiyou, 1855.....	14,036.36	6,146.60	.....
Klamath and Humboldt, 1855.....	99,096.65	61,537.48	.....
San Bernadino, 1855.....	817.03	419.99	.....
Klamath, 1856.....	6,190.07	2,952.77	6,190.07
Modoc, 1855.....	188,324.22	80,436.72	.....
Tulare, 1856.....	12,732.23	3,647.25	.....
Klamath and Humboldt, 1858 and 1859.....	52,184.45	31,832.94	52,184.45
Pitt River, 1859.....	72,156.09	41,761.54	72,156.09
Total.....	449,605.74	229,987.67	130,530.61

The State included an item (Mendocino expedition in 1859, \$9,294.53), for which the act made no provision; hence it was not considered. Reference is made to it below.

The act expressly limited the allowance for pay of volunteers, supplies, transportation, and personal services to such rates and prices as were

paid by the United States under like circumstances. Except a small fraction, the reduction of \$219,618.07 was caused by application of this provision. The great bulk of the demand now urged by the State upon this branch consists in a re-assertion of the rates and prices paid or contracted to be paid by it. It is urged that it was not reasonably possible to provide for the expeditions, under the circumstances, at rates as low as could be secured by the United States with its well-established military organization and its superior facilities, and with its further advantage of ability to make cash payment. There seems to be force in the plea, but the question is one to be judged of by Congress.

In items (Pitt River, 1859) aggregating \$2,570.21, the State now applies evidence of the auditing by it, the absence of which evidence had caused the items to be thrown out in the settlement of 1863. I see no reason why some provision therefor should not be made.

Also (Pitt River, 1859) claim is now made (*vide* miscellaneous account, of \$14,792.11) for additional amount, \$295, paid to Oliver and Lewis under a special act. The evidence consists in an official voucher by Captain Kibbe, covering a quantity of beef and flour furnished at a later date, and therefore not included in the original voucher (\$1,325) allowed in the settlement of 1863. I think the item should be provided for.

Also in the same miscellaneous statement is an item of \$136, paid Greenhord and Newbauer for transportation and insurance on gold coin used in payments for Indian hostilities in April, 1859.

Also in said statement is an item of \$194.70 for payment to John Bell, under a special act, for service as private in Captain Messick's company (Klamath and Humboldt, 1858-'59). The State furnished to the United States the original roll, duly prepared and certified by the company officers on the day and date thereof, and John Bell's name was not thereon. Not an iota of evidence is now offered to show that Bell did in fact serve. The item is inadmissible.

In the same miscellaneous account are charges as follows: Salaries of war-debt commissioners, \$6,000; salary of Phelan, their clerk, and his expenses in coming to Washington, and his service in State treasurer's office, \$3,000; purchase from Phelan of his compilation of the war records of the State (presumably made while a salaried clerk of the State), \$800, and salary of Merrihew as clerk to board of examiners of war claims, \$450. And in another statement (\$27,718.26) are items aggregating about \$7,000 for salaries of war-debt commissioners and their clerks, office rent, mileage, and cost of engraving and printing bonds, etc. These expenses, aggregating about \$17,000, seem to have been incurred by the State in the process of auditing the debts and claims growing out of the various Indian hostilities in the period 1854-1859, both inclusive, and in preparing its claim for presentation to the United States. They were not embraced in its claim for \$449,605.74; nor had the act of Congress of March 2, 1861, authorized the accounting officers to adjust items of that description.

The State sets out a list of twenty-four payments—\$27,718.26. Respecting about \$7,000 thereof (salaries, etc.) I have just commented. Items 7 and 14 (\$2,507.21) are the vouchers relating to the Pitt River expedition, 1859, upon which I have commented above. Item 19 (\$750) should not appear here. The agent himself notices that it was for payment of three of the bonds which make up the aggregate of \$35,718.06 claimed by the State on redemption of bonds (see first part). Item 20 shows merely a re-imbusement of \$3,000 to Los Angeles County for "Advances to Los Angeles Rangers." It does not appear what service



the rangers rendered, or under what authority or what were the various expenses. I know nothing of this item beyond the face thereof. The residue of the schedule, items 15, 16, 17, 21, part of 23, and 24 (\$14,317.49), is wholly unsupported by vouchers. I know nothing of the merits of the items.

In the first part of this report I referred to the supplemental statement by the agent, dated March 17, 1890. It consisted simply in an allegation that the State had assumed various amounts as expenses of Indian hostilities, in several counties, in the period of 1850-1859, both inclusive (\$32,192), the agent remarking that these items have never been examined in this Department because Congress had never so authorized. Touching whatever portion relates to the period prior to January 1, 1854, I have expressed my views. But in respect to the entire statement, it must be said that it is mere allegation, and not supported or explained by a solitary voucher nor are any items even set out. It is said that "State obligations," without interest, have been given therefor; but there are no particulars. In fact, nothing definite appears except that the State has as yet paid nothing on these expenses said to have been contracted at times ranging from thirty to forty years ago. I presume the statement was introduced merely, as the agent remarks, "*ex abundanti cautione*," and not in any expectation that it could be seriously considered; it certainly does not admit of such consideration.

It is stated, in general terms, that the large sums now claimed on account of Indian hostilities subsequent to January 1, 1854, are mostly in the status of debts represented by non-interest-bearing State obligations. Such obligations are not of any of the several series of regular bonds appearing upon the "Bond Register" of the State, and I have no information in regard to them.

(3) MENDOCINO EXPEDITION, 1859 (\$9,294.53).

It does not appear why provision therefor was not included in the act of March 2, 1861; possibly the State, in applying to Congress, had not included it. Vouchers for the expenses are now exhibited, and there are filed, as tending to show the real necessity of the expedition, a mass of petitions, appeals, etc., in which the State authorities had been urged to provide for the protection of the inhabitants of the particular locality. I see no reason why same provision for settlement should not be made.

(4) CARSON VALLEY OR WASHOE HOSTILITIES, OF 1860 (\$11,335.62).

In the spring of 1860 appeals to the Governor, representing the killing by Indians of residents and their stock, induced him to direct arms and ammunition to be sent from the State arsenal at Sacramento to equip the inhabitants of that region, which is on the border of Utah. The State asks re-imbursement of twenty-six payments on account of various expenses in sending the arms, etc., and in collecting and returning them to the State arsenal. Nothing is claimed as paid for military service, and it does not seem that any organized militia were called into service. A board of examiners, constituted by a State law, consisting of the governor, the secretary of state, and the attorney-general, passed upon the claims and made the awards upon which the twenty-six payments were based. From recitals in some of the awards



it appears that the parties generally presented accounts of petitions setting out their demands, and that testimony was before the board; also, that the board, in addition to any personal knowledge of its members, made considerable inquiry, and I do not doubt that the claims were subjected to a careful scrutiny. But the accounts, petitions, or testimony are not presented, and in respect to any of the claims I have no information other than the awards furnish. A few cases are referred to as illustrations.

Thirteen payments were for services of thirteen persons as escort for arms. The board awarded \$125 to each (\$1,625.); but the duration of the service or the per diem rate is not stated.

A payment of \$5,450 was made to C. W. Tozer, partly for hire of animals and partly for his cash disbursements. His claim was allowed in full; but the award does not indicate what proportion was on the one account or what on the other, nor does it indicate the points or distance of the transportation, the duration of the service, the number of animals, or the per diem rate, or to whom or in what sums or for what purposes he made disbursements.

A payment of \$1,725 to Joseph Kern was for services of self and team and for money disbursed in collecting the arms and returning them to the State arsenal. It does not appear how long he and his team were occupied in the service, or the per diem allowed, or in what sums, or for what purposes he expended money, except that \$100 is stated to have been paid for storage of arms on the cars.

A payment of \$500 was made for charter of a tug to carry General Haven and aids from San Francisco to Sacramento to attend to the sending of the arms, but the duration of the service or the per diem rate does not appear. On this item the board considered (very justly, I think) that the State ought to pay interest to Mr. Jessup, who had advanced the \$500, the owners declining to let their boat on the credit of the State, and he was paid \$20 for interest, for which also re-imbusement is now asked by the State.

Similar remarks apply to the other payments—the papers on which the board passed are not presented; and the quantum of service or the rate of compensation is not indicated on the face of the award in any case, nor does it appear upon what kind or degree of evidence the award rests.

In a payment of \$95, chiefly for transportation, is included a charge of \$20 for Wells, Fargo, & Co.'s postage or express stamps for use of the State senate. Its connection with this matter is not apparent.

#### (5) MISCELLANEOUS EXPENSES PAID BY STATE (\$14,792.11).

In the second part of this report I have already considered several of the items, viz: Salary of commissioners, \$6,000; salary of clerk, Phelan, \$3,000; purchase of Phelan's compilation, \$800; salary of clerk, Merrihew, \$450; payment to Oliver & Lewis, \$295; payment to John Bell, \$194.70; and payment to Greenhord and Newbauer, \$136 (total, \$10,875.70).

Item 6, \$131.41: It is shown merely that a special act directed such amount to be paid to A. E. Sherwood and that it was paid. It is said that the payment was for "supplies," but it is not even suggested when, where, to whom, or in what quantity the supplies were furnished. But there is not an iota of evidence that any were furnished. The item is not entitled to consideration.

Items 10 and 11 (\$705 and \$1,080): It is *stated* that payments in those sums were made by the State to Messrs. Bass & Co. and A. M. Winn, respectively. No *evidence* is offered that such payments were, in fact, made, and there is not even a suggestion of the nature of the two claims (if any), or of any reason why the two payments (if made) should be charged up to the United States.

Item 8 (\$2,000), re-imbusement to A. D. Bayles of claims audited and paid by him on account of Indian hostilities in 1868 and 1869: Full provision was made by the act of Congress, June 27, 1882, for the adjustment of any claims of California and other States on account of expenses of Indian hostilities in the period from April 15, 1861, to the date of the act. I see no reason why the State should ignore the remedy already provided and inject this item into a mass of demands relating to periods prior to that covered by the act. I recommend that it be not considered here.

The foregoing remarks, together with my report of January 13, 1890, seem to cover all matters presented by the State for consideration under Senate resolution of December 19, 1889. I have as far as possible grouped the items into their natural divisions, as follows:

(1) All expenses, etc., in or pertaining to the hostilities prior to January 1, 1854, treating them as all covered by, and settled by, the assumption of the two series of State bonds;

(2) The expenses, etc., in or pertaining to the several campaigns between January 1, 1854, and the end of 1859, for the adjustment of which provision was made by act of Congress, March 2, 1861;

(3) The Mendocino campaign, which, though in 1859, was not included in the act of March 2, 1861;

(4) The Carson Valley or Washoe campaign of 1860;

(5) Such items in the miscellaneous account as are not already considered in the second branch of the report.

The work of thus separating and classifying the claims has been somewhat difficult, by reason of the immense number of items, the vague manner in which a few were set out, and the fact that the State has interwoven in some of its statements matters relating to distinct periods.

All the papers furnished by the State are herewith transmitted.

Very respectfully,

W. H. HART,  
*Auditor.*

Hon. WILLIAM WINDOM,  
*Secretary of the Treasury.*

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WASHINGTON, D. C., *March 17, 1890.*

SIR: The California Indian war claims against the United States hereinafter recited, though referred to in the statement submitted to you March 3, 1890, and which in some form have heretofore been otherwise brought to the notice of your Department, were unintentionally not tabulated in said statement.

As these claims have not been heretofore examined by your Department, probably for the want of authority from Congress, or from either

branch thereof, the State of California, *ex abundanti cautione*, desires to bring the same formally to your attention, for the purpose similar to that asked for those claims that were tabulated in said statement.

These claims are separately designated "Indian war claims of the State of California against the United States, arising in several of the counties of said State, not paid by the United States, and not heretofore formally tabulated by the State of California," as follows, to wit:

(1) Siskiyou County in 1852 and 1855 .....	\$1,360
(2) Nevada County in 1850 and 1851 .....	1,269
(3) Sutter County in 1850 .....	3,710
(4) Klamath and Humboldt Counties in 1851, 1852, 1855, and 1858.....	5,426
(5) Shasta County in 1851, 1852, 1853, and 1854.....	3,170
(6) Trinity County in 1852 and 1853 .....	7,460
(7) Tehama County in 1857 and 1859 .....	*9,597
(8) El Dorado County in 1851 .....	200
Aggregating the sum of .....	32,192

The State of California duly assumed the payment of these claims after an official examination had been made thereof under her laws, to liquidate which she issued her State obligations to pay to the holders thereof the sum of \$32,192, said obligations not to bear interest, and she has relied upon the good faith of the United States to re-imburse her said sum, said liability having been incurred by said State for the "common defense."

The request is made that this communication and all matters submitted herewith may find an appropriate place at the end of the jurat of March 3, 1890, in the statement heretofore submitted to your Department and be considered therewith, and as an integral part thereof, which will show that the total of said claims then and now submitted, aggregate the sum of \$566,914.89, for the re-imbursement of which by the United States appropriate legislation by Congress is now asked.

Respectfully,

JOHN MULLAN,

*Counsel, Attorney, and Agent for the State of California.*

The SECRETARY OF THE TREASURY.

(1) Indian war claims of the State of California against the United States arising in the county of Siskiyou in 1852, and 1855, not paid by the United States, and not heretofore formally tabulated by the State of California, aggregating \$1,360.

Name of claimant and nature of claim.	Amount allowed by California.	Remarks.
R. L. Westbrook, losses sustained.....	\$1,360	\$1,000 paid by State bond No. 655, \$360 paid by State bond No. 656. Total paid in bonds, \$1,360.

\* Except the item of \$9,597, this total (\$22,595) unites in one common mass, without distinction, the expenses prior to January 1, 1854, with expenses after that date, and no vouchers are furnished for any part.—Third Auditor's Office.

(2) Indian war claims of the State of California against the United States arising in the county of Nevada in 1850 and 1851, not paid by the United States, and not heretofore formally tabulated by the State of California, aggregating \$1,269.

The following are the items which constitute the allowance made by the board of examiners of war claims for the State of California to James Walsh. The said claim amounted in the aggregate to \$18,740.18.

Name of claimant and nature of claim.	Amount allowed by California.	Remarks.
James Walsh:		
550 pounds pork, 80 cents .....	\$440	\$1,000 paid by State bond No. 520; \$100 paid by State bond No. 521; \$9 paid by State certificate No. 825; \$100 paid by State certificate No. 991; \$80 paid by State certificate No. 992. Total paid in bonds, \$1,269.
500 pounds flour, 80 cents .....	400	
200 pounds pilot bread, 80 cents.....	160	
20 pounds coffee, \$1. ....	20	
30 pounds sugar, 80 cents.....	24	
5 pounds tea, \$1 .....	5	
20 pounds powder, \$1.....	20	
40 pounds shot and lead, \$1.....	40	
	1,109	
Losses for property destroyed in said county .....	160	
	1,269	

(3) Indian war claims of the State of California against the United States arising in the county of Sutter in 1850, not paid by the United States and not heretofore formally tabulated by the State of California, aggregating \$3,710.

The following are the items which constitute the allowance made by the board of examiners of war claims for the State of California to Nicholas Allgier. The said claim amounted in the aggregate to \$3,710.

Name of claimant and nature of claim.	Amount allowed by California.	Remarks.
Nicholas Allgier:		
To cash for presents and provisions presented to the Indians at the request of General Green .....	\$380	\$500 paid by State bond No. 278; \$500 paid by State bond No. 279; \$500 paid by State bond No. 280; \$1,000 paid by State bond No. 281; \$200 paid by State bond No. 282; \$200 paid by State bond No. 283; \$200 paid by State bond No. 284; \$200 paid by State bond No. 285; \$200 paid by State bond No. 286; \$100 paid by State bond No. 287; \$100 paid by State bond No. 288; \$10 paid by State certificate No. 636. Total paid in bonds, \$3,710.
Services of self and horse ten days, at \$16 .....	160	
Services of nine friendly Indians, employed by N. Allgier, at \$10.....	900	
Services of ten horses for the Indians, ten days, at \$5 .....	500	
Services of twelve horses furnished General Green's party against Indians, ten days at \$5 .....	600	
For provisions furnished the above party for ten days.....	1,170	
	3,710	

(4) Indian war claims of the State of California against the United States, arising in the counties of Klamath and Humboldt in 1851, 1852, 1855, 1858, not paid by the United States, and not heretofore formally tabulated by the State of California, aggregating, \$5,426:

Name of claimant and nature of claim.	Amount claimed.	Amount allowed by California.	Remarks.
Samuel Sherwood, one mule killed.....	\$150.00	\$150.00	Paid by State bond No. 615.
Patrick Ford, losses sustained.....	8,127.50	3,676.00	Paid by State bond No. 654.
W. T. Stevens, house, etc., destroyed...	400.00	400.00	Paid by State bond No. 671.
James Campbell, losses sustained .....	3,000.00	1,200.00	Paid by State bond No. 722.
	11,677.50	5,426.00	Total paid, \$5,426, in bonds.

(5) Indian war claim of the State of California against the United States, arising in the county of Shasta in different years, not paid by the United States, and not heretofore formally tabulated by the State of California, aggregating, \$3,170 :

Name of claimant and nature of claim.	Amount allowed by California.	Year.	Remarks.
J. S. P. Bass & Co., horses and mules.....	\$705	1852	Paid by State bond No. 687.
John A. Driebellis:			
1 American mare.....	100	1853	Paid by State bond No. 579.
1 colt.....	50		
James Mitchell, 1 roan saddle-horse.....	150	1851	Paid by State bond No. 635.
Patrick Mullee, 4 yoke oxen, claimed, \$800..	600	1853	Paid by State bond No. 634.
Johnson & Douglass:			
2 American horses, claimed, \$600.....	400	1851	\$975 paid by State bond No. 633.
4 American cows, at \$125.....	500		
1 heifer.....	75		
D. C. Osborn:			
1 brown mule.....	100	1853	\$250 paid by State bond No. 632.
1 sorrel mare.....	75		
1 brown horse.....	75		
Boucher & Cook:			
6 American mules, claims \$1,200.....	720	1851	\$820 paid by State bond No. 631.
1 saddle-horse.....	100		
John J. Hill:			
1 American riding-horse.....	125	1854	\$225 paid by State bond No. 642.
1 California riding-horse.....	100		
	3, 875		

From which sum deduct the item of \$705, same being included in exhibits of the third period, leaving a balance of \$3,170.  $\$3,170 + 705 = \$3,875$ , total paid in bonds.

(6) Indian war claims of the State of California against the United States, arising in the county of Trinity, in different years, not paid by the United States, and not heretofore formally tabulated by the State of California, aggregating, \$7,460 :

Name of claimant and nature of claim.	Amount allowed by California.	Year.	Remarks.
Joseph Stone, 4 mules killed.....	\$600	1853	Paid by State bond No. 612.
Berryman Sack, 11 mules lost.....	1, 320	1852	Paid by State bond No. 623.
John B. Sanickson, 33 mules and 3 horses lost.	4, 280	1852	Paid by State bond No. 624.
Charles Anderson, administrator of the estate of John Anderson, losses sustained, claims 2,287. 50.	1, 260	1852	Paid by State bond No. 649.
	7, 460	.....	\$7, 460, total paid in bonds.

(7) Indian war claims of the State of California against the United States, arising in the county of Tehama in different years, not paid by the United States, and not heretofore formally tabulated by the State of California, aggregating \$9,597 :

Name of claimant and nature of claim.	Amount allowed by California.	Year.	Remarks.
E. A. Stevenson, property destroyed.....	\$8, 000	1859	Paid in State bonds Nos. 679, 680, 681, 682, 683, 684, 685, and 686, of \$1,000 each.
Edward W. Inskeep, property destroyed....	1, 597	1857	Paid in State bonds Nos. 717 and 718, of \$798.50 each.
	9, 597	.....	\$9,597, total paid in bonds.



(6) Indian war claims of the State of California against the United States, arising in the county of El Dorado in 1851, not paid by the United States, and not heretofore tabulated by the State of California, aggregating \$200:

Name of claimant and nature of claim.	Amount allowed by California.	Remarks.
John Eglin, 1,352 hay, claims \$270.....	\$200	Paid in State bond No. 720, \$200, total paid in bonds.

DISTRICT OF COLUMBIA,  
City of Washington, ss :

John Mullan on first being duly sworn, says: That for several years last past he has been, and now is counsel, attorney, and agent of the State of California, appointed and duly authorized by the legislature of said State to secure a final adjustment of all the Indian war claims of the State of California against the United States, of which the foregoing constitute parts. That he has read the foregoing statement and all the matters submitted therewith, that the matters recited in all thereof are true, except those matters therein recited upon information and belief, and as to those matters he believes the same to be substantially true, errors and omissions excepted.

JOHN MULLAN.

Subscribed and sworn to before me this 17th day of March, 1890.

[SEAL]

S. A. TERRY,  
Notary Public.

WASHINGTON, D. C., March 29, 1890.

SIR: (1) In the matter of the California Indian war bonds, recently presented to your Department for examination and report thereon to the Senate, I have the honor to call your attention to what seems to have been an error made on the part of the State of California in the number of a certain bond issued on the 24th of November, 1854, under the act of the legislature of that State, approved May 3, 1852, to E. A. Fitzgerald in the sum of \$100. Said bond is numbered 343, for \$100; whereas the State records show that said bond should have been numbered 403, as bond 403 was the only bond ever issued either on November 24, 1854, or any other date, to E. A. Fitzgerald for the sum of \$100, or for any other sum, and all of which fully appears from the face of the original State bond register, heretofore submitted to and now before your Department for examination.

The request is therefore made that said bond No. 343 may be treated as if numbered bond No. 403, for the reasons above stated, and all of which will satisfactorily appear to your Department upon the examination of said original State bond register.

(2) For a more satisfactory understanding by your Department of the total claim of the State of California against the United States on account of the Indian war debt incurred by said State for the "common defense," prior to January 1, 1854, heretofore submitted to your Department, it is deemed proper to also submit herewith certain tabulated statements and recitals to be considered with the statements heretofore submitted to you in these premises, and which tabulated statements are as follows, to wit:



General recapitulation of the expenditures incurred by the State of California for the subsistence and pay of the troops composing the different military expeditions ordered out by the governor during the years 1850, 1851, 1852, etc., for the protection of the lives and property of her citizens, and for the suppression of Indian hostilities within her borders, as follows:

(1) *First El Dorado military expedition.*

Amount paid for supplies .....	\$24,056.79	
Amount paid for animals.....	1,185.00	
Amount paid for services and use of horses.....	77,731.11	
<b>Total aggregate .....</b>		<b>\$102,972.90</b>
Amount thereof paid in 12 per cent. bonds.....	88,324.00	
Amount thereof paid in warrants based upon the certificates of the State board of war-claim examiners.....	14,648.90	
<b>Making a total aggregate .....</b>		<b>102,972.90</b>

(2) *Second El Dorado military expedition.*

Amount paid for supplies.....	\$85,901.19	
Amount paid for animals.....	19,060.00	
Amount paid for services and use of horses.....	95,558.40	
<b>Total aggregate.....</b>		<b>\$200,519.59</b>
Amount thereof paid in 12 per cent. bonds.....	11,676.00	
Amount thereof paid in warrants based upon the certificates of the State board of war-claim examiners.....	188,843.59	
<b>Making a total aggregate .....</b>		<b>200,519.59</b>

(3) *Gila military expedition.*

Amount paid for supplies .....	\$17,460.76	
Amount paid for animals.....	5,571.00	
Amount paid for services and use of horses.....	90,450.49	
<b>Total aggregate .....</b>		<b>113,482.25</b>
Amount thereof paid in 12 per cent. bonds.....	99,000.00	
Amount thereof paid in warrants based upon the certificates of the State board of war-claim examiners.....	14,482.25	
<b>Making a total aggregate.....</b>		<b>113,482.25</b>

(4) *Mariposa and Monterey military expeditions.*

Amount paid for supplies .....	\$57,244.71	
Amount paid for animals.....	10,722.00	
Amount paid for services and use of horses.....	191,405.60	
<b>Total aggregate.....</b>		<b>\$259,372.31</b>
Amount thereof paid in warrants based upon the certificates of the State board of war-claim examiners.....	259,372.31	
<b>Making a total aggregate .....</b>		<b>259,372.31</b>

(5) *Los Angeles and Utah military expeditions.*

Amount paid for supplies.....	\$33,941.16	
Amount paid for animals.....	18,678.00	
Amount paid for services and use of horses.....	43,658.44	
<b>Total aggregate.....</b>		<b>\$96,277.60</b>
Amount thereof paid in warrants based upon the certificates of the State board of war-claim examiners.....	96,277.60	
<b>Making a total aggregate.....</b>		<b>96,277.60</b>

(6) *Trinity, Klamath, and Clear Lake military expedition.*

Amount paid for supplies.....	\$12,358.08	
Amount paid for services and use of horses.....	21,962.00	
Total aggregate .....		\$34,320.08
Amount thereof paid in warrants based upon the certificates of the State board of war-claim examiners.....	34,320.08	
Making a total aggregate .....		34,320.08

(7) *San Diego military expedition.*

Amount paid for supplies.....	\$3,787.00	
Amount paid for services and use of horses.....	19,294.00	
Total aggregate.....		\$23,081.00
Amount thereof paid in warrants based upon the certificates of the State board of war claim examiners.....	23,081.00	
Making a total aggregate .....		23,081.00

(8) *Siskiyou military expedition.*

Amount paid for supplies.....	\$3,500.00	
Amount paid for services and use of horses.....	12,924.00	
Total aggregate .....		\$16,424.00
Amount thereof paid in warrants based upon the certificates of the State board of war-claim examiners .....	16,424.00	
Making a total aggregate .....		16,424.00

(9) *Miscellaneous expenditures pertaining to said military expeditions.*

Amount paid in 12 per cent. bonds authorized to be issued under Cali- fornia statutes 1852, page 250 .....		\$1,000.00
Amounts paid in warrants based upon the certificates of the State board of war-claim examiners to clerk to board of war-claim examiners .....		1,100.00
Making a total aggregate of .....		2,100.00

## RECAPITULATION OF THE FOREGOING.

1. First El Dorado military expedition .....	\$102,972.90
2. Second El Dorado military expedition .....	200,519.59
3. Gilæ military expedition .....	113,482.25
4. Mariposa and Monterey military expeditions .....	259,372.31
5. Los Angeles and Utah military expeditions.....	96,277.60
6. Trinity, Klamath, and Clear Lake military expedition.....	34,320.08
7. San Diego military expedition.....	23,081.00
8. Siskiyou military expedition .....	16,424.00
9. Miscellaneous expenditures pertaining to said military expedition....	2,100.00
Making a total aggregate of.....	848,549.73

This sum of \$848,549.73 is therefore the amount of the total principal of the California Indian war debt incurred by said State prior to January 1, 1854, and by her duly assumed, and to liquidate which said State issued sundry forms of her State obligations and each form in an amount as hereinafter specifically recited. This principal of \$848,549.73 so tabulated in the foregoing recapitulation was and is made up of and

now appears in sundry specific forms of obligations issued by the State of California, to wit:

(1) In a <i>bonded</i> form, represented by the issue of certain 12 per cent. bonds; in a sum aggregating .....	\$200,000.00
(2) In a <i>bonded</i> form, represented by the issue of certain 7 per cent. bonds; in a sum aggregating .....	638,100.00
(3) In the form of certain comptroller's warrants— <i>not bonded</i> —issued in a sum aggregating .....	2,550.00
(4) In the form of certain State treasurer's certificates— <i>not bonded</i> —issued in a sum aggregating .....	7,896.62
(5) In some form, not yet fully shown, or arising from some error not heretofore clearly discovered; in a sum aggregating .....	3.11
Making a total aggregate of .....	848,549.73

Very respectfully,

JOHN MULLAN,

*Counsel, Attorney, and Agent for the State of California.*

The SECRETARY OF THE TREASURY,  
*Washington, D. C.*

DISTRICT OF COLUMBIA,  
*City of Washington, ss:*

John Mullan, on first being duly sworn, says: That for several years last past he has been, and now is, the counsel, attorney, and agent for the State of California, appointed and duly authorized by the legislature of said State to secure a final adjustment of all the unpaid Indian war claims of the State of California against the United States. That he has read the foregoing statement and knows the contents of the whole thereof, and which statement relates to said Indian war claims; that all the matters therein recited or referred to are true, except as to those matters therein stated upon information and belief, and as to those matters he believes the same to be substantially true, errors and omissions excepted.

JOHN MULLAN.

Subscribed and sworn to before me this 29th day of March, 1890.

[SEAL.]

S. A. TERRY,  
*Notary Public.*

MEMORANDUM.

The total amount of the principal of the California Indian war debt, by her incurred prior to January 1, 1854, aggregates the sum of \$848,549.73, and is made up of and now appears in sundry specific forms of State obligations issued by the State of California, as follows, to wit:

(1) In a <i>bonded</i> form, represented by the issue of certain 12 per cent. bonds; in a sum aggregating .....	\$200,000.00
(2) In a <i>bonded</i> form, represented by the issue of certain 7 per cent. bonds; in a sum aggregating .....	638,100.00
(3) In the form of certain comptroller's warrants— <i>not bonded</i> —issued in a sum aggregating .....	2,550.00
(4) In the form of certain State treasurer's certificates— <i>non bonded</i> —issued in a sum aggregating .....	7,896.62
(5) In some form, not yet fully shown, or arising from some error not heretofore clearly discovered; in a sum aggregating .....	3.11
Making a total aggregate of .....	848,549.73

Query. If the United States now pays California's State treasurer's certificates, submitted as a part of its Indian war claim against the

United States, would it be possible that the United States might be paying twice over for some portions of this same California Indian war debt, by her incurred prior to January 1, 1854?

The answer to this would be, *No*. Because the total principal of this Indian war debt incurred by California prior to January 1, 1854 (as per revised corrected statement), aggregates the sum of \$848,549.73, and until the State of California or the private holders of any of her State obligations shall have presented to the United States for redemption and payment these various forms of obligations, *each form aggregating the specific amount as hereinbefore stated* (the total of which as principal aggregates the sum of \$848,549.73 and no more), then this inquiry would not be pertinent, and if pertinent, it is respectfully submitted that such inquiry would be fully answered by the foregoing recitals.

The State treasurer's certificates represent the fractional, *non-bonded portion* of those particular controller's warrants that were issued by the State of California based upon the certificates of award made by her State board of Indian war-claim examiners, duly transmitted and certified to the State controller of the State of California, in evidence of the liquidation of those certain Indian war claims that had been examined and finally adjudicated by said board. Based upon certain of said controller's warrants so issued, the State of California thereafter duly issued certain 12 per cent. bonds in *even sums* of the denomination only of \$1,000, under the act of the 15th of February, 1851, in a sum aggregating \$200,000. In addition thereto the State of California, based upon certain others of the same controller's warrants, issued certain 7 per cent. bonds in *even sums*, to wit: Of the denominations of \$100, \$250, \$500, and \$1,000, under the act of the 3d of May, 1852, in a sum aggregating \$638,100, thereby leaving unpaid and unbonded those certain *fractional or uneven sums* of money that represented the unpaid balances of said controller's warrants, and those fractional balances were then and are now represented by these State treasurer's certificates.

The sum total of the face value of these certain 12 per cent. bonds and of these certain 7 per cent. bonds, plus the sum total of the face value of these State treasurer's certificates, equal the sum total of the face value of said State controller's warrants. These State treasurer's certificates and these certain 12 per cent. and these certain 7 per cent. bonds are simply integral parts of one and the same unit, to wit, said State controller's warrants.

These bonds and State treasurer's certificates were all duly issued by the State of California, based upon said State controller's warrants, and these last were based upon the said certificates of award of said board of State war-claims examiners; said certificates of award themselves being based upon the exact allowances made by said board of State war-claim examiners in the final adjudication of said California Indian war claims, duly presented to said board for examination, audit, and adjudication, as provided for under the State laws of California. The face value of all these 12 and 7 per cent. bonds, plus the face value of all of said *non-bonded* State treasurer's certificates, plus the face value of all of said non-bonded controller's warrants, plus \$3.11, aggregate the sum total of the California Indian war debt incurred prior to January 1, 1854, the principal of said debt being, as aforesaid, the sum of \$848,549.73.

Query. Were not these California State treasurer's certificates paid out of the net proceeds of the moneys arising from the sales of said California Indian war bonds?

The answer to this would be they were not; and if they were not so paid then said certificates must have been paid out of some other moneys or fund or assets of the State of California, in which event they constitute a valid part of this claim of the State of California against the United States for re-imbursement, as much so, in fact and in equity, as the bonds themselves, and because these State treasurer's certificates were and are only another form of certain portions of this same Indian war debt, to wit, a non-bonded form. I say assets, because in some of these cases some of these State treasurer's certificates were actually paid or taken in payment of *State school-land warrants* (another form of California's State obligation or State security) which the State of California issued as a circulating medium at the rate of \$2 per acre, and which State school-land warrants were subsequently located upon and satisfied, *pro tanto*, out of the lands subsequently granted her by Congress.

If they were so paid then it mathematically follows that when the State of California came to redeem and pay said bonds, the face value of said certificates, and the face value of said bonds, each representing, *pro tanto*, a certain portion of said Indian war debt, that said State necessarily had paid out moneys from her State treasury in a sum equal to the face value of said State treasurer's certificates, plus the face value of said bonds, plus the interest that had accrued on said bonds.

It was and is financially impossible for the face value of said State treasurer's certificates, plus the face value of said bonds, plus the interest that had accrued on said bonds, to have been paid out of the sum of money that arose only from the net proceeds of the cash sales of said bonds.

Why should the State of California issue bonds with which to raise money to pay said certificates? Why not bond the certificates themselves? The fact is said bonds were not issued in that way for any such purposes; but the bonds and certificates were issued. In the case of the 12 per cent. bonds they were issued in the name of William Foster and William Rogers, who were two of the paymasters of the State of California, primarily authorized to liquidate these claims, and in the case of the 7 per cent. bonds and the State treasurer's certificates, they were issued either in the name of the claimants, their assignees, or in the name of some other persons by them designated; and that all the bonds, State Treasurer's certificates, and warrants were but sundry specific forms of evidence of different portions of one and the same California Indian war debt, the total of which debt, as above stated, was \$848,549.73.

Said non-bonded State treasurer's certificates, and said non-bonded Controller's warrants were integral parts of said debt; as much so as were the 12 and 7 per cent. bonds themselves.

The total aggregate of all of which bonds, State treasurer's certificates and non-bonded controller's warrants, plus \$3.11 does not exceed, but just equals the sum of \$848,549.73, errors and omissions excepted, and which error is herein tabulated to be \$3.11.

It may not be amiss to call attention to the fact that the State of California when redeeming and paying some of these State treasurer's certificates, redeemed and paid them with interest calculated at the rate of 7 per cent. per annum, the same as she paid on her said 7 per cent. Indian War Bonds. Two instances of this kind have already been submitted and are now pending before the Treasury Department for consideration, and which two cases are also recited on page 375 of a report printed on said subject herewith. Said State treasurer's certifi-



cates having been redeemed and paid under the authority of an act of the legislature of California, approved April 4, 1870. (Statutes of California, 1869-'70, page 698.)

The face value of one of these State treasurer's certificates was .....	\$46.00
The interest calculated on said State treasurer's certificates on the date of payment, aggregated the sum of .....	56.08
Making a total of principal and interest paid on said State treasurer's certificates by the State of California the sum of .....	102.08
The face value of the other of these State treasurer's certificates was .....	36.00
The interest calculated thereon as aforesaid at the date of payment aggregated .....	43.68
Making a total of principal and interest which was paid on said State treasurer's certificates by the State of California, on the date of the redemption thereof, the sum of .....	79.68

*VERIFIED STATEMENT OF THE TOTAL EXPENDITURES AND LIABILITIES INCURRED BY THE STATE OF CALIFORNIA FOR THE COMMON DEFENSE.*

Growing out of Indian hostilities and Indian disturbances in said State and upon the borders thereof, prior to February 15, 1890, to liquidate a portion of which the State of California has heretofore assumed and already paid in gold coin the sum of .....	\$161,256.78
And to liquidate the remainder thereof said State has heretofore issued its State obligations to pay the sum of .....	373,466.11
Making a total aggregate of California Indian war claims not heretofore paid or re-imbursed by the United States of .....	534,722.89

The SECRETARY OF THE TREASURY,  
*Washington City, D. C.:*

SIR: The Senate, by a resolution adopted December 19, 1889, requested that a report be made by you upon certain California Indian war matters therein recited, which resolution upon being referred by you on December 21, 1889, to the honorable Third Auditor of the Treasury, that officer, on January 13, 1890, submitted to you in writing a report thereon, which report was duly transmitted by your Department to the Senate, and on January 15, 1890, the same was duly referred to the Senate Committee on Military Affairs, ordered to be printed, and now constitutes Senate Ex. Doc. No. 26, Fifty-first Congress, first session, printed copy of all of which is hereto attached, made part hereof, marked Exhibit A, Part No. 1, or first period.

In view of the recitals contained in said resolution and in said report, among others, "that some of the information called for in said resolution is not and could not well be within the official knowledge of any officer of the United States, and could be furnished only by the State of California," etc., the State of California now therefore respectfully submits to you this statement in connection with certain Indian war claims against the United States, which she now presents, and also herewith furnishes your Department certain, if not all the information



called for in said resolution, not then within the official knowledge of any officer of your Department, and for all of which the consideration of yourself and that of the Third Auditor of the Treasury is respectfully asked; and the request is hereby made that this statement and the exhibits hereto attached may constitute the basis of and may accompany a supplementary report which you may be pleased to make or cause to be made to the Senate in all these premises in compliance with said resolution.

For the purpose of clear and full understanding of these certain California Indian war claims against the United States presented herewith, growing out of past Indian hostilities and Indian disturbances in the State of California and upon the borders thereof, not heretofore paid by the United States, the interval between the date of the admission of California into the Union, to wit, September 9, 1850, and the date of this statement, to wit, February 15, 1890, may be subdivided into three separate parts or periods, to wit:

Part 1, or first period ending 1st of January, 1854.

Part 2, or second period ending 2d of March, 1861.

Part 3, or third period ending 15th of February, 1890.

#### PART ONE OR FIRST PERIOD.

On August 5, 1854, August 18, 1856, March 2, 1861, and June 27, 1882, Congress passed certain acts providing for the payment or adjustment, either of certain California Indian war obligations or of certain California Indian war claims against the United States, which Congressional legislation will be found recited part in 10 U. S. Stat., 582, part in 11 U. S. Stat., 91, part in 12 U. S. Stat., 129, and part in 22 U. S. Stat., 111 respectively.

The object of the said acts of Congress of August 5, 1854, and August 18, 1856 (which acts were substantially a duplication one of the other), was, it is submitted, to provide for an equitable reimbursement of all claims against the United States growing out of California Indian war obligations and expenses that had been incurred by California prior to January 1, 1854.

The amount of these expenses, and for which State obligations were duly issued by the State of California, with interest calculated up to January 1, 1854, aggregated the sum of \$924,259.65. But there were other and additional California Indian war expenses that had been incurred prior to January 1, 1854, which either had not been duly audited and allowed by that State prior to January 1, 1854, or if audited and allowed there had not been issued any State obligations in liquidation or final payment of such claims.

Provision intended to meet all expenses that had been incurred by the State of California prior to January 1, 1854, some of which were liquidated prior and some subsequent to January 1, 1854, were made under the authority of the several State acts of the legislature of that State approved on the dates following, to wit:

February 15, 1851—May 3, 1852 (the latter supplemented by the two State acts approved April 16, 1853, and May 18, 1853, etc.), copies of all of which State acts are now hereto attached, made parts hereof, and marked Exhibits B, C, D, E, F, Part No. 1, or first period.

The total amount of the principal of California's Indian war debt, incurred prior to January 1, 1854, by the State of California on account

of this series of claims, tabulated without interest, aggregated the sum of \$850,299 73, and was represented as follows, to wit:

(1) By State obligations issued by California under the State act of February 15, 1851, in the sum of.....	\$201,000.00
(2) By State obligations issued by California under said State act of May 3, 1852 (supplemented by said State acts approved April 16, 1853, and May 18, 1853, etc.), in the sum of.....	638,100.00
(3) By State comptroller's warrants in the sum of.....	2,550.00
(4) By State treasurer's certificates of fractional sums due on comptroller's warrants in the sum of.....	7,896.62
(5) By amount unaccounted for, the sum of.....	753.11

    Making a total aggregate of the sum of..... 850,299.73

The principal of that portion of said California Indian war debt for which State obligations had been issued by California prior to January 1, 1854, including interest calculated up to January 1, 1854, aggregated the sum of \$924,259.65.

This matter having been duly represented to it prior to August 5, 1854, Congress on that date appropriated the sum of \$924,259.65, which money not having been expended prior to August 18, 1856, Congress re-appropriated that identical sum on August 18, 1856, simply changing the payee from the "State of California" to that of the "private holders" of said obligations.

FIRST.

Of the first of foregoing amounts, to wit, \$201,000, the United States in partial payment of said California State Indian war obligations, has heretofore paid, not, however, to the State of California, but to said private holders thereof, as recited in the acts of Congress as follows, to wit: August 5, 1854 (10 U. S. Stat., 582); August 18, 1856 (11 U. S. Stat., 91); June 23, 1860 (12 U. S. Stat., 104); July 25, 1868 (15 U. S. Stat., 175); March 3, 1881 (21 U. S. Stat., 510).

(1) Of the principal of said State obligations, issued under said State act of February 15, 1851, the sum of.....	\$197,000
(2) The State of California has also heretofore paid of the principal of said State obligations of said State act of February 15, 1851, the sum of..	*1,000
(3) There are also still outstanding unpaid of the principal of said State obligations of February 15, 1851, the sum of.....	3,000
(4) Making a total aggregate of the principal of said State obligations, issued under said State act of February 15, 1851, paid and unpaid, the sum of.....	201,000

SECOND.

Of the second item of these State obligations, aggregating \$638,100, the United States has heretofore paid, not, however, to the State of California, but to said private holders thereof, as recited in said Acts of Congress, as follows, to wit:

(1) Of the principal of said State obligations issued under said State act of May 3, 1852 (supplemented by the said State acts of 1853, etc.), the sum of.....	\$599,400
(2) The State of California has heretofore paid of said principal the sum of.....	23,400
(3) There are still outstanding, unpaid of said principal, the sum of....	15,300
(4) Making a total aggregate of principal of said State obligations issued under the said State act of May 3, 1852 (supplemented by the said State acts of 1853, etc.), the sum of.....	638,100

\* In respect to this item (\$1,000) see note by Third Auditor's Office, on page 56 hereof.

## THIRD.

So it fully appears that the United States have heretofore paid, not, however, to the State of California, but to private holders of the principal of said California State Indian war obligations, under said acts of Congress, as follows, to wit:

(1) Those issued under said State act of February 15, 1851, the sum of..	\$197,000.00
(2) Those issued under said State act of May 3, 1852 (supplemented by said State acts of 1853, etc.), the sum of .....	599,400.00
(3) Making an aggregate of the principal paid under said acts of Congress by the United States of said State obligations issued by California under said State acts of February 15, 1851, and May 3, 1852 (supplemented by said State acts of 1853, etc.), the sum of .....	796,400.00
(4) The United States has also paid as interest on the foregoing principal of said State obligations of 1851 and 1852 the sum of .....	119,497.49
(5) Making a total aggregate of principal and interest of said California State obligations of 1851 and 1852, heretofore paid by the United States under said acts of Congress, the sum of .....	915,897.49

## FOURTH.

(1) The State of California has also heretofore redeemed and paid in money, of the principal of the State obligations issued under said State act of February 15, 1851, the sum of (12 per cent.) .....	\$1,000.00
(2) The State of California has also heretofore paid in money, as interest on the foregoing principal, the sum of .....	1,190.00
(3) The State of California has also heretofore redeemed and paid in money, of the principal of the state obligations issued under said state act of May 3, 1852 (supplemented by said state acts of 1853, etc.), the sum of .....	23,400.00
(4) The State of California has also heretofore paid in money as interest on the principal of the last-named State obligations, Exhibits S, L, M, N, O, P, part No. 1, or first period, the sum of .....	13,080.48
(5) The State of California has also heretofore redeemed and paid in money, the principal of State treasurer's certificates of balances due on controller's warrants, Exhibits Q and T, part No. 1, or first period, the sum of .....	7,896.62
(6) The State of California has also heretofore redeemed and paid in money the principal of State controller's warrants, Exhibits L, R, and U, part No. 1, or first period .....	2,550.00
Making a total aggregate of principal and interest, heretofore redeemed and paid in money, by the State of California on account of said State Indian war claims and state Indian war obligations of 1851 and 1852, none of which has been heretofore paid by the United States, the sum of .....	49,117.10

Which sum is now due and payable by the United States to the State of California on account of the matters hereinbefore recited, for the payment of which the State of California now duly makes claim and demand against the United States. In support of the several items of this last recited claim against the United States, the State of California now submits to you, as evidence herein, as follows, to wit:

First. The said paid State Indian war obligations—Exhibit S, part No. 1, or first period. Details contained in Exhibits L, M, N, O, P, part No. 1, or first period.

Second. The said paid State treasurer's certificates—Exhibit T, part No. 1, or first period. Details contained in Exhibit Q, part No. 1, first period.

Third. The said paid State controller's warrants—Exhibit U, part No. 1, or first period. Details contained in Exhibits L and R, part No. 1, or first period, all heretofore duly redeemed and paid in money by the State of California as hereinbefore recited, aggregating the sum of \$49,117.10, as per Exhibits L, M, N, O, P, Q, R, part No. 1, or first period.

Fourth. Full, true and correct copies of the statute laws of California, which authorized the issue and payment of the foregoing described obligations, certificates, and warrants, are set forth in Exhibits B, C, D, E, F, V, W, X, Y, part No. 1, or first period.

## FIFTH.

Besides the foregoing there are certain unpaid outstanding coupons, pertaining to and earned by those particular Indian war State obligations, described as follows, to wit :

(1) Those coupons representing the amount of interest earned between January 1, 1854, and September 1, 1856, on those certain Indian war State obligations issued by California under said State act of February 15, 1851, and paid by the United States on September 1, 1856, which aggregate the sum of.....	\$63,040.00
(2) Those coupons representing the amount of interest earned between January 1, 1854, and September 1, 1856, on those certain Indian war State obligations issued by California under said State act of May 3, 1852, and paid by the United States on September 1, 1856, which aggregate the sum of.....	110,282.66
Making of said unpaid outstanding coupons a total aggregate sum of .....	173,322.66

A table setting forth all the foregoing described unpaid outstanding California Indian war State obligations is hereto attached, made part hereof, and marked Exhibit H, part No. 1, or first period.

## SIXTH.

This statement includes and describes the total amount of all California Indian war State obligations and Indian war claims against the United States of the particular classes arising during said three periods, now remaining unpaid by the United States, to wit: Those heretofore assumed but not paid, but for all of which State obligations to pay have been duly issued by the State of California, and those which the State of California has heretofore assumed and actually paid in cash in all these premises, but not heretofore re-imbursed by the United States. For the latterfull re-imburement is now asked, the amount of which, as now shown, aggregates the sum of \$49,117.10 paid in gold coin by the State of California during the first of said three periods, and as to the remainder, legislation by Congress is requested, such as would be equitable and final in all these premises.

It is respectfully submitted that the payment at this time by the United States of this particular claim of \$49,117.10 so heretofore paid in cash by the State of California, would be to place that State simply upon the same footing which other holders of similar State obligations issued by the State of California for the very same purposes have heretofore enjoyed.

The present Third Auditor in his report to you, Exhibit A, part No. 1, or first period, recites that it would seem but just that the State of California should stand upon the same footing with individual holders, which opinion is in harmony with that expressed by his predecessor in a letter addressed to Secretary Folger on February 16, 1882, and marked Exhibit I, part No. 1, or first period.

- So that the total debt herein recited arising during this first period aggregates the sum of ..... \$252,982.57
- (1) Of which the State of California has assumed and paid in cash as per Exhibits L, M, N, O, P, Q, R, part No. 1, or first period, the sum of ..... 49,117.10
- (2) Of which the State of California has assumed and not paid in cash, but for which she has duly issued obligations to pay, in the sum of ..... 203,865.47

As per Exhibit H, part No. 1, or first period, for the final and equitable adjustment and payment of all of which adequate Congressional legislation is now asked by the State of California.

The general subject of the foregoing California Indian war claims, and miscellaneous provisions to pay the same, relating to part 1, or the first period, will be found summarized generally in certain acts and joint resolutions passed by the legislature of California, hereinafter recited, as follows, to wit:

California State statutes or resolutions.	Date.	Page.	Subject-matter.
	1851.		
No. 1.....	Mar. 7	489	Creating William Foster and William Rogers paymasters.
2.....	Mar. 17	402	Creating James Burney paymaster, and to pay troops (California volunteers).
3.....	Feb. 15	520	To negotiate a loan for the California Indian war fund, \$500,000.
4.....	Mar. 25	530	To establish forts on the borders of California.
5.....	Apr. 11	532	Directing State adjutant-general to enter names on muster-rolls of California volunteers.
6.....	Apr. 22	534	Reference to payment of California Indian war claims and informal transfers in writing.
7.....	Apr. 24	535	Reference to the payment of certain claims of the Gila military expedition.
8.....	May 1	538	Authorizing the paymaster of the Gila military expedition to pay claims.
9.....	May 1	539	For the benefit of the citizens of Los Angeles County.
	1852.		
10.....	May 3	59	Authorizing the State treasurer to issue State Indian war bonds for \$600,000.
11.....	May 1	61	Authorizing and requiring the board of examiners to settle with William Rogers.
12.....	Apr. 2	250	For the relief of James L. Bolen.
13.....	May 1	261	For the relief of Jacob C. Kore.
14.....	Apr. 15	262	For the relief of John G. Marvin.
	1853.		
15.....	Apr. 2	79	For the relief of Thomas A. Hilton, M. D.
16.....	Apr. 16	95	To pay California troops under Captains Wright and McDermott, \$23,000.
17.....	Apr. 16	97	For the relief of Beverly C. Sanders.
18.....	Apr. 30	130	For the relief of John C. Johnson.
19.....	May 3	134	Additional Indian war fund, \$23,000.
20.....	May 1	154	For the relief of A. D. Blanchard and Samuel Stevens.
21.....	May 12	177	Secretary of State constituted one of the board of examiners.
22.....	May 13	177	Providing for the pay and compensation of Maj. James Burney.
23.....	May 17	200	For the relief of John Brown, \$1,150.
24.....	May 18	225	Payment of the Fitzgerald Volunteers.
25.....	May 18	268	For the relief of John W. Jackson.
26.....	Mar. 1	310	General statement of the California Indian war debt to be made out.
	1854.		
27.....	May 15	171	For the relief of Powell Weaver.
	1857.		
28.....	Apr. 23	234	To pay E. H. Burns for services in the county of Klamath, \$750, and to issue bonds therefor.

The foregoing acts and resolutions of the State of California were to provide for the payment of the expenses of the several military expeditions set on foot in and by that State, for the purpose of suppressing Indian hostilities and Indian disturbances in California and upon the



borders thereof, which military expeditions were denominated and known, respectively, as follows, to wit:

1. The Mariposa and Monterey.
2. The First Eldorado.
3. The Second Eldorado.
4. Los Angeles and Utah.
5. Trinity, Klamath, and Clear Lake.
6. The San Diego, Fitzgerald Volunteers.
7. The Siskiyou Volunteer Rangers.
8. The Gila Colorado Volunteers.

**PART TWO OR SECOND PERIOD.**

[Period between January 1, 1854, and March 2, 1861.]

During the second period herein referred to, to wit, between January 1, 1854, and March 2, 1861, other and additional Indian hostilities and Indian disturbances arose in the State of California and upon the borders thereof, between which dates California incurred sundry other expenses and issued other State obligations on account thereof, and in addition thereto made provisions to meet certain specific expenses incurred for similar expenses arising in said State, "All for the common defense," prior to January 1, 1854, not theretofore paid by the State or the United States, in liquidation or payment of which, the legislature of California duly made provision in the several State acts hereinafter recited, as follows, to wit:

California State statutes or resolutions.	Date when enacted.	Page of statute.	Subject-matter legislated upon.	Amount appropriated by California.
No. 1.....	May 15, 1854	170	County treasurer to pay Los Angeles rangers.....	\$3,000.00
2.....	do.....	171	Powell Weaver.....	500.00
3.....	May 7, 1855	283	Wells, Fargo & Co.....	3,717.39
4.....	Mar. 12, 1856	42	Klamath expedition.....	15,000.00
5.....	Apr. 23, 1857	234	E. H. Burns.....	750.00
6.....	Apr. 25, 1857	262	Siskiyou, Klamath, Humboldt, Sutter, San Bernardino, Nevada, Los Angeles, Yuba expeditions.	410,500.00
7.....	Mar. 6, 1858	47	A. J. F. Phelan.....	1,020.00
8.....	Apr. 26, 1858	326	Ed. S. Beale.....	1,242.00
9.....	Mar. 30, 1858	102	McDonald & Jones.....	6,000.00
10.....	Mar. 11, 1858	58	J. W. Denver.....	1,500.00
11.....	Mar. 28, 1860	127	Augustus Thompson and Ferris Forman.....	4,000.00
12.....	Mar. 20, 1860	110	Tehama, Shasta, Plumas, and Butte expeditions...	60,475.80
13.....	Apr. 28, 1860	333	A. J. F. Phelan.....	1,170.05
14.....	Apr. 12, 1860	173	Mendocino expedition.....	9,294.53
15.....	Apr. 30, 1860	338	H. C. Kibbe.....	175.00
16.....	Apr. 7, 1859 Apr. 27, 1860	173	Siskiyou, Humboldt, Klamath, Del Norte, Sutter, San Bernardino, Nevada, Los Angeles, Yuba, Shasta, Napa, Yolo, El Dorado, Tulare, Trinity, Tehama expeditions.	30,000.00
16.....		275		
17.....	Apr. 25, 1860	258	Tehama, Shasta, and Butte expeditions.....	2,157.70
18.....	Apr. 28, 1860	314	B. F. Hastings.....	2,000.00
19.....	May 16, 1861	409	Siskiyou, Humboldt, Klamath, Del Norte, Sutter, San Bernardino, Nevada, Los Angeles, Yuba, Shasta, Napa, Yolo, El Dorado, Tulare, Trinity, Tehama, Plumas, Butte expeditions.	70,000.00
20.....	Apr. 27, 1863	640	Siskiyou, Humboldt, Klamath, Del Norte, Shasta, Butte, Plumas, Napa, Yolo, El Dorado, Tulare, Trinity, Tehama expeditions.	154,987.58
Total aggregate appropriated by the State of California.....				777,490.05

The total amount of money appropriated by the legislature of California under these several last-named State acts aggregate the sum of \$777,490.05. Out of this sum California liquidated certain Indian war expenses in an amount aggregating the sum of \$521,447.73.

On March 2, 1861 (12 U. S. Stat., 199) Congress passed an act appropriating the sum of \$400,000, with which to pay only certain of said



California Indian war claims, as specifically named in said act, arising in California in the years 1854, 1855, 1856, 1858, and 1859. This act of Congress authorized and directed that the award therein provided for, when paid to California, should be paid in United States bonds, which bonds were payable in gold coin, and were to bear interest at the rate of 6 per cent. per annum. Thereafter the State officers of the State of California duly presented to the proper officers of the United States sundry of said Indian war claims aggregating the sum of \$449,605.74. Of these Indian war claims the United States Treasury Department allowed only claims aggregating the sum of \$230,529.76.

This amount, \$230,529.76, was paid by the United States to the State of California on the 25th of June, 1863. But even this sum, instead of being paid as was directed to be done under said act, to wit, in United States bonds (which bonds upon said date of payment, to wit, June 25, 1863, were worth in New York 14½), the United States in lieu thereof paid said amount, without interest, in greenbacks, which latter were then depreciated in value in the ratio of 100 to 145½ as aforesaid.

Either the language of said act of Congress of March 2, 1861, or the construction that was then placed upon it by the accounting officers of the United States Treasury Department, was too restrictive, seemingly, to permit an award of all the claims that were presented under said act by the State of California.

In addition thereto, said act of Congress failed to make any provision by name, or by year, or by expedition, or otherwise, of certain other Indian war expenditures that had been made by the State of California prior to the date of said act of Congress, to wit, March 2, 1861; such, for instance, as in 1857, 1860, 1861, years not named in said act, and although the years 1858 and 1859 were both named in said act of March 2, 1861, yet there were expenses that had been incurred in each of said years not therein provided for.

In order to liquidate most of the California Indian war expenses that had been incurred during this second period, the State of California paid in money the sum of..... \$163,300.60

and in addition thereto said State issued non-interest-bearing bonds or obligations in the sum of ..... 358,147.13

Aggregating a total liability of ..... 521,447.73

These State bonds and State obligations passed from hand to hand, falling finally into the hands of innocent third parties, for value received.

The equities of these cases should appeal strongly to Congress, particularly in view of the fact that when these Indian war claims were examined by the accounting officers of the Treasury they, for sundry causes, some for the want of sufficient evidence as alleged, etc., some for the want of being certified, and first for one cause and then for another, disallowed or suspended *in toto* the sum of \$219,075.98.

The examination of these claims and the adjustment thereof, such as was had, was had and done, too, during the period of the rebellion, when the State of California was wrestling with grave questions of large proportion, and of very great national importance and interest to the United States. At this date, too, the public archives, papers and records of the State of California were stored in rented apartments, and in a state of more or less confusion, there being no State capitol building at that time. But, without any detriment to the United States, the State of California has heretofore duly made application for the

re-opening, or for a more equitable examination, of this branch of said claims, and also for the purpose of presenting and filing therein supplementary proof to establish the validity of any or of all the items of the balances of any of the said claims that had been either disallowed, suspended or not examined by the accounting officers of the Treasury Department; yet, this privilege has been denied her.

In addition thereto, there are certain other similar claims heretofore presented by the State of California to the proper officers of the United States of the very class for which said act of Congress of March 2, 1861, did make provision; but these claims have never been examined by the officers of the United States, so far as we now know or any public record now shows, and papers relating to other and additional claims of a similar class will, upon due search diligently made therefor, no doubt be found in the proper offices of the Treasury Department, which, when found, should be duly examined and finally adjusted, and which papers were filed by the proper State officers of California.

A table of some of these is hereto attached, made part hereof, and marked Exhibit C<sup>1</sup>, part No. 2.

The only reason heretofore assigned by any branch of your Department, so far as we are now informed, for either the failure or the refusal to re-open, re-examine, and allow any of the items of any of the said claims, or any items of this particular branch of this claim, was and is for the want of sufficient authority of existing law, or for the want of additional legislation by Congress.

It is respectfully submitted by the State of California, that the laws of Congress on the statute books would appear to afford ample authority to examine some of these claims; and because, while section 5 of the act of Congress approved June 20, 1874 (18 U. S. Stat., 110), usually called the "Covering in Act," and the fourth section of the act of Congress of June 14, 1878 (20 U. S. Stat., 130), and the act of Congress approved July 7, 1884 (23 U. S. Stat., 254), may have caused the unexpended balances of all the appropriations made under the aforesaid acts of Congress of 1854, 1856, 1860, 1861, 1868, 1881, to be carried to the surplus fund, to be covered into the Treasury; yet, neither of said acts repealed any of the aforesaid acts of Congress enacted for the benefit of the State of California and the holders of her said Indian war State obligations, to the extent, at least, of preventing the proper accounting officers of the Treasury Department continuing the examination of any or all of these claims and obligations, so as to enable the Secretary of the Treasury to report annually to Congress for its consideration, if not for an appropriation, such allowances as could or might be duly made therein, and in the same manner as he invariably acts upon and reports to Congress other claims, not dissimilar. It was specifically provided in the fifth section of said act of June 20, 1874, "That it should not operate to prevent the fulfillment of any contract existing at the date of the passage of said act," and it is respectfully submitted that all of said acts contained an implied obligation by the United States to examine and pay these claims incurred for the "common defense."

The repeal of the appropriation with which to pay any of these California State Indian war claims did not repeal the acts themselves, which authorized the due examination or allowance of said claims.

Due examination, audit, and allowance of said claims, it is submitted, was not at all interfered with in or by said act of June 20, 1874, or any other acts of Congress. These acts of Congress dealt only and exclusively with the means of payment of all claims, which, after July 1,

1874, could not be paid by the Secretary of the Treasury; but claims which, after due examination and audit, as in these cases, had to be by him duly reported to Congress, either for a new appropriation, or for a re-appropriation of the unexpended balances of the old appropriations made in said acts of 1854, 1856, 1860, 1861, 1868, and 1881.

In addition thereto there are certain other Indian war expenses that were incurred by the State of California in the year 1859, in the county of Mendocino, known as the "Mendocino Indian war claims," not heretofore provided for under any act or authority of Congress. Abstracts of these claims are hereto attached, made parts hereof, and marked Exhibit B<sup>1</sup>, part No. 2, or second period.

In addition thereto, the State of California, by the act of its legislature approved May 15, 1854, copy of which State act is hereto attached, marked Exhibit O<sup>1</sup>, part No. 2, or second period, authorized the county treasurer of Los Angeles County, in California, to retain out of any moneys belonging to the general fund of the State of California the sum of \$3,000 for the use and benefit of the "Los Angeles Rangers." Copies of the particular settlements of the county treasurer of Los Angeles County, made with the State controller and State treasurer of California, in which certain portions of said general fund were retained for said purposes, duly certified by the controller of that State, together with duplicate receipts connected therewith, so far as the same can now be found among the public archives of the State of California, are inclosed herewith made parts hereof, marked voucher 22, Exhibit D<sup>1</sup>, part No. 2, or second period.

These exhibits or vouchers show as follows, to wit:

(1.) That in a settlement so made July 31, there was retained and paid by said county treasurer to the said Los Angeles Rangers, the sum of.....	\$1, 130. 89
(2.) That in a settlement so made December, 1854, there was retained and paid by said county treasurer to said Los Angeles Rangers the sum of...	1, 136. 00
(3.) That in a settlement so made July 1855, there was retained and paid by said county treasurer to said Los Angeles Rangers the sum of.....	147. 24
(4.) That in a settlement so made December 1885, there was retained and paid by said county treasurer to said Los Angeles Rangers the sum of...	585. 87
(5.) Making a total aggregate cash payment, in the manner and for the purpose aforesaid, of the sum of.....	3, 000. 00

In addition thereto the State of California, in its said State act approved May 15, 1854, copy herewith marked Exhibit K<sup>1</sup>, part No. 2, or second period, paid the sum of \$500 to Powell Weaver, by him theretofore paid to friendly Indians in San Bernardino County, in the year 1854, in the matter of Indian prisoners, etc.

In addition thereto, during this same period, the State of California provided in sundry other State acts for the payment of a series of miscellaneous expenditures, such for instance as the pay to the clerk of the Board of War Claim Commissioners; paying Wells, Fargo & Co. for transportation; to A. J. Phelan for services in connection with said war claims, not heretofore provided for; to General J. W. Denver and General E. F. Beale for services by them performed in connection with Indian disturbances in California; also to McDonald & Jones, and to sundry others, all of which items of expense are set forth in an abstract hereto attached marked Exhibit D<sup>1</sup>, part No. 2, or second period. The sundry and several State acts of the legislature of California, which provided for the liquidation or payment of these expenses, are also submitted herewith and marked Exhibits E<sup>1</sup>, F<sup>1</sup>, G<sup>1</sup>, H<sup>1</sup>, I<sup>1</sup>, L<sup>1</sup>, M<sup>1</sup>, part No. 2, or second period.

Wherefore a re-imbursement of the expenses so incurred by the State of California and not heretofore paid by the United States, for this second period, the State of California prays that an award may be now made to her as follows, to wit:

(1) California Indian war claims and State obligations arising between January 1, 1854, and March 2, 1861, not heretofore paid by the United States, and in which newly discovered evidence and supplementary proof and explanation is asked to be submitted, Exhibit A <sup>1</sup> , part No. 2 or second period .....	\$216,527.79
(2) California Mendocino Indian war claims and State obligations of 1859 not heretofore examined or paid by the United States, Exhibit B <sup>1</sup> , part No. 2 or second period .....	9,294.53
(3) California Indian war claims and State obligations arising between January 1, 1854, and March 2, 1861, not heretofore examined or paid by the United States, Exhibit C <sup>1</sup> , part No. 2, or second period .....	2,822.41
(4) California miscellaneous Indian war claims and State obligations between January 1, 1854, and March 2, 1861, not heretofore examined or paid by the United States, Exhibit D <sup>1</sup> , second period .....	27,718.26
Making a total of unpaid California Indian war claims and State obligations aggregating the sum of .....	256,362.99

Which sum (exclusive of the sum which may be shown by the vouchers and evidence heretofore filed by any of the State officers of the State of California not heretofore examined by the United States) is now equitably due and payable to the State of California by the United States, on account of the matters hereinbefore recited, for the payment of all of which the State of California now makes claim and due demand against the United States.

In support of this branch of this claim against the United States, during this second period, the State of California now submits as evidence herein, in addition to that now of record in your Department, as follows, to wit:

- (1) Certain original vouchers paid by California, Exhibit P<sup>1</sup>, part No. 2, or second period.
- (2) Certain State controller's warrants, paid by California, Exhibit P<sup>1</sup>, part No. 2, or second period.
- (3) Abstract of all these, Exhibits A<sup>1</sup>, B<sup>1</sup>, C<sup>1</sup>, D<sup>1</sup>, part No. 2, or second period.
- (4) Full, true, and correct copies of the State laws of California under the authority of which all of said expenditures were authorized and payments made are contained in Exhibits Q<sup>1</sup>, R<sup>1</sup>, S<sup>1</sup>, T<sup>1</sup>, U<sup>1</sup>, V<sup>1</sup>, W<sup>1</sup>, X<sup>1</sup>, Y<sup>1</sup>, Z<sup>1</sup>, part No. 2, or second period, submitted herewith.

Wherefore, the State of California petitions that Congress may now reimburse her for said claims, aggregating the sum of .....

