

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

4-20-1894

In the Senate of the United States. Letter from the Secretary of the Treasury, in response to the Senate resolution of December 21, 1893, transmitting a report from the Third Auditor of the Treasury and accompanying papers relative to the Indian war claims of the State of California.

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



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

Recommended Citation

S. Exec. Doc. No. 84, 53rd Cong., 2nd Sess. (1894)

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

IN THE SENATE OF THE UNITED STATES.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN RESPONSE TO

The Senate resolution of December 21, 1893, transmitting a report from the Third Auditor of the Treasury and accompanying papers relative to the Indian war claims of the State of California.

APRIL 20, 1894.—Referred to the Committee on Military Affairs and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., April 18, 1894.

SIR: I am in receipt of the resolution of the Senate of December 21, 1893, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate any and all matters not heretofore reported relative to the Indian war claims of the State of California, referred to and recited in the resolution of the Senate adopted December 19, 1889, and in so doing he shall report the amount of money the State of California claims to be yet due her by the United States as a full indemnity for all moneys by her expended, and for all liability by her assumed under her laws not fully reimbursed by the United States, in any matters growing out of her efforts to suppress Indian depredations in said State, and upon the borders thereof, and to aid the United States in maintaining the "common defense."

In reply thereto, I have the honor to transmit herewith the report of the Third Auditor of the Treasury, dated April 17, 1894, and accompanying papers.

Respectfully, yours,

J. G. CARLISLE,
Secretary.

The PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT,
OFFICE OF THE THIRD AUDITOR,
Washington, D. C., April 17, 1894.

SIR: I have the honor to return Senate resolution of December 21, 1893, relative to the Indian war claims of the State of California, which you referred to me on December 22, 1893, for report.

The resolution directs the Secretary of the Treasury to report to the Senate any and all matters not heretofore reported relative to the Indian war claims of the State of California, referred to and recited in the resolution of the Senate adopted December 19, 1889, and in so doing to report the amount of money the State of California claims to be yet due

it by the United States as a full indemnity for all moneys by it expended and for all liabilities by it assumed under its laws not fully reimbursed by the United States, in any matter growing out of its efforts to suppress Indian depredations in said State, and upon the border thereof, and to aid the United States in maintaining the "common defense."

In compliance with Senate resolution of December 19, 1889, two reports were made by the Third Auditor, dated January 13, 1890, and May 8, 1890, respectively, embracing complete statements upon all California Indian war claims then within the knowledge of this office. (*Vide* Senate Ex. Doc. 122, Fifty-first Congress, first session.)

On December 26, 1893, California filed a further statement, together with a mass of papers and exhibits, setting out in great detail all the items of its claims, including not only the matter which the auditor has considered in the two reports referred to, but additional claims not heretofore presented.

A careful analysis of the matter now presented shows that the entire amount which California claims to be yet due it from the United States as a full indemnity for all moneys by it expended, and for all liabilities by it assumed in the suppression of Indian hostilities, etc., is as follows:

| | |
|---|--------------|
| <i>Item A.</i> —For expenses in suppressing Indian hostilities prior to January 1, 1854 | \$271,849.73 |
| <i>Item B.</i> —For Mendocino expedition in 1859 | 9,294.53 |
| <i>Item C.</i> —For Carson Valley or Washoe hostilities in 1860 | 12,106.87 |
| <i>Item D.</i> —For miscellaneous claims, as per schedule | 54,907.03 |
| <i>Item E.</i> —For expenses in suppressing Indian hostilities in the years 1854, 1855, 1856, 1858, and 1859 | 219,075.95 |
| <i>Item F.</i> —For amount of noninterest-bearing State obligations (Indian-war bonds and certificates of indebtedness) issued under State acts of April 25, 1857, and March 30, 1858 | 92,795.96 |
| Total | 660,030.07 |

So far as relates to the claims of the State treated in reports of January 13, 1890, and May 8, 1890, it is assumed from the language of the resolution that no further recommendation or opinion respecting them is desired, but that the present investigation and report is to be directed and confined wholly to claims by California new and additional thereto. I have, however, for convenience and ready reference, grouped together all the claims, and shall briefly review their history, as shown by the records, in the order in which they appear in the above schedule.

ITEM A.

EXPENSES IN SUPPRESSING INDIAN HOSTILITIES PRIOR TO JANUARY 1, 1854, \$271,849.73.

By act of August 5, 1854 (10 Stat., 582), the Secretary of War was authorized and directed to examine into and ascertain the amount of expenses by the State of California in the suppression of Indian hostilities within the said State prior to January 1, 1854, and that the amount of such expenses when so ascertained to be paid to the State, provided that the sum to be paid shall not exceed \$924,259.65.

The State, it appears, had sold on the market, bonds aggregating \$37,100, bearing 7 and 12 per cent interest, to realize funds with which to defray the said expenses.

The California commissioners submitted to the Secretary of War a certified copy of the war bond register of the State, together with the various acts of the legislature authorizing the issuance of the bonds, and the journals of the legislature exhibiting the action of that body

in relation to the same, and proposing also to deliver to him the bonds before payment of the amount into the State treasury. The Secretary of War, in reply, 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 1854 required him to go into an examination of the original vouchers. On this point the commissioners, in a report to the governor of California, say:

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, to a great extent by the holders of the 7 per cent bonds who felt aggrieved at the manner of distributing the appropriation 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 explanations, 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.

About two years after the passage of the act of 1854 Congress changed the entire programme by the passage of the act of August 18, 1856, which provided that the original appropriation made by the act of 1854 should be applied to pay the holders of the bonds and not the State, as at first directed.

Under the terms of this act the holders of the bonds were paid—principal and interest—the aggregate sum of \$916,439.58, and the unexpended balance of \$8,362.16 has long since been carried to the “surplus fund” and no longer available.

A few of the 7 per cent bonds of 1852, it appears, were presented by the commissioners which bore dates of issue subsequent to January 1, 1854, but it was decided at the time that they could not be paid, as they formed no part of the estimate by the State of \$924,259.65, named in the act of August 5, 1854. This objection was, however, obviated by the passage of the act of June 23, 1860 (12 Stat., 104), which provided for their payment.

A careful reexamination of the entire bond account was made in this office in 1890, and, by comparison with the original bond register loaned by Mr. Mullan, the State agent, and with other data, it was ascertained that California issued in all 1,564 bonds of the series of 1851 and 1852.

The account stands as follows:

| | Bonds of 1851 (12 per cent). | Bonds of 1852 (7 per cent). | | | | Total bonds. | Total principal. |
|-------------------------------|------------------------------|-----------------------------|--------|--------|--------|--------------|------------------|
| | \$1,000. | \$1,000. | \$500. | \$250. | \$100. | | |
| Issued by State | 200 | 341 | 420 | 172 | 431 | 1,564 | \$87,100 |
| Paid by United States..... | 197 | 341 | 402 | 118 | 310 | 1,368 | 799,500 |
| Unpaid by United States | 3 | | 18 | 54 | 121 | 196 | 37,600 |
| Now held by States | | | 15 | 34 | 70 | 119 | 23,000 |
| Unknown holders | 3 | | 3 | 20 | 51 | 77 | 14,600 |
| Total unpaid | 3 | | 18 | 54 | 121 | 196 | 37,600 |

On 119 bonds the State has paid:

| | |
|-----------------------|-------------|
| Principal..... | \$23,000.00 |
| Interest thereon..... | 12,718.06 |
| Total..... | 35,718.06 |

On 1,368 bonds the United States has paid:

| | |
|-----------------------|--------------|
| Principal..... | \$799,500.00 |
| Interest thereon..... | 116,939.58 |
| Total..... | 916,439.58 |

Of the 1,564 bonds issued by the State it is seen that the United States have redeemed 1,368 of all denominations in the two series, equal to the aggregate principal \$799,500 and interest thereon in the sum of \$116,939.58; that the number of bonds unpaid is 196, aggregating a principal of \$37,600, of which the State holds 119 (\$23,000) and unknown holders 77 (\$14,600).

On the great bulk of the bonds redeemed by the United States interest was allowed and paid to January 1, 1854, as the gross fund appropriated by the act of 1854 was sufficient only to pay the principal with interest to that date.

The claims of the State under this head are further particularized as follows:

| | |
|---|-------------|
| Bonds of 1852 held by the State..... | \$23,000.00 |
| Bonds of 1851 (unknown holders)..... | 3,000.00 |
| Bonds of 1853 (unknown holders)..... | 11,600.00 |
| Estimated amount required to pay interest on bonds from January 1, 1854, to September 1, 1856 (32 months)..... | 195,000.00 |
| Estimated amount required to pay interest on bonds from September 1, 1856, to dates of payment by the United States and to dates of maturity on bonds not paid..... | 25,000.00 |
| Amount of State comptroller's warrants and State treasurer's certificates..... | 11,449.73 |
| For printing, preparing, and issuing bonds of said loans of 1851 and 1852..... | 2,800.00 |
| Total..... | 271,849.73 |

I append hereto Exhibit No. 1, showing the number, date, and amount of each bond now held by the State, and interest thereon to the several dates of redemption. Also Exhibit No. 2, giving similar information as to all bonds now in the possession of unknown holders, and interest thereon to date of maturity.

I express no opinion as to these claims, but the facts are reported for such equitable consideration as Congress may determine.

ITEM B.

MENDOCINO EXPEDITION IN 1859, \$9,294.53.

This item appears to be for services rendered, supplies furnished, and other expenses incurred by an expedition against the Indians in the county of Mendocino in 1859, under the command of Capt. W. S. Jarboe. A full itemized statement of the claim may be found on pages 54 and 55, Senate Ex. Doc. No. 122, Fifty-first Congress, first session. These claims were paid by California in 1860, except about \$75.

