

5-1-1896

Certain Claims of California

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IN THE SENATE OF THE UNITED STATES.

MAY 19, 1896.—Referred to the Committee on Appropriations and ordered to be printed.

Mr. WHITE presented the following

LETTER FROM THE ACTING SECRETARY OF THE TREASURY,
TRANSMITTING REPORT OF THE AUDITOR OF THE WAR
DEPARTMENT RELATIVE TO THE REAPPROPRIATION OF MONEY
TO PAY CERTAIN CLAIMS OF THE STATE OF CALIFORNIA.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 5, 1896.

SIR: In reply to your communication of the 16th ultimo, asking to be informed as to the reappropriation of money to pay certain claims of the State of California, I have the honor to transmit herewith report of the Auditor of the War Department of the 1st instant, for your information.

Your communication and its inclosures are returned herewith as requested.

Respectfully yours,

S. WIKE,
Acting Secretary.

Hon. S. M. WHITE,
United States Senate.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR WAR DEPARTMENT,
Washington, D. C., May 1, 1896.

SIR: I have the honor to return the communication of Hon. Stephen M. White, United States Senate, dated the 15th ultimo, which was referred to this office on the 18th ultimo for report.

The letter suggests the reappropriation of a sufficient sum—\$50,220.16—out of the unexpended balance of \$169,470.24 (long since carried to the surplus fund) originally appropriated to pay California its expenses in Indian wars within the State subsequent to January 1, 1854, in order that it may now be used to liquidate certain Indian war claims, bonded and nonbonded—obligations accruing prior to January 1, 1854.

By act of March 2, 1861 (12 U. S. Stats., 199), \$400,000, or so much thereof as shall be necessary, was appropriated to pay expenses incurred by California in certain expeditions against hostile Indians within the State in 1854, 1855, 1856, 1858, and 1859: The proper accounting officers found due the State under the act \$229,987.67, which amount was paid June, 1863.

The balance, \$169,470.24, was rejected as being excessive and unau-

thorized, and was on June 30, 1864, carried to the surplus fund on the books of the Treasury.

The fund provided by the acts of August 5, 1854 (10 U. S. Stats., 582, 583), and August 18, 1856 (11 U. S. Stats., 91), \$924,259.65 for expenses incurred and obligations contracted in the suppression of Indian hostilities prior to January 1, 1854, has been entirely exhausted in the redemption by the United States of bonds issued by the State acts of February 15, 1851, and May 3, 1852.

It appears, however, that of the two series of State bonds, 196 of various denominations remain outstanding and unpaid, equal to a principal of \$35,600, of which the State now holds 119, or \$23,000, together with certain Comptroller's warrants, Treasurer's certificates, and other items, aggregating the sum of \$50,220.16.

A full compilation and report was made by the Third Auditor in respect to California Indian war claims, in response to Senate resolution of December 19, 1889, and December 21, 1893 (vide Ex. Doc. 84, Senate, Fifty-third Congress, second session).

In respect to the outstanding California nonbonded State obligations, in the form of warrants and certificates and for expenses, printing; etc., placing the bonds on the market, the Third Auditor, in his report (Ex. Doc. No. 122, pages 6 and 7), said:

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. * * * except the fraction thereof representing costs of printing, etc., of the bonds, nothing indicates what kind of debts or expenses were, in fact, liquidated by such warrants or certificates. * * * 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 indicated.

I have nothing to add or suggest to the report by the Auditor as to the certificates, warrants, etc.

As to the bonds outstanding and unpaid, the Third Auditor, in his report, said:

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 pertaining 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.

While it might be proper to reappropriate the unexpended balance of \$169,470.24, or any part thereof, for the purpose of paying claims subsequent to January 1, 1854, under the provision of the act of 1861, yet no part of said balance can legally be reappropriated for the payments of claims prior to January 1, 1854, however just the claims may be.

The fund provided for such purpose, under the acts of 1854 and 1861, has been entirely exhausted, and consequently I can not recommend the reappropriation of the sum suggested.

Respectfully yours,

F. STOBO FARROW, *Auditor.*

The SECRETARY OF THE TREASURY.

UNITED STATES SENATE,
Washington, D. C., April 15, 1896.