.....	\$256,362.99
Of this amount the State of California has heretofore assumed and already paid in cash the sum of .....	86,762.35
Of this amount the State of California has heretofore assumed and already issued obligations to pay the sum .....	169,600.64
	256,362.99

NOTE.—From this sum of \$256,362.99 should be deducted the amount paid in the matter of E. H. Burns, to wit, \$750 (see voucher 19, for \$750. E. H. Burns, Exhibit D<sup>1</sup>, part No. 2, or second period), and for which three State bonds for \$250 each, to wit, Nos. 170, 171, and 172, were issued on April 28, 1857, under the State act of May 3, 1852, as authorized to be done by the State act of April 23, 1857 (California Statutes, 1857, page 234), and which bonds are included in Exhibit M, part No. 1, or first period, leaving the proper balance due California by the United States during this second period the aggregate sum of \$255,612.99.

The following named expeditions, named in said act of Congress of

March 2, 1861, are the only ones for which Congress made any provision therein, to wit:

	Year.		Year.
1. Shasta expedition .....	1854	6. Modoc expedition .....	1856
2. Siskiyou expedition .....	1855	7. Tulare expedition .....	1856
3. Klamath and Humboldt expedi- tions .....	1855	8. Klamath and Humboldt expedi- tions. ....	1858 1859
4. San Bernardino expedition .....	1855	9. Pitt River expedition .....	1859
5. Klamath expedition .....	1856		

Whereas provision should have been made by Congress on March 2, 1861, for California Indian War Claims, as follows, to wit:

California Indian war debt paid in *State bonds* not drawing interest, in order to defray the expenses incurred during the—

Modoc expedition in 1856 .....	\$188,324.22
Siskiyou expedition in 1855 .....	15,396.36
Klamath and Humboldt expeditions in 1851, 1852, 1855, and 1858 .....	104,522.65
Nevada expedition in 1850 and 1851 .....	1,269.00
Sutter expedition in 1850 .....	3,710.00
San Bernardino expedition in 1855 .....	817.03
Shasta expedition in 1851, 1852, 1853, and 1854 .....	7,718.64
McDonald and Jones, Indian War Claims Commissioners, 1858 .....	6,000.00
Tulare expedition in 1856 .....	12,732.23
Trinity expedition in 1852 and 1853 .....	7,460.00
Tehama expedition in 1857 and 1859 .....	9,597.00
El Dorado expedition in 1859 .....	200.00
	<hr/>
	357,747.13
Miscellaneous .....	400.00
	<hr/>
Making total aggregate of California bonded Indian war debt for second period the sum of .....	358,147.13
And also for the California war debt, paid in cash by the State of California on account of Indian hostilities:	
In order to defray expenses incurred during the	
Klamath County expedition in 1856 .....	6,190.07
Klamath and Humboldt Counties expeditions in 1858 and 1859 .....	52,184.45
Pitt River expedition; Tehama, Shasta expedition; Plumas, Butte expeditions in 1859 .....	72,156.09
Mendocino expedition in 1859 .....	9,294.53
Miscellaneous expenditures .....	23,475.46
	<hr/>
Making a total aggregate paid in cash during second period for California Indian war expenses .....	163,300.60

RECAPITULATION.

Of the California State Indian war debt, for which Congress should have made provision in said act of March 2, 1861, to wit:	
Total amount paid by California in State bonds not drawing interest .....	358,147.13
Total amount paid by California in gold coin .....	163,300.60
	<hr/>
Making a total aggregate of claims amounting to the sum of .....	521,447.73

PART THREE OR THIRD PERIOD.

[Period between March 2, 1861, and February 15, 1890.]

During the third period herein referred to, to wit, between March 2, 1861, and February 18, 1890, date of this statement, other and additional Indian hostilities and Indian disturbances arose in the State of California and upon the borders thereof, between which dates California incurred sundry expenses on account thereof, and paid same in gold coin; and in addition thereto made provision to liquidate or pay in bonds certain miscellaneous expenses occurring during the first and second periods, not theretofore paid or provided for, in the payment or



liquidation of all of which the legislature of California made provision in the several State acts hereinafter recited, as follows, to wit:

California statutes or resolutions.	Date of act.	Page of acts.	Subject-matter legislated upon.	Amount appropriated by California.
No. 1.....	May 6, 1861	298	Clerk Indian war claims examiners.....	\$3,000.00
2.....	Mar. 19, 1860	61	Transporting arms to Washoe Indian war.....	6,150.00
3.....	Mar. 26, 1861	73	Joseph Kem.....	1,725.00
4.....	Apr. 23, 1861	223	E. J. Saunders and others.....	2,000.00
5.....	May 3, 1861	279	L. B. Richardson.....	209.62
6.....	May 8, 1861	306	Wells, Fargo & Co.....	95.00
7.....	do.....	308	Greenhood & Neubauer.....	136.00
8.....	May 18, 1861	512	A. M. Winn.....	1,080.00
9.....	Mar. 13, 1862	54	Humboldt Indian war.....	16,382.60
10.....	Apr. 17, 1862	269	Oliver & Lewis.....	295.00
11.....	Mar. 22, 1863	400	Richard M. Jesup.....	520.00
12.....	Apr. 22, 1863	399	A. J. F. Phelan.....	800.00
13.....	Apr. 29, 1863	248	John Bell.....	194.70
14.....	Feb. 20, 1864	100	A. Blossom.....	20.00
15.....	Feb. 25, 1868	70	William W. Merrihew.....	450.00
16.....	May 6, 1861	298	J. W. Denver and S. B. Smith.....	6,000.00
17.....	Apr. 27, 1863	774	A. E. Sherwood.....	131.41
18.....	Mar. 11, 1872	312	A. D. Bayliss.....	2,000.00
19.....	Apr. 28, 1860	333	J. G. T. Bass & Co.....	705.00
20.....	Apr. 16, 1859	275	Governor's contingent fund, 1859, 1860, and 1861.....	616.00
	Apr. 30, 1860	401		
Aggregating the sum of.....				42,510.33

The total amount of money appropriated by the legislature of California in the aforesaid State acts aggregates the sum of \$42,510.33, which amount the State of California assumed and paid in gold coin on account of certain Indian war expenses during this third period. The portions of these last-named California Indian war claims which have not heretofore been adjusted or paid by the United States are tabulated in abstracts hereto attached, made parts hereof, marked Exhibits A<sup>2</sup> and B<sup>2</sup>, part No. 3, or third period, aggregating the sum of \$26,127.73, and which sum is now equitably due the State of California by the United States for Indian war expenses during this third period.

Congress, by its act approved June 27, 1882 (22 U. S. Stat., 111), made provision for the due examination of those particular Indian war expenses only, which the State of California had incurred *subsequent* to April 15, 1861; but said act did not provide for any examination of any expenditures made by California on account of Indian hostilities and Indian disturbances arising in said State, and upon the borders thereof prior to April 15, 1861, even though the same were paid for subsequent to April 15, 1861.

The principal expenditures during this third period were those arising in aiding the citizens of Carson Valley to quell certain Indian disturbances on the eastern border of California near Carson Valley, Pyramid Lake, Truckee River, etc. The necessity for incurring these expenditures is set forth in an extract from a message of Hon. John G. Downey, governor of California, to the legislature of that State in January, 1861, which extract is hereto attached, made a part hereof, marked Exhibit C<sup>2</sup>, Part No. 3, or third period. The recitals in said extract from said message are supported by copies of certain original telegrams and papers of official record in the office of the governor of California, duly certified by Hon. W. W. Moreland, private secretary to Hon. George Stoneman when governor of California, herewith submitted, made parts hereof, and marked Exhibit D<sup>2</sup>, Part No. 3, or third period.

During the first session of the Fiftieth Congress the subject-matter of California's war claims being under consideration by the Senate Committee on Military Affairs, there was officially submitted to that com-

mittee a statement by Senator Stewart, relating to these claims, which was ordered by the Senate to be printed, copy of which is hereto attached, made a part hereof, and marked Exhibit E<sup>2</sup>, Part No. 3, or third period.

While some of the exhibits submitted as a part of said statement, Exhibit E<sup>2</sup>, Part No. 3, or third period, contain minor errors of figures and recitals, which it is not deemed necessary to either here comment upon or now correct, yet said statement taken in its entirety substantially sets forth, as near as may be, the true condition of Indian affairs in California and upon the borders thereof during the three periods herein described, and besides contains much valuable information in connection with these California Indian war claims, in the form of tables, statistics, statutes, resolutions of the legislature of California, reports of legislative committees, citations of precedents and authorities under which similar claims against the United States of other s for similar expenditures by them incurred for the "common defense" have heretofore been recognized, allowed by Congress, and paid by the United States.

Copies of several State statutes and resolutions of the legislature of California, under the authority of which these Indian war expenditures during this third period were made, paid, or liquidated, and which also contain valuable information relative to these Indian war claims, are submitted herewith, made parts hereof, marked Exhibits F<sup>2</sup>, G<sup>2</sup>, H<sup>2</sup>, I<sup>2</sup>, K<sup>2</sup>, L<sup>2</sup>, M<sup>2</sup>, N<sup>2</sup>, O<sup>2</sup>, P<sup>2</sup>, Q<sup>2</sup>, R<sup>2</sup>, S<sup>2</sup>, T<sup>2</sup>, U<sup>2</sup>, V<sup>2</sup>, W<sup>2</sup>, X<sup>2</sup>, Part No. 3, or third period. In addition thereto there are submitted herewith copies of certain papers, petitions, letters, and statements from numerous citizens of California, showing the condition of Indian affairs in the northern counties of California in 1858, 1859, 1860, 1861, and 1862, certified by Hon. W. W. Moreland, private secretary to Governor Stoneman, made parts hereof, marked Exhibits Y<sup>2</sup> and Z<sup>2</sup>, Part No. 3, or third period. The vouchers, which are accompanied with the warrants recited in said Exhibits A<sup>2</sup>, B<sup>2</sup>, Part No. 3, or third period, are also herewith submitted for the consideration of yourself and that of the honorable Third Auditor of the Treasury.

#### RECAPITULATION.

From the recitals contained in the foregoing statement it fully appears that the Indian war claims of the State of California against the United States arising during these three periods, when recapitulated, are as follows, to wit:

*Part first*—Those arising during the first period from September 9, 1850, to January 1, 1854:

1. Amount of liabilities assumed and paid in cash by the State of California aggregate the sum of.....	\$49, 117. 10
2. Amount of liabilities assumed by and for which State obligations to pay have been issued by the State of California aggregate the sum of.....	203, 805. 47
3. Total Indian war claims of the State of California against the United States during this first period aggregate the sum of ....	<u>252, 982. 57</u>

*Part second*—Those arising during the second period from January 1, 1854, to March 2, 1861:

1. Amount of liabilities assumed and paid in cash by the State of California aggregate the sum of.....	86, 012. 35
2. Amount of liabilities assumed by and for which State obligations to pay have been issued by the State of California aggregate the sum of.....	169, 600. 64
3. Total Indian war claims of the State of California against the United States during this second period aggregate the sum of..	<u>255, 612. 99</u>

*Part third*—Those arising during the third period from March 2, 1861, to February 15, 1890 :

- |  |               |
|--|---------------|
| 1. Amount of liabilities assumed and paid in cash by the State of California aggregate the sum of.....                           | \$26, 127. 33 |
| 2. Total Indian war claims of the State of California against the United States during this third period aggregate the sum of .. | 26, 127. 33   |

Total Indian war claims of the State of California against the United States from September 9, 1850, to February 15, 1890, none of which have heretofore been paid by the United States, aggregate the sum of .....	534, 722. 89
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- |  |              |
|--|--------------|
| 1. Of this amount, to wit, \$534,722.89, the State of California has heretofore assumed and already paid in gold coin a sum aggregating....  | 161, 256. 78 |
| 2. Of this amount, to wit, \$534,722.89, the State of California has heretofore assumed, and for which she has already duly issued her State obligations, to pay a sum aggregating ..... | 373, 466. 11 |
| Making a total of all California Indian war claims against and unpaid by the United States, between September 9, 1850, and February 15, 1890, a sum aggregating .....                    | 534, 722. 89 |
- Respectfully submitted.

JOHN MULLAN,

*Attorney, Counsel and Agent for the State of California.*

No. 1310 CONNECTICUT AVENUE,  
Washington City, D. C., February 15, 1890.

DISTRICT OF COLUMBIA,  
*City of Washington, ss :*

John Mullan, on first being duly sworn, says that he is now and for several years last past has been the counsel, attorney, and agent for the State of California, heretofore appointed and duly authorized by the legislature of the State of California to secure a final adjustment and payment by the United States of the several California State Indian war claims and obligations hereinbefore recited.

That he has read the foregoing statement and knows the contents of the same. That all the matters therein recited and thereto attached are true, except those matters stated and referred to in either thereof upon information and belief, and as to those matters he believes the same to be substantially true, errors and omissions excepted.

JOHN MULLAN.

Subscribed and sworn to before me this 3d day of March, 1890.

[SEAL.]

J. A. TERRY,  
*Notary Public.*

EXHIBIT A.—Part No. 1, or First Period.

[Senate Ex. Doc. No. 26. Fifty-first Congress, first session.]

*Letter from the Secretary of the Treasury, transmitting, in response to the resolution of the Senate of December 19, 1889, a report of the Third Auditor relative to the Indian war claims of the State of California.*

TREASURY DEPARTMENT,  
January 13, 1890.

SIR: I have the honor to acknowledge the receipt of the resolution of the Senate of December 19, 1889—

That the Secretary of the Treasury be, and he is hereby, authorized and directed to examine all vouchers, accounts, papers, and evidence which heretofore have been, or which hereafter may be, submitted to him in support of the war claims of the State of California against the United States, growing out of Indian hostilities and Indian disturbances in said State and upon the borders thereof, and therefrom ascer-

tain and report to the Senate the total amount of all such claims, and also the amounts of money shown thereby to have been paid as principal and as interest thereon by the State of California, including the amounts of all liabilities by it incurred, and of all obligations by it assumed or issued therein but not paid by said State, including interest accruing upon money borrowed or upon obligations by it assumed or issued in payment or liquidation of the expenses incurred by said State in matters connected with said hostilities and disturbances; and also to report the authority of the State of California under which said expenditures so paid, liabilities so incurred, and obligations so assumed or issued were alleged to have been done; and also to report the amounts of money which have heretofore been paid by the United States as principal and as interest on account to said State and to any holders of the said obligations of said State in partial payment of said claims; and also to report the amount of money claimed by the State of California to be still due it as principal and interest and payable by the United States on account of the matters herein recited.

In reply thereto, I have the honor to transmit herewith the report of the Third Auditor, dated the 13th instant, giving a full statement of these claims as shown by the records, and coming within the knowledge of his office.

Respectfully, yours,

GEO. S. BATCHELLER,  
*Acting Secretary.*

The PRESIDENT OF THE SENATE.

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TREASURY DEPARTMENT,  
THIRD AUDITOR'S OFFICE,  
*Washington, D. C., January 13, 1890.*

SIR: I have the honor to return Senate resolution of December 19, 1889, relative to Indian war claims of the State of California, etc., which you referred to me December 21, 1889, for report.

Some of the information called for is not and could not well be within the official knowledge of any officer of the United States, and could be furnished only by the State. Upon the matters within the knowledge of this office I submit the following report:

EXPENSES SUPPRESSING INDIAN HOSTILITIES PRIOR TO JANUARY 1, 1854.

Acts August 5, 1854 (10 Stats., 582-583); August 18, 1856 (11 Stats., 91); June 23, 1860 (12 Stats., 104); July 25, 1868 (15 Stats., 175), and March 3, 1881 (21 Stats., 510).

At the session of 1853-'54 the State applied to Congress, and by act August 5, 1854, the Secretary of War was authorized to examine and ascertain the amount of the expenses incurred and now actually paid by the State in the suppression of Indian hostilities prior to January 1, 1854, and to pay to the State the amount so ascertained, not to exceed \$924,259.65.

The State presented no claim under this act, hence the officers of the United States have no knowledge of the detail or the aggregate of such expenses. I understand that the State officials, upon learning that they would be required to present an itemized account, supported by vouchers, concluded not to file a claim, but to apply to Congress to change the programme.

To raise funds wherewith to defray said expenses the State had issued bonds running for a term of years, and bearing 7 and 12 per cent. interest, and sold them on the market. By act of August 18, 1856—evidently upon solicitation by the State—it was provided that the appropriation made by said act of 1854 should be applied to pay the holders of the bonds issued by the State on account of such expenses prior to January

1, 1854, the amount payable upon each bond to be indorsed by the State commissioners appointed under State law of April 19, 1856, etc.

Under this act the holders of bonds were paid, for principal and interest, an aggregate of \$915,897.49, leaving \$8,263.16\* unexpended of the maximum, but that balance is no longer available, being in the "surplus fund." It is known to this office that some few bonds were not presented while yet the fund was available, but the entire number outstanding I can not state. Neither has this office official knowledge of the entire number of bonds sold by the State, its knowledge being necessarily confined to those presented for payment.

It thus appears that the Government proffered to the State reimbursement of all said expenses incurred prior to January 1, 1854, to be ascertained by the usual method of an account and vouchers; that the State preferred and asked that, in lieu of that mode, the Government assume payment of the bonds whereby the State had raised the fund with which to defray said expenses; and that Congress assented to the request. It should therefore be conclusively presumed that the assumption of the bonds was in fact a full and complete equivalent to a direct re-imbursement to the State; and the matter of said expenses prior to January 1, 1854, should be regarded as an account fully liquidated and finally closed.

On the great bulk of the bonds interest was paid by the United States only to January 1, 1854, although the act assuming payment was not passed until nearly two years and eight months thereafter; but this loss of interest fell, of course, on the bondholders, and not on the State.

I understand that the maximum of \$924,259.65 (act of 1854) had been based upon a computation of interest only to January 1, 1854, and as that sum was not enlarged by the act of 1856, the fund would not suffice for any greater allowance of interest; at all events, the rule was adopted to pay interest only to January 1, 1854, and on that basis the great bulk of the payments were made.

A few bonds were presented which had been issued in 1854 and 1855; but it was held that they could not be paid without further legislation. I understand that the reasons for that conclusion were, that they had not entered into the estimate by the State upon which said maximum was fixed; also that the act of August 5, 1854, had been confined to expenses incurred and now actually paid. The act of June 23, 1860, provided for payment, from the unexpended balance, of "any outstanding and unpaid bonds and coupons" on account of the war debt of the State prior to the passage of the act of August 5, 1854, but bearing date subsequent to January 1, 1854. Under the clause above quoted it was considered that allowance of interest on the bonds thus provided for could not be restricted to January 1, 1854; hence on such bonds interest was paid to July 1, 1860.

On the part of the State it has been represented that it had not completed the auditing of said expenses when it applied to Congress at the session of 1853-'54, and that its computation of \$924,259.65 was only partial, and based on the auditing as far as then accomplished; that the aggregate of such bonds issued by the State much exceeded said maximum; also that the State itself had redeemed and now holds a large number of the bonds.

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\*The *manuscript draught* in this office stated this sum correctly, viz, \$8,362.16. But in the type-written letter the figures were transposed to read \$8,263.16. *Third Auditor's Office, March 10, 1890.*



If Congress should deem proper to make provision for the payment of any such bonds now outstanding, it would seem just that the State should stand upon the same footing with individual holders. And in the event of such further legislation, it is highly important that Congress make some very specific provision to govern the matter of interest. The Government may perhaps not deem proper to pay 12 or 7 per cent. interest for long periods to holders who did not present their bonds when redemption thereof was proffered by the United States.

In connection with this subject, I invite attention to an elaborate report by the House Committee on War Claims, which will be found in House Report No. 1847, Forty-seventh Congress, second session.

#### EXPENSES SUPPRESSING INDIAN HOSTILITIES IN 1854, 1855, 1856, 1858, AND 1859.

[Act March 2, 1861, 12 Stat., 199.]

By said act the necessary amount, not to exceed \$400,000, was appropriated to re-imburse the State expenses incurred in sundry Indian expeditions in the years named. Presumably the State incurred no such expense in 1857; otherwise provision therefor would no doubt have been included in the act.

Under this act there was found due and was paid to the State an aggregate of \$230,529.76.

#### HUMBOLDT INDIAN EXPEDITION OF 1861—CAPTAIN WEEK'S COMPANY.

[Act of June 27, 1882, 23 Stat., 111.]

I understand that the State presented to the Secretary of War, in 1887, a large and miscellaneous claim, covering a period of several years, and relating to volunteer service in the late war, Indian hostilities, guarding overland mail, etc. The Secretary of War extracted therefrom one item which seemed to come within the province of the above act referred to, viz, expenses of Captain Week's company in the Humboldt Indian expedition in 1861. The State claimed on this item \$38,323.74; but, on reducing the charges to rates paid by United States for like service, etc. (as required by said act), the aggregate found due the State was \$11,723.64; and that sum was paid from appropriation made in deficiency act of October 19, 1888. Only the papers relating to this one item came before this office; respecting the other matters embraced in said claim I have only the general and unofficial information above noted. I presume that the Secretary of War has reported, or will report thereon, to the Senate, in pursuance of Senate resolution of February 27, 1889.

#### MODOC WAR, 1872-'73.

[Act of January 6, 1883, 22 Stat., 399.]

By section 2 of said act \$4,441.33 was appropriated to pay the State, and to citizens thereof, for arms, ammunition, supplies, transportation, and services of volunteer forces, as found due and reported by General Hardie to the Secretary of War, and specially reported by the Secretary of War to the House of Representatives. The amount found due and paid to the State was \$495.72. The residue was due to citizens, \$3,945.61.

Very respectfully,

W. H. HART,  
*Auditor.*

Hon. WILLIAM WINDOM,  
*Secretary of the Treasury.*

## EXHIBIT B (Part No. 1, or first period).

CHAPTER 134.—An act authorizing the treasurer of the State to negotiate a loan upon the faith and credit of the State for the purpose of defraying the expenses which have been and may be incurred in suppressing Indian hostilities in this State, in the absence of adequate provision being made by the General Government. (Passed February 15, 1851. California Laws, 1851, page 520.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. By virtue of the power given to the legislature by the constitution of this State, article 8, "in case of war to repel invasion or suppress insurrection," a loan not exceeding \$500,000 is hereby authorized to be negotiated upon the faith and credit of the State, payable in ten years, and at any period after five years at the pleasure of the State; said loan to bear a rate of interest not exceeding 12 per cent. per annum, payable annually or semi-annually at such place as the contracting parties may agree: *Provided, however,* That the interest of the first year may be paid in advance out of the loan thus made.

SEC. 2. That the treasurer be, and he is hereby, authorized and required to cause suitable bonds to be provided for said loan in sums not less than \$1,000.

SEC. 3. All such bonds shall be signed by the treasurer in his official character, made payable to and indorsed by the governor in his official character, who shall affix the seal of the State thereto, and countersigned by the comptroller, which bonds executed as aforesaid shall be transferable on delivery, and bind the State for the faithful payment thereof.

SEC. 4. After the bonds aforesaid shall have been countersigned by the comptroller it shall be his duty to make a register of the same in a book to be kept for that purpose, with the number and amount thereof, and deliver them to the treasurer, charging him with the same. The treasurer shall also keep a register of such bonds as may be negotiated.

SEC. 5. Coupons for the interest shall be attached to each bond, so that they may be removed without injury or mutilation to the bond.

SEC. 6. The treasurer shall be, and he is hereby, authorized, with the approval of the governor of the State, to negotiate such loans as speedily as possible, at such time and place, and in such amounts as they may determine the exigencies of the State require; but no loan shall be negotiated below the par value thereof.

SEC. 7. Any claim which this State has now, or may hereafter have, upon the General Government for moneys expended out of this loan, for the purpose aforesaid, shall be, and the same is hereby, set apart and pledged for the payment of the principal and interest arising upon said bonds, together with all other moneys in the treasury not otherwise appropriated, or so much thereof as may be necessary.

SEC. 8. The treasurer is hereby authorized to defray such expenses as may be incurred in obtaining the above loan: *Provided,* That it does not exceed the sum of \$2,000, to be paid out of any moneys in the Treasury not otherwise appropriated: *Provided,* Said loan be negotiated in this State.

## EXHIBIT C.—(Part No. 1, or first period).

CHAPTER XXV.—An act to be entitled "An act authorizing the treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians. (Passed May 3, 1852. California Laws, 1852, page 59.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. A sum not exceeding \$600,000 is hereby appropriated and set apart as an additional war fund, payable in ten years, out of any moneys which may be appropriated by Congress to defray the expenses incurred by the State of California, and interest thereon at the rate of 7 per cent. per annum, in the suppression of Indian hostilities, or out of the proceeds of the sale of any public lands which may be donated or set aside by Congress for that purpose; and should no such appropriation or donation be made, or if an amount sufficient should not be appropriated or donated within the said ten years, then the bonds authorized to be issued by this act shall be good and valid claims against the State, and shall be paid out of any moneys in the treasury

not otherwise appropriated to pay the expenses of the expeditions mentioned in this act.

SEC. 2. Such liabilities as have been incurred allowed as provided by law, or may be allowed by the board of examiners for the Mariposa expedition, also such accounts as have been or may be allowed under legislative authority, for the second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians, shall be funded or paid in bonds bearing 7 per cent. interest per annum, from the date of issuing the same.

SEC. 3. All accounts heretofore examined and allowed by the board of examiners, consisting of the treasurer and comptroller of state, and all other accounts of claims for services and supplies rendered in the foregoing campaigns which have been examined and allowed by either branch of the present legislature, and as shown by the pay-rolls and abstracts accompanying the same, or which may not have been so examined and allowed, shall by said board be again examined, where warrants have not been issued, and if allowed, it is hereby made the duty of the comptroller to issue his warrant on the treasurer, in favor of the person holding the claim so allowed, payable out of the war bonds, and the treasurer shall, on presentation of such warrant, therefor exchange the bonds provided to be created by a preceding section of this act.

SEC. 4. In the examination herein required to be made by the comptroller and treasurer, they are hereby fully empowered, whenever or wherever any mistake may be detected by them against the State, in the allowance which may have been made by either branch of the legislature to claimants, to correct the same, by a proper reduction thereof, and in the allowance to be made of claims which have not been examined, they shall have power, and are hereby required to pay to officers and privates, the same as is allowed by the act of March 17, 1851, providing for the defense of the eastern frontier against the Indians, and shall limit their payment for supplies to the prices at which like articles were worth at the date of such purchase in the neighborhood where made.

SEC. 5. The State treasurer is hereby authorized and required to cause suitable bonds to be provided for said payments, in sums of \$100, \$250, \$500, and \$1,000 each.

SEC. 6. All such bonds shall be signed by the treasurer in his official character, made payable to and indorsed by the governor in his official character, who shall affix the seal of the State thereto, and countersigned by the comptroller, which bonds, executed as aforesaid, shall be transferable by assignment on the bonds, by the owner thereof or by his attorney in fact, and bind the State for the faithful payment thereof.

SEC. 7. After the bonds shall have been countersigned by the comptroller it shall be his duty to make a register of the same in a book, to be kept for that purpose, with the number and amount thereof, and deliver them to the treasurer, charging him with the same. The treasurer shall also keep a register of such bonds.

SEC. 8. Coupons for the interest shall be attached to each bond, so that they may be removed without injury or mutilation to the bond.

SEC. 9. Any claim which this State has now, or may hereafter have, upon the General Government, for moneys expended for the purposes aforesaid, shall be, and the same is hereby, set apart and pledged for the payment of the principal and interest arising upon said bonds.

SEC. 10. The treasurer is hereby authorized to defray such expenses as may be incurred in obtaining the blanks for said bonds: *Provided*, That they do not exceed the cost of \$1,000, to be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 11. The treasurer shall deliver the bonds to claimants whenever demanded by them in person or by legal agent.

SEC. 12. Whenever the treasurer shall derive a sufficient sum from the tax herein provided to be levied, he shall make certain arrangements for the payment of the interest of the war bonds, and shall advertise for three months at least in some newspaper in Sacramento City and San Francisco, notifying holders of bonds when interest will be paid at the State treasury.

SEC. 13. An act authorizing the treasurer of the State to negotiate a loan upon the faith and credit of the State for the purpose of defraying the expenses which have been and may be incurred in suppressing Indian hostilities in the State, in the absence of adequate provision being made by the General Government, passed February 15, 1851; also an act passed March 17, 1851, entitled "An act authorizing the governor to call out troops to defend our frontier, and providing for their pay and compensation," be, and the same is hereby, repealed: *Provided*, The repeal in no wise affects the war-loan bonds already issued under the provisions of the act so repealed.

## EXHIBIT D.—(Part No. 1, or first period).

CHAPTER LXVIII.—An act authorizing the treasurer of the State to issue bonds for the payment of the expenses of volunteer rangers, under Capt. B. Wright and Charles McDermitt, in protecting the overland emigration on the northeastern frontier.

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. A sum not exceeding \$23,000 is hereby appropriated and set apart as an additional war fund, payable in ten years out of any moneys which may be appropriated by Congress to defray the expenses incurred by the State of California, and interest thereon at the rate of 7 per cent. per annum in the suppression of Indian hostilities, or out of the proceeds of the sales of any public lands that may be donated or set apart by Congress for that purpose, and should no such appropriation or donation be made and if an amount sufficient should not be appropriated or donated within the said ten years then the bonds authorized to be issued by this act shall be good and valid claims against the State and shall be paid out of any money not otherwise appropriated to pay the expenses and services of the companies mentioned in this act.

SEC. 2. Such services as may have been performed and expenses incurred by the company of mounted rangers under Capt. Ben. Wright and the volunteer company under Capt. Charles McDermitt, in protecting the overland emigration and suppressing Indian hostilities in the vicinity of Rhet, Klamath, and Goose Lakes, on our northeastern frontier, shall be funded and paid in bonds bearing 7 per cent. interest: per annum, from the date of issuing the same.

SEC. 3. All accounts of claims for services rendered and supplies furnished (as shown by the pay-rolls, abstracts, and accounts accompanying the same) which may have been examined and allowed by either branch of the present legislature, shall be again examined by a board of examiners, consisting of the treasurer and comptroller of state, and if allowed by said board, it is hereby made the duty of the comptroller to issue his warrants on the treasurer in favor of the person holding the claim so allowed, payable out of the war bonds, and the treasurer shall, on presentation of such warrants therefor, exchange the bonds provided to be created by a preceding section of this act.

SEC. 4. In the examination herein required to be made by the comptroller and treasurer they are hereby fully empowered wherever or whenever any mistake may be detected by them against the State, in the allowance which may have been made by either branch of the legislature to claimants, to correct the same by a proper reduction thereof, and in the allowance to be made of claims they shall have power and are hereby required to pay to officers and privates the same as is allowed by the act of March 17, 1851, providing for the defense of the eastern frontier against the Indians, and shall be guided in their allowance for supplies by the prices of like articles at the time of such purchase in the neighborhood where made.

SEC. 5. The State treasurer is hereby authorized and required to cause suitable bonds to be provided for said payments in sums of \$100, \$250, and \$500 each, and shall deliver the bonds to claimants whenever demanded in person or by legal agent.

SEC. 6. All such bonds shall be signed by the treasurer in his official character, made payable to and indorsed by the governor in his official character, who shall affix the seal of the State thereto, and countersigned by the comptroller, which bonds, executed as aforesaid, shall be transferable by assignment on the bonds by the owner thereof, or by his attorney in fact, and bind the State for the faithful payment thereof.

SEC. 7. After the bonds shall have been countersigned by the comptroller, it shall be his duty to make a register of the same in a book to be kept for that purpose, with the number and amount thereof, and deliver them to the treasurer, charging him with the same, who shall also keep a register of such bonds.

SEC. 8. Coupons for the interest shall also be attached to each bond, so that they may be removed without injury or mutilation to the bond.

SEC. 9. Any claim which this State has or may hereafter have upon the General Government for moneys expended for the purposes aforesaid shall be, and the same is hereby, set apart and pledged for the payment of the principal and interest arising upon said bonds.

SEC. 10. The treasurer is hereby authorized to defray such expenses as may be incurred in obtaining the blanks for such bonds: *Provided*, That they do not exceed the cost of \$250, to be paid out of any moneys in the treasury not otherwise appropriated.

Approved, April 16, 1853.

(State Statutes of California, 1853, page 95.)

## EXHIBIT E.—(Part No. 1, or first period.)

CHAPTER LXVIII.—An act authorizing the treasurer of the State to issue bonds for the payment of the expenses of volunteer rangers under Capt. B. Wright and Charles McDermitt, in protecting the overland emigration on the northeastern frontier.

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SEC. 1. A sum not exceeding \$23,000 is hereby appropriated and set apart as an additional war fund, payable in ten years out of any moneys which may be appropriated by Congress, to defray the expenses incurred by the State of California, and interest thereon at the rate of 7 per cent. per annum, in the suppression of Indian hostilities, or out of the proceeds of the sales of any public lands that may be donated or set apart by Congress for that purpose, and should no such appropriation or donation be made, and if an amount sufficient should not be appropriated or donated within the said ten years, then the bonds authorized to be issued by this act shall be good and valid claims against the State, and shall be paid out of any money not otherwise appropriated, to pay the expenses and services of the companies mentioned in this act.

SEC. 2. Such services as may have been performed and expenses incurred by the company of mounted rangers under Capt. Benjamin Wright, and the volunteer company under Capt. Charles McDermitt, in protecting the overland emigration and suppressing Indian hostilities in the vicinity of Rhet, Klamath, and Goose Lake on our northeastern frontier, shall be funded and paid in bonds bearing 7 per cent. interest per annum, from the date of issuing the same.

SEC. 3. All accounts of claims for services rendered and supplies furnished (as shown by the pay-rolls, abstracts, and accounts accompanying the same) which may have been examined and allowed by either branch of the present legislature shall be again examined by a board of examiners, consisting of the treasurer and comptroller of State, and if allowed by said board, it is hereby made the duty of the comptroller to issue his warrants on the treasurer in favor of the person holding the claim so allowed, payable out of the war bonds, and the treasurer shall, on presentation of such warrants therefor, exchange the bonds provided to be created by a preceding section of this act.

SEC. 4. In the examination herein required to be made by the comptroller and treasurer they are hereby fully empowered wherever or whenever any mistake may be detected by them against the State, in the allowance which may have been made by either branch of the legislature to claimants, to correct the same by a proper reduction thereof, and in the allowance to be made of claims they shall have power and are hereby required to pay to officers and privates the same as is allowed by the act of March 17, 1851, providing for the defense of the eastern frontier against the Indians, and shall be guided in their allowance for supplies by the prices of like articles at the time of such purchase in the neighborhood where made.

SEC. 5. The State treasurer is hereby authorized and required to cause suitable bonds to be provided for said payments in sums of \$100, \$250, and \$500 each, and shall deliver the bonds to claimants whenever demanded in person or by legal agent.

SEC. 6. All such bonds shall be signed by the treasurer in his official character, made payable to and indorsed by the governor in his official character, who shall affix the seal of the State thereto, and countersigned by the comptroller, which bonds, executed as aforesaid, shall be transferable by assignment on the bonds by the owner thereof, or by his attorney in fact, and bind the State for the faithful payment thereof.

SEC. 7. After the bonds shall have been countersigned by the comptroller, it shall be his duty to make a register of the same in a book to be kept for that purpose, with the number and amount thereof, and deliver them to the treasurer, charging him with the same, who shall also keep a register of such bond.

SEC. 8. Coupons for the interest shall also be attached to each bond, so that they may be removed without injury or mutilation to the bonds.

SEC. 9. Any claim which this State has or may hereafter have upon the General Government for moneys expended for the purposes aforesaid shall be, and the same is hereby, set apart and pledged for the payment of the principal and interest arising upon said bonds.

SEC. 10. The treasurer is hereby authorized to defray any expenses as may be incurred in obtaining the blanks for such bonds: *Provided*, That they do not exceed the cost of \$250, to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved April 16, 1853.

(California State Statutes 1853, page 95.)



## EXHIBIT F.—(Part No. 1, or first period.)

CHAPTER CLXII.—An act authorizing the treasurer of the State of California to issue bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald, in the county of San Diego.

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SEC. 1. A sum not exceeding \$23,000 is hereby appropriated and set apart as an additional war fund, payable at the same time and in the same manner as provided for the payment of bonds authorized by an act entitled "An act authorizing the treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity and Monterey expeditions against the Indians," approved May 3, 1852, out of any moneys which may be appropriated by Congress to the State of California, and interest thereon at the rate of 7 per cent. per annum, in the suppression of Indian hostilities, or out of the proceeds of the sale of any public lands which may be donated or set apart by Congress for that purpose; and should no such appropriation or donation be made, or if any amount sufficient should not be appropriated or donated at the same time and in the same manner as provided for the payment of bonds authorized by an act entitled "An act authorizing the treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity, and Monterey Expeditions against the Indians," approved May 3, 1852, then bonds authorized to be issued by this act shall be good and valid claims against the State, and shall be paid out of any money in the treasury not otherwise appropriated, to pay the expenses and services of the first and section division of said company mentioned in this act.

SEC. 2. Such services as may have been performed, and expenses incurred by the first and second division of said company of Fitzgerald Volunteers, first division, commanded by Major Fitzgerald, and afterwards by Col. Cave J. Coats, and second division or detachment serving under D. B. Kurtz, in suppressing Indian hostilities in San Diego County, shall be funded and paid in bonds bearing 7 per cent. interest per annum from the date of issuing the same.

SEC. 3. All accounts of claims for supplies must be certified to by Lewis A. Franklin, quartermaster and commissary of said expedition, and certificates of membership of either division shall be certified to by the officer in command of such division or detachment in the foregoing expedition, which may be examined and allowed by either branch of the present legislature, shall again be examined by the board of examiners of military war claims, and, if allowed by said board, it is hereby made the duty of the comptroller to issue his warrants on the treasurer in favor of the person holding the claim, certified to by either of the herein named as allowed, payable out of the war bonds, and the treasurer shall, on presentation of such warrants therefor, exchange the bonds provided to be created by a preceding section of this act.

SEC. 4. In the examination herein required to be made by the said board of examiners, they are hereby fully empowered, whenever any mistake may be detected by them against the State in the allowance which may have been made by either branch of the legislature to claimants to correct the same by a proper reduction thereof, and in the allowance to be made of claims they shall have power, and are hereby required, to pay to officers and privates the same as is allowed by the act of March 17, 1851, providing for the defense of the eastern frontier against the Indians, and shall limit their payment for supplies to the prices of like articles at the time of such purchase in the neighborhood where made.

SEC. 5. The State treasurer is hereby authorized and required to cause suitable bonds to be provided for said payments in sums of \$100, \$250, or as the case may be, and shall deliver the bonds to claimants whenever demanded in person or by legal agent.

SEC. 6. All such bonds shall be signed by the treasurer in his official character, made payable to and indorsed by the governor in his official character, who shall affix the seal of State thereto, and countersigned by the comptroller, which bonds, executed as aforesaid, shall be transferable by assignment on the bonds by the owner thereof, or by his attorney in fact, and bind the State for the faithful payment thereof.

SEC. 7. After the bonds shall have been countersigned by the comptroller, it shall be his duty to make a register of the same in a book to be kept for that purpose, with the number and amount thereof, and deliver them to the treasurer, charging him with the same. The treasurer also shall keep a register of such bonds.

SEC. 8. Coupons for the interest shall be attached to each bond, so that they may be removed without injury or mutilation to the bond.

SEC. 9. Any claim which the State has now or may hereafter have upon the general Government, for moneys expended for the purposes aforesaid, shall be, and the same is hereby, set apart and pledged for the payment of the principal and interest arising upon said bonds.

Approved, May 18, 1853.

(State Statutes of California 1853, page 225.)

## EXHIBIT H.—(Part No. 1, or first period.)

The total outstanding unpaid California Indian war debt on February 15, 1890, due by the United States to and now in the hands of private holders and represented by Indian war obligations issued by the State of California under the aforesaid acts of February 15, 1851, and May 3, 1852 is as follows, to wit:

(1) Outstanding principal of the unpaid obligations issued by California under the act of February 15, 1851, the sum of.....	\$3,000.00
(2) Interest earned, but not paid, on said unpaid principal of said obligations up to the date of maturity thereof (February 15, 1862) the sum of.....	3,531.00
(3) Outstanding principal of the unpaid obligations issued by California under the act of May 3, 1852, the sum of.....	15,300.00
(4) Interest earned, but not paid, on said unpaid principal of said obligations up to the date of maturity thereof (May 3, 1852) the sum of..	8,701.81
(5) Outstanding unpaid coupons, representing interest earned between January 1, 1854, and September 1, 1856, on those Indian war obligations issued by California under said act of February 15, 1851, and paid by the United States on September 1, 1856, the sum of.....	63,040.00
(6) Outstanding unpaid coupons, representing interest earned between January 1, 1854, and September 1, 1856, on those Indian war obligations issued by California under said act of May 3, 1852, and paid by the United States on September 1, 1856, the sum of.....	110,282.66

Making a total aggregate of unpaid outstanding California Indian war obligations on February 15, 1890, in the hands of private holders and now still due by the United States the sum of 203,865.47

## EXHIBIT J.—(Part No. 1, or first period.)

## TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,

Washington, D. C., February 16, 1882.

SIR: I have to state that under acts of August 5, 1854, August 18, 1856, June 23, 1860, and July 25, 1868, the holders of bonds of said State who have presented the same to this Department have been paid the sum of \$914,071.02 for principal and interest which had accrued prior to January 1, 1854; and if there are any unpaid bonds and accrued interest which are considered as properly chargeable to the United States, no good reason appears why they should not be presented to the accounting officers of the Treasury for settlement in the same manner as those heretofore presented and paid, under any statute Congress may deem proper to enact, and the appropriation remain in the Treasury of the United States, to be drawn from as the claims shall be presented and settled, instead of depositing the total amount of the appropriation with the treasurer of the State of California, as expressed in the second section of said bill. If the State of California has paid the bonds and interest, or any part thereof, she should present her claim for re-imbursment by filing the bonds and coupons paid in the same manner as individual owners and holders. This would obviate the coming back into the Treasury of the United States any unexpended balance which might be retained in the treasury of the State for years, as the bill does not fix a time for returning the balance to the Treasury of the United States.

Very respectfully,

A. M. GANGEWER,  
Acting Third Auditor.

Hon. CHARLES J. FOLGER,  
Secretary of the Treasury.

EXHIBIT L.—(Part No. 1, or first period.)

List showing number of vouchers, number of controller's warrants, names of warrantees dates of payment made by the State of California in liquidation, and full payment of certain Indian war bonds issued by California under the acts of its legislature of February 15, 1851, and May 3, 1852.

Voucher.	Name of warrantee.	Date of payment.	No. of Controller's warrants.	Amount of Controller's warrant.
No. 1.....	F. J. Thibault.....	Apr. 9, 1866	4292	\$293.94
2.....	J. and S. Wormser.....	Aug. 31, 1866	4293	440.97
3.....	E. Woodruff.....	do.....	4294	615.00
4.....	E. J. Thibault.....	Apr. 9, 1866	13035	21,736.95
5.....	J. D. Goodwin.....	Apr. 4, 1866	13105	552.18
6.....	Lorenzo Hamilton.....	Apr. 5, 1866	13106	383.53
7.....	J. and S. Wormser.....	Apr. 4, 1866	13107	1,767.68
8.....	W. E. Brown.....	Apr. 5, 1866	13770	2,793.52
9.....	Thomas B. Afflect.....	do.....	13771	443.07
10.....	W. E. Brown.....	June 30, 1866	20111	3,435.95
11.....	Obed Harvey.....	Mar. 31, 1866	6966	784.00
12.....	Mrs. W. A. Bee.....	Apr. 4, 1868	6989	386.90
13.....	Felix Tracy.....	May 2, 1868	7368	466.68
14.....	George L. Watters.....	Apr. 6, 1870	7333	773.67
15.....	Harry Linden.....	May 4, 1870	7401	1,606.44
16.....	John Egenoff.....	Apr. 15, 1872	9505	2,190.00
				38,670.48

EXHIBIT M.—(Part No. 1, or first period.)

List showing the numbers, dates, and amounts of certain 7 per cent. California Indian war bonds, issued under the act of its legislature, approved May 3, 1852, redeemed by said State and paid in cash including the interest earned on each, up to the date of payment thereof, as provided for in the act of legislature of said State, approved March 31, 1866.

[Statutes of California, 1865-6, page 516.]

No.	Bond.	Date of bond.	Amount of bond.	Interest earned on bond.	Date of payment.	Principal and interest paid.
297.....		Jan. 5, 1854	\$100	\$58.27	June 30, 1866	\$158.27
298.....		do.....	100	58.27	do.....	158.27
299.....		do.....	100	58.27	do.....	158.27
300.....		do.....	100	58.27	do.....	158.27
301.....		do.....	100	58.27	do.....	158.27
303.....		Jan. 17, 1854	100	58.01	Apr. 9, 1866	158.01
304.....		Jan. 19, 1866	100	57.96	Apr. 5, 1866	157.96
307.....		Jan. 27, 1854	100	57.84	Apr. 9, 1866	157.84
308.....		do.....	100	57.84	do.....	157.84
309.....		do.....	100	57.84	do.....	157.84
310.....		Jan. 30, 1854	100	57.78	June 30, 1866	157.78
311.....		Jan. 31, 1854	100	57.78	do.....	157.78
312.....		do.....	100	57.78	Apr. 9, 1866	157.78
313.....		do.....	100	57.78	June 30, 1866	157.78
314.....		Feb. 1, 1854	100	57.76	Apr. 4, 1866	157.76
315.....		Feb. 7, 1854	100	57.59	Aug. 31, 1866	157.59
316.....		do.....	100	57.59	Apr. 5, 1866	157.59
317.....		Feb. 18, 1854	100	57.37	Apr. 9, 1866	157.37
318.....		Feb. 28, 1854	100	57.18	do.....	157.18
319.....		do.....	100	57.18	do.....	157.18
320.....		do.....	100	57.18	do.....	157.18
321.....		do.....	100	57.18	June 30, 1866	157.18
322.....		Mar. 22, 1854	100	56.75	do.....	156.75
323.....		do.....	100	56.75	do.....	156.75
327.....		Mar. 29, 1854	100	56.63	Aug. 31, 1866	156.63
328.....		do.....	100	56.63	Apr. 5, 1866	156.63
330.....		Mar. 31, 1855	100	56.60	do.....	156.60
343.....		Nov. 24, 1854	100	52.05	Apr. 31, 1866	152.05
351.....		Apr. 20, 1854	100	56.21	Apr. 5, 1866	156.21
352.....		do.....	100	56.21	do.....	156.21
360.....		Apr. 28, 1854	100	56.05	do.....	156.05
361.....		do.....	100	56.05	do.....	156.05
362.....		do.....	100	56.05	do.....	156.05
363.....		do.....	100	56.05	Apr. 9, 1866	156.05

List showing the numbers, dates, and amounts of certain 7 per cent. California Indian war bonds, issued under the act of its legislature, etc.—Continued.

Bond.	Date of bond.	Amount of bond.	Interest earned on bond.	Date of payment.	Principal and interest paid.
No. 364	Apr. 28, 1854	\$100	\$56.05	Aug. 31, 1866	\$156.05
365	do	100	56.05	Apr. 9, 1866	156.05
367	do	100	56.05	do	156.05
368	do	100	56.05	do	156.05
369	do	100	56.05	do	156.05
382	June 5, 1854	100	55.33	do	155.33
385	July 20, 1854	100	54.40	do	154.40
387	July 31, 1854	100	54.26	do	154.26
388	do	100	54.26	do	154.26
389	do	100	54.26	do	154.26
392	Aug. 11, 1854	100	54.05	do	154.05
393	do	100	54.05	do	154.05
395	Aug. 24, 1854	100	53.80	do	153.80
396	Sept. 2, 1854	100	53.64	June 30, 1866	153.64
397	do	100	53.64	Apr. 9, 1866	153.64
399	Sept. 14, 1854	100	53.41	do	153.41
408	Dec. 30, 1854	100	51.72	do	151.72
410	July 9, 1855	100	47.69	do	147.69
411	do	100	47.69	do	147.69
412	do	100	47.69	do	147.69
414	Aug. 1, 1855	100	47.30	Apr. 4, 1866	147.30
415	do	100	47.30	do	147.30
425	Aug. 15, 1855	100	46.99	Aug. 31, 1866	146.99
426	do	100	46.99	do	146.99
427	do	100	46.99	do	146.99
428	Aug. 17, 1855	100	46.97	Apr. 9, 1866	146.97
429	do	100	46.97	do	146.97
430	Jan. 1, 1857	100	37.35	do	137.35
431	do	100	37.35	do	137.35
432	May 18, 1856	100	41.68	do	141.68
106	Jan. 5, 1854	250	145.68	do	395.68
107	do	250	145.68	do	395.68
111	Jan. 31, 1854	250	144.42	do	394.42
112	Feb. 1, 1854	250	144.42	Apr. 14, 1866	394.42
114	Feb. 7, 1854	250	143.98	do	393.98
115	do	250	143.98	Apr. 9, 1866	393.98
116	Feb. 13, 1854	250	143.44	do	393.44
117	Mar. 22, 1854	250	141.89	do	391.89
118	Mar. 29, 1854	250	141.60	do	391.63
119	do	250	141.60	do	391.63
120	Mar. 31, 1854	250	141.50	do	391.53
127	June 5, 1854	250	138.34	do	388.30
131	July 21, 1854	250	136.10	do	386.10
132	do	250	136.10	do	386.10
133	do	250	136.10	do	386.14
137	Aug. 7, 1854	250	135.33	do	385.30
138	do	250	135.33	do	385.30
144	Sept. 2, 1854	250	134.11	Apr. 4, 1866	384.10
147	Sept. 14, 1854	250	133.53	Apr. 5, 1866	383.53
148	do	250	133.53	Apr. 4, 1866	383.53
150	do	250	133.53	June 30, 1866	383.51
157	Jan. 4, 1855	250	128.18	Apr. 9, 1866	378.18
158	do	250	128.18	do	378.18
159	Aug. 15, 1855	250	117.44	do	367.44
165	May 18, 1856	250	104.22	do	354.22
169	Jan. 1, 1857	250	93.38	do	343.38
170	Apr. 28, 1857	250	93.38	do	343.38
171	do	250	93.38	do	343.38
172	do	250	93.38	do	343.38
416	Aug. 1, 1855	250	118.27	Apr. 4, 1866	368.27
417	do	250	118.27	do	368.27
418	do	250	118.27	do	368.27
419	do	250	118.27	do	368.27
400	Jan. 5, 1854	500	291.37	June 30, 1866	791.37
101	do	500	291.37	Apr. 9, 1866	791.37
402	do	500	291.37	do	791.37
404	Jan. 27, 1855	500	289.16	do	789.16
405	do	500	289.16	do	789.16
406	Feb. 28, 1854	500	285.92	do	785.92
407	Mar. 29, 1854	500	283.20	do	783.20
408	Mar. 31, 1854	500	283.00	do	783.00
412	Mar. 15, 1854	500	281.55	do	781.55
414	Apr. 28, 1854	500	280.28	do	780.28
415	do	500	280.28	do	778.82
417	May 13, 1854	500	278.82	do	778.82
419	July 10, 1854	500	273.28	Apr. 5, 1866	773.28

EXHIBIT N.—(Part No. 1, or first period.)

List showing the numbers, dates, and amounts of certain 7 per cent. California Indian war bonds issued under the act of the legislature approved May 3, 1852, redeemed by said State and paid in cash, including the interest earned on each up to the date of payment thereof, as provided for in the act of the legislature of said State approved March 23, 1868.

[Statutes of California, 1867-'68, page 468.]

Bond.	Date of bond.	Amount of bond.	Interest earned on bond.	Date of payment.	Principal and interest paid.
No. 421 .....	Aug. 13, 1855	\$100	\$96. 00	Mar. 31, 1868	\$196. 00
422 .....	do .....	100	96. 00	do .....	196. 00
423 .....	do .....	100	96. 00	do .....	196. 00
424 .....	do .....	100	96. 00	do .....	196. 00
377 .....	May 23, 1854	100	55. 56	May 2, 1868	155. 56
378 .....	do .....	100	55. 56	do .....	155. 56
379 .....	do .....	100	55. 56	do .....	155. 56
432 .....	Nov. 24, 1854	100	93. 45	Apr. 4, 1868	193. 45
433 .....	do .....	100	93. 45	do .....	193. 45

EXHIBIT O.—(Part No. 1, or first period.)

List showing the numbers, dates, and amounts of certain 7 per cent. California Indian war bonds issued under the act of its legislature approved May 3, 1852, redeemed by said State and paid in cash, including the interest earned on each up to the date of payment thereof, as provided for in the act of the legislature of said State approved April 4, 1870.

[Statutes of California, 1869-70, page 698.]

Bond.	Date of bond	Amount of bond.	Interest earned on bond.	Date of payment.	Principal and interest paid.
No. 39 .....	Sept. 20, 1852	\$250	\$167. 98	May 4, 1870	\$417. 98
91 .....	Aug. 21, 1852	500	359. 39	do .....	839. 39
115 .....	Sept. 20, 1852	100	67. 31	do .....	167. 31
418 .....	July 6, 1854	500	273. 67	Apr. 6, 1870	773. 67
285* .....	Aug. 21, 1852	46	56. 08	May 4, 1870	102. 08
496* .....	Sept. 13, 1852	36	43. 68	do .....	79. 68

\* Comptroller's warrants.

EXHIBIT P.—Part No. 1.

List showing the numbers, dates, and amounts of certain 7 per cent California Indian war bonds issued under the act of its legislature approved May 3, 1852, redeemed by said State and paid in cash, including the interest earned on each up to the date of payment thereof as provided for in the act of the legislature of said State approved March 30, 1872.

[Statutes of California, 1871-72, page 793.]

Bond	Date of bond.	Amount of bond.	Interest earned on bond.	Date of payment.	Principal and interest paid.
No. 34 .....	Apr. 1, 1851	\$1, 000	\$1, 190	Apr. 15, 1872	\$2, 190

NOTE.

THIRD AUDITOR'S OFFICE, March 12, 1890.

The bond here described (and filed) is the original No. 34, 12 per cent. series of 1851, and the United States is now invited to pay the State thereon (vide page 5 hereof, "2d" item). Upon some representation of the loss of the original, the State legislature was induced to authorize, by act of April 30, 1853, the issue of a duplicate to



some party (*vide* endst. by Cal. comr's on the duplicate; also papers in claim 2888 of Coolbaugh & Brooks).

The duplicate was presented to the United States in 1856 by George W. Riggs & Co., bankers, and was paid to them per settlement 3216, made October 25, 1856.

In 1858 the original was presented to the United States by Hon. James Harlan as property of Coolbaugh & Brooks (see claim 2 88). Payment was, of course, refused by the United States, having already been made on the duplicate, and the original was returned to Mr. Harlan.

Evidently the owners of the original fell back upon the State (the obligor), for State act of March 30, 1872, directed payment of the original (see copy of act on page 70 hereof). The State acted at its own peril in issuing a duplicate, and should have required (and perhaps did require) a bond of indemnity. It is difficult to understand on what ground it now asks the United States to redeem this bond a *second* time, and it offers no explanation. The United States did not undertake to pay any State bond twice over.

### EXHIBIT Q.—(Part No. 1, or first period.)

*List showing the amount of balances due on comptroller's warrants, as shown by certificates issued by the treasurer of the State of California prior to January 1, 1854, in payment of California Indian war expenses, and which certificates were redeemed and paid in cash by said State out of her own State treasury, prior to February 17, 1890, and which have not been redeemed or paid by the United States.*

Amount .....	\$7,896.62
Less cash received .....	11.67
Balance .....	7,884.95
Total amount due State of California to February 15, 1890 .....	7,884.95

Set forth in detail as follows, to wit:

Voucher.	In whose name issued.	Date of payment.	No. of certificate.	Amount of certificate.
No. 1	J. B. Haggin .....	June 26, 1852	*1	\$46.00
2	Ira W. Bird .....	July 24, 1852	1	28.21
3	J. B. Haggin .....	Apr. 9, 1853	2	3.50
4	J. Perry, jr. ....	Aug. 25, 1852	3	2.80
5	Obed Harvey .....	Sept. 20, 1852	4	34.00
6	John Humann .....	July 29, 1852	5	3.80
7	Thomas Wallace .....	Oct. 23, 1852	6	1.70
8	John F. Gray .....	Jan. 1, 1853	7	49.94
9	H. W. McMillans .....	Aug. 27, 1852	8	51.00
10	M. L. Cavert .....	Aug. 12, 1852	9	101.00
11	John Walton .....	July 23, 1852	10	15.00
12	B. F. Keene .....	Aug. 4, 1852	11	1.00
13	do .....	do .....	12	19.00
14	James W. Finley .....	do .....	13	55.00
15	F. W. Ingram .....	Jan. 24, 1853	14	28.00
16	A. G. Kimball .....	Aug. 27, 1852	15	1.18
17	A. F. Terbey .....	Oct. 28, 1852	16	6.25
18	J. Perry, jr. ....	Aug. 25, 1852	18	8.82
19	Kirchoff, De Sola & Co. ....	do .....	19	10.00
20	Charles B. Young .....	Sept. 2, 1852	19	1.32
21	H. Pendergrast .....	Mar. 5, 1853	23	8.50
22	William Fuller .....	do .....	24	18.00
23	J. Neely Johnson .....	Aug. 6, 1852	26	22.50
24	J. Perry, jr. ....	Aug. 25, 1852	26	.62
25	Joseph DeCracke .....	Oct. 23, 1852	27	6.83
26	Grim & Satrustegui .....	do .....	28	8.30
27	L. H. Thomas .....	Apr. 9, 1853	30	3.76
28	Baker & Hickinan .....	Aug. 21, 1852	31	31.78
29	George W. Grayson .....	Apr. 9, 1853	32	12.00
30	A. G. Kimball .....	Dec. 3, 1852	33	2.87
31	W. R. Cantwell .....	Sept. 2, 1852	34	48.00
32	Charles B. Young .....	Aug. 12, 1852	35	83.08
33	A. G. Kimball .....	Sept. 30, 1852	36	11.00
34	J. W. Coffroth .....	Oct. 11, 1852	38	53.82
35	D. M. Pool .....	Aug. 11, 1852	39	29.18

\*Written.

List showing the amount of balances due on comptroller's warrants, etc.—Continued.

Voucher.	In whose name issued.	Date of payment.	No. of certificate.	Amount of certificate.
No. 36	A. G. Kimball	Aug. 6, 1852	40	\$7.40
37	James Burney	Feb. 15, 1853	41	34.00
38	do	Dec. 3, 1852	42	3.12
39	John A. Reed	Aug. 27, 1852	43	1.46
40	A. Varidkan	Sept. 30, 1852	44	1.49
41	B. F. Keene	Aug. 25, 1852	45	28.00
42	A. G. Kimball	Sept. 2, 1852	46	13.20
43	J. Perry, jr.	Sept. 9, 1852	47	28.50
44	Charles B. Young	Sept. 10, 1852	48	22.31
45	John Perry, jr.	Sept. 9, 1852	49	20.00
46	J. Neely Johnson	Sept. 18, 1852	51	26.50
47	George B. Tingley	Dec. 11, 1852	52	42.32
48	A. G. Kimball	Sept. 9, 1852	53	43.00
49	A. J. Gregory	Oct. 11, 1852	54	.80
50	E. D. & W. T. Kennedy	Jan. 1, 1853	55	85.50
51	Charles B. Young	Oct. 11, 1852	56	39.58
52	Wheeler & Morgan	Sept. 18, 1852	57	91.49
53	Aristides Welsh	Dec. 11, 1852	58	14.14
54	John Perry, jr.	Sept. 30, 1852	59	2.50
55	Charles B. Young	Sept. 18, 1852	60	43.50
56	B. F. Hastings & Co.	Oct. 11, 1852	61	42.50
57	Augustus Belknap	Oct. 23, 1852	62	31.00
58	George M. Bond	Apr. 19, 1853	63	27.58
59	Edmund Scott	do	66	11.41
60	A. G. Kimball	Aug. 25, 1852	67	4.80
61	William Burden	Dec. 11, 1852	68	75.00
62	James S. McGahey	June 28, 1853	69	20.06
63	John Perry, jr.	Sept. 18, 1852	72	.47
64	C. H. West	Sept. 17, 1852	73	9.20
65	A. G. Kimball	Sept. 18, 1852	74	14.25
66	J. Neely Johnson	do	75	12.00
67	James Burney	Dec. 3, 1852	76	2.36
68	Francis Graham	Sept. 7, 1852	77	12.80
69	M. B. Lewis	Sept. 25, 1852	78	69.50
70	C. H. West	Sept. 18, 1852	79	7.90
71	J. M. Toy & Co	Dec. 6, 1852	80	87.50
72	M. B. Lewis	Dec. 28, 1852	83	55.29
73	A. G. Kimball	Sept. 18, 1852	84	19.50
74	A. Randall	Jan. 27, 1853	87	26.27
75	C. H. West	Sept. 18, 1852	88	82.50
76	A. G. Kimball	do	89	9.27
77	John D. Bell	do	90	44.52
78	B. F. Snyder	do	91	7.00
79	Charles B. Young	Sept. 30, 1852	92	2.31
80	John C. Tracy	Sept. 18, 1852	93	24.00
81	James Miller	do	94	31.00
82	do	do	95	38.00
83	John Brown	do	96	14.00
84	James Gallagher	do	97	70.00
85	Thomas H. Eastman	Sept. 17, 1852	98	64.00
86	James M. Estill	Sept. 25, 1852	100	44.00
87	B. F. Keene	Sept. 20, 1852	101	82.50
88	L. H. Thomas	Apr. 9, 1853	102	10.21
89	C. H. West	Jan. 27, 1853	103	3.20
90	Russell Sackett	Oct. 11, 1852	104	27.00
91	C. H. West	Oct. 12, 1852	105	9.45
92	Lyman Dutcher	Oct. 28, 1852	106	89.20
93	A. G. Kimball	Sept. 30, 1852	108	7.50
94	B. F. Ankeny	Oct. 11, 1852	109	31.00
95	Whitcomb & Co	Apr. 9, 1853	110	2.70
96	James Burney	Dec. 14, 1852	112	26.40
97	A. G. Kimball	Oct. 11, 1852	114	5.22
98	do	Jan. 27, 1853	120	3.83
99	B. F. Ankeny	Oct. 12, 1852	121	19.51
100	W. M. Wynecoop	Oct. 27, 1852	123	2.98
101	do	Mar. 5, 1853	124	46.00
102	Charles Liscom	Jan. 1, 1853	125	95.00
103	N. Luning	Apr. 26, 1853	126	2.25
104	C. H. Veeder	Nov. 13, 1852	127	76.15
105	Johnson & Foreman	Oct. 19, 1852	128	222.85
106	A. G. Kimball	Jan. 27, 1853	129	10.00
107	J. Neely Johnson	Oct. 21, 1852	133	58.85
108	J. G. Shepperd	Dec. 8, 1852	134	21.81
109	J. Neely Johnson	Nov. 13, 1852	135	57.35
110	John Perry, jr.	do	136	24.00
111	Thomas Wallace	Mar. 5, 1853	137	45.70
112	A. G. Kimball	Nov. 13, 1852	141	49.00
113	C. H. West	Dec. 11, 1852	142	1.48

List showing the amount of balances due on comptroller's warrants, etc.—Continued.

Voucher.	In whose name issued.	Date of payment.	No. of certificate.	Amount of certificate.
No. 114	John Brown .....	Dec. 11, 1852	143	\$1.60
115	M. B. Lewis .....	.....do	145	5.12
116	G. W. Carey .....	Jan. 27, 1853	146	14.00
117	Charles H. Carter .....	Apr. 19, 1853	148	150.00
118	James Burney .....	Dec. 3, 1852	149	60.00
119	John Perry, jr .....	Dec. 11, 1852	151	3.02
120	Frederick A. Bee .....	Apr. 18, 1853	152	33.98
121	Thomas A. Springer .....	Mar. 16, 1853	153	81.33
122	Benjamin F. Moulton .....	Jan. 24, 1853	155	23.78
123	R. N. Anderson .....	Jan. 1, 1853	157	32.00
124	James Miller .....	Apr. 14, 1853	158	19.00
125	Charles B. Young .....	Jan. 24, 1853	161	6.00
126	Jos. C. McKibben .....	Apr. 14, 1853	162	30.00
127	John Perry, jr .....	Jan. 1, 1853	163	23.94
128	James Burney .....	Mar. 22, 1853	164	13.44
129	James Miller .....	Apr. 14, 1853	165	60.00
130	Talmer, Cook & Co .....	Mar. 17, 1853	166	75.00
131	John Perry, jr .....	Jan. 3, 1883	168	6.55
132	J. M. Howell .....	.....do	169	54.00
133	J. Conness .....	Jan. 24, 1853	170	3.55
134	John Perry, jr .....	Feb. 1, 1853	171	75
135	A. K. Piggott .....	.....do	172	76.00
136	John Perry, jr .....	.....do	173	2.33
137	James King of William .....	Feb. 15, 1853	175	86.90
138	Charles B. Young .....	Feb. 1, 1853	176	34.00
139	John Perry, jr .....	Mar. 5, 1853	178	65.68
140	R. M. Anderson .....	Feb. 25, 1853	179	12.00
141	James King of William .....	Mar. 5, 1853	181	21.65
142	.....do .....	.....do	183	20.33
143	Abel Stearne .....	Apr. 9, 1853	184	20.00
144	John Perry, jr .....	.....do	185	1.50
145	A. G. Kimball .....	Feb. 25, 1853	186	9.00
146	Samuel A. Merritt .....	Mar. 5, 1853	187	37.05
147	J. Neely Johnson .....	Apr. 9, 1853	188	7.00
148	John Boling .....	Mar. 5, 1853	189	66.09
149	A. G. Kimball .....	Apr. 28, 1853	190	8.12
150	A. J. F. Phelan .....	Mar. 22, 1853	191	30.06
151	A. G. Kimball .....	Apr. 9, 1853	192	33.00
152	Charles B. Young .....	Mar. 18, 1853	193	15.86
153	.....do .....	Apr. 0, 1853	195	4.36
154	John Perry, jr .....	.....do	196	7.91
155	James R. Jewett .....	Apr. 19, 1853	197	2.00
156	Thomas A. Hilton .....	.....do	198	90.00
157	William Norhoet .....	Apr. 28, 1853	199	4.37
158	James King, of Wm .....	June 27, 1853	200	6.88
159	Charles B. Young .....	Apr. 19, 1853	201	65.00
160	A. J. F. Phelan .....	June 27, 1853	202	1.00
161	John Perry, jr .....	Apr. 19, 1853	203	5.75
162	R. S. Clyde .....	Apr. 26, 1853	204	20.00
163	William Byrne .....	June 8, 1853	206	25.00
164	C. K. Smith .....	Apr. 26, 1853	207	1.74
165	S. Garfield .....	Apr. 23, 1853	208	43.45
166	J. Conness .....	May 9, 1853	209	19.45
167	C. K. Smith .....	.....do	210	13.06
168	Thomas E. Brown .....	May 16, 1853	211	50.00
169	C. K. Smith .....	May 9, 1853	212	56.75
170	A. G. Kimball .....	June 27, 1853	213	2.40
171	B. F. Imboden .....	May 9, 1853	215	33.12
172	.....do .....	June 8, 1853	216	18.12
173	C. K. Smith .....	June 27, 1853	218	3.01
174	W. G. Procter .....	May 17, 1853	219	50.00
175	James Burney .....	June 8, 1853	220	48.00
176	Charles K. Smith .....	.....do	223	18.50
177	Joseph Reinar .....	June 28, 1853	225	30.00
178	James King, of Wm .....	.....do	226	11.00
179	C. K. Smith .....	June 27, 1853	227	3.85
180	James W. Robinson .....	June 28, 1853	231	20.00
181	D. D. Colton .....	June 27, 1853	232	20.00

## EXHIBIT R.—(Part No. 1, or first period.)

List showing the amount of expenses incurred by the State of California and paid by said State prior to February 15, 1890, for preparing and issuing California Indian war bonds provided for by the act of her legislature, approved February 15, 1851, and May 3, 1852, no portion of which has heretofore been re-imbursed said State by the United States.