All the vouchers and warrants and a mass of petitions, appeals, etc., urging the State to provide for the protection of the people of that county were filed in this office by California in 1890, and on May 9, 1890, transmitted to the Senate with the report of the Third Auditor thereon. (*Vide* Senate Ex. Doc. No. 122, Fifty-first Congress, first session.)

ITEM C.

CARSON VALLEY, OR WASHOE HOSTILITIES, IN 1860, \$12,106.87.

The governor of California early in the year 1860 was induced upon urgent appeals by Washoe miners in Carson Valley outside the confines of the State of California to render aid in the protection of their lives and property.

Chief Winnemucca and his band were in that region of country. The miners had been attacked by the Indians, many of them killed, their stock stolen, and other property carried away.

No militia or other troops were furnished, but the claim consists of various expenses in sending 500 stand of arms and 100,000 rounds of ammunition from the arsenal at Sacramento to Carson Valley in Utah (now Nevada) to arm the inhabitants in the region of the Washoe mines. The claim rests solely on awards made by a State board of examiners. The demands made by the claimants before the examiners in the form of petition, accounts, and other evidence were not presented by California with the awards; hence it is not possible to determine the respective periods of service by the claimants, or the rates of compensation charged in the several accounts.

The items of the claim are as follows:

| No. of voucher. | Date of payment. | No. of warrant. | Name of payee. | For what purpose. | Amount paid |
|-----------------|------------------|-----------------|-------------------|-----------------------------|-------------|
| 1 | Oct. 9, 1861 | 289 | Thos. Rooney | Escort duty | \$125.00 |
| 2 | do | 288 | H. B. Boorman | do | 125.00 |
| 3 | do | 287 | Edwd. Granger | do | 125.00 |
| 4 | do | 286 | L. C. Bradley | do | 125.00 |
| 5 | do | 285 | William Martin | do | 125.00 |
| 6 | do | 284 | Dennis Morgan | do | 125.00 |
| 7 | Nov. 25, 1861 | 345 | Louis Grant | do | 125.00 |
| 8 | do | 346 | Robert O'Keefe | do | 125.00 |
| 9 | do | 347 | Patriek Towle | do | 125.00 |
| 10 | do | 350 | John Butler | do | 125.00 |
| 11 | Dec. 6, 1861 | 587 | Frank Rhodes | do | 125.00 |
| 12 | do | 588 | James Moore | do | 125.00 |
| 13 | Dec. 26, 1861 | 617 | Chas. J. Fairfax | do | 125.00 |
| 14 | Dec. 17, 1864 | 4746 | A. Blossom | Transportation of arms | 20.00 |
| 15 | Nov. 23, 1863 | 7 | Richd. M. Jessup | do | 520.00 |
| 16 | Mar. 21, 1861 | 2704 | C. W. Tozer | do | 5,450.00 |
| 17 | Nov. 25, 1861 | 348 | L. B. Richardson | Supplies for escort | 209.62 |
| 18 | do | 344 | E. J. Saunders | Transportation of arms | 250.00 |
| 19 | Mar. 28, 1861 | 2876 | Joseph Kem | do | 1,725.00 |
| 20 | Mar. 23, 1861 | 2870 | Thos. Sunderland | do | 500.00 |
| 21 | Apr. 3, 1861 | 3147 | J. Mora Moss | do | 200.00 |
| 22 | Nov. 12, 1861 | 413 | Charles Conger | Escort duty | 125.00 |
| 23 | Dec. 31, 1861 | 1039 | Wells, Fargo & Co | Transportation of arms | 75.00 |
| 24 | June 2, 1860 | 4952 | G. M. Raymond | do | 382.85 |
| 25 | Dec. 6, 1860 | 828 | John Schade | do | 110.00 |
| 26 | June 2, 1860 | 4953 | G. M. Raymond | do | 123.15 |
| | | | Wells, Fargo & Co | do | 184.75 |
| | | | John Schade | Repairing and cleaning arms | 242.50 |
| | | | M. Lobenstine | Drayage | 72.00 |
| | | | John Schade | Transportation of arms | 82.00 |
| | | | T. and J. Garrett | Bullet molds | 210.00 |
| | | | Total | | 12,106.87 |

The claim was fully considered by the Auditor in 1890 and all the papers transmitted to the Senate in that year with his report.

I do not see that anything new or material has been added or any new points brought out requiring further comment or report as to the several items of the claim.

ITEM D.

MISCELLANEOUS CLAIMS, \$54,907.03.

The claim of California under this head consists of miscellaneous items covering a period of about sixteen years, from 1853 to 1869.

Many of the items seem to be for expenses in auditing its debts and claims growing out of Indian hostilities and in the preparation of its accounts and papers for presentation to the United States. It is contrary to all rules of reason and justice that the United States should be required to pay for the preparation of the case of the State against itself (the United States). Again, I do not perceive why the State should have waited thirty or forty years in presenting this claim when all the means for determining its true character as to many of the charges are not within reach. One circumstance against it is the long delay in presenting it.

I have tabulated below the several items indicating, as far as possible, the nature of each.

| Item. | Name of payee. | For what purpose. | Amount. |
|-------|---|--|------------|
| 1 | Los Angeles Rangers | Not given..... | \$3,000.00 |
| 2 | Gen. A. M. Winn | Military services | 1,537.05 |
| 3 | J. W. Denver and S. B. Smith..... | Services as California Indian war claims commissioners..... | 6,000.00 |
| 4 | A. J. F. Phelan | Services as clerk to Indian war claims commission..... | 3,000.00 |
| 5 | do | Services compiling Indian war claims records | 800.00 |
| 6 | W. M. Merrihew..... | Services as clerk to Indian war claims' examiners, Jan. 1 to Sept. 30, 1862..... | 450.00 |
| 7 | S. B. Smith | Services as Indian war claims commissioner, \$5,000; contingent expenses, \$1,000..... | 6,000.00 |
| 7½ | A. J. F. Phelan | Services as clerk to Indian war claims commissioners..... | 3,800.00 |
| 8 | R. A. Thompson and Ferris Forman..... | Services as war claims commissioners in 1856..... | 4,000.00 |
| 9 | B. F. Hastings..... | Transporting arms in 1856 | 2,524.60 |
| 10 | Edward F. Beal..... | Services investigating Indian disturbances in Tulare section in 1856..... | 2,160.80 |
| 11 | J. W. Denver | Services as Indian war claims commissioner | 2,522.67 |
| 12 | Wells, Fargo & Co..... | Express charges for legislature..... | 3,317.39 |
| 13 | R. W. Fishborn..... | Not stated | 300.00 |
| 14 | John O'Meara | do | 25.00 |
| 15 | A. J. F. Phelan | Services as clerk to Indian war claims commissioners eight months, ending Feb. 8, 1858, and for stationery..... | 1,020.00 |
| 16 | H. C. Kibbe | Rent of office for Indian war claims commissioners, Nov. 13, 1857, to June 12, 1858..... | 175.00 |
| 17 | A. J. F. Phelan | Services as clerk to Indian war claims commissioners, Dec. 20, 1856, to Mar. 19, 1860..... | 1,170.00 |
| 18 | Greenhood & Neubauer | Expressing coin from Shasta to Weaverville..... | 136.00 |
| 19 | Oliver & Lewis..... | Supplies for "Kibbe Rangers," 1859 | 295.00 |
| 20 | A. E. Sherwood | Supplies for Kibbe Rangers, 1859 | 131.41 |
| 21 | A. D. Bayliss..... | Expenses of citizens of Humbolt and Trinity counties in suppressing Indian hostilities in 1868 and 1869 | 2,000.00 |
| 22 | Bowles and Coddington <i>et al.</i> | 29 items of miscellaneous expenses in the expedition against the Indians in Humbolt and Klamath, in 1858 and 1859..... | 2,822.41 |
| 23 | ..... | Expenses issuing Indian war bonds, under State act of Apr. 25, 1857..... | 325.00 |
| 24 | Thos. Findly, State treasurer..... | Additional salary as member of State board of war claims examiners, July 1, 1860, to June 30, 1861..... | 1,200.00 |
| 25 | Samuel H. Brooks, State controller..... | Additional salary as member of State board of war claims examiners, July 1, 1860, to June 30, 1861..... | 1,200.00 |
| 26 | A. J. F. Phelan..... | Services as clerk to Indian war claims examiners July 1, 1860, to June 30, 1861..... | 900.00 |
| 27 | State treasurer | Additional salary as member of State board of war claims examiners, July 1, 1861, to June 30, 1862..... | 600.00 |
| 28 | State controller..... | do | 600.00 |
| 29 | A. J. F. Phelan..... | Services as clerk to Indian war claims examiners, July 1, 1861, to June 30, 1862..... | 600.00 |
| 30 | do | Services as clerk to Indian war claims examiners | 1,200.00 |
| 31 | do | Services as clerk to Indian war claims examiners, July 1, 1859, to June 30, 1860..... | 900.00 |
| 32 | John Bell..... | Services as packer, Oct. 14, 1858, to Apr. 4, 1859, during the Humboldt and Klamath Indian disturbance, 1858 and 1859..... | 194.90 |
| | | | 54,907.03 |

I have given the subject of these claims careful consideration. The expenses were, no doubt, necessary on account of the state of affairs existing at the time and places, but I do not see that any of them, as they now appear, are properly chargeable to the United States. Items 3, 4, 5, 6, 7, 7½, 8, 11, 15, 16, 17, 23, 24, 25, 26, 27, 28, 29, 30, and 31. These embrace salaries of war debt commissioners, salary of their clerk, and expenses coming to Washington, clerk's services in State treasurer's office, extra salaries to State officers, office rent, cost of engraving and printing bonds, etc.

The auditor in 1890 commented upon these items and included them in his report.

Item 1.—Services of Los Angeles Rangers.

There is no information showing what military service the organization performed, when performed, or under whose authority.

