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WAR CLAIMS OF CALIFORNIA, OREGON, AND NEVADA.

MARCH 8, 1894.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HERMANN, from the Committee on War Claims, submitted the following

REPORT:

[To accompany H. R. 4959.]

The Committee on War Claims, to whom was referred the bills (H. R. 2615 and H. R. 4959) to reimburse the States of California, Oregon, and Nevada for moneys by them expended in the suppression of the rebellion when aiding the United States to maintain the "common defense" on the Pacific coast, have examined the same and report as follows:

The facts out of which the aforesaid State war claims arise have been very fully stated in several reports heretofore made to the House of Representatives and to the Senate, as follows, to wit, House Report No. 254 and Senate Report No. 158, Fifty-second Congress, first session; House Report No. 2553 and Senate Report No. 644, Fifty-first Congress, first session; and House Report No. 3396 and Senate Reports No. 1286 and No. 2014, Fiftieth Congress, first session.

Bills relating to these State war claims of these three Pacific coast States passed the Senate during the first session of the Fiftieth Congress, and were favorably reported to the Senate during the first session of the Fifty-first and Fifty-second Congresses and to the House during the Fiftieth, Fifty-first, and Fifty-second Congresses, but were not reached for consideration by the House in either thereof. These bills were introduced in the House, to wit, H. R. No. 2615 on 11th day of September, 1893, by Mr. Caminetti, of California, and H. R. No. 4959 on January 3, 1894, by Mr. Maguire, of California, and both referred to the House Committee on War Claims.

Sums of money (recited in three reports made by the Hon. Secretary of War to the Senate on these State war claims and printed as Senate Ex. Docs. Nos. 10, 11, and 17, Fifty-first Congress, first session) proven to the full satisfaction of the War Department to have been expended by said States to aid the United States in the suppression of the war of the rebellion were included in the general deficiency appropriation bill as it passed the Senate during the second session of the Fifty-first Congress for the purpose of indemnifying and reimbursing said States on account and in partial liquidation of said claims, but the same were omitted from said deficiency bill as it became a law. Senate bill No. 52 and House bills No. 54 and No. 42, Fifty-second Congress, first session, were in all respects identical; the last of which House bills was, on February 10, 1892, favorably reported by the House War Claims Committee in House Report No. 254, Fifty-second Congress, first session, and said Senate bill No. 52 was, on February 4, 1892,

favorably reported by the Senate Committee on Military Affairs in Senate Report No. 158, as follows, to wit:

[Senate Report No. 158, Fifty-second Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 52) to reimburse the States of California, Oregon, and Nevada for moneys by them expended in the suppression of the rebellion, have examined the same and report as follows, to wit:

This measure was considered by this committee during the first session of the Fifty-first Congress, and was reported upon favorably (Report No. 644).

Your committee concur in the conclusions stated in that report and recommend the passage of the bill.

At a very early period of the war of the rebellion nearly all the troops of the regular Army of the United States then serving in California, Oregon, and Nevada were withdrawn from military duty in those States and transported thence by sea to New York City, at an expense to the United States of about \$390,103, or at an average cost of about \$284 for each commissioned officer and of about \$133 for each enlisted man.

This withdrawal therefrom of said regular troops left these three Pacific coast States comparatively defenseless, and for the purpose of supplying their places, and to provide additional military forces, rendered necessary by public exigencies, calls for volunteers were made upon said States under proclamations of the President, or requisitions by the War Department, or by its highest military officers commanding the military departments on the Pacific. These calls for volunteers continued until the necessity therefor entirely ceased to exist, during which time these three Pacific coast States furnished, enlisted, equipped, enrolled, paid, and mustered into the military service of the United States 18,715 volunteers, as shown in said reports so made to the Senate by the Secretary of War.

In consequence of this withdrawal in 1861 of said military forces from the Pacific coast, in order that they might perform military service in the East, and in view of the circumstances and exigencies existing in the Pacific coast States and Territories during the rebellion period, requisitions were duly made from time to time by the President of the United States and by the Secretary of War upon the proper State authorities of California, Oregon, and Nevada for volunteers to perform military service for the United States in said States and Territories, as are fully and in great detail set forth in Senate Ex. Docs. Nos. 10, 11, and 17, Fifty-first Congress, first session. In compliance with the several calls and official requisitions so made between 1861 and 1866, inclusive—

	Volunteers.
The State of California furnished.....	15, 725
The State of Nevada furnished	1, 180
The State of Oregon furnished	1, 810
	<hr/>
Making a total aggregate of.....	18, 715

who were enlisted and were thereafter duly mustered into the military service of the United States as volunteers from said State. The same number of troops if organized in the East and transported from New York City to the Pacific coast States and Territories in the same manner as was done by the United States War Department from June 17, 1850, to August 3, 1861, would have cost the United States at that time the sum of about \$5,483,385, for *transportation alone*.

The indemnification for the "costs, charges, and expenses" properly incurred by said States for enrolling, subsisting, clothing, supplying, arming, equipping, paying, transporting, and furnishing said 18,715

volunteer troops employed by the United States to aid them to maintain the "common defense," was guaranteed by the United States in the act of Congress approved July 27, 1861 (12 U. S. Stats., 276), an act entitled "An act to indemnify the States for expenses incurred by them in defense of the United States."