Voucher.	Name of warranty.	Date of payment.	No. of controller's warrant.	Amount of controller's warrant.
No. 1. ....	Fishbourn & Gow .....	Nov. 19, 1851	33	\$700. 00
2. ....	Richard Roman .....	Aug. 19, 1851	1552	100. 00
3. ....	do .....	Sept. 1, 1851	1553	50. 00
4. ....	do .....	July 14, 1851	2310	300. 00
5. ....	do .....	do .....	2311	200. 00
6. ....	do .....	Jan. 27, 1851	2312	100. 00
7. ....	do .....	Nov. 19, 1851	3138	100. 00
8. ....	do .....	Jan. 12, 1850	75	900. 00
				*2, 550. 00

\* Voucher 6 (\$100) omitted, but is included in the total, \$2,550.—Third Auditor.

## EXHIBIT V.—(Part No. 1, or first period.)

CHAPTER CCCCXIII.—An act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an act of the legislature, approved May 3, 1852, and acts supplementary thereto. (Approved March 31, 1866, page 516.)

The people of the State of California, represented in senate and assembly, do enact as follows :

SEC. 1. The sum of \$32,500 in the legal-tender notes of the United States is hereby appropriated out of any money in the general fund not otherwise appropriated, to pay the outstanding Indian war bonds and interest thereon, issued under an act of the legislature of the State of California, approved May 3, 1852, and acts supplementary thereto, which are numbered, dated, and are for the amounts hereinafter stated, to wit :

- Nos. 297, 298, 299, 300, and 301, dated January 5, 1854, for \$100 each.
- No. 303, dated January 17, 1854, for \$100.
- No. 304, dated January 19, 1854, for \$100.
- Nos. 307, 308, and 309, dated January 27, 1854, for \$100 each.
- No. 310, dated January 30, 1854, for \$100.
- Nos. 311, 312, and 313, dated January 31, 1854, for \$100 each.
- Nos. 314 and 315, dated February 1, 1854, for \$100 each.
- No. 316, dated February 7, 1854, for \$100.
- No. 317, dated February 18, 1854, for \$100.
- Nos. 318, 319, 320, and 321, dated February 28, 1854, for \$100 each.
- Nos. 322 and 323, dated March 22, 1854, for \$100 each.
- Nos. 327 and 328, dated March 29, 1854, for \$100 each.
- No. 330, dated March 31, 1854, for \$100.
- No. 343, dated April 12, 1854, for \$100.
- Nos. 351 and 352, dated April 20, 1854, for \$100 each.
- Nos. 360, 361, 362, 363, 364, 365, 367, 368, and 369, dated April 28, 1854, for \$100 each.
- No. 382, dated June 5, 1854, for \$100.
- No. 385, dated July 20, 1854, for \$100.
- Nos. 387, 388, and 389, dated July 31, 1854, for \$100 each.
- Nos. 392 and 393, dated August 11, 1854, for \$100 each.
- No. 395, dated August 24, 1854, for \$100.
- No. 396, dated August 26, 1854, for \$100.
- No. 397, dated September 2, 1854, for \$100.
- No. 399, dated September 14, 1854, for \$100.
- No. 408, dated December 30, 1854, for \$100.
- No. 428, dated May 18, 1855, for \$100.
- No. 429, dated August 14, 1855, for \$100.

Nos. 430 and 431, dated January 1, 1857, for \$100 each.  
 No. 432, dated May 18, 1856, for \$100.  
 Nos. 106 and 107, dated January 5, 1854, for \$250 each.  
 No. 111, dated January 31, 1854, for \$250.  
 No. 112, dated February 1, 1854, for \$250.  
 Nos. 114 and 115, dated February 7, 1854, for \$250 each.  
 No. 116, dated February 18, 1854, for \$250.  
 No. 117, dated March 22, 1854, for \$250.  
 No. 118 and 119, dated March 29, 1854, for \$250 each.  
 No. 120, dated March 31, 1854, for \$250.  
 No. 127, dated June 5, 1854, for \$250.  
 Nos. 131, 132, and 133, dated July 21, 1854, for \$250 each.  
 Nos. 137 and 138, dated August 7, 1854, for \$250 each.  
 No. 144, dated September 2, 1854, for \$250.  
 No. 148, dated September 14, 1854, for \$250.  
 No. 150, dated September 14, 1854, for \$250.  
 Nos. 157 and 158, dated January 4, 1855, for \$250 each.  
 No. 159, dated August 17, 1855, for \$250.  
 No. 165, dated May 18, 1856, for \$250.  
 No. 169, dated January 1, 1857, for \$250.  
 Nos. 170, 171, and 172, dated April 28, 1857, for \$250 each.  
 Nos. 400, 401, and 402, dated January 5, 1854, for \$500 each.  
 Nos. 404 and 405, dated January 27, 1854, for \$500 each.  
 No. 406, dated February 28, 1854, for \$500.  
 No. 407, dated March 29, 1854, for \$500.  
 No. 408, dated March 31, 1854, for \$500.  
 No. 412, dated April 15, 1854, for \$500.  
 Nos. 414 and 415, dated April 28, 1854, for \$500 each.  
 No. 417, dated May 13, 1854, for \$500.  
 And No. 419, dated July 10, 1854, for \$500.  
 Bond No. 147, for \$250, dated September 14, 1854.  
 Bonds Nos. 416, 417, 418, and 419, for \$250 each, and dated August 1, 1855.  
 Also, bonds Nos. 410, 411, and 412, for \$100 each, and dated July 9, 1855.  
 Also, bonds Nos. 414, 415, 425, 426, 427, for \$100 each, and dated August 1, 1855.

SEC. 2. All bonds mentioned in this act shall be presented and surrendered to the controller of State, whose duty it shall be to cancel and destroy the same; and upon such surrender the said controller of State shall draw his warrants in favor of the persons so surrendering the same upon the State treasurer for the full amount of such bonds and interest, the same to be paid in legal-tender notes of the United States Government.

SEC. 3. This act shall take effect and be in force from and after its passage.

Balance Klamath, 1856 .....	\$3,237.30
Balance Klamath and Humboldt, 1858-'59 .....	20,360.51
Balance Pitt River, 1859 .....	30,394.55
	<hr/>
	53,992.36
	<hr/>
Phelan .....	1,020.00
Kibbe .....	175.00
Phelan .....	1,170.00
Thompson .....	2,000.00
Foreman .....	2,000.00
Hastings .....	2,000.00
Beale .....	1,242.00
Los Angeles County .....	3,000.00
Wells Fargo .....	3,317.39
McDonald & Jones .....	3,000.00
J. W. Denver .....	1,500.00
Vouchers on file .....	2,822.41
Mendocino .....	9,294.53
	<hr/>
	86,533.69
Burns addition .....	750.00
	<hr/>
	87,283.69
Paid, 1863 .....	542.09
	<hr/>
	81,741.60



## EXHIBIT W.—(Part No. 1, or first period.)

CHAPTER CCCLXXXII.—An act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an act of the legislature approved May 3, 1852, and acts supplementary thereto. (Approved March, 28, 1868, page 468.)

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of \$1,765.80, in legal-tender notes of the United States, is hereby appropriated, out of any money in the general fund not otherwise appropriated, to pay outstanding Indian war bonds and interest thereon, issued under an act of the legislature of the State of California approved May 3, 1852, and acts supplementary thereto, which are numbered, dated, and are for the amount hereinafter stated, to wit: Number 421, 422, 423, 424, dated August 13, 1855, for \$196 each; numbers 377, 378, 379, for \$155.56 each, dated May 23, 1854; also, bonds numbered 432 and 433.

SEC. 2. All bonds mentioned in this act shall be presented and surrendered to the controller of State, whose duty it shall be to cancel and destroy the same; and upon such surrender, the said controller of State shall draw his warrant in favor of the person so surrendering the same upon the State treasurer for the full amount of such bonds and interest, the same to be paid in legal-tender notes of the United States Government.

SEC. 3. This act shall take effect and be in force from and after its passage.

## EXHIBIT X.—(Part No. 1, or first period.)

CHAPTER CCCCLXXVII.—An act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an act of the legislature approved May 3, 1852, and acts supplementary thereto. (Approved April 4, 1870, page 698.)

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of \$2,380.11 in legal-tender notes of the United States, is hereby appropriated, out of the treasury, in the general fund, not otherwise appropriated, to pay outstanding Indian war bonds and interest thereon, issued under an act of the legislature of the State of California, approved May 3, 1852, and acts supplementary thereto, which are numbered, dated, and are for the amounts hereinafter stated, to wit, No. 115, dated September 20, 1852, for \$167.31; No. 91, dated August 21, 1852, for \$839.39; No. 39, dated September 20, 1852, for \$417.98; No. 418, dated July 6, 1854, for \$773.67; balance due on controller's warrant number 285, dated August 21, 1852, on war fund, for \$102.08; balance due on controller's warrant No. 496, dated September 13, 1852, on the war fund of the State, for \$79.68.

SEC. 2. All bonds and controller's warrants mentioned in this act shall be presented and surrendered to the controller of State, whose duty it shall be to cancel and destroy the same; and upon such surrender the said controller of State shall draw his warrant in favor of the person so surrendering the same upon the State treasurer for the full amount of such bonds and interest, the same to be paid in legal-tender notes of the United States Government.

SEC. 3. This act shall take effect and be in force from and after its passage.

## EXHIBIT Y.—(Part No. 1, or first period.)

CHAPTER DXLIV.—An act to provide for the payment of the principal and interest on California Indian war bond No. 34. (Approved March 30, 1872, page 793.)

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of \$2,190 is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to pay the principal and interest on California Indian War bond Number 34, issued April 1, 1851.

SEC. 2. The controller of State, on presentation and delivery of said bond to him, is hereby authorized and directed to draw his warrant for the sum of \$2,190 in favor of the holder of said bond, and the State treasurer is hereby authorized and directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

EXHIBIT A<sup>1</sup>.—(Part No. 2, or second period.)

Amount due the State of California on account of the matters herein recited arising in said State between January 1, 1854, and March 2, 1861.

Name of expedition.	In what years.	Amount due by the United States.
Shasta expedition.....	1854	\$2,807.26
Siskiyou expedition.....	1855	7,889.76
Klamath and Humboldt expeditions.....	1855	37,559.17
San Bernardino expedition.....	1855	397.04
Klamath expedition.....	1856	3,237.30
Modoc expedition.....	1856	107,887.50
Tulare expedition.....	1856	9,084.98
Klamath and Humboldt expeditions.....	{ 1858 }	20,360.51
Pitt River expedition.....	{ 1859 }	30,394.55
	1868	
Total.....		219,618.07
Credit by amount paid by the United States on account.....	\$520.07	
Credit by amount included in Exhibit D <sup>1</sup> .....	2,570.21	
		3,090.28
Aggregate.....		216,527.79

EXHIBIT B<sup>1</sup>.—(Part No. 2, or second period.)

Abstract setting forth the number of vouchers, number of State controller's warrants, amount of State controller's warrants, names of warrantees, dates of payment of warrants, made by the State of California for suppressing certain Indian hostilities in Mendocino County, State of California, known as the Mendocino Indian war, and for which the legislature of said State made provision in its act approved April 12, 1860.

No. of vouchers.	No. of controller's warrants.	Amount of controller's warrants.	Names of warrantees.	Dates of payment.
1	4759	\$513.33	W. S. Jarboe.....	May 8, 1860
2	17	240.16	James E. Wood.....	July 13, 1860
3	4773	44.00	H. L. Hall.....	May 10, 1860
4	5009	196.16	Jacob Shaw.....	June 20, 1860
5	4784	82.50	Wm. Hildreath.....	May 14, 1860
6	4912	157.66	George Green.....	May 31, 1860
7	4757	240.16	John Gardner.....	May 7, 1860
9	4781	250.83	Daniel Brock.....	May 11, 1860
10	4775	240.16	William Pool.....	May 10, 1860
11	4972	143.00	W. O. Robinson.....	June 11, 1860
12	4756	99.00	P. Fern.....	May 7, 1860
13	4779	280.16	S. S. Daney.....	May 11, 1860
14	4998	240.16	W. H. Cole.....	June 18, 1860
15	4799	240.16	William Wall.....	May 16, 1860
16	4755	240.16	F. Stont.....	May 7, 1860
17	4783	240.16	John D. Haskins.....	May 11, 1860
18	4976	240.16	Antonio Garcella.....	June 14, 1860
19	4765	128.33	W. Daley.....	May 8, 1860
20	4831	111.83	Chesley Vaughn.....	May 29, 1860
21	3203	236.50	J. W. Hacker.....	May 6, 1861
22	4959	240.16	J. W. Graham.....	June 5, 1860
23	4754	240.16	J. P. Waters.....	May 7, 1860
25	4753	210.83	C. W. Stiles.....	Do.
26	4762	31.16	Jas. Alexander.....	May 11, 1860
27	4780	249.00	E. L. Wright.....	Do.
8	.....	29.33	E. M. Howard.....	.....
24	.....	29.33	William Scott.....	.....

Mendocino Indian war—Supplies and transportation—Continued.

No. of voucher.	No. of controller's warrants.	Amount of controller's warrants.	Name of warrantee.	Date of payment.
1	4752	\$42. 40	H. Stanley .....	May 7, 1860
2	4764	148. 38	W. R. Storms.....	May 8, 1860
3	4840	56. 27	G. W. Henley.....	May 29, 1860
4	4914	157. 25	A. E. Sherwood.....	May 31, 1860
5	4763	555. 25	W. S. Jarboe.....	May 8, 1860
7	4806	50. 00	A. R. Hall.....	May 17, 1860
8	5011	176. 30	George H. Woodman.....	June 22, 1860
9	5126	12. 00	Daniel Sink.....	July 7, 1860
10	4807	880. 00	W. J. Hildreath.....	May 17, 1860
11	4808	125. 00	Robertson & Hildreath.....	Do.
12	4785	71. 00	Moses Briggs.....	May 11, 1860
13	19	11. 50	A. Potter.....	July 14, 1860
15	295	83. 33	Gabriel Mendoca.....	Aug. 28, 1860
16	4796	408. 00	Joseph Levison.....	May 17, 1860
17	4798	315. 00	David Blenis.....	May 16, 1860
18	4809	177. 60	Hall & Co.....	May 17, 1860
19	4751	79. 00	Harrison Stanley.....	May 7, 1860
20	4794	369. 20	Chaid & Harvey.....	May 15, 1860
21	4805	220. 00	S. C. Hastings.....	May 17, 1860
22	4841	40. 50	C. H. Bourne.....	May 30, 1860
23	4913	25. 00	S. Bietell.....	May 31, 1860
*24	.....	.....	Daniel Brock.....	.....
†25	.....	.....	S. S. Daney.....	.....
‡26	.....	.....	E. L. Wright.....	.....
27	4760	80. 00	V. H. Lindenberger.....	May 8, 1860
6	.....	10. 00	W. J. Shannan.....	.....
14	.....	7. 00	John Ward.....	.....

\* For voucher No. 24, see voucher No. 9, service abstract, Mendocino Indian war.  
 † For voucher No. 25, see voucher No. 13, service abstract, Mendocino Indian war.  
 ‡ For voucher No. 26, see voucher No. 27, service abstract, Mendocino Indian war.

EXHIBIT C.—(Part No 2, or second period).

Amount appropriated for cleaning, transporting, and repairing arms.....	\$500. 00
Certified to the following bills, viz:	
To Wells, Fargo & Co., transportation.....	\$184. 75
To John Schade, repairing and cleaning.....	197. 50
To John Schade, repairing and cleaning.....	45. 00
To M. Lobenstien, drayage.....	72. 00
	499. 25
Balance.....	. 75
Amount appropriated for bullet molds.....	210. 00
Certified to bill of T. & J. Garratt.....	210. 00

The above is hereby certified to be correct.

WM. C. KIBBE,  
*Adjutant-General.*

Under the requirements of the concurrent resolution of the legislature adopted April 12, 1862, I have transmitted original vouchers to the Third Auditor of the Treasury of the United States, representing additional claims for supplies furnished the expedition against the Indians in Klamath and Humboldt, A. D. 1858:

Voucher No.	Names.	Account.	Amount.
70	Shasta Courier .....	Printing .....	\$18. 00
73	S. G. Whipple .....	Miscellaneous .....	33. 00
86	B. F. McConahay .....	Transportation .....	40. 00
87	Tomlinson & Brother .....	Miscellaneous .....	10. 25
89	James Lee .....	Hospital .....	80. 00
90	George W. Phipps .....	do .....	2. 50
91	Steamer Glide .....	Transportation .....	6. 00
92	William H. Averill .....	Hospital .....	5. 00
93	Craig & Cushing .....	Quartermasters .....	78. 00
94	Charles Schumaker .....	Artificers .....	70. 00
95	James Light .....	Hospital .....	6. 50
96	Union Wharf Company .....	Transportation .....	5. 50
98	David Bush .....	Miscellaneous .....	100. 00
99	Bowles & Coddington .....	do .....	8. 75
100	James Nixon .....	Transportation .....	35. 50
101	J. Manheim & Co. ....	Commissary .....	133. 00
102	Bowles & Coddington .....	Quartermaster .....	490. 09
103	do .....	Hospital .....	29. 55
104	J. D. Thompson .....	Miscellaneous .....	5. 00
105	Andrew McQuillan .....	do .....	70. 00
106	Sundry persons .....	do .....	63. 00
107	R. B. Martin .....	Artificers .....	25. 00
108	Bowles & Coddington .....	Miscellaneous .....	448. 89
109	do .....	do .....	396. 62
110	do .....	do .....	137. 75
111	do .....	do .....	295. 26
112	J. C. Wood .....	Transportation .....	195. 00
113	Allen S. Frame .....	Commissary .....	18. 00
114	Larabee & Hagens .....	Miscellaneous .....	16. 25
	Total .....		2, 822. 41

Under and by virtue of the resolution above referred to, I made application to the comptroller of state for vouchers representing additional claims of the Pitt River expedition of 1859, for the payment of which the State has already made appropriation. This officer declined to deliver the same. These vouchers should be promptly forwarded to the Third Auditor for allowance and payment to the State.

EXHIBIT D<sup>1</sup>.—(Part No. 2, or second period.)

List showing the number of vouchers, number of controller's warrants, amount of controller's warrants, name of warrantee, date of payment of certain miscellaneous expenses incurred by the State of California growing out of Indian hostilities in said State and upon the border thereof, which were incurred and the payment of which was provided for prior to March 2, 1861, not heretofore paid by the United States, and not included in any settlement between the United States and the State of California.

No. of voucher.	No. of comptroller's warrants.	Amount of comptroller's warrants.	Name of warrantee.	Date of payment.
1	1634	\$300.00	R. W. Fishbourn .....	Oct. 24, 1857
2	1472	25.00	John O. Meara .....	Nov. 6, 1857
3	3699	1,020.00	A. J. F. Phelan .....	Mar. 8, 1858
4	4758	148.66	J. T. Longley .....	May 8, 1860
5	4712	175.00	H. C. Kibbe .....	May 5, 1860
6	4768	1,170.00	A. J. F. Phelan .....	May 3, 1860
*7	3868	285.00	G. Newcomb .....	Apr. 9, 1860
*8	3853	20.00	Charles Cochran .....	do
*9	3890	64.96	John Hardin .....	Apr. 10, 1860
*10	3930	27.00	A. P. Shull .....	Apr. 11, 1860
*11	4143	60.00	C. W. Garner .....	Apr. 18, 1860
*12	3921	2,000.00	T. P. Green .....	Apr. 11, 1860
*13	3893	58.00	California Stage Company .....	Apr. 10, 1860
*14	.....	55.25	R. H. Pattridge .....	Apr. 9, 1860
15	.....	2,000.00	R. A. Thompson .....	.....
16	.....	2,000.00	Ferris Forman .....	.....
17	.....	2,000.00	B. F. Hastings .....	.....
18	.....	1,242.00	Ed'w F. Beale .....	.....
19	.....	750.00	E. H. Burns .....	.....
20	.....	3,000.00	County treasurer of Los Angeles County .....	.....
21	.....	500.00	Powell Weaver .....	.....
22	.....	3,317.39	Wells, Fargo & Co .....	.....
†23	2817	6,000.00	McDonald & Jones (Wilbur F. George, assignee) .....	Nov. 28, 1884
24	.....	1,500.00	J. W. Denver .....	.....

Vouchers 7 to 14, inclusive, are part of balance of \$30,394.55, Pitt River expedition, 1859, and are claimed in that sum.

\*Amounts excluded from Exhibit A<sup>1</sup>, aggregating \$2,570.21.

† Three bonds for \$1,000 each, to wit, Nos. 589, 590, 591, issued June 14, 1858, under State act of April 25, 1857, were under decree and mandate of the judge of the superior court of Sacramento County, Cal., of November 24, 1884, and under the opinion of Hon. E. C. Marshall, State attorney-general of California, ordered to be paid to Wilbur F. George, plaintiff in the suit, entitled "Wilbur F. George, plaintiff, vs. John Dunn, controller of the State of California, defendant, in the superior court, county of Sacramento, State of California."

EXHIBIT E<sup>1</sup>.—(Part No. 2, or second period.)

AN ACT to provide for the payment of the amount remaining due for express charges for the fifth session of the legislature of this State. (Approved May 7, 1855, page 283.)

The people of the State of California, represented in senate and assembly, do enact as follows :

SECTION 1. The controller of State is hereby authorized and required to draw his warrant on the treasurer of this State for the sum of \$3,317.39 in favor of Wells, Fargo & Co. [payable] out of any moneys in the treasury not otherwise appropriated, for the purpose of paying the amount remaining due to the said Wells, Fargo & Co., for express charges for the fifth session of the legislature.



EXHIBIT F<sup>1</sup>.—(Part No. 2, or second period.)

AN ACT making an appropriation for the payment of A. J. F. Phelan for services rendered by him. (Approved March 6, 1858, page 47.)

*The people of the State of California, represented in senate and assembly, do enact as follows :*

SECTION 1. The controller of State is hereby authorized and required to draw his warrant on the treasurer of the State in favor of A. J. F. Phelan, for the sum of \$1,020, in payment of services rendered by him as clerk of the board of war commissioners for the eight months ending on the 9th day of February, A. D. 1858, and for books and stationery purchased by him for the use of said board.

SEC. 2. The treasurer of the State is directed to pay said warrant out of any money in the treasury not otherwise appropriated, and that amount of money is hereby set apart out of any money now in the treasury for the payment of said amount.

EXHIBIT G<sup>1</sup>.—(Part No. 2, or second period.)

AN ACT to audit the claim of J. W. Denver. (Approved March 11, 1858. Page 58.)

*The people of the State of California, represented in senate and assembly, do enact as follows :*

SECTION 1. The claim of J. W. Denver, as one of the board of commissioners of the California war debt, for services rendered previous to January 1, 1857, for the sum of \$1,500, is hereby audited and allowed.

EXHIBIT H<sup>1</sup>.—(Part No. 2, or second period.)

AN ACT to audit and allow the claim of Edward F. Beale, for expenses incurred in the settlement of Indian difficulties in the year 1856. (Approved April 26, 1858, page 326.)

*The people of the State of California, represented in senate and assembly, do enact as follows :*

SECTION 1. The claim of Edward F. Beale, for expenses incurred by him whilst engaged in the settlement of Indian difficulties, in the Tulare section of country, in the year 1852, by the orders of the executive of this State, be and the same is hereby audited and allowed to the amount of \$1,242.

SEC. 2. Of the amount allowed in the foregoing section, \$500 shall be issued, in a State bond, to J. Neely Johnson, or his assignee, being the amount advanced by said Johnson to E. F. Beale aforesaid, on the 15th day of September, 1856, on account of said claim for expenses.

EXHIBIT J.<sup>1</sup>—(Part No. 2, or second period.)

AN ACT authorizing the treasurer of State to issue bonds in favor of Walter McDonald and A. M. Jones for services rendered as Indian commissioners in the year 1856. (Approved March 30, 1858, page 102.)

*The people of the State of California, represented in senate and assembly, do enact as follows :*

SECTION 1. The treasurer of State is hereby authorized and required to issue bonds in the manner prescribed by an act approved April 25, 1857, in favor of Walter McDonald and A. M. Jones, for the sum of \$3,000 each, for services rendered as Indian commissioners in the year 1856.

SEC. 2. The sum of \$6,000 is hereby set apart out of any money which may be appropriated by Congress for the payment of expenses incurred in the settlement of Indian war claims for the payment of the bonds mentioned in section 1 of this act.

EXHIBIT K.<sup>1</sup>—(Part No. 2, or second period.)

CHAPTER LI. An act for the relief of Powell Weaver.

[Passed May 15, 1854, page 171.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The comptroller of State is hereby authorized and required to draw his warrant on the treasurer of the State for the sum of \$500, payable out of the war fund, in any moneys not otherwise appropriated, in favor of Powell Weaver, for animals and provisions furnished the friendly Indians in San Bernardino County, in the year 1851, who were engaged in taking prisoner, Antonia Garra, and four other Indian chiefs.

SEC. 2. There is hereby reserved and appropriated out of the war fund, the sum of \$500, for the purpose of meeting the appropriation contained in the preceding section.

## EXHIBIT L.—(Part No. 2, or second period.)

AN ACT to appropriate money to pay R. A. Thompson and Ferris Forman for services and expense incurred as commissioners from the State of California to the President of the United States, in the year 1856. (Approved March 28, 1860, page 127.)

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of \$4,000 is hereby appropriated from any moneys in the treasury not otherwise appropriated, to be paid to R. Augustus Thompson and Ferris Forman, for services rendered and expenses incurred as commissioners from the State of California, to the President of the United States, during the year 1856, in the following manner, to wit, \$2,000 to said Thompson and \$2,000 to said Forman.

## EXHIBIT M.—(Part No. 2, or second period.)

CHAPTER CCII.—An act to pay E. H. Burns for services rendered in the suppression of Indian hostilities in the county of Klamath, in this State. (Approved April 23, 1857.)

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of \$750 is hereby allowed to E. H. Burns, for services rendered in the suppression of Indian hostilities, in the county of Klamath, as contemplated by the second section of an act entitled "An act to be entitled 'An act authorizing the treasurer of this State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity, and Monterey expeditions against the Indians,'" approved May 3, 1852.

SEC. 2. It is hereby made the duty of the treasurer and controller of State, to issue to said E. H. Burns, State war bonds for the sum mentioned in the preceding section, in accordance with the provisions of the aforesaid act, passed May 3, 1852; but the treasurer shall not sign any coupons for interest prior to the one due in January, 1858.

(California State Statutes, 1857, page 234.)

## EXHIBIT O.—(Part No. 2, or second period.)

CHAPTER XLVIII.—An act to authorize the treasurer of Los Angeles to retain money belonging to the general fund of the State for the benefit of the Los Angeles Rangers. (Passed May 15, 1854, page 170.)

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECONTI 1. The treasurer of the county of Los Angeles is hereby authorized to retain out of any moneys belonging to the general fund of the State, which now is or may hereafter be in his possession, the sum of \$3,000 for the use and benefit of the Los Angeles Rangers. All orders certified to by the captain and first lieutenant of said company shall be audited and paid by the treasurer out of the funds above specified, and the treasurer shall take receipts therefor, signed by said captain and lieutenant, which receipts shall be filed by the treasurer with the comptroller of State, and credited as so much money received in the general fund for the county of Los Angeles.

## EXHIBIT Q.—(Part No. 2, or second period.)

AN ACT authorizing the treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this State. (Approved April 25, 1867, page 262.)

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A sum not exceeding \$410,000 is hereby appropriated and set apart as a "war fund," payable out of any moneys which may be appropriated by Congress to this State, to defray the expenses incurred in the suppression of Indian hostilities, as specified in this act.

SEC. 2. The treasurer, controller, and quartermaster-general of this State are hereby constituted a board of examiners, and are authorized and required to examine and audit accounts for claims for services rendered and supplies furnished for the expedition against the Indians in Siskiyou County for the year A. D. 1855: *Provided*, The same do not exceed the sum of \$14,000. Also for services rendered and supplies furnished for the expedition against the Indians in Siskiyou County for the year A. D. 1856: *Provided*, The same do not exceed the sum of \$200,000. Also for services rendered and supplies furnished in the expedition against the Indians in Klamath County for the year A. D. 1852: *Provided*, The same do not exceed the sum of \$10,000. Also for services rendered and supplies furnished and property destroyed in the Indian war in the year A. D. 1855, in the counties of Humboldt and Klamath: *Provided*, The same do not exceed the sum of \$110,000. Also for services rendered and supplies furnished for the expedition against the Indians in the county of Tulare for the year A. D. 1856: *Provided*, The same do not exceed the sum of \$10,000. Also for services rendered and supplies furnished for the expedition against the Indians in the county of Sutter for the year A. D. 1855: *Provided*, The same do not exceed the sum of \$5,000. Also for services rendered and supplies furnished for the expedition against the Indians in the county of San Bernardino for the year A. D. 1855: *Provided*, The same do not exceed the sum of \$1,000. Also for services rendered and supplies furnished for the expeditions against the Indians in the county of Nevada for the years A. D. 1850 and 1851, and for property destroyed by the Indians in said Nevada County during said years: *Provided*, The same do not exceed the sum of \$20,000. Also for the expeditions, wars, and depredations in Los Angeles County from the year 1852 to the year 1855: *Provided*, The sum does not exceed \$20,000. Also for the expeditions, wars, and depredations in Yuba County since the 1st of January, A. D. 1850: *Provided*, The same does not exceed the sum of \$20,000. A. J. F. Phelan is hereby appointed a clerk of said board of examiners.

SEC. 3. Such liabilities as have been incurred and shall be allowed under the provisions of this act shall be paid in bonds, made payable out of any money hereafter to be appropriated by Congress for the payment of such expenses.

SEC. 4. The State treasurer is hereby authorized and required to cause suitable bonds to be provided for said payments, in sums of \$100, \$200, \$500, and \$1,000 each, and the said bonds shall specify upon their face the fund out of which they shall be paid.

SEC. 5. All such bonds shall be signed by the treasurer, and countersigned by the controller, in their official character, made payable to and indorsed by the governor,

who shall affix the seal of State thereto; which bonds duly issued as aforesaid, shall be transferable by assignment by the owner thereof, or by his attorney in fact. If it should happen that a claim or fractional claim of less than \$100 shall be audited by said board of examiners, then said board shall issue to the claimant or his attorney, a certificate of such fractional amount.

SEC. 6. After the said bonds shall have been countersigned by the controller, it shall be his duty to make a register of the same in a book to be kept for that purpose, and deliver them to the treasurer, charging him with the same. The treasurer shall also keep a register of such bonds.

SEC. 7. Any and all moneys which may be appropriated by Congress for the payment of expenses incurred in the suppression of Indian hostilities in the State, as specified in this act, are hereby set apart and pledged for the payment of the bonds provided to be issued by this act.

SEC. 8. The treasurer is hereby authorized to defray such expenses as may be incurred in procuring blanks for said bonds: *Provided*, That they do not exceed the sum of \$500, to be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 9. Said board of examiners shall hold their sessions from time to time, as may be necessary for the proper transaction of the business, and shall report to the Governor on or before the 15th day of December next.

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### EXHIBIT R.—(Part No. 2, or second period.)

AN ACT entitled an act to call out a company of volunteers for the suppression of Indian hostilities in Klamath County, and to make an appropriation for the same. (Approved March 12, 1856, page 42.)

*The people of the State of California, represented in senate and assembly, do enact as follows :*

SECTION 1. The governor of this State is hereby authorized and required to call into the service of the State, for the suppression of Indian hostilities in Klamath County, a mounted volunteer company, consisting of not more than fifty men; said company shall be mustered into the service of the State, under the provisions [of an act] entitled "An act concerning the organization of the militia," passed April 25, A. D. 1855.

SEC. 2. The governor is hereby authorized to appoint a suitable person to enroll and organize said company; he shall also appoint and commission some suitable person to act as quartermaster and commissary of said company, with the rank of lieutenant, who shall transmit to the quartermaster and adjutant-general of this State at the end of each and every month during the time said company shall be continued in service a statement of all moneys expended and a copy of each and every voucher made.

SEC. 3. The sum of \$15,000 is hereby appropriated out of any moneys in the general fund not otherwise appropriated for the purposes of defraying the expenses of said company while in service.

SEC. 4. The governor shall continue the said company in service for such length of time as the emergencies of the case shall require.

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### EXHIBIT S.—(Part No. 2, or second period.)

CHAPTER CXLIII.—An act for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this State. (Approved March 20, 1860, page 110.)

*The people of the State of California, represented in senate and assembly, do enact as follows :*

SECTION 1. The sum of \$60,475.85 is hereby appropriated out of any money in the general fund not otherwise appropriated, for the payment of the indebtedness incurred by the expedition against the Indians in the counties of Tehama, Shasta, Plumas, and Butte during the year A. D. 1859.

SEC. 2. The following schedule of pay is hereby established for the officers and men engaged in the expedition, to wit; For pay and allowance of captain, \$100 per month; for surgeon, \$100 per month; commissary, \$85 per month; first lieutenant, \$75 per month; second lieutenant, \$65 per month; second brevet lieutenant, \$60 per month; orderly sergeant, \$55 per month; three duty sergeants, \$50 each per month; four corporals, \$45 each, per month; privates, \$40 each per month.

SEC. 3. The board of examiners created by an act entitled "An act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the controller and treasurer," approved April 21, 1858, are hereby directed to audit and allow all legal claims against the State for services rendered, supplies furnished, and expenses incurred in the late Indian war in Tehama, Shasta, Plumas, and Butte Counties in the same manner as they are required to audit and allow other claims against the State; and the controller shall draw his warrants on the treasurer for such amounts and in favor of such persons as shall be audited and allowed by said board under the provisions of this act.

SEC. 4. Should any surplus remain, after paying such claims, it shall be returned to the general fund.

SEC. 5. This act shall take effect from and after its passage.

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### EXHIBIT U.—(Part No. 2, or second period.)

CHAPTER CCCXXXVIII.—An act to provide for the payment of A. J. F. Phelan. (Approved April 28, 1860, page 333.)

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The controller of state is hereby authorized and directed to draw his warrant on the treasurer of State in favor of A. J. F. Phelan for the sum of \$1,170, for services rendered by him as clerk of the board of war debt commissioners from December 20, 1856, to 19th of March, 1860.

SEC. 2. And the sum of \$1,170 is hereby appropriated out of any money in the treasury not otherwise appropriated for the payment of said claim.

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### EXHIBIT V.—(Part No. 2, or second period.)

CHAPTER CCVIII.—An act for the payment of expenses incurred in the suppression of Indian hostilities in the county of Mendocino, of this State. (Approved April 12, 1860, page 173.)

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of \$9,347.39 is hereby appropriated, out of any money in the general fund not otherwise appropriated, for the payment of the indebtedness incurred by the expedition against the Indians in the county of Mendocino, organized under the command of Capt. W. S. Jarboe, in the year 1859.

SEC. 2. The following schedule of pay is hereby established for the officers and men engaged in the expedition to wit:

For pay and allowance of captain, \$100 per month.

For privates each per month, \$55.

SEC. 3. The board of examiners, created by an act entitled "An act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the controller and treasurer," approved April 21, 1858, are hereby required to audit and allow all legal claims against the State for services rendered, supplies furnished, and expenses incurred in the late Indian war in Mendocino County, in the same manner that they are required to audit and allow other claims against the State; and the controller shall draw his warrants on the treasurer for such amounts and in favor of such persons as shall be audited and allowed by said board under the provisions of this act.

SEC. 4. Should any surplus of the appropriation made under this act remain after paying the claims hereby authorized to be paid, it shall be returned to the general fund.

SEC. 5. This act shall take effect from and after its passage.



## EXHIBIT W.—(Part No. 2, or second period.)

CHAPTER CCCXLVII.—An act to pay the claim of H. C. Kibbe. (Approved April 30, 1860, page 338.)

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of \$175 is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of paying Henry C. Kibbe for rent of office for the board of war examiners, from November 13, 1857, to June 12, 1858, and the controller of State is hereby authorized and directed to draw his warrant for the same.

## EXHIBIT X.—(Part No. 2, or second period.)

CHAPTER CCCXXII.—An act to audit and allow a claim of B. F. Hastings. (Approved April 28, 1860, page 314.)

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The claim of B. F. Hastings of \$2,000 for arms and transportation furnished the State in 1856 is hereby audited and allowed.

## EXHIBIT Z.—(Part No. 2, or second period.)

AN ACT authorizing the treasurer of State to issue bonds in favor of Walter McDonald and A. M. Jones, for services rendered as Indian commissioners in the year 1856. (Approved March 30, 1858. Page 102.)

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The treasurer of State is hereby authorized and required to issue bonds, in the manner prescribed by an act approved April 25, 1857, in favor of Walter McDonald and A. M. Jones, for the sum of \$3,000, for services rendered as Indian commissioners in the year 1856.

SEC. 2. The sum of \$6,000 is hereby set apart out of any moneys which may be appropriated by Congress for the payment of expenses incurred in the settlement of Indian war claims for the payment of the bonds mentioned in section 1 of this act.

EXHIBIT A<sup>2</sup>.—(Part No. 3, or third period.)

*Abstract showing the number of vouchers, number of controller's warrants, amount of controller's warrants, names of warrantees, dates of payment for certain expenses incurred by the State of California in suppressing Indian hostilities upon the border of said State in the State of Nevada, and known as the "Carson Valley or Washoe Indian war," not heretofore included in any settlements of the United States, no portion of which has been paid by the United States.*

Voucher.	No. of controller's warrant.	Amount of controller's warrant.	Name of warrantee.	Date of payment.
No. 1.....	289	\$125.00	Thomas Rooney.....	Oct. 9, 1861
2.....	288	125.00	H. B. Boorman.....	Do.
3.....	287	125.00	Edward Granger.....	Do.
4.....	286	125.00	L. C. Bradley.....	Do.
5.....	285	125.00	William Martin.....	Do.
6.....	284	125.00	Dennis Morgan.....	Do.
7.....	345	125.00	Louis Grant.....	Nov. 25, 1861
8.....	346	125.00	Robert O'Keefe.....	Do.
9.....	347	125.00	Patrick Towle.....	Do.
10.....	350	125.00	John Butler.....	Do.
11.....	587	125.00	Frank Rhodes.....	Dec. 6, 1861
12.....	588	125.00	James Moore.....	Do.
13.....	617	125.00	Charles J. Fairfax.....	Dec. 26, 1861
14.....	4746	20.00	A. Blossom.....	Dec. 17, 1864
15.....	7	520.00	Richard M. Jessup.....	Nov. 23, 1863
16.....	2704	5,450.00	C. W. Tozer.....	Mar. 21, 1861
17.....	348	209.62	L. B. Richardson.....	Nov. 25, 1861
18.....	344	250.00	E. J. Saunders.....	Do.
19.....	2876	1,725.00	Joseph Kem.....	Mar. 28, 1861
20.....	2870	500.00	Thos. Sunderland.....	Mar. 23, 1861
21.....	3147	200.00	J. Mora Moss.....	Apr. 3, 1861
22.....	413	125.00	Charles Conger.....	Nov. 12, 1862
23.....	1030	96.00	Wells, Fargo & Co.....	Dec. 31, 1861
24.....	4952	382.85	G. M. Raymond.....	June 2, 1860
25.....	826	110.00	John Schade.....	Dec. 6, 1860
26.....	4953	123.15	G. M. Raymond.....	June 2, 1860

EXHIBIT B<sup>2</sup>.—(Part No. 3, or third period.)

*Miscellaneous abstract showing the number of voucher, number of controller's warrants, amount of controller's warrants, names of warrantees, date of payment, etc., of certain miscellaneous expenses incurred by the State of California growing out of Indian hostilities in said State and upon the borders thereof, the payment of which was made prior to February 15, 1890, not heretofore paid by the United States or included in any settlement between the United States and the State of California.*

Voucher.	No. of controller's warrants.	Amount of controller's warrants.	Name of warrantee.	Date of payment.
No. 1.....	3878	\$3,000.00	A. J. F. Phelan.....	June 28, 1861
2.....	3877	6,000.00	J. W. Denver and Samuel B. Smith.....	Do.
3.....	730	194.70	John Bell.....	Dec. 28, 1861
4.....	590	136.09	Greenhood & Neubauer.....	Do.
5.....	5263	295.00	Oliver & Lewis.....	Dec. 8, 1863
6.....	685	131.41	A. E. Sherwood.....	Dec. 19, 1863
7.....	5443	450.00	William W. Merrihew.....	Mar. 14, 1868
8.....	8423	2,000.00	A. D. Bayliss.....	Mar. 22, 1872
9.....		800.00	A. J. F. Phelan.....	
10.....		705.00	J. G. T. Bass & Co.....	
11.....		1,080.00	General A. M. Winn.....	
Aggregating.....		14,792.11		

EXHIBIT C<sup>2</sup>.—(Part No. 3, or third period.)

[Extract from message of governor of California to the legislature, January, 1861.]

## CARSON VALLEY INDIAN WAR, SOMETIMES CALLED WASHOE INDIAN WAR.

While engaged on official duty at the State prison, in the month of May last, intelligence was brought me of serious Indian outbreaks having occurred in Carson Valley, in which some of the most distinguished citizens of this State had been slain. I was called upon for relief, and, although without the boundary of the State and not within my official jurisdiction, I nevertheless considered it due to our own citizens, who composed nearly the entire population of that district of country, as well as the dictates of humanity and the common ties that bind us together as one people, to render them all the aid in my power, which I promptly did, having a due regard to economy.

I deem it proper here to state that the demands were for arms and ammunition only, not for men. The arms belonging to the State were promptly delivered to the citizens of Sacramento, who evinced their patriotism and liberality by voluntarily contributing the sum of \$2,000 to defray the expenses of their prompt transmission by an escort of her citizens.

I called upon the late General Newman S. Clark, commanding the Pacific Division of the United States Army, for 500 stand of rifles and 100,000 rounds of ammunition, which were at once provided by that distinguished soldier, I assuming the responsibility of their return or their equivalent. The late Maj. Gen. Joshua P. Haven, of the Second Division of California Militia, and Col. C. W. Tozer, one of my aids, volunteered their services for the transmission of these arms to Carson Valley, and it affords me pleasure to testify to the celerity and efficiency in which that important trust was discharged by those officers.

Subsequently the officer in command of the Benicia Arsenal, in consequence of orders received by him from the Secretary of War, made a demand upon me for the return of these arms and accouterments. I caused to be collected and returned to the arsenal at Benicia 377 rifles and accouterments and 80,000 rounds of ammunition. Upon representation of the urgent necessity therefor I loaned, for the protection of the Pony express, to the agent of the company, 46 rifles to be returned when needed. Sixty rifles are deposited with the United States marshal of Utah Territory, and will no doubt soon be received and returned to the Benicia Arsenal, thus leaving only 17 rifles to be accounted for. As I became personally responsible for these arms I trust you will take such action as you deem meet for my protection.

I trust that appropriations will be made to meet the small indebtedness that was necessarily incurred, and for the payment of which the faith and honor of the citizens of the State stand pledged. From the best information I can obtain in relation to these expenditures the amount is comparatively trifling. I feel injustice would be done were I not to mention the noble conduct of the Sierra Battalion. Upon my demand this corps forwarded the arms and ammunition in their possession, and I am informed by an officer of the battalion that they have made no charge to the State whatever.

Tenders of service from half the volunteer force of the State were promptly made to me for this emergency, and, although declined, I deem it but a just tribute to their gallantry as soldiers and patriotism as citizens to thus acknowledge their devotion to the State and humanity.

EXHIBIT D<sup>2</sup>.—(Part No. 3, or third period.)

ALTA, CALIFORNIA, TELEGRAPH COMPANY,  
Virginia, April 12, 1860—9 p. m.

To J. G. BALDWIN, S. J. FIELD, or W. W. CAPE:

See that we have arms and ammunition sent immediately. I have no cause to doubt the truth of the reports of the attack on McDonald party.

WM. M. LENT.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
Sacramento, May 13, 1860.

JOSHUA P. HAVEN,  
Major-General California Militia:

SIR: In the absence of the adjutant and quartermaster-general, you will discharge such duty and proceed forthwith to receive, receipt for, and dispatch forthwith such arms and ammunition as Major-General Clarke, commanding the Pacific Division, U. S. Army, will deliver you upon my requisition. You will please use all possible dispatch in transporting these arms promptly, delivered at the scene of Indian outrages in Carson Valley, using all necessary economy on behalf of the State. Consult with the regularly authorized commanders of such military expedition as you may find at the scene of action, taking proper receipts therefor. Having complied with these instructions, you will please report to me forthwith.

(Gov. J. G. Downing, commander-in-chief, to Maj. Gen. J. P. Haven, acting quartermaster and adjutant-general.)

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
Sacramento, May 13, 2860.

SIR: You will place yourself under the orders of acting adjutant and quartermaster-general (Haven), and render such aid as he may require in transporting arms, etc., to Carson Valley.

Having done which, you will report to me forthwith.

Respectfully,

J. G. DOWNEY,  
Governor and Commander-in-Chief.

Col. C. W. TOZER,  
Aid-de-Camp.

[Copy of telegraph. Indian troubles in Carson Valley, May 13, 1860.]

VIRGINIA CITY, 10.40 a. m.

Mr. C. T. Lake, belonging to the company that left Silver City, has just arrived here. The force, 100 strong, struck camp on the bend of the Truckee yesterday morning, and advanced on the trail towards Pyramid Lake, between 3 and 4 o'clock p. m. The Indians, judged to be 2,000 strong, came upon the forces and opened fire on the line in ambush, which, under orders of Major Ormsby, marched to the charge. The Indians then fled to the right and left, surrounding the troops, firing occasionally. The ammunition of the forces soon became ex-

hausted. The Indians on seeing this closed in upon them and poured in volley after volley. Lake was ordered to guard the pass to the east to secure retreat. He succeeded in this, followed by 6 men. He thinks a few escaped across the river, but no others came through the pass. Major Ormsby is shot, and Mr. Lake thinks that the greater part of the force are dead upon the field.

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ALTA CALIFORNIA TELEGRAPH COMPANY,  
*Sacramento, May 13, 1869—10.30 a. m.*

Governor DOWNEY:

The following dispatch just received here; please attend to it, and order the adjutant-general to forward, furnish, and forward the required arms and ammunition.

Answer.

A copy of dispatch giving full account of the massacre will be sent you from the telegraph office.

W. W. COPE.

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ALTA CALIFORNIA TELEGRAPH COMPANY,  
*Sacramento, May 13, 1860—8.49 p. m.*

Governor DOWNEY:

Train going up north; two hundred stand of arms now; will not do anything further till you come up. The emergency compelled me to do what I have.

JOHNSON PRICE.

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ALTA CALIFORNIA TELEGRAPH COMPANY,  
*Sacramento, May 13, 1860—9 p. m.*

Governor DOWNEY:

I have just sent 200 rifles and 5,000 rounds of ammunition on to Carson Valley. There are, besides this number, awaiting your orders, Marysville Rifles, 40 pieces; Nevada Rifles, 50 pieces; Coloma Grays, 40 muskets; Sacramento Guards, 50 muskets. The 200 rifles sent on include 60 pieces belonging to the Sulter Rifles.

Respectfully,

N. GREEN CURTIS.

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ALTA CALIFORNIA TELEGRAPH COMPANY,  
*Sacramento, May 13, 1860—2 p. m.*

General CLARK:

Can you furnish arms immediately for the citizens of Carson Valley? There has been a terrible butchery of our citizens by the Indians.

Governor Downey absent.

JOHNSON PRICE,  
*Secretary State.*



ALTA CALIFORNIA TELEGRAPH COMPANY,  
Sacramento, May 13, 1860—8 p. m.

His Excellency, Governor DOWNEY:

The wires are cut between here and Carson. I have taken the responsibility to order 200 stand of arms, with ammunition, to the seat of war. Let me hear from you.

JOHNSON PRICE.

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ALTA CALIFORNIA TELEGRAPH COMPANY,  
Sacramento, May 13, 1860—8.45 p. m.

Governor DOWNEY:

The Sutter Rifles and City Guards of Sacramento, and the Marysville Rifles are ready to march at any moment; they await orders. The Nevada Rifles and a company at Placerville, and the Coloma Grays, are also ready.

Yours,

N. GREEN CURTIS,  
*Major-General Fourth Division California Militia.*

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ALTA CALIFORNIA TELEGRAPH COMPANY,  
Sacramento, May 13, 1860—5 p. m.

General J. P. HAVEN:

What are you doing relative to the Carson Valley massacre?  
Where is the commander-in-chief, Governor Downey?  
Will General Clark take action in the matter? Answer immediately.

N. GREEN CURTIS,  
*Major-General Fourth Division California Militia.*

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JOHNSON PRICE,  
*Secretary of State:*

You have done right. I will be up to-morrow. I am making arrangements with General Clark for more arms and ammunition. Purchase none. Let me know if any other arms have been sent from any other source.

J. G. DOWNEY.

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ALTA CALIFORNIA TELEGRAPH COMPANY,  
Sacramento, May 13, 1860—8.45 p. m.

Governor DOWNEY:

The Sutter Rifles and City Guards of Sacramento and the Marysville Rifles are ready to march at any moment; they await orders. The Nevada Rifles and a company at Placerville and the Coloma Grays are also ready.

Yours,

N. GREEN CURTIS,  
*Major-General Fourth Division California Militia.*

ALTA CALIFORNIA TELEGRAPH COMPANY,  
Virginia, May 13, 1860—2 p. m.

JOE CLARK, B. F. SHERWOOD, AND Colonel HYDENFELDT :

All you have heard is too true. Meredith Snowden, Judge Baldwin's son, and Major Ormsby are dead and many others. See that arms and ammunition are sent us immediately, as we are in a very difficult position. We have not arms enough to send out to bury the dead.

Act promptly.

WM. M. LENT.  
GEO. HEARST.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
Sacramento, May 13, 1860.

Major-General CLARK,  
Commander Pacific Division :

SIR: Information having been received at this office from reliable sources that the citizens of Carson Valley in Utah Territory have been attacked by hostile Indians and many already murdered, and demands having been made upon me for relief, I deem it my duty to appeal to you for such immediate relief as may be at your disposal. Although without the jurisdiction of the State, the citizens of Carson Valley are emigrants from California and require such aid as I can afford them. I require in behalf of the State (in the absence of troops) 500 stands of arms and 100,000 rounds of ammunition, which you will please immediately furnish and for which I will hold myself responsible.

Very respectfully, your obedient servant,

JOHN G. DOWNEY.

ALTA CALIFORNIA TELEGRAPH COMPANY,  
Sacramento, May 14, 1860—12.30 a. m.

Governor DOWNEY :

DEAR SIR: The Sutter Rifles, full ranks, 60 men, are ready to start at a moment's notice. Waiting orders.

E. E. EYRE.

DUTCH FLAT, May 14, 1860.

Governor DOWNEY :

A company of volunteers is in progress of organization at this place for Carson Valley. Should their services be of any use, your excellency will please direct at what point and at what time they shall rendezvous.

Very respectfully,

JOHN C. HILDRETH.

ALTA CALIFORNIA TELEGRAPH COMPANY,  
Sacramento, May 14, 1860—12.45 p. m.

GEO. WALLACE :

The Sutter Rifles are full and waiting orders. If ordered over I will have to go.

Where is the governor?

TORBUT.

ALTA CALIFORNIA TELEGRAPH COMPANY,  
Sacramento, May 14, 1860—2 p. m.

Governor DOWNEY:

Sutter Rifles and City Guards are under arms, ready to march at a moment's notice.

N. GREEN CURTIS.  
JOHN PRICE.

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CALIFORNIA STATE TELEGRAPH,  
Marysville, May —, 1860.

Governor DOWNEY:

We have received several dispatches from Downieville, calling for assistance. Indians in Sierra Valley, 1,200 strong. The Marysville Rifles are ready. Put us in service. Send us 40 more rifles. Answer.

M. D. DOBBINS,  
Commanding Marysville Rifles.

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SACRAMENTO, May 15, 1860.

M. D. DOBBINS:

All the arms and ammunition that I can procure from the State and Federal authorities are on their way to Carsons Valley. My dispatches indicate that men are not needed at Sierra Valley, only arms. I will see they are supplied.

DOWNEY.

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ALTA TELEGRAPH COMPANY,  
Placerville, May 15, 1860—5.15 p. m.

Governor DOWNEY:

Messenger from Strawberry Valley. I fear Nevada Rifles intercepted. Fairfax party ordered by me to stop. Give me such news as will guide me. Troops are all ready to start in any direction. I fear they have made a flank movement. I am consulting with army officers, Latham, etc.

J. P. HAVEN.

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RICHARD RISING, O. B. TYLER, and others:

GENTLEMEN: All the arms belonging to the State and all that I could procure from Brigadier-General Clark, have been sent to Carson Valley by way of Placerville.

J. G. DOWNEY.

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ALTA TELEGRAPH COMPANY,  
Placerville, May 15, 1860—6.30 p. m.

Governor DOWNEY:

Mr. Upton is the messenger; he says that he saw a dispatch sent to intercept Sanders and Fairfax, cautioning them not to advance without force; they feared the Nevadas were cut off. The last part of your

dispatch about Sierra Valley indicates information from that quarter. Captain Stuart, U. S. Army, and myself, with accurate information; Upton lives here and is well vouched for. Please answer at once.

J. P. HAVEN.

DEAR GENERAL:

Push on. The arms you leave behind do not unpack; leave them to D. N. Gelwick.

DOWNEY.

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ALTA TELEGRAPH COMPANY,  
*Forest City, May 15, 1860—1.20 p. m.*

JOHN DOWNEY:

The major of this battalion has ordered our rifles sent to Downieville. I had to obey the order. The Indians are in Long Valley. The people of Sierra Valley have all left their homes and property, having no means of defense; that is, in California. Our company are ready to go to Sierra Valley and elsewhere. Send us 40 stand of arms, Minie rifles, and orders to go to Sierra Valley. We are in readiness to start on reception of guns. Answer by telegraph, quick.

JOHN C. HALL,  
*Lieutenant, Forest Rifles, Commanding.*

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ALTA TELEGRAPH COMPANY,  
*Placerville, May 15, 1860—3.45 p. m.*

Governor DOWNEY:

I have dispatch from Captain Johns and other information here which leads me to believe there is not the urgent necessity supposed to have existed for the whole supply of arms and ammunition. Besides, the 150 United States troops will go with me in the morning, mounted, and make same time. Had I not better reserve 200 arms and half the ammunition until I reach Carson in three days, making arrangements for immediate transmission, if necessary? Please answer, as we are now packing.

J. P. HAVEN,  
*Acting Adjutant-General.*

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ALTA TELEGRAPH COMPANY,  
*Downieville, May 15, 1860—4 p. m.*

His Excellency Governor DOWNEY:

Messenger in from Sierra Valley reports Indians in large numbers descending upon the valley. One hundred and fifty men left here this morning with all our available arms and a scant supply of ammunition. If possible forward us by express 100 arms, ammunition, etc., at once, as we can fit out another expedition. Plenty of men here. Please answer by telegraph.

RICHARD RISING.  
O. B. TYLER.  
S. W. LANGTON.  
ALONZO PLATT.  
L. D. COLONEY.  
WM. M. STEWART,  
R. H. TAYLOR.

ALTA TELEGRAPH COMPANY,  
Placerville, May 15, 1860—7.15 p. m.

Governor DOWNEY:

I start at earliest moment.

J. P. HAVEN.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
Sacramento, May 15, 1860.

Major-General HAVEN,  
Placerville:

SIR: I here give you discretionary power; use it. The arms you leave will probably be needed for Sierra Valley.

J. G. DOWNEY.

Col. C. W. TOZER:

What arrangements have you made for transportation from Placerville. Charley, the Governor, expects you to push on regardless of the many rumors.

C. J. TORBERT.

CALIFORNIA STATE TELEGRAPH,  
Placerville, May 15, 1860—3.20 p. m.

CHAS. TORBERT:

Did McDonald's train of mules leave Sacramento this morning for this place? Answer soon.

TOZER.

Answered: Yes.

ALTA TELEGRAPH COMPANY,  
Placerville, 15, 1860—10.10 p. m.

Governor DOWNEY:

I leave with D. Gelwicks 200 muskets and about 65,000 rounds of ammunition.

J. P. HAVEN.

J. P. HAVEN,  
Placerville:

That is right; make no change in that respect until further orders.

DOWNEY.

CALIFORNIA STATE TELEGRAPH,  
Placerville, May 15, 1860.

Col. CHAS. TORBERT:

We have got nor can we get but 50 mules; we are already to push ahead in the morning at 5 o'clock. We take 300 rifles and accoutrements; amount 2,400 round ammunition.

The balance is stored here safely and can be reached when wanted. I have had the whole arrangements on my hands. There is difficulty about settling for our freight from Folsom; the parties will not take the State. If no other method presents I shall pay the bill, four or five hundred, myself.

TOZER



C. W. TOZER,  
Placerville:

Draw on me for expenses from Folsom to Placerville. The arms left place at or order of Gelwicks.

DOWNEY.

---

D. W. GELWICKS,  
Placerville:

Is Dr. Nilson Jones with his mule train in your city?  
Answer.

DOWNEY.

---

CALIFORNIA STATE TELEGRAPH,  
Placerville, May 16, 1860—9.40 a. m.

Governor J. G. DOWNEY:

I have drawn on you through Mr. Raymond, who will present my order, for \$480 transportation, and forward his bill, approved by General Haven, through Wells, Fargo & Co. The United States troops are now leaving, 9.30 o'clock. We are three hours ahead of them. We have left the arms with Gelwicks.

C. W. TOZER.

---

ALTA TELEGRAPH COMPANY,  
Placerville, May 16, 1860—9.30 a. m.

Governor DOWNEY:

Dr. Jones, with train, expected in last night, not arrived yet; has lost part of his train.

GELWICKS.

---

ALTA TELEGRAPH COMPANY,  
Placerville, May 16, 1860—10.5 a. m.

J. G. DOWNEY, *Governor and Commander-in-Chief*:

Train started this morning at 7 o'clock. I remain some hours and then overtake them. I shall draw on you for freight account. The Sacramento committee engaged the teams, but do not pay. The teamster would not work for the State. I have advanced \$300 to packers to defray actual expenses of the trip. They would go on no other conditions, and I would remain on no conditions. We are all right now, thanks to you. Gelwicks has taken the arms left by us.

Respectfully,

C. W. TOZER,  
*Aid, etc.*

*State of California, Quartermaster-General's Department.* To G. M. Raymond, Dr.

MAY 6, 1860.

To freight of ten tons arms and ammunition from Folsom to Placerville, \$480.

Received payment.

G. M. RAYMOND.

Approved.

J. P. HAVEN,  
A. A. and Q. M. G., *State of California.*

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PLACERVILLE, *May 16, 1860.*

His Excellency, JOHN G. DOWNEY :

SIR: Inclosed please find bill of G. M. Raymond for the transportation. I have drawn on you for the amount as per your directions per telegraph last night.

These teams were employed by the Sacramento Committee, and I expected until a late hour yesterday would be paid for by them, but learned from J. Price that we must pay them by pledging the faith of the State. Mr. Raymond positively refused to accede to this proposition, and you coming to our aid has removed a serious impediment to our immediate advance.

In haste, yours, most respectfully,

C. W. TOZER,  
*Aid, etc.*

---

ALTA TELEGRAPH COMPANY,  
*Downieville, May 16, 1860—7.45 p. m.*

M. KIRKPATRICK :

Twelve hundred Indians reported around Sierra Valley. We want arms and ammunition. Send per express. One hundred and fifty men left here yesterday.

STEWART & OREAR.

D. W. GELWICKS,  
*Placerville :*

Deliver to Wells, Fargo & Co. 100 stand of arms and 20,000 rounds of ammunition to be forwarded to Downieville.

JOHN G. DOWNEY.

MAY 16, 1860.

---

CALIFORNIA STATE TELEGRAPH,  
*Marysville, May 16, 1860—8.10 p. m.*

Governor DOWNEY :

Nothing further from Downieville. There are 40 stand of arms here. Send order on Captain Dobbins for them and citizens of Marysville will transport them free of charge with ammunition. Answer by telegraph.

MOORE.

PHIL MOORE,  
*Marysville :*

Dispatch received. Captain Dobbins will please deliver the 40 stand of arms to be sent to Downieville free of cost to the State. Dispatches received from La Porte, near Downieville, at 3 p. m. do not indicate any trouble in Sierra Valley.

J. G. DOWNEY.

MAY 16—9 p. m.

---

CALIFORNIA STATE TELEGRAPH,  
*La Porte, Sierra County, 16, 1860—Via Marysville, 3 p. m.*  
Governor DOWNEY,  
*Sacramento :*

The Sierra Grays, 60 strong, armed and equipped, tender their services for the Washoe war, ready to march at a moment's notice, and take the chances for pay from the Federal Government. Please reply.

CREED HAYMOND,  
*Captain Company Sierra Grays.*

---

MAY 16—3 p. m.

Captain HAMMOND,  
*Sierra Grays, La Porte :*

Our dispatches from Washoe only asked for arms, which have been sent. No men are needed.

DOWNEY.

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ALTA TELEGRAPH COMPANY,  
*Placerville, May 16, 1860—11.25 a. m.*  
Governor DOWNEY :

We have had great difficulty for want of money in view of credit. Twenty-five mules left at 8, soldiers at 9.30, our last now.

J. P. HAVEN.

---

ALTA TELEGRAPH COMPANY,  
*Placerville, May 17, 1860—8.40 p. m.*  
Governor DOWNEY :

Dr. Jones and his train are in town. Do you want them? He wishes to hear from you.

GELWICKS.

---

ALTA TELEGRAPH COMPANY,  
*Strawberry Valley, May 17, 1860—8.45 p. m.*  
Governor DOWNEY :

Colonel Tozer has brought in the mule train most creditably in less time than we hoped, and deserves great credit for the energy by which he has overcome great difficulties of the route. The United States

troops who left in advance will arrive in a few hours. We enter the valley to-morrow, and hope, if wagons are ready, to get to Virginia to-morrow night or early next day.

Respectfully,

J. P. HAVEN,  
*Adjutant.*

---

ALTA TELEGRAPH COMPANY,  
*Strawberry Valley, May 17, 1860—7.45 p. m.*

Governor DOWNEY :

Arrived here at 5 o'clock. Shall push on to-morrow and try and reach the valley. We trust in Providence and keep our powder dry.  
TOZER.

---

General HAVEN :

How many stand of arms have left in Placerville? Answer immediately.

J. G. DOWNEY.

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CALIFORNIA STATE TELEGRAPH,  
*Marysville, May 17, 1860—1.10 p. m.*

Governor J. G. DOWNEY :

I have just received dispatch from Downieville. No Indians in Sierra Valley, and they have arms and ammunition enough at present. I have countermanded order for arms from this city. Will leave for Nevada to-morrow.

MOORE.

---

ALTA TELEGRAPH COMPANY,  
*Genoa, May 18, 1860.—(Received 19, 9.45 p. m.)*

Governor DOWNEY :

We have just arrived after a twelve hours' ride in a continued snow storm; men and animals completely broken down and unable to proceed to-night for want of relays. We hope to-morrow afternoon to advise you of the close of our mission.

Respectfully,

J. P. HAVEN.

---

ALTA TELEGRAPH COMPANY,  
*Carson City, May 19, 1860—9.20 p. m.*

Governor DOWNEY :

All in safely; will telegraph you from Virginia in a few hours.

J. P. HAVEN, A. A. Q.

ALTA, CALIFORNIA, TELEGRAPH COMPANY,  
Carson, May 22, 1860—9 p. m.

Governor DOWNEY :

Colonel Hayes has been elected and has telegraphed me he will be here to-morrow, when I shall turn all over. I am rejoiced, so harassed as we have been, to be able to report that I await your excellency's further orders. Mr. John Sime will bear you verbal dispatches.

Respectfully,

J. P. HAVEN.

---

ALTA TELEGRAPH COMPANY,  
Carson City, May 23, 1860—5.45 p. m.

Governor DOWNEY :

My duties are fulfilled by the issue to Col. J. C. Hayes, commanding Utah volunteers, of the arms and ammunition, and I have the honor to await your further orders.

The reserve arms and ammunition at Placerville will be wanted.

Colonel Hayes informs me the regulars and volunteers, 700 strong, will march on Friday.