Items 2, 9, 10, 12, 13, 14, 18, 19, 20.—Transporting arms, investigating Indian disturbances, express charges, supplies, and other miscellaneous expenses.

As to some of these charges the only information given is of a general character—nothing definite appears as to details; others are entirely vague and without any information as to the character of the service.

Item 21.—Expenses of citizens of Humboldt and Trinity counties in suppressing Indian hostilities in 1868 and 1869.

The act of June 27, 1882, made ample provision for the proper adjustment of all claims by California on account of Indian hostilities between April 15, 1861, and June 27, 1882. I see no reason why the item should be considered here.

Item 22.—Bowles and Coddington *et al.* Miscellaneous expenses.

Under the act of March 2, 1861 (to which I shall refer more fully hereafter), California was allowed and paid the sum of \$31,823.94 on account of expenses in Humboldt and Klamath expeditions in 1858 and 1859. In the allowance was included \$8,900 on account of miscellaneous claims of Bowles and Coddington, and until the vouchers are furnished in this case I can apply no test whatever to determine whether or not the same items are again asserted by the State.

Item 32.—John Bell, services as packer October 14, 1858, to April 4, 1859, during the Klamath and Humboldt expeditions in 1858 and 1859.

The Auditor in 1890, commenting upon this item, says:

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 to show that Bell did in fact serve.

The State now submits an affidavit by one Isaac G. Messec, who, during the Klamath and Humboldt Indian disturbances in 1858 and 1859, was a captain of a company of California Volunteers. Affiant states that during the said military expedition the services of a packer were necessary and that John Bell was the packer on said expedition and rendered services as such during the period his command was in the field; that not being an enlisted man his name did not appear on the roll of his company.

I have no voucher before me or any certified account by California to substantiate the claim.

ITEM E.

EXPENSES IN SUPPRESSING INDIAN HOSTILITIES IN THE YEARS 1854, 1855, 1856, 1858, AND 1859, \$219,075.98.

The act of March 2, 1861, appropriated \$400,000, or so much thereof as shall be necessary, to defray the expenses incurred by California in suppressing Indian hostilities within the State by the Shasta expedi-

tion of 1854, Siskiyou expedition of 1855, San Bernardino expedition in 1855, Klamath expedition in 1856, Modoc expedition in 1856, Tulare expedition in 1856, Klamath and Humboldt expedition in 1858 and 1859, Pitt River expedition in 1859. By the terms of the law the Third Auditor was authorized and required to audit the accounts for payments for services of volunteers and for supplies, transportation, and personal services rendered to said volunteers in the expeditions named; and in auditing the said claims, the same were required to be computed at prices corresponding as near as possible to the rates paid by the United States for similar services, etc., in the U. S. Army in the same country and the same time.

Under this act, the State of California on November 2, 1861, filed its claim, consisting of books, rolls, vouchers, etc., aggregating \$449,605.74. The Auditor found due the State \$229,987.67, which amount was paid in June, 1863. The balance was rejected as being excessive or unauthorized.

The account now stands as follows:

Claims by California on account of military expeditions against hostile Indians.

| Expedition. | Year. | Amount claimed. | Amount allowed and paid to California. | Amount rejected as being excessive or unauthorized. |
|-----------------------------|----------|-----------------|--|---|
| Shasta..... | 1854 | \$4,068.64 | \$1,261.38 | \$2,807.26 |
| Siskiyou..... | 1855 | 14,036.36 | 6,146.60 | 7,889.76 |
| Klamath and Humboldt..... | 1855 | 99,096.65 | 61,537.48 | 37,559.17 |
| San Bernardino..... | 1855 | 817.03 | 419.99 | 397.04 |
| Klamath..... | 1856 | 6,190.07 | 2,952.77 | 3,237.30 |
| Modoc..... | 1856 | 188,324.22 | 80,436.72 | 107,887.50 |
| Tulare..... | 1856 | 12,732.23 | 3,647.25 | 9,084.98 |
| Klamath and Humboldt..... | { 1858 } | 52,184.45 | 31,823.94 | 20,360.51 |
| Pitt River..... | { 1859 } | | | |
| | 1859 | 72,156.09 | 41,761.54 | 30,394.55 |
| Total June 27, 1863..... | | 449,605.74 | 229,987.67 | 219,618.07 |
| Allowed Sept. 28, 1863..... | | | *542.09 | 542.09 |
| Total..... | | 449,605.74 | 230,529.76 | 219,075.98 |

* By the examination made in 1890 it was discovered that one \$500 bond No. 148 and interest \$42.09 was through some error paid from the appropriation of \$400,000, made by act of March 2, 1861—(Vide Sett. 1941 of 1863). The amount should have been paid from the appropriation of \$924,259.65—acts of 1854 and 1856.

The State now contends that the statute for the relief of California was intended to reimburse it for all the expenditures by it incurred in the suppression of Indian hostilities by the expeditions named; but by the strictest construction possible nearly every item officially presented for such reimbursement seems to have undergone a cheese-paring process, not by any specific rules of allowance, but by an arbitrary declaration of award.

As an example the State calls particular attention to the claim of John Bidwell, voucher No. 124, Pitt River expedition of 1859. This claim was for ammunition, subsistence, clothing, services of teams and teamsters, bearers of dispatches, etc., aggregating \$1,523.13. The State board of examiners reduced the claim by \$363.66, thereby leaving the sum of \$1,159.47, as the amount of its claim in this case for the supplies furnished and the services performed.

The Auditor allowed the exact amount claimed by the State except \$54.50 for clothing. This deduction was made because the regular clothing allowance had been commuted by him, for all privates serving in the expedition.

The principle upon which the Auditor proceeded as to all the claims was this: Claims for the pay of the officers and men employed in the different expeditions were allowed at the rates paid by law to officers of the same rank in the regular Army and men serving at the time on the Pacific coast. To this was added the regular monthly allowance for clothing for privates. The clothing allowance having been commuted as above, the Auditor threw out all the bills for clothing purchased, otherwise a double allowance would have been made for the same expenditure. An allowance of 40 cents per day for use and risk of horse was made on account of mounted volunteers. The State charged in its claim for use and risk of horses \$3.20 per day each. For horses hired \$1.50 per day each was allowed.

In adjusting the remaining miscellaneous expenditures the Auditor acted, it appears, according to the best lights and available information at his command. Many of the bills were acted on and allowances made in such amounts as seemed to be properly vouched and certified and necessary and proper expenditures.

Other bills were rejected entirely, being for damages to property, expenses subsisting, transporting, etc., persons who did not appear to have been engaged in the expeditions named, but who had rendered service in some other capacity, such as examining and settling accounts against the State, and other expenses which, although they might have been proper charges against the State, did not appear to be such as against the United States.

The reduction of which the State now complains was made in accordance with the terms of the law and not by any arbitrary rules of adjustment.

The unexpended balance of \$219,075.98 was on June 30, 1864, carried to the surplus fund on the books of the Treasury.

There is no statute now in force which will authorize a reexamination of these claims, the lapsing of the appropriation having terminated the authority of the accounting officers.

It is now a question for Congress to decide, whether or not the reasserted rates and prices are to be paid by the United States.

ITEM F.

NONINTEREST BEARING INDIAN WAR BONDS AND CERTIFICATES OF INDEBTEDNESS ISSUED UNDER STATE ACTS OF APRIL 25, 1857, AND MARCH 30, 1858, \$92,795.96.

The acts of August 5, 1854, and August 18, 1856, provided for expenses by California for suppression of Indian hostilities prior to January 1, 1854. The usual methods of accounting were not observed. The State was not required to submit an account with proper vouchers, but the United States assumed the bonds which the State had issued as a full and final settlement for its expenses.

Again, by act of March 2, 1861, Congress provided for similar expenses in 1854, 1855, 1856, 1858 and 1859. In this case rolls, vouchers, and other evidence were produced. The claims by California under these acts have been adjusted, as may be seen by reference to remarks on Items A and E herein. By the programme adopted under act of August 18, 1856, on account of expenses prior to January 1, 1854, the United States does not know in fact what expenses it had reimbursed, but simply the liquidation of all claims prior to that date.

California now comes after lapse of thirty-five years and urges the payment of a claim without sufficient proof or pointing out in any man-

ner the particular claims upon which the bonds rest or when and where the expenses were incurred.

I do not see, therefore, how any just conclusion can be reached or test applied as to what may be due California in these matters, if anything, unless all the vouchers are first produced.

An issue of bonds simply by the State I do not believe is sufficient evidence of proper expenditure, but the vouchers and evidence upon which the claims are based, it seems to me, should be filed to avoid duplication of accounts prior or subsequent to January 1, 1854.