The then Secretary of War, Hon. Redfield Proctor, now U. S. Senator from Vermont (on page 28 of his report, Senate Ex. Doc. No. 11, Fifty-first Congress, first session), in reporting upon the military services performed by said volunteers during the rebellion, said:

They took the places of the regular troops in California, all of which, except 3 batteries of artillery and 1 regiment of infantry, were withdrawn to the East at an early period after the outbreak of the war. Without them (and the Oregon and Nevada volunteers) the overland mail and emigrant routes, extending from the Missouri River via Great Salt Lake City to California and Oregon, and passing through an uninhabited and mountainous country, infested with hostile Indians and highwaymen, could not have been adequately protected; and yet it was of the first importance to have these routes kept open and safe, especially as rebel cruisers had made the sea routes both hazardous and expensive. Two expeditions composed of California volunteers, under the command of Brig. Gens. James H. Carleton and Patrick E. Connor, respectively, performed perilous and exhausting marches across a desert and over an almost impassable country and established themselves, the latter in Utah—where, besides protecting the mail routes, a watchful eye was kept on the uncertain and sometimes threatening attitude of the Mormons—and the former in Arizona and New Mexico, which Territories were thereafter effectually guarded in the interests of the United States against Indians and rebels.

The Secretary of War, with the assistance of the board of Army officers, created under the authority of the act of Congress approved August 4, 1866 (24 U. S. Stat., p. 217), and which officers were duly selected and appointed on said board by Mr. Secretary of War, Hon. W. C. Endicott, has heretofore found as facts, and has so officially reported to the Senate (as printed in Senate Ex. Docs. Nos. 10, 11, 17, Fifty-first Congress, first session), that the States of California, Oregon, and Nevada, under appropriate laws of the legislatures thereof, respectively, have actually paid in gold coin out of their State treasuries, on account of the "costs, charges, and expenses" properly incurred by said three States for enrolling, subsisting, clothing, supplying, arming, equipping, paying, transporting, and furnishing said 18,715 volunteer troops of said three States, which were employed by the United States to aid them to maintain the "common defense" on the Pacific coast during the war of the rebellion, the exact sums of money as recited in said bill (H. R. 4959), the reimbursement of which was so guaranteed to be paid to said States as an indemnity under the aforesaid act of July 27, 1861 (12 U. S. Stat., 276), "An act to indemnify the States for expenses incurred by them in defense of the United States," and under the resolution of Congress of March 8, 1862 (12 U. S. Stat., 615), "declaratory of the intent and meaning of said act, and the resolution of March 19, 1862 (12 U. S. Stat., 616), to authorize the Secretary of War to accept moneys appropriated by any State for the payment of its volunteers, and to apply the same as directed by such State," copies of which act and resolution are as follows:

On the 27th day of July, 1861, Congress passed an act entitled "An act to indemnify the States for expenses incurred by them in defense of the United States," as follows:

That the Secretary of the Treasury be, and is hereby, directed, out of any moneys in the Treasury not otherwise appropriated, to pay to the governor of any State, or its duly authorized agents, the costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding in suppressing the present insurrection against the United States, to be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury. (12 Stat. L., p. 276.)

A RESOLUTION declaratory of the intent and meaning of a certain act therein named.

Whereas doubts have arisen as to the true intent and meaning of act numbered eighteen, entitled "An act to indemnify the States for expenses incurred by them in 'defense of the United States,' approved July twenty-seventh, eighteen hundred and sixty-one" (12 U. S. Stats., 276):

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the said act shall be construed to apply to expenses incurred as well after as before the date of the approval thereof.

Approved March 8, 1862 (12 U. S. Stats., 615).

A RESOLUTION to authorize the Secretary of War to accept moneys appropriated by any State for the payment of its volunteers and to apply the same as directed by such State.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That if any State during the present rebellion shall make any appropriation to pay the Volunteers of that State, the Secretary of War is hereby authorized to accept the same, and cause it to be applied by the Paymaster-General to the payments designated by the legislative act making the appropriation, in the same manner as if appropriated by act of Congress; and also to make any regulations that may be necessary for the disbursement and proper application of such funds to the specific purpose for which they may be appropriated by the several States.

Approved March 19, 1862 (12 U. S. Stats., 616).

AN ACT for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory.

* * * * *

SEC. 2. The Secretary of War is hereby authorized to detail three Army officers to assist him in examining and reporting upon the claims of the States and Territory named in the acts of June twenty-seventh, eighteen hundred and eighty-two, chapter two hundred and forty-one of the laws of the Forty-seventh Congress, and such officers, before entering upon said duties, shall take and subscribe an oath that they will carefully examine said claims, and that they will, to the best of their ability, make a just and impartial statement thereof, as required by said act.

Approved August 4, 1886. (24 U. S. Stat., 217.)

From the facts and laws hereinbefore recited, your committee concur in the conclusions reached and recommendations made in the several House and Senate reports which heretofore accompanied similar bills, and now reaffirm the same, and report back said bill (H. R. 4959) with a recommendation that it do pass with an amendment added thereto as follows, to wit:

That payment of said sums of money shall be made to each of said States in four equal installments, the first of which shall be paid to them respectively upon the passage of this act, the second of which shall be paid to them respectively on July 1, 1895, the third of which shall be paid to them respectively on July 1, 1896, the fourth of which shall be paid to them respectively on July 1, 1897.