Respectfully,

J. P. HAVEN, A. A. G.

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HEADQUARTERS BATTALION OF UTAH VOLUNTEERS,  
Carson City, May 23, 1860.

Maj. Gen. J. P. HAVEN,  
A. A. and Q. M. G., State of California :

SIR: Having been elected commandant of the volunteers of this Territory for the purpose of co-operating with the United States troops about to proceed against the Indians in the vicinity of the Truckee and Pyramid Lake, I have to request of you such arms, ammunition, etc., as you have in your possession, for which I will furnish the necessary vouchers and receipts.

Respectfully, your obedient servant,

JOHN C. HAYES,  
Commanding Utah Volunteers.

Colonel Tozer will deliver upon presentation of this requisition all remaining arms and ammunition.

J. P. HAVEN,  
A. A. and Q. M. G., State of California.

---

ALTA TELEGRAPH COMPANY,  
Virginia City, May 24, 1860—6.30 p. m.

Governor DOWNEY :

I respectfully ask leave of absence to accompany the expedition upon my own individual responsibility. I thank you for your dispatch of this day.

J. P. HAVEN.



SACRAMENTO, *May 24, 1860.*

Maj. Gen. J. P. HAVER,

*Acting Adjutant and Quartermaster General, Carson City:*

SIR: Your dispatch of yesterday received. The arms and ammunition being turned over to Colonel Hayes, and having discharged your duties to the State according to instructions, yourself and Colonel Tozer are relieved from further responsibility in regard to the State arms. You will please accept my thanks for the faithful performance of the trust committed to your charge.

Respectfully,

JOHN G. DOWNEY.

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ALTA TELEGRAPH COMPANY,  
*Virginia City, May 25, 1860—6.40 p. m.*

Governor DOWNEY:

Five hundred men under Hays marched out to-day, and are brought to a stand-still for want of transportation for provisions. No credit, no money, and I am asked to telegraph you whether you will authorize me to pledge the credit of the State—credit for \$3,000, to be used solely for mule hire; otherwise I think the volunteers will disband, and I know the army force is insufficient to cope with the Indians. Please answer at once.

J. P. HAVEN.

SACRAMENTO, *May 25, 1860.*

Maj. Gen. J. P. HAVEN,

*Virginia City:*

SIR: I have no authority to do so. I am unable to meet the demands made upon to quell Indian disturbances within our own borders.

Respectfully,

JOHN G. DOWNEY.

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ALTA TELEGRAPH COMPANY,  
*Carson City, May 26, 1860—5.40 p. m.*

Governor DOWNEY:

Transportation arranged; camp in motion; volunteers, 530; regulars, 160. My official report is mailed; thanks for your permission.

J. P. HAVEN.

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Received, Virginia City, Utah Territory, from A. Miot, quartermaster, Sierra battalion, the following ordnance and ordnance stores:

Muskets, complete .....	57
Cap-boxes .....	50
Waist-belts .....	30
Cartridge-boxes .....	56
Bayonet-scarbards .....	49
Rifle .....	1

W. John Van Dewater will receive and receipt for the above-named articles.

BENJ. S. LIPPINCOTT,  
*Quartermaster, Washoe Regiment,*

VIRGINIA CITY, *May 22, 1860,*

CARSON CITY, UTAH, *May 29, 1860.*JOHN G. DOWNEY,  
*Governor and Commander-in-Chief:*

SIR. In compliance with your orders under date May 13, 1860, I immediately reported myself to General Haven, and with him proceeded in charge of arms and ammunition to the scene of Indian hostilities in Carson Valley.

The arms and ammunition have now been turned over, as per your order, to Col. J. C. Hays, commanding Utah volunteers, as will more fully appear from report General Haven.

Awaiting your Excellency's further orders, I have the honor to be,  
Your obedient servant,

C. W. TOZER,  
*Aid, etc.*

ALTA TELEGRAPH COMPANY,  
*Camp 3, Big Meadows, May 31, 1860—11 a. m.*

Governor DOWNEY:

Army and volunteers march this morning for the Truckee, which if unopposed will reach to-night. Indians retreating before us in great force.

J. P. HAVEN.

CALIFORNIA STATE TELEGRAPH,  
*Carson City, 10, 1860—9 p. m.*

Governor DOWNEY:

Will you authorize Captain Blackburn, in charge of arms belonging to State of California, to furnish me with 60 stand and ammunition for the same, to be used in protecting the mail and pony express route, I receipting for them and obligating myself to return them when demanded?

An immediate answer would greatly oblige,

W. W. FINNEY,  
*Agent Pony Express.*

CALIFORNIA STATE TELEGRAPH,  
*Carson City, July 11, 1860—9 p. m.*

Governor DOWNEY:

Will you authorize Captain Blackburn, in charge of arms belonging to the State of California, to furnish me with sixty stand and ammunition for the same, to be used in protecting the mail and pony express route, I receipting for them and obligating myself to return them when demanded. An immediate answer would greatly oblige,

Yours,

W. W. FINNEY,  
*Agent Pony Express.*

W. W. FINNEY,  
*Agent Pony Express, Carson City :*

Upon showing this dispatch to the person in charge of State arms he will deliver 60 stand of arms and accouterments, you giving proper receipts and your proffered obligation for their safe return upon demand, as per your dispatch of July 11, 1860.

JOHN G. DOWNEY.

JULY 14, 1860.

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SAN FRANCISCO, *August 20.*

Governor DOWNEY :

DEAR SIR : I think of leaving for Carson City in the course of a week or ten days, and would feel obliged if you would drop me a line to say if you will be in Sacramento at that time, as I wish to see you on the subject of our conversation relating to my bringing over the State arms, as I have relied upon your kind promise, and shall ever appreciate the obligation.

Trusting that yourself and family are well, Governor Downey, I remain, dear sir,

Yours, most respectfully,

JOSEPH KEM.

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STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
*Sacramento, August 30, 1860.*

JOSEPH KEM, Esq. :

SIR: You are hereby authorized and empowered to collect and receipt for all arms, accouterments, and ammunition of whatever kind and description that may be in Carson Valley and its vicinity belonging to the State of California, saving and excepting only such as may be in actual use for the protection of the citizens. Deliver the same at the State armory at the city of Sacramento:

J. G. D., *Governor.*

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STATE TELEGRAPH COMPANY,  
*Genoa, September 7, 1860.*

J. P. HAVEN :

Governor Downey has sent for the State arms now at Carson City. Will you kindly write him and say if the State can spare them we should like to retain them until we can get some from the Federal Government? The quota of arms for this Territory is all at Salt Lake and can not hope to get any of them here. We will take good care of them. There will be no charges on accruing them. You will add another to the many obligations our people now owe you.

W. L. DALL.

CALIFORNIA STATE TELEGRAPH COMPANY,  
*San Francisco, September 8, 1860—12 m.*

Governor DOWNEY :

I inclose dispatch from Captain Dall, and respectfully submit that the arms are not in such condition as to make it desirable for the State to possess them, particularly if they are to be charged against her quota, and the accouterments are lost and scattered.

Respectfully,

J. P. HAVEN.

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CALIFORNIA STATE TELEGRAPH COMPANY,  
*Carson City, September 10, 1860—5.40 p. m.*

Governor DOWNEY :

Shipped yesterday seventy-one muskets. Gave pony express fifty-six muskets and box cartridges. Marshal Blackburn refuses to deliver balance. What action shall I take to recover them? Answer.

J. L. KERN.

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STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
*Sacramento, September 10, 1860.*

JOSEPH KEM, Esq.:

SIR: Your dispatch of to-day is received, and in reply I will state in accordance with my instructions you will collect such arms and ammunition belonging to the State as you can find. You will tell Mr. Blackburn that there is not a stand of arms nor a cartridge in the State armory, and emergencies might arise at any moment when the public service here might suffer for want of them. I trust that no one in Carson Valley will throw any obstacle in the way of their return, sent as they were under such trying circumstances.

You will leave some of them there in the hands of proper authorities till such time as they receive their quota from the General Government. You will take an inventory of those left and a receipt from the persons in whose possession they are.

Very respectfully, yours,

JOHN G. DOWNEY.

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CARSON CITY, *September 15, 1860.*

Governor J. P. DOWNEY :

DEAR SIR: I am sorry again to trouble you in regard to this business, but I have waited here some ten days and received no answer from you, except in your dispatch of the 12th instant, in which you stated that you had written, but no communication has been received. I have had a great deal of difficulty in collecting the few arms I have got, as they are scattered in all directions. I am informed to-day of some twelve on a ranch 15 miles distant. I shall probably get them on Monday. Deputy Marshal John Blackburn was here to-day, and he says that he telegraphed to you, but received no answer. He wishes to keep the arms, but says that if you insist on their delivery he will give them up. The citizens here are willing to give them up, as there is no prospect of their being of any use, as the forces of the United States are quite sufficient for their protection. Captain Mason, Governor Johnson, Volney E. Howard, Dr. Ormsby, and S. M. Proctor, and John R. Watson, called on Blackburn and advised him to give the arms up, but he said that he

would not do so until he heard from General J. P. Haven. Blackburn has in his possession about three hundred stand of arms. You will oblige me by sending a special order for Blackburn to deliver to me all the arms in his possession, as I think that is the only way I can recover them. Write immediately, as my expenses are heavy, and I am unable to do anything until I hear from you.

Yours, respectfully,

J. S. KEM.

CARSON CITY, *September 27, 1860.*

STATE ARMORER FOR CALIFORNIA :

SIR: Inclosed you will find copies of two loads of arms and ammunition consigned to you as per order of Governor Downey. The balance I shall ship in a few days and keep you advised.

(1) On September 9, per William I. Bailey, 71 Minie muskets with accouterments; 1 box cartridges (incomplete).

(2) Load shipped on September 25, per James Rich, 1 box, containing 169 brass plates; 53 cap pouches, 10 boxes ammunition containing 9,600 cartridges; 97 bayonets, lot belts; 211 cartridge-boxes.

Yours, respectfully,

J. S. KEM,  
Per FRANCIS TAYHABUT.

CARSON CITY, *September 30, 1860.*

His Excellency Governor DOWNEY :

Your agent has been here for some time endeavoring to collect the arms belonging to the State of California, and through his perseverance and industry he has succeeded to a great extent. I have taken the liberty of retaining 40 guns, as the county here is new and I am under the impression that I will need the guns to enforce the mandates of the United States district court. Under these circumstances I have kept the guns, hoping it will meet with your approbation.

I remain, your obedient servant,

JOHN L. BLACKBURN,  
*Deputy United States Marshal. Utah Territory.*

His Excellency GOVERNOR OF STATE OF CALIFORNIA :

I received from Carson Valley, September 29, 1860, the following arms and accouterments :

Minnie-rifle muskets, 1 ramrod short .....	71
Gun-slings .....	68
Bayonets .....	238
Bayonet scabbards .....	48
Cartridge-boxes .....	67
Waist-belts .....	63
Waist-plates .....	62
Screw-drivers .....	52
Wipers .....	48
Spring vices .....	6
Ball-screws .....	4
Wire punches .....	8
Ball-cartridges .....	860

JOHN SCHADE.

SACRAMENTO, *October 1, 1860.*



His Excellency J. G. DOWNEY,  
Governor of the State of California :

I received the following accouterments, etc., from Carson Valley, and deposited the same in the State armory :

Cartridge-boxes (10 with plates on).....	210
Cap pouches .....	53
Cross-belts.....	130
Waist-belts .....	62
Belts (cut to pieces, and are of no use).....	74
Old-style bayonets.....	84
Spring bayonets .....	9
Bayonet-scarbards .....	90
Cartridge-box plates .....	76
Breast-plates .....	51
Waist-plates.....	46
Musket hammer .....	1
Cases of ammunition.....	10

JOHN SCHADE.

SACRAMENTO, *October 4, 1860.*

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His Excellency J. G. DOWNEY,  
Governor of the State of California :

I received the following arms and accouterments from Carson Valley and placed the same in the State armory :

Minie-rifle muskets.....	110
Minie-rifles .....	79
Old-style rifles.....	11
Serew-drivers (6 broken).....	89
Wipers .....	93
Wire punches.....	23
Old-style bayonet .....	1
Bullet-mold.....	1
Extra lock for a minie musket.....	1
Extra nipples.....	170

JOHN SCHADE.

SACRAMENTO, *October 5, 1860.*

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SACRAMENTO CITY, *December 4, 1860.*

Received of John Schade \$14 for hauling arms.  
Received payment.

W. LABREYTRIN.

---

COLOMA, *November 22, 1860.*

Received of John Schade for three boxes of arms from Colomao to Folsom \$15.

MICHAEL SHIELDS.

*State of California to John Schade, Dr.*

1860.		
May 13.	Packing arms ready for shipment to Washoe.....	\$10.00
Sept. 29.	Received arms from Washoe and placed the same in the armory...	10.00
Oct. 4.	Received accouterments.....	8.00
Oct. 5.	Received arms.....	8.00
Oct. 13.	Received arms and accouterments from Placerville.....	8.00
Nov. 1.	Packed arms and sent the same to San Quentin.....	6.00
Nov. 17	to 21, inclusive, labor at armory.....	32.00
Nov. 22.	Passage to Coloma and back, and paid freight on arms.....	55.00
Nov. 30.	Passage to Benicia with arms and back, and paid drayage from armory to boat.....	55.00
		192.00

SACRAMENTO, *December 5, 1860.*

Paid on account of said bill \$110 out of governor's special contingent fund.

DECEMBER 5, 1860.

His Excellency J. G. DOWNEY,  
*Governor of State of California:*

I received the following arms from Carson Valley, and deposited the same in the State armory: 65 old-style rifles, 69 old-style muskets.

JOHN SCHADE.

SACRAMENTO, *October 8, 1860.*

SACRAMENTO, CAL., *October 31, 1884.*

I hereby certify that the foregoing and attached papers are a full, true, and correct copy of the originals, as the same now appear of record in the office of the governor of the State of California, and that the originals thereof can not be withdrawn from the archives of the governor's office without manifest injury to the public service.

W. W. MORELAND,  
*Private Secretary to the Governor of California.*

Statement for Senate Committee on Military Affairs, Fiftieth Congress, first session.

EXHIBIT E<sup>2</sup>.—(Part No. 3, or third period).

STATEMENT OF THE CASE OF THE STATE INDIAN WAR CLAIMS  
OF THE STATE OF CALIFORNIA.

By Mr. STEWART,

(Member Committee on Military Affairs.)

FOR THE INFORMATION OF THE COMMITTEE.

[In support and explanation of and to accompany bill S. 3439.]

The several bills (S. 3119 and S. 215), with amendment to the latter by Senator Hearst, heretofore introduced for the payment of the State Indian war claims of the State of California, have been reported adversely by the Committee on Military Affairs, to which the same were referred, and the accompanying substitute bill (S. 3439) has been introduced by Mr. Stewart in lieu thereof.

THE OBJECTS OF THIS BILL.

The objects of this bill (S. 3439) are to ascertain the amount of money actually paid by the State of California and obligations in good faith assumed by her on account of expenses growing out of Indian hostilities in said State and upon the borders thereof which have not heretofore been re-imbursed by the United States.

An intelligent understanding of the exact condition of the common defense of California at the time, and of all the circumstances under which it is alleged these particular Indian war claims of the State of California against the United States arose and now provided for in this bill (S. 3439) is essential. Upon inquiry and examination it appears as follows, to wit:

CALIFORNIA STATE INDIAN WAR CLAIMS.

That the State of California alleges that she has valid claims against the United States for expenses by her incurred and obligations by her in good faith assumed for services rendered and supplies furnished in suppressing and growing out of Indian hostilities within and upon her borders, *prior* to April 15, 1861, which have never been paid by the United States, and for the ascertainment of the amount of which no law of Congress now exists.

LEGISLATIVE ACTION OF CALIFORNIA WAS MADE NECESSARY FOR  
WANT OF ADEQUATE UNITED STATES TROOPS FOR THE COMMON  
DEFENSE.

That the great danger of life and property in California in the year 1851 from numerous tribes and roving bands of Indians, and the unpro-

tected condition of the frontier settlements in that State, and the insufficient United States military force with which to cope with said Indians at that time in that State were set forth in the joint resolutions of the legislature of California, approved March 25, 1851, copy of which is hereto attached, and marked Exhibit No. 1, page 25.

LEGISLATIVE ENACTMENTS BY THE STATE OF CALIFORNIA FOR THE  
COMMON DEFENSE.

That thereupon, to wit, on February 15, 1851, the legislature of California appropriated the sum of \$500,000 with which to pay for supplies furnished and services rendered in suppressing Indian hostilities in said State and upon the borders thereof, and to defray expenses of various military expeditions called into active service by the authorities of said State, in order to quell a general uprising of Indians therein; and authorized the issuance of State bonds with which to pay the same. Copy of this act is hereto attached, and marked Exhibit No. 2, page 25.

That thereafter, to wit, on April 11, 1851, April 22, 1851, April 24, 1851, and May 1, 1851, the legislature of California passed other joint resolutions, copies of which are hereto attached, and marked Exhibits Nos. 3, 4, 5, 6, pages 26 and 27.

That an Indian war still continuing in that State the legislature of California, on May 3, 1852, appropriated the further sum of \$600,000 for similar purposes, and authorized a further issuance of its State war bonds with which to pay the same. A copy of this act is hereto attached, and marked Exhibit No. 7, page 28.

That on March 1, 1853, the legislature of California directed the officers of that State to prepare a statement of all State Indian war expenditures, with all correspondence and circumstances relating to the origin and continuance of all Indian wars in California, prosecuted by authority of that State; and generally such information as might be proper to submit to Congress, in order that the debts thus contracted by her for the common defense might be provided for by the United States, and in such manner and with such promptitude as the merits of the claims and the right to protection in such cases demanded. A copy of this resolution is hereto attached, and marked Exhibit No. 8, page 29.

That on March 29, 1855, the legislature of California authorized the governor of that State to transmit to the Secretary of War a statement in relation to the State war debt of California. Copy of this law is hereto attached, and marked Exhibit No. 9, page 29.

That, in 1856 the legislature of California memorialized Congress on this same subject and by resolutions, copies of which are hereto attached, and marked Exhibits Nos. 10 and 11, pages 29 and 30.

That, on April 19, 1856, the legislature of California constituted and appointed Hon. Samuel B. Smith and General J. W. Denver her State war claim commissioners to secure the re-imbusement of all said expenses, in an act, a copy of which is hereto attached, and marked Exhibit No. 12, page 30.

That, in order to maintain the honor and credit of California, the legislature of that State, on March 4, 1857, passed a resolution guaranteeing the payment of all said Indian war debts and provided for the immediate payment thereof. Copy of this resolution is hereto attached, made a part hereof, and marked Exhibit No. 13, page 33.

## SECOND SERIES OF INDIAN HOSTILITIES IN CALIFORNIA PROVIDED FOR BY THAT STATE.

That other Indian hostilities having arisen in California, the legislature of that State, on April 25, 1857, appropriated the further sum of \$410,000 and on April 27, 1860, amended said act so that the sum then appropriated should read \$440,000, and again on May 16, 1861, amended the latter act so that the sum then appropriated should read \$510,000; and on April 27, 1863, the legislature of California appropriated the further sum of \$154,987.58, making a total appropriation of \$664,987.58, which was in addition to the sum of \$1,100,000 appropriated by the aforesaid acts of February 15, 1851, and May 3, 1852, aggregating in all a total sum of \$1,774,987.58, to which is to be added the sum of \$6,000, appropriated to pay McDonald and Imes, State war claims commissioners, thus making a total aggregate of \$1,780,987.58 appropriated with which to pay expenses for suppressing Indian hostilities in said State and matters directly connected therewith, etc., and authorized the further issuance of her State bonds with which to pay portions of her said indebtedness, some of which she paid in coin, some in certificates of indebtedness, and balance in said bonds. (California Statutes, 1857, page 262; 1860, page 275; 1861, page 409; 1863, page 640.)

## CALIFORNIA OFFICIALLY NOTIFIED THE UNITED STATES OF THE FOREGOING MATTERS.

That, on April 17, 1858, and January 11, 1859, the legislature of California again brought this whole subject-matter to the attention of Congress by resolutions; copies of which are hereto attached and marked Exhibits Nos. 14 and 15, page 33.

That, on April 18, 1859, the legislature of California by assembly concurrent resolution No. 30, and on April 10, 1860, by concurrent resolution No. 34, directed the proper State officers of the State of California to forward to Congress all original vouchers of her State Indian war claims against the United States for expenses incurred by her in said Indian wars and military expeditions against Indians in that State, with a view to the immediate re-imbursement thereof by the United States. Copies of these resolutions are hereto attached and marked Exhibits Nos. 16 and 17, page 34.

That, on April 12, 1860, the legislature of California appropriated \$9,347.39 with which to pay the expenses of Indian hostilities in the county of Mendocino, Cal. Copy of the act appropriating the same is hereto attached and marked Exhibit No. 18, page 34.

That, on April 18, 1860, the legislature of California, by senate con, current resolution No. 36 and assembly concurrent resolution No. 37, brought this subject to the attention of Congress; copies of which resolutions are hereto attached, and marked Exhibits Nos. 19 and 20, page 35.

## ADDITIONAL LEGISLATIVE ENACTMENTS BY CALIFORNIA FOR THE COMMON DEFENSE.

That the legislature of California, on April 28, 1860, passed an act to audit and allow the claim of B. F. Hastings, and appropriated \$2,000 for expenses incurred in said Indian wars, copy of which is hereto attached, made a part hereof, and marked Exhibit No. 21, page 35.

That, on April 28, 1860, the legislature of California passed an act to pay for the services pertaining to said Indian wars rendered by A. J. F. Phelan, and appropriated the sum of \$1,170 with which to pay the



same, copy of which is hereto attached, and marked Exhibit No. 22, page 36.

That, on April 30, 1860, the legislature of California passed an act to pay the claim of H. C. Kibbe, State war-claim examiner, and appropriated \$175 with which to pay the same, copy of which is hereto attached, and marked Exhibit No. 23, page 36.

#### CARSON VALLEY OR WASHOE INDIAN WAR.

That the Indian war in Carson Valley, a very important point in Nevada on the overland mail route in 1860, which had been threatened and attacked by hostile Indians, occurred in May, 1860, and of so serious a nature was it that Governor Downey of California was called upon for military relief; these facts are set forth by Governor Downey in his message to the legislature of that State in January, 1861. An extract therefrom is hereto attached, and marked Exhibit No. 24, page 36.

That the State of California incurred sundry expenses in said Carson Valley or Washoe Indian war which have never been re-imbursed by the United States, though the matter was brought to the attention of Congress by California assembly concurrent resolution No. 34, adopted May 3, 1861 (Statutes of California, 1861, page 680), copy of which is hereto attached, and marked Exhibit No. 25, page 37.

That, on March 19, 1861, the legislature of California appropriated \$6,150 with which to pay the claims of C. W. Tozer, Thomas Sunderland, and J. Mora Moss for transportation of arms and munitions of war for said Carson Valley Indian war, to Carson Valley, Utah, in 1860. Copy of said act is hereto attached, and marked Exhibit No. 26, page 37.

#### STILL FURTHER LEGISLATIVE ENACTMENTS BY CALIFORNIA FOR THE COMMON DEFENSE.

That, on March 26, 1861, the legislature of California appropriated \$1,725 with which to pay for the transportation of arms and munitions of war for said Carson Valley Indian war from Carson Valley to the State arsenal at Sacramento, an expense growing out of the Carson Valley or Washoe Indian war. Copy of which act is hereto attached, and marked Exhibit No. 27, page 37.

That, on April 23, 1861, the legislature of California appropriated the sum of \$2,000 with which to pay for the transportation of arms and munitions of war for said Carson Valley Indian war from Utah to Sacramento, another expense pertaining to said Carson Valley or Washoe Indian war. Copy of which act is hereto attached, and marked Exhibit No. 28, page 38.

That, on May 3, 1861, the legislature of California appropriated the sum of \$209.62 with which to pay for supplies furnished guard in transporting arms and ammunition for said Carson Valley Indian war from Utah to Sacramento, this being also an expense growing out of the Carson Valley or Washoe Indian war. Copy of which act is hereto attached, and marked Exhibit No. 29, page 38.

That, on May 8, 1861, the legislature of California appropriated the sum of \$95 with which to pay Wells, Fargo & Co. for the transportation of arms, a similar expense to the above. Copy of which is hereto attached, and marked Exhibit No. 30, page 38.

That, on March 13, 1862, the legislature of California appropriated the sum of \$16,382.60 with which to pay the expenses incurred by

her during the Indian war in Humboldt County in that State in 1861. Copy of which is hereto attached, and marked Exhibit No. 31, page 38.

That, the state treasurer of California, Hon. D. R. Ashley, made an official report upon a portion of these claims on March 15, 1862. Copy of extracts of which are hereto attached, and marked Exhibit No. 32, page 39.

That, in pursuance of a concurrent resolution of the legislature of the State of California, the board of State war-claim examiners of that State, on March 22, 1862, submitted to the legislature of California their report on a portion of said State Indian war claims. Copy of which is hereto attached, and marked Exhibit No. 33, page 39.

That, on April 12, 1862, the legislature of California, by senate concurrent resolution No. 14, instructed her proper State officers to forward to the Third Auditor of the Treasury all additional original vouchers representing State claims for supplies furnished to any of the expeditions against the Indians in California. Copy of this resolution is hereto attached, and marked Exhibit No. 34, page 42.

That, on April 17, 1862, the legislature of California appropriated \$295 with which to pay Oliver & Lewis for supplies furnished the Kibbe Rangers in 1859. Copy of this law is hereto attached, and marked Exhibit No. 35, page 42.

That, on April 25, 1862, the senate committee on finance of the legislature of California submitted to the State senate of California a report on certain portions of these California State Indian war claims; copy of this report is hereto attached, and marked Exhibit No. 36, page 43.

That the legislature of California, on April 29, 1861, appropriated \$194.70 with which to pay John Bell for services rendered by him in the Humboldt and Klamath Indian war in 1858 and 1859; copy of this act is hereto attached, and marked Exhibit No. 37, page 47.

That the legislature of California, on April 22, 1863, appropriated the sum of \$800 with which to pay for services in connection with said State Indian war claim, and on April 22, 1863, the further sum of \$520 to pay the claim of Richard M. Jesup on account of said Indian wars.

That on April 25, 1863, the legislature of California appropriated the sum of \$1,258.42 with which to pay for printing muster-rolls, etc., and on February 20, 1864, it appropriated the sum of \$20 with which to pay for transportation of arms in connection with the foregoing subject-matter; copies of all of which are hereto attached, and marked Exhibits Nos. 38, 39, 40, 41, pages 47 and 48.

That in 1864, the senate committee on claims of the legislature of California, Hon. John P. Jones (now United States Senator from Nevada) being the chairman of said committee, submitted to the State senate of California a report on a portion of this same subject-matter; copy of which is hereto attached, and marked Exhibit No. 42, page 48.

That on March 30, 1878, the legislature of California, by assembly concurrent resolution No. 73, directed the controller of that State to prepare a report upon all outstanding and unpaid Indian war claims and Indian war obligations, and submit the same to the governor of that State, and when done it was made the duty of said governor to apply to Congress in the name of the State of California for the payment of the same; copy of this resolution is hereto attached, made a part hereof, and marked Exhibit No. 43, page 49.

In conformity with said last-named joint resolution, Hon. W. B. C. Brown, controller of the State of California, submitted to Hon. William Irwin, governor of California, a report in writing, dated May 27, 1878,

on said subject, but this report was confined and related exclusively to the Indian war indebtedness provided for by the legislature of California in its aforesaid acts of February 15, 1851, and May 3, 1852, and not otherwise; copy of which report is attached hereto, and marked Exhibit No. 44, page 49.

#### RESULTS OF THE FOREGOING LEGISLATION BY CALIFORNIA.

By these legislative enactments of California substantial and effectual aid was given and guarantied to the Government of the United States in opening and guarding its overland mail, and immigrant routes; in furnishing troops to take the place of the regular United States Army; for suppressing Indian hostilities and for protecting an exposed, difficult, hostile Indian frontier then but sparsely populated; in maintaining peace in the country, and for the common defense. These legislative enactments by which these national results for the common defense were secured have been long and fully known to the proper authorities of the United States and to Congress; they have ever been acquiesced in and met with the sanction and practical indorsement of the United States, in whose interest and for whose benefit they were exclusively made.

#### WHAT WAS DONE BY CALIFORNIA UNDER HER AFORESAID ACTS OF FEBRUARY 15, 1851, AND MAY 3, 1852.

From an official report made by the State agent of California State war claims, to Governor Stoneman, of California, on November 1, 1886, the following extracts are taken, to wit:

Under the aforesaid State statute of February 15, 1851, the State of California issued interest-bearing bonds in the aggregate sum of \$200,000, and under the said State statute of May 3, 1852, said State issued other interest-bearing bonds in the aggregate sum of \$638,100.

On or about January 1, 1854, the State of California submitted to Congress a partial statement of the expenses she had so authorized and incurred, and liabilities she had so assumed, and for which she had up to January 1, 1854, issued interest-bearing bonds as provided for in said laws, all issued under the two aforesaid acts of her legislature, and which bonds, with interest represented by coupons attached thereto, and calculated only up to January 1, 1854, aggregated the sum of \$924,259.65.

Thereafter, to wit, on August, 5, 1854 (U. S. Stats., vol. 10, pp. 582, 583), Congress appropriated said sum of \$924,259.65 to defray the partial expenses so presented by the State of California, and then actually paid by said State and as calculated in the manner aforesaid, for suppressing Indian hostilities therein, and represented by bonds bearing date prior to January 1, 1854, and which act of Congress is as follows, to wit:

"SECTION 9. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the amount of expenses incurred and now actually paid by the State of California, in the suppression of Indian hostilities within the said State prior to the first of January, A. D. 1854, and that the amount of such expenses, when so ascertained, be paid into treasury of said State: *Provided*, That the sum so paid shall not exceed in amount the sum of \$924,259.65, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

Subsequent to the passage of said act of Congress of August 5, 1854, there arose some serious questions in these premises between the authorities of the State of California and those of the United States, and especially as to whom and how said sum of \$924,259.65 so appropriated by Congress should be paid.

For the purpose of adjusting and specifically defining this matter, on August 18, 1856 (U. S. Stats., vol. 11, p. 91), Congress enacted a second law in regard to and explanatory of its original intention on this same subject matter, and in which last law the Secretary of War was directed to pay said sum so appropriated in the act of August 5, 1854, to wit, of \$924,259.65, to the holders of said bonds, and which act of Congress of August 18, 1856, is as follows, to wit:

"SECTION 8. *And be it further enacted*, That the Secretary of War is hereby authorized and directed to pay to the holders of the war bonds of the State of California the amount of money appropriated by act of Congress approved May (August) 5, 1854,

'in payment of expenses incurred and now actually paid by said State of California for the suppression of Indian hostilities within the said State prior to the 1st day of January, anno Domini 1854, under the following restrictions and regulations: Before any bonds shall be redeemed by the Secretary of War, they shall be presented to the board of commissioners appointed by the legislature of said State by an act approved April 19, 1856, and the amount due and payable upon each bond be indorsed thereon by said commission. Upon presentation to the Secretary of War of any bond or bonds thus indorsed, it shall be his duty to draw his warrant in favor of the holder or holders thereof for the amount certified to be due upon the same by the said commissioners, upon the Secretary of the Treasury, who is hereby directed to pay the same: *Provided*, That said amounts in the aggregate shall not exceed the amount of money appropriated by act of Congress approved August 5, 1854; said bonds, after redemption, and after taking off the coupons that may remain unpaid, shall be delivered to the Secretary of War to be canceled."

This appropriation of \$924,259.65, made by Congress on August 5, 1854, was based exclusively upon the amount of California Indian war claims which the proper authorities of that State had presented January 1, 1854, for the consideration of and payment by the United States, and which her own officials had examined, audited, and allowed, with interest calculated up to January 1, 1854, and for which amount interest-bearing bonds had been issued by said State prior to January 1, 1854. The aforesaid act of August 18, 1856, simply defined specifically the parties to whom the money so appropriated on August 5, 1854, should be then paid. The only difference between the two aforesaid acts of August 5, 1854, and August 18, 1856, being as follows, to wit: Under the act of August 5, 1854, the sum appropriated was by the executive departments of the United States declared to be payable only to the State of California, while under the act of August 18, 1856, said sum was declared specifically by Congress to be paid direct to the holders of the aforesaid bonds, and as issued by the State of California, in the manner and at the dates aforesaid.

But there were similar and other expenses which had been incurred by the State of California prior to January 1, 1854, but the claims for which were not presented by the individual claimants to the State authorities of California until after January 1, 1854, and hence not examined, or audited, or allowed, or calculated for by said State authorities until at dates subsequent to January 1, 1854, but the payment of all which had been provided for by the two aforesaid acts of the legislature of California of February 15, 1851, and May 3, 1852. For the liquidation of these last expenses when so presented, examined, and allowed, the proper State authorities under the two aforesaid acts of the legislature of California issued other interest-bearing bonds, and all of which bonds necessarily bore date subsequent to January 1, 1854.

Payment of all the bonds so issued by said State subsequent to January 1, 1854, and of the coupons attached thereto, was refused by the United States Treasury Department and continued to be by it refused until June 23, 1860, and because that Department, in conjunction with the War Department of the United States, on September 1, 1856, held that the legislation of Congress as contained in its two aforesaid acts of August 5, 1854, and August 18, 1856, limited the United States Treasury Department to the redemption of California Indian war bonds that had been issued by the State authorities of said State prior to January 1, 1854, and also limited and restricted that Department when paying interest earned by said bonds to the payment of such interest only as had been earned and as had accrued prior and up to January 1, 1854, but not subsequent to such date. The United States Treasury and War Departments held that said legislation of Congress of August 5, 1854, and August 18, 1856, did not apply to any bonds bearing date *subsequent* to January 1, 1854, or to any interest earned thereon *subsequent* to January 1, 1854, or to any bonds issued or to any interest whatsoever earned *subsequent* to January 1, 1854, notwithstanding the fact was and is that the bonds issued prior to January 1, 1854, were not redeemed by the United States until September 1, 1856, and notwithstanding said interest-bearing bonds issued subsequent to January 1, 1854, were all issued in liquidation and payment of expenses that had been necessarily incurred by said State *prior* to January 1, 1854, and all issued by said State in liquidation of expenses similar in all respects to those for which said State had issued bonds prior to January 1, 1854, have been paid by the United States Treasury Department, except as hereinafter stated.

The partial claim presented to Congress by the State of California, on or about January 1, 1854, for the expenses incurred by said State for the suppression of Indian hostilities therein prior to January 1, 1854, was represented by bonds and coupons which had been issued by said State prior to January 1, 1854, in full adjustment and in full liquidation of said expenses, in so far as the same had been then presented and examined, audited, and allowed by said State prior to January 1, 1854, and not otherwise.

But the claim so then presented by the State of California to the United States was partial only, and did not represent, and did not include, and was not then intended to represent or to include, the whole of the indebtedness that California had necessarily incurred prior to January 1, 1854, on account of the aforesaid expenses and lia-

bilities. On the contrary, there were other and additional expenses which had been necessarily incurred by the State of California prior to January 1, 1854, but the claims for which had not been presented by her citizens to the proper State authorities of said State, and hence by the latter not examined, or audited, or adjusted, or allowed until at dates subsequent to January 1, 1854, and for which expenses when presented and by her proper State officials duly examined, audited, and allowed, said State issued other interest-bearing bonds, bearing date subsequent to January 1, 1854, and as authorized by said State under the aforesaid act of her legislature of May 3, 1852. The just claims, therefore, in these premises of the State of California, and of the individual holders of her said bonds and coupons as the same now exist may be itemized or classified as follows, to wit:

(1) For the redemption and payment to the legal holders thereof by the United States of three outstanding, unredeemed, and unpaid bonds and attached coupons, to wit, Nos. 107 and 108, both issued April 9, 1851, and No. 142, issued May 24, 1851, for \$1,000 each, all three being issued under the aforesaid act of February 15, 1851, and neither of which bonds has ever heretofore been paid either by the State of California or by the United States.

(2) For the redemption and payment to the legal holders thereof by the United States of the outstanding, unredeemed, and unpaid bonds and coupons attached thereto, issued under the aforesaid act of May 3, 1852, and none of which bonds have ever heretofore been paid either to the State of California or by the United States.

(3) For the redemption and payment to the legal holders thereof by the United States of the outstanding, unredeemed, unpaid, detached coupons earned between January 1, 1854, and September 1, 1856, on which last-named date the United States redeemed and paid the bonds issued under both of said acts of 15th February, 1851, and 3d May, 1852, and from which all of said coupons had been detached, and none of which coupons have ever heretofore been paid either by the State of California or by the United States.

(4) The payment to the State of California by the United States of the bonds and coupons attached thereto, issued under the act of May 3, 1852, which have heretofore been redeemed and heretofore paid in cash by the State of California out of her own State treasury and with her own State funds, but neither of which bonds, nor any thereof, nor the amount representing the same or any part thereof, has ever heretofore been redeemed or paid by the United States.

(5) The payment to the State of California by the United States of the treasurer's certificates of balances due individual claimants, issued by the State of California and now paid by said State, but no portion of which has ever heretofore been re-imbursed said State by the United States.

(6) The payment to the State of California by the United States of the expenses necessarily incurred, and paid in cash by the State of California, in having said bonds prepared and issued under the two aforesaid acts of February 15, 1851, and May 3, 1852, and as provided for therein, but no portion of which has ever heretofore been re-imbursed said State by the United States.

(7) The payment to the State of California by the United States of the interest due the State of California by the United States up to January 1, 1887, on the aforesaid payments by said State, as contained in items 4, 5, and 6, between the dates of such payments by said State and the date when the principal shall be refunded by the United States, assumed in this case to be January 1, 1887, and which interest is calculated up to 1st January, 1887, at the rate of 6 per cent. per annum.

Appended hereto is also a copy of a letter (marked exhibit E) from the office of the Third Auditor of the Treasury, dated February 16, 1882, and from which letter it appears that up to January 10, 1872, the United States had paid to the holders of said California Indian war bonds and coupons the sum of \$914,071.02.

Subjoined hereto is also the additional legislation of Congress, bearing date subsequent to August 13, 1856, on this same subject, and as follows, to wit: On June 23, 1860 (U. S. Stats., vol. 12, p. 104), Congress enacted a law as follows, to wit:

\* \* \* \* \*

“SECTION 4. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized to pay out of the unexpended balance of appropriation for the war debt of the State of California, made by the last section of the act approved August 5, 1854, entitled ‘An act making appropriation for the support of the Army for the year ending the 30th of June, 1855,’ any outstanding and unpaid bonds and coupons issued by said State for said war debt prior to the passage of said act, but bearing date subsequent to the 1st day of January, 1854: *Provided*, That no payment shall be made beyond the unexpended amount of said appropriation now remaining in the Treasury.” \* \* \*

And again, on July 25, 1868 (U. S. Stats., vol. 15, p. 175), Congress enacted a law as follows, to wit:

\* \* \* \* \*



"To re-appropriate an unexpended balance of an appropriation made by act approved August 5, 1854, 'to refund to the State of California expenses incurred in suppressing Indian hostilities;' said balance having lapsed and been covered into the Treasury on the 30th of June, 1863, \$10,183.63: *Provided*, That nothing shall be paid except subject to existing provisions of law, and upon the finding and certificate of the Third Auditor that the same is actually due."

Under these two laws the United States paid one \$500 bond, to wit, No. 186, issued November 29, 1852, under the aforesaid act of May 3, 1852, principal and interest of which, represented by earned coupons, aggregated the sum of \$538.11.

Again, Congress, on March 3, 1881 (U. S. Stats., vol. 21, pages 510, 511), enacted a law as follows, to wit:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, directed to pay out of the unexpended balance of an appropriation of \$924,259.65, under the third section of the act of Congress approved August 5, 1854, the sum of \$1,290.56, which last-named amount is hereby reappropriated to pay to the lawful holders of four California Indian war bonds, issued by said State on the 18th day of May, 1856, under the provision of the act of the legislature thereof approved May 3, 1852, for the suppression of Indian hostilities therein, numbered, respectively, 164, 166, 167, 168, each bond being for the sum of \$250, and bearing interest from date of issue at the rate of 7 per centum per annum; the amount herein appropriated being for the principal of said bonds, with interest thereon from date of issue until the 1st of July, 1860: *Provided*, Said bonds shall not be paid except out of any amount remaining unapplied of the appropriation of \$924,259.65 heretofore made."

Under this last law the United States paid four \$250 bonds, to wit, Nos. 164, 166, 167, and 168, all dated May 18, 1856, and all issued under the aforesaid act of May 3, 1852, the principal and interest represented by coupons aggregating the sum of \$1,288.36.

So that of the Indian war bonds and coupons thereto attached, as issued under the two aforesaid acts of the legislature of California of February 15, 1851, and May 3, 1852, the United States have up to December 15, 1884, paid the several sums as follows, to wit:

First payment (between September 1, 1856, and January 10, 1872).....	\$914,071.02
Second payment, March, 1872 .....	538.11
Third payment, March, 1881.....	1,288.36
<hr/>	
Aggregating.....	915,897.49
Original appropriation by Congress.....	924,259.65
<hr/>	
Balance .....	\$8,362.16

Leaving an unexpended balance, on 15th of December, 1884, of \$8,362.16, which unexpended balance has been heretofore carried into the surplus fund in the United States Treasury, and as now shown by the books thereof.

EXHIBIT E.

*Letter from the office of Third Auditor of the Treasury, February 16, 1882, hereinbefore referred to.*

I have to state that under acts of August 5, 1854, August 18, 1856, June 22, 1860, and July 25, 1868, the holders of bonds of said State who have presented the same to this Department have been paid the sum of \$914,071.02 for principal and interest which had accrued prior to January 1, 1854; and if there are any unpaid bonds and accrued interest which are considered as properly chargeable to the United States, no good reason appears why they should not be presented to the accounting officers of the Treasury for settlement in the same manner as those heretofore presented and paid, under any statute Congress may deem proper to enact, and the appropriation remain in the Treasury of the United States, to be drawn from as the claims shall be presented and settled, instead of depositing the total amount of the appropriation with the treasury of the State of California, as expressed in the second section of said bill. If the State of California has paid the bonds and interest, or any part thereof, she should present her claim for reimbursement, by filing the bonds and coupons paid in the same manner as individual holders and owners. This would obviate the covering back into the Treasury of the United States any unexpended balance which might be retained in the treasury of the State for years, as the bill does not fix a time for returning the balance to the Treasury of the United States.

The foregoing letter was addressed by Hon. A. M. Gangewer, acting Third Auditor, to Hon. Charles J. Folger, Secretary of the Treasury.

## ACTION BY CONGRESS ON CALIFORNIA STATE INDIAN WAR CLAIMS AND OBLIGATIONS.

The only laws Congress has ever enacted for the relief of the State of California or for the re-imbursement of any of the State war claims of that State, on account of supplies furnished and services rendered, etc., in suppressing Indian hostilities therein and upon the borders thereof, arranged in a chronological order, are as follows, to wit:

- (1) August 5, 1854 (10 U. S. Statutes, 583).
- (2) August 18, 1856 (11 U. S. Statutes, 91).
- (3) March 2, 1861 (12 U. S. Statutes, 199).
- (4) June 18, 1874 (18 U. S. Statutes, 83).
- (5) June 27, 1882 (22 U. S. Statutes, 111).
- (6) January 6, 1883 (22 U. S. Statutes, 299).

## PROCEEDINGS HAD UNDER THE AFORESAID ACT OF CONGRESS APPROVED AUGUST 5, 1854.

The first of the aforesaid acts of Congress, approved August 5, 1854 (10 U. S. Stat., 583), appropriated the sum of \$924,259.65, but as no portion of said appropriation had been disbursed by the United States prior to August 18, 1856, Congress on that date (11 U. S. Stat., 91) directed that said amount be re-appropriated, and that the Secretary of War be authorized to pay the total amount thereof *directly to the individual holders of California's Indian war obligations that had been issued by said State under her aforesaid acts of February 15, 1851, and May 3, 1852, in payment and liquidation of expenses by her incurred prior to January 1, 1854.* But the Secretary of War, Jefferson Davis, in construing the two said acts of Congress approved August 5, 1854, and August 18, 1856, held (concurring therein with the Third Auditor, Hon. Francis Burt in 1854, and Hon. Robert J. Atkinson in 1856), that said sum of money re-appropriated by Congress on August 18, 1856, was not applicable to pay any California Indian war expenses by her incurred *subsequent to January 1, 1854,* and that no portion thereof was available for the redemption of any California Indian war obligations that had been issued by California *subsequent to January 1, 1854,* even though the same had been so issued in payment and liquidation of expenses that had been incurred by the State of California *prior to January 1, 1854.*

Not only this, but said Secretary of War and said auditors went even further and held that said appropriation was not available to pay any coupons that represented any interest that had been earned subsequent to January 1, 1854, by and attached to the bonds that had been issued by the State of California *prior to January 1, 1854,* in payment and in liquidation of the Indian war expenses that had been incurred by California prior to January 1, 1854, even though the payment of the bonds themselves to which said repudiated coupons were attached were *not paid until September 1, 1856.*

So that whatever Indian war expenses of a character similar to those for which Congress provided in said two acts of August 5, 1854, and August 18, 1856, but which the State of California had paid *subsequent to January 1, 1854,* including interest earned between January 1, 1854, and September 1, 1856, by her Indian war bonds that were issued prior to January 1, 1854, have not been re-imbursed to her or provided for by Congress, and said State claims can not now be paid by the United States or be ascertained or reported to Congress, except under further legislation by Congress.

It is true that \$8,362.16 of the aforesaid appropriation lay for some time

in the United States Treasury unexpended, and which sum might have been paid to the State of California, but as there was no demand to pay it, such sum was finally carried to the surplus fund in the Treasury. It is alleged in behalf of the State of California by her counsel and State agent that—

Hon. William Irwin, governor, and Hon. W. B. C. Browne, controller of California, who by the legislation of California was specially vested with authority to inform himself of all the facts relating to this matter and to report thereon to the governor, whose duty it was also made to report to Congress thereon (see page 21 of House Report 1847, second session, Forty-seventh Congress), are both dead, and that they alone probably could explain why California did not, years ago, avail herself of this small sum with which to re-imburse herself *pro tanto*; and that it is perfectly safe to say the fact of a small unexpended balance existing was never known to either of those two State officers nor to any one else outside of the Treasury Department, until long after said unexpended balance had been covered into the surplus fund in the Treasury.

Of the amount so appropriated by Congress in its act of August 5, 1854, and re-appropriated August 18, 1856—

(1) There were paid by the United States to the individual holders of said California Indian war obligations between September 1, 1856, and January 10, 1872.....	\$914, 071. 02
(2) There were paid by the United States to the individual holders of said California Indian war obligations in March, 1872 .....	538. 11
(3) There were paid by the United States to the individual holders of said California Indian war obligations in March, 1881.....	1, 288. 36
Aggregating.....	915, 897. 49
Which aggregate sum, deducted from the amount of the original appropriation of.....	924, 259. 65

Left the aforesaid unexpended balance of ..... 8, 362. 16

and which balance has long since been carried to the surplus fund in the Treasury. *No portion whatever of said appropriation (\$924,259.65) was ever paid to the State of California.* All that was expended and paid by the United States was paid to the *individual holders* of said California Indian war obligations and not otherwise.

PROCEEDINGS HAD UNDER THE AFORESAID ACT OF CONGRESS APPROVED MARCH 2, 1861.

The next act of Congress in this same direction was that of March 2, 1861 (12 U. S. Stat., 199), when Congress appropriated \$400,000 with which, in the opinion of the Third Auditor, Hon. Robert J. Atkinson, it was exclusively intended to re-imburse certain California State Indian war claims, to wit: those incurred under her authority by *specific* expeditions organized in California to suppress *specific* Indian hostilities, arising in *specific* counties therein and during *specific* years, and as *specifically* designated and named in said act. Therefore the expenses of any California State Indian war claims or those of any *expeditions* incurred in any year or in any *county* not designated or specified in said act were not provided for therein, and all such Indian war claims so provided for in said act of March 2, 1861, but not heretofore fully paid to the State of California, and such as have not heretofore been provided for by any other act of Congress, are now provided for in this substitute bill (S. 3439).

Especial attention is called to the fact that on March 2, 1861, the date when Congress appropriated said \$400,000, the Indian war claims of the State of California arising and originating subsequent to April 25, 1857, amounted actually to the sum of \$585,683.04, and that said act of Congress of March 2, 1861, also provided for the payment of said \$400,000 in bonds of the United States bearing interest at the rate of 6 per cent. per

*annum, and which bonds and interest have since been declared to have been payable in gold coin; but instead of paying the State of California \$400,000 in said gold bonds, as the law directed to be done, the United States paid her only the sum of \$229,987.67 in legal-tender notes, which at the date of payment, June 26, 1863, were worth about 50 cents on the dollar; gold being on that date worth in New York 145½.*

It is alleged in behalf of the State authorities of California that this partial settlement by the United States was as remarkable as it was to the State of California a matter of surprise, and that some of the accounts presented under said act of March 2, 1861, were disallowed and suspended only for want of sufficient evidence, and that much of said evidence the State alleges she is now prepared to furnish.

Reports on the foregoing partial settlement by the United States under said act of March 2, 1861, made by the State adjutant-general and commissioners of California's State war debt, are hereto attached, and marked Exhibit 44½, page 53. The date (June 26, 1863) of this partial payment by the United States of \$229,987.67, which, by additional payments subsequently made, now aggregates \$230,529.76, was about the middle of the late civil war, and it is alleged in behalf of the State authorities of California by her counsel and agent that at such a date that State was busily occupied with matters of grave concern to the United States which prevented it supporting at that time by additional proof the claims then so partially allowed by the United States, and that after the war had terminated, when it was proper and appropriate so to do, California renewed her application for a more satisfactory adjustment of her said State Indian war claims, as evidenced by her numerous appeals to Congress in that behalf.

#### CAUSES OF THE LOSSES AND MISPLACEMENT OF CALIFORNIA STATE PAPERS.

It is further alleged in behalf of the State authorities of California by her counsel and agent that it was long after the late civil war had terminated before that State had either a capitol or other State buildings at its seat of government where it could safely keep its public archives; that she had to rent private buildings for this and other public purposes, where (at Sacramento) they were frequently invaded by both fire and flood, rendering the removal of public papers frequently necessary, and the loss and scattering and temporary misplacement of valuable papers unavoidable; and that at a very late date numerous important State papers have been found by Adjutant-General Cosby under rubbish in the basement of the State public printing building, used formerly as a State armory, in Sacramento; and among said papers was found much evidence which fully substantiates the validity and justice of the whole of California's said claim, heretofore only partially allowed by the United States.

#### PAYMENT BY THE UNITED STATES ON ACCOUNT IS NOT A VALID GROUND TO REPUDIATE THE BALANCE.

It is alleged on behalf of the State authorities of California by her counsel and agent that any payment heretofore made in liquidation of her said State claims has been treated by the State of California as payment *on account* and *pro tanto* only, and that a payment by the United States of a part of this State claim on account is not a valid basis for the United States to repudiate the balance thereof, or to refuse to pay the same, and should not, in good conscience, be ever pleaded by an honest debtor, for whose relief and benefit

such debt was incurred. That a portion of this State Indian war claim has been allowed and paid on account only, and that any portion of the remainder thereof that has been rejected either for a want of jurisdiction or for the want of sufficient evidence submitted at the time to justify the full allowance thereof, is not a valid bar to prevent Congress to now authorize the payment of such balance, provided it be justly due the State of California, or provided the State of California has actually paid or assumed the liability to pay the same.

The legislation by Congress now asked for by California has been frequently had when dealing with the other States of the Union in adjusting their State war claims, and there are numerous precedents, some of which are cited in the appendix in Exhibit No. 18, pages 96 to 98 in Senate Report No. 1286, Fiftieth Congress, first session, and therefore the plea of *res adjudicata* can not be properly invoked in this case.

Besides, California has State Indian war claims provided for in this bill (S. 3439) which have not only never been paid but which have never been passed upon by any department of the Government, and for the re-imbursement of which no act of Congress has ever been enacted. It is alleged on behalf of the State authorities of California by her counsel and agent that they do not wish to have discarded any rule which Congress laid down when originally legislating upon her State Indian war claims and obligations on August 5, 1854, and August 18, 1856, but, on the contrary, California invokes Congress to maintain and continue in force as applicable to similar, and in fact as a part of the same obligations for the guidance and control of the War Department now, the *identical rule* that Congress established on August 18, 1856, for the guidance of the War Department when Jefferson Davis was Secretary of War.

THE RULE OF ADJUDICATION THAT WAS ADOPTED BY CONGRESS ON AUGUST 18, 1856, WHEN PAYING CALIFORNIA STATE INDIAN WAR CLAIMS.

Congress, on August 18, 1856 (in explanation of its intention of its aforesaid act of August 5, 1854, and relying in good faith upon a careful examination and audit and allowance made by the State board of war-claim examiners of California), directed payment of the aforesaid appropriation of \$924,259.65, with which to pay California's Indian war obligations, to be made in accordance with the final determinations of said State board of war-claim examiners and those of its said war-claim commissioners, without further inquiry by the United States authorities being made obligatory or contemplated as conditions precedent to the paying of said obligations.

Congress in said cases expressly directed that the amounts that were to be refunded by the United States were the amounts that had *actually* been allowed by the State of California, and in so doing recognized not only the provisions of the State laws of California in regard to her said war obligations, but also the acts of her State officers done under them, as the guide for the United States officers to follow; thereby practically declaring that all question as to the "necessity, propriety, and reasonableness" of the expenditures as theretofore found and declared, and allowed by the State of California and her officers, were perfectly satisfactory to Congress.

In proof of the foregoing, Congress, in section 8 of its act approved April 18, 1856 (11 U. S. Stats., 91), made it mandatory that—

Before any bonds shall be redeemed by the Secretary of War, they shall be presented to the board of commissioners appointed by the legislature of said State by an



act approved April 19, 1856, and the amount due and payable upon each bond be indorsed thereon by said commissioners: Upon presentation to the Secretary of War of any bond or bonds thus indorsed, it shall be his duty to draw his warrant in favor of the holder or holders thereof for the amount certified to be due upon the same by the said commissioners upon the Secretary of the Treasury, who is hereby directed to pay the same.

The State board of State war-claim examiners in California were not constituted at hap-hazard, but on the contrary were and are provided for under well-guarded laws of the State, and are composed *ex officio* of three of the highest officers of that State, to wit, the governor, the secretary of state, and the attorney-general; and the credit that should be given to the final adjudications of said board may be measured by reciting the fact that when the larger portions of California's State war claims arose, during the war of the rebellion, one of the present Senators of California, Mr. Stanford, was governor of that State and as such was *ex officio* president of a similar board.

In addition to the foregoing, the Senate at its present session has recorded its confidence in the official acts of similar State boards of war-claims examiners in Pennsylvania and Nevada by passing two measures based upon the final adjudications made by similar State boards in said two States, one of which measures was reported favorably from the Senate Committee on Claims, and the other favorably from the Senate Committee on Military Affairs to accompany Senate bill No. 1364.

Of the original amount, \$400,000, appropriated by Congress March 2, 1861, there was left an unexpended balance of \$169,470.24, which was carried to the surplus fund of the Treasury on June 30, 1864. (See copy of letter herewith of Secretary Fairchild, of July 2, 1886, and which constitutes Part 4 of Exhibit No. 46, page 57.)

This unexpended balance of \$169,470.24 added to the aforesaid unexpended balance of \$8,357.16 made an aggregate of \$177,827.40 of unexpended balances of appropriations originally made by Congress with which it was intended to re-imburse California the *actual* expenditures by her made to suppress and growing out of Indian hostilities in said State and upon the borders thereof, and also to pay the holders of her aforesaid State Indian war-obligations issued in liquidation of similar expenses, but which balances are not now available without further legislation by Congress, and because said unexpended balances have been carried to the surplus fund in the Treasury.

PROCEEDINGS HAD UNDER THE AFORESAID ACT OF CONGRESS, APPROVED JUNE 18, 1874.

The next act of Congress in this same direction was that of June 18, 1874 (18 U. S. Stat., 1874), which provided for an examination of certain Modoc Indian war claims that arose in California in 1872-'73 and which claims aggregated the sum of \$4,441.33, and which sum Congress authorized to be paid in the aforesaid act of January 6, 1883 (22 U. S. Stat., 399); but these claims (with the exception of the sum of \$495.72 paid as a State War claim to the State of California) were all individual claims of citizens for services rendered or supplies furnished by them to the United States during the said Modoc Indian war.

PROCEEDINGS HAD UNDER THE AFORESAID ACT OF CONGRESS, APPROVED JUNE 27, 1882, AND AUGUST 4, 1886.

The next acts of Congress in this same direction were those approved June 27, 1882, and August 4, 1886, which provided for an examination of such California State Indian war claims as had arisen therein *subsequent* to April 15, 1861. But these acts of June 27, 1882, and August

4, 1886, did not make any provision for any examination of California State Indian war claims that arose therein *prior* to April 15, 1861.

OBJECTS OF THIS BILL (S. 3439) SPECIFIED IN DETAIL.

First. The objects, therefore, of this substitute bill (S. 3439) are to provide for an ascertainment of the amount of all California State Indian war claims arising in said State which the State of California has heretofore actually paid, but which the United States have not paid, and for the examination of which no law of Congress now exists.

Second. To provide for an ascertainment of the amount of all California State Indian war obligations heretofore paid and in good faith assumed by California, but which the United States have not re-imbursed and which were issued by California in liquidation of expenses of Indian hostilities arising in said State prior to April 15, 1861, and thus place California upon a plane similar to that heretofore given by Congress to all other holders of similar obligations by authorizing the authorities of the United States to deal directly with said State as the payor thereof and in the same manner as Congress has heretofore authorized the Treasury and War Departments to deal directly with all other holders of similar obligations as provided for in the acts of Congress approved June 23, 1860 (U. S. Stat., vol. 12, 104), July 25, 1868 (U. S. Stat., vol. 15, 175), March 3, 1881 (U. S. Stat., vol. 21, 510), on which dates the unexpended balances of the appropriation originally made August 5, 1854, and re-appropriated August 18, 1856, were specially appropriated to pay individual holders of said obligations to the extent of such unexpended balances.

Third. To ascertain the amount of all interest that the State of California has actually paid and in good faith assumed to pay on the principal by her borrowed, or which California promised to pay on the principal of the State bonds issued by her for the common defense, up to the dates of the reimbursement of such principal by the United States.

CALIFORNIA HAS CONSTANTLY KEPT BEFORE CONGRESS THE SUBJECT-MATTER OF HER STATE INDIAN WAR CLAIMS.

It would, therefore, abundantly appear that California has frequently heretofore urged Congress to pay her State Indian war claims and to redeem her State Indian war obligations, and has at all proper times brought the same to the attention of the proper authorities of the United States. These facts are evidenced by the numerous exhibits that are submitted herewith, in addition to which references are made to other California State papers, as per Exhibit No. 45 hereto attached, page 57. No examination of any of these State war claims and obligations has as yet been had except as hereinbefore recited, as will appear from Exhibit No. 46 hereto attached; page 57.

California, through one of her Senators, Mr. Hearst, has renewed her efforts before the Fiftieth Congress in behalf of her aforesaid State Indian war claims and obligations, and now asks that such legislation by Congress may be enacted as will enable the United States to speedily and finally ascertain the amount that may be equitably due her by the United States on account of her actual expenditures and obligations in these premises, and that adequate provision may be thereafter made for an equitable adjustment and a final settlement between her and the United States of all outstanding State Indian and other State war claims and obligations of the nature aforesaid.

## AMOUNT OF CALIFORNIA STATE INDIAN WAR CLAIMS AND INDIAN WAR OBLIGATIONS.

First Under the legislative appropriations made by California under its acts approved February 15, 1851, and May 3, 1852, and under all other acts of its legislature up to April 25, 1857, the total amount of California's State Indian war claims and obligations heretofore paid and assumed by said State, and no portion of which has been heretofore paid or re-imbursed by the United States and not provided for by any act of Congress, aggregates the sum of \$250,234.30.

Second. Under the legislative appropriations made by California subsequent to April 25, 1857, and under all other acts of the legislature of that State since that date, and as hereinbefore recited or referred to, the Indian war claims of that State aggregate the sum of \$585,683.04, and the same were paid by said State or provided for in the manner as follows, to wit:

(1) By the issuance of State of California Indian war bonds aggregating	\$354,475.19
(2) By certificates issued and audited claims allowed, but not bonded...	75,000.00
(3) By claims paid in cash .....	156,207.85
(4) Aggregating a total amount of.....	585,683.04

(See page 102, Appendix to Journal of Senate and Assembly of the State of California, vol. 1, fifteenth session, 1863.)

Of this amount the United States have paid only the sum of \$230,529.70, leaving unpaid and now due to the State of California the amount of \$355,053.34.

The legislature of the State of California has provided payment for portions of her aforesaid bonded State Indian war obligations on the dates hereinafter recited, and which have been by her already redeemed, and which amounts so by her paid she now alleges constitute a portion of her valid State war claim against the United States, and as paid on the dates and manner as follows, to wit:

April 9, 1862, State Statutes, 1862, page 181; March 31, 1866, State Statutes, 1865-'66, page 516; March 28, 1868, State Statutes, 1867-'68, page 468; March 30, 1868, State Statutes, 1867-'68, page 601; April 4, 1870, State Statutes, 1869-'70, page 698; March 30, 1872, State Statutes, 1871-'72, page 793.

## INTEREST PAID BY THE STATE OF CALIFORNIA FOR THE COMMON DEFENSE.

Interest paid by California for the common defense is in reality, in justice, in reason, and in law a proper part of the debt due her by the United States, the payment of which, together with that of the principal, is necessary to a complete indemnity. As to the re-imbusement of interest, claimed in this case to have been paid by the State of California upon the principal by her borrowed with which to pay these claims and obligations, it is deemed unnecessary to here elaborate any of the reasons for recommending the allowance of this portion of said claim. It is sufficient to cite Senate Report No. 1286, first session, Fiftieth Congress, made from the Senate Committee on Military Affairs, in behalf of a similar claim of the State of Nevada. In that report are set forth numerous reasons for this legislation and numerous authorities in support thereof are therein cited. The following pages in said Senate report No. 1286 are particularly referred to, to wit, pages 8, 11, 17, 18, 19, 83, 85, 86, 96, 98, 109, 112, 119, 120, 133, 134, 135, 137, 138, 144, and 145.

The following exhibits in said Senate Report No. 1286, first session, Fiftieth Congress, are also specially referred to.

*Exhibit No. 7.*—Precedents of cases authorizing payment of claims of States and Territories and to State and Territorial troops for moneys by them expended for troops and arising out of invasion and Indian hostilities when doing military duty for the United States. Page 37.

Precedents of cases for the payment of claims to States for moneys by them expended for troops doing military service for the United States and arising out of the Revolutionary war. Page 42.

Precedents of cases authorizing re-imburements to States and Territories for expenses by them incurred on account of the troops by them raised or doing service for the United States during the war of the rebellion. Page 43.

Precedents of cases authorizing payment of interest on principal expended by States for troops for the use and benefit of the United States during the war of 1812 where the principal had already been paid at prior dates. Page 110.

*Exhibit No. 18.*—Precedents of cases allowed by Congress to States for moneys by them expended for troops for the use and benefit of the United States after having been disallowed by accounting officers of the Treasury, and for interest on similar claims presented which were allowed without interest. Page 96.

*Exhibit No. 19.*—Senate report in support of the proposition that principal and interest are the two elements constituting one and the same unit of a complete indemnity of a claim. Page 98.

*Exhibit No. 20.*—Precedents of cases where interest was allowed in the same act allowing principal to States by them expended for troops doing military service for the United States. Page 100.

*Exhibit No. 21.*—Congressional reports citing authorities in support of claim for interest upon principal expended by States to furnish and pay troops doing military service for the United States.

The foregoing therefore substantially constitutes the State Indian war claims of the State of California against the United States, and sets forth generally some of the circumstances under which said claims arose and for the ascertainment of the amount of which this substitute bill (S. 3439) seeks to provide.

PROCEEDINGS IN CONGRESS IN 1881-'82 TO REDEEM SOME OF THE OBLIGATIONS OF THE UNITED STATES DUE THE STATE OF CALIFORNIA.

Senator Grover, of Oregon, on December 12, 1881, introduced Senate joint resolution No. 10, and Senator Fair, of Nevada, on December 13, 1881, introduced Senate joint resolution No. 13, providing for the equitable adjustment of the State war claims of Oregon and Nevada, which resolutions were referred to the Committee on Military Affairs.

That committee, instead of reporting back said joint resolutions, reported back in lieu thereof a substitute in the form of bill S. 1673, providing for the payment of certain State war claims of Texas, Oregon, and Nevada, and the Territories of Idaho and Washington, and which bill, after having been amended in the Senate so as to include Colorado, Nebraska, and California, and amended in the House so as to include Kansas, finally resulted in the passage of the act approved June 27, 1882.

It was then no doubt the intention of Congress to equitably provide for the re-imburement of all the money which California had actually expended on account of the several matters now recited in this substitute bill (S. 3439). This bill (S. 1673, Forty-seventh Congress, first session) was accompanied by a report (No. 575) made by Senator Grover May 12, 1882.

The Senate Committee on Military Affairs *did not make any report in 1882 in relation to the State war claims of the State of California*, but when this substitute bill (S. 1673) reported from that committee was under consideration in the Senate Senator Miller, of California called

attention to the fact that California had State war claims unprovided for, and on his motion this bill (S. 1673) was amended in the Senate so as to include California, but Senator Miller did not make any reference to the fact that the State of California had State Indian war claims which arose *prior to April 15, 1861*, the date named in said bill, prior to which date no provision was made for any State war claim of any of the States named therein. It is alleged by California that this act, which she believed was intended at the date of its passage by Congress to be an act for her relief and benefit and as an equitable statute to be liberally construed, has been found to be an act "so well and carefully and closely guarded" by restrictions that when construed by those who have been called upon to execute it is completely inoperative as an equitable relief measure, and so much so as to amount to a practical denial of justice as to all the State war claims of California that arose prior to April 15, 1861.