In Item F the State asserts 145 separate claims, as follows:

| Num. ber. | No. of bond. | No. of certifi- cate. | To whom issued. | For what amount issued. |
|-----------|--------------|-----------------------|---------------------------------------|-------------------------|
| 1 | 278 | 635 | Nicholas Alligier..... | \$500. 00 |
| 2 | 279 | 635 | do..... | 500. 00 |
| 3 | 280 | 635 | do..... | 500. 00 |
| 4 | 281 | 635 | do..... | 1, 000. 00 |
| 5 | 282 | 635 | do..... | 200. 00 |
| 6 | 283 | 635 | do..... | 200. 00 |
| 7 | 284 | 635 | do..... | 200. 00 |
| 8 | 285 | 635 | do..... | 200. 00 |
| 9 | 286 | 635 | do..... | 200. 00 |
| 10 | 287 | 635 | do..... | 100. 00 |
| 11 | 288 | 635 | do..... | 100. 00 |
| 12 | 520 | 824 | James Walsh..... | 1, 000. 00 |
| 13 | 521 | 824 | do..... | 100. 00 |
| 14 | 579 | 1028 | J. A. Driebellis..... | 150. 00 |
| 15 | 586 | 1038 | Walter McDonald..... | 1, 000. 00 |
| 16 | 587 | 1038 | do..... | 1, 000. 00 |
| 17 | 588 | 1038 | do..... | 1, 000. 00 |
| 18 | 589 | 1039 | A. M. Jones..... | 1, 000. 00 |
| 19 | 590 | 1039 | do..... | 1, 000. 00 |
| 21 | 612 | 1062 | Joseph Stone..... | 600. 00 |
| 22 | 615 | 1065 | Sam'l Sherwood..... | 150. 00 |
| 23 | 623 | 1076 | Buryman Lack..... | 1, 320. 00 |
| 24 | 624 | 1077 | John Sannickson..... | 4, 280. 00 |
| 25 | 631 | 1086 | Boucher & Cook..... | 820. 00 |
| 26 | 632 | 1085 | D. C. Osborne..... | 250. 00 |
| 27 | 633 | 1084 | Johnson & Douglass..... | 975. 00 |
| 28 | 634 | 1083 | Patrick Mullen..... | 600. 00 |
| 29 | 635 | 1082 | James Mitchel..... | 150. 00 |
| 30 | 649 | 1096 | C. S. Anderson..... | 1, 260. 00 |
| 31 | 654 | 1098 | Patrick Ford..... | 3, 676. 00 |
| 32 | 655 | 1099 | R. L. Westbrook..... | 1, 000. 00 |
| 33 | 656 | 1099 | do..... | 360. 00 |
| 34 | 671 | 1113 | Wm. T. Stevens..... | 400. 00 |
| 35 | 679 | 1124 | E. A. Stevenson..... | 1, 000. 00 |
| 36 | 680 | 1124 | do..... | 1, 000. 00 |
| 36 1/2 | 825 | 825 | James Walsh..... | 9. 00 |
| 37 | 681 | 1124 | E. A. Stevenson..... | 1, 000. 00 |
| 38 | 682 | 1124 | do..... | 1, 000. 00 |
| 39 | 683 | 1124 | do..... | 1, 000. 00 |
| 40 | 684 | 1124 | do..... | 1, 000. 00 |
| 41 | 685 | 1124 | do..... | 1, 000. 00 |
| 42 | 686 | 1124 | do..... | 1, 000. 00 |
| 43 | 687 | 1125 | J. S. P. Bass & Co..... | 705. 00 |
| 44 | 717 | 1153 | Ed. W. Inskeep..... | 798. 50 |
| 45 | 718 | 1153 | do..... | 798. 50 |
| 46 | 720 | 1154 | John Eglan..... | 200. 00 |
| 47 | 723 | 1158 | } Williams, McDermott & Thompson..... | { 2, 000. 00 |
| 48 | 724 | 1158 |  |  |  | { 2, 000. 00 |
| 49 | 725 | 1158 | do..... | 3, 154. 50 |
| 50 | 730 | 1170 | R. A. Parker..... | 1, 000. 00 |
| 51 | 731 | 1170 | do..... | 1, 000. 00 |
| 52 | 732 | 1170 | do..... | 1, 000. 00 |
| 53 | 733 | 1170 | do..... | 1, 000. 00 |
| 54 | 734 | 1170 | do..... | 1, 000. 00 |
| 55 | 735 | 1170 | do..... | 1, 000. 00 |
| 56 | 736 | 1170 | do..... | 1, 000. 00 |
| 57 | 737 | 1170 | do..... | 1, 000. 00 |
| 58 | 738 | 1170 | do..... | 1, 000. 00 |
| 59 | 739 | 1170 | do..... | 449. 00 |
| 60 | 741 | 1171 | J. C. Butler..... | 1, 000. 00 |
| 61 | 742 | 1171 | do..... | 1, 000. 00 |
| 62 | 743 | 1171 | do..... | 1, 000. 00 |
| 63 | 744 | 1171 | do..... | 514. 00 |
| 64 | 745 | 1172 | H. D. Van Wyck..... | 1, 000. 00 |
| 65 | 746 | 1172 | do..... | 657. 10 |
| 66 | 747 | 1169 | John Chapman..... | 800. 00 |

| Number. | No. of bond. | No. of certificate. | To whom issued. | For what amount issued. |
|---------|--------------|---------------------|------------------------|-------------------------|
| 67 | 749 | 1174 | R. G. Watkins | \$216.67 |
| 68 | 750 | 1175 | G. W. Leonard | 218.67 |
| 69 | 751 | 1177 | F. A. Thomas | 177.70 |
| 70 | 752 | 1178 | C. Bohrer | 177.70 |
| 71 | 753 | 1179 | A. S. Shaw | 168.20 |
| 72 | 754 | 1180 | A. Lavantree | 168.20 |
| 73 | 755 | 1181 | R. M. Libbey | 168.20 |
| 74 | 756 | 1182 | R. J. Lyons | 158.70 |
| 75 | 757 | 1183 | C. S. Storms | 158.70 |
| 76 | 758 | 1184 | W. H. Burke | 158.70 |
| 77 | 759 | 1185 | — Adderton | 149.20 |
| 78 | 760 | 1186 | E. Citizen | 149.20 |
| 79 | 761 | 1187 | G. Citizen | 149.20 |
| 80 | 762 | 1188 | F. Cole | 149.20 |
| 81 | 763 | 1189 | P. Cole | 149.20 |
| 82 | 764 | 1190 | J. Collins | 149.20 |
| 83 | 765 | 1191 | W. D. Butts | 149.20 |
| 84 | 766 | 1192 | P. Clifford | 149.20 |
| 85 | 767 | 1193 | W. Grass | 149.20 |
| 86 | 768 | 1194 | J. Kinneran | 149.20 |
| 87 | 769 | 1195 | R. L. Northrup | 149.20 |
| 88 | 770 | 1196 | B. R. Robinson | 149.20 |
| 89 | 771 | 1197 | Jas. W. H. Rover | 149.20 |
| 90 | 772 | 1198 | W. Slater | 149.20 |
| 91 | 773 | 1199 | F. Swan | 149.20 |
| 92 | 774 | 1200 | J. Weisner | 149.20 |
| 93 | 775 | 1201 | J. H. Weatherwax | 149.20 |
| 94 | 776 | 1202 | F. Wilber | 149.20 |
| 95 | ..... | 1203 | J. S. Webb | 149.20 |
| 96 | 777 | 1204 | C. Carlisle | 149.20 |
| 97 | 778 | 1205 | W. Reed | 149.20 |
| 98 | 779 | 1206 | J. McCarrie | 149.20 |
| 99 | 780 | 1207 | S. Kirkkruff | 149.20 |
| 100 | ..... | 1208 | Edward Carr | 149.20 |
| 101 | 781 | 1209 | C. Moore | 149.20 |
| 102 | 782 | 1210 | James Arnold | 149.20 |
| 103 | 783 | 1211 | H. Case | 149.20 |
| 104 | 784 | 1212 | Jas. Wood | 149.20 |
| 105 | 785 | 1213 | W. Mathews | 149.20 |
| 106 | 786 | 1214 | F. Wallace | 149.20 |
| 107 | 787 | 1215 | C. C. O'Donald | 149.20 |
| 108 | 788 | 1216 | W. Martin | 149.20 |
| 109 | 788 | 1217 | T. G. Hewlett | 149.20 |
| 110 | 790 | 1218 | R. Gassaway | 149.20 |
| 111 | 791 | 1219 | W. Lincoln | 149.20 |
| 112 | 792 | 1220 | J. Davis | 149.20 |
| 113 | 793 | 1221 | R. Miller | 149.20 |
| 114 | 812 | 1238 | A. L. Pardee | 1,000.00 |
| 115 | 813 | 1238 |do | 1,000.00 |
| 116 | 814 | 1238 |do | 1,000.00 |
| 117 | 815 | 1238 |do | 1,000.00 |
| 118 | 816 | 1238 |do | 1,000.00 |
| 119 | 817 | 1238 |do | 503.92 |
| 120 | 818 | 1238 |do | 774.00 |
| 121 | 819 | 1238 |do | 172.56 |
| 122 | 828 | 1248 | W. E. Phillips | 650.00 |
| 123 | 832 | 1159 | Sleeper Hamlin & Co. | 1,000.00 |
| 124 | 833 | 1259 | Lockhart & Roseborough | 2,500.00 |
| 125 | 834 | 1259 |do | 2,500.00 |
| 126 | 835 | 1259 |do | 5,000.00 |
| 127 | 836 | 1259 |do | 3,665.00 |
| 128 | 839 | 1256 | Henry Cuddiback | 29.60 |
| 129 | 840 | 1257 | D. L. Marshall | 17.60 |
| 130 | 841 | 1255 | Thos. P. Wyatt | 20.53 |
| 131 | 843 | 1262 | Peter Donnelly | 975.00 |
| 132 | 844 | 1261 | J. Manheim & Co. | 472.15 |
| 133 | 845 | 1264 | D. H. Lowry | 351.35 |
| 134 | 846 | 1265 | Elijah Steele | 900.96 |
| 135 | ..... | 636 | Nicholas Alligier | 10.00 |
| 136 | ..... | 825 | James Walsh | 9.00 |
| 137 | ..... | 991 |do | 100.00 |
| 138 | ..... | 1266 | G. McKee | 20.10 |
| 139 | ..... | 1267 |do | 83.20 |
| 140 | ..... | 1168 | Robert O'Neil | 430.00 |
| 141 | 824 | 1241 | L. C. George | 132.50 |
| 142 | 825 | 1242 | J. M. Van Sycle | 175.00 |
| 143 | 829 | 1247 | Wm. M. Young | 77.05 |
| 137 1/2 | ..... | 992 | James Walsh | 60.00 |
| Total | | | | 92,795.96 |

Generally I have no knowledge of these claims other than the bonds themselves, which purport to have been issued for the payment of expenses incurred in the suppression of Indian hostilities in certain counties.

Of the bonds issued in the several matters recited above, 73 are yet outstanding and not paid, 61 have been redeemed and now presented to the United States, and are herewith, and 1 has been destroyed.

In addition to the bonds and certificates California presents no vouchers or other evidence in support of the claim, except a few papers. These refer only to a small portion, as the following will show:

| | |
|--|--------------|
| No. 1.—California Rangers: For pay, subsistence, blankets, and horse hire, 1851 and 1852..... | \$7, 289. 84 |
| No. 2.—P. D Beebe: For services in Capt. Johnson's Company, Shasta expedition, 1854 | 26. 56 |
| No. 3.—Elijah Steele: For services, expenses, and supplies, Scott Valley, 1852 | 900. 96 |
| No. 4.—James Walsh: For subsistence and ammunition in 1850 | 1, 109. 00 |
| No. 5.—Nicholas Allegier: For services, supplies, presents to the Indians, Bear River expedition, 1850..... | 3, 710. 00 |
| No. 6.—D. H. Lowry: For supplies furnished to troops under Capt. Benj. Wright in Siskiyou County, 1852..... | 351. 35 |
| No. 7.—H. D. Van Wyck: For supplies furnished to troops under Capt. Benj. Wright in Siskiyou County, 1852..... | 1, 657. 10 |
| No. 8.—S. C. George and J. M. Van Sycle: For arms, ammunition, and expenses, Tulare expedition, 1856..... | 307. 00 |

It is seen that all the items above, except Nos. 2 and 8, are for expenses prior to January 1, 1854.

An examination shows that No. 2 has been adjusted and paid by the United States.

The State asserted it in 1861 under the act of March 2, 1861, for \$26.56 for sixteen days, service in Capt. Johnson's company at \$50 per month, and is included in the item of \$4,068.64, Shasta expedition of 1854. For his services the Auditor allowed at the rate of \$14.67 per month; pay and clothing, \$7.86.

This particular item offers a striking illustration of the propriety of the suggestion requiring vouchers and the necessity for its observance.

Unless this is done the indications are very marked that duplication of accounts are likely to occur.

The attorney's brief, with all books of accounts, abstracts, exhibits, and other evidence, are transmitted herewith.

Respectfully, yours,

SAM'L BLACKWELL,
Auditor.

Hon. JOHN G. CARLISLE,
Secretary of the Treasury.

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 | 55.59 | 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 |
| 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 |

14 INDIAN WAR CLAIMS OF THE STATE 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 |
|--------------|--------------------|-----------------|-------------------------------------|-----------|
| 120 | March 31, 1854 | \$250 | \$141.47 | \$991.47 |
| 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 | 35,491.10 |

EXHIBIT NO. 2.—List of 7 per cent bonds of 1852—unknown holders.

| No. of bond. | Date of bond. | Amount of bond. | Interest to May 2, 1862 (maturity). | Total |
|--------------|-------------------|-----------------|-------------------------------------|----------|
| 132 | October 11, 1852 | \$100 | \$66.90 | \$166.90 |
| 133 | do | 100 | 66.90 | 166.90 |
| 162 | November 25, 1852 | 100 | 66.04 | 166.04 |
| 163 | do | 100 | 66.04 | 166.04 |
| 219 | April 27, 1853 | 100 | 63.09 | 163.09 |
| 268 | August 13, 1853 | 100 | 61.02 | 161.02 |
| 269 | do | 100 | 61.02 | 161.02 |
| 270 | do | 100 | 61.02 | 161.02 |
| 271 | do | 100 | 61.02 | 161.02 |
| 305 | January 19, 1854 | 100 | 57.99 | 157.99 |
| 306 | do | 100 | 57.99 | 157.99 |
| 329 | March 29, 1854 | 100 | 56.64 | 156.64 |
| 331 | March 31, 1854 | 100 | 56.59 | 156.59 |
| 332 | do | 100 | 56.59 | 156.59 |
| 333 | do | 100 | 56.59 | 156.59 |
| 340 | April 12, 1854 | 100 | 56.38 | 156.38 |
| 341 | do | 100 | 56.38 | 156.38 |
| 348 | April 17, 1875 | 100 | 56.17 | 156.17 |
| 349 | do | 100 | 56.17 | 156.17 |
| 353 | April 25, 1854 | 100 | 56.12 | 156.12 |
| 354 | April 25, 1854 | 100 | 56.12 | 156.12 |
| 355 | do | 100 | 56.12 | 156.12 |
| 356 | do | 100 | 56.12 | 156.12 |
| 371 | May 8, 1854 | 100 | 55.86 | 155.86 |
| 372 | May 13, 1854 | 100 | 55.77 | 155.77 |
| 378 | May 13, 1854 | 100 | 55.77 | 155.77 |
| 374 | do | 100 | 55.77 | 155.77 |
| 380 | May 26, 1854 | 100 | 55.53 | 155.53 |

EXHIBIT No. 2.—List of 7 per cent bonds of 1852—unknown holders—Continued.

| No. of bond. | Date of bond. | Amount of bond. | Interest to May 2, 1862 (maturity). | Total. |
|--------------|--------------------|-----------------|-------------------------------------|-----------|
| 381 | May 26, 1854 | \$100 | \$55.53 | \$155.53 |
| 383 | June 6, 1854 | 100 | 55.33 | 155.33 |
| 384 | July 10, 1854 | 100 | 54.67 | 154.67 |
| 386 | July 21, 1854 | 100 | 54.46 | 154.46 |
| 390 | August 7, 1854 | 100 | 54.14 | 154.14 |
| 391 | August 11, 1854 | 100 | 54.07 | 154.07 |
| 394 | August 19, 1854 | 100 | 53.91 | 153.91 |
| 398 | September 2, 1854 | 100 | 53.66 | 153.66 |
| 400 | September 20, 1854 | 100 | 53.31 | 153.31 |
| 401 | October 23, 1854 | 100 | 52.67 | 152.67 |
| 402 | October 24, 1854 | 100 | 52.65 | 152.65 |
| 403 | November 24, 1854 | 100 | 52.06 | 152.06 |
| 404 | do | 100 | 52.06 | 152.06 |
| 405 | do | 100 | 52.06 | 152.06 |
| 406 | do | 100 | 52.06 | 152.06 |
| 407 | do | 100 | 52.06 | 152.06 |
| 409 | April 4, 1855 | 100 | 49.53 | 149.53 |
| 413 | July 28, 1855 | 100 | 47.32 | 147.32 |
| 416 | August 13, 1855 | 100 | 47.02 | 147.02 |
| 417 | do | 100 | 47.02 | 147.02 |
| 418 | do | 100 | 47.02 | 147.02 |
| 419 | do | 100 | 47.02 | 147.02 |
| 420 | do | 100 | 47.02 | 147.02 |
| 69 | November 25, 1852 | 250 | 165.10 | 415.10 |
| 113 | February 3, 1854 | 250 | 144.30 | 394.30 |
| 128 | July 10, 1854 | 250 | 136.67 | 386.67 |
| 129 | July 21, 1854 | 250 | 136.15 | 386.15 |
| 130 | do | 250 | 136.15 | 386.15 |
| 134 | do | 250 | 136.15 | 386.15 |
| 135 | do | 250 | 136.15 | 386.15 |
| 136 | do | 250 | 136.15 | 386.15 |
| 139 | August 24, 1854 | 250 | 134.52 | 384.52 |
| 141 | August 26, 1854 | 250 | 134.45 | 384.45 |
| 142 | do | 250 | 134.45 | 384.45 |
| 143 | do | 250 | 134.45 | 384.45 |
| 145 | September 14, 1854 | 250 | 133.57 | 383.57 |
| 146 | do | 250 | 133.57 | 383.57 |
| 151 | October 18, 1854 | 250 | 131.90 | 381.90 |
| 152 | October 24, 1854 | 250 | 131.62 | 381.62 |
| 153 | do | 250 | 131.62 | 381.62 |
| 154 | do | 250 | 131.62 | 381.62 |
| 155 | do | 250 | 131.62 | 381.62 |
| 156 | November 1, 1854 | 250 | 131.27 | 381.27 |
| 307 | May 14, 1853 | 500 | 313.30 | 813.30 |
| 416 | May 13, 1854 | 500 | 273.85 | 778.85 |
| 420 | July 10, 1854 | 500 | 273.85 | 773.85 |
| Total | | | 6,408.85 | 18,008.85 |

List of 12 per cent bonds of 1851—unknown holders.

| No. of bonds. | Date of bond. | Amount of bond. | Interest to Feb. 15, 1861 (maturity). | Total. |
|---------------|---------------|-----------------|---------------------------------------|------------|
| 107 | April 9, 1851 | \$1,000 | \$1,182.00 | \$2,182.00 |
| 108 | do | 1,000 | 1,182.00 | 2,182.00 |
| 142 | May 24, 1851 | 1,000 | 1,167.00 | 2,167.00 |
| Total | | | 3,531.00 | 6,531.00 |

STATEMENT OF THE STATE OF CALIFORNIA RELATIVE TO HER STATE INDIAN WAR CLAIMS AGAINST THE UNITED STATES.

Supported by eighty-one exhibits, referred to herein, which show that the amount of money which the State of California claims to be yet due her by the United States, as the full indemnity for all moneys by her expended and for all liabilities by her assumed under her laws not fully reimbursed by the United States, in all matters growing out of her efforts to suppress Indian depredations and hostilities in said State and upon the borders thereof, and to aid the United States in maintaining the "common defense," aggregates the sum of \$660,376.57.

NO. 1310 CONNECTICUT AVENUE, WASHINGTON CITY, D. C.,

December 26, 1893.