SIR: On March 2, 1861, Congress appropriated the sum of \$400,000 in the act entitled "An act for the payment of expenses incurred in the

suppression of Indian hostilities in the State of California" (12 U. S. Stats., 199).

On page 8 of your report to the Senate on April 18, 1894 (Senate Ex. Doc. 84, Fifty-third Congress, second session), you reported that the sum of \$230,529.76 of said appropriation has been expended on account of said California Indian war matter, leaving unexpended a balance of \$169,470.24, which had been carried to the surplus fund on the books of the Treasury.

On page 23 of said Ex. Doc., taken from page 7 of your letter to the Senate of May 9, 1890 (Senate Ex. Doc. 122, Fifty-first Congress, first session), is recited as follows, to wit:

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 pertaining 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.

Wherefore I respectfully request to be informed by you whether your Department sees any objection to reappropriating out of said unexpended balance the sum of \$50,220.16, with which to pay certain items of California Indian war claims, heretofore reported by you to the Senate in said Ex. Doc. No. 84, and hereinafter described as follows, to wit:

(1) The California-Indian war bonds, issued under the act of the legislature of said State, approved May 3, 1852, and interest to the date of the maturity of said bonds, May 2, 1862, and recited as Exhibit No. 1, on pages 13 and 14 of said Ex. Doc. No. 84, and aggregating the sum of \$35,491.10 (copy of which exhibit is hereto attached and made a part hereof).

(2) Amount necessary to pay the outstanding California nonbonded State obligation in the form of "State comptroller's warrants," etc., not heretofore paid by the United States, and to be duly accepted by the State of California as a finality therein, the sum of \$11,449.73.

(3) Amount necessary to refund the State of California the money by her expended for "printing said bonds issued under said acts of 1851, 1852, 1853," etc., and not heretofore paid by the United States and now duly accepted by the State of California as a finality therein, the sum of \$2,800 (as included in Schedule A, p. 23 of said Senate Ex. Doc. No. 84).

(4) The coupons detached from California Indian war bonds described as follows, to wit:

| | |
|---|-----------|
| Coupons 3, 4, 5, bond No. 84, act May 3, 1853, \$35 each, total..... | \$105. 00 |
| Coupons 3, 4, 5, bond No. 183, act May 3, 1853, \$35 each, total..... | 105. 00 |
| Coupons 3, 4, 5, bond No. 194, act May 3, 1853, \$35 each, total..... | 105. 00 |
| Coupons 4, 5, bond No. 220, act May 3, 1853, \$70 each, total..... | 140. 00 |
| Coupon 3, bond No. 220, act May 3, 1853, \$24.33, total..... | 24. 33 |

Making total aggregate of..... 479. 33

and all of which last described coupons were heretofore filed in your Department for payment by the First National Bank of Washington, D. C., and not paid for want of sufficient appropriation.

(RECAPITULATION.

| | |
|-----------------------------------|---------------|
| Amount recited in item No. 1..... | \$35, 491. 10 |
| Amount recited in item No. 2..... | 11, 449. 73 |
| Amount recited in item No. 3..... | 2, 800. 00 |
| Amount recited in item No. 4..... | 479. 33 |

Making a total aggregate of..... 50, 220. 16

With your reply hereto, I respectfully request the return to me of this communication, and said Exhibit No. 1, and oblige,

Yours, very truly,

STEPHEN M. WHITE,
United States Senate.