PRESENTATION BY CALIFORNIA OF HER STATE INDIAN WAR CLAIMS  
TO THE UNITED STATES.

The aforesaid bill (S. 1673) having become a law on June 27, 1882, the State war claims of California were thereafter duly prepared for presentation to the proper authorities of the United States. Statements in relation to these State war claims were prepared with great care in every case by Hon. John Dunn, State controller, assisted by Hon. M. J. O'Reilly, a deputy to said controller, and by Hon. D. J. Oullahan, State treasurer, and General George B. Cosby, adjutant-general of California, aided therein by Hon. George Stoneman, governor of California, and his private secretary, Hon. W. W. Moreland, and accompanied with proper original vouchers and evidence in support thereof, were thereafter duly delivered to Capt. John Mullan, the duly appointed agent and special counsel for the State of California, by whom they were put in abstracts and proper shape and duly presented by him to the Secretary of the Treasury and Secretary of War, as provided for in the act of Congress approved June 27, 1882.

Upon an examination of portions of the State War Claims of California by both the Treasury and War Departments, assisted therein by the United States Board of State and Territorial War Claims Examiners it was found that *no State Indian War Claims of California that arose prior to 15th of April, 1861*, could be examined by either of those two Departments, either under said acts of June 27, 1882, or August 4, 1886, or under any other existing United States Statutes (see Exhibit No. 46, parts 1, 2, 6), but that all such California State war claims had to await additional legislation by Congress before any thereof could be even examined or reported to Congress by said Departments.

ADDITIONAL LEGISLATION BY CONGRESS MADE NECESSARY.

These proceedings in reference to the aforesaid State war claim of the State of California had by the War and Treasury Departments render additional legislation by Congress necessary as to said State war claim and such as is now contemplated by this bill (S. 3439).

FURTHER ACTION HERETOFORE HAD BY THE COMMITTEES IN FORTY-SEVENTH, FORTY-EIGHTH, AND FORTY-NINTH CONGRESSES ON CALIFORNIA STATE INDIAN WAR CLAIMS.

The subject of California State Indian War claims arising and obligations issued under the aforesaid acts of the legislature of California



was thereafter further considered in the Forty-seventh Congress, and on January 11, 1883, the House War Claims Committee made a report thereon, to wit, House Report No. 1847, second session, Forty-seventh Congress, and recommended the passage of a House bill providing for the payment thereof. Copy of said report is hereto attached and marked Exhibit No. 47, page 60.

Again, in the Forty-eighth Congress, on December 19, 1883, Hon. John F. Miller, Senator from California, introduced Senate bill No. 809, similar to that favorably reported in the Forty-seventh Congress, and upon which Senate Report No. 158, first session, Forty-eighth Congress, was made. Copy of this bill No. 809 and Report No. 158 are hereto attached and marked Exhibit No. 48, page 83.

Again, in the Forty-ninth Congress, the entire subject of paying California's said Indian war claims and obligations was considered by the House War Claims Committee, and was reported upon in House Report No. 1298, first session, Forty-ninth Congress, when that committee again recommended the payment of California's Indian war claims and obligations. Copy of this report is hereto attached, and marked Exhibit No. 49, page 85.

#### DILIGENCE OF CALIFORNIA IN THESE PREMISES.

California has not slept upon any of her rights in any of these premises, nor has she been guilty of any laches; on the contrary, at all proper times she has brought these State claims to the attention of Congress by all appropriate methods; by acts, memorials, resolutions, petitions of her legislature, and reports of her State authorities; through her Senators and Representatives in Congress, and by representations of her counsel and State agent for several years last past, the evidence of all of which is fully set forth in the several exhibits attached hereto or referred to herein.

Some of California's efforts to secure legislation on her unpaid State Indian war claims and Indian war obligations during the several Congresses last past will be also seen by referring to Exhibit No. 50, attached hereto and made a part hereof, page 85, which sets forth some of the bills and resolutions introduced in Congress in her behalf, in order to secure an adjudication of all of her State war claims. As soon as it was officially found that the act of Congress approved June 27, 1882, failed to secure authority sufficient to have examined any of California's unpaid Indian war claims and obligations that arose *prior* to April 15, 1861, one of her Representatives in Congress, Gen. W. S. Rosecrans, in the Forty-eighth Congress, introduced House joint resolution No. 172 to remedy said defect. This resolution was favorably reported by the House Committee on Military Affairs, but Congress adjourned without taking final action thereon. Copy of said resolution and Report No. 807 made thereon are hereto attached, and marked Exhibit No. 51, page 86.

Some of the reasons in support of this character of legislation are also set forth in Senate Report No. 139, second session, Forty-sixth Congress, made by Senator Plumb from the Senate Committee on Military Affairs, on January 21, 1880, and also in House Report No. 977, first session, Forty-ninth Congress, made by the House Committee on War Claims on a similar subject. Copy of these reports are hereto attached and marked Exhibit No. 52, page 89.

CONGRESS ADJOURNS IN EVERY INSTANCE WITHOUT ACTING ON CALIFORNIA'S STATE WAR CLAIMS.

Congress adjourned at every session without taking any definite action on any of the measures recommended by its committees as aforesaid for the adjustment of California's State Indian war or other State war claims.

THE BASIS OR AUTHORITY FOR THE UNITED STATES TO PAY CALIFORNIA'S STATE INDIAN WAR CLAIMS AGAINST THE UNITED STATES AND THE PRECEDENTS IN SUPPORT THEREOF.

The foregoing several legislative enactments of the State of California and the various acts done under them and in the execution thereof, when complying according to her own methods with the various calls and requisitions for troops, as herein recited, have resulted in the expenditure of a large sum of money which constitutes the present State war claim of California against the United States. The basis or authority upon which the payment by the United States of this claim rests is found in the fourth section of the fourth article of the Constitution of the United States, which provides that—

The United States shall guaranty to every State in the Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.\*

And upon the latter part of the tenth section of the first article of the Constitution; which is as follows :

No State shall, without the consent of Congress, lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.\*

And also upon the act of July 28, 1795, chapter 36, section 1, page 424, now section No. 1642, U. S. Revised Statutes, which provides that—

Whenever the United States are invaded or are in imminent danger of invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action, as he may deem necessary to repel such invasion or to suppress such rebellion, and to issue his orders for that purpose to such officer of the militia as he may think proper.\*

In reference to the foregoing the courts have held that—

When a particular authority is confided to a public officer, to be exercised by him in his discretion, upon an examination of the facts of which he is made the appropriate judge, his decision upon the facts, in the absence of any controlling provision, is absolutely conclusive as to the existence of those facts. (*Allen vs. Blunt*, 3 Story, U. S. Circuit Court Reports, 745).\*

And again, the supreme court of the State of New York (Hon. Chancellor Kent presiding as chief-justice) held in the case of *Vanderheyden vs. Young*, 11 Johnson's New York Reports, 157, that—

It is a general and sound principle that when the law vests any person with a power to do an act, and constitutes him a judge of the evidence on which that act may be done, and at the same time contemplates that the act is to be carried into effect through the instrumentality of agents, the person thus clothed with power is invested with discretion and is *quoad hoc* a judge.

His mandates to his legal agents on his declaring the event to have happened will be a protection to those agents, and it is not their duty or business to investigate the facts thus referred to their superior, and to rejudge his determination.\*

\*NOTE.—The acts of heads of Departments of the Government are in law the acts of the President. (*Wilcox vs. Jackson*, 13 Peters., 493.)

The United States Supreme Court in *Martin vs. Mott*, 12 Wheaton, 19, unanimously held—

That the authority to decide upon what occasions and upon what emergencies Federal calls should be made and Federal assistance given "belongs exclusively to the President, and that his decision is conclusive upon all other persons."\*

And Chief-Justice Taney, in *Luther vs. Borden*, 7 Howard, referred approvingly to the opinion of the United States Supreme Court in *Martin vs. Mott*, as expressed in these words :

That whenever a statute gives a discretionary power to any person to be exercised by him upon his own opinion of certain facts, it is a sound rule of construction that the statute constitutes him the sole and exclusive judge of the existence of those facts.\*

The obligations arising under these provisions of the Constitution and laws and decisions have been recognized by the Government from its foundation, as will fully appear from the authorities cited by Senator Dolph in a report made by him from the Senate Committee on Claims on February 25, 1885 (Forty-eighth Congress, second session), Report No. 1438. These authorities are printed in the appendix to Senate Report No. 1286, Fiftieth Congress, first session, marked Exhibit No. 7, page 37 *et sequiter*.

PRECEDENTS UNDER SIMILAR CIRCUMSTANCES FOR THE PAYMENT OF INTEREST ON THE PRINCIPAL BORROWED AND EXPENDED BY CALIFORNIA FOR THE COMMON DEFENSE FOR THE USE AND BENEFIT OF THE UNITED STATES.

The United States has in all cases, where the question has been properly presented by other States, re-imbursed such States for interest paid by them on moneys by them borrowed and expended for the purpose of either enrolling, subsisting, clothing, supplying, arming, equipping, paying, furnishing, or transporting, and miscellaneous and other expenses growing out of employing volunteer and militia forces called into the service of the United States for the common defense.

Particular attention is called to the precedents collected in the appendix to Senate Report No. 1286, Fiftieth Congress, first session, made by Senator Stewart from the Committee on Military Affairs, authorizing the payment of claims of States for interest on moneys by them expended for the use and benefit of the United States for the common defense (see Appendix, Exhibits Nos. 18, 19, 20, and 21, pages 96 to 149, Senate Report No. 1286, Fiftieth Congress, first session).

In addition to the authorities cited in said appendix, reference is also made to the case before the Second Comptroller of the Treasury in 1869, in which that officer made the following decision :

Interest can in no case be allowed by the accounting officer upon claims against the Government either in favor of a State or an individual. But in cases where the claimant has been compelled to pay interest for the benefit of the Government, it then becomes a part of the principal of his claim, and as such is allowable. Such is the case of a State which has been obliged to raise money upon interest for the suppression of hostilities against which the United States should protect her. In such cases the amount of interest actually and necessarily paid will be allowed, without reference to the rate of it (section 997, Dec. 2, Comp. Ed. 1869, p. 137).

This ruling is also in harmony with a long line of precedents established by Congress, beginning in 1812, and printed in said appendix to Senate Report No. 1286, Fiftieth Congress, first session.

In addition to the foregoing, the following references are cited, to wit :

1. Forty-eighth Congress, first session, House Report No. 1670, from Committee on Judiciary.

\* NOTE.—The acts of heads of Departments of the Government are in law the acts of the President. (*Wicox vs. Jackson*, 13 Peters., 498.)

2. Forty-eighth Congress, second session, House Report No. 1102, from Committee on War Claims.
3. Forty-ninth Congress, first session, Senate Report No. 183, from the Committee on Military Affairs.
4. Forty-ninth Congress, first session, Senate Report No. 2, from the Committee on Claims.
5. Forty-ninth Congress, first session, House Report No. 303, from Committee on Claims.
6. Forty-ninth Congress, first session, House Report No. 3126, from Committee on Claims.
7. Fiftieth Congress, first session, Senate Report No. 518, from the Committee on Military Affairs.
8. Fiftieth Congress, first session, House Report No. 309, from the Committee on War Claims.
9. Fiftieth Congress, first session, House Report No. 1179, from the Committee on Claims.
10. Fiftieth Congress, first session, House Report No. 2198, from the Committee on War Claims.
11. Fiftieth Congress, first session, Senate Report No. 1286, from the Committee on Military Affairs.
12. Fiftieth Congress, first session, Senate Report No. 2014, from the Committee on Military Affairs.

The precedents cited or referred to herein abundantly establish the fact that the United States have paid the State war claims of numerous other States incurred under circumstances similar to those under which California expended her money for the benefit of the United States, and that in all cases properly presented to Congress by such States for a reimbursement of interest paid out by them, where such States were compelled to borrow money and pay interest thereon and expended the same for the use and benefit of the United States for the common defense, that either at the time of providing payment for the principal or subsequently the United States has invariably assumed and paid such interest to such States.

To avoid repetition said Senate Report No. 1286, Fiftieth Congress, first session, so frequently referred to in this statement is, for any of the purposes therein contained, now made a part hereof in explanation and support of the State Indian war claims of the State of California, set forth in this statement.

#### CONCLUSIONS AND RECOMMENDATIONS.

California has not presented a petition to Congress for re-imbursement by the United States of any State war-claim expenditure which she did not actually make or to redeem any State war obligation which she did not in good faith assume for the benefit of the United States, relying upon the good faith of the United States to make a full re-imbursement to her when ever they found themselves in a pecuniary condition to redeem all their pecuniary obligations.

California has been diligent in making her State Indian war claims fully known to Congress through numerous petitions and memorials, and through her Senators and Representatives in Congress, and through her State agent and counsel for her State war claims, but thus far with indifferent success, and she again, through one of her Senators, Mr. Hearst, brings the same to the attention of Congress by an amendment to Senate Bill No. 215 therefor and for which S. 3439 is a substitute.

These State war claims of the State of California constitute a valid charge against the United States, and should be paid.

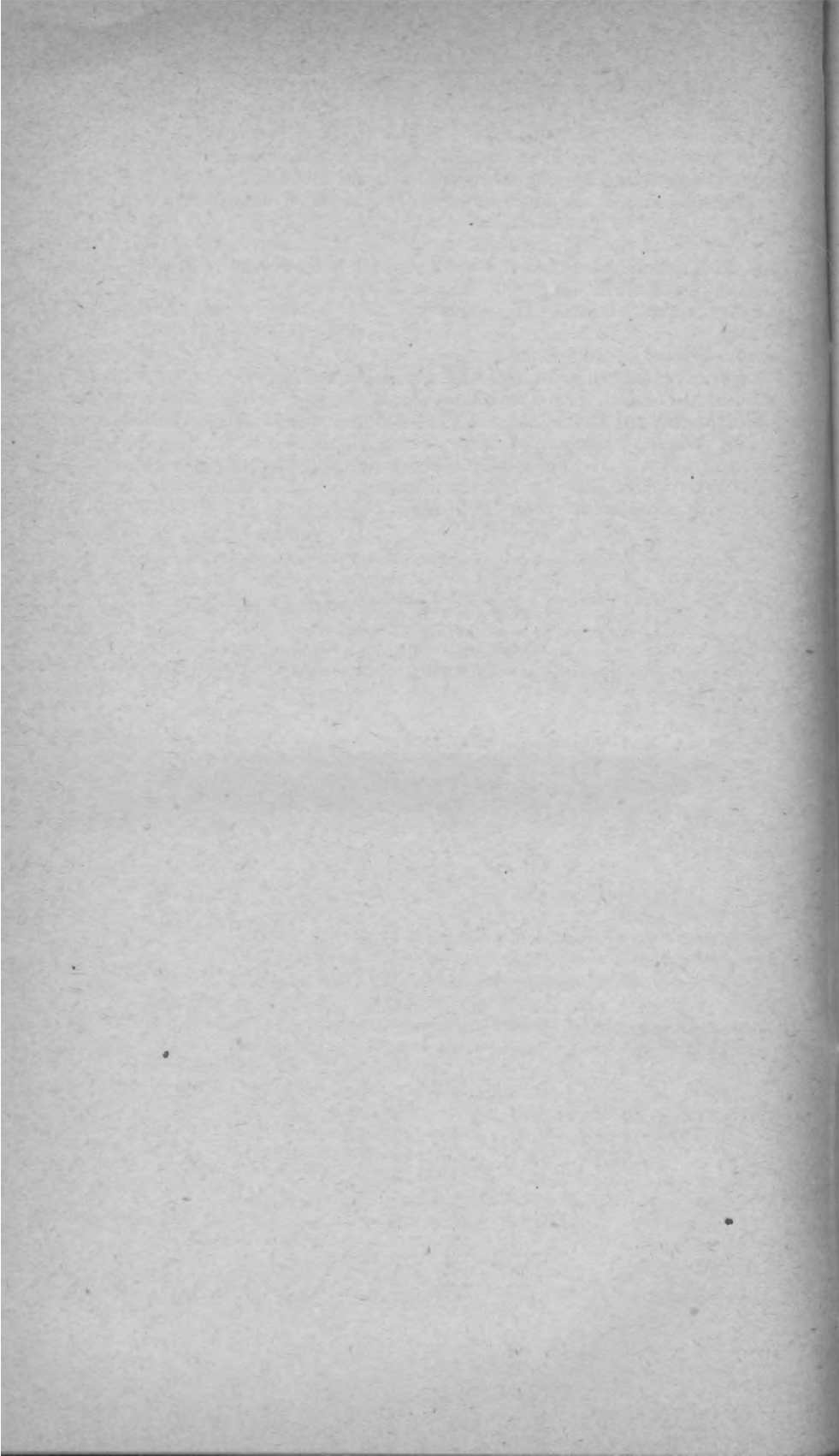
The United States should therefore re-imburse the State of California all the money, both principal and interest, which she has actually paid

and should redeem all the obligations by her in good faith heretofore actually assumed to secure the common defense, but in order to do so Congress should be first officially and fully informed by an ascertainment, to be made by the Secretary of War, through the board of State war-claim examiners authorized by the act of Congress approved August 4, 1886, to assist him in State war claims like this; of the total amount of all the expenditures and of all liabilities, both principal and interest, which the State of California has in anywise heretofore made, and in good faith incurred, in any of the matters growing out of any of the Indian hostilities in said State and upon the borders thereof, and which have not heretofore been fully re-imbursed or wholly paid to said State by the United States.

The Secretary of War, assisted by said board of war-claim examiners, should also inquire into and should fully report to Congress all the circumstances and any of the exigencies under which and also the authority by which all such expenditures and liabilities as are herein recited or referred to were made and incurred by the State of California.

Wherefore the passage of this substitute bill S. 3439 for such purposes herewith reported is recommended.





# CALIFORNIA STATE INDIAN WAR CLAIMS.

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## APPENDIX.

### EXHIBITS TO CALIFORNIA STATE INDIAN WAR CLAIMS.

#### EXHIBIT NO. 1.

*Joint resolution in relation to establishing forts on our borders, etc.*

Whereas a large portion of our State is unprotected from the different tribes of Indians that live upon our borders, and that these tribes are frequently engaged, and are now at war, with the citizens of this State; and in consequence of our present unprotected condition there is no security for either life or property; and this State not having the means of extending that protection to its citizens which their present necessities require; and whereas it is the duty of the Federal Government to protect its citizens from the incursions of either internal or external enemies: Therefore,

*Resolved, the senate concurring,* That our Senators be instructed, and our Representatives be requested, to use their best efforts to have a portion of the United States troops established on our borders, and also to have a line of forts erected along the same for the purpose of protecting our citizens.

*Resolved,* That the governor be requested to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

JOHN BIGLER,  
*Speaker of the Assembly.*  
DAVID C. BRODERICK,  
*President of the Senate.*

Approved March 25, 1851.

JOHN MCDUGAL.

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#### EXHIBIT NO. 2.

CHAPTER 134.—An Act authorizing the treasurer of the State to negotiate a loan upon the faith and credit of the State for the purpose of defraying the expenses which have been and may be incurred in suppressing Indian hostilities in this State, in the absence of adequate provision being made by the General Government. (Passed February 15, 1851. California Laws, 1851, page 520.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. By virtue of the power given to the legislature by the constitution of this State, article 8, "in case of war to repel invasion or suppress insurrection," a loan not exceeding \$500,000 is hereby authorized to be negotiated upon the faith and credit of the State, payable in ten years, and at any period after five years at the pleasure of the State; said loan to bear a rate of interest not exceeding 12 per cent. per annum, payable annually or semi-annually at such place as the contracting parties may agree: *Provided, however,* That the interest of the first year may be paid in advance out of the loan thus made.

SEC. 2. That the treasurer be, and he is hereby, authorized and required to cause suitable bonds to be provided for said loan, in sums not less than \$1,000.

SEC. 3. All such bonds shall be signed by the treasurer in his official character, made payable to and indorsed by the governor in his official character, who shall affix the seal of the State thereto, and countersigned by the comptroller, which bonds executed

as aforesaid shall be transferable on delivery, and bind the State for the faithful payment thereof.

SEC. 4. After the bonds aforesaid shall have been countersigned by the comptroller it shall be his duty to make a register of the same in a book to be kept for that purpose, with the number and amount thereof, and deliver them to the treasurer, charging him with the same. The treasurer shall also keep a register of such bonds as may be negotiated.

SEC. 5. Coupons for the interest shall be attached to each bond, so that they may be removed without injury or mutilation to the bond.

SEC. 6. The treasurer shall be, and he is hereby, authorized, with the approval of the governor of the State, to negotiate such loan as speedily as possible, at such time and place, and in such amounts as they may determine the exigencies of the State require; but no loan shall be negotiated below the par value thereof.

SEC. 7. Any claim which this State has now, or may hereafter have, upon the General Government for moneys expended out of this loan, for the purpose aforesaid, shall be, and the same is hereby, set apart and pledged for the payment of the principal and interest arising upon said bonds, together with all other moneys in the treasury not otherwise appropriated, or so much thereof as may be necessary.

SEC. 8. The treasurer is hereby authorized to defray such expenses as may be incurred in obtaining the above loan: *Provided*, That it does not exceed the sum of \$2,000, to be paid out of any moneys in the Treasury not otherwise appropriated: *Provided*, Said loan be negotiated in this State.

SEC. 11. The treasurer shall deliver the bonds to claimants whenever demanded by them in person or by legal agent.

SEC. 12. Whenever the treasurer shall derive a sufficient sum from the tax herein provided to be levied, he shall make certain arrangements for the payment of the interest of the war bonds, and shall advertise for three months at least in some newspaper in Sacramento City and San Francisco, notifying holders of bonds when interest will be paid at the State treasury.

SEC. 13. An act authorizing the treasurer of the State to negotiate a loan upon the faith and credit of the State for the purpose of defraying the expenses which have been and may be incurred in suppressing Indian hostilities in the State, in the absence of adequate provision being made by the General Government, passed February 15, 1851; also an act passed March 17, 1851, entitled "An act authorizing the governor to call out troops to defend our frontier, and providing for their pay and compensation," be, and the same is hereby, repealed: *Provided*, The repeal in no wise affect the war-loan bonds already issued under the provisions of the act so repealed.

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### EXHIBIT No. 3.

*Joint resolution directing adjutant-general to enter names on muster-roll of Gila expedition,*

*Resolved by the senate and assembly of the State of California,* That the adjutant-general is hereby directed to enter the name of John T. Smith in the muster-roll of Company A: commanded by Capt. W. B. Reynolds, of the Gila expedition, now on file in his office, and that the paymaster to that expedition be directed to audit and pay the account of said Smith for services as a soldier therein from the time of his enlistment to the discharge of said company.

JOHN BIGLER,  
*Speaker of the Assembly.*  
DAVID C. BRODERICK,  
*President of the Senate.*

Approved April 11, 1851.

JOHN McDUGAL.

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### EXHIBIT No. 4.

*Joint resolution in reference to payment of claims of those who have heretofore rendered military service for the State of California.*

Whereas provision has been made by law for the payment of those who have heretofore rendered military service for the State of California; and

Whereas such persons have in many instances, by informal transfers in writing, transferred their certificates of discharge or other voucher to bona fide purchasers: Therefore

*Resolved by the senate and assembly, That the paymasters heretofore created by law to pay and settle the accounts of those who have heretofore rendered military service for the State of California, and whose claims are filed in the office of the adjutant-general, are hereby authorized to pay the amount of any claim due to any individual under such law to the bona fide holder of regular certificate of discharge or other written evidence of indebtedness which shall have been transferred by any memorandum in writing with the signature of the original holder: Provided, That the paymasters shall require the person presenting such voucher to make an affidavit that he is the bona fide possessor and owner of the same.*

JOHN BIGLER,  
*Speaker of the Assembly.*  
DAVID C. BRODERICK,  
*President of the Senate.*

Approved April 22, 1851.

JOHN MCDUGAL.

### EXHIBIT No. 5.

*Joint resolution for the payment of certain claims arising out of the Gila expedition.*

*Resolved by the senate and assembly of the State of California, That the several claims of José Maria Lugo for the sum of \$600, of Bernardo Yorba for the sum of \$300, of Henry C. Matsell for the sum of \$250, of Archibald Henshowould for the sum of \$35, and of Toler Dunn for the sum of \$50, with the accompanying vouchers, for supplies furnished and services rendered in the Gila expedition, under the command of General Joseph C. Morehead, be placed on the same footing with and entitled to all the advantages of the claims which were filed in the office of the adjutant-general on or before the 7th of March, A. D. 1851, and that the paymaster of Gila expedition be authorized to pay the same out of the amount appropriated from the war-loan fund for the payment of the expenses of the Gila expedition, and that the claims of J. P. and R. D. Israel and Hugh Foster be entered on file in the adjutant-general's office, and the paymaster of the Gila expedition authorized to pay the same out of the money appropriated from the war-loan fund for that expedition.*

JOHN BIGLER,  
*Speaker of the Assembly.*  
DAVID C. BRODERICK,  
*President of the Senate.*

Approved April 24, 1851.

JOHN MCDUGAL.

### EXHIBIT No. 6 (Part No. 1).

*Joint resolution authorizing the paymaster of the Gila expedition to pay claims of Crenshaw and Blackburn.*

*Resolved by the senate and assembly of the State of California, That the paymaster appointed to disburse the fund appropriated to defray the expenses of the Gila expedition is hereby authorized to pay the claim of Miles R. Crenshaw for the sum of \$1,176, and that the said claim be placed on file in the office of the adjutant-general; also, the claim of S. D. Blackburn for services rendered in said expedition, amounting to \$150.*

JOHN BIGLER,  
*Speaker of the Assembly.*  
DAVID C. BRODERICK,  
*President of the Senate.*

Approved May 1, 1851.

JOHN MCDUGAL,

### EXHIBIT No. 6 (Part No. 2).

*Joint resolution for the benefit of citizens of Los Angeles County.*

*Resolved by the senate and assembly of the State of California, That the comptroller of the State be authorized, and he is hereby required, to issue State warrants, to be paid out of the war-loan fund, to the following persons, to wit: One for the sum of \$30 to*

Mariano Lopez, and for the sum of \$45.30 to Manuel Romera, one to Dr. William Jones for the sum of \$503, and for the sum of \$47 to F. G. Baxter, and one for the sum of \$259.63 to the treasurer of Los Angeles County; and the adjutant-general is directed to make a record among the papers now on file in his office in relation to the Gila expedition of the payment of all demands now existing in favor of the above-named parties for service in said expedition.

JOHN BIGLER,  
*Speaker of the Assembly.*  
DAVID C. BRODERICK,  
*President of the Senate.*

Approved May 1, 1851.

JOHN MCDUGAL.

### EXHIBIT NO. 7.

CHAPTER XXV—An Act to be entitled "An act authorizing the treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians. (Passed May 3, 1852. California Laws, 1852, page 59.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. A sum not exceeding \$600,000 is hereby appropriated and set apart as an additional war fund, payable in ten years, out of any moneys which may be appropriated by Congress to defray the expenses incurred by the State of California, and interest thereon at the rate of 7 per annum, in the suppression of Indian hostilities, or out of the proceeds of the sale of any public lands which may be donated or set aside by Congress for that purpose; and should no such appropriation or donation be made, or if an amount sufficient should not be appropriated or donated within the said ten years, then the bonds authorized to be issued by this act shall be good and valid claims against the State, and shall be paid out of any moneys in the treasury not otherwise appropriated to pay the expenses of the expeditions mentioned in this act.

SEC. 2. Such liabilities as have been incurred allowed as provided by law, or may be allowed by the board of examiners for the Mariposa expedition, also such accounts as have been or may be allowed under legislative authority, for the second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity and Monterey expeditions against the Indians, shall be funded or paid in bonds bearing 7 per cent. interest per annum, from the date of issuing the same.

SEC. 3. All accounts heretofore examined and allowed by the board of examiners, consisting of the treasurer and comptroller of state, and all other accounts of claims for services and supplies rendered in the foregoing campaigns which have been examined and allowed by either branch of the present legislature, and as shown by the pay-rolls and abstracts accompanying the same, or which may not have been so examined and allowed, shall by said board be again examined, where warrants have not been issued, and if allowed, it is hereby made the duty of the comptroller to issue his warrant on the treasurer, in favor of the person holding the claim so allowed, payable out of the war bonds, and the treasurer shall, on presentation of such warrant, therefor exchange the bonds provided to be created by a preceding section of this act.

SEC. 4. In the examination herein required to be made by the comptroller and treasurer, they are hereby fully empowered, whenever or wherever any mistake may be detected by them against the State, in the allowance which may have been made by either branch of the legislature to claimants, to correct the same, by a proper reduction thereof, and in the allowance to be made of claims which have not been examined, they shall have power, and are hereby required to pay to officers and privates, the same as is allowed by the act of March 17, 1851, providing for the defense of the eastern frontier against the Indians, and shall limit their payment for supplies to the prices at which like articles were worth at the date of such purchase in the neighborhood where made.

SEC. 5. The State treasurer is hereby authorized and required to cause suitable bonds to be provided for said payments, in sums of one hundred, two hundred and fifty, five hundred, and one thousand dollars each.

SEC. 6. All such bonds shall be signed by the treasurer in his official character, made payable to and indorsed by the governor in his official character, who shall affix the seal of the State thereto, and countersigned by the comptroller, which bonds, executed as aforesaid, shall be transferable by assignment on the bonds, by the owner thereof or by his attorney in fact, and bind the State for the faithful payment thereof.

SEC. 7. After the bonds shall have been countersigned by the comptroller t shall be



his duty to make a register of the same in a book, to be kept for that purpose, with the number and amount thereof, and deliver them to the treasurer, charging him with the same. The treasurer shall also keep a register of such bonds.

SEC. 8. Coupons for the interest shall be attached to each bond, so that they may be removed without injury or mutilation to the bond.

SEC. 9. Any claim which this State has now, or may hereafter have, upon the General Government, for moneys expended for the purposes aforesaid, shall be, and the same is hereby, set apart and pledged for the payment of the principal and interest arising upon said bonds.

SEC. 10. The treasurer is hereby authorized to defray such expenses as may be incurred in obtaining the blanks for said bonds: *Provided*, That they do not exceed the cost of \$1,000, to be paid out of any moneys in the treasury not otherwise appropriated.

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### EXHIBIT No. 8.

#### *Joint resolution in relation to the war debt.*

*Resolved by the senate and assembly*, That the board of examiners of the accounts and vouchers for expenses incurred by the State for the suppression of Indian hostilities are hereby directed to make out and present to the legislature a statement of said accounts, together with all the correspondence and circumstances relating to the origin, prosecution, and conclusion of the Indian wars in this State, prosecuted by authority of the same; and generally such information as may be proper to be submitted to the Congress of the United States, in order that the debt thus assumed by this State, and the bonds issued thereupon, may be provided for by the General Government in such manner and with such promptitude as is demanded by the merits of the claim and the right of protection in such cases.

Approved March 1, 1853.

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### EXHIBIT No. 9.

CHAPTER LIV.—An act authorizing the governor of this State to transmit to the Secretary of War at Washington City a statement in relation to "war debt" of California. (Approved March 29, 1855.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The governor of this State is hereby authorized to transmit to the Secretary of War at Washington, D. C., a certified copy from the office of controller of state, of the amount of indebtedness incurred and actually paid by the State of California in the suppression of Indian hostilities, prior to the 1st day of January, A. D. 1854; also a certified copy from the office of secretary of state of all laws authorizing military expeditions against the Indians, and making appropriations to pay the expenses of the same, and to communicate such further information as in his discretion may be deemed necessary to enable this State to procure from the General Government the sum of \$924,259.65, it being the amount appropriated to this State under the provisions of an act of Congress entitled "An act making appropriations for the support of the Army for the year ending the 30th of June, 1855," approved August 5, 1854.

SEC. 2. The controller of state is hereby required to furnish the governor with a certified copy from the records of his office, of the amount, number, date, and rate of interest, and to whom paid, of "war bonds" issued prior to January 1, 1854, in payment of expenses incurred by said State in the suppression of Indian hostilities; and also the amount of "war warrants" issued and not converted into bonds prior to January 1, 1854.

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### EXHIBIT No. 10.

#### *Resolution relative to balance of war debt.*

*Resolved by the senate (the assembly concurring)*, That our Senators in Congress are hereby instructed, and our Representatives be requested, to use their exertions to obtain

from the Government of the United States an appropriation of \$2,675.88, the surplus of our war indebtedness, over and above the amount heretofore appropriated by Congress for that purpose, to be applied toward the liquidation of the balance of the war debt of this State, incurred in the suppression of Indian hostilities within our borders.

*Resolved*, That his excellency the governor be, and he is hereby, required so transmit a copy of this resolution to our Senators and Representatives in Congress at an early day.

### EXHIBIT No. 11.

*Resolution relative to amount due to F. W. Price.*

*Resolved by the senate (the assembly concurring)*, That our Senators and Representatives in Washington be requested to obtain from Congress an appropriation of \$12,000, to liquidate the amount claimed by Thomas F. W. Price, for supplies, etc., furnished by him to aid the expedition for the suppression of Indian hostilities, ordered out by the governor in the year 1851, and that Hon. S. B. Smith and J. W. Denver, in their capacity as commissioners to settle the war debt of this State, are hereby requested to use their efforts for the allowance by Congress of the foregoing amount.

### EXHIBIT No. 12.

CHAPTER CXXXV.—An act concerning the war debt of this State and providing for the redemption thereof. (Approved April 19, 1856.)

The people of the State of California, represented in Senate and assembly, do enact as follows:

SEC. 1. Samuel B. Smith and J. W. Denver, are hereby constituted and appointed a board of commissioners, to be called the "commissioners of the war debt of the State of California," whose duty it shall be to prosecute before the Secretary of War of the United States, or any officer or Department of the General Government, the claims of the State of California, for moneys expended or expenses incurred in the suppression of Indian hostilities within the State, under and by virtue of the Army appropriation act of the United States, approved August 5, 1854; or by virtue of any act hereafter to be passed during the present session of Congress in relation thereto; and also to arrange for the appropriation of such moneys as may be allowed to this State under said act or acts, to the payment of the war bonds heretofore issued under the laws of this State, for the suppression of such Indian hostilities, and to discharge such other duties, and in the manner, as is hereinafter directed.

SEC. 2. Either of said commissioners are authorized to receive from the secretary, treasurer, or comptroller of State, or any department of the State government, all the documentary evidence which said officers, or either of them, may be in possession of, or have under their control, together with all the original vouchers, or exhibits of any kind whatsoever existing, relative to the creation and settlement of the indebtedness incurred by the State of California, prior to the 1st day of January, 1854, in the suppression of Indian hostilities aforesaid, and to use the same for the purpose of prosecuting the claims aforesaid. And it shall be the duty of the State officers before mentioned to deliver to either of said commissioners, on demand in writing, all such documents, books, papers, and vouchers as are herein referred to.

SEC. 3. The said commissioners shall, at as early a period as practicable, in the city of Washington, D. C., organize said board, and from time to time, as convenient, and as necessity may require, exhibit to the Secretary of War, or such officer or officers of the General Government as may be authorized to examine and settle said claim, such vouchers, or other evidence of said claim, which they may become possessed of as aforesaid, also to present such other evidence, either oral or written, which said commissioners may be able to obtain respecting said indebtedness, or any part thereof, and diligently, and as speedily as possible, prosecute said claim, and endeavor to procure the allowance to the State of California of the sum mentioned in said act of Congress, to wit: The sum of \$924,259.65, and to procure from the Secretary of War a written acknowledgment of such claim in full, or the amount to which the same may be allowed.

SEC. 4. The moneys which may be allowed by the Secretary of War, or other officer of the United States Government, by law authorized to settle and adjust such claim, shall

be appropriated to the payment and discharge of the war bonds of the State of California, as follows:

First. If the amount so allowed shall equal or exceed the aggregate amount of the principal and interest of the war bonds, issued under an act of this State, approved February 15, 1851, commonly known as the 12 per cent. bonds, said commissioners shall advertise in two daily papers, in each of the cities of Washington, Philadelphia, New York, and Boston, inviting the holders thereof to come forward and present the same for redemption, at or before a period to be designated in said advertisement, which shall not exceed thirty days from the publication of said notice. On and after the expiration of the time mentioned in said notice, said bonds shall cease to pay interest. An amount sufficient to pay the principal and interest of the 12 per cent. bonds shall be retained and set apart by the said commissioners for that purpose exclusively, and paid to the owners or holders thereof by the Secretary of War, as hereinafter directed.

Second. After setting apart and designated a sum sufficient to pay and discharge the 12 per cent. bonds and interest coupons as aforesaid the commissioners shall, by advertisement in the manner as before indicated, invite the holders of the 7 per cent. war bonds to present to said commissioners sealed proposals for the redemption of such of said bonds as they may hold, setting forth in said advertisement the amount of the outstanding bonds to be redeemed, with interest computed up to the time when they propose to redeem them, also the amount of moneys set apart for their redemption. Said notice shall also state the time and place when such bids will be received, and notify bidders that such proposals must contain a statement of the amount of the bonds, date thereof, and numbers, and distinctly indicate the rates at which they are willing to redeem principal and interest. Such notice shall be given for a period not less than thirty nor more than sixty days, and at the period indicated such bids shall be opened in the presence of any persons who may choose to be present, and a record made of each separate bid in a book to be provided for the purpose, and after due examination shall award their acceptance of bids, first to such as purpose to redeem for the least amount, and so proceeding to accept bids in regular order as they may be most favorable to the State, until the amount so accepted shall equal the sum of money remaining for their redemption: *Provided*, In no case shall a bid be accepted on terms exceeding principal and interest. And in case the same bond or bonds shall be described or included in more than one proposal, the acceptance of a bid shall only be awarded to the bidder proposing to take the least amount therefor; neither shall a bid be permitted to be withdrawn or altered after being once submitted, nor shall any award or payment be made on proposals not submitted as herein indicated.

SEC. 5. In the redemption of said 12 per cent. war bonds, it shall be the duty of said commissioners to examine and compute the amount of principal and interest due up to the time of presentation for redemption, if before the period indicated when they shall cease to bear interest, otherwise at the period so indicated; also on the 7 per cent. bonds upon the terms indicated in such accepted proposals, to compute the amount of principal and interest due on each separate bond and coupon, and indorse the same on the back thereof, with the names of said commissioners as evidence of its correctness, and an order also indorsed thereon directed to the Secretary of War, to pay such amount; and the Secretary of War is thereupon authorized, and is hereby directed, to pay the holders of such bonds the amount directed to be paid by such commissioners, and he shall, for the time being, until a settlement be made with said commissioners, retain said bonds and coupons as vouchers against the State for so much as may be indorsed on said bonds by said commissioners. Whensoever any of the interest coupons shall be severed from the bond, the calculation for the payment shall be made only on the bond and remaining coupons, and no payment shall be made or authorized on coupons detached from the bond.

SEC. 6. Said commissioners shall attend at their office daily, Sundays excepted, between the hours of 10 o'clock a. m. and 4 o'clock p. m., for the transaction of business connected with the commission, and shall continue their sittings until thirty days from the day they shall award their acceptance on the proposals for redemption of the 7 per cent. bonds, during which time said bonds and coupons shall be presented to them for the certificate herein mentioned, and the payment by the Secretary of War; after which time said commissioners shall have no power or authority to transact any business connected with said commission further than making settlement with the Secretary of War, and making reports thereof, with the presentation and filing the vouchers and record, as hereinafter specified.

SEC. 7. Immediately after the expiration of the period mentioned in the last preceding section of this act said commissioners shall proceed to settle and adjust with the Secretary of War the amounts paid by him on such certified bonds and coupons, and shall take up and have canceled such bonds and coupons as have been so paid, and in lieu thereof shall give their receipt, in such manner as he shall prescribe, for the aggregate

sum so paid on such bonds and coupons. Said bonds and coupons, certified as herein prescribed, and paid by the Secretary of War, until the receipt of said commissioners shall be given, as herein indicated, and thereafter when such receipt shall have been given by said commissioners to the Secretary of War shall, to the extent of such amounts paid, constitute a release, discharge, and acknowledgment of payment on the part of the State of California to the United States Government and the Secretary of War, as effectually and fully as if said sum were paid into the treasury of the State of California, under the provisions of the act of Congress referred to making said appropriation to the State of California.

SEC. 8. It shall be the duty of said commissioners to file the bonds and coupons so paid and canceled, also a duplicate copy of the receipt or receipts given to the Secretary of War, together with the books and records of their proceedings, in the office of comptroller of this State; and make a full and complete report of their proceedings as early as practicable to the governor of the State of California.

SEC. 9. Of the amount of money which may be allowed the State of California, by the Secretary of War, under the act of Congress referred to, passed August 5, 1854, or any other or amendatory or supplementary act thereto, which has been, or may be, passed by the present Congress, making to this State any allowance on account of any expenses incurred in Indian wars, if there shall remain any balance unappropriated, as indicated herein, in the payment and cancellation of said war bonds, or if from any cause said money, which may be allowed or any part thereof, can not be paid in the manner prescribed by this act, then it shall become the duty of the governor, comptroller, and treasurer of this State to make such arrangements as they may deem most conducive to the interest of the State for the transmission of such remaining sum to this State, to be paid in the State treasury, to be called the war loan fund; also to provide with such remaining sum for the redemption and cancellation of any outstanding war bonds at the State treasury, by giving public notice in three or more daily newspapers published in this State, for the redemption of said bonds, and proposals shall be accepted and the bonds and coupons redeemed by the State treasurer in the same manner, as nearly as practicable, as provided in this act for their redemption by the said commissioners and the Secretary of War.

SEC. 10. Any of the duties which are by this act required to be performed by said commissioners may be done by any two of them with the same legal and binding effect as if done by them all, and if designated for such purpose by the Secretary of War of the United States, any other officer of the General Government may perform any of the duties in connection with the settlement, adjustment, and payment of the claims, bonds, and coupons herein referred to, with like effect as if done by the Secretary of War as aforesaid.

SEC. 11. If from non-acceptance of said office, death, or resignation, any vacancy shall occur in the board of commissioners hereby created, the governor shall have power to fill such vacancy with like powers, duties, and privileges as such member of the board originally possessed in whose place such appointment may be made.

SEC. 12. A. J. F. Phelan is hereby constituted and appointed clerk to the commissioners hereinbefore named, whose duty it shall be to proceed to the city of Washington and remain with said board as long as they may deem his services necessary; said clerk to act under the direction of said commissioners, or either of them; and in the event of his failure or refusal to comply with the directions of said commissioners, the said board may remove him from office and appoint in his stead such person as they may deem proper: *Provided*, The full amount to be paid to the said Phelan, or to such person as may be appointed in his stead, shall not, in the aggregate, exceed the sum of \$3,800. The clerk of the board shall, on the completion of the duties devolving upon him by this act, or from time to time as may be deemed proper by the governor and comptroller of state, receive compensation for his services and traveling expenses, said amount to be fixed by the governor and comptroller aforesaid, but shall not, in the aggregate, exceed the sum of \$3,800; and on the order of said governor, the comptroller shall issue warrants not exceeding said sum, to be paid out of any moneys in the State treasury not otherwise appropriated.

SEC. 13. For the purpose of defraying the incidental expenses of said board of commissioners, the sum of \$1,000 is hereby appropriated out of any money in the treasury not otherwise appropriated, and the comptroller is authorized to draw his warrant for such amount on the written order of either of said commissioners.

SEC. 14. The said Samuel B. Smith shall execute a good and sufficient bond to the State of California in the sum of \$20,000, and the said A. J. F. Phelan shall execute a bond in the sum of \$5,000, each of which bonds shall be approved by the governor, and conditioned for the faithful performance of the duties imposed by this act; and after executing said bonds, and before entering upon their official duties, they shall each take and subscribe an oath of office before some judge, or justice of the peace, or notary public of this State, which said oath and bonds required to be given by this section shall be filed

in the office of the secretary of state within ten days from and after the passage of this act; upon a failure to comply with the foregoing provisions the office or officers hereby created shall be deemed vacant, and the power to fill the same is hereby vested in the governor of this State.

SEC. 15. The war bonds of the State of California, herein respectively referred to as 12 per cent. bonds and 7 per cent. bonds, shall be understood as description of such war bonds as were issued by authority of, and under the provision of, an act of this state, passed February 15, 1851, entitled "An act authorizing the treasurer of state to negotiate a loan upon the faith and credit of the State, for the purpose of defraying the expenses which have been, and may be, incurred in suppressing Indian hostilities in this State, in the absence of adequate provisions being made by the General Government;" also an act approved May 3, 1852, entitled "An act to be entitled an act authorizing the treasurer of the state to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians."

SEC. 16. The sum of \$5,000 is hereby appropriated in payment of the services of the said Samuel B. Smith, as commissioner under this act; and it is hereby made the duty of the comptroller of this State to draw his warrant upon the state treasurer for one-half of said sum in favor of the said Samuel B. Smith, so soon after he shall have qualified as he may be requested so to do by the said Smith. The remainder of said sum shall be paid to said Smith whenever he shall have performed the duties imposed upon him by this act, or whenever, in the discretion of the governor, it shall seem proper.

SEC. 17. So much of said act, referred to in the last preceding section, as conflicts with the provisions of this act, is hereby repealed.

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#### EXHIBIT NO. 13.

##### *Concurrent resolution concerning the public debt.*

*Resolved*, By the people of the State of California, represented in senate and assembly, that the honor, credit, and best interest of the State require that the funded and other outstanding debts of the same shall be paid in good faith, and that immediate provision for such payment ought to be made.

March 4, 1857.

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#### EXHIBIT NO. 14.

*Concurrent resolution relative to the passage of a law by Congress making appropriation for the payment of bonds authorized to be issued for the payment of Indian hostilities.*

[Passed April 17, 1858.]

*Resolved by the assembly of the State of California (the senate concurring)*, That our Senators be instructed and Representatives in Congress requested to use their influence to procure the passage of a law making an appropriation sufficient for the payment of the bonds authorized to be issued by this State for the suppression of Indian hostilities within her bounds, for the payment of which no provision has been made, and of the expenses incident thereto.

*Resolved*, That the governor of this State be, and he is hereby, requested to furnish our Senators and Representatives in Congress with a statement of the amount of such bonds authorized to be issued under any law in this State, and the incidental expenses connected therewith, and, also, copies of these resolutions.

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#### EXHIBIT NO. 15.

##### *Concurrent resolution.*

[Passed January 11, 1859.]

*Resolved by the senate (the assembly concurring)*, That our Senators at Washington be instructed, and our Representatives in Congress be requested, to urge upon Congress the immediate payment of the Indian war debt due to citizens of this State.

*Resolved*, That a copy of these resolutions be forwarded by his excellency the governor to each of our Senators and Representatives, with as little delay as possible.



## EXHIBIT No. 16

*Concurrent resolution.*

[Passed April 18, 1859.]

*Resolved by the assembly (the senate concurring),* That the quartermaster and adjutant-general of this State be, and he is hereby, requested to forward to the War Department, at Washington, and to the Congress of the United States, on or before the 1st day of January next, all the original vouchers for claims for expenses incurred by the various wars and expeditions against the Indians of this State (now unpaid) up to the present date, whether held by the State of California or any citizen thereof, with a view of inducing the immediate assumption of the same by the General Government.

## EXHIBIT No. 17.

*Concurrent resolution in relation to the war debt.*

[Passed April 10, 1860.]

*Resolved by the senate (the assembly concurring),* That his excellency the governor is hereby directed to have made out, in duplicate, a complete statement of the expenses incurred by citizens of this State in the suppression of Indian hostilities, which have been recognized by legislative action, and which have not been assumed and paid by the General Government, together with such of the correspondence and information relating to the origin, prosecution, and termination of the several Indian wars, waged by authority of this State, as may be proper to submit to the Congress of the United States in asking payment therefor; which statement, correspondence, and information shall be presented to the next legislature of this State, which is to meet on the first Monday in January, 1861.

## EXHIBIT No. 18.

CHAPTER CCVIII.—An act for the payment of expenses incurred in the suppression of Indian hostilities in the county of Mendocino, of this State. (Approved April 12, 1860.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The sum of \$9,347.39 is hereby appropriated, out of any money in the general fund not otherwise appropriated, for the payment of the indebtedness incurred by the expedition against the Indians in the county of Mendocino, organized under the command of Captain W. S. Jarboe, in the year 1859.

SEC. 2. The following schedule of pay is hereby established for the officers and men engaged in the expedition, to wit:

For pay and allowance of captain, \$100 per month.

For privates, each, per month, \$55.

SEC. 3. The board of examiners, created by an act entitled "An act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the controller and treasurer," approved April 21, 1858, are hereby required to audit and allow all legal claims against the State for services rendered, supplies furnished, and expenses incurred in the late Indian war in Mendocino County, in the same manner that they are required to audit and allow other claims against the State; and the controller shall draw his warrants on the treasurer for such amounts and in favor of such persons as shall be audited and allowed by said board under the provisions of this act.

SEC. 4. Should any surplus of the appropriation made under this act remain after paying the claims hereby authorized to be paid it shall be returned to the general fund.

SEC. 5. This act shall take effect from and after its passage.

## EXHIBIT No. 19.

*Concurrent resolution.*

[Passed April 18, 1860.]

Whereas a bill has been introduced in the House of Representatives providing for the assumption of the Indian war debt of the State of California by the General Government: Therefore, be it

*Resolved by the senate (the assembly concurring),* That his excellency the governor of California be requested to transmit, at his earliest convenience, to our members in Congress the original vouchers upon which this debt is predicated, together with the record of the action thereon by the board of examiners of war claims, whether the said claims are held by the State of California or by citizens thereof.

## EXHIBIT No. 20.

*Concurrent resolution relative to the Indian reserves in this State.*

[Passed April 18, 1860.]

Whereas the Indian reserves in this State are entirely inadequate to answer the purposes intended by the General Government; and

Whereas Round Valley, in Mendocino County, containing an area of about 25,000 acres, is, owing to its isolated position, the mildness of its climate, the richness of its soil, and its general adaptation to the requirements of the Indian race, peculiarly suited to the purposes of an Indian reservation; and

Whereas the greater portion of the said valley is at present occupied by settlers who have made extensive and valuable improvements therein, for which they should receive fair and just compensation before being required to abandon them: Therefore, be it

*Resolved by the assembly (the senate concurring),* That our Senators and Representatives in Congress be instructed and requested to use every honorable exertion to procure such action on the part of the General Government as will provide for the appropriation of the entire valley aforesaid and the surrounding country, bounded by the nearest fork of Eel River on the south and west and by the summit of the Coast Range on the north and east, for the purpose of an Indian reserve; and also to urge the appropriation of a sufficient sum of money to remunerate the citizens of said valley for their improvements, grain, and such other property as they may desire to dispose of, which may be necessary for the use and convenience of the reserve.

*Resolved,* That our Senators and Representatives in Congress be instructed and requested to urge upon the Federal authorities to cede to the State of California the entire jurisdiction over Indians and Indian affairs within our borders, together with such appropriations of land and money as will be adequate for the proper management and support of the Indians; also, an appropriation of money for the payment of the Indian war indebtedness incurred in the suppression of Indian hostilities in this State.

*Resolved,* That the governor be requested to forward to each of our Senators and Representatives a copy of the foregoing preamble and resolutions.

## EXHIBIT No. 21.

CHAPTER CCCXXII.—An act to audit and allow a claim of B. F. Hastings. (Approved April 23, 1860.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The claim of B. F. Hastings, of \$2,000, for arms and transportation furnished the State in 1856, is hereby audited and allowed.

## EXHIBIT No. 22.

CHAPTER CCCXXVIII.—An act to provide for the payment of A. J. F. Phelan. (Approved April 28, 1860.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The controller of state is hereby authorized and directed to draw his warrant on the treasurer of state in favor of A. J. F. Phelan for the sum of \$1,170, for services rendered by him as clerk of the board of war debt commissioners from December 20, 1856, to 19th of March, 1860.

SEC. 2. And the sum of \$1,170 is hereby appropriated out of any money in the treasury not otherwise appropriated for the payment of said claim.

## EXHIBIT No. 23.

CHAPTER CCCXLVII.—An act to pay the claim of H. C. Kibbe. (Approved April 30, 1860.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The sum of \$175 is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of paying Henry C. Kibbe for rent of office for the board of war examiners, from November 13, 1857, to June 12, 1858, and the controller of state is hereby authorized and directed to draw his warrant for the same.

## EXHIBIT No. 24.

*Carson Valley Indian war, sometimes called Washoe Indian war.*

While engaged on official duty at the State prison, in the month of May last, intelligence was brought me of serious Indian outbreaks having occurred in Carson Valley, in which some of the most distinguished citizens of this State had been slain. I was called upon for relief, and, although without the boundary of the State and not within my official jurisdiction, I nevertheless considered it due to our own citizens, who composed nearly the entire population of that district of country, as well as the dictates of humanity and the common ties that bind us together as one people, to render them all the aid in my power, which I promptly did, having a due regard to economy.

I deem it proper here to state that the demands were for arms and ammunition only, not for men. The arms belonging to the State were promptly delivered to the citizens of Sacramento, who evinced their patriotism and liberality by voluntarily contributing the sum of \$2,000 to defray the expenses of their prompt transmission by an escort of her citizens.

I called upon the late General Newman S. Clark, commanding the Pacific Division of the United States Army, for 500 stand of rifles and 100,000 rounds of ammunition, which were at once provided by that distinguished soldier, I assuming the responsibility of their return or their equivalent. The late Maj. Gen. Joshua P. Haven, of the Second Division of California Militia, and Col. C. W. Tozer, one of my aids, volunteered their services for the transmission of these arms to Carson Valley, and it affords me pleasure to testify to the celerity and efficiency in which that important trust was discharged by those officers.

Subsequently the officer in command of the Benicia Arsenal, in consequence of orders received by him from the Secretary of War, made a demand upon me for the return of these arms and accouterments. I caused to be collected and returned to the arsenal at Benicia 377 rifles and accouterments and 80,000 rounds of ammunition. Upon representation of the urgent necessity thereof, I loaned for the protection of the Pony express, to the agent of the company, 46 rifles to be returned when needed. Sixty rifles are deposited with the United States marshal of Utah Territory, and will no doubt soon be received and returned to the Benicia Arsenal, thus leaving only 17 rifles to be accounted for. As I became personally responsible for these arms, I trust you will take such action as you deem meet for my protection.

I trust that appropriations will be made to meet the small indebtedness that was necessarily incurred, and for the payment of which the faith and honor of the citizens of the

State stand pledged. From the best information I can obtain in relation to these expenditures, the amount is comparatively trifling. I feel injustice would be done were I not to mention the noble conduct of the Sierra Battalion. Upon my demand this corps forwarded the arms and ammunition in their possession, and I am informed by an officer of the battalion that they have made no charge to the State whatever.

Tenders of service from half the volunteerforce of the State were promptly made to me for this emergency, and although declined, I deem it but a just tribute to their gallantry as soldiers and patriotism as citizens to thus acknowledge their devotion to the State and humanity.

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### EXHIBIT No. 25.

#### *Concurrent Resolution.*

[Adopted May 3, 1861.]

*Resolved by the assembly (the senate concurring),* That our Senators in Congress be instructed, and our Representatives requested, to procure, at as early a day as practicable, an appropriation to meet the expenses of the volunteers under the command of Col. John C. Hays, for services, and all claims justly chargeable to the Federal Government in the late Indian war in Utah Territory.

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### EXHIBIT No. 26.

CHAPTER LXXIX.—An act making an appropriation for the payment of claim of C. W. Tozer and others for the transportation of arms, munitions of war, etc., to Carson Valley, Utah Territory. (Approved March 19, 1861.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The sum of \$6,150 is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to pay the claim of C. W. Tozer for \$5,450; also, claim of Thomas Sunderland for \$500; also, claim of J. Mora Moss, trustee of the Sacramento Valley Railroad Company, for \$200.

SEC. 2. The controller of state is hereby authorized and required to draw his warrants on the treasurer of state in favor of C. W. Tozer for \$5,450; in favor of Thomas Sunderland for \$500, and in favor of J. Mora Moss, trustee of Sacramento Valley Railroad Company, for \$200.

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### EXHIBIT No. 27.

CHAPTER XCIII.—An act for the payment of expenses incurred in the transportation of the State arms and munitions of war, from Carson Valley to the State armory, at Sacramento. (Approved March 26, 1861.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The sum of \$1,725 is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, for the purpose of paying Joseph Kem for transporting, by order of the governor, the State arms and munitions of war used in the Carson Valley war, from Carson Valley to the State armory at Sacramento.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant on the state treasurer in favor of said Joseph Kem for the sum of \$1,725; and the state treasurer is hereby authorized and directed to pay the same out of any moneys in the State treasury not otherwise appropriated.

## EXHIBIT No. 28.

CHAPTER CCXXII.—An act to appropriate money to pay the claim of E. J. Saunders and others. (Approved April 23, 1861.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The sum of \$2,000 is hereby appropriated out of any moneys not otherwise appropriated in the general fund for the payment of the claim of E. J. Saunders and others for services rendered in transportation of arms, ammunition, etc., to Utah Territory, by order of the executive of the State, and the controller of state is hereby authorized and required to draw his warrant in favor of E. J. Saunders for \$250; in favor of Charles S. Fairfax for \$125; in favor of L. C. Bradley for \$125; in favor of Robert O'Keefe for \$125; in favor of Louis Grant for \$125; in favor of Frank Rhodes for \$125; in favor of Charles Conger for \$125; in favor of Patrick Towle for \$125; in favor of Dennis Morgan for \$125; in favor of Thomas Rooney for \$125; in favor of James Moore for \$125; in favor of H. Toler Booram for \$125; in favor of Edward Granger for \$125; in favor of William Martin for \$125; in favor of John Butler for \$125; and the treasurer of state to pay the same.

## EXHIBIT No. 29.

CHAPTER CCLXXXIV.—An act to appropriate money to pay the claim of L. B. Richardson. (Approved May 3, 1861.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The sum of \$209.62 is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, for the payment of the claim of L. B. Richardson, for supplies furnished guard in charge of State arms taken to western Utah from this State in May, 1860, by order of the governor; and the controller of state is hereby authorized and required to draw his warrant in favor of said L. B. Richardson for \$209.62, and the treasurer of state to pay the same.

## EXHIBIT No. 30.

CHAPTER CCCXIV.—An act to appropriate money to pay the claim of Wells, Fargo & Co. (Approved May 8, 1861.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The sum of \$95 is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to pay the claim of Wells, Fargo & Co. for franked envelopes furnished the senate, eleventh session, and for the transportation of arms; and the controller of state is hereby authorized and required to draw his warrant in favor of the said Wells, Fargo & Co. for \$95, and the treasurer of state to pay the same.

## EXHIBIT No. 31.

CHAPTER LXVI.—An act for the payment of expenses incurred in the suppression of Indian hostilities in the county of Humboldt, in this State. (Approved March 13, 1862.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The sum \$16,382.60 is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, for the payment of the indebtedness incurred by the expedition of the mounted volunteers, called into service by order of the governor of this State, against the Indians in Humboldt County, in the year A. D. 1861.

SEC. 2. The controller shall draw his warrants upon the treasurer in favor of such persons and for such amounts as have been audited and allowed by the board of military auditors of this State, incurred by the said expedition.



SEC. 3. This act shall be exempt from the provisions of the act entitled "An act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the comptroller and treasurer," approved April 21, 1858.

### EXHIBIT No. 32.

The war bonds issued by the State since 1857 draw no interest and are payable out of money to be provided by Congress. But from \$220,000 to \$250,000, principal and interest, of the bonds of earlier date become due in May of this year and are payable by the State, but no funds are in the treasury applicable to that purpose, and in our present financial condition no way is left but to issue new bonds, with ample provision by law for prompt payment by the State; thus State credit will be protected, and if Congress makes provision for the payment hereafter, the State will meet no loss.

The interest on the civil bonds of the State, due July 1, 1862, is \$137,445, and for the payment of the same there is in the treasury only the sum of \$103,087.22, owing to the large amount of interest money put in the general fund on order of the treasurer and controller, made in December last. This interest money comes from the property tax, and the May settlements of county treasurers will probably not furnish money enough to pay the coupons of July, but the deficit must be supplied from the general fund as a part payment of the \$96,367.60 it received from other funds.

To prevent a recurrence of this matter the legislature should provide by law that "in all cases the controller, on ordering money into the State treasury, shall order it paid into fund or funds where it properly belongs; and whenever a county treasurer is specially ordered to pay money into the State treasury he shall produce to the controller a report and duplicate from the county auditor similar to the report and duplicate required at the regular settlements, as provided by law."

The foregoing matters directly affect the treasury department, and the attention of the law-making power should at once be directed to the proper remedies.

I will suggest that the State should by no means fail to pay the interest due to the common schools and to provide for the funding or investment of the \$475,520 of school-land proceeds used by the general fund before 1858, as well as the war debt, which soon falls due. The most simple and practical mode, perhaps, of making whole the school fund is to provide that whenever bonds of the civil funded debts of the State are redeemed, as provided in the funding laws, they, to the amount of \$475,520, shall not be canceled, but shall be placed in the school fund and held in the same manner and with the same effect as are the bonds directly purchased for said school fund.

The general fund of the State treasury for some months past has been in a bankrupt condition. The fact has been concealed too long, and the use of other and of trust funds affords no remedy, but only a respite.

It will be observed that some of the amounts herein given are approximate, not exact; the error, if any, is slight, and will be found in giving the amounts too low; the explanation is that the books kept here do not clearly show the true results, and the elimination of the exact truth requires more time and labor than up to this period we have been able to devote to that purpose.

All of which is respectfully submitted.

D. R. ASHLEY,  
State Treasurer.

### EXHIBIT No. 33.

*Report of the board of war examiners, March 22, 1862.*

BOARD OF WAR EXAMINERS,  
Sacramento, March 22, 1862.

To the PRESIDENT OF THE SENATE:

Herewith find report of the board of war examiners, made in pursuance of a concurrent resolution of the legislature.

WM. C. KIBBE,  
President Board Examiners.

WAR BOARD OF EXAMINERS,  
March 22, 1862.

To the senate and the assembly of California:

The law of 1857 required this board to report in December of that year, since which time, as the law did not require it, perhaps, no report has been made.

The duties of the board have continued to this time, and still there is a large amount of business to be transacted.

The aggregate of the sums appropriated in 1857, to the different counties, was \$410,000. Various amendments have been made to the law, until in 1861 the aggregate appropriated amounted as follows:

Aggregate appropriations .....	\$510,000
Appropriations to McDonald and Jones .....	6,000
<b>Total</b> .....	<b>516,000</b>

The total amount audited by the board and the amount of certificates issued are as follows:

Amount audited .....	\$372,166.63
Amount of certificates issued .....	349,721.08

The books kept do not show to what counties the certificates issued belong, which should appear, for the law states the specific amount allowed to each county included in its provisions.

Amount of bonds issued before January 1, 1862 .....	\$319,948.33
Amount of bonds issued since January 1, 1862 .....	7,119.38

The table hereto attached, marked A, shows as fully as can be found here at present the condition of business in the hands of the board. It is not certain what amounts have been audited and allowed to each county, for the books show little of it, and letters and papers which may be referred to can not be satisfactorily relied on.

The original books are in the hands of the war commissioners sent to Washington, but the law required copies to be left with this board, and books supposed to be copies of the minute book and of the certificate book are here, but are not certified by any authority, as it appears proper they should be. These books were never footed up, and it has taken much time to unravel their meaning.

The papers now in the hands of the board were not, up to last January, either filed, numbered, or arranged, but were in a confused mass. They are now assorted and kept in their appropriate order. Heretofore neither the members nor clerk of this board appear to have signed any of the entries of their proceedings; and no authentication of the same anywhere appears.

The bond book kept by the treasurer purports to give the numbers of the certificates on which the bonds have been issued, and upon thorough examination and reference being made, it is found that bonds have been issued in several instances by the state treasurer for amounts greater than the certificates on which they are founded. These overissues are shown in the table hereto attached, marked B.

From the minute book of the board it appears that several claims have been audited and allowed for greater amounts than were claimed, and these are shown in the table hereto attached, marked C.

The war bonds issued by this State are not by the Auditor at Washington considered sufficient evidence of proper expenditure, but he requires presentation of the original vouchers and claims on which our bonds are issued before payment will be made; and in case bonds are improvidently issued the United States refuses to pay, and ultimately, no doubt, this State must redeem these bonds so rejected; so that the making of errors will, in the end, tell greatly to our disadvantage.

A law of Congress, approved March 2, 1861, appropriated \$400,000 to pay the expenses of Indian hostilities in this State, a sum by \$116,000 less than has been fixed as the limit by this State, but the law of Congress does not cover in all cases the same dates for which bonds are issued under the laws of this State; and so, between bonds issued for expenses at times not covered by the act of Congress and bonds for the issuance of which we can not produce sufficient vouchers, a large amount of our war bonds issued since 1857, have, apparently, no provision for their payment.

The counties not named in the act of Congress and the amounts heretofore by this board audited for those counties are shown in the table hereto attached, marked D.

This board should have the appointment of its own clerk, as in that case he will be fully subject to their control, and be directed to perform the clerical duties in the mode deemed best to elucidate the proceedings and to facilitate inspection and understanding of the same by those interested. The war board of examiners should not be held re-

sponsible for reported errors and omissions, so far as the same are to be attributed to the manner of keeping the books, as it did not have the appointment of its clerk.

The foregoing report, made and submitted in response to a concurrent resolution of the legislature calling upon the board of war examiners for a statement of the proceedings of the said board, is as full and complete as it was possible to make it from the books and papers in the possession of the board.

Respectfully submitted.

WM. C. KIBBE,  
*President.*  
G. R. WARREN,  
D. R. ASHLEY.

TABLE A.

County.	State appropriation.	War date.	Audited claims.	Congressional appropriations.
Slaskiyou, Modoc, and Pitt River.....	\$214,000.00	1850-'61	\$186,696.08	\$400,000 for 1855-'56-'59.
Klamath, Humboldt, and Del Norte...	170,000.00	1850-'61	125,870.65	For 1855-'56-'58-'59.
Sutter.....	5,000.00	1850	3,710.00	
San Bernardino.....	1,000.00	1852-'56	817.03	For 1855.
Nevada.....	5,000.00	1850	1,269.00	
Los Angeles.....	9,000.00	1850-'51	7,761.18	
Yuba.....				
Shasta.....	15,000.00	1850-'61	8,348.64	For 1854.
Napa and Yolo.....	11,000.00	1850, 1851		
El Dorado.....	10,000.00	1850-'53	200.00	
Tulare.....	14,000.00	1850-'61	13,437.05	For 1856.
Trinity.....	15,000.00	1850-'61	8,460.00	
Tehama.....	10,000.00	1850-'61	9,597.00	
Butte and Plumas.....	20,000.00			
Balance.....	11,000.00			
W. McDonald *	510,000.00		366,166.63	
A. M. Jones *	3,000.00		3,000.00	
	3,000.00		3,000.00	
	516,000.00		372,166.63	

\* Commissioners.

TABLE B.—Bonds issued by the State treasurer apparently for too great an amount.

To whom issued.	No. of bond.	No. of certificate.	Amount of certificate.	Amount of bond.
William Kennedy.....	12, 13, 39.....	413, 417, 421...	\$1,500.00	\$2,500.00
M. Healy.....	14, 15.....	406.....	200.00	2,000.00
R. L. Williams.....	258 to 261.....	236, 238.....	66.80	700.00
Lucien Mansfield.....	497.....	924, 924*.....	248.00	200.00
Solomon Gage.....	550.....	18, 20.....	67.70	200.00
Dryden & Houston.....	578.....	578.....	15.47	875.00
			2,097.97	5,975.00
				2,097.97
Apparent overissue.....				3,877.03

\* Two certificates same number.

TABLE C.—*Claims in Siskiyou apparently overaudited.*

By whom claimed.	For what.	Amount claimed.	Amount allowed.
Readel & Marye.....	Supplies.....	\$76.00	\$349.00
Thomas B. Lynch.....	do.....	76.00	232.89
W. C. Lyde.....	do.....	76.00	493.50
Maury & Davis.....	do.....	76.00	97.16
Francis L. Johnson.....	do.....	76.00	80.00
		380.00	1,252.55
			380.00
Allowed more than claimed.....			872.05

TABLE D.—*Not included in Congressional appropriation.*

County.	Amount audited.	War date.
Nevada.....	\$1,269.00	1850, 1851
Shasta.....	4,960.00	1861 and 1853
Trinity.....	8,460.00	1852 to 1855
Klamath and Humboldt.....	26,623.00	1851 and 1852
Guster.....	3,710.00	1850
Siskiyou.....	3,706.91	1852
El Dorado.....	200.00	1851
Tehama.....	9,597.00	1857 to 1861
Los Angeles.....	7,761.18	1852
Total.....	66,287.09	

All of the above, excepting for the counties of El Dorado and Los Angeles, have been audited for spoiliations (property destroyed by Indians) by the board of examiners.

## EXHIBIT No. 34.

*Concurrent resolution.*

[Adopted April 12, 1862.]

*Resolved by the senate (the assembly concurring),* That the adjutant-general of this State is hereby instructed to forward to the Third Auditor of the Treasury Department of the United States, for settlement, all additional vouchers (original) representing claims for supplies furnished any of the expeditions against the Indians of this State, for the payment of which Congress made an appropriation by act of March 2, 1861.

## EXHIBIT No. 35.

CHAPTER COXLVII.—An act for the payment of Oliver & Lewis. (Approved April 17, 1862.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The sum of \$295 is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of paying Oliver & Lewis for supplies furnished "Kibbe Rangers" in the Pitt River expedition against the Indians, in the year 1859.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant, on the treasurer of state, in favor of the said Oliver & Lewis, for the sum mentioned in section 1 of this bill.

## EXHIBIT No. 36.

The committee on finance made the following report:

Mr. PRESIDENT: The committee on finance, to whom was referred assembly bill No. 269, an act to provide for paying certain demands issued on the faith and credit of the State, which became due and payable on the 2d day of May, A. D. 1862, and to contract a funded debt for that purpose, have had the same under consideration and make the following report:

Owing to the late period in the session at which the subject came before us, we have not been able to give it as much attention as we would desire, but from our researches we find the history of this outstanding indebtedness to be about as follows:

In the years 1849, 1850, and 1851 several expeditions were organized in various parts of the State to suppress Indian hostilities. The authorities at that time thought proper to send out these expeditions, because there was an inadequate force of Federal troops on this coast to protect the citizens. To make provision for the settlement of the claims arising from these expeditions the legislature of this State, by an act passed February 15, 1851 (see Statutes 1851, page 520), assumed the payment thereof. The first section of said act reads as follows:

SEC. 1. By virtue of the power given to the legislature by the constitution of this State, article 8, "in case of war, to repel invasion, or suppress insurrection," a loan, not exceeding \$500,000, is hereby authorized to be negotiated upon the faith and credit of the State, payable in ten years, and at any period after five years, at the pleasure of the State; said loan to bear a rate of interest not exceeding 12 per cent. per annum, payable annually or semi-annually, at such place as the contracting parties may agree: *Provided, however,* That the interest of the first year may be paid in advance out of the loan thus made.

The other provisions of the act merely give the mode and manner in which the bond shall be issued.

Under this act no money could be loaned, but those holding claims took bonds to the amount of \$200,000.

By act of the legislature of May 3, 1852, a further appropriation was made, the first section of which reads as follows:

SEC. 1. A sum not exceeding \$600,000 is hereby appropriated and set aside as an additional war fund, payable in ten years, out of any moneys which may be appropriated by Congress to defray the expenses incurred by the State of California, and interest thereon at the rate of 7 per cent. per annum, in suppression of Indian hostilities, or out of the proceeds of the sale of any public lands which may be donated or set aside by Congress for that purpose. And should no such appropriation or donation be made, or if an amount sufficient should not be appropriated or donated within the said ten years, then the bonds authorized to be issued by this act shall be good and valid claims against the State, and shall be paid out of any money in the treasury not otherwise appropriated, to pay the expenses of the expeditions mentioned in this act.

This act also repeals the act of February 15, 1851, but provides that the repeal shall not affect the bonds issued under said act. Subsequent acts were passed, making further appropriations, as follows:

Statutes 1853, page 95.....	\$23, 000
Statutes 1853, page 97.....	2, 500
Statutes 1853, page 225.....	23, 000

Under these various acts there were issued:

Twelve per cent. bonds.....	\$200, 000
Seven per cent. bonds.....	633, 965

These matters having been brought before Congress by our Senators and Representatives, Congress, by an act passed August 5, 1854, made an appropriation of \$924,259.65, in the general appropriation bill of that year for the support of the Army, to settle with the State for these liabilities. The act making such appropriations read as follows:

"*And be it further enacted,* That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the amount of expenses incurred and now actually paid by the State of California in the suppression of Indian hostilities within the State prior to the 1st of January, A. D., 1854, and that the amount of such expenses, when so ascertained, be paid into the treasury of said State: *Provided,* That the sum so paid shall not exceed in amount the sum of \$924,259.65, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

The legislature of this State, by an act passed in 1855 (page 61), authorized the governor to transmit to the Secretary of War a statement of the amount of indebtedness incurred and actually paid by the State prior to the 1st of January, 1854; and also a certi-



fied copy from the secretary of state of all laws authorizing military expeditions against the Indians and making appropriations to pay the same, etc. Governor Bigler complied with the requirements of this act and sent on such statements.

(See Senate Journal, session 1856, Governor Bigler's message, page 27; Governor Johnson's message, page 226. See Senate Journal, session 1856, page 71.)

These accounts were sent to Washington, but the Secretary of War, Jefferson Davis, declined payment, as appears by the following letter:

WAR DEPARTMENT, *Washington, July 18, 1855.*

SIR: I have to acknowledge the receipt of your letter of the 12th of May, transmitting certain statements intended to show the amount of expenses incurred and paid by the State of California in the suppression of Indian hostilities, for the repayment of which provision has been made by the ninth section of the Army appropriation act, approved August 5, 1854.

The act directs the Secretary of War "to examine into and ascertain the amount of expenses incurred and now actually paid by the State of California." This requirement can not, in my opinion, be fulfilled upon evidence showing nothing more than that the State has made certain bonds and warrants for the purpose of satisfying claims of the description specified in the act, and that these bonds have been issued to certain persons. Under similar circumstances other States have produced the original bills paid by them, and the Department has thus been enabled at once to see that the charge was one which Congress intended to assume and that it had been paid.

I can not so far depart from a practice which I believe has been invariably observed as to authorize payment to be made to the State of California upon the evidence now tendered.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,  
*Secretary of War.*

Hon. JOHN BIGLER,  
*Governor of California.*

(See Senate Journal, session 1856, Governor Bigler's message, page 29; Governor Johnson's message, page 226. See Statutes, 1856, chapter 135, page 206.)

Governor Bigler, in his annual message in 1856, called the attention of the legislature to this matter, and the legislature of that year, upon the recommendation of Governor Johnson (see Journals of the Senate, page 226), on the 19th of April passed an act appointing Samuel B. Smith and J. W. Denver a board of commissioners on the part of the State "to prosecute before the Secretary of War" the claims of the State.

Said act also required that the commissioners should set aside a sufficient sum out of the appropriation made by Congress to first pay the 12 per cent. bonds and interest, and then provides that the commissioners shall advertise for bids for redemption of the 7 per cent. bonds. Said commissioners were also directed to receive and take with them to Washington all the original vouchers. Upon presenting the vouchers to the Secretary of War it was found that a great proportion of them were so imperfect that they would not be allowed. The report of the commissioners, which more fully explains the matter, we herewith copy, together with the act of Congress requiring the Secretary of War to take the bonds of the State as evidence:

(Forty-fourth Congress, first session, August 18, 1856. United States Statutes at Large, vol. 2, page 91.)

CHAPTER CXXIX, SEC. 8. *And be it further enacted*, That the Secretary of War is hereby authorized and directed to pay to the holders of the war bonds of the State of California the amount of money appropriated by act of Congress approved May (August) 5, 1854, in payment of expenses incurred and now actually paid by the State of California for the suppression of Indian hostilities within the State prior to the 1st day of January, A. D. 1854, under the following restrictions and regulations: Before any bonds shall be redeemed by the Secretary of War they shall be presented to the board of commissioners appointed by the legislature of said State, by an act approved April 19, 1856, and the amount due and payable upon each bond be indorsed thereon by said commissioners. Upon presentation to the Secretary of War of any bond or bonds thus indorsed, it shall be his duty to draw his warrant in favor of the holder or holders thereof, for the amount certified to be due upon the same by the said commissioners, upon the Secretary of the Treasury, who is hereby directed to pay the amount of money appropriated by act of Congress approved August 5, 1854; said bonds after redemption and after taking off the coupons that may remain unpaid, shall be delivered to the Secretary of War to be canceled.

*Report of commissioners of California war debt.*

To His Excellency J. NEELY JOHNSON,  
Governor of the State of California:

SIR: The commissioners appointed by the act of April 19, 1856, to liquidate the war debt of the State beg leave to report that in accordance with the provisions of said act, so soon after the same as practicable, they opened an office in the city of Washington, and made application to the Secretary of War, as by said act directed, for payment of the sum of money appropriated by Congress in payment of expenses incurred by the State in suppression of Indian hostilities. As evidence of said indebtedness the commissioners submitted a certified copy of the war-bond register of said State, the various acts of the legislature authorizing the issuance of said bonds, and the journals of the legislature exhibiting the action of that body in relation to the same, proposing further to deliver him the bonds issued by the State before making requisition for said money.

In reply the Secretary of War states, in substance, that the proofs submitted were sufficient, that he could not recognize the bonds as evidence of the indebtedness, but that the act of Congress of August 5, 1854, under which act the appropriation was made, would require him to go into an examination of the original vouchers. As this course of procedure would have involved great delay and difficulty, and being satisfied from the condition of the original vouchers, which were in very many instances informal, that a large portion of them would be disallowed, we applied to Congress for relief, and a bill was introduced, at our instance, directing the Secretary of War to pay over the full amount of the appropriation as directed by the legislature of the State of California. The bill meeting with violent opposition, influenced to a great extent by the holders of the 7 per cent. bonds, who felt aggrieved at the manner of distributing the appropriation directed by said act, and being unwilling to give our sanction to any Congressional action which might clash with the act of the State of California, we finally submitted to the Secretary of War all the books and original papers in our possession, offering to make all necessary explanation, etc.

As we had anticipated, the examination was delayed, and after several interviews with the accounting officers to whom the vouchers had been referred by the Secretary of War, and being convinced that the interest of the State would greatly suffer should a settlement be made upon such a basis, we finally agreed with the bondholders to a bill providing a pro rata distribution of the appropriation, viz: The payment of the principal of all the bonds issued prior to January 1, 1854, and interest on the same up to that date. This bill passed. Immediately upon its passage the commissioners advertised for the redemption of said bonds in various daily papers, a list of which will be found in the minutes of the commissioners, accompanying this report, which advertisement directed that all bonds should be presented to the commissioners before the 1st day of September, after which date they would cease to bear interest.

Upon an examination of the act we found a mistake had occurred, which apparently left to the commissioners the power of carrying out the direction of the State in the disbursement of the appropriation. We immediately applied to the Secretary of War, asking his construction of the act. It will be seen, by reference to the correspondence which accompanied this report, that the Secretary of War would not permit any portion of the appropriation to be applied to the redemption of bonds issued since the 1st of January, 1854, nor for the payment of interest accumulating since that date on bonds previously issued. This construction rendered it unnecessary to make any distinction between the 7 and 12 per cent. bonds, and superseded the necessity of advertising for bids, as directed by the act of California.

Under the instruction of the Secretary of War the commissioners, as bonds were presented, certified to the genuineness of each bond, and the amount, principal and interest, due thereon up to the 1st day of January, 1854. The full amount certified to by the commissioners is as follows:

Of 12 per cent. bonds, principal, \$177,000; interest on the same, \$55,683.97. Of 7 per cent. bonds, principal, \$559,750; interest on the same, \$48,214.68, amounting in all to \$840,648.65, a full statement of which accompanies this.

The full amount paid by the United States Government up to the 15th day of November, 1856, is \$814,456.84, as appears per statement of the Third Auditor, which accompanies this, leaving unpaid of the bonds at that time certified \$26,191.81; of which \$15,220.20 had been presented to the Secretary of War, the balance, \$10,971.61, still being in the hands of the holders. This amount has no doubt been paid in full. The interest coupons belonging to all the bonds presented to the commissioners were detached from the bonds and distributed as follows:

Of 7 per cent. bonds, coupons 1 and 2, up to January 1, 1854, were attached to the bonds and have been paid; coupons 3 and 4, up to January 1, 1856, have been returned to the holders, stamped as follows: "California War-Bond Coupon."

Coupon number 5, from January 1, 1856, to January 1, 1857, similarly stamped, with the amount of interest due on the same up to September 1, 1856, also stamped upon it, has also been returned to the holders. Coupons 6, 7, 8, 9, and 10, representing the interest from January 1, 1857, to the maturing of the bonds, are returned to the State. Of 12 per cent. bonds, coupons 1, 2, 3, 4, and 5, representing the interest up to March 1, 1854, were attached to the bonds, but were paid only up to January 1, 1854, leaving on every bond a balance of \$20, interest from January 1 to March 1, 1854, due to the bondholders, for which amount the commissioners gave their certificate, a copy of which accompanies this. Coupons 6, 7, 8, 9, and 10, representing the interest due up to September 1, 1856, have been returned to the owners; and the remaining coupons, Nos. 11, 12, 13, 14, 15, 16, 17, 18, and 19, are returned to the State.

It will be seen that there are remaining unpaid of bonds issued prior to January 1, 1854, of principal, \$59,600; of interest to that date, about \$14,000; total, \$73,600. There is remaining of the appropriation, \$83,611; leaving a balance on hand, over and above the bonds and interest, up to January 1, 1854, of not less than \$10,000.

The entire amount of coupons and certificates returned to holders of redeemed bonds, and now outstanding, is \$161,120.91. The entire amount of coupons returned to the State is \$317,727.10. The bonds redeemed have been canceled, and are now on file in the Treasury Department. The General Government, by recognizing the bonds, and by the payment of interest up to January 1, 1854, have virtually assumed the entire debt, and there is but little doubt of the speedy passage of an act making an additional appropriation to cover the unpaid coupons now outstanding, as well as the amount of bonds issued subsequent to January 1, 1854, a statement of which will be found accompanying this. We can not conclude our report without expressing our high appreciation of the services of Mr. A. I. F Phelan, the clerk of the commission. His thorough knowledge of all the details connected with the origin of the war debt, and his faithfulness and ability in discharging the onerous duties imposed upon him by the State, have very materially aided us in accomplishing all that has been effected toward the extinguishment of the debt.

All of which is respectfully submitted.

SAM. B. SMITH,  
J. W. DENVER.

*Commissioners California War Debt.*

SACRAMENTO CITY, *January 5, 1857.*

It will be seen that the first act of Congress required the Secretary of War to pay the amount due, according to the vouchers, to be paid into the State treasury. The act of the legislature required the commissioners to pay it to the bondholders at Washington. The second act of Congress required the Secretary of War to pay the bondholders the amount certified to be due them, of principal and interest, up to the 1st January, 1854. The act also required the commissioners to take off the coupons which remain unpaid. These coupons, running from January 1, 1854, to September 1, 1856, were detached from the bonds, as the law required, and returned to the bondholders. By reference to the report of the commissioners, made to the governor at the session of 1860, it will be seen that they had redeemed, of bonds and coupons, \$898,281.79, leaving a balance outstanding of \$10,950 in bonds and interest due thereon up to January 1, 1854. After these outstanding bonds, with interest, are paid there would still be about \$10,000 of the appropriation remaining unexpended, and which could not be made available to the State, for the reason that such excess was caused by taking into the estimate on which the appropriation was made warrants or certificates issued before January 1, 1854, and not founded prior to that date.

The coupons which would have become due subsequent to September 1, 1856, were detached from the bonds, and retained by the commissioners, and have since been deposited with the State treasurer by said commissioners. The bonds issued under the several acts of the legislature, passed prior to January 1, 1854, but not issued until after that period, were not taken into the estimate by Congress.

By reference to the last annual report of Governor Downey it will be seen that there is still outstanding, on interest or coupons on bonds paid, the sum of \$172,868.54; bonds remaining unpaid, \$38,100; interest due on the latter, \$7,500; total, \$218,468.54. This sum is all due and payable by the State on the 2d day of May, 1862. By the terms of the acts under which they were issued the State is bound to pay these bonds and interest, and should provide some means for so doing at the present session. The State is not in a financial condition to meet them at this time, and the bondholders of coupons, as far as we can learn, are willing to take new bonds of the State, payable in twenty years, at 7 per cent. interest, payable semi-annually.

The assembly bill provides for issuing bonds for the bonds and interest due thereon, issued subsequent to the 1st of January, 1854, and would leave the bonds and interest

due on those issued prior to that date unprovided for. This would be manifest injustice to the holders of the coupons on the old bonds. The State has pledged her faith and credit to pay them if the General Government did not provide for their payment before they fell due.

This the General Government has failed to do, and the holders of the coupons look to the State to comply with her obligations. Your committee think the State should not, in the first place, have taken the course she did in making herself liable for these debts, but having done so, her honor and credit require that she should immediately provide for meeting her obligations. Some fault has been found with the commissioners, by some parties, for returning the unpaid coupons to the bondholders. These coupons could not be paid by the terms of the act of Congress, and the amount thereof being due to the holders, and no provision having been made to pay them, they certainly were entitled to have what belonged to them. And, had it not been for the second act of Congress providing for the manner of settlement, a very large portion of these bonds, and interest thereon, would not have been paid by the Congressional appropriation, but the holders would have had a just and legal claim for them against the State, which she could not have avoided paying. Therefore, instead of any injury arising from such action to the State, she was saved several hundred thousand dollars. These coupons were long since due. They, of course, draw no interest, but the bonds to which they were attached falling due on 2d of May next, they should be settled.

Congress may, at some future day, provide for their payment, but the holders look first to the State. We therefore recommend the passage of the assembly bill, with several amendments herewith presented.

The short time which we could give our attention to this matter prevents us from entering more fully into detail.

On motion of Mr. Merritt, at half-past 2 o'clock, p. m., the senate adjourned.

I: F. CHELLIS,  
*President of the Senate.*  
THOMAS HILL,  
*Secretary of Senate.*

Attest:

SENATE CHAMBER,  
*Sacramento, Cal., April 25, 1862.*

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### EXHIBIT No. 37.

CHAPTER CCXLII.—An act for the relief of John Bell for services rendered in the Humboldt and Klamath Indian war. (Approved April 29, 1861.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The controller of state is hereby authorized and required to issue his warrant, drawn upon the treasurer of state, in favor of John Bell, for the sum of \$194.70, in full pay for his services in the Humboldt and Klamath Indian war of 1858 and 1859.

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### EXHIBIT No. 38.

CHAPTER CCXCVII.—An act to receive and pay for certain books relating to the war debt of this State. (Approved April 22, 1863.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The treasurer of state is hereby authorized to receive from A. J. F. Phelan a set of books containing calculations of the amount allowed by the United States Government on each bond and certificate issued by the State of California under the provisions of an act approved April 25, 1857, and other acts amendatory thereof and supplementary thereto; and the sum of \$800 is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, for the payment of A. J. F. Phelan for clerical labor performed in compiling said books; and the controller of state is hereby authorized and required to draw his warrant in favor of said A. J. F. Phelan for the sum of \$800, and the treasurer of state is required to pay the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

## EXHIBIT No. 39.

CHAPTER CCXCVIII.—An act appropriating money to pay the claim of Richard M. Jessup. (Approved April 22, 1863.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The sum of \$520 is hereby appropriated, out of any money in the general fund in the State treasury not otherwise appropriated, to pay the claim of Richard M. Jessup, being for money expended by him in behalf of the State during the Indian war in Washoe, in 1860; and the controller of state is hereby authorized to draw his warrant in favor of the said Richard M. Jessup for \$520, and the treasurer of state to pay the same.

## EXHIBIT No. 40.

CHAPTER CCCLXXIII.—An act to appropriate money to pay the claim of Benjamin P. Avery. (Approved April 25, 1863.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The sum of \$1,258.42 is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to pay the claim of Benjamin P. Avery, for printing the muster rolls of the First, Second, and Sixth Brigades California Militia, and the controller of state is hereby authorized and directed to draw his warrant on the treasurer in favor of Benjamin P. Avery for the sum above appropriated, and the treasurer of state is authorized to pay the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

## EXHIBIT No. 41.

CHAPTER CVI.—An act to appropriate money to pay the claim of A. Blossom. (Approved February 20, 1864.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. The sum of \$20 is hereby appropriated, out of any money in the general fund of the State treasury not otherwise appropriated, to pay the claim of A. Blossom for transportation of three cases of arms from Murphy's, Calaveras County, to Sacramento City, September 23, 1861.

SEC. 2. This act shall take effect from and after its passage, and the sum hereby appropriated shall not be subject to the provisions of an act entitled an act to create a board of examiners, etc., approved April 21, 1858.

## EXHIBIT No. 42.

*Report.*

Mr. PRESIDENT: The committee on claims, to whom was referred Senate bill No. 59, an act entitled "An act to provide for paying certain demands issued on the faith and credit of the State, which became due and payable on the 2d day of May, A. D. 1862, and to contract a funded debt for that purpose," have had the same under consideration, and ask leave to report:

That they find that there is now outstanding about \$220,000 of the old Indian war debt, evidenced by and consisting of war bonds and coupons, for the payment of which the faith and credit of the State has been pledged, as will fully appear by act passed May 2, 1852, and other acts supplementary thereto, under which said bonds were issued.

That said bonds, by the terms of said acts, became due and payable on the 2d day of



May, 1862, and no provision has been made for the payment thereof. The holders of said bonds and coupons have applied to former legislatures to provide some way for the settlement of the aforesaid indebtedness, and your committee have carefully examined the proceedings of the various committees to whom the matter has been heretofore referred, and have been unable to discover any well-founded objection to any part of this claim; on the contrary, all the arguments which have been adduced, based upon facts, militate strength in favor of the justice thereof.

In 1862 the subject was discussed by Governor Downey in his annual message, in which he says, after summing up the total amount of this indebtedness—making it \$218,468.54: "These bonds mature in 1862; the faith of the State is pledged to their payment, and if Congress will not assume this debt, as it properly should, the State ought to make provisions for its liquidation;" which part of the governor's message was referred to a select committee of the assembly, who, after a thorough examination of the subject, reported a bill similar to the one which your committee have considered, and recommended its passage. Said special committee consisted of the present lieutenant-governor of the State, the present attorney-general, and Messrs. Hillyer, Morrison, and Worthington.

The holders of these bonds and coupons claim that they were entitled to the money therefor when the same became due, but, owing to the embarrassed condition of the finances of the State, they have been and now are willing to accept bonds of the State therefor, as provided in the bill referred to your committee.

Your committee is of the opinion that the settlement of these claims with the holders can not longer be delayed without great injury to the credit and a serious violation of the faith of the State, which has been unconditionally and unqualifiedly pledged for their redemption.

Therefore they report back the bill, and recommend its passage.

JOHN P. JONES,  
Chairman.  
GEORGE S. EVANS,  
W. E. LOVETT,  
Committee.

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### EXHIBIT No. 43.

#### *Assembly joint resolution No. 73.*

[Adopted March 30, 1878.]

*Resolved by the assembly of the State of California (the senate concurring),* First, that our Senators be instructed, and our Representatives requested, to urge upon Congress the immediate payment of all bonds, coupons, and certificates of coupons issued by the State of California for expenses incurred in the Indian wars, which have not been paid by the General Government; second, that his excellency, the governor, be requested to cause a statement of all such bonds, certificates, and coupons, and of the circumstances connected therewith, to be prepared by the controller, and upon such statement being prepared, to cause an application to be made to Congress, in the name of the State of California, for the payment of said bonds, coupons, and certificates; third, and that he forward a copy of these resolutions to each of our Senators and Representatives in Congress.

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### EXHIBIT No. 44.

#### *Indian war bonds.—Controller's report.*

CONTROLLER'S OFFICE,  
Sacramento, May 27, 1878.

SIR: In conformity with your request, made under the authority of assembly joint resolution No. 73, adopted March 30, 1878, which reads as follows:

*"Resolved by the assembly of the State of California, the senate concurring,* First, that our Senators be instructed and our Representatives requested to urge upon Congress the immediate payment of all bonds, coupons, and certificates of coupons issued by the State of California, for expenses incurred in the Indian wars, which have not been paid by the

General Government; second, that his excellency the governor be requested to cause a statement of all such bonds, certificates, and coupons, and the circumstances connected therewith, to be prepared by the controller, and, upon such statement being prepared, to cause an application to be made to Congress, in the name of the State of California, for the payment of said bonds, coupons, and certificates; third, and that he forward a copy of these resolutions to each of our Senators and Representatives in Congress"—

I have the honor to make the following statement:

I find, upon examination of war-bond register in State treasurer's office and other records in controller's office, that, under the act of the legislature of California, approved February 15, 1851 (Statutes, 1851, page 520), Indian war bonds were issued by the State of California to the amount of \$200,000, bearing interest at the rate of 12 per cent. per annum, and payable in ten years; that, under the act of the legislature of May 3, 1852 (Statutes of 1852, page 59), Indian war bonds were issued by the State of California to the amount of \$638,100, bearing interest at the rate of 7 per cent. per annum, and payable in ten years.

Of the principal of the above-named bonds of 1851, amounting to \$200,000, I find, according to printed report of William Theodore Van Doren, clerk Third Auditor's Office, Washington, made January 10, 1872 (see Appendix to Journal of California Senate and Assembly for the Nineteenth Session, pages 28 and 29), that the United States Government has paid \$197,000; that of the principal of the above-named bonds of 1852, amounting to \$638,100 (according to said report of William Theodore Van Doren, above referred to) the United States Government has paid \$598,450; that of the principal of the last above named bonds the State of California (according to controller's books) has paid \$22,850, leaving outstanding of the principal of the bonds of 1851, \$3,000; of the principal of the bonds of 1852, \$16,800; making a total amount of said bonds outstanding of \$19,800, together with interest on the same, which said principal and interest, together with the number and denomination of each of said outstanding bonds, is given in the following table, to wit:

*Outstanding 7 per cent. war bonds, 1852.*

Number.	Date of bond.	Amount.	Interest to May 2, 1862.	Total.	Number.	Date of bond.	Amount.	Interest to May 2, 1862.	Total.
132	Oct. 11, 1852.....	\$100	\$66.91	\$166.91	331	Mar. 31, 1854.....	\$100	\$56.60	\$156.60
133	.....do.....	100	66.91	166.91	332	.....do.....	100	56.60	156.60
134	Oct. 12, 1852.....	100	66.89	166.89	333	.....do.....	100	56.60	156.60
135	.....do.....	100	66.89	166.89	340	Apr. 12, 1854.....	100	56.39	156.39
136	.....do.....	100	66.89	166.89	341	.....do.....	100	56.39	156.39
137	Oct. 18, 1852.....	100	66.77	166.77	348	Apr. 17, 1854.....	100	56.29	156.29
138	Oct. 19, 1852.....	100	66.75	166.75	349	.....do.....	100	56.29	156.29
139	Oct. 23, 1852.....	100	66.67	166.67	353	Apr. 25, 1854.....	100	56.14	156.14
140	.....do.....	100	66.67	166.67	354	.....do.....	100	56.14	156.14
141	.....do.....	100	66.67	166.67	355	.....do.....	100	56.14	156.14
142	Oct. 25, 1852.....	100	66.63	166.63	356	.....do.....	100	56.14	156.14
143	.....do.....	100	66.63	166.63	371	May 13, 1854.....	100	55.85	155.85
144	.....do.....	100	66.63	166.63	372	.....do.....	100	55.85	155.85
145	.....do.....	100	66.63	166.63	373	.....do.....	100	55.85	155.85
146	.....do.....	100	66.63	166.63	374	.....do.....	100	55.85	155.85
147	.....do.....	100	66.63	166.63	380	May 26, 1854.....	100	55.53	155.53
148	Oct. 27, 1852.....	100	66.59	166.59	381	.....do.....	100	55.53	155.53
149	.....do.....	100	66.59	166.59	383	June 6, 1854.....	100	55.33	155.33
150	Oct. 29, 1852.....	100	66.57	166.57	384	July 10, 1854.....	100	54.67	154.67
151	Nov. 1, 1852.....	100	66.51	166.51	386	July 21, 1854.....	100	54.47	154.47
152	.....do.....	100	66.51	166.51	390	Aug. 7, 1854.....	100	54.15	154.15
153	Nov. 3, 1852.....	100	66.47	166.47	391	Aug. 11, 1854.....	100	54.07	154.07
154	Nov. 13, 1852.....	100	66.28	166.28	394	Aug. 19, 1854.....	100	53.92	153.92
155	.....do.....	100	66.28	166.28	398	Sept. 2, 1854.....	100	53.67	153.67
156	.....do.....	100	66.28	166.28	401	Oct. 29, 1854.....	100	52.68	152.68
157	Nov. 16, 1852.....	100	66.22	166.22	402	Oct. 24, 1854.....	100	52.66	152.66
158	Nov. 18, 1852.....	100	66.18	166.18	403	Nov. 24, 1854.....	100	52.08	152.08
159	.....do.....	100	66.18	166.18	404	.....do.....	100	52.08	152.08
160	Nov. 22, 1852.....	100	66.10	166.10	405	.....do.....	100	52.08	152.08
161	.....do.....	100	66.10	166.10	406	.....do.....	100	52.08	152.08
162	Nov. 25, 1852.....	100	66.05	166.05	407	.....do.....	100	52.08	152.08
163	.....do.....	100	66.05	166.05	409	April 4, 1855.....	100	49.54	149.54
219	Apr. 27, 1853.....	100	63.10	163.10	413	July 28, 1855.....	100	47.33	147.33
268	Aug. 18, 1853.....	100	61.04	161.04	416	Aug. 1, 1855.....	100	47.27	147.27
269	.....do.....	100	61.04	161.04	417	Aug. 13, 1855.....	100	47.04	147.04
270	.....do.....	100	61.04	161.04	418	.....do.....	100	47.04	147.04
271	.....do.....	100	61.04	161.04	419	.....do.....	100	47.04	147.04
305	Jan. 19, 1854.....	100	58.20	158.20	420	.....do.....	100	47.04	147.04
306	.....do.....	100	58.20	158.20					
329	Mar. 29, 1854.....	100	56.64	156.64			7,800	4,641.56	12,441.56

Outstanding 7 per cent. war bonds, 1852—Continued.

Number.	Date of bond.	Amount.	Interest to May 2, 1862.	Total.	Number.	Date of bond.	Amount.	Interest to May 2, 1862.	Total.
69	Nov. 25, 1852.....	\$250	\$165. 14	\$415. 14	152	Oct. 24, 1854.....	\$250	\$131. 64	\$381. 64
113	Feb. 3, 1854.....	250	144. 33	394. 33	153	do.....	250	131. 64	381. 64
128	July 10, 1854.....	250	136. 70	386. 70	154	do.....	250	131. 64	381. 64
129	July 21, 1854.....	250	136. 15	386. 15	155	do.....	250	131. 64	381. 64
130	do.....	250	136. 15	386. 15	156	do.....	250	131. 64	381. 64
134	do.....	250	136. 15	386. 15	160	Aug. 1, 1855.....	250	118. 17	368. 17
135	do.....	250	136. 15	386. 15	161	do.....	250	118. 17	368. 17
136	do.....	250	136. 15	386. 15	162	do.....	250	118. 17	368. 17
199	Aug. 24, 1854.....	250	134. 55	384. 55	163	Aug. 15, 1855.....	250	117. 50	367. 50
141	Aug. 26, 1854.....	250	134. 45	384. 45	164	May 18, 1856.....	250	104. 23	354. 23
142	do.....	250	134. 45	384. 45	166	do.....	250	104. 23	354. 23
143	do.....	250	134. 45	384. 45	167	do.....	250	104. 23	354. 23
145	Sept. 14, 1854.....	250	133. 58	383. 58	168	do.....	250	104. 23	354. 23
146	do.....	250	133. 58	383. 58					
151	Oct. 18, 1854.....	250	131. 93	381. 93			7,000	3,611. 04	10,611. 04

Outstanding 7 per cent. war bonds, 1852.

No.	Date of bond.	Amount.	Interest to May 2, 1862.	Total.
186	November 29, 1852.....	\$500. 00	\$329. 87	\$829. 87
307	May 14, 1853.....	500. 00	313. 83	813. 83
416	May 13, 1854.....	500. 00	278. 92	778. 92
420	July 10, 1854.....	500. 00	273. 98	773. 98
		2,000. 00	1,196. 00	3,196. 00

Interest calculated from date of bond to May 2, 1862.

Outstanding 12 per cent. war bonds, 1851.

[Act of February 15, 1851.]

No.	Date of bond.	Amount.	Interest to February 15, 1861.	Total.
107	April 9, 1851.....	\$1,000. 00	\$1,182. 00	\$2,182. 00
108	do.....	1,000. 00	1,182. 00	2,182. 00
142	May 24, 1851.....	1,000. 00	1,167. 00	2,167. 00
		3,000. 00	3,531. 00	6,531. 00

Interest calculated from date of bond to February 15, 1861.

Interest and principal on bonds of 1852—\$100 each.....	\$12,441.56
Interest and principal on bonds of 1852—\$250 each.....	10,611.04
Interest and principal on bonds of 1852—\$500 each.....	3,196.00
Interest and principal on bonds of 1851—\$1,000 each.....	6,531.00
Total.....	32,779.60

On August 5, 1854 (United States Statutes at Large, volume X, page 5), Congress passed a bill appropriating money to defray expenses incurred by the State of California in suppressing Indian hostilities. Section 3 of said bill reads as follows:

"SEC. 3. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the amount of expenses incurred by the State of California in the suppression of Indian hostilities within the said State prior to the 1st day of January, A. D. 1854, and that the amount of such expenses, when so ascertained, be paid into the treasury of said State: *Provided*, That the sum so paid shall not exceed in amount the sum of \$924,259.65, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

Could the appropriation of \$924,259.65 have been made immediately available, it would have been paid up in full, principal and interest, the said bonds under acts of

1851 and 1852, issued prior to January 1, 1854; but owing to the ruling of the honorable Secretary of War, to the effect that the vouchers upon which the said bonds were issued would have to be presented, for examination, to the War Department at Washington, delay was caused, the result of which was, that before the bondholders received their money some two years and eight months elapsed, and the interest coupons from January 1, 1854 (the date to which interest was paid on bonds redeemed by the United States Government, bearing date prior to January 1, 1854), to September 1, 1856, and amounting to \$173,322.66, were cut from the said redeemed bonds and returned to the respective holders of said bonds so presented for redemption; which will more fully and at large appear by reference to reports made to the governor of California, by Samuel B. Smith and J. W. Denver, commissioners California war debt, which reports bear date, respectively, January 5, 1857, and January 30, 1860. (See appendix to journals of senate and assembly, nineteenth session, pages 10, 11, 12, and 13.)

Included in the \$638,100 of the 7 per cent. bonds, first herein described, are bonds bearing date after said 1st day of January, 1854, which were issued under the said act of 1852, and acts amendatory thereof—a large number of which, both principal and interest, have been paid in full by the United States Government—said Government thus acknowledging to the fullest extent the validity of the issue of bonds of later date than January 1, 1854, and the obligation of the General Government to pay the same; all of which will more fully appear by reference to the records of the United States War Department.

The commissioners of California war debt give the amount of the detached interest coupons, above alluded to, as \$172,828.54. I make it \$173,322.66, as follows:

Interest on \$197,000, bonds of 1851, for thirty-two months, at 12 per cent. per annum .....	\$63,040.00
Interest on \$590,800 bonds of 1852, for thirty-two months, at 7 per cent. per annum .....	110,282.66
Total .....	173,322.66

The joint committee of senate and assembly, nineteenth session, in a report made February 21, 1872, make the principal of bonds outstanding as follows:

Outstanding principal of bonds under act of 1851 .....	\$3,000.00
Outstanding principal of bonds under act of 1852 .....	14,700.00
Total .....	17,700.00

which is not the true amount. The committee fell into an error by assuming the whole issue under act of 1852 to be \$636,350, when it should have been \$638,100—thus ignoring an issue of \$1,750 made in 1855 and 1857, under said act of May 2, 1852; and then they say the State paid of said bonds, principal, \$23,200, when in fact the State only paid as principal on said bonds the sum of \$22,350; the balance paid by the State as principal was \$350 (making \$23,200 paid as principal on said bonds by the State, as appears by record in controller's office), which was paid to redeem bond No. 39, for \$250, and bond No. 343, for \$100, both of which had been previously paid by the General Government, which latter amount of \$350 of course did not diminish the amount of bonds outstanding. And as we have seen that bonds were issued to the amount of \$1,750 in excess of the amount given by said joint committee, and \$350 less was used by the State to pay principal of said bonds than was stated by said joint committee, consequently there were less bonds redeemed by the State by the amount of \$350 than stated by said joint committee, and more issued by the State by \$1,750 than stated by said committee; and therefore there are bonds outstanding, issued under the act of May 2, 1852, amounting to \$2,100 more than said joint committee report; or, in other words, there are of said bonds of 1852; outstanding (principal), \$16,800, instead of \$14,700, making, with the bonds of 1851, \$19,800 now outstanding, which said bonds, by numbers, date, and denomination, are given in another part of this communication.

To sum up, the account in tabular form is as follows:

Bonds of 1851 outstanding (principal) .....	\$3,000.00
Interest on same from date to maturity .....	3,531.00
Bonds under act of 1852 outstanding (principal) .....	16,800.00
Interest on the same from date of bond to May 2, 1862, time of maturity .....	9,448.60
Coupons outstanding, cut from bonds of 1851, redeemed by United States Government, said coupons being for interest on said bonds from January 1, 1854, to September 1, 1856 .....	63,040.00
Coupons outstanding, cut from bonds of 1852, redeemed by United States Government, said coupons being for interest on said bonds from January 1, 1854, to September 1, 1856 .....	110,282.66
Total amount of bonds, principal, and interest outstanding .....	206,102.26

To which amount is to be added the amount of principal and interest of said bonds under act of May, 1852, paid by the State of California, \$35,523.56, making the sum of \$241,625.82 for which the General Government is justly liable to the State.\*

All of which is respectfully submitted.

W. B. C. BROWN, *Comptroller.*

To his excellency WILLIAM IRWIN,  
*Governor of California.*

EXHIBIT No. 44½ (Part No. 1).

WAR DEBT.

For the condition of the old war debt of California, incurred prior to the 1st day of January, 1854, for the payment of which interest bonds were issued by the State, I respectfully refer your excellency to my report made to the assembly on the 26th of March, 1862, under and by virtue of a resolution passed by that body.

*The new war debt.*

That portion of the war debt recognized by the act of the legislature of 1857, and amendatory acts, stands as follows, viz:

Total amount of claims audited .....		\$407, 551. 06
Amount audited for services and supplies since January, 1854, under the above acts (for which Congress made an appropriation March 2, 1861) .....	\$305, 879. 54	
Amount audited for Indian spoliations, to investigate which there is now a bill pending in Congress .....	93, 710. 34	
Amount audited for services and supplies prior to January, 1854, and which was not included by original board of examiners .....	7, 961. 18	
		407, 551. 06

For the principal portion of the above amounts bonds have been issued by this State, payable when Congress appropriates the means, and Congress has appropriated the means to redeem the bonds issued for the payment of *services and supplies* amounting to \$305,879.54.

The amount audited for Indian spoliations, which will not be paid by the General Government until examined by her own agents, is .....	\$93, 710. 34
There is, therefore, of the new debt, which has been audited since January, 1854, and not yet provided for by Congress, the sum of .....	101, 671. 52
There is allowed to the State upon her cash payments, as reported by the commissioners, Denver and Smith, to be paid into the State treasury .....	76, 538. 25

In the prosecution of these claims before the General Government I had complete duplicate vouchers for the same, which were exhibited to the committees to whom the bill making the appropriation for the payment was referred, and also to the Third Auditor of the Treasury, who is directed, by the law of Congress making the appropriation, to audit these claims.

My attention was called by him to the charges which seemed exorbitant for supplies and transportation made in some of these accounts, upon the justice of which I succeeded in satisfying him by reference to his payments made upon bills submitted by officers of the United States Army serving upon our frontier.

The result of the settlement, therefore, reported by the commissioners is somewhat remarkable: that, upon vouchers representing claims to the amount of \$440,000 against the General Government, upon which had been made a partial but satisfactory examination by the Third Auditor, with an appropriation of \$400,000 with which to pay the same, recommended by the two Committees on Military Affairs in Congress, after giving a most critical examination to the vouchers presented, only \$230,000 should have

\* To this sum of \$241,625.82 should have been added (1) the amount of California's certificates of Indian war indebtedness, which had been paid by California at date of said report, to wit, the sum of \$7,884.95; (2) amount paid for printing bonds issued under act of February 15, 1851, \$1,550; (3) amount paid for printing bonds issued under act of May 3, 1852, \$1,000, aggregating \$252,060.77, and from which aggregate should then be deducted the amounts paid by the United States and not noted in said report, as follows: Paid by the United States in March, 1872, \$533.11; paid by the United States in March, 1881, \$1,288.36; aggregating \$1,826.47; making total Indian war obligation, \$250,234.30.

JOHN MULLAN,  
*State Agent for California.*



been allowed to the commissioners, is a matter of surprise. Had the charges for supplies, which appeared to be extravagant, been fully explained by one familiar with the localities at which they were furnished and delivered to the troops, and the prices paid by Army officers at the same or adjacent points on our frontier, been brought to the attention of the Auditor, the result, it seems to me, would have been an allowance to California of an amount nearly or quite equal to the aggregate sum recommended by the Military Committees and appropriated by Congress; for so satisfied were the members of these committees with the general character of the vouchers and justice of our claim that they agreed to abate no part of the same, excepting the excess paid by the State for services over and above the amount paid to the United States troops serving in California.

If the allowance obtained by the commissioners from the Third Auditor of the Treasury is accepted as a settlement of the debt, it must be a final settlement, California having no recourse after approving the said settlement and duly accepting the allowance made under the law of Congress.

The State has interest war bonds outstanding, the principal of which amounts to nearly \$40,000, which were issued in payment of claims incurred by expeditions of 1850 and 1851. (See my report to the assembly) ----- \$40,000.00

The appropriation by Congress of March 2, 1861, will redeem all bonds issued by the State under act of 1857, and amendatory acts, excepting ---- 101,671.72

Of which amount, \$93,710.34 is for spoiliations, which will not be assumed by Congress until, according to the precedent established in relation to the payment of similar claims preferred by frontier States east of the Rocky Mountains, the same has been examined by a commission appointed by the General Government ----- 93,710.34

Leaving the sum of \$7,961.18, audited for services in the years 1850 and 1851, for which no provision has been made, or is in contemplation by the General Government ----- 7,961.18

101,671.72

I recommend that a law be passed authorizing the redemption of the interest bonds referred to, which were issued in payment of the old war debt of 1850 and 1851, and became due and payable by the State in May, 1862, by the issuance of interest bonds, the principal of which shall be the amount of the original principal, with interest added, computed up to the time of redemption.

This done, and a proper effort made to secure the whole appropriation made by act of Congress of 2d of March, 1861, the liabilities of the State of California will be mainly met, and we shall at last obtain immunity from further demands upon the treasury from this prolific source, safely relying upon Congress to settle with the holders of the "interest (detached) coupons" mentioned in my report to the assembly of March 26, 1862, and to make appropriations for our Indian spoliation claims, according to the precedent established for other frontier States.

*Amounts certified to out of the different funds appropriated for this department for the fourteenth fiscal year.*

Amount appropriated for rent of adjutant-general's office ----- \$360.00

Certified to the following monthly rents, viz:

For month of July -----	\$30.00
For month of August -----	30.00
For month of September -----	30.00
For month of October -----	30.00
For month of November -----	35.00
	155.00

Balance ----- 205.00

Amount appropriated for rent of arsenal ----- \$480.00

Certified to the following monthly rents, viz:

For part of month of October -----	\$20.00
For month of November -----	25.00
	45.00

Balance ----- 435.00

Amount appropriated for cleaning, transporting, and repairing arms.....	\$500.00
Certified to the following bills, viz:	
To Wells, Fargo & Co., transportation .....	\$184.75
To John Schade, repairing and cleaning.....	197.50
To John Schade, repairing and cleaning.....	45.00
To M. Lobenstien, drayage .....	72.00
	499.25
Balance.....	.75

Amount appropriated for bullet molds .....	210.00
Certified to bill of T. & J. Garratt.....	210.00

The above is hereby certified to be correct.

WM. C. KIBBE,  
*Adjutant-General.*

Under the requirements of the concurrent resolution of the legislature adopted April 12, 1862, I have transmitted original vouchers to the Third Auditor of the Treasury of the United States, representing additional claims for supplies furnished the expedition against the Indians in Klamath and Humboldt, A. D. 1858:

Voucher No.	Names.	Account.	Amount.
70	Shasta Courier.....	Printing.....	\$18.00
73	S. G. Whipple .....	Miscellaneous.....	33.00
86	B. F. McConahay.....	Transportation .....	40.00
87	Tomlinson & Brother.....	Miscellaneous.....	10.25
89	James Lee.....	Hospital.....	80.00
90	George W. Phipps .....	.....do.....	2.50
91	Steamer Glde.....	Transportation.....	6.00
92	William H. Averill.....	Hospital.....	5.00
93	Craig & Cushing.....	Quartermasters .....	78.00
94	Charles Schumaker .....	Artificers.....	70.00
95	James Light.....	Hospital.....	6.50
96	Union Wharf Company.....	Transportation .....	5.50
98	David Bush.....	Miscellaneous.....	100.00
99	Bowles & Coddington.....	.....do.....	8.75
100	James Nixon.....	Transportation .....	35.50
101	J. Manheim & Co.....	Commissary .....	133.00
102	Bowles & Coddington.....	Quartermaster.....	490.09
103	.....do.....	Hospital.....	29.55
104	J. D. Thompson.....	Miscellaneous.....	5.00
105	Andrew McQuillan.....	.....do.....	70.00
106	Sundry persons.....	.....do.....	63.00
107	R. B. Martin.....	Artificers.....	25.00
108	Bowles & Coddington.....	Miscellaneous.....	448.89
109	.....do.....	.....do.....	396.62
110	.....do.....	.....do.....	137.75
111	.....do.....	.....do.....	295.26
112	J. C. Woods.....	Transportation.....	185.00
113	Allen S. Frame.....	Commissary .....	18.00
114	Larrabee & Hagans.....	Miscellaneous.....	16.25
	Total.....		2,822.41

Under and by virtue of the resolution above referred to, I made application to the comptroller of state for vouchers representing additional claims of the Pitt River expedition of 1859, for the payment of which the State has already made appropriation. This officer declined to deliver the same. These vouchers should be promptly forwarded to the Third Auditor for allowance and payment to the State.

EXHIBIT No. 44½ (Part No. 2).

*Report.*

NEW YORK, July 27, 1862.

SIR: In accordance with the requirements of the law, I respectfully submit to you this report, showing the settlement made by the Commissioners of the California war debt

with the proper United States authorities of claims due to the State of California for expenses incurred in the suppression of Indian hostilities under the act of Congress of March 2, 1861.

*Copy of United States Auditor's award.*

What year.	Names of expeditions.	Amount allowed by California.	Amount allowed by United States.	Amount disallowed by United States.
1854.....	Shasta expedition.....	\$4,068.64	\$1,261.33	\$2,807.26
1855.....	Siskiyou expedition .....	14,036.36	6,141.60	7,894.76
1855.....	Klamath and Humboldt expedition.....	99,096.65	61,537.48	37,559.17
1855.....	San Bernardino expedition.....	817.03	419.99	397.04
1856.....	Klamath expedition.....	*6,190.07	2,952.77	3,237.30
1856.....	Modoc expedition.....	188,324.22	80,436.72	107,887.50
1856.....	Tulare expedition.....	12,732.23	3,647.25	9,084.98
1858 and 1859.....	Klamath and Humboldt expedition.....	*52,184.45	31,823.94	20,360.51
1859.....	Pitt River expedition .....	*72,156.09	41,761.54	30,394.55
	<b>Total.....</b>	<b>449,605.74</b>	<b>229,987.67</b>	<b>219,618.07</b>

\* Cash.

As a part, also, of this report I forward to the state treasurer a book prepared by Mr. Phelan, clerk of the commission, duly certified by him to be a true copy of the settlement in all its details, which will show the specific amount allowed by the General Government on each voucher or claim, and which will serve as a perfect guide to the state treasurer in disbursing the moneys to be allowed to parties presenting bonds to him for payment. You will of course notice the various claims have been very considerably reduced by the award. This was unavoidable, seeing that the allowances as originally made by the State were fixed without reference to the United States laws, and the law of Congress making the appropriation required that the settlement should be made as near as possible in strict accordance with the United States rules and regulations. (*Vide* act of Congress of March 2, 1861, section 2.)

The settlement herewith reported should henceforth serve as a guide to be always consulted when future appropriations are asked for (for the payment of expenses incurred in the suppression of Indian hostilities), as it may be taken for certain that no higher rates of payment will be allowed by the General Government. It is of course known to your Excellency that the late governor, Hon. John G. Downey, undertook to declare my office as commissioner vacant, and commissioned Mr. B. Nordheimer as my successor. I had been engaged in the city of Washington some three weeks or more in the performance of my duties when Mr. Nordheimer arrived there and notified me of his appointment. I refused to recognize him as my successor, and so advised Governor Downey. I also informed Mr. Atkinson, United States Third Auditor, of all the facts in the case. Subsequently, Mr. Atkinson having notified me that he would not go behind Governor Downey's commission, General Denver and myself filed with him all the original vouchers for settlement.

The unwarrantable interference of Governor Downey has cost the State and the bondholders many months of delay. Nearly all that the commissioners could do towards effecting a settlement had been done by General Denver and myself before the arrival of Mr. Nordheimer. We had obtained from the Secretary of War a letter to the Third Auditor, stating, substantially, that he was satisfied of the necessity existing for calling out the various expeditions in the State of California (see act of Congress, March 2, 1861, section 24) instructing him to audit the accounts of the State. All the work that could be done thereafter was merely clerical, which Mr. Phelan stood ready to perform. All that has been done since has been done by him; the whole matter resting in the office of the Third Auditor. The collision between the claims of Mr. Nordheimer and myself produced a delay of several weeks in filing the vouchers. If this had not occurred, I am satisfied the whole matter could have been settled before the 1st of November, the date of filing the vouchers, as the Government manifested a strong disposition to have the matter closed before General Denver would be required to take the field (he having been appointed brigadier-general in the United States service). I will only add that the entire clerical labor connected with the settlement, which has been very heavy, has been performed by Mr. Phelan, and that his services have been of great value to the State.

Very respectfully, your obedient servant,

SAMUEL B. SMITH,  
*Commissioner of the California War Debt.*

To his Excellency LELAND STANFORD,  
*Governor of California.*

## EXHIBIT No. 45.

Page 12 *et seq.*, senate journal (fourth session), 1853.  
 Pages 13, 39, and 459, senate journal (fifth session), 1854.  
 Pages 62 to 69, 331 to 333, and 371, senate journal (sixth session), 1855.  
 Pages 25, 361, 407, and 597, assembly journal (sixth session), 1855.  
 Pages 27 and 226 to 232, senate journal (seventh session), 1856.  
 Page 384, assembly journal (seventh session), 1856.  
 Pages 29, 36, and 37, senate journal (eighth session), 1857.  
 Pages 63, 69, 302, 303, 314, and 467, senate journal (ninth session), 1858.  
 Page 43, assembly journal (tenth session), 1859.  
 Pages 35 and 665, senate journal (tenth session), 1859.  
 Page 406, senate journal (eleventh session), 1860.  
 Page 594, senate journal (twelfth session), 1861.  
 Pages 23 to 27 and 34, senate journal (thirteenth session), 1862.  
 Page 32, senate journal (fourteenth session), 1863.  
 Page 37, assembly journal (seventeenth session), 1867-1868.

## EXHIBIT No. 46 (Part No. 1).

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,  
*Washington, D. C., August 18, 1885.*

SIR: I return the "California Indian war bonds" recently presented by you as attorney for that State, and which you informed me the State redeemed and now holds as owner. The balance of the appropriation made by the act of August 5, 1854, and which by the act of August 18, 1856, was made applicable to the payment of the bonds issued by California, was long ago covered into the Treasury under the provisions of the "surplus fund" law, three years having elapsed without any call therefor.

With the termination of the appropriation ended the jurisdiction of the accounting officers to audit any claims based upon such bonds. The act of June 20, 1874, amended by the act of June 14, 1878, has no relation to appropriations terminating by operation of the surplus act; hence, the authority given by the acts of 1874 and 1878 to the accounting officers to audit claims for which appropriations have ceased to be available has no application to the case of these bonds.

As new legislation by Congress would be necessary to enable any action, I think it advisable that this office should not undertake the custody of such valuable papers until it shall have some jurisdiction by law in regard to them. I return also sundry other documents and accounts presented by you with the bonds; being bills for expenses incurred by the State, certificates of unpaid balances on warrants drawn by the State comptroller upon the State treasury, etc. Even if the appropriation made by act of August 5, 1854, were still alive, I do not perceive that under the provisions of the act of August 18, 1856, it would be available for any purpose other than the payment of bonds.

Very respectfully,

JOHN S. WILLIAMS,  
*Auditor.*

Capt. JOHN MULLAN,  
*No. 1310 Connecticut Avenue, Washington, D. C.*

## EXHIBIT No. 46 (Part No. 2).

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,  
*Washington, D. C., November 23, 1885.*

SIR: I return the papers recently presented by you as a supplemental claim by the State of California, under the act of Congress approved March 2, 1861, appropriating \$400,000 for the State in the suppression of Indian hostilities in the years 1854, 1855, 1856, 1858, and 1859.

The balance of that appropriation long since became liable by law to be carried back into the Treasury under the provisions of the surplus fund act, and was so carried back. The lapsing of the appropriation terminated the authority of the Third Auditor to audit claims against it.

Moreover, the claims which you recently presented do not appear to come within the class for which the appropriation was made. The only expeditions in 1859, to which the act of March 2, 1861, related, were the "Klamath and Humboldt expeditions of 1858 and 1859," and the "Pitt River expedition of 1859." The expedition of Captain Jarboe's company at Eel River, Mendocino County, in 1859, does not seem to have been one of the two described above.

The act authorized only the payment of the expenses of the States incurred in suppressing certain Indian hostilities. It made no provision for the expense of the commission which was appointed by the State to come to this city to urge upon Congress the propriety of providing for the payment of the war debt of the State.

I have no authority to consider the claim presented by you, and therefore return the papers.

Very respectfully,

JOHN S. WILLIAMS,  
*Auditor.*

Capt. JOHN MULLAN,  
1310 Connecticut Avenue, Washington, D. C.

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EXHIBIT No. 46 (Part No. 3).

TREASURY DEPARTMENT,  
March 20, 1886.

SIR: In reply to your communication of the 19th instant, asking what amount of the appropriation made by Congress by act of August 5, 1854, and subsequent act, for the suppression of Indian hostilities in California, remains unexpended, I have the honor to inform you that the act of August 5, 1854 (10 U. S. Stat., 582), as modified by acts of August 18, 1856 (11 Stat., 91), and June 23, 1860 (12 U. S. Stat., 104), appropriated \$924,259.65 to redeem California war bonds issued for expenses incurred prior to January 1, 1854. Of this sum \$10,188.63 was carried to the surplus fund June 30, 1863.

The act of July 25, 1868, reappropriated the amount of \$10,183.63, but only one claim for \$538.11 was paid therefrom, and the remainder, \$9,645.52, was carried to the surplus fund on July 1, 1874.

The act of March 3, 1881 (21 Stat., 510), reappropriated a sufficient sum to pay four bonds described in said act, and for that purpose the sum of \$1,288.36 was reappropriated.

The balance remaining in the surplus fund can not be used for further payments on this account without additional authority from Congress.

Respectfully, yours,

W. E. SMITH,  
*Assistant Secretary.*

Hon. BARCLAY HENLEY,  
*House of Representatives.*

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EXHIBIT No. 46 (Part No. 4).

TREASURY DEPARTMENT,  
July 2, 1886.

SIR: In reply to your communication of yesterday's date, I have the honor to inform you that of the \$400,000 appropriated by the act of March 2, 1861 (12 Stat., p. 199), for payment to the State of California for expenses incurred in suppressing Indian hostilities in the years 1854, 1855, 1856, 1858, 1859, the sum of \$169,470.24 remained unexpended and was carried to the surplus fund on the 30th of June, 1864.

Respectfully, yours,

C. S. FAIRCHILD,  
*Acting Secretary.*

Hon. BARCLAY HENLEY,  
*House of Representatives.*



## EXHIBIT No. 46 (Part No. 5).

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,  
Washington, D. C., February 16, 1882.

SIR: I have to state that under acts of August 5, 1854, August 18, 1856, June 23, 1860, and July 25, 1868, the holders of bonds of said State who have presented the same to this Department have been paid the sum of \$914,071.02 for principal and interest which had accrued prior to January 1, 1854; and if there are any unpaid bonds and accrued interest which are considered as properly chargeable to the United States, no good reason appears why they should not be presented to the accounting officers of the Treasury for settlement in the same manner as those heretofore presented and paid, under any statute Congress may deem proper to enact, and the appropriation remain in the Treasury of the United States, to be drawn from as the claims shall be presented and settled, instead of depositing the total amount of the appropriation with the treasurer of the State of California, as expressed in the second section of said bill. If the State of California has paid the bonds and interest, or any part thereof, she should present her claim for reimbursement, by filing the bonds and coupons paid in the same manner as individual owners and holders. This would obviate the coming back into the Treasury of the United States any unexpended balance which might be retained in the treasury of the State for years; as the bill does not fix a time for returning the balance to the Treasury of the United States.

Very respectfully,

A. M. GANGEWER,  
*Acting Third Auditor.*

HON. CHARLES J. FOLGER,  
*Secretary of the Treasury.*

## EXHIBIT No. 46 (Part No. 6).

WASHINGTON, D. C., April 3, 1888.

SIR: Whereas I have heretofore submitted to your Department for examination under the acts of June 27, 1882, and July 27, 1861, a certain Indian war claim of the State of California against the United States, known as the "Washoe Indian war claim;" and whereas said claim is not examinable under either of said acts; and whereas said claim is now before the Board of State and Territorial War Claim Examiners; and whereas it is necessary to secure from Congress additional legislation to authorize said claim to be examined; and whereas I desire to retain custody of the papers relating to said claim until Congress shall further legislate in regard thereto: therefore I have the honor to respectfully request to be allowed to withdraw said claim from the files of your Department.

Very respectfully,

JOHN MULLAN,  
*Agent and Counsel for the State of California.*

HON. SECRETARY OF WAR,  
Washington, D. C.

[Indorsement No. 1.]

WAR DEPARTMENT,  
QUARTERMASTER-GENERAL'S OFFICE,  
Washington, D. C., April 9, 1888.

Respectfully returned to the honorable the Secretary of War, with report that all the papers pertaining to the war claim of the State of California filed in this office were, on December 8, 1887, transmitted to the board of examiners State and Territorial war claims, at the request of the senior officer of that board.

S. B. HOLABIED,  
*Quartermaster-General, United States Army.*

[Indorsement No. 2.]

WAR DEPARTMENT, April 12, 1888.

Respectfully referred to the board of State and Territorial war claims for report.  
By order of the Secretary of War.

JOHN TWEEDALE,  
*Chief Clerk.*

Received back April 13, 1888.

## [Indorsement No. 3.]

WASHINGTON, D. C., *April 12, 1888.*

Respectfully returned. The claim of California for the Washoe Indian war can not be examined under the act of June 27, 1882, as that war occurred in 1860, and the act of 1882 limits the examination to claims for Indian wars occurring between April 15, 1861, and June 27, 1882. It is therefore respectfully recommended that this claim be returned to Capt. John Mullan, State agent of California.

JAMES BIDDLE,  
*Lieutenant-Colonel Fifth Cavalry, U. S. Army,  
Senior Examiner State War Claims.*

## [Indorsement No. 4.]

WAR DEPARTMENT, *April 13, 1888.*

Respectfully returned to the board of examiners State and Territorial war claims. The claim will be returned as requested by Mr. Mullan and recommended by the senior examiner of the board.

By order of the Secretary of War.

JOHN TWEEDALE,  
*Chief Clerk.*

## [Indorsement No. 5.]

WASHINGTON, D. C., *April 16, 1888.*

Respectfully returned to Capt. John Mullan with the claim of the Washoe Indian war of 1860, who will please receipt for the vouchers and return this paper.

JAMES BIDDLE,  
*Lieutenant-Colonel Fifth Cavalry,  
Senior Examiner State War Claims.*

## [Indorsement No. 6.]

Received the above-mentioned papers.

JOHN MULLAN,  
*Agent State of California.*

## EXHIBIT No. 47.

[House Report No. 1847, Forty-seventh Congress, second session.]

## INDIAN WAR CLAIMS OF CALIFORNIA.

*The Committee on War Claims, to whom was referred the bill (H. R. 2139) for the relief of the State of California, submit the following report thereon:*

That the bill, to quote its language, is—

“That the sum of \$250,000, or so much thereof as may be necessary therefor, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to indemnify the State of California for balances paid and remaining due, and to be paid by said State on account of Indian war bonds, issued by said State under the acts of the legislature of 1851 and 1852, and accrued interest thereon, recognized by the act of Congress of August 5, 1854, but unpaid owing to delay due to War Department rulings.”

On August 5, 1854 (United States Statutes at Large, vol. 10, pages 582-3), Congress passed an act appropriating money to defray expenses incurred by the State of California in suppressing Indian hostilities. Section 3 of said act reads as follows:

“That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the amount of expenses incurred and now actually paid, by the State of California, in the suppression of Indian hostilities within the said State, prior to the 1st of January, A. D. 1854, and that the amount of such expenses, when so ascertained, be paid into the treasury of said State: *Provided*, That the sum so paid shall not exceed in amount the sum of \$924,259.65, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.”

The act of August 18, 1856 (11 Statutes at Large, page 91), authorized and directed

the Secretary of War to pay to the holders of the war bonds of the State of California the amount of money appropriated by act of Congress, approved August 5, 1854, under the following restrictions and regulations:

"Before any bonds shall be redeemed by the Secretary of War, they shall be presented to the board of commissioners appointed by the legislature of said State by an act approved April 19, 1856, and the amount due and payable upon each bond be indorsed thereon by said commissioners. Upon presentation to the Secretary of War of any bond or bonds thus indorsed, it shall be his duty to draw his warrant in favor of the holder or holders thereof for the amount certified to be due upon the same by the said commissioners, upon the Secretary of the Treasury, who is hereby directed to pay the same: *Provided*, That said amounts in the aggregate shall not exceed the amount of money appropriated by act of Congress approved August 5, 1854. Said bonds, after redemption, and after taking off the coupons that may remain unpaid, shall be delivered to the Secretary of War to be canceled."

The facts out of which this claim for relief arises will be found stated in report of the joint committee of the senate and assembly of the State of California on the Indian war indebtedness, which is made a part of this report, and are as follows:

*Report of the joint committee of the senate and assembly on the Indian war indebtedness.*

SACRAMENTO, February 21, 1872.

MR. PRESIDENT:

The committee on claims of both houses, to whom was referred the matter of the Indian war indebtedness of the State, beg leave to submit the following report:

#### HISTORY OF THE INDEBTEDNESS.

Being impressed with the belief that a complete history of the matter is necessary to its perfect comprehension, we have deemed it proper to commence at the beginning and trace its various fortunes up to the present time.

The war bonds of 1851 were issued in pursuance of the act of February 15, 1851 (Statutes of 1851, page 520), the first section of which reads as follows:

"SECTION 1. By virtue of the power given to the legislature by the constitution of this State, Article VIII—in case of war to repel invasion or suppress insurrection—a loan not exceeding \$500,000 is hereby authorized to be negotiated upon the faith and credit of the State, payable in ten years, and at any period after five years at the pleasure of the State, said loan to bear a rate of interest not exceeding 12 per cent. per annum, payable annually or semi-annually at such place as the contracting parties may agree: *Provided, however*, That the interest of the first year may be paid in advance out of the loan thus made."