SIR: Referring to the official reports of the honorable Third Auditor of the Treasury, made to you under dates of January 13, 1890, and May 8, 1890, respectively, in the matter of the resolution adopted by the Senate of the United States December 19, 1889, pertaining to the "Indian war claims of the State of California," etc., which resolution, on December 21, 1889, was duly referred by you to the honorable Third Auditor for said reports, which are printed in Senate Ex. Doc. No. 122, Fifty-first Congress, first session, in behalf of the State of California I now have the honor to call your attention thereto for the purposes as follows, to wit:

(1) To have corrected certain unintentional errors contained in said document, copy whereof is submitted herewith; and

(2) To submit certain additional vouchers, accounts, papers, and evidence 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, in order that your Department may examine the same and therefrom ascertain and report to the Senate the matters called for and as recited in its said resolution, etc.

The honorable Third Auditor, in his said report of May 8, 1890, on pages 5 to 11, inclusive, of Senate Ex. Doc. No. 122, Fifty-first Congress, first session, recites as follows, to wit:

"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 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 per cents (State act, 1851) matured April, 1861; the 7 per cents (State act, 1852) matured May, 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."

In view of said recitals, the State of California regarding the sum of \$257,600, so computed by the honorable Third Auditor, as being approximately correct, should not further dispute the amount of said liability of the United States relative to and arising on account of this particular subdivision of her said Indian war claims, but should accept these figures of the honorable Third Auditor, and by you reported to the Senate, as final and conclusive in all matters that relate exclusively to said "unpaid Indian war bonds and unpaid coupons, issued under the acts of the legislature of California of February 15, 1851, May 3, 1852, April 16, 1853, and May 18, 1853, and acts supplemental thereto and amendatory and declaratory thereof," without further argument or comment. So that for the purpose of terminating all further contention relative to this particular branch of her said Indian war claims against the United States, the State of California should now agree to accept that sum in liquidation, redemption, and full payment of all of said bonds and of said coupons now remaining outstanding and as yet unpaid by the United States.

I deem it proper here to state that this special item of said Indian war claims seems never heretofore to have been officially presented or submitted to Congress by your Department in a manner so clear, full, or explicit as has been recited in said report by the honorable Third Auditor and as explained in said executive document; and it is probably, in consequence of the want of an official report so clear and of a computation so explicit as this, that no adequate provision of law has ever heretofore been enacted by Congress to pay the said "unpaid bonds and unpaid coupons" recited in said reports and explained in said Senate executive document No. 122.

As recited by the honorable Third Auditor on page 5 of said executive document, the original of the State register of all the bonds that were ever issued under the acts of the legislature of the State of California, approved February 15, 1851, May 3, 1852, April 16, 1853, and May 18, 1853, respectively, and the original of the State register of the redemption of all of said bonds so issued, were officially procured by me prior to May 8, 1890, for the use of the honorable Third Auditor, and thereafter, in addition thereto, full, true, and correct copies of all thereof have been duly filed by the State of California in his office for public use. But in order to perfect and support this schedule of this statement, other full, true, and correct copies of all said State registers, both of the issue and of the redemption of all of said bonds duly certified by the present custodian of all thereof, are now submitted herewith, made parts hereof, and marked exhibits Nos. 1, 2, 3, and 4, Schedule A, respectively.

SCHEDULE A.

These several exhibits show as follows, to wit:

- (1) The date of the issue and of the redemption, respectively, of each of said State Indian war bonds issued under each of said acts.
- (2) The denomination and the amount, respectively, for which each of said bonds was so issued and so redeemed under each of said acts.
- (3) The name of the party or parties to whom each of said bonds was so issued and from each of whom the same was so redeemed under each of said acts.
- (4) The numbers of the State controller's warrants issued in payment of audited Indian war claims, which warrants were duly converted into State Indian war bonds and into State treasurer's certificates of balances due on controller's warrants.
- (5) The amount paid on each of said bonds at the date of the redemption of each thereof, respectively, under each of said acts.

The propriety of procuring for the use of the honorable Third Auditor the originals of said State bond registers of the issue and redemption of all of said California State Indian war bond, and the necessity of now submitting to you duly certified copies of each of said State registers, in order to make them matters of permanent record in your Department, is fully illustrated by the correspondence had between the honorable Secretary of War on January 26, 1861, and the honorable Third Auditor on June 15, 1861, respectively, with the governor of California—copies of which correspondence are submitted herewith, made parts hereof, and marked Exhibits Nos. 5A, 6A, 7A, 8A,—because this correspondence discloses the fact that the information then sought by your Department and by the War Department from the governor of California was, when furnished, not as satisfactory as that now submitted to you and contained in said copies of said registers.

On page 22, of Senate Ex. Doc. No. 122, Fifty-first Congress, first session, is recited as follows, to wit:

"For the purpose of a 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 the 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.”

FIRST PERIOD.

The honorable Third Auditor, on page 6 of said Senate Ex. Doc. No. 122, recites as follows, to wit:

“In addition to the matter of the bonds the State asks reimbursement 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.”

In order to fully explain any matters in these premises not heretofore recited as clearly as the honorable Third Auditor deemed it necessary, the State of California now avails itself of this opportunity to call special attention to the fact that the total sum of California's Indian war expenses during the years 1850, 1851, 1852, and 1853 that had been examined, audited, and allowed by its State board of war claims examiners up to the date of the dissolution of said board, to wit: August 1, 1855, as supported by evidence hereinafter recited, aggregated \$848,549.73.

See (1) pages 16 and 17, Senate Ex. Doc. No. 122, Fifty-first Congress, first session, and (2) certificate of Gen. R. H. Orton, adjutant-general of California, under date of June 14, 1890, original of which is submitted herewith, made a part hereof, and marked Exhibit No. 9A, copy of so much thereof as relates to this subject being as follows, to wit:

STATE OF CALIFORNIA, ADJUTANT GENERAL'S OFFICE,
Sacramento, June 14, 1890.

I hereby certify that the official archives now of record in the office of the adjutant-general of California, and now in my custody, show that 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, and 1852 for the protection of the lives and property of its citizens and for the suppression of Indian hostilities within its borders, aggregated the sum of \$848,549.73.

And that of said amount the sum of \$200,000 was paid by paymasters of the State, in 12 per cent bonds of the State of California and that the remainder thereof, to wit, the sum of \$648,549.73, was paid by the State board of examiners in warrants in liquidation of said expenditures.

That the said expeditions so employed in said Indian wars, together with the expenses incurred by and paid on account of each, are set forth as follows, to wit:

| | |
|--|---------------------|
| Mariposa and Monterey expeditions | \$259, 372. 31 |
| First El Dorado expedition | 102, 972. 90 |
| Second El Dorado expedition | 200, 519. 59 |
| Los Angeles and Utah expeditions..... | 96, 277. 60 |
| Trinity, Klamath and Clear Lake expeditions | 34, 320. 08 |
| San Diego "Fitzgerald Volunteers" expeditions..... | 23, 081. 00 |
| Siskiyou "Volunteer Rangers" expeditions..... | 16, 424. 00 |
| Gila "Colorado Volunteers" expeditions | 113, 482. 25 |
| Miscellaneous expenditures pertaining to said expeditions..... | 2, 100. 00 |
| Making a total aggregate of | 848, 549. 73 |

To meet and liquidate this Indian war debt of \$848,549.73, the State of California duly appropriated as follows, to wit:

| | |
|--|--------------|
| 1. Under the act of her legislature approved February 15, 1851 (Exhibit B, p. 39, said S. Ex. Doc. No. 122)..... | \$500,000.00 |
| 2. Under the act of her legislature approved May 3, 1852 (Exhibit C, p. 39, said S. Ex. Doc. No. 122)..... | 600,000.00 |
| 3. Under the act of her legislature approved April 16, 1853 (Exhibit D, p. 41, said S. Ex. Doc. No. 122)..... | 23,000.00 |
| 4. Under the act of her legislature approved May 18, 1853 (Exhibit F, p. 43, said S. Ex. Doc. No. 122)..... | 23,000.00 |
| <hr/> | |
| Making a total aggregate of appropriations of | 1,146,000.00 |
| Out of which to pay said Indian war debt of | 848,549.73 |

Under said act of her legislature, approved February 15, 1851, the State of California duly issued bonds in the sum and to the extent of \$200,000, and paid out the same in liquidation of said debt to the extent of \$200,000. (See bond register, Exhibit No. 1 A.)

To meet and liquidate the balance (\$648,549.73) of said debt, the State of California duly issued her State controller's warrants, in the sum and to the extent of \$648,549.73. (See said certificate of the State adjutant-general of California, Exhibit No. 9 A.)

These State controller's warrants were subsequently converted by the State treasurer into State Indian war interest-bearing bonds, issued under said acts of the legislature of California, approved May 3, 1852, April 16, 1852, May 18, 1853, etc. (See Exhibits C, D, E, and F, pp. 41-43, said Senate Ex. Doc. No. 122) in a sum and to the extent, according to the official report of State Controller Brown, of the State of California (p. 163, said Senate Ex. Doc. No. 122), that aggregated \$638,100. This aggregate the honorable Third Auditor, however, computes to be an error to the extent of \$1,000 too much; but assuming that said computation of the State controller to be correct, this therefore left a nonbonded balance of said debt that aggregated \$10,449.73, or, by assuming the computation of the honorable Third Auditor to be correct, to wit, \$637,100, would leave a nonbonded balance of said debt that aggregated \$11,449.73, making in either event, however, a grand total of principal of \$848,549.73.

The interest-bearing bonds provided for under said act of February 15, 1851, were issued in even sums of \$1,000 each, and of which 200 were issued; while those provided for under said acts of May 3, 1852, April 16, 1853, and May 18, 1853, were also issued in even sums of \$1,000, \$500, \$250, and \$100 each, respectively. But when the warrants issued to pay said claims, which were generally of uneven sums, came to be converted into bonds, under said acts, there were naturally and necessarily left in numerous cases fractional sums which, either in whole or in part, subsequently assumed the forms and names of "State treasurer's certificates of balances due on controller's warrants." The total of these State interest-bearing Indian war bonds, into which said State controller's warrants were duly converted, when added to the sum of said State controller's warrants, that had not been so converted, together with said State treasurer's certificates of balances due on State controller's warrants (that had been so converted), aggregate, however, a grand total of principal, \$848,549.73.

Copies of the State registers of the issue and of the redemption of these State treasurer's certificates of balances due on State controller's warrants duly certified are now submitted herewith, made parts hereof and marked Exhibits Nos. 10 and 11 A.

A list of portions of these State treasurer's certificates of balances due on controller's warrants is also printed as Exhibit Q, on pages 48, 49, and 50 of said Senate Ex. Doc. No. 122, Fifty-first Congress, first session.

The registers of the issue and of the redemption of these State treasurer's certificates of balances due on controller's warrants, show as follows, to wit:

- (1) The date of the issue and of the redemption, respectively, of said State treasurer's certificates.
- (2) The amount for which each of same was so issued and so redeemed.
- (3) The name of the party or parties to whom each thereof was so issued, and from whom the same was so redeemed.
- (4) The amount paid in gold coin by the State of California on each thereof at the date of the redemption of each, respectively.

To avoid all possible misunderstanding, therefore, and any error of any kind in these premises, the State of California submits as follows, to wit: That this sum of \$848,549.73 did not include certain specific items of necessary expenditure, paid in cash by the State of California, out of money in her general fund, and therefore not

represented either by interest-bearing State war bonds, or by State controller's warrants, and the same are as follows, to wit:

(1) The amount of money paid in gold coin by the State of California, for expenses by her actually incurred for printing said bonds issued under said acts of February 15, 1851, and May 3, 1852 etc., to wit: \$2,550.

See part of Exhibit 12 A in words as follows, to wit:

STATE OF CALIFORNIA, *City of Sacramento:*

John P. Dunn does hereby certify that he is now the controller of the State of California; that he has read Exhibit R (part No. 1, or first period), as printed on page 51 of Senate Ex. Doc. No. 122, Fifty-first Congress, first session, copy of which is as follows, to wit:

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, 1850, 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 reimbursed said State by the United States.

| Voucher No. | Name of warranty. | Date of payment. | No. of controller's warrant. | Amount of controller's warrant. |
|-------------|-----------------------|------------------|------------------------------|---------------------------------|
| 1 | Fishbourn & Gow | Nov. 19, 1851 | 33 | \$700.00 |
| 2 | Richard Roman..... | Aug. 19, 1851 | 1552 | 100.00 |
| 2 |do | Sept. 1, 1851 | 1553 | 50.00 |
| 3 |do | July 14, 1851 | 2310 | 300.00 |
| 3 |do |do | 2311 | 200.00 |
| 3 |do | Jan. 27, 1851 | 2312 | 100.00 |
| 4 |do | Nov. 19, 1851 | 3138 | 100.00 |
| 5 |do | Jan. 12, 1850 | 75 | 900.00 |
| | | | | *2, 550.00 |

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

and says that no portion of said amount aggregating \$2,550 was paid in any bonds issued by the State of California, but that the records of his office show that the same was paid in money out of the State treasury, upon controller's warrants, duly drawn as numbered and as dated, as in said exhibit recited.

JOHN P. DUNN,
Controller of State.

SACRAMENTO, CAL., *July 16, 1850.*

Nor did the sum of \$848,549.73, include the amount of money paid in gold coin by the State of California, to wit, \$250 under section 10 of the act approved April 15, 1853, for necessary expenses actually incurred for printing the bonds issued under the aforesaid act, copy of which is set forth in Exhibit E, p. 42, of Senate Ex. Doc. No. 122, Fifty-first Congress, first session.

Now in reference to this class of Indian War expenses the honorable Third Auditor, on p. 7, Senate Ex. Doc. No. 122, says:

"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 1851, full reimbursement of all its actual expenses for Indian hostilities prior to January 1, 1851, 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 reimbursed. 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 reimbursement 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."

In reply to the foregoing recitals the State of California respectfully submits that she is not in possession of any evidence, data, or information by which she can corroborate any of the aforesaid recitals; but, on the contrary, said State is in possession of much evidence to support her denial of the exactness thereof.

The honorable Third Auditor, on page 2 of said Senate Ex. Doc. No. 122, Fifty-first Congress, first session, says:

"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."

The statement that the State of California did sell her said State Indian war bonds, or did convert any of said bonds into money, or did realize money from the sale of any thereof, is a very grave error.

While it is true that said acts of February 15, 1851, May 3, 1852, etc., authorized this to be done, yet, as a matter of fact, it was not done, but, on the contrary, the State of California issued her State Indian war controller's warrants in payment of her said Indian war claims, theretofore duly audited and allowed by her State board of war claims examiners, and did deliver over said warrants at their full face value to those claimants only (or to their legal agents—see sec. 11, act May 3, 1852) who had theretofore actually rendered services or furnished supplies to aid in the suppression of said Indian hostilities, and as payment for such services and for such supplies.

Thereafter said claimants holding said controller's warrants presented them to the State treasurer, who, under the aforesaid acts, duly converted them into State Indian war bonds, under the act of February 15, 1851, in sums of \$1,000 each, and under the act of May 3, 1852, in sums of \$1,000, \$500, \$250, and \$100 each, as the case might be, and if the amount of the face value of any single warrant or any series of warrants aggregated an uneven sum, then, after having duly issued bonds in said even sum of \$1,000 under the first act, or of \$1,000, \$500, \$250, and \$100 under the second act, so far as such even sums were contained in the sum stated on the face of any warrant or the sum of any series of warrants, then for the balance the State treasurer duly issued his certificate, known and designated in this statement as "State treasurer's certificates of balances due on State controller's warrants."

To clearly illustrate this method of procedure, adopted by the State officers of the State of California in reference to said "State controller's warrants," and said "State interest-bearing Indian war bonds," and said "treasurer's certificate of balances due on State controller's warrants," the State of California now submits an original receipt, signed by her State treasurer, Hon. Richard Roman, submitted herewith, made part hereof, and marked Exhibit No. 13 A, an exact copy of which is in words and figures as follows, to wit:

\$6,691.49.]

STATE TREASURER'S OFFICE,
Vallejo, August 14, 1852.

Received of Messrs. Wheeler & Morgan Warrants on the "war fund" amounting to six thousand six hundred and ninety-one 49-100 dollars, to be funded in 7 per cent bonds bearing this date. This receipt to be returned before the delivery of the bonds.

RICHARD ROMAN,
State Treasurer.

The indorsements on this receipt being as follows, to wit:

Any individual to whom this receipt is transferred may get the bonds when ready for delivery.

R. ROMAN.

Wheeler & Morgan. This receipt was presented by C. H. West, to whom the bonds were issued.

R. ROMAN,
State Treasurer.
per JNO. F. HAYES.

In this case the State treasurer of California duly issued in the name of said C. H. West, assignee of said Wheeler & Morgan, as indorsed on said receipt, certain State Indian war bonds, under date of August 14, 1852, bearing 7 per cent interest under the authority of the aforesaid act of May 3, 1852, and did deliver the same to said C. H. West, assignee of said Wheeler & Morgan, as follows, to wit:

| Bond No. | Amount. | Bond No. | Amount. |
|-----------|---------|------------|---------|
| 192 | \$1,000 | 197 | \$1,000 |
| 193 | 1,000 | 84 | 500 |
| 194 | 1,000 | 86 | 100 |
| 195 | 1,000 | | |
| 196 | 1,000 | Total..... | 6,600 |

(See the record of the issue of the 7 per cent bonds so numbered, recited in Exhibit No. 2 A, entitled: "Issue of California 7 per cent Indian war bonds, acts May 3, 1852, April 16, 1853, and May 18, 1853.")

In addition thereto, on September 18, 1852, the State treasurer of California duly issued to said Wheeler & Morgan, "State treasurer's certificate" No. 57, for \$91.49, that sum being the amount of the balance due on said controller's warrants; and which controller's warrants were numbered Nos. 266, 1331, and 2663. (See Exhibit No. 2 A, opposite the aforesaid bonds from No. 192 to No. 197, inclusive, and Nos. 84 and 86, respectively.)

Now payment is respectfully requested to be made for this Certificate No. 57, for \$91.49, being serial number 52, Exhibit Q, p. 49, Senate Ex. Doc. No. 122, Fifty-first Congress, first session, as well as for the other similar certificates recited in said Exhibit Q, and those now recited in Exhibits 10 A and 11 A, herewith, all of which certificates, redemption, and payment has either heretofore been made by the State of California, or for which said State has made herself liable to pay the holders of any thereof, and all of which aggregate, as aforesaid, the sum of (\$10,449.73¢) \$11,449.73.

Attention is here called to the fact that the United States have heretofore paid all the aforesaid bonds, to wit, from No. 192 to No. 197, inclusive, for \$1,000, and bond No. 84 for \$500 and bond No. 86 for \$100, so issued to said C. H. West, assignee of said Wheeler & Morgan, and aggregating the sum of \$6,600, but leaving unpaid said "certificate of balance due on controller's warrant" in the sum of \$91.49. (See the certificate from the honorable Third Auditor's Office of January 10, 1872, p. 162 of said Senate Ex. Doc. No. 122.)

The United States have not paid any of said State treasurer's certificates of balances due on any of said controller's warrants, but which certificates have always been treated and paid by the State of California, in a manner the same as said bonds themselves. (As a sample thereof see Exhibit X, p. 53, Senate Ex. Doc. No. 122, Fifty-first Congress, first session.)

Demand for payment of all of said State treasurer's certificates of balances due on State controller's warrants is therefore entitled at this time to the same consideration by the United States as is a demand for the payment of the State controller's warrants themselves, or the payment of said state interest-bearing Indian war bonds, into which said controller's warrants were duly converted; because all of the same, though differing in form, are but the integral parts of one and the same obligation, and of one and the same unit of expense of California's Indian war claims, duly audited, arising prior to January 1, 1854, which unit aggregated as aforesaid a total principal of \$848,549.73. This unit or amount of expense and of debt was, under the act of February 15, 1851, duly converted into 12 per cent bonds to the extent of \$200,000, and, under the acts of May 3, 1852, April 16, 1853, and May 18, 1853, into 7 per cent bonds to the extent of (\$638,000¢) \$637,100, leaving an outstanding balance of said unit or amount of expense and of debt, in the form either of nonbonded State controller's warrants, or of nonbonded State treasurer's certificates of balances due on State controller's warrants, in the sum of (\$10,449.73¢) \$11,449.73, making as aforesaid an aggregate of \$848,549.73.

The State of California respectfully submits that the expenses by her incurred in printing said bonds, so issued under said acts of 1851, 1852, and 1853, respectively, were necessary and were actually paid by her, but not paid in any of said State Indian war bonds, nor paid from any money realized by any sale of any of said bonds; but that the same when paid were paid by said State out of money in the general fund then in her State treasury, which general fund was created by revenues arising, accruing, and derived from various sources, none of which, however, included the proceeds of any sale of any of said State Indian war bonds, because none of said bonds were ever sold by said State for any purposes whatsoever.

In view of these premises, it is respectfully submitted that there is but one true test which the United States should properly apply herein, and that is, to wit:

Has the State of California actually incurred and paid these expenses?

Have the United States reimbursed said State these expenses?

To these inquiries the State of California replies that she in good faith has actually incurred and paid these expenses, but that the United States have not reimbursed or paid any portion of any thereof.

For the United States to pay these expenses now is not to duplicate any payment ever heretofore made by the United States in these premises, and that to pay these expenses once is what the State of California believes the United States will do when they are fully and correctly informed or advised by you herein.

In order that the United States should reimburse and pay these State California Indian war claims, actually paid in gold coin by said State, and these liabilities by her actually assumed, and which obligations are represented by "interest-bearing State Indian war bonds," and noninterest-bearing "State controller's warrants," and noninterest-bearing "State treasurer's certificates of balances due on controller's warrants," issued on account of said Indian hostilities arising in said State during this "first period," as in this schedule A recited, Congress is now, therefore, respectfully requested to make due provision to pay the same; which obligations and expenses, when itemized, are as follows, to wit:

Schedule A.

| | |
|---|----------------|
| 1. Amount necessary to pay the outstanding "California State Indian war bonds and coupons (attached and detached)," according to the aforesaid computation of the honorable Third Auditor, recited on page 6, Senate Ex. Doc. No. 122, Fifty-first Congress, first session, not heretofore paid by the United States, and to be accepted by the State of California as a finality herein, the sum of..... | \$257, 600. 00 |
| 2. Amount necessary to pay the outstanding California nonbonded State obligations in the form of "State controller's warrants" and "State treasurer's certificates of balances due on State controller's warrants," etc., as the case may be, not heretofore paid by the United States, and to be duly accepted by the State of California as a finality herein, the sum of..... | 11, 449. 73 |
| 3. Amount necessary to refund the State of California the money by her actually expended for "printing said bonds, issued under said acts of 1851, 1852, 1853," etc., and not heretofore paid by the United States, to wit, the sum of..... | \$2, 550 |
| And also the sum of..... | 250 |
| <hr/> | |
| And now duly accepted by the State of California as a finality herein, a total of..... | 2, 800. 00 |
| <hr/> | |
| Making the sum, which has never heretofore been paid the State of California by the United States, of..... | 271, 849. 73 |

The foregoing items, No. 1 and No. 2, as hereinbefore duly explained, are simply two component elements of one and the same unit or amount of expense, differing in name only but in all other respects identical, being only different forms of obligation of said California Indian war debt, all incurred prior to January 1, 1854, and to fully reimburse which has ever been the intention of Congress.

Said Item No. 3 was a necessary expenditure, growing directly out of the Indian hostilities arising in California prior to January 1, 1854.

When said Item No. 3 and said Item No. 1, relating to said bonds and coupons, as computed by the honorable Third Auditor, and Item No. 2, representing the amount of said State treasurer's certificates of balances due on said controller's warrants, shall all have been fully paid, then this branch of these claims, now scheduled as Schedule A, may be considered as fully liquidated and can be forever closed, so far as said three items and the amount thereof are concerned, and the State of California will then be more in harmony with that declaration of the honorable Third Auditor, recited on page 7 of Senate Ex. Doc. No. 122, Fifty-first Congress, first session, in words 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."

There are certain other California Indian war claims growing out of Indian hostilities in said State, none of the items of the expenses of which were included in the sum of \$848,549.73, so fully hereinbefore explained, because either they were never presented to the particular California State board of war claims examiners, which audited and allowed claims aggregating that sum and paid as aforesaid in bonds, etc., or they were never passed upon or never authorized to be passed upon by said board prior to the date of its dissolution, to wit, August 1, 1855; or they were claims which either were not paid by the State of California or for which she did not make any provision to pay until subsequent to January 1, 1854, which last date became a determinate date under the decision of the Secretary of War, Mr. Jefferson Davis, when administering the said acts of August 5, 1854 (10 U. S. Stats., 583), and August 18, 1856 (11 U. S. Stats., 91).

All these last-named claims, whether paid in gold coin or provided to be paid by the State of California in her State bonds, or other forms of State obligations authorized to be issued under the acts of her legislature approved subsequent to January 1, 1854, will be duly itemized and hereinafter enumerated.

It is for the purpose, therefore, of avoiding all vagueness or confusion herein, that all California Indian war claims, paid by said State either in gold coin, or duly liquidated by the issuance of State bonds, or of warrants, or of certificates of Indian war indebtedness, issued under acts other than the aforesaid acts of February 15, 1851, May 3, 1852, April 16, 1853, and May 18, 1853, are not discussed at this stage of this supplemental statement; but all the items of said expenses will be separately grouped in schedules where, seemingly, they properly belong.

By this arrangement, said several schedules will contain exclusively, either those matters which arose prior to January 1, 1854, but which were not paid nor provided to be paid by the State of California, until at dates subsequent to January 1, 1854, or which claims themselves arose at dates subsequent to January 1, 1854, and hence could not be paid or provided to be paid by the State of California prior to January 1, 1854, and which claims have neither been heretofore paid nor been fully or equitably reimbursed by the United States.

Lists of all California State controller's Indian war warrants and Indian war bonds and treasurer's certificates of balances due on controller's warrants issued by said State under the aforesaid acts of her legislature approved February 15, 1851, May 3, 1852, April 16, 1853, and May 18, 1853, and heretofore paid in gold coin by the State of California, but not as yet redeemed or paid by the United States, showing the numbers and denomination thereof, with names of persons to whom and dates when so paid by said State, are recited in Exhibits L, M, N, O, P, Q, and R, pages 45 to 51, inclusive, Senate Ex. Doc. No. 122, Fifty-first Congress, first session.

Lists of all bonds issued under the aforesaid acts of February 15, 1851, May 3, 1852, April 16, 1853, and May 18, 1853, showing the numbers and denominations thereof, dates when issued, amounts of interest earned from dates of issue to dates of maturity, and not heretofore paid or redeemed by the State of California nor paid nor redeemed by the United States (except as set forth on p. 93, Senate Ex. Doc. No. 122, Fifty-first Congress, first session), are recited on p. 163 to 165, inclusive, of said Senate executive document. The amounts of interest earned between January 1, 1854, and September 1, 1856, on bonds issued under the aforesaid acts and redeemed by the United States on September 1, 1856, and represented by coupons detached from said bonds are recited on p. 165 of said Senate executive document, none of which interest has ever been heretofore reimbursed or paid by the United States.

These coupons last referred to were not paid by the United States on September 1, 1856, the date on which the United States redeemed and paid the bonds themselves to which the said coupons pertained and belonged, and from which, on September 1, 1856, they were detached and not paid only because the honorable Secretary of War, Mr. Jefferson Davis, decided that under the language Congress used in its acts approved August 5, 1854 (10 U. S. Stats., 582), and August 18, 1856 (11 U. S. Stats., 91), he could pay on said bonds interest which had been earned thereon prior and only up to January 1, 1854, but not earned after said date.

Whereupon the State Indian war debt commissioners of the State of California duly returned to the holders of said interest-bearing bonds so surrendered to and redeemed by the United States all the coupons which represented interest earned on said bonds between January 1, 1854, and September 1, 1856.

These coupons are now held either by those persons, who, on September 1, 1856, duly surrendered to the United States said bonds from which they were so detached, or they are held by the heirs, administrators, assignees, or trustees of said original bondholders, and for the full payment of all of which the State of California is still held liable.

The State of California therefore respectfully submits that these detached coupons have ever constituted, since September 1, 1856, and do constitute at this time, obligations which the United States should redeem and pay, and because said obligations rest upon the same plane as that heretofore occupied by the bonds themselves from which said coupons were detached. It is respectfully submitted that it was

ever the intention of Congress, since August 5, 1854, to fully pay all said coupons, representing interest earned by said bonds, up to the date when the United States paid the bonds themselves.

This is fully exemplified in the several acts of Congress, hereinbefore recited and referred to, and which coupons (representing interest earned between January 1, 1854, and September 1, 1856), and detached from bonds which the United States, on September 1, 1856, redeemed and paid, the honorable Third Auditor recommends should be now fully paid; which recommendation is recited on p. 5 and 6 of said Senate Ex. Doc. No. 122, Fifty-first Congress, first session, in these words, to wit:

Interest.—The United States should also provide for the payment of all unpaid interest, to the date of payment of the principal, on any bond heretofore paid by the United States; and to the maturity of the bonds on those not yet paid."

On p. 5 