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

EXHIBIT NO. 1.—*List of 7 per cent bonds of 1852 held by the State.*

| No. of bond. | Date of bond. | Amount of bond. | Interest to May 2, 1862 (maturity). | Total. |
|--------------|--------------------|-----------------|-------------------------------------|----------|
| 115 | September 20, 1852 | \$100 | \$67.31 | \$167.31 |
| 297 | January 5, 1854 | 100 | 58.27 | 158.27 |
| 298 | do | 100 | 58.27 | 158.27 |
| 299 | do | 100 | 58.27 | 158.27 |
| 300 | do | 100 | 58.27 | 158.27 |
| 301 | do | 100 | 58.27 | 158.27 |
| 303 | January 17, 1854 | 100 | 58.03 | 158.03 |
| 304 | January 19, 1854 | 100 | 57.96 | 157.96 |
| 307 | January 27, 1854 | 100 | 57.84 | 157.84 |
| 308 | do | 100 | 57.84 | 157.84 |
| 309 | do | 100 | 57.84 | 157.84 |
| 310 | January 30, 1854 | 100 | 57.78 | 157.78 |
| 311 | January 31, 1854 | 100 | 57.76 | 157.76 |
| 312 | do | 100 | 57.76 | 157.76 |
| 313 | do | 100 | 57.76 | 157.76 |
| 314 | February 1, 1854 | 100 | 57.75 | 157.75 |
| 315 | February 7, 1854 | 100 | 57.64 | 157.64 |
| 316 | do | 100 | 57.64 | 157.64 |
| 317 | February 18, 1854 | 100 | 57.42 | 157.42 |
| 318 | February 28, 1854 | 100 | 57.24 | 157.24 |
| 319 | do | 100 | 57.24 | 157.24 |
| 320 | do | 100 | 57.24 | 157.24 |
| 321 | do | 100 | 57.24 | 157.24 |
| 322 | March 22, 1854 | 100 | 56.77 | 156.77 |
| 323 | do | 100 | 56.77 | 156.77 |
| 327 | March 29, 1854 | 100 | 56.64 | 156.64 |
| 328 | do | 100 | 56.64 | 156.64 |
| 330 | March 31, 1854 | 100 | 56.60 | 156.60 |
| 351 | April 20, 1854 | 100 | 56.23 | 156.23 |
| 352 | do | 100 | 56.23 | 156.23 |
| 360 | April 28, 1854 | 100 | 56.07 | 156.07 |
| 361 | do | 100 | 56.07 | 156.07 |
| 362 | do | 100 | 56.07 | 156.07 |
| 363 | do | 100 | 56.07 | 156.07 |
| 364 | do | 100 | 56.07 | 156.07 |
| 365 | do | 100 | 56.07 | 156.07 |
| 367 | do | 100 | 56.07 | 156.07 |
| 368 | do | 100 | 56.07 | 156.07 |
| 369 | do | 100 | 56.07 | 156.07 |
| 377 | May 23, 1854 | 100 | 55.59 | 155.59 |
| 378 | do | 100 | 55.59 | 155.59 |
| 379 | do | 100 | 65.59 | 155.59 |
| 382 | June 5, 1854 | 100 | 55.35 | 155.35 |
| 385 | July 20, 1854 | 100 | 54.48 | 154.48 |
| 387 | July 31, 1854 | 100 | 54.26 | 154.26 |
| 388 | do | 100 | 54.26 | 154.26 |
| 389 | do | 100 | 54.26 | 154.26 |
| 392 | August 11, 1854 | 100 | 54.07 | 154.07 |
| 393 | do | 100 | 54.07 | 154.07 |
| 395 | August 24, 1854 | 100 | 53.81 | 153.81 |
| 396 | August 26, 1854 | 100 | 53.78 | 153.78 |
| 397 | September 2, 1854 | 100 | 53.66 | 153.66 |
| 399 | September 14, 1854 | 100 | 53.43 | 153.43 |
| 408 | December 30, 1854 | 100 | 51.36 | 151.36 |
| 410 | July 9, 1855 | 100 | 47.69 | 147.69 |
| 411 | do | 100 | 47.69 | 147.69 |
| 412 | do | 100 | 47.69 | 147.69 |
| 414 | August 1, 1855 | 100 | 47.26 | 147.26 |
| 415 | do | 100 | 47.26 | 147.26 |
| 421 | August 15, 1855 | 100 | 46.99 | 146.99 |
| 422 | do | 100 | 46.99 | 146.99 |
| 423 | do | 100 | 46.99 | 146.99 |
| 424 | August 17, 1855 | 100 | 46.96 | 146.96 |
| 425 | do | 100 | 46.96 | 146.96 |
| 426 | August 28, 1855 | 100 | 46.73 | 146.73 |

CERTAIN CLAIMS OF CALIFORNIA.