The interest was made payable semi-annually, and fell due in March and September of each year.

The bonds of 1852 were issued in pursuance of the act of May 3, 1852 (Statutes 1852, page 59), the first section of which reads as follows:

"SECTION 1. A sum not exceeding \$600,000 is hereby appropriated and set aside as an additional war fund, payable in ten years out of any moneys which may be appropriated by Congress to defray the expenses incurred by the State of California, and interest thereon at the rate of seven (7) per cent. per annum, in the suppression of Indian hostilities, or out of the proceeds of the sale of any public lands which may be donated or set aside by Congress for that purpose; and should no such appropriation or donation be made, or if an amount sufficient should not be appropriated or donated within the said ten years, then the bonds authorized to be issued by this act shall be good and valid claims against the State, and shall be paid out of any moneys in the treasury not otherwise appropriated to pay the expenses of the expeditions mentioned in this act."

The interest was made payable in annual installments, and fell due in January of each year.

Under this act further appropriations were made in 1853, as follows:

By act of 15th April .....	\$2,300
By act of 16th April .....	2,500
By act of 18th May .....	23,000

It is thus seen that by the act of 1851 the bonds were issued upon the same terms as other bonds, and that by the act of 1852 the State expressly bound herself to pay them if the General Government did not.

The bonds of 1857 were issued on far different terms, as the following section from the act authorizing their issue will show (Statutes 1857, page 262):

"SECTION 1. A sum not exceeding \$410,000 is hereby appropriated and set apart as a 'war fund,' payable out of any moneys that may be appropriated by Congress to this State to defray the expenses incurred in the suppression of Indian hostilities, as specified in this act."

The bondholders therefore took these bonds with the express understanding that they must look to the General Government for their redemption. It is sufficient to say that an appropriation was made by act of Congress, March 2, 1861 (Statutes at Large, Volume XII, page 199), for this purpose. The money was paid into the State treasury, and the matter is at an end.\*

We have only, then, to deal with the issue of 1851 and 1852. An appropriation to pay these bonds with interest was made by Congress August 5, 1854, in the following terms (Statutes at Large, Volume X, page 583):

"SEC. 3. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the amount of expenses incurred and now actually paid by the State of California in the suppression of Indian hostilities within the said State prior to the 1st day of January, A. D. 1854, and that the amount of such expenses, when so ascertained, be paid into the treasury of said State: *Provided*, That the sum so paid shall not exceed in amount the sum of \$924,259.65, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

On May 4, 1855 (Statutes 1855, page 241), the legislature passed an act for the purpose of utilizing this appropriation, the act in substance providing for the surrender of the war bonds of 1851 and 1852, it being thought at that time that the whole amount appropriated by Congress would be paid into the State Treasury. In this the State and bondholders were mistaken, as the following extracts from the message of Governor Bigler will show (Senate Journal, seventh session, page 27):

"By reference to pages 582 and 583 of the United States 'Statutes at Large' of 1854 it will be seen that the section numbered three (9) of the act making appropriations for the support of the Army directs the Secretary of War 'to examine into and ascertain the amount of expenses incurred and now actually paid by the State of California in the suppression of Indian hostilities within the said State prior to the 1st day of January, A. D. 1854, and that the amount of such expenses, when so ascertained, be paid into the treasury of said State.'

"In compliance with the provision of law above quoted, the act of last session was passed, and statements certified by the proper constitutional officers duly forwarded by me to Washington City, under the impression that nothing further was necessary or requisite under the law of Congress to authorize the prompt and immediate payment into the State treasury of the sum appropriated by Congress.

"This impression, however, it seems, was incorrect, and the Secretary of War positively refuses to pay to the State the amount due and appropriated until he shall have examined the accounts and vouchers on which the original warrants or bonds were issued.

"These accounts and vouchers, it is proper here to remark, are a part of the archives of the State, and as such are required to be kept at the seat of government, as constituting not only a complete history and exposé of the several Indian wars, but as the basis of the action of the controller and board of commissioners of the war debt, and as such their proper place is among the records of the State.

"Under the law no officer of the government has the right, if he so desired, to remove them without express legislative authority, either for the satisfaction or information of an officer of the Federal Government or for any other purpose whatever.

"The law of Congress which was intended to govern the action of the Secretary of War, in my opinion, does not require his examination into the *propriety* or *necessity* of any or all of the expenditures of the State in the suppression of Indian hostilities; but directs him to 'examine into and ascertain the amount of expenses incurred and actually paid,' and upon such ascertainment to pay the same into the treasury of the State of California; provided such amount should not exceed the sum of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents (\$924,259.65).

"The Secretary of War, however, has deemed it his duty to require the original vouchers and papers, and to refuse payment of the amount appropriated until they shall have been furnished.

"Although fixed in the belief that so far as the State of California is concerned the requirements of the law of Congress on the subject have been, on her part, fully complied with, and that the Secretary of War, having, from statements authenticated by the proper State officers, 'ascertained the amount actually paid,' should, without further

\* This statement is an error, and for the explanation and correction thereof see note at the end of Exhibit No. 47.—John Mullan, State agent and counsel for California.

question or delay, in accordance with the law of Congress, have paid the amount appropriated 'into the treasury of the State of California,' it is neither my intention nor desire in this communication to call in question or advert to the propriety or justice of the action of the Secretary of War in the premises, further than to dissent from the correctness of his decision, as being, in my opinion, unwarranted by the language of the act of Congress making the appropriation, and also to express sincere regret that months of delay in payment must, under the circumstances, necessarily ensue, burdening the State with a large sum in the shape of interest on the outstanding war bonds and warrants.

"Without further comment the whole subject is commended to your careful consideration, for such action in the premises as, under all the circumstances, may by you be deemed proper and necessary to secure to California the prompt payment of the amount long since ordered by act of Congress into the treasury of the State."

In accordance with resolutions of both branches of the legislature, requesting from the governor such information as was in his hands regarding the condition of the war debt and its payment by the General Government, Governor Johnson transmitted a message to the legislature on the 31st of January, 1856, an extract of which is given as follows (senate journal, seventh session, page 226):

"It is needless to inquire whether the Secretary of War has misapprehended the *spirit* and *intent* of the act of Congress making this appropriation, in rejecting the certified copies of vouchers forwarded him as satisfactory evidence of the payments made by the State; neither at this time can any beneficial results attend the discussion of an issue seemingly foreshadowed by the Secretary's letter, involving a construction of the law which would invest him with discretionary power to allow or reject at pleasure specific items of expenditure which have been assumed by the State. I must confess, however, that an assumption of authority so unwarranted as I believe this to be is quite manifest, and I am apprehensive that the aid of further Congressional legislation will have to be invoked ere our State will derive the benefits of the entire sum appropriated.

"If the Secretary of War shall, by virtue of the authority given him to examine into these claims, assert the right to go behind the act of the board of examiners, and inquire whether the demands were such as ought to have been allowed, and the evidence on which the payments were predicated, as appears of record, sufficient to sustain their decision, I doubt not that the exacting requirements of the Secretary and his auditing officers would find abundant pretexts to reduce the sum materially.

"In the various military expeditions which California, in defense of her citizens, was compelled to undertake, either from inability or neglect of the General Government to provide such defense—owing to the condition of the country at those periods—with our State credit most ruinously depreciated, prices were paid for supplies and many expenses incurred which to us even now would appear enormous.

"Furthermore, in the settlement of accounts by the board of examiners, and in some few instances before committees of the legislature, the introduction of oral testimony on behalf of claimants was permitted, which, no doubt, to them was conclusive; but, unfortunately, the evidence was not perpetuated.

"From these and other causes we may be much embarrassed if the exercise of such discretionary power shall be persisted in. Whilst, therefore, hoping our fears may prove groundless, still these misgivings should suggest to our minds the necessity of extreme caution and deliberation regarding the measures now to be adopted.

"Let us so fortify ourselves against all possible contingencies that further delay in securing the payment of this money may not be the fruits of our own inefficient legislation.

"In the first place, authority should be given to transmit to the Secretary of War the original vouchers, and at a reasonable expenditure secure the services of such person or persons as may be necessary in the prosecution of these claims before that officer. One of our present members of Congress, General J. W. Denver—and of him I speak particularly on account of his former position as one of the board of examiners—will, no doubt, lend his cooperation without compensation by the State. Such assistance will be all-important, as a very large portion of these claims were examined before him and allowed, and he is, consequently, possessed of an intimate knowledge of all matters connected with this indebtedness. There is another gentleman, however, A. J. F. Phelan, esq., whose services are indispensably necessary to the successful prosecution of these claims. In this I speak partially from my own personal knowledge as well as from the testimony of the late board of examiners, to whose efficiency and understanding of the whole subject they voluntarily bear witness.

"Mr. Phelan was the clerk of that board for nearly, if not quite, the entire period during which the 7 per cent. bonds were being issued, and from his position necessarily became familiar with all the vouchers and testimony adduced in support of the claims presented; and his usefulness to the State in connection with these claims against the Government can be readily foreseen; and I would, therefore, suggest that his services



be secured, which I am advised by him can be effected on terms quite reasonable to the State."

From the foregoing it is plain that additional legislation was absolutely necessary, and thereupon followed the act of April 19, 1856 (statutes 1856, page 206), which created the "board of war-debt commissioners," and defined their powers and duties. By the terms of this act Samuel B. Smith and J. W. Denver were appointed a board of commissioners to prosecute before the Secretary of War the claims of the State subject to be paid out of the appropriation above set forth. The act then proceeds to define their duties in the matter of advertising for bids for surrender of the bonds of 1851 and 1852—the former to have the preference. This was done to secure the payment of those bonds in full in case the appropriation should be deficient, which it might well have been had payment been made up to the time of presentation. It was expected by the legislature that payment would be so made, for section 5 provides that the commissioners shall "examine and compute the amount of principal and interest due up to the time of presentation for redemption, if before the period indicated, when they shall cease to bear interest; otherwise at the period so indicated." This act of the legislature was followed by the following Congressional enactment (Statutes at Large, Vol. XI, page 91):

"SECTION 8. *And be it further enacted,* That the Secretary of War is hereby authorized and directed to pay to the holders of the war bonds of the State of California the amount of money appropriated by act of Congress approved May (August) 5, 1854, in payment of expenses incurred and now actually paid by the State of California for the suppression of Indian hostilities within the said State prior to the 1st day of January, A. D. 1854, under the following restrictions and regulations; before any bonds shall be redeemed by the Secretary of War they shall be presented to the board of commissioners appointed by the legislature of said State, by an act approved April 19, 1856, and the amount due and payable upon each bond be indorsed thereon by said commissioners. Upon presentation to the Secretary of War of any bond or bonds thus indorsed, it shall be his duty to draw his warrant in favor of the holder or holders thereof for the amount certified to be due upon the same by the said commissioners upon the Secretary of the Treasury, who is hereby directed to pay the same; provided that said amount in the aggregate shall not exceed the amount of money appropriated by act of Congress approved August 5, 1854. Said bonds, after redemption, and after taking off the coupons that may remain unpaid, shall be delivered to the Secretary of War to be canceled."

The commissioners were met at the threshold by an unforeseen complication, which rendered it impossible for them to comply strictly with the terms of the act of the legislature; for by that act they were compelled, as has been seen, to allow interest up to the time of presentation of the bonds, while by the ruling of the Third Auditor, which ruling was affirmed by the Secretary of War, interest could only be allowed up to the 1st of January, 1854. Thus it happened that no provision was made for the interest between that time and September 1, 1856, when the commissioners advertised for surrender of bonds. The ruling of the Third Auditor rendered it unnecessary, as the commissioners truly say, to give preference to the bonds of 1851, for by only paying interest up to January 1, 1854, the Congressional appropriation would be more than sufficient for the purpose. In order to present this matter in its clearest light, we give below the decision of the Third Auditor, with that of the Secretary of War, in affirmation (Report of committee on finance, in appendix to senate and assembly journal, fourteenth session):

"TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,

"September 3d, 1856.

"Hon. JEFFERSON DAVIS,

"Secretary of War:"

"SIR: I have the honor to submit herewith for your consideration and decision a communication addressed to me to-day by J. W. Denver and Samuel B. Smith, esq., California war debt commissioners, inclosing a copy of a letter from them to you of the 30th ultimo.

"In these communications the commissioners raise two points relative to the payment of the war bonds issued by the State of California, the redemption of which is provided for by the acts of the 5th of August, 1854, and 18th of August, 1856, to wit:

"First. Whether interest upon the bonds will be allowed for any time beyond the 1st day of January, 1854, to which it is calculated?

"Second. Whether any war bonds will be redeemed (upon commissioners certifying them to be genuine, due, and payable) that were issued by the State of California in the years 1854 and 1855, in payment of expenses incurred in the suppression of Indian hostilities in said State; or, in other words, whether the money appropriated by the act of Congress of the 5th of August, 1854, can be applied to the payment of indebtedness accruing against the State of California, either as principal or interest, since the 1st day of January, 1854, the same not having been included in the estimate on which the appropriation was made.

"In submitting these points I take the liberty of expressing the following opinion :

"First. If the result of the investigation now going on in this office shall show that the sum appropriated by the act of 1854 will be sufficient to pay the principal of the 7 and 12 per cent. war bonds and interest beyond the 1st day of January, 1854, then, in my judgment, such interest can be paid to the extent of the appropriation, up to and not beyond the 5th of August, 1854, the day the law was approved by the President; otherwise, not. But if the appropriation shall turn out to be insufficient for the satisfaction of the bonds, with interest to the 1st day of January, 1854, then, in my opinion, they be paid pro rata to the extent of the appropriation.

"Second. The admission of the commissioners, that the war bonds issued in 1854 and 1855, either principal or interest, were not included in the estimate upon which the appropriation was made in the act of the 5th of August, 1854, is, in my judgment, conclusive on this point.

"I can not see how the amount thus appropriated can be applied to any object outside the estimate upon which it was based, unless expressly directed by the supplemental act of the 18th of August, 1856.

"The latter act contains no such special direction, and the bonds issued in 1854 and 1855 are therefore clearly excluded from all the benefits of the original appropriation.

"I am, with great respect, your obedient servant,

"W. H. S. TAYLOR,  
"Acting Auditor."

The following is the decision of the honorable Secretary of War upon the foregoing report:

"I concur in the view of the Third Auditor as to the date to which interest may be calculated, and entertain no doubt as to the inapplicability of the appropriation to bonds issued after the date of the appropriation act of August 5, 1854, as it provided only for expenses which had been incurred prior to the 1st of January, 1854, in the suppression of Indian hostilities within the State of California. Should the appropriation be inadequate to meet the obligation for which it was provided, then it will, of course, be necessary to pay pro rata.

"JEFFERSON DAVIS,  
"Secretary of War."

"WAR DEPARTMENT, September 4, 1856."

It is thus seen that the commissioners were precluded from complying with the strict terms of the law under which they were authorized to act, and that they were thus reduced to the alternative of carrying out their instructions as nearly as possible or of throwing up their trust and thus saddling the State with a burden of constantly accruing interest. That they did wisely in accepting the former alternative your committee have little doubt.

In order, however, to make the action of the commissioners perfectly clear, we have deemed it best to give their two reports in full, with the exception of the tables annexed to them. Their first report can be found on page 618 of senate journal, thirteenth session, where it is incorporated in report of senate finance committee. Their second report is in appendix to senate journal, eleventh session.

#### REPORT OF COMMISSIONERS OF CALIFORNIA WAR DEBT.

To his Excellency J. NEELY JOHNSON,  
Governor of the State of California :

"SIR : The commissioners appointed by the act of April 19, 1856, to liquidate the war debt of the State beg leave to report :

"That in accordance with the provisions of said act, so soon after the same as practicable, they opened an office in the city of Washington and made application to the Secretary of War, as by said act directed, for payment of the sum of money appropriated by Congress in payment of expenses incurred 'by the State in suppression of Indian hostilities.' As evidence of said indebtedness the commissioners submitted a certified copy of the war bond register of said State, the various acts of the legislature authorizing the issuance of said bonds, and the journals of the legislature exhibiting the action of that body in relation to the same ; proposing, further, to deliver him the bonds issued by the State before making requisition for said money. In reply the Secretary of War stated in substance that the proofs submitted were insufficient ; that he could not recognize the bonds as evidence of the indebtedness, but that the act of Congress of August 5, 1854, under which act the appropriation was made, would require him to go into an examination of the original vouchers.

"As this course of procedure would have involved great delay and difficulty, and being satisfied from the condition of the original vouchers, which were in very many instances informal, that a large portion of them would be disallowed, we applied to Congress for relief, and a bill was introduced at our instance directing the Secretary of War to pay over the full amount of the appropriation as directed by the legislature of the State of California. The bill meeting with violent opposition, influenced to a great extent by the holders of the 7 per cent. bonds, who felt aggrieved at the manner of distributing the appropriation directed by said act, and being unwilling to give our sanction to any Congressional action which might clash with the act of the State of California, we finally submitted to the Secretary of War all the books and original papers in our possession, offering to make all necessary explanation, etc. As we had anticipated, the examination was delayed, and after several interviews with the accounting officers to whom the vouchers had been referred by the Secretary of War, and being convinced that the interest of the State would greatly suffer should a settlement be made upon such a basis, we finally agreed with the bondholders to a bill providing a pro rata distribution of the appropriation, viz, the payment of the principal of all the bonds issued prior to January 1, 1854, and interest on the same up to that date. This bill passed. Immediately upon its passage the commissioners advertised for the redemption of said bonds in various daily papers, a list of which will be found in the minutes of the commissioners accompanying this report, which advertisement directed that all bonds should be presented to the commissioners before the 1st day of September, after which date they would cease to bear interest. Upon an examination of the act we found a mistake had occurred which apparently left to the commissioners the power of carrying out the direction of the State in the disbursement of the appropriation. We immediately applied to the Secretary of War, asking his construction of the act. It will be seen by reference to the correspondence which accompanies this report that the Secretary of War would not permit any portion of the appropriation to be applied to the redemption of bonds issued since the 1st of January, 1854, nor for the payment of interest accumulating since that date on bonds previously issued. This construction rendered it unnecessary to make any distinction between the 7 and 12 per cent. bonds, and superseded the necessity of advertising for bids as directed by the act of California.

"Under the instruction of the Secretary of War the commissioners, as bonds were presented, certified to the genuineness of each bond, and the amount, principal, and interest due thereon up to the 1st of January, 1854. The full amount certified to by the commissioners is as follows:

"Of 12 per cent. bonds, principal, \$177,000; interest on the same, \$55,683.97. Of 7 per cent. bonds, principal, \$559,750; interest on the same, \$48,214.68. Amounting in all to \$840,648.65—a full statement of which accompanies this.

"The full amount paid by the United States Government up to the 15th day of November, 1856, is \$814,456.84, as appears per statement of the Third Auditor, which accompanies this, leaving unpaid of the bonds at that time certified, \$29,191.81; of which \$15,220.20 had been presented to the Secretary of War, the balance, \$10,971.61, still being in the hands of the holders. This amount has no doubt been paid in full. The interest coupons belonging to all the bonds presented to the commissioners were detached from the bonds and distributed as follows:

"Of 7 per cent. bonds, coupons 1 and 2, up to January 1, 1854, were attached to the bonds and have been paid; coupons 3 and 4, up to January 1, 1856, have been returned to the holders, stamped as follows: 'California war bond coupon.' Coupon No. 5, from January 1, 1856, to January 1, 1857, similarly stamped, with the amount of interest due on the same up to September 1, 1856, also stamped upon it, has also been returned to the holders. Coupons 6, 7, 8, 9, and 10, representing the interest from January 1, 1857, to the maturing of the bonds, are returned to the State. Of 12 per cent. bonds, coupons 1, 2, 3, 4, and 5, representing the interest up to March 1, 1854, were attached to the bonds, but were paid only up to January 1, 1854, leaving on every bond a balance of \$20, interest from January 1 to March 1, 1854, due to the bondholder—for which amount the commissioners gave their certificate, a copy of which accompanies this. Coupons 6, 7, 8, 9, and 10, representing the interest due up to September 1, 1856, have been returned to the owners; and the remaining coupons, numbers 11, 12, 13, 14, 15, 16, 17, 18, and 19, are returned to the State.

"It will be seen that there are remaining unpaid of bonds issued prior to January 1, 1854, of principal, \$59,600; of interest to that date, about \$14,000; total, \$73,600. There is remaining of the appropriation \$83,611; leaving a balance on hand, over and above the bonds and interest, up to January 1, 1854, of not less than \$10,000.

"The entire amount of coupons and certificates returned to holders of redeemed bonds, and now outstanding, is \$161,120.91 cents. The entire amount of coupons returned to the State is \$317,727.10. The bonds redeemed have been canceled, and are now on file in the Treasury Department. The General Government, by recognizing the

bonds, and by the payment of interest up to January 1, 1854, have virtually assumed the entire debt, and there is but little doubt of the speedy passage of an act making an additional appropriation to cover the unpaid coupons now outstanding, as well as the amount of bonds issued subsequent to January 1, 1854, a statement of which will be found accompanying this.

"We can not conclude our report without expressing our high appreciation of the services of Mr. A. J. F. Phelan, the clerk of the commission. His thorough knowledge of all the details connected with the origin of the war debt, and his faithfulness and ability in discharging the onerous duties imposed upon him by the State, has very materially aided us in accomplishing all that has been effected toward the extinguishment of the debt.

"All of which is respectfully submitted.

"SAM. B. SMITH,  
"J. W. DENVER,

"Commissioners California War Debt.

"SACRAMENTO CITY, January 5, 1857."

FINAL REPORT OF THE COMMISSIONERS OF THE CALIFORNIA WAR DEBT.

"To his excellency JOHN G. DOWNEY,  
*Governor of California:*

"SIR: The undersigned, commissioners appointed by the act of April 19, 1856, to liquidate the war debt of the State, beg leave to state:

"That since their last report, which was dated January 5, 1857, they have certified for redemption bonds and coupons amounting in all to \$57,633.14, which, added to the amount then reported—\$840,648.65—makes up a total of \$898,281.79 redeemed, leaving a balance outstanding of \$10,950 in bonds, which last sum, together with the interest thereon to the 1st day of January, 1854, is fully provided for by the appropriation made by Congress. After these outstanding bonds and coupons shall have been redeemed there will still remain a balance of the appropriation unexpended amounting to about \$10,000, but which will not be available to the State, as will hereafter be made to appear. The excess was caused by taking into the estimate on which the appropriation was made warrants or certificates issued before the 1st day of January, 1854, and not funded prior to that date.

"By reference to our former report you will ascertain the difficulties we had to encounter at Washington when attempting to discharge the duties imposed on us by the act under which we were appointed. That act provided first for the payment of the whole 12 per cent. bonds, with accruing interest up to the date of redemption, and to advertise for bids and give the preference to the lowest bidders among the holders of the 7 per cent. bonds; but under the construction given by the Secretary of War to the acts of Congress referring to the appropriations it was found impossible to carry out these provisions literally. None of the money appropriated could, under the construction referred to, be applied to the redemption of bonds issued after the 1st day of January, 1854, nor to the payment of interest accruing since that date. We had, therefore, to abandon the business altogether or, by conforming to the opinion of the Secretary of War, pay the principal and thereby stop the accruing interest.

"As before shown, the sum appropriated by Congress was sufficient to pay all the principal and interest due on the 1st day of January, 1854. Having obtained the decision of the Secretary, we advertised and gave notice to the bondholders that we were ready to redeem the bonds and coupons due at that date (January 1, 1854), and that all bonds would cease to bear interest after the 1st day of September, 1856. Accordingly, the bondholders came forward and in good faith gave up their bonds on our certificates, and received payment thereon. The coupons falling due between January 1, 1854, and September 1, 1856, which were unprovided for at the time the bonds were redeemed, amounting in the aggregate to the sum of \$172,828.54, were retained by the bondholders, but the coupons which would have become due after the 1st day of September, 1856, amounting to the sum of \$344,669.17, were given up, and are now in our possession, less those attached to the few bonds not yet redeemed. By the course thus pursued, we were enabled to relieve the State from this accruing interest, which would, as shown, had the bonds been allowed to come to maturity, have increased the debt \$344,669.17, and for the payment of which the faith and honor of the State is pledged.

"No provision has as yet been made for the payment of the coupons yet outstanding, amounting to the sum of \$172,828.54. The act of February 15, 1851, under which the 12 per cent. bonds were issued, provided that the interest should be 'payable annually or semi-annually,' and the bonds were issued with semi-annual coupons attached. The act of May 3, 1852, under which the 7 per cent. bonds were issued, provided that the interest should be paid annually, and the bonds were issued with annual coupons attached.

The legislature has never made provision for the payment of any of this interest, although the whole amount has now been due more than three years.

"Good faith on the part of the State requires that these coupons should be redeemed, either by issuing to the holders, as many of them have requested, bonds bearing interest, or by payment in cash. The latter course is preferable if the condition of the treasury will permit, as the amount is long overdue; and under the provisions of the laws authorizing the issuance of the bonds and by the terms of the bonds themselves the State was bound for the payment long since. Indeed, it is always better for the State to pay such indebtedness in cash if possible and then to call on the General Government for remuneration, for by so doing officers will be held to a more strict accountability, accounts and vouchers will be subjected to a closer scrutiny, and, in consequence, Indian wars will not be too lightly engaged in.

"The coupons heretofore referred to, which would have become due after the 1st day of September, 1856, are, as stated, now in our possession. The law at present does not authorize us to make any disposition of them. We therefore ask for permission to turn them over to the state treasurer, to be by him destroyed, or to make such other disposition of them as the legislature may direct.

"We also request that we may be relieved from all further duties under the act by which we were appointed. There are only twenty-nine bonds of all descriptions now outstanding with which we would have anything to do, and the duty of certifying to them can very well be devolved on some of the State officers, to whom we might be authorized to deliver the books and papers of the commission.

"Herewith we submit for your inspection a tabular statement, prepared by the very efficient clerk of the board, A. J. F. Phelan, esq., which will be found full and comprehensive.

"All of which is respectfully submitted.

"J. W. DENVER,

"SAM. B. SMITH,

"Commissioners California War Debt.

"SACRAMENTO CITY, January 30, 1860."

It may be well to supplement the final report of the commissioners by saying that Congress authorized the using up of the surplus of the original appropriation in the redemption of bonds issued subsequent to January 1, 1854 (Statutes at Large, Volume XII, page 104), and that this was done to the extent of \$7,650 of principal (see official list in appendix), with interest up to the time of presentation, leaving a surplus still of about \$10,000. This could not be utilized, because the estimate on which the appropriation was based included that amount of claims which had not been funded by the State prior to January 1, 1854.

To state in a few words the action of the commissioners, they indorsed as correct the bonds with interest up to January 1, 1854; and to the holders of the bonds of 1851, the coupons of which fell due in September and March, they gave a certificate of indebtedness for the interest from January 1, 1854, to March 1, 1854, they detaching and keeping this March coupon. Instead of giving certificates to the holders of the bonds of 1852 for the interest from January 1, 1856, to September 1, 1856, they stamped the amount of this interest on the coupon that fell due January 1, 1857. The coupons of the bonds of 1851, from March 1, 1854, to September 1, 1856, inclusive, and those of the bonds of 1852, from January 1, 1854, to January 1, 1857, inclusive (the latter having stamped on them the interest of September 1, 1856), were detached and surrendered to the bond-holders, and it is these coupons so detached, and those certificates of indebtedness, which are urged by their holders as being valid obligations of the State.

The coupons of the bonds of 1851, representing the interest from September 1, 1856, to maturity, and the coupons of the bonds of 1852, representing the interest from January 1, 1857, to maturity, were detached and retained by the commissioners, and amounted, according to their final report, to \$344,669.17. These were destroyed by the military committee of both houses, in accordance with concurrent resolution (senate journal, 12th session, page 779). It will be seen on referring to the report of the committee that the coupons destroyed amounted to the sum of \$327,207.98 cents. The seeming discrepancy between these figures and those of the commissioners is easily reconciled when we call to mind the fact of the January, '57, coupons being surrendered to the bond-holders with the interest stamped on it from January 1, 1856, to September 1, 1856. It is plain, therefore, that the coupons destroyed by the committee would not be as great as the amount returned by the commissioners by so much interest on the bonds of 1852 as had accrued between September 1, 1856, and January 1, 1857.

#### HISTORY OF THE CLAIMS.

None of the bonds of 1851 have ever been presented to the legislature for redemption until the present session, there being a bill now pending for the payment of bond No.



34, issued April 1, 1851. It seems that a duplicate was issued for this bond to John C. Johnson, by act of April 30, 1853 (statutes 1853, page 130), and it is certain that the original has been paid. The claim is accompanied by a number of papers, among them being an affidavit on the part of the holder of the bond, who claims himself to be an innocent purchaser for value, and a letter from the board of war debt commissioners in support of their action in refusing to certify to the correctness of the bond. As the recommendation of this report renders it unnecessary for us to pass upon the validity of this claim, we have not devoted to it any special study.

As to the bonds of 1852 the legislature have made appropriations for their payment as follows:

In 1865 and '66 (page 516 of statutes), principal and interest in full .....	\$32,500
In 1867 and '68 (page 468 of statutes), principal and interest in full .....	1,765
In 1869 and '70 (page 698 of statutes), principal and interest in full .....	2,380

When the bonds alone were first presented to the legislature in 1865-'66, the question of their constitutionality being raised, the matter was submitted to the judiciary committee of the assembly, who decided them, with but one dissenting voice, to be constitutional and valid. (See report in third volume of appendix to senate and assembly journals, sixteenth session.) A minority report was made by Mr. Luttrell, the present representative in part of the county of Siskiyou, on the floor of the assembly. This gentleman, however, recommended that a commission be appointed to investigate the amount and character of the Indian war indebtedness of the State, and report the result to the ensuing legislature. (See report in appendix, as above.) This recommendation was so far concurred in as that a committee was appointed, of which Mr. Luttrell was made chairman. The committee, however, renewed the recommendation previously made by their chairman and so the matter came to naught. (See report in assembly journal, sixteenth session, page 630.)

No provision has ever been made for the payment of the coupons and certificates, though strenuous efforts have been made to induce such action. This seems singular, as the various committees to whom the matter was from time to time referred reported in favor of their payment.

The first time these claims were presented to the legislature was in 1860. In that year Governor Weller called the attention of the legislature to the matter, and recommended that "prompt provision be made for the payment of these just demands." (See his message in senate journal, eleventh session.) A bill was introduced in the senate in accordance with this recommendation, and referred to the committee on claims, who reported unanimously in favor of the payment of the coupons. They conclude their report as follows:

"The laws authorizing the issuance of the bonds provided that the interest should be paid on the 12 per cents semi-annually on the 1st days of March and September of each year, and on the 7 per cents annually on the 1st day of January of each year, from and after their issuance. The bonds carried this pledge upon their face; the coupons attached promised the same. The bonds were transferable by delivery, and no doubt passed through many different hands. Parties purchasing had a right to expect that the interest would be paid by the State as set forth on the face of the bonds. They were signed by the controller and treasurer of state, indorsed by the governor, stamped by the seal of state, and it is strange that the solemn pledge of the State should not ere this have been fulfilled.

"A majority of the holders of this indebtedness have, however, as your committee are informed, expressed a willingness to surrender their evidences of indebtedness, that is to say, their unpaid coupons and certificates, and receive in lieu thereof bonds of the State payable at some future date. Certainly the State can not refuse to do this. In response to this your committee have prepared a bill, which is herewith reported, authorizing the funding of this debt and the issuance of bonds payable in the year 1870, bearing interest at the rate of 7 per cent. per annum, containing a provision that if the General Government shall make provision for the payment of the same at an earlier date the State shall have the privilege of calling them in by giving sixty days' notice, from and after which time they shall cease to bear interest.

"In recommending the passage of this bill your committee have only to add that they feel that at best the State has been strangely tardy in providing for the payment of this indebtedness, and they hope that the same may be favorably and at once considered by the senate."

These claims were not before the legislature of 1831, so far as we can ascertain; but in 1862 Governor Downey drew attention to them in his annual message of that year as follows (senate journal, thirteenth session, page 34):

"There is still due and unpaid the sum of \$218,468.54 on account of the Indian war debt, incurred prior to 1834, and for which an appropriation was made by Congress \$924,259.65 (more than ample at the time to meet the whole war debt). This balance

against the State on this account is mainly owing to the ruling of the Secretary of War, who refused to transfer the amount thus appropriated, declining to recognize the bonds as evidence of this debt, but requiring proof of the indebtedness by the production of the original accounts and vouchers, which in many instances had become quite impossible. Under this ruling of the Secretary interest of two years was suffered to accumulate, and the result has been this unpaid balance—consisting of interest on coupons—the sum of \$172,868.54; bonds remaining unpaid, \$38,100; interest due on the latter, \$7,500; total, \$218,468.54. These bonds mature in 1862. The faith of the State is pledged to their payment; and if Congress will not assume this debt, as it properly should, the State ought to make provisions for its liquidation.”

This portion of the governor's message was referred by the assembly to a special committee, who reported as follows:

“MR. SPEAKER: Your committee, to whom was referred that part of Governor Downey's message relating to the balance due on account of Indian war debt, report:

“That they find that there is now outstanding about \$220,000 of the old Indian war debt, consisting of war bonds, coupons, etc., for the payment of which the faith and credit of the State has been pledged, as will appear by an act passed May 2, 1852, and other acts supplementary thereto, under which said bonds were issued.

“That said bonds become due and payable on the 2d day of May, 1862, and no provision has been made for the payment thereof.

“That they have conferred with some of the holders of the aforesaid indebtedness; who claim that they are entitled to the money when the same becomes due; but knowing that from the present condition of State finances it is impossible to meet this indebtedness with cash, they are willing to accept bonds of the State therefor.

“That your committee recommend, as the best mode of settling the aforesaid indebtedness, that bonds of the State be issued, drawing interest at the rate of 7 per cent. per annum, payable in ten or twenty years, or out of any appropriation that may be made by the Federal Government before the lapse of said term, and respectfully submit the accompanying act for that purpose for your consideration.”

This report is signed by the whole committee of five, one of the number being Mr. McCullough, who subsequently became attorney-general, and another, Mr. Machin, who subsequently became lieutenant-governor. A bill was introduced in the senate providing for the funding of the coupons, as recommended by the assembly committee, which bill was referred to the committee on finance, who reported unanimously in favor of the bill. Their report concludes as follows (Senate Journal, thirteenth session, page 623):

“The assembly bill provides for issuing bonds for the bonds and interest due thereon issued subsequent to the 1st day of January, 1854, and would leave the bonds and interest due on those issued prior to that date unprovided for. This would be manifest injustice to the holders of the coupons on the old bonds. The State has pledged her faith and credit to pay them if the General Government did not provide for their payment before they fell due. This the General Government has failed to do, and the holders of the coupons look to the State to comply with her obligations. Your committee think the State should not in the first place have taken the course she did in making herself liable for these debts; but having done so, her honor and credit require that she should immediately provide for meeting her obligations.

“Some fault has been found with the commissioners by some parties for returning the unpaid coupons to the bondholders. These coupons could not be paid by the terms of the act of Congress, and the amount thereof being due to the holders, and no provision having been made to pay them, they certainly were entitled to have what belonged to them. And had it not been for the second act of Congress providing for the manner of settlement, a very large portion of these bonds and interest thereon would not have been paid by the Congressional appropriation; but the holders would have a just and legal claim for them against the State, which she could not have avoided paying. Therefore, instead of any injury arising from such action to the State, she was saved several hundred thousand dollars. These coupons were long since due. They, of course, draw no interest; but the bonds to which they were attached falling due on the 2d day of May next, they should be settled. Congress may at some future day provide for their payment; but the holders look first to the State. We therefore recommend the passage of the assembly bill, with several amendments herewith presented.”

The adjutant-general of the State was called on for information by resolution of the assembly at this same session of the legislature, and his report can be found in appendix to senate and assembly journals of the thirteenth session. He gave an opinion adverse to the payment of the coupons by the State, for the reason that the General Government had assumed their payment, and for the further reason that the commissioners should have calculated the interest up to the time of presentation, and then made a final settlement with the holders by dividing the appropriation pro rata. As answer to these

objections, it can very well be replied that whether the Government assumed the debt or not, it certainly has not paid it; and as to the action of the commissioners, it seems clear from what has gone before that they could not do what General Kibb says they ought to have done. But suppose they *had* done so, would there not have still resulted a balance in favor of the bondholders, for which the State would have been liable? The legislature, however, rejected the recommendation of their committees, and the bill to fund the coupons failed to become a law.

In 1863 these claims were again presented (the governor, Stanford, including them in his annual message, as, indeed, he did the following year, as being a part of the State debt), and were referred to the senate committee on finance. This committee divided, the chairman, Mr. Perkins, together with Mr. Doll, presenting the most elaborate report that had yet been made on the subject, and Mr. Birdseye and Mr. Gaskill reporting adversely. These reports can be found in appendix to senate and assembly journals of the fourteenth session. In the report of Senators Birdseye and Gaskill the following paragraph occurs, which we deem well to quote:

"When these commissioners arrived in Washington, by the consent and through the influence of the bondholders, they obtained the passage of an act of Congress, which took the matter entirely out of the control of the State, diverted the money from the State treasury directly to the bondholders, deprived the State of the right to call in her bonds under sale to the lowest bidders, ignored the State in the premises, set aside her trust, and destroyed her agency."

The reply to this, as your committee think, can be found in the extracts which we have made from the messages of Governors Bigler and Johnson, and from the reports that have been quoted.

If the decision of the Secretary of War in construction of the act of 1854 had been acted on, and the money had been paid directly into the State treasury, the State would, very likely, have failed to realize from it the face of her bonds, and for the balance she would have been liable to the bondholders; so that the Congressional act of 1856 was directly in her interests. Her bonds had been regularly issued upon her faith and credit, and she was in honor bound to pay them to the last farthing.

The commissioners could not have been deemed to act in bad faith or to the prejudice of the interests of the State, for these same commissioners were authorized by the legislature in 1861 (page 298 of Statutes), to adjust with the General Government the war debt of 1857. Indeed, Governor Johnson, in his annual message dated January 1, 1857, speaks as follows:

"The commissioners of the war debt \* \* \* have discharged their duties with fidelity to the interests of the people they represented, and with most agreeable results in the adjustment of this indebtedness."

This indorsement, together with the fact that these same commissioners were again detailed for a similar duty, and with the further fact, that there is nothing in any of the reports that tends to prove that they acted any otherwise than honestly, demonstrate satisfactorily to your committee that they did what they deemed best for the interests of the State.

Your committee would further state that they have failed to find any evidence of the commissioners having colluded with the bondholders, as is charged in the extract from the report which has been given above.

In this same year (1863) the treasurer brought the matter of these unpaid coupons and certificates to the attention of the governor in his annual report, and after treating the subject at some length, concludes by saying that "the State is in honor bound to pay those detached coupons, and whatever of the bonds remain unpaid" (see treasurer's report in appendix to senate journal, fourteenth session).

At the next session of the legislature (that of 1863-'64) the project was again brought forward to fund this indebtedness, a bill being introduced in the senate for this purpose and referred to the committee on claims, a majority of whom made the following report. (See report of committee in appendix to senate journal, fifteenth session.) The minority report can be found in the same place:

"Mr. President: The committee on claims, to whom was referred senate bill No. 59, 'An act entitled an act to provide for paying certain demands issued on the faith and credit of the State, which became due and payable on the 2d day of May, A. D. 1862, and to contract a funded debt for that purpose,' have had the same under consideration and ask leave to report:

"That they find there is now outstanding about \$220,000 of the old Indian war debt evidenced by and consisting of war bonds and coupons, for the payment of which the faith and credit of the State has been pledged, as will fully appear by an act passed May 2, 1852, and other acts supplemental thereto, under which said bonds were issued.

"That said bonds, by the terms of said acts, became due and payable on the 2d day of May, 1862, and no provision has been made for the payment thereof. The holders

of said bonds and coupons have applied to former legislatures to provide some way for the settlement of the aforesaid indebtedness, and your committee have carefully examined the proceedings of the various committees to whom the matter has been heretofore referred, and have been unable to discover any well-founded objection to any part of this claim; on the contrary, all the arguments which have been adduced based upon facts militate strength in favor of the justice thereof.

"In 1862 the subject was discussed by Governor Downey in his annual message, in which he says, after summing up the total amount of this indebtedness—making it \$218,463.54: 'These bonds, matured in 1862; the faith of the State is pledged to their payment, and if Congress should not assume this debt, as it properly should, the State should make provision for its liquidation'—which part of the governor's message was referred to a select committee of the assembly, who, after a thorough examination of the subject, reported a bill similar to the one which your committee have considered, and recommended its passage. Said special committee consisted of the present lieutenant-governor of the State, the present attorney-general, and Messrs. Hillyer, Morrison, and Worthington.

"The holders of these bonds and coupons claim that they are entitled to the money therefor when the same became due, but, owing to the embarrassed condition of the finances of the State, they have been and now are willing to accept bonds of the State therefor, as provided in the bill referred to your committee.

"Your committee is of opinion that the settlement of these claims with the holders can not longer be delayed without great injury to the credit and a serious violation of the faith of the State, which has been unconditionally and unqualifiedly pledged for their redemption.

"Therefore they report back the bill and recommend its passage."

This report is signed by John P. Jones, W. E. Lovett, and George S. Evans, the latter gentleman being an honored senator of the now sitting legislature.

A minority report was also submitted, which recommended the payment of the bonds, but disagreed with the majority report as to the payment of the coupons.

This report speaks of "notorious frauds committed in the issue of these bonds," and yet the gentlemen who sign it recommend the payment of the bonds, but would refuse payment of the coupons.

It seems to your committee that to be consistent they should have reported against the bonds, as they did against the coupons. But really this question of fraud could only be considered when the bonds were in process of issue, and not after they had been put into circulation and had passed through many hands. Under such circumstances, a negotiable instrument is conclusively presumed to have passed for a valuable consideration and to be free from fraud. But if any fraud was ever perpetrated your committee have failed to find evidence of it in the official reports.

As this minority report speaks of the failure of the Congressional appropriation to pay the detached coupons, your committee deem it well to give the true history of this matter, as it is given by Adjutant-General Kibbe, who was himself an actor in the scene. The following extract is taken from his report, attention to which report has already been directed:

"I had the honor of presenting this whole matter to the Committee on Military Affairs of the United States Senate, while in Washington last year, explaining the same to them; in which explanation I satisfied the committee that Congress had virtually assumed this portion of the debt (the interest) by act of August, 1856, and that committee reported, as an amendment to the Army appropriation bill, the following, viz:

"For the payment of the coupons outstanding and now unpaid accruing between the 1st day of January, 1854, and the 16th day of August, 1856, upon the bonds of the State of California, issued for the payment of expenses incurred in the suppression of Indian hostilities prior to the 1st day of January, 1854, the redemption of which bonds was authorized by acts of Congress of August 5, 1854, August 18, 1856, and June 23, 1860, \$177,196.23; said coupons to be certified by the Third Auditor of the Treasury to be those designated by this section to be paid by the Secretary of War to the holders thereof."

"But it being asserted by Senators that many of these coupons had been purchased for a nominal sum, and were mainly held by a banking-house in Washington, the amendment did not prevail.

Whether this assertion of Senators was true or not, and your committee doubt if it was, the fact remaining that these detached coupons successfully withstood the scrutiny of a Congressional committee, and were defeated because of statements very probably made at random. But admitting the statement to have been true, it does not relieve the State, as your committee think, from her obligation to pay. It would certainly be a new doctrine to hold that a debtor should be relieved from his indebtedness because his obligations went begging in the market. Under such circumstances your committee

think that the debtor should make all the more effort to satisfy the demands of his creditors.

The bill again failed, and the coupons and certificates were not presented again until the year 1871, when they were laid before the board of examiners, under the provisions of the act which provided for their consideration of claims not otherwise provided for by law. The board of examiners recommended that some competent person be appointed, whose business it should be to investigate the whole matter of Indian war bonds and coupons and report to the governor within ninety days, the board to use the report as a basis of audit. This recommendation, however, was not concurred in by the legislature.

The amount of coupons and certificates laid before the board is as follows:

Coupons and certificates, by voucher.....	\$42,706.88
Coupons and certificates, by schedule.....	34,708.55
<b>Total.....</b>	<b>77,415.43</b>

REASONS FOR PAYING THE CLAIMS.

The claimants give the following reasons, among others, for urging the payment of these claims, and, taken in connection with what has gone before, your committee deem them conclusive:

That the bondholders had good reason to believe when they surrendered their bonds that Congress would make an appropriation to pay the coupons, and not having done so, the State is bound by virtue of her contract with those who took her bonds.

That the principal not having been paid until September 1, 1856, the bondholders were clearly entitled to interest up to that time; instead of that they were only paid up to January 1, 1854, and this not by virtue of any composition on their part, but because of the rigid rule laid down by the War Department in its construction of the acts of Congress of 1854 and 1856.

That the bonds of 1851 and 1852 were as valid and as negotiable as any bonds could be, for they were issued upon the faith and credit of the State.

That there was no fraudulent collusion of the bondholders and commissioners, for the State authorities recognized the conduct of the latter as having been wise and honest.

That had the bondholders not surrendered their bonds the State would have been bound to pay not only the interest between January, 1854, and September, 1856, but the whole interest to maturity, which latter was saved, and amounted to more than \$300,000.

That the bondholders did not waive nor have they ever waived the interest between January, 1854, and September, 1856; nor did they yield up this interest in the way of satisfaction; that is, they did not agree to take nor had they any intention of taking the principal of their debt with interest up to January 1, 1854, in satisfaction of their whole debt; that the fact of their coupons having been surrendered to them proves this beyond the possibility of a doubt.

That the last legislature paid some of the old issue of the bonds of 1852, with interest in full, and that this, as a precedent, should have great weight, from the fact, that by the surrender in 1856, over \$300,000 in interest was saved the State; and that it would be gross injustice to pay those parties in full whose refusal to surrender their bonds in 1856 cost the State increased interest, while depriving others of the interest which their principal indubitably earned, and by whose course the State was saved a very large amount.

That it is idle to say the bonds were fraudulently or improvidently issued, as such instruments after having been put in circulation can not be affected by such considerations; that granting that the coupons have passed from hand to hand for insufficient consideration (of which there is no proof), this is not to be wondered at when the State has so persistently postponed their liquidation; and that if such is the case, it would not be the only instance in life in which necessity or deferred hope has caused the owner to part with a thing of value for an insufficient consideration; but that some of the bondholders have not parted with their coupons, and still retain them.

That the agent always binds his principal when acting within the scope of his authority; that the commissioners, acting within the scope of their authority, returned to the bondholders these detached coupons stamped with their stamp, and for others gave certificates of indebtedness; that by so doing they acknowledged these instruments as being an unliquidated and valid demand against the State, and that by such acknowledgment the State (their principal) is bound.

That the State authorities knew of the course the commissioners were pursuing, and could have repudiated their action; instead of that they not only assented to it at the time, but applauded the conduct of the commissioners afterwards; that this is conclusive



of the objection that the commissioners did not adhere to the very letter of their instructions, for it is well settled that when the principal assents to or subsequently confirms the action of his agent the principal is bound.

That the commissioners deviated from the strict letter of their instructions in but two particulars: first, in not paying interest up to the time of presentation of the bonds; and, secondly, in not advertising for bids for surrender of bonds. That as to the first, they were precluded from allowing interest up to the time of presentation, on account of the ruling of the War Department; and that as to the second, it would have been a useless expense to advertise for bids, for, as the appropriation was more than sufficient to pay the bonds with interest up to January 1, 1854, every holder would have put in a bid at par. It follows, therefore, that the agent was forced to deviate somewhat from the letter, in order that he might preserve the spirit of his instructions, and that he did so with the knowledge and consent of his principal.

That the governor is bound to see the laws faithfully executed, and if he saw the commissioners acting in derogation of the statute defining their duties, he could have repudiated their action or removed them, but that the commissioners were not only sustained by the governor but applauded by him. (See Governor Johnson's message of 1857, above referred to.)

That the acts of the commissioners were not only ratified by the governor, but by the legislature, as will be seen by the statute empowering the board of war debt commissioners to adjust with the General Government the war indebtedness of 1857 (Statutes of 1861, page 298); that it will be seen on referring to the first section of this act that the legislature acted upon the assumption that the board were still in existence, and that it is plain that by laying upon the commissioners further duties of the same kind previously performed, with full knowledge of the manner in which the trust was executed, that the legislature thereby ratified the previous action of the agent of the State in the execution of such trust.

That the bonds and coupons were issued by the State with the express promise on her part to pay them if the United States Government did not, and that the latter having made default the former is bound.

That every governor who has spoken officially, and every committee to whom the claims have been referred (most of them unanimously, and only in one instance evenly divided) have urged their liquidation.

That the justice and validity of these claims have been acknowledged by the legislature of this State, as will be seen by the following concurrent resolution (Statutes of 1859, page 381):

*Resolved by the senate (the assembly concurring),* That our Senators at Washington be instructed and our Representatives in Congress be requested to urge upon Congress the immediate payment of the Indian war debt due to citizens of this State.

*Resolved,* That a copy of these resolutions be forwarded by his excellency the governor, to each of our Senators and Representatives, with as little delay as possible."

That it follows, as an irresistible conclusion, that to refuse payment of these claims is to repudiate a portion of the State debt.

AMOUNT OF INDEBTEDNESS OUTSTANDING.

As to the amount of indebtedness outstanding, your committee are enabled to give exact official information. From an examination of the Bond Register of the bonds of 1851 and 1852, in the office of the treasurer of state, it appears that bonds were issued as follows:

Bonds of 1851.....	\$200,000
Bonds of 1852.....	636,350

By the official certified lists from the office of the Third Auditor at Washington, and received within the past few weeks, it appears that the General Government has paid the principal of bonds as follows:

Bonds of 1851.....	\$197,000
Bonds of 1852.....	598,450

Summary tables:

Issue of 1851.....	\$200,000
Paid by General Government of principal.....	197,000
Outstanding of principal.....	<u>3,000</u>

Issue of 1852 .....	\$636, 350
Paid by General Government of principal .....	\$598, 450
Paid by State, 1865-'66, of principal .....	20, 950
Paid by State, 1867-'68, of principal .....	900
Paid by State, 1869-'70, of principal .....	1, 350
	621, 650
Outstanding of principal .....	14, 700

The following is an exhibit of the bonds that were laid before the board of examiners. We have tabulated them, so that they can be easily understood and readily referred to:

No. bond.	Name of claimant.	When issued.	Princ- ipal.	Interest to May 2, 1862.	Total principal and interest.
305	E. W. Morse .....	Jan. 19, 1854	\$100	\$57.96	} \$315.92
306	do.....	do.....	100	57.96	
113	Samuel Scott.....	Feb. 3, 1854	250	143.18	} 393.18
347	I. Wormser.....	Apr. 15, 1854	100	56.30	
348	do.....	Apr. 17, 1854	100	56.30	} 468.80
349	do.....	do.....	100	56.30	
340	M. S. Latham.....	Sept. 20, 1854	100	58.29	} 3, 473. 43
396	do.....	Aug. 26, 1854	100	53.76	
374	do.....	May 13, 1854	100	55.76	
373	do.....	do.....	100	55.76	
372	do.....	do.....	100	55.76	
141	do.....	Aug. 26, 1854	250	134.40	
143	do.....	do.....	250	134.40	
142	do.....	do.....	250	134.40	
146	do.....	Sept. 14, 1854	250	133.53	
416	do.....	May 13, 1854	500	278.82	
145	do.....	Sept. 14, 1854	250	133.53	
128	Jay Cooke & Co.....	July 15, 1854	250	136.40	
129	do.....	July 21, 1854	250	136.10	
130	do.....	do.....	250	136.10	
134*	do.....	do.....	250	93.38	
135	do.....	do.....	250	136.10	
136	do.....	do.....	250	136.10	
151	do.....	Oct. 18, 1854	250	131.38	
329	do.....	Mar. 29, 1854	100	56.63	
331	do.....	Mar. 31, 1854	100	56.60	
332	do.....	do.....	100	56.60	
333	do.....	do.....	100	56.60	
340	do.....	Apr. 12, 1854	100	56.36	} 6, 059. 11
341	do.....	do.....	100	56.36	
353	do.....	Apr. 25, 1854	100	56.11	
354	do.....	do.....	100	56.11	
355	do.....	do.....	100	56.11	
371	do.....	May 8, 1854	100	53.86	
384	do.....	June 6, 1854	100	55.31	
383	do.....	July 15, 1854	100	54.55	
386	do.....	July 21, 1854	100	54.44	
390	do.....	Aug. 7, 1854	100	54.13	
391	do.....	Aug. 11, 1854	100	54.05	
394	do.....	Aug. 19, 1854	100	53.91	
420	do.....	July 15, 1854	500	272.80	
433	do.....	June 21, 1854	100	41.02	
Total principal and interest up to May 2, 1862, when bonds matured.....					10, 710. 54

to. \* Some coupons lost from this bond.

considered. has so persistent, and is thus seen to be \$6,950, and the total interest up to May 2, 1862 not be the only instance. (of the bonds), \$3,760.54. We have made a careful comparison to part with a thing of value for the numbers of those paid at Washington and by the State, and holders have not parted with their coupons, never been paid, with the exception of bond No. 347.

That the agent always binds his principal to the official list in appendix, it will be seen that authority; that the commissioners, acting as a bond of that number and denomination. We the bondholders these detached coupons, have been authorized by statute for this bond, nor does certificates of indebtedness; that by so number. In fact, the bond here corresponds exactly ing an unliquidated and valid demand er. Both are for the same number and denomination the State (their principal) is bound issued to D. B. Kurtz, on the 15th of April, 1854.

That the State authorities knew of this bond get here? Setting aside the improbability of could have repudiated their action; in all of its indorsements, including that of Kurtz, and time, but applauded the conduct of the

the fact of its never having been in the office of the Third Auditor—for it lacks the indorsement of the war debt commissioners—we are driven to the supposition that the number 347 in the official list is a clerical error. At all events, the bond is here, and bears every evidence of genuineness.

Our examination of bond number 433 for \$100 disclosed the following singular state of facts: It appears that two bonds of \$100 each, numbered 432 and 433, were issued to A. W. Bee by act of the legislature approved May 14, 1862 (page 554 of statutes), in lieu of bonds numbers 344 and 345 that had been issued November 24, 1854, and that there is no record of any bond for \$100 numbered 433 having been issued on June 21, 1856. Of course this bond could not be one of those issued to Bee, because his bonds were issued in 1862, and were to bear the same date, by the terms of the statute, as those bonds which he was to surrender, viz, November 24, 1854. The suspicion attached to this bond is not relieved by the fact of its lacking the seal of the treasurer, which its fellows exhibit; but as the genuineness of the bond will have to be passed upon in the process of funding, we deem it unnecessary to discuss the matter further.

If payment were made of the bonds above tabulated, there would still be outstanding of the bonds of 1851, \$3,000, being three bonds numbered 107, 108, and 142, and of the bonds of 1852, \$7,750. As one-half of these latter (\$3,800) belong to the old issue of 1852, and were not presented to the war debt commissioners, and as but \$1,350 of these have ever been presented to the legislature, and none of them were laid before the board of examiners, it is but fair to presume that nearly half of the bonds of 1852, still outstanding, will never be brought forward for payment.

Deeming the following table may be of some service, we have taken the pains to construct it, premising that the "old issue" of 1852 comprises those bonds that were issued prior to January 1, 1864, and the "new issue," the bonds that were issued after that time:

Old issue of 1852-----		\$595,950
Paid by Government of principal-----	\$590,800	
Paid by State, 1868-'70, of principal-----	1,350	
		<u>592,150</u>
Outstanding-----		3,800
		<u>40,400</u>
New issue of 1852-----		40,400
Paid by Government of principal-----	\$7,650	
Paid by State, 1865-'66, of principal-----	20,950	
Paid by State, 1867-'68, of principal-----	900	
		<u>29,500</u>
Outstanding-----		10,900

The amount of the detached coupons is given by the commissioners at \$172,828.54, and by Adjutant-General Kibbe at \$177,196.23. How General Kibbe arrives at these latter figures he does not tell us, nor do we deem it material to ascertain, even if we could do so. The commissioners' figures are adhered to in all of the official reports; and besides, as many years have elapsed since the coupons were detached, your committee doubt if more than three-fourths of them could be presented in shape for payment.

The whole indebtedness may be tabulated as follows:

Bonds of 1851, of principal-----	\$3,000.00
Bonds of 1852 (new issue), of principal-----	10,900.00
Bonds of 1852 (old issue), of principal-----	3,800.00
Detached coupons and certificates of indebtedness-----	172,828.54
	<u>190,528.54</u>
Total-----	190,528.54

This amount will, of course, be somewhat greater when there is added to it the interest on the bonds to their maturity, but for reasons heretofore given we are convinced that many of the evidences of indebtedness will never be presented, and that the sum of \$190,000 is considerably more than the State will ever be called upon to pay.

The redemption registers in the treasurer's office we found to be as incomplete as they are stated to be by the board of examiners, but it will be an easy matter, by means of the official lists above referred to, to correct and complete them, the want of that information which these lists furnish seems to have been the motive that determined the conclusion of the board of examiners, it being deemed that this information could only be procured on the personal application of an agent of the State. After this determination, however, some of the claimants succeeded, after a delay of some months, in obtaining those official lists of which we have made such good use and which we beg leave to append to this report as an appendix.

RECOMMENDATION.

The committee would therefore recommend, in conclusion, that the whole indebtedness be funded, the funding act to provide for the issue of bonds of the State to the amount of \$190,000, with interest at the rate of 7 per cent. per annum. A tax of three-fourths of a cent on each \$100 will be amply sufficient for the purpose; indeed, this rate will doubtless prove to be too high in the course of a few years.

Thus, for an insignificant tax, would the State be finally relieved of an obligatory indebtedness that has vexed her for years, and her people receive yet another illustration of that nice sense of right which is no less necessary to the honor of a commonwealth than it is to that of an individual.

GEORGE C. PERKINS,  
JOHN MCMURRY,  
WILLIAM MINIS,  
HENRY LARKIN,  
STEPHEN WING,  
*Senate Committee.*

E. B. MOTT, Jr.,  
JACOB WELTY,  
W. N. DE HAVEN,  
ROBERT BELL,  
J. H. COOPER,  
P. B. BACON,  
W. A. ALDRICH,  
*Assembly Committee.*

APPENDIX.

List of California 12 per cent. war bonds paid by the United States, under the Smith and Denver commission, said bonds being for the amount of \$1,000 each, and with interest upon the coupons up to the 1st day of January, 1854.

No. of bond.	Date of bond.	No. of bond.	Date of bond.	No. of bond.	Date of bond.	No. of bond.	Date of bond.
1.....	Apr. 1, 1851	37.....	Apr. 1, 1851	73.....	Apr. 1, 1851	129.....	Apr. 21, 1851
2.....	Do.	38.....	Do.	74.....	Do.	130.....	Do.
3.....	Do.	39.....	Do.	75.....	Do.	131.....	May 24, 1851
4.....	Do.	40.....	Do.	76.....	Do.	132.....	Do.
5.....	Do.	41.....	Do.	77.....	Do.	133.....	Do.
6.....	Do.	42.....	Do.	78.....	Do.	134.....	Do.
7.....	Do.	43.....	Do.	79.....	Do.	135.....	Do.
8.....	Do.	44.....	Do.	80.....	Do.	136.....	Do.
9.....	Do.	45.....	Do.	101.....	Apr. 9, 1851	137.....	Do.
10.....	Do.	46.....	Do.	102.....	Do.	138.....	Do.
11.....	Do.	47.....	Do.	103.....	Do.	139.....	Do.
12.....	Do.	48.....	Do.	104.....	Do.	140.....	Do.
13.....	Do.	49.....	Do.	105.....	Do.	141.....	Do.
14.....	Do.	50.....	Do.	106.....	Do.	143.....	Do.
15.....	Do.	51.....	Do.	107.....	Do.	144.....	Do.
16.....	Do.	52.....	Do.	108.....	Do.	145.....	Do.
17.....	Do.	53.....	Do.	109.....	Do.	146.....	Do.
18.....	Do.	54.....	Do.	110.....	Do.	147.....	Do.
19.....	Do.	55.....	Do.	111.....	Do.	148.....	Do.
20.....	Do.	56.....	Do.	112.....	Do.	149.....	Do.
21.....	Do.	57.....	Do.	113.....	Do.	150.....	Do.
22.....	Do.	58.....	Do.	114.....	Do.	151.....	June 10, 1851
23.....	Do.	59.....	Do.	115.....	Do.	152.....	Do.
24.....	Do.	60.....	Do.	116.....	Do.	153.....	Do.
25.....	Do.	61.....	Do.	117.....	Do.	154.....	Do.
26.....	Do.	62.....	Do.	118.....	Do.	155.....	Do.
27.....	Do.	63.....	Do.	119.....	Do.	156.....	Do.
28.....	Do.	64.....	Do.	120.....	Apr. 11, 1851	157.....	Do.
29.....	Do.	65.....	Do.	121.....	Apr. 21, 1851	158.....	Do.
30.....	Do.	66.....	Do.	122.....	Do.	159.....	Do.
31.....	Do.	67.....	Do.	123.....	Do.	160.....	Do.
32.....	Do.	68.....	Do.	124.....	Do.	161.....	Do.
33.....	Do.	69.....	Do.	125.....	Do.	162.....	Do.
34.....	Mar. 26, 1851	70.....	Do.	126.....	Do.	163.....	Do.
35.....	Apr. 1, 1851	71.....	Do.	127.....	Do.	164.....	Do.
36.....	Do.	72.....	Do.	128.....	Do.	165.....	Do.

\* These so noted were paid as duplicates in lieu of the original bonds.

*List of California 12 per cent. war bonds paid by the United States, etc.—Continued.*

No. of bond.	Date of bond.	No. of bond.	Date of bond.	No. of bond.	Date of bond.	No. of bond.	Date of bond.
166.....	June 10, 1851	180.....	July 25, 1851	194.....	July 25, 1851	234.....	July 25, 1851
167.....	Do.	181.....	Do.	195.....	Do.	235.....	Do.
168.....	Do.	182.....	Do.	196.....	Do.	236.....	Do.
169.....	Do.	183.....	Do.	197.....	Do.	237.....	Do.
170.....	Do.	184.....	Do.	198.....	Do.	238.....	Do.
171.....	Do.	185.....	Do.	199.....	Do.	239.....	Do.
172.....	Do.	186.....	Do.	226.....	Do.	240.....	Do.
173.....	Do.	187.....	Do.	227.....	Do.	241.....	Do.
174.....	Do.	188.....	Do.	228.....	Do.	242.....	Do.
175.....	Do.	189.....	Do.	229.....	Do.	243.....	Do.
176.....	July 25, 1851	190.....	Do.	230.....	Do.	244.....	Do.
177.....	Do.	191.....	Do.	231.....	Do.	245.....	Do.
178.....	Do.	192.....	Do.	232.....	Do.	268.....	April 8, 1852
179.....	Do.	193.....	Do.	233.....	Do.		

A true list.

VANDOREN, Clerk.

THIRD AUDITOR'S OFFICE, December 21, 1871.

*List of 7 per cent. California war bonds paid by the United States.*

First. Bonds with interest upon the coupons up to the 1st of January, 1854:

One thousand dollar bonds: Nos. 1 to 341, inclusive.

Five hundred dollar bonds: Nos. 1 to 90, inclusive.

Five hundred dollar bonds: Nos. 92 to 185, inclusive.

Five hundred dollar bonds: Nos. 187 to 306, inclusive.

Five hundred dollar bonds: Nos. 308 to 399, inclusive.

Two hundred and fifty dollar bonds: Nos. 1 to 68, inclusive.

Two hundred and fifty dollar bonds: Nos. 70 to 105, inclusive.

One hundred dollar bonds: Nos. 1 to 114, inclusive.

One hundred dollar bonds: Nos. 116 to 131, inclusive.

One hundred dollar bonds: Nos. 164 to 218, inclusive.

One hundred dollar bonds: Nos. 220 to 267, inclusive.

One hundred dollar bonds: Nos. 272 to 296, inclusive.

Second. Bonds bearing date subsequent to the 1st of January, 1854, with coupons paid to the 1st of July, 1860:

Five hundred dollar bonds: Nos. 403, 409, 410, 411, and 413.

Two hundred and fifty dollar bonds: Nos. 108, 109, 110, 121, and 122.

Two hundred and fifty dollar bonds: Nos. 123, 124, 125, 126, 140, and 149.

One hundred dollar bonds: Nos. 302, 324, 325, 326, 334, 335, 336, 337, 338, 339, 342, 343, 344, 345, 346, 347, 350, 358, 359, 366, 370, 375, and 376.

A true list.

WM. THEO. VANDOREN, Clerk.

THIRD AUDITOR'S OFFICE, January 10, 1872.

A letter from the Acting Third Auditor of the Treasury Department, under date of February 16, 1882, is filed with the papers and contains the following information:

"I have to state that under acts of August 5, 1854, August 18, 1856, June 23, 1860, and July 25, 1868, the holders of bonds of said State who have presented the same to this Department have been paid the sum of \$914,071.02 for principal and interest which had accrued prior to January 1, 1854; and if there are any unpaid bonds and accrued interest which are considered as properly chargeable to the United States, no good reason appears why they should not be presented to the accounting officers of the Treasury for settlement in the same manner as those heretofore presented and paid, under any statute Congress may deem proper to enact, and the appropriation remain in the Treasury of the United States, to be drawn from as the claims shall be presented and settled, instead of depositing the total amount of the appropriation with the treasurer of the State of California, as expressed in the second section of said bill. If the State of California has paid the bonds and interest or any part thereof, she should present her claim for re-imbursement, by filing the bonds and coupons paid in the same manner as individual



holders and owners. This would obviate the covering back into the Treasury of the United States any unexpended balance which might be retained in the treasury of the State for years, as the bill does not fix a time for returning the balance to the Treasury of the United States."

The committee annex hereto report made by the controller of the State of California.

Controller's report, made under and in accordance with assembly joint resolution No. 73, to his excellency the governor. (Twenty-second session of the legislature.)

CONTROLLER'S OFFICE,  
Sacramento, May 27, 1878.

To his excellency WILLIAM IRWIN,  
Governor of California:

SIR: In conformity with your request, made under the authority of assembly joint resolution No. 73, adopted March 30, 1878, which reads as follows:

"Resolved by the assembly of the State of California (the senate concurring), First, that our Senators be instructed and our Representatives requested to urge upon Congress the immediate payment of all bonds, coupons, and certificates of coupons issued by the State of California for expenses incurred in the Indian wars which have not been paid by the General Government; second, that his excellency the governor be requested to cause a statement of all such bonds, certificates, and coupons, and the circumstances connected therewith, to be prepared by the controller, and, upon such statement being prepared, to cause an application to be made to Congress, in the name of the State of California, for the payment of said bonds, coupons, and certificates; third, and that he forward a copy of these resolutions to each of our Senators and Representatives in Congress."

I have the honor to make the following statement:

I find upon examination of war bond register in State treasurer's office, and other records in controller's office, that, under the act of the legislature of California, approved February 15, 1851 (Statutes 1851, page 520), Indian war bonds were issued by the State of California to the amount of \$200,000, bearing interest at the rate of 12 per cent. per annum, and payable in ten years; that under the act of the legislature of May 3, 1852 (Statutes of 1852, page 59), Indian war bonds were issued by the State of California to the amount of \$638,100, bearing interest at the rate of 7 per cent. per annum, and payable in ten years.

Of the principal of the above-named bonds of 1851, amounting to \$200,000, I find, according to printed report of William Theodore Van Doren, clerk, Third Auditor's Office, Washington, made January 10, 1872 (see appendix to journal of California senate and assembly for the nineteenth session, pages 28 and 29), that the United States Government has paid \$197,000; that of the principal of the above-named bonds of 1852, amounting to \$638,100 (according to said report of William Theodore Van Doren above referred to) the United States Government has paid \$598,450; that of the principal of the last above-named bonds the State of California (according to controller's books) has paid \$22,850, leaving outstanding of the principal of the bonds of 1851, \$3,000; of the principal of the bonds of 1852, \$16,800; making a total amount of said bonds outstanding of \$19,800, together with interest on the same, which said principal and interest, together with the number and denomination of each of said outstanding bonds, is given in the following table, to wit:

Outstanding 7 per cent. war bonds, 1852.

No.	Date of bond.	Amount.	Interest to May 4, 1862.	Total.	No.	Date of bond.	Amount.	Interest to May 4, 1862.	Total.
132	Oct. 11, 1852.....	\$100	\$66.91	\$166.91	148	Oct. 27, 1852.....	\$100	\$66.59	\$166.59
133	.....do.....	100	66.91	166.91	149	.....do.....	100	66.59	166.59
134	Oct. 12, 1852.....	100	66.89	166.89	150	Oct. 28, 1852.....	100	66.57	166.57
135	.....do.....	100	66.89	166.89	151	Nov. 1, 1852.....	100	66.51	166.51
136	.....do.....	100	66.89	166.89	152	.....do.....	100	66.51	166.51
137	Oct. 18, 1852.....	100	66.77	166.77	153	Nov. 3, 1852.....	100	66.47	166.47
138	Oct. 19, 1852.....	100	66.75	166.75	154	Nov. 13, 1852.....	100	66.28	166.28
139	Oct. 23, 1852.....	100	66.67	166.67	155	.....do.....	100	66.28	166.28
140	.....do.....	100	66.67	166.67	156	.....do.....	100	66.28	166.28
141	.....do.....	100	66.67	166.67	157	Nov. 16, 1852.....	100	66.22	166.22
142	Oct. 25, 1852.....	100	66.63	166.63	158	Nov. 18, 1852.....	100	66.18	166.18
143	.....do.....	100	66.63	166.63	159	.....do.....	100	66.18	166.18
144	.....do.....	100	66.63	166.63	160	Nov. 22, 1852.....	100	66.10	166.10
145	.....do.....	100	66.63	166.63	161	.....do.....	100	66.10	166.10
146	.....do.....	100	66.63	166.63	162	Nov. 25, 1852.....	100	66.05	166.05
147	.....do.....	100	66.63	166.63	163	.....do.....	100	66.05	166.05

CALIFORNIA STATE INDIAN WAR CLAIMS.

Outstanding 7 per cent. war bonds, 1852—Continued

No.	Date of bond.	Amount.	Interest to May 2, 1862.	Total.	No.	Date of bond.	Amount.	Interest to May 2, 1862.	Total.
219	April 27, 1853.....	\$100	\$63.10	\$163.10	381	May 26, 1854.....	\$100	\$55.53	\$155.53
268	Aug. 13, 1852.....	100	61.04	161.04	383	June 6, 1854.....	100	55.33	155.33
269	Aug. 13, 1853.....	100	61.04	161.04	384	July 10, 1854.....	100	54.67	154.67
270	.....do.....	100	61.04	161.04	386	July 21, 1854.....	100	54.47	154.47
271	.....do.....	100	61.04	161.04	390	Aug. 7, 1854.....	100	54.15	154.15
305	Jan. 19, 1854.....	100	53.20	153.20	391	Aug. 11, 1854.....	100	54.07	154.07
306	.....do.....	100	53.20	153.20	394	Aug. 19, 1854.....	100	53.92	153.92
329	Mar. 29, 1854.....	100	56.64	156.64	398	Sept. 2, 1854.....	100	53.67	153.67
331	Mar. 31, 1854.....	100	56.60	156.60	401	Oct. 23, 1854.....	100	52.68	152.68
332	.....do.....	100	56.60	156.60	402	Oct. 24, 1854.....	100	52.66	152.66
333	.....do.....	100	56.60	156.60	403	Nov. 24, 1854.....	100	52.08	152.08
340	April 12, 1854.....	100	56.39	156.39	404	.....do.....	100	52.08	152.08
341	.....do.....	100	56.39	156.39	405	.....do.....	100	52.08	152.08
348	April 17, 1854.....	100	56.29	156.29	406	.....do.....	100	52.08	152.08
349	.....do.....	100	56.29	156.29	407	.....do.....	100	52.08	152.08
353	April 25, 1854.....	100	56.14	156.14	409	April 4, 1855.....	100	49.54	149.54
354	.....do.....	100	56.14	156.14	413	July 23, 1855.....	100	47.33	147.33
355	.....do.....	100	56.14	156.14	416	Aug. 1, 1855.....	100	47.27	147.27
356	.....do.....	100	56.14	156.14	417	Aug. 13, 1855.....	100	47.04	147.04
371	May 13, 1854.....	100	55.85	155.85	418	.....do.....	100	47.04	147.04
372	.....do.....	100	55.85	155.85	419	.....do.....	100	47.04	147.04
373	.....do.....	100	55.85	155.85	420	.....do.....	100	47.04	147.04
374	.....do.....	100	55.85	155.85					
380	May 26, 1854.....	100	55.53	155.53					
							7,800	4,641.56	12,441.56

Outstanding 7 per cent. war bonds, 1852.

No.	Date.	Amount.	Interest.	Total.	No.	Date.	Amount.	Interest.	Total.
69	Nov. 25, 1852.....	\$250	\$165.14	\$415.14	152	Oct. 24, 1854.....	\$250	\$131.64	\$381.64
113	Feb. 3, 1854.....	250	144.33	394.33	153	.....do.....	250	131.64	381.64
128	July 10, 1854.....	250	136.70	386.70	154	.....do.....	250	131.64	381.64
129	July 21, 1854.....	250	136.15	386.15	155	.....do.....	250	131.64	381.64
130	.....do.....	250	136.15	386.15	156	.....do.....	250	131.64	381.64
134	.....do.....	250	136.15	386.15	160	Aug. 1, 1855.....	250	118.17	368.17
135	.....do.....	250	136.15	386.15	161	.....do.....	250	118.17	368.17
136	July 21, 1854.....	250	136.15	386.15	162	.....do.....	250	118.17	368.17
139	Aug. 24, 1854.....	250	134.55	384.55	163	Aug. 15, 1855.....	250	117.50	367.50
141	Aug. 26, 1854.....	250	134.45	384.45	164	May 18, 1856.....	250	104.23	354.23
142	.....do.....	250	134.45	384.45	166	.....do.....	250	104.23	354.23
143	.....do.....	250	134.45	384.45	167	.....do.....	250	104.23	354.23
145	Sept. 14, 1854.....	250	133.58	383.58	168	.....do.....	250	104.23	354.23
146	.....do.....	250	133.58	383.58					
151	Oct. 18, 1854.....	250	131.93	381.93					
							7,000	3,611.04	10,611.04

Outstanding 7 per cent. war bonds, 1852.

No.	Date of bond.	Amount.	Interest.	Total.
186	November 29, 1852.....	\$500	\$329.87	\$829.87
307	May 14, 1853.....	500	313.83	813.83
416	May 13, 1854.....	500	273.92	773.92
420	July 10, 1854.....	500	273.38	773.38
		2,000	1,196.00	3,196.00

Interest calculated from date of bond to May 2, 1862.

Outstanding 12 per cent. war bonds, 1851.

(Act of February 15, 1851.)

No.	Date of bond.	Amount.	Interest to February 15, 1861.	Total.
107	April 9, 1851.....	\$1,000	\$1,182	\$2,182
108	April 9, 1851.....	1,000	1,182	2,182
142	May 24, 1851.....	1,000	1,167	2,167
		3,000	3,531	6,531

Interest calculated from date of bond to February 15, 1861.

Interest and principal on bonds of 1852—\$100 each .....	\$12,441.56
Interest and principal on bonds of 1852—\$250 each .....	10,611.04
Interest and principal on bonds of 1852—\$500 each .....	3,196.00
Interest and principal on bonds of 1851—\$1,000 each .....	6,531.00
<b>Total .....</b>	<b>32,779.60</b>

On August 5, 1854 (United States Statutes at Large, Volume X, page 583), Congress passed a bill appropriating money to defray expenses incurred by the State of California in suppressing Indian hostilities. Section 3 of said bill reads as follows:

“SEC. 3. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the amount of expenses incurred by the State of California in the suppression of Indian hostilities within the said State prior to the 1st day of January, A. D. 1854, and that the amount of such expenses, when so ascertained, be paid into the treasury of said State: *Provided*, That the sum so paid shall not exceed in amount the sum of \$924,259.65, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.”

Could the above appropriation of \$924,259.65 have been made immediately available, it would have paid up in full, principal and interest, the said bonds under acts of 1851 and 1852, issued prior to January 1, 1854; but owing to the ruling of the honorable Secretary of War, to the effect that the vouchers upon which the said bonds were issued would have to be presented for examination to the War Department at Washington, delay was caused, the result of which was that before the bondholders received their money some two years and eight months elapsed, and the interest coupons from January 1, 1854 (the date to which interest was paid on bonds redeemed by the United States Government bearing date prior to January 1, 1854), to September 1, 1856, and amounting to \$173,322.66, were cut from the said redeemed bonds and returned to the respective holders of said bonds so presented for redemption; which will more fully and at large appear by reference to reports made to the governor of California by Samuel B. Smith and J. W. Denver, commissioners California war debt, which reports bear date, respectively, January 5, 1857, and January 30, 1860. (See appendix to journals of senate and assembly, nineteenth session, pages 10, 11, 12, and 13.)

Included in the \$638,100 of the 7 per cent. bonds, first herein described, are bonds bearing date after said 1st day of January, 1854, which were issued under the said act of 1852, and acts amendatory thereof—a large number of which, both principal and interest, have been paid in full by the United States Government—said Government thus acknowledging, to the fullest extent, the validity of the issue of bonds of later date than January 1, 1854, and the obligation of the General Government to pay the same; all of which will more fully appear by reference to the records of the United States War Department.

The commissioners of California war debt give the amount of the detached interest coupons, above alluded to, as \$172,828.54. I make it \$173,322.66, as follows:

Interest on \$197,000, bonds of 1851, for thirty-two months, at 12 per cent. per annum .....	\$63,040.00
Interest on \$590,800, bonds of 1852, for thirty-two months, at 7 per cent. per annum .....	110,282.66
<b>Total .....</b>	<b>173,322.66</b>

The joint committee of senate and assembly, nineteenth session, in a report made February 21, 1872, make the principal of bonds outstanding as follows:

Outstanding principal of bonds under act of 1851 .....	\$3,000
Outstanding principal of bonds under act of 1855 .....	14,700
<b>Total .....</b>	<b>17,700</b>

which is not the true amount. The committee fell into an error by assuming the whole issue under act of 1852 to be \$636,350, when it should have been \$638,100, thus ignoring an issue of \$1,750 made in 1855 and 1857 under said act of May 2, 1852; and then they say the State paid of said bonds, principal, \$23,200, when in fact the State only paid as principal on said bonds the sum of \$22,850; the balance paid by the State as principal was \$350, making \$23,200 paid as principal on said bonds by the State, as appears by record in controller's office, which was paid to redeem bond No. 39, for \$250, and bond No. 343, for \$100, both of which had been previously paid by the General Government, which latter amount of \$350 of course did not diminish the amount of bonds outstanding. And as we have seen that bonds were issued to the amount of \$1,750 in excess of the amount given by said joint committee, and \$350 less was used by the State to pay principal of said bonds than was stated by said joint committee, consequently there were less bonds redeemed by the State by the amount of \$350 than stated by said joint committee and more issued by the State by \$1,750 than stated by the said committee, and therefore there are bonds outstanding, issued under the act of May 2, 1852, amounting to \$2,100 more than said joint committee report, or, in other words, there are of said bonds of 1852 outstanding (principal) \$16,800, instead of \$14,700, making with the bonds of 1851 \$19,800 now outstanding, which said bonds by numbers, date, and denomination, are given in another part of this communication.

To sum up, the account in tabular form is as follows:

Bonds of 1851 outstanding (principal) .....	\$3,000.00
Interest on same from date to maturity .....	3,531.00
Bonds under act of 1852 outstanding (principal) .....	16,800.00
Interest on the same from date of bond to May 2, 1862, time of maturity ..	9,448.60
Coupons outstanding, cut from bonds of 1851, redeemed by United States Government, said coupons being for interest on said bonds from January 1, 1854, to September 1, 1856 .....	63,040.00
Coupons outstanding, cut from bonds of 1852, redeemed by United States Government, said coupons being for interest on said bonds from January 1, 1854, to September 1, 1856 .....	110,282.66
<b>Total amount of bonds, principal and interest, outstanding .....</b>	<b>206,102.26</b>

To which amount is to be added the amount of principal and interest of said bonds under act of May, 1852, paid by the State of California—\$35,523.56—making the sum of \$241,625.82 for which the General Government is justly liable to the State.\*

All of which is respectfully submitted.

W. B. C. BROWN, *Controller.*

In view of the foregoing statement of facts, your committee are of opinion that the relief should be granted. We therefore report the accompanying bill as a substitute for the bill referred to the committee, and recommend its passage.

*Note to Exhibit No. 47 by Capt. John Mullan, counsel and agent for the State of California, July 10, 1888.*

This statement is an error, and because of the money appropriated by Congress on March 2, 1861, \$400,000, there was paid to California for certain specific, audited, and allowed claims only \$230,529.76, leaving an unexpended balance of \$169,470.24, which unexpended balance was carried to the surplus fund and covered in the Treasury on June 30, 1864. Strange as it may appear, yet the fact is that while the aforesaid joint committee of the legislature of 1872 had been appointed to report upon the full history and total amount of all the then unpaid and outstanding indebtedness arising on account of Indian hostilities in California, and upon the borders thereof, yet that joint committee, so well composed as it was, with the Hon. George C. Perkins as its chairman, made no reference whatever to any of the indebtedness which was then outstanding and unpaid, and which arose under the act of the legislature approved April 25, 1857, and acts amendatory thereof and supplementary thereto, except the foregoing incorrect statement, but, on the contrary, confined their said report exclusively to so much of said outstanding and unpaid indebtedness as arose under the acts of January 15, 1851, and May 3, 1852, only, and not otherwise.

See memorandum at end of Exhibit No. 44, signed by John Mullan, State agent for California, July 10, 1888.

## EXHIBIT No. 48 (Part No. 1).

S. 809.

[In the Senate of the United States, December 19, 1883.]

A bill to indemnify the State of California for balances paid and remaining due on account of indebtedness incurred in the Indian wars, for the payment of which said State issued bonds in eighteen hundred and fifty-one and eighteen hundred and fifty-two, a part of which remain unpaid owing to delays occasioned by War Department rulings under the act of Congress of August fifth, eighteen hundred and fifty-four.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the State of California, or her duly authorized agents, any sum found due, upon investigation, for balances alleged to have been paid and remaining due and to be paid by said State on account of Indian war bonds issued by said State under the acts of the legislature of eighteen hundred and fifty-one and eighteen hundred and fifty-two, in the suppression of Indian hostilities within the said State prior to the first of January, eighteen hundred and fifty-four, and recognized by the act of Congress of August fifth, eighteen hundred and fifty-four: *Provided,* That the sum so paid shall not exceed in amount the sum of two hundred and fifty thousand dollars, which amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and to be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury Department.

## EXHIBIT No. 48 (Part No. 2).

[Senate Report No. 158, Forty-eighth Congress, first session.]

On December 22, 1883, the committee addressed a communication to the Secretary of War requesting to be furnished with such information in respect to the matters set forth in this bill as might be had in the War Department. On the 24th of January, 1884, the Secretary replied as follows:

WAR DEPARTMENT,  
Washington City, January 24, 1884.

SIR: Referring to so much of your communication of December 22, 1883, as requests information upon the subject of Senate bill No. 809, "to indemnify the State of California for balances paid and remaining due on account of indebtedness incurred in the Indian wars," etc. I have the honor, in reply, to forward copy of the report of the Third Auditor of the Treasury, dated the 22d instant, upon the bill, which it is hoped will afford the information desired.

A similar bill having been introduced in the House of Representatives and the subject being one of considerable importance, I beg to request that the letter of the Auditor may be printed.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,  
Secretary of War.

Hon. S. B. MAXEY,  
Of Committee on Military Affairs, United States Senate.

The communication of the Third Auditor therein called for is as follows:

TREASURY DEPARTMENT,  
THIRD AUDITOR'S OFFICE,  
Washington, D. C., January 22, 1884.

SIR: I have the honor to return \* \* \* "A bill to indemnify the State of California \* \* \*," and the other papers referred to me by your direction.

Notwithstanding the recitals in the bill, I am unable to perceive that any part of the appropriation was due to the State, or that the non-payment of the small balance of the appropriation was caused by "delays occasioned by War Department rulings." On the contrary, the facts would seem to be that the small unpaid balance belonged exclusively to the holders of the yet outstanding California bonds, and that the sole reason for the non-payment was the failure by a few of such holders to come forward and present their bonds for payment.



A brief history of the legislation by Congress is as follows:

The original act, August 5, 1854 (10 Stat., 582, 583), directed the Secretary of War to examine and ascertain the "amount of expense incurred and now actually paid" by the State in the suppression of Indian hostilities within the State prior to January 1, 1854, and to pay the amount so ascertained into the State treasury, but not to exceed \$924,259.65.

But, as shown by correspondence, the State officials determined not to present its claim as the law stood; and by act of August 18, 1856, sec. 8 (11 Stat., 91), the law was changed to provide that the appropriation should be used to pay the holders of the war bonds which the State had issued on account of such expenses.

An amendment was made by act of June 23, 1860 (12 Stat., 104), but it was of minor importance, and need not be now set out.

The holders of the great bulk of the bonds presented them within a short time and received payment.

A period of more than three years then elapsing without further calls, the appropriation became by law "lapsed," and the unexpended balance, \$10,188.65, was therefore carried into the surplus fund.

Subsequently a few bonds, aggregating not over \$2,500, were presented to this office, but were returned, there being no fund for payment; and on March 22, 1866, the Third Auditor recommended to the Secretary of War to ask Congress to reappropriate said balance of \$10,188.65.

By act of July 25, 1868 (15 Stat., 175), a balance of \$10,183.65 (\$5 short) was reappropriated. Only one person, James Steele, presented any bond and he was paid \$538.11. Again the appropriation "lapsed" by want of calls upon it for a period of three years, and on July 1, 1874, the balance, \$9,645.52, was carried into the surplus fund.

By act of March 3, 1881 (21 Stat., pages 510, 511), a sufficient amount of the unexpended balance was reappropriated to pay the principal, with interest to July 1, 1860, of four bonds described by denomination and serial numbers, and payment was accordingly made to the owner, Frances D. Bingham, in the sum of \$1,288.36, leaving the balance now in the surplus fund \$8,357.16.

I do not know why Congress allowed interest to July 1, 1860, on Mrs. Bingham's bonds. On the others interest was allowed to January 1, 1854, as the appropriation, so I understand, would suffice for no more, having been based upon the showing made by the State of the expense incurred by it up to that date.

I fail to perceive that the State had any right in the unexpended balance.

Very respectfully,

A. M. GANGEWER,  
*Acting Auditor.*

Hon. ROBERT T. LINCOLN,  
*Secretary of War.*

The committee is of the opinion that the report of the Third Auditor is conclusive as against the bill. The argument of counsel for California does not overturn, in the opinion of the committee, the case upon the facts as made out by the Third Auditor. It is insisted that—

"The report of the Third Auditor misapprehends the intention and scope of said bill and fails to include and give (to the committee) the full information and facts and history of said matter, due evidently from the fact that the same are not matters of record in the Third Auditor's Office."

This argument, it is submitted, would address itself rather to the War Department or to that branch of it where "the matters of record" not in the Third Auditor's Office may be found, or to that office, wherever it be, which contains this testimony. The committee called upon the Secretary of War (this being a war claim) and was furnished with the report of the Third Auditor, with the remark, "Which it is hoped will afford the information desired." The importance of this report in the estimation of the Secretary is shown by his request to have it printed, which the committee requested to be done, and the report was printed, and has evidently been examined by counsel for the State. If there is anything else in the case the committee has not been furnished with it, the committee assuming that all was furnished which in the judgment of the Secretary of War was pertinent.

The committee takes the bill and evidence furnished, and upon it reports the same and recommends that bill S. 809 do not pass.

## EXHIBIT No. 49.

[House Report No. 1298, Forty-ninth Congress first session.]

*The Committee on War Claims, to whom was referred the bill (H. R. 5566) for the relief of the State of California, have had the same under consideration, and make the following report:*

(1) March 2, 1861, Congress passed an act (12 Statutes at Large, 199) intending, no doubt, to enable that State (California) thereunder to adjust all her claims against the Government for expenses incurred in her various Indian wars. But through some mistake or misapprehension, it was so narrow in its terms that only a portion of the expenses of the Indian wars, which had been borne by said State, could be or were adjusted thereunder, and the first object of this bill now under consideration is to extend the provisions of that act so as to allow the adjustment of her claims for Indian wars not in said act of 1861 provided for.

(2) The bill also asks that the cases already filed and coming under the act of 1861 may be re-opened and the State allowed to present new, additional or corroboratory evidence in support thereof and a new adjustment made.

(3) It appears that the State of California has, under various acts of her legislature, at different times, issued Indian war bonds, coupons, warrants, and certificates of indebtedness, some of which she has paid and some of which have been paid by the United States Government, and it is now sought by the provisions of this bill that she be reimbursed for the same.

Your committee think that the first of the foregoing purposes of the bill is just and proper, and recommend its adoption.

As to the second, the committee think, inasmuch as the cases therein mentioned have been adjusted and disposed of, that it would be bad policy to again open the same, and they report adversely thereon.

As to the third proposition, the committee say that in so far as the matters therein provided for are not covered by the act of 1861, or by this act, the same is just and should be adopted, except so far as the same relates to the payment of interest, or interest coupons, which should be stricken out in pursuance of the well-established policy of the Government.

The committee therefore recommend the passage of the act with the following amendments:

(1) Strike out of first section that part thereof after the word "Treasury," in the twelfth line, down to and including the word "purposes," in the twenty-first line; and,

(2) Insert after the word "Treasury," in the twelfth line, of the first section, the following: "Including any sum on investigation found due her for balances heretofore paid, or assuming and remaining due by said State, and not hereinbefore or in said act of 1861 included, or which, or the indebtedness out of which the same arose, have not been heretofore paid or adjusted between the said State of California and the United States, on account of Indian war bonds, warrants, and certificates of indebtedness issued by her under the acts of legislature approved February 15, 1851, May 3, 1852, and April 25, 1857, respectively, for the payment and defraying of the expenses incurred in the suppression of Indian hostilities, and matters in relation thereto arising in certain counties in said State, and upon the borders thereof; the same to be paid to said State, and upon the condition only of the surrender by her to the Secretary of the Treasury of said bonds, warrants, and certificates of indebtedness, or payment to be made pro rata for any portion thereof: *Provided further*, That the acceptance of the indemnity hereby provided shall operate as a final and complete discharge and satisfaction of all claims or matters hereinbefore referred to."

(3) Insert after the word "provided," in the twenty-first line of the first section, the word "further."

(4) Strike out the second section of the bill.

## EXHIBIT No. 50.

Forty-eighth Congress, first session, H. R. No. 50, by Hon. W. S. Rosecrans, December 10, 1883.

Forty-eighth Congress, first session, H. R. No. 69, by Hon. W. S. Rosecrans, December 10, 1883.

Forty-eighth Congress, first session, H. R. No. 6099, by Hon. Barclay Henley, March 24, 1884.

Forty-eighth Congress, first session, H. R. No. 6669, by Hon. Barclay Henley, April 21, 1884.

Forty-eighth Congress, second session, H. R. No. 7975, by Hon. Barclay Henley, January 19, 1885.

Forty-eighth Congress, second session, H. R. No. 8149, by Hon. Barclay Henley, February 2, 1885.

Forty-eighth Congress, first session, Senate No. 809, by Hon. John F. Miller, December 19, 1883.

Forty-eighth Congress, first session, Senate No. 811, by Hon. John F. Miller, December 19, 1883.

Forty-eighth Congress, first session, Senate No. 1917, by Hon. John F. Miller, March 24, 1884.

Forty-eighth Congress, first session, Senate No. 1970, by Hon. John F. Miller, April 1, 1884.

Forty-ninth Congress, first session, H. R. No. 153, by Hon. Barclay Henley, December 21, 1885.

Forty-ninth Congress, first session, H. R. No. 155, by Hon. Barclay Henley, December 21, 1885.

Forty-ninth Congress, first session, H. R. No. 5566, by Hon. Barclay Henley, February 15, 1886.

Forty-ninth Congress, first session, H. R. No. 8732, by Hon. Barclay Henley, May 10, 1886.

Amendment to H. R. No. 5543, by Hon. Leland Stanford, April 6, 1886.

Amendment to H. R. No. 9726, by Hon. George Hearst, July 3, 1886.

Fiftieth Congress, first session, H. R. No. 3299, by Hon. Thomas L. Thompson, 1888.

Fiftieth Congress, first session, H. R. No. 5608, by Hon. Thomas L. Thompson, 1888.

Amendment to Senate No. 215, by Hon. George Hearst, 1888.

Fiftieth Congress, first session, Senate No. 3119, by Hon. J. N. Dolph, 1888.

Fiftieth Congress, first session, Senate No. 3439, by Hon. William M. Stewart, 1888.

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### EXHIBIT No. 51 (Part No. 1).

[In the House of Representatives, February 25, 1884.]

JOINT RESOLUTION amendatory of the act of June twenty-seventh, eighteen hundred and eighty-two, entitled "An act to authorize the Secretary of the Treasury to examine and report to Congress the amount of all claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, for money expended and indebtedness assumed by said States and Territories in repelling invasion and suppressing Indian hostilities, and for other purposes."

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of Congress approved June twenty-seventh, eighteen hundred and eighty-two, entitled "An act to authorize the Secretary of the Treasury to examine and report to Congress the amount of all claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, for money expended and indebtedness assumed by said States and Territories in repelling invasion and suppressing Indian hostilities, and for other purposes," be, and the same is hereby, amended by striking out the words "April in the year eighteen hundred and sixty-one," and inserting in lieu thereof the words "January in the year eighteen hundred and fifty-one."*

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### EXHIBIT No. 51 (Part No. 2).

[House Report No. 807, Forty-eighth Congress, first session.]

The act which the joint resolution proposes to amend was passed as a substitute for Senate bills 1673, 1310, 1144, and 87, and Senate joint resolution 10, upon which was made a favorable report, No. 133, Forty-seventh Congress, and House bills 422, 1688, 1908, 1909, 1936, and 3839, and House joint resolutions 27, 34, and 47, upon which was made a favorable report, No. 141, Forty-seventh Congress.

The date of April 15, 1861, was fixed as the earliest limit of the claims in question, because said claims of the various States and Territories mentioned in the above bills and joint resolutions were on account of expenditures subsequent to that date. It is

only requisite to extend the benefits of this act to the State of California, whose expenditures were mostly, if not altogether, during the ten years anterior to the date fixed therein. The State of California had a bill for payment of the unpaid balance due her for expenditures in Indian wars in 1851 and 1852, before the War Claims Committee of the Forty-seventh Congress, upon which a favorable report was made, but no further action taken, and consequently the name of the State of California did not appear in this general bill as reported by the Committee on Military Affairs. Subsequently, when the bill came to the House, the name of California was inserted as an amendment, on motion of one of the members of the California delegation who did not know that the expenditures made by that State were prior to the date mentioned in the bill (April 15, 1861).

From the report, No. 1847, Forty-seventh Congress, it will be seen that California had established a claim which is not within the provisions of this act. It also appears from a letter of the Third Auditor, dated April 11, 1873 (see Appendix A herewith), that Governor McDougal called into service a battalion called the Mariposa Volunteers, for the purpose of suppressing the insurrection of the Mariposa Indians, which was mustered into service January 24, 1851, and served until July 25, 1851, the expense of which the State assumed, but which in good conscience should have been paid by the Government of the United States. It is also stated in a letter to the chairman of this committee (see Appendix B herewith) that the State in 1857 assumed, by act of the Legislature of April 25, the payment of certain other expenses for the suppression of Indian hostilities of a similar character, but of a small amount, the payment of which was provided for in 1862; but as the expenses were incurred prior to 1861, California could not obtain relief under the act in question.

To give to California the benefits and advantages which the act accords to other States and Territories under like circumstances, it will be sufficient to amend the act by adding at the end of section 1 of said act—

“Provided, That all such claims of the State of California arising on and after the 1st day of January, 1851, shall be examined and investigated as aforesaid.”

Not doubting that California ought to be entitled to the benefits of the act the same as the other States specified therein, your committee recommend that the joint resolution do pass.

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### EXHIBIT No. 51 (Part No. 3).

#### APPENDIX A.

#### TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE, Washington, D. C., April 11, 1873.

SIR: In reply to your letter of the 19th of March, addressed to the Secretary of War, and referred to this office, I have to inform you that the battalion of Mariposa Vols., under command of Maj. James Savage, was in service from 24th of January, 1851, until 25th July, 1851.

The captains commanding in the battalion were John Boling, William Dill, and John J. Kuykendall.

Very respectfully,

A. M. GANGEWER,  
Acting Auditor.

E. J. SMITH, Esq.,  
No. 217 D street, Washington, D. C.

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### EXHIBIT No. 51 (Part No. 4).

#### APPENDIX B.

DEAR GENERAL: Permit me to call your attention to House joint resolution No. 172, introduced February 25, 1884, and referred to your honorable Committee on Military Affairs, and to some of the reasons, in so far at least as same relates to the State of California, why said resolution should pass, to wit:

There are several instances wherein between the middle of January, 1851, and middle of April, 1861, calls were made upon the citizens of California to organize themselves

in said State to suppress Indian hostilities, and for which the State of California incurred some expense and liability, and for which there is not now any adequate legislation to reimburse said State. Among other cases, I would cite that of the "Mariposa Battalion," called out when Governor McDougal was governor of that State, about the middle of January, 1851, and mustered into the service on the 24th day of January, 1851, and served from January 24, 1851, to July 25, 1851, as per letter of Third Auditor of April 11, 1873, inclosed as an exhibit. These volunteers provided their own horses and equipments. The camp supplies and baggage-trains were furnished by the State of California. This military force was called into existence by the State authorities, but its maintenance was at the expense of the General Government. Maj. Ben McCullough was offered the command of the battalion, but he declined it.

Such men in California at that time as James D. Savage volunteered and served as major; John J. Kuydendall, John Boling, and William Dill as captains; Reuben Chandler, Gilbert, and Crawford as lieutenants; A. Bronson and Lewis Leach as surgeons, and Drs. Pfifer and Black as assistant surgeons; with Barbour, Bunnell, McKee, Wozencraft, Hays, and other distinguished Californians, many of whom are known to you. Among others in said battalion were Col. Thomas Henley (father of Hon. Barclay Henley, your colleague now in Congress), William B. Lewis, of Fresno, and W. J. Campbell, of Kings River, Tulare County, California, and others.

I also cite you the instances of the expenses incurred by the State of California in the suppression of Indian hostilities in certain counties of California assumed by said State April 25, 1857, and payment provided for May 21, 1862. So that the date of incurring such expense was prior to April 15, 1861, but payment made by California subsequent to April 15, 1861, and which case, therefore, would not strictly come within the purview of the act of June 27, 1882, and which expenses have not yet been reimbursed said State by any adequate provision by Congress.

While the expenses in these cases are not large, equity and good conscience both enjoin that some ample legislative provision should be now made to fully meet the same.

In my judgment this resolution (H. Res. 172), if passed, will be ample to meet all such cases.

The act of Congress which your joint resolution seeks to amend has passed through the careful scrutiny of both the Military Committee of the Senate and of the House and both branches of Congress before it became a law, and hence it may be assumed to fully represent the views of Congress as to the principle and measure of relief to be granted said States in said act, and resolution No. 172 is intended simply to change the date of April 15, 1861, in said act to January 15, 1851, so as to admit such cases as may exist in any of said States between the two dates named in said resolution and of the classes as now provided for by law.

The history of the act of June 27, 1882, now sought to be amended, might be appropriately referred to by me with a view of stating to your honorable committee why the 15th April, 1861, came to be named in said act at all.

As State agent for Oregon and Nevada, in December, 1881, I believe that, under section 3489 of the Revised Statutes, the States of Oregon and Nevada could not recover from the United States the expenses by them incurred during the war of the rebellion, 1861-'65, without additional legislation, and because said two States had not then filed their claims against the United States for the expenditure during the war of the rebellion and under the act of July 27, 1861. Whereupon, at my request, on December 10, 1881, Senator Grover, of Oregon, introduced in the Senate joint resolution No. 10 for Oregon (copy inclosed herewith). On December 13, 1881, Senator Fair also introduced Senate joint resolution No. 13 for Nevada (copy inclosed herewith); and on February 8, 1882, Senator Plumb introduced Senate bill No. 1144, which, while including both Oregon and Nevada, also included Kansas, Texas, Idaho, and Washington Territories (see copies inclosed herewith). But as Senator Plumb had on December 5, 1881, introduced Senate bill No. 87, which, like all the foregoing-recited bills, were referred to the Senate Committee on Military Affairs, said Senate bill No. 87 was on February 7, 1882, reported back to the Senate by Senator Cockrell in Senate Report No. 133, first session Forty-seventh Congress, and acted upon by the Senate as a separate measure (see copy of report that accompanied said Senate bill No. 87, herewith inclosed), and passed Senate 30th March, 1882.

Now, in none of these bills was any provision made for California, or any reference in any thereof to said State. Thereafter, to wit, on May 12, 1882, Senator Grover reported back a substitute (Senate No. 1673) for said Senate resolution No. 10 and Senate resolution No. 13 and Senate bill No. 1144, and, as will appear from copy herewith inclosed, and of his report, No. 575, first session Forty-seventh Congress, and in which report he left out Kansas, and because said State had been reported in as a separate measure and acted on separately, as before cited.

Now, in these Senate joint resolutions Nos. 10 and 13, without any particular attention being paid to the date, reference was had more especially to the expenses incurred



during the war of the rebellion by Oregon and Nevada, and which expenses began on April 15, 1861; the date of April 15, 1861, named in said resolution, chanced thereby to become the date named in Senator Grover's substitute. As this was being discussed in the Senate (see Record, vol. No. 13, pages 6 to 8, first session Forty-eighth Congress) it received sundry amendments, and by which Colorado, Nebraska, and California were included, and in that shape it passed the Senate on 8th June, 1882. In the House there were also sundry bills and resolutions introduced and to accomplish the same ends, and all referred to your Military Committee, to wit, House bills Nos. 422, 1688, 1908, 1909, 1936, and House resolutions Nos. 27 and 34, and for all of which Mr. Upson, from your Military Committee, on July 31, 1882, reported a substitute (H. R. No. 3839), with a report thereon (No. 141), copies of all of which bills, resolutions, and reports are inclosed herewith. This House substitute (No. 3839) was not acted on in the House, but when the aforesaid Senate bill No. 1673 (which passed the Senate) reached the House, the friends of the Senate Kansas bill (No. 87) sought to have said Senate bill, in which Kansas was not included, amended so as to include Kansas; this amendment was made in the House on the 20th day of June, 1882 (see extract of Record, June 22, herewith); whereupon this Senate bill, so amended, returned to the Senate for its concurrence, and it was concurred in by the Senate on the 20th day of June, 1882, and was approved and became the law on June 27, 1882; and which law House resolution No. 172 seeks to amend simply by changing the date named therein, and not otherwise.

This will account for the fact that no special attention was given to the date named therein, April 15, 1861, and the manner in which California came in under its provisions.

The fact is that there have not been many Indian hostilities in California since April 15, 1861, but most all occurred prior to that date; and unless said act be amended as resolved in said House resolution No. 172, it is simply a dead letter to the State of California. The intention of Congress in said act was to provide for all cases of the class named in said act not heretofore provided for, and if there be any cases named in said act in the other States enumerated in said act, as I submit do now exist in the State of California, then there is every good reason why said resolution should be unanimously and favorably recommended for passage.

I therefore suggest in any case that it be enacted, even if its provisions be limited only to the State of California.

Respectfully,

JOHN MULLAN,  
State Agent for California.

Hon. W. S. ROSECRANS,

Chairman Committee on Military Affairs, House of Representatives.

### EXHIBIT No. 52 (Part No. 1).

[Senate Report No. 139, Forty-sixth Congress, second session.]

*The Committee on Military Affairs, to whom was referred the bill (S. 80) to authorize the Secretary of the Treasury to ascertain and report to Congress the amount of money expended and indebtedness assumed by the State of Kansas in repelling invasions and suppressing Indian hostilities, have had the same under consideration, and submit the following report:*

That this bill is identical with the one on the same subject that was fully considered by this committee in the last Congress, and which passed the Senate, but was not acted upon by the House. The committee see no reason for a reversal or modification of the conclusion then reached, and therefore they readopt the views expressed in the report which accompanied the bill, and recommend the passage of the present measure.

The report referred to is as follows:

The bill under consideration provides that the Secretary of the Treasury shall be authorized to examine, settle, and audit all proper claims of the State of Kansas for moneys expended by it in organizing, arming, equipping, supplying, subsisting, transporting, and paying the volunteer and militia forces of the State called into active service by the governor thereof, after the 15th of April, 1861, to aid in repelling invasions and suppressing Indian hostilities in said State and upon its borders, and report his action thereon to Congress.

It appears to the satisfaction of the committee that the State of Kansas has actually incurred and paid expenses in repelling invasion and suppressing Indian hostilities, and that such expenditures were made necessary by the state of affairs existing at the time;

the question remaining to be considered is whether or not the General Government is properly chargeable with such expenditures.

Your committee are of the opinion that from the legislative history of Congress it has been the understanding that the Government was so liable.

By act approved March 21, 1828, the Secretary of War was required to pay the claims of the militia of the State of Illinois and the Territory of Michigan, called out by any competent authority, on the occasion of the then recent Indian disturbances, and that the expenses incident to the expedition should be settled according to the justice of the claims. (See Laws of United States, vol. 4, p. 258.)

By act approved March 1, 1837, an appropriation was made for the payment of the Tennessee volunteers called out by the proclamation of Governor Cannon, on the 28th of April, 1836, to suppress Indian hostilities; and a direct appropriation was also made to Governor Cannon to reimburse him for moneys expended on account of such volunteers. (See Laws of United States, vol. 5, p. 150.)

By act approved March 3, 1841, a direct appropriation was made to the city of Mobile for advances of money and expenses incurred in equipping, mounting, and sending to the place of rendezvous two full companies of mounted men, under a call from the governor of Alabama, at the beginning of the hostilities of the Creek Indians. (See Laws, vol. 5, p. 435.)

By act of August 11, 1842, \$175,000 was appropriated as a balance for the payment and indemnity of the State of Georgia for any moneys actually paid by said State on account of expenses in calling out her militia during the Seminole, Cherokee, and Creek campaigns, or for the suppression of Indian hostilities in Florida and Alabama. (See Laws, vol. 5, p. 504.) By act approved August 29, 1842, a similar appropriation was made to the State of Louisiana. (See Laws, vol. 5, p. 512.)

By act approved July 7, 1838, an appropriation was made to the State of New York of such amount as should be found due by the Secretary of War and the accounting officers of the Treasury, out of the appropriation for the prevention of hostilities on the northern frontier, to reimburse the State for expenses incurred in the protection of the frontier in the pay of volunteers and militia called into service by the governor. (See 5 U. S. Stats., p. 268.) By an act approved June 13, 1842, the State of Maine was reimbursed for the expenses of the militia called into service by the governor for the protection of the northeastern frontier. (See 5 U. S. Stats., p. 490.)

By act approved March 2, 1861, the State of California had appropriated to her \$400,000 to defray the expenses incurred by the State in suppressing Indian hostilities for the years 1854, 1855, 1856, 1858, and 1859. (See 12 U. S. Stats., p. 199.)

By act approved July 2, 1836, Captains Smith, Crawford, Wallis, and Long, of the militia of Missouri, and Captain Sigler, of the Indiana militia, were paid for services rendered in protection of those States against Indians, and an appropriation of \$4,300 was made for that purpose. (See 5 U. S. Stats., p. 71.)

By act approved February 2, 1861, there was appropriated to reimburse the Territory of Utah, "for expenses incurred in suppressing Indian hostilities in said Territory in the year 1853," the sum of \$53,512. (See 12 U. S. Stats., p. 15.) This bill was considered by the House Military Committee, and was reported by Mr. Stanton, who, in his report, says:

"The liability of the Federal Government for necessary expenses incurred by the States and Territories in repelling invasions of their territory by a foreign enemy, or of hostile tribes of Indians within our borders, has been so often recognized that it can no longer be considered an open question.

"The committee also believe that the action of the State and Territorial authorities in calling out their military force and engaging in hostilities furnished at least *prima facie* evidence of the necessity of their action.

"As there is no evidence before the committee tending to show that these expenses were unnecessarily incurred, the committee feel bound to recognize the liability of the claim."

By the act approved June 21, 1860 (it being an Army appropriation bill), the sum of \$18,988 was appropriated to reimburse the State of Iowa for the expenses of militia called out by the governor "to protect the frontier from Indian incursions." (See 12 U. S. Stats., p. 68.)

By the same act the sum of \$123,544.51 was appropriated to the State of Texas for the "payment of volunteers called out in the defense of the frontier of the State since the 28th of February, 1855." By the "act making appropriations for the sundry civil expenses of the Government for the year ending June, 1864, and for other purposes," an appropriation was made "to pay the governor of the State of Minnesota, or his duly authorized agent, the costs, charges, and expenses properly incurred by said State in suppressing Indian hostilities within said State and upon its borders, in the year 1862, not exceeding \$250,000, to be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury." (See 12 U. S. Stats., p. 754.)

In the sundry civil bill of the following year an appropriation of the sum of \$117,000 was made to the same State "to supply a deficiency in the appropriation for the costs, charges, and expenses properly incurred by the State of Minnesota in suppressing Indian hostilities in the year 1862." (See 13 U. S. Stats., pp. 350, 351.)

By act approved May 28, 1864, the sum of \$928,411 was appropriated for the payment of damages sustained by citizens of Minnesota "by reason of the depredations and injuries by certain bands of Sioux Indians." (See 13 U. S. Stats., p. 92.)

Besides the appropriation made to the State of California, before referred to, by act approved August 5, 1854, the sum of \$924,259.65 was appropriated to reimburse the State for expenditures "in the suppression of Indian hostilities within the State prior to the 1st day of January, 1854." (See U. S. Stats. at Large for 1853 and 1854.)

The question of the liability of the General Government for the payment of this class of demands seems to have been carefully considered by the Committee on Military Affairs of the House, in connection with this claim of California for reimbursement.

Mr. McDougal submitted the report of the committee, in which he said:

"The question remaining for consideration is whether or not the General Government is properly chargeable with their expenditures.

"It is the opinion of this committee that the obligation of the Federal Government to furnish specific and particular defense to each several State is included in its obligation to maintain the 'common defense' of the confederacy. That invasions from abroad, insurrections at home, and aggressions from the savage tribes inhabiting our borders are alike within the protective province of the Federal Government. Congress possesses the exclusive power 'to raise and support armies in time of peace,' and possesses the power to call forth the militia 'to suppress insurrections and repel invasions.' In the tenth section of the first article of the Constitution the States stipulate that they will not 'keep troops or ships of war in time of peace.'

"The conclusion necessarily follows that the General Government is by the implied, if not the express, terms of the federal compact bound.

"The question here presented appears to have been distinctly raised in 1831 upon a claim presented by the State of Missouri. By act approved March 3 of that year Congress made an appropriation for the service of the Missouri militia against the Indians, 'provided that the Secretary of War shall, upon full investigation, be satisfied that the United States are liable for the payment of said militia under the second paragraph of the tenth section of the first article of the Constitution of the United States.' (See Laws, vol. 4, p. 465.)

"General Cass, then Secretary of War, examined the subject submitted and gave the opinion of the Government as to its constitutional obligations, affirming the liability of the Government, and directing payment to be made to the State of Missouri.

"Instances of similar legislation might be cited, but it is believed that but little doubt can exist either as to the constitutional obligation or the exposition given by Congressional legislation."

Your committee, after having given the subject such consideration as time and opportunity would allow, feel bound to conclude that the General Government owes to the States the duty of protection, especially against the incursions of hostile savages, over whom the United States authorities have from the foundation of our Government exercised a kind of parental control. And this being the case, when, from any cause, the States are not given such protection, and reasonable and necessary expenses are incurred by such States in repelling invasions from the Indians and suppressing hostilities, re-imbursement should be made for the same by the United States.

This claim of the State of Kansas coming, as we believe it does, within the principle just stated, should, in the opinion of the committee, be paid whenever the proper amount has been satisfactorily determined.

The bill provides for no appropriation, but leaves that matter to be determined hereafter by Congress upon the facts to be reported by the Secretary of the Treasury under the provision of the bill.

The committee, therefore, recommend that the bill be passed without amendment.

## EXHIBIT NO. 52 (Part No. 2).

[House Report No. 977, Forty-Ninth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 1020) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States, beg leave to report the same back to the House, with the recommendation that it do pass.

This recommendation is founded upon the views of the Third Auditor of the Treasury Department, as expressed in a letter under date of January 20, 1885, hereto attached and made a part of this report:

TREASURY DEPARTMENT,  
January 22, 1885.

SIR: Referring to your indorsement of the 14th instant on the bill (H. R. 7919) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States, for an expression of views thereon by this Department, I have the honor to inclose herewith copy of the report of the Third Auditor in the matter for your information.

Very respectfully,

H. McCULLOCH,  
*Secretary.*

Hon. GEORGE W. GEDDES,  
*Chairman Committee on War Claims, House of Representatives.*

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,  
Washington, D. C., January 20, 1885.

SIR: I have the honor to acknowledge the receipt of inclosed bill, H. R. No. 7919, Forty-eighth Congress, second session, referred by Hon. George W. Geddes, chairman of the Committee on War Claims, to you on the 14th instant, and forwarded to this office on the 17th instant for report.

In reply, I would state that in my judgment this bill would provide for the allowance of that class of claims incurred by the States for services and expenses of commissioned officers and enlisted men who were commissioned or enlisted for the purpose of aiding to suppress the late insurrection against the United States, whether they were mustered into or employed in the United States service or not.

Under the rules of the Treasury for the settlement of claims of States, under act of Congress approved July 27, 1861, all expenses incurred on account of commissioned officers or enlisted men, unless they were actually mustered or employed in the United States service, have been disallowed as not having been provided for in said act.

The States, in raising volunteers called for by the President or Secretary of War, incurred expenses on account of officers and enlisted men who, from various causes, either from death, disability, or consolidation of regiments, failed to muster into the United States service.

Such expenses as the United States would have incurred had the Secretary of War raised the troops direct should be re-imbursed to the States, and this bill provides for the re-imbusement of this class of claims.

In my judgment, the States should be re-imbursed all expenses properly incurred in raising their troops, which the United States would have incurred if they had been raised directly under orders of the Secretary of War by officers of his own appointment.

The bill above referred to is herewith returned.

Very respectfully,

E. W. KEIGHTLEY,  
*Auditor.*

Hon. HUGH McCULLOCH,  
*Secretary of the Treasury.*

#### SUBSTITUTE BILL.

[Fiftieth Congress, first session, S. 3439.]

AUGUST 14, 1885.—Mr. STEWART introduced the following bill; which was read twice and referred to the Committee on Military Affairs.

A BILL authorizing the Secretary of War to ascertain the amount of money which has been expended and the obligations assumed by the State of California, growing out of Indian hostilities therein and upon the borders thereof, not heretofore reimbursed by the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War, through the Board of War Claim Examiners, appointed under section two of the act entitled "An act for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territory of Washington, and Nevada when a Territory," approved August fourth,

eighteen hundred and eighty-six, be, and he is hereby, authorized and directed to examine all vouchers, accounts, papers, and evidence which heretofore have been or which hereafter may be submitted to him in support of the Indian war claims and Indian war obligations of the State of California, and to ascertain the amount of money actually expended and obligations incurred by said State, growing out of Indian hostilities therein and upon the borders thereof, and which have not heretofore been reimbursed by the United States.

The Secretary of War is hereby authorized and directed to ascertain the amount of interest paid and assumed by said State on obligations incurred for the purposes heretofore enumerated, and which has not heretofore been reimbursed by the United States.

The Secretary of War shall report to Congress the amount of money which may be thus ascertained to have been actually paid and assumed by the State of California on account of the matters above enumerated, including the amount of interest actually paid and assumed by said State on moneys borrowed for the purposes above enumerated and not heretofore reimbursed by the United States.

And the Secretary of War shall report the circumstances and exigencies under which, and the authority by which, such expenditures were made, and what payments have been made on account thereof by the United States; and the money necessary to enable the Secretary of War to comply with the provisions of this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

S. Ex. 122—12



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NOTE.—For details see Senate Report No. 1438, Forty-eighth Congress, second session, made February 25, 1885, by Senator Dolph from the Senate Committee on Claims.

EXHIBIT F<sup>2</sup>.—(Part No. 3, or third period.)

CHAP. CCCXXXIX.—An act to authorize and require the State treasurer to issue war bonds for the relief of J. S. P. Bass & Co. (Approved April 28, 1860, page 333.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The State treasurer is hereby authorized and required to issue to J. S. P. Bass & Co. State war bonds for the sum of \$705, the same having been examined and allowed, under the law passed on the 7th day of April, 1859.

SEC. 2. This act to take effect and be in force from and after its passage.

EXHIBIT G<sup>2</sup>.—(Part No. 3, or third period.)

*Concurrent Resolution.*

[Adopted May 3, 1861.]

*Resolved by the assembly (the senate concurring),* That our Senators in Congress be instructed, and our Representatives be requested, to procure, at as early a day as practicable, an appropriation to meet the expenses of the volunteers under the command of Col. John C. Hays, for services, and all claims justly chargeable to the Federal Government in the late Indian war in Utah Territory.

EXHIBIT H<sup>2</sup>.—(Part No. 3, or third period.)

CHAPTER LXXIX.—An act making an appropriation for the payment of claim of C. W. Tozer and others for the transportation of arms, munitions of war, etc., to Carson Valley, Utah Territory. (Approved March 19, 1861, page 61.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$6,150 is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to pay the claim of C. W. Tozer for \$5,450; also, claim of Thomas Sunderland for \$500; also, claim of J. Mora Moss, trustee of the Sacramento Valley Railroad Company, for \$200.

SEC. 2. The controller of State is hereby authorized and required to draw his warrant on the treasurer of State in favor of C. W. Tozer for \$5,450; in favor of Thomas Sunderland for \$500; and in favor of J. Mora Moss, trustee of Sacramento Valley Railroad Company, for \$200.

EXHIBIT I<sup>2</sup>.—(Part No. 3, or third period.)

CHAPTER XCIII.—An act for the payment of expenses incurred in the transportation of the State arms and munitions of war from Carson Valley to the State armory, at Sacramento. (Approved March 28, 1861, page 73.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$1,725 is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, for the purpose of paying Joseph Kem for transporting, by order of the governor, the State arms and munitions of war used in the Carson Valley war from Carson Valley to the State armory at Sacramento.

SEC. 2. The controller of State is hereby authorized and directed to draw his warrant on the State treasurer in favor of Joseph Kem for the sum of \$1,725; and the State treasurer is hereby authorized and directed to pay the same out of any moneys in the State treasury not otherwise appropriated.

EXHIBIT K<sup>2</sup>.—(Part No. 3, or third period.)

CHAPTER CCXLII.—An act for the relief of John Bell for services rendered in the Humboldt and Klamath Indian war. (Approved April 29, 1861, page 48.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The controller of State is hereby authorized and required to issue his warrant, drawn upon the treasurer of State, in favor of John Bell, for the sum of \$194.70, in full pay for his services in the Humboldt and Klamath Indian war of 1858 and 1859.

EXHIBIT L<sup>2</sup>.—(Part No. 3, or third period.)

CHAPTER CCXXII.—An act to appropriate money to pay the claim of E. J. Saunders and others. (Approved April 23, 1861, page 223.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$2,000 is hereby appropriated, out of any moneys not otherwise appropriated in the general fund, for the payment of the claim of E. J. Saunders and others for services rendered in transportation of arms, ammunition, etc., to Utah Territory, by order of the executive of the State, and the controller of State is hereby authorized and required to draw his warrant in favor of E. J. Saunders for \$250; in favor of Charles S. Fairfax for \$125; in favor of L. C. Bradley for \$125; in favor of Robert O'Keefe for \$125; in favor of Louis Grant for \$125; in favor of Frank Rhodes for \$125; in favor of Charles Conger for \$125; in favor of Patrick Towle for \$125; in favor of Dennis Morgan for \$125; in favor of Thomas Rooney for \$125; in favor of James Moore for \$125; in favor of H. Toler Booram for \$125; in favor of Edward Granger for \$125; in favor of William Martin for \$125; in favor of John Butler for \$125; and the treasurer of State to pay the same.

EXHIBIT M<sup>2</sup>.—(Part No. 3, or third period.)

CHAPTER CCLXXXIV.—An act to appropriate money to pay the claim of L. B. Richardson. (Approved May 3, 1861, page 279.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$209.62 is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, for the payment of the claim of L. B. Richardson, for supplies furnished guard in charge of State arms taken to western Utah from this State in May, 1860, by order of the governor; and the controller of State is hereby authorized and required to draw his warrant in favor of said L. B. Richardson for \$209.62, and the treasurer of State to pay the same.

EXHIBIT N<sup>2</sup>.—(Part No. 3, or third period.)

CHAPTER CCCXIV.—An act to appropriate money to pay the claim of Wells, Fargo & Co. (Approved May 8, 1861, page 306.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$95 is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to pay the claim of Wells, Fargo & Co. for franked envelopes furnished the senate, eleventh session, and for the transportation of arms; and the controller of State is hereby authorized and required to draw his warrant in favor of the said Wells, Fargo & Co. for \$95, and the treasurer of State to pay the same.

EXHIBIT O<sup>2</sup>.—(Part No. 3, or third period.)

AN ACT to appropriate money to pay the claim of Greenhood and Neubauer. (Approved May 8, 1861, page 308.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$136 is hereby appropriated, out of any money not otherwise appropriated in the general fund in the State treasury, to pay the claim of Greenhood and Neubauer for expressing coin from Sliasta to Weaverville during the Indian war, and the comptroller of State is hereby required to draw his warrant in favor of the said Greenhood and Neubauer for \$136, and the treasurer of State to pay the same.

EXHIBIT P<sup>2</sup>.—(Part No. 3, or third period.)

AN ACT to provide for the payment of a claim of General A. M. Winn (Approved May 18, 1861, page 512.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The claim of General A. M. Winn, for military services rendered the State in the year A. D. 1851, as brigadier-general in the second El Dorado expedition against the hostile Indians on the eastern frontier of this State, for the sum of \$1,080, is hereby audited and allowed.

SEC. 2. This act shall take effect and be in force from and after its passage.

EXHIBIT Q<sup>2</sup>.—(Part No. 3, or third period.)

CHAPTER LXVI.—An act for the payment of expenses incurred in the suppression of Indian hostilities in the county of Humboldt, in this State. (Approved March 13, 1862, page 54.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$16,382.60 is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, for the payment of the indebtedness incurred by the expedition of the mounted volunteers, called into service by order of the governor of this State, against the Indians in Humboldt County, in the year A. D. 1861.

SEC. 2. The comptroller shall draw his warrants upon the treasurer in favor of such persons and for such amounts as have been audited and allowed by the board of military auditors of this State, incurred by the said expedition.

SEC. 3. This act shall be exempt from the provisions of the act entitled "An act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the comptroller and treasurer," approved April 21, 1858.

EXHIBIT R<sup>2</sup>.—(Part No. 3, or third period.)

CHAPTER CCXLVII.—An act for the payment of Oliver & Lewis. (Approved April 17, 1862, page 269.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$295 is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of paying Oliver & Lewis for supplies furnished "Kibbe Rangers" in the Pitt River expedition against the Indians in the year 1859.

SEC. 2. The controller of State is hereby authorized and directed to draw his warrant on the treasurer of State in favor of the said Oliver & Lewis for the sum mentioned in section 1 of this bill.



EXHIBIT S<sup>2</sup>.—(Part No. 3, or third period.)

CHAPTER CCXCVIII.—An act appropriating money to pay the claim Richard M. Jessup. (Approved April 22, 1863, page 400.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$520 is hereby appropriated, out of any money in the general fund in the State treasury not otherwise appropriated, to pay the claim of Richard M. Jessup, being for money expended by him in behalf of the State during the Indian war in Washoe, in 1860, and the controller of State is hereby authorized to draw his warrant in favor of the said Richard M. Jessup for \$520, and the treasurer of State to pay the same.

EXHIBIT T<sup>2</sup>.—(Part No. 3, or third period.)

CHAPTER CVI.—An act to appropriate money to pay the claim of A. Blossom. (Approved February 20, 1864, page 100.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$20 is hereby appropriated, out of any money in the general fund of the State treasury not otherwise appropriated, to pay the claim of A. Blossom for transportation of three cases of arms from Murphy's, Calaveras County, to Sacramento City, September 23, 1861.

SEC. 2. This act shall take effect from and after its passage, and the sum hereby appropriated shall not be subject to the provisions of an act entitled "An act to create a board of examiners," etc., approved April 21, 1858.

EXHIBIT U<sup>2</sup>.—(Part No. 3, or third period.)

CHAPTER CCXCVII.—An act to receive and pay for certain books relating to the war debt of this State. (Approved April 22, 1863.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The treasurer of State is hereby authorized to receive from A. J. F. Phelan a set of books containing calculations of the amount allowed by the United States Government on each bond and certificate issued by the State of California under the provisions of an act approved April 25, 1857, and other acts amendatory thereof and supplementary thereto; and the sum of \$800 is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, for the payment of A. J. E. Phelan for clerical labor performed in compiling said books; and the controller of State is hereby authorized and required to draw his warrant in favor of said A. J. F. Phelan for the sum of \$800, and the treasurer of State is required to pay the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

EXHIBIT V<sup>2</sup>.—(Part No. 3, or third period.)

AN ACT to appropriate money to pay a certain claim. (Approved February 25, 1868, page 70.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$450 is hereby appropriated from any money in the State treasury not otherwise appropriated, to pay the claim of William W. Merrihew for services as clerk of the board of examiners of Indian war claims, from January 1 to September 30, 1863.

SEC. 2. This act shall take effect from and after its passage.

EXHIBIT W<sup>3</sup>.—(Part No. 3, or third period.)

CHAPTER CCXXXVII.—An act to pay the expenses necessarily incurred in suppressing Indian hostilities in the counties of Humboldt and Trinity in the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine. (Approved March 11, 1872.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of \$2,000 of any money in the State treasury not otherwise appropriated is hereby appropriated and set apart to defray the actual and necessary expenses incurred and outlays made by citizens of Humboldt and Trinity Counties in suppressing Indian hostilities in said counties in the years 1868 and 1869, which said outlay and expenditures were made in equipping, supplying, and maintaining in the field a company under the command of Stephen Flemming.

SEC. 2. At any time after the passage of this act, whenever A. D. Bayliss, of Trinity County, shall file with the controller of State a bond in the sum of \$4,000, conditioned for the faithful disbursement of the money hereby appropriated, which said bond shall be justified to by the sureties and approved by the county judge of Trinity County, the said controller shall draw his warrant in favor of the said A. D. Bayliss for the sum of \$2,000 on the treasurer of State, who shall, on the surrender of said warrant indorsed by said Bayliss, pay to him, the said Bayliss, or to his order, the sum of \$2,000.

SEC. 3. On receipt of said money said Bayliss shall advertise for one month in the Trinity Journal for all persons having claims for money and supplies advanced to said Flemming and his company in suppressing said Indian hostilities to present said claims to him, with their proofs and vouchers in support of the same, within three months after the first insertion of said advertisement. At the expiration of said three months said Bayliss shall proceed to audit and allow said claims as may be correct, either in whole or in part, and shall proceed to pay the same so far as said money will suffice therefor, and if not sufficient then he shall pay pro rata upon all claims allowed so far as said money will pay the same.

SEC. 4. Said Bayliss shall, within six months after he draws the money from the State treasury, file with the controller of State a report of his doings and payments under this act, together with his proofs and vouchers. For any misapplication of funds under this act said Bayliss shall be liable upon his bond to the State of California, to be recovered by suit under the direction of the State controller.

SEC. 5. Said Bayliss shall only pay the claims of those who contributed money, subsistence, forage, transportation, munition, or other necessary supplies to said Flemming or to the members of his company under his direction while they were actually engaged in the field or preparing therefor.

SEC. 6. The controller of State is authorized and required to preserve the proofs and vouchers relating to said payment by said Bayliss, filed in his office, so that the same may be used at any time hereafter in procuring re-imbusement to the State from the Congress of the United States for the moneys hereby appropriated.

SEC. 7. The amount appropriated by this act shall be accepted as a final settlement of all claims arising from expenses incurred in suppressing Indian hostilities as recited in this act.

SEC. 8. This act shall take effect from and after its passage.

EXHIBIT W<sup>2</sup>.—(Part No. 3, or third period.)

*Memorandum.*—Showing the amounts of money paid by A. D. Bayliss as disbursing agent for expenses incurred by California in suppressing Indian hostilities in the counties of Humboldt and Trinity under the act of the legislature of California, approved March 11, 1872.

No. of voucher.	To whom paid.	Amount paid.	No. of voucher.	To whom paid.	Amount paid.
1	A. D. Bayliss .....	\$224.00	28	M. W. Personelle .....	\$1.50
2	B. M. George .....	200.00	29	J. Paulsen .....	5.00
3	W. C. Drinkwater .....	125.00	30	O. Christeanom .....	5.00
4	J. W. Carter .....	65.00	31	J. Read .....	2.50
5	J. Francis .....	40.00	32	A. M. Sutur .....	2.50
6	L. J. Kellogg .....	22.00	33	H. W. Leonard .....	2.50
7	W. S. Conway .....	10.00	34	William Simms .....	15.00
8	Lewis Hessay .....	35.00	35	J. Thomas .....	2.50
9	D. E. V. Barker .....	40.00	36	T. Greenleaf .....	2.50
10	H. S. Walters .....	25.00	37	Frank Mauh .....	2.50
11	E. F. Allen .....	50.00	38	J. Ham .....	2.50
12	Henry Knowles .....	70.00	39	J. C. Cirbus .....	2.50
13	J. Ewing .....	27.00	40	Owin Lobam .....	1.00
14	D. Rourke .....	26.00	41	Maybe .....	2.00
15	H. Fenaty .....	15.00	42	S. S. Rhayer .....	2.00
16	F. M. Hills .....	20.00	43	James Wallace .....	2.50
17	J. Stafford .....	35.00	44	J. Jackson .....	50.00
18	J. Vagdes .....	10.00	45	E. Mountfort .....	10.00
19	J. Stevenson .....	12.50	46	J. R. Holmes .....	50.00
20	R. B. Wells .....	30.00	47	T. B. Price .....	10.00
21	J. Luckie .....	20.00	48	P. M. Gaw .....	5.00
22	J. W. Smith .....	5.00	49	A. S. Currie .....	50.00
23	E. Hall .....	7.50	50	R. B. Martin .....	10.00
24	Marshall & Mason .....	10.00	51	A. Peletran .....	10.00
25	C. W. Davis .....	2.50	52	G. W. Peletran .....	10.00
26	J. Wolf .....	2.50	53	J. S. Nix .....	5.00
27	T. Jones .....	1.50	54	J. Bonds .....	5.00

EXHIBIT X<sup>2</sup>.—(Part No. 3, or third period.)

*Assembly joint resolution No. 73.*

[ Adopted March 30, 1873. ]

*Resolved by the assembly of the State of California (the senate concurring),* First, that our Senators be instructed, and our Representatives requested, to urge upon Congress the immediate payment of all bonds, coupons, and certificates of coupons issued by the State of California for expenses incurred in the Indian wars, which have not been paid by the General Government; second, that his excellency the governor be requested to cause a statement of all such bonds, certificates, and coupons, and of the circumstances connected therewith, to be prepared by the controller, and upon such statement being prepared, to cause an application to be made to Congress, in the name of the State of California, for the payment of said bonds, coupons, and certificates; third, and that he forward a copy of these resolutions to each of our Senators and Representatives in Congress.