EXHIBIT NO 1.—List of 7 per cent bonds of 1852 held by the State—Continued.

| No. of bond. | Date of bond. | Amount of bond. | Interest to May 2, 1862 (maturity). | Total. |
|--------------|-------------------------|-----------------|-------------------------------------|-----------|
| 427 | April 3, 1856..... | \$100 | \$42.56 | \$142.56 |
| 428 | May 18, 1856..... | 100 | 41.68 | 141.68 |
| 429 | June 21, 1856..... | 100 | 41.04 | 141.04 |
| 430 | January 1, 1857..... | 100 | 37.34 | 137.34 |
| 431 | do..... | 100 | 37.34 | 137.34 |
| 39 | September 20, 1852..... | 250 | 168.27 | 418.27 |
| 106 | January 5, 1854..... | 250 | 145.67 | 395.67 |
| 107 | do..... | 250 | 145.67 | 395.67 |
| 111 | January 31, 1854..... | 250 | 144.40 | 394.40 |
| 112 | February 1, 1854..... | 250 | 144.40 | 394.40 |
| 114 | February 7, 1854..... | 250 | 144.10 | 394.10 |
| 115 | do..... | 250 | 144.10 | 394.10 |
| 116 | February 18, 1854..... | 250 | 143.57 | 393.57 |
| 117 | March 22, 1854..... | 250 | 141.92 | 391.92 |
| 118 | March 29, 1854..... | 250 | 141.60 | 391.60 |
| 119 | do..... | 250 | 141.60 | 391.60 |
| 120 | March 31, 1854..... | 250 | 141.47 | 391.47 |
| 127 | June 5, 1854..... | 250 | 138.37 | 388.37 |
| 131 | July 21, 1854..... | 250 | 136.15 | 386.15 |
| 132 | do..... | 260 | 136.15 | 386.15 |
| 133 | do..... | 250 | 136.15 | 386.15 |
| 137 | August 7, 1854..... | 250 | 135.35 | 385.35 |
| 138 | do..... | 250 | 135.35 | 385.35 |
| 144 | September 2, 1854..... | 250 | 134.16 | 384.16 |
| 147 | September 14, 1854..... | 250 | 133.57 | 383.57 |
| 148 | do..... | 250 | 133.57 | 383.57 |
| 150 | do..... | 250 | 133.57 | 383.57 |
| 157 | January 4, 1855..... | 250 | 128.20 | 378.20 |
| 158 | do..... | 250 | 128.20 | 378.20 |
| 159 | August 1, 1855..... | 250 | 118.15 | 368.15 |
| 165 | May 18, 1856..... | 250 | 104.20 | 354.20 |
| 169 | January 1, 1857..... | 250 | 93.35 | 343.35 |
| 170 | April 28, 1857..... | 250 | 87.67 | 337.67 |
| 171 | do..... | 250 | 87.67 | 337.67 |
| 172 | do..... | 250 | 87.67 | 337.67 |
| 416 | August 1, 1855..... | 250 | 118.15 | 368.15 |
| 417 | do..... | 250 | 118.15 | 368.15 |
| 418 | do..... | 250 | 118.15 | 368.15 |
| 419 | do..... | 250 | 118.15 | 368.15 |
| 91 | August 21, 1852..... | 500 | 339.35 | 839.35 |
| 400 | January 5, 1854..... | 500 | 291.35 | 791.35 |
| 401 | do..... | 500 | 291.35 | 791.35 |
| 402 | do..... | 500 | 291.35 | 791.35 |
| 404 | January 27, 1854..... | 500 | 289.20 | 789.20 |
| 405 | do..... | 500 | 289.20 | 789.20 |
| 406 | February 28, 1854..... | 500 | 286.15 | 786.15 |
| 407 | March 29, 1854..... | 500 | 283.20 | 783.20 |
| 408 | March 31, 1854..... | 500 | 282.95 | 782.95 |
| 412 | April 15, 1854..... | 500 | 281.60 | 781.60 |
| 414 | April 28, 1854..... | 500 | 280.35 | 780.35 |
| 415 | do..... | 500 | 280.35 | 780.35 |
| 417 | May 13, 1854..... | 500 | 278.85 | 778.85 |
| 418 | July 6, 1854..... | 500 | 273.75 | 773.75 |
| 419 | July 10, 1854..... | 500 | 273.35 | 773.35 |
| | Total..... | | 12,491.10 | 85,491.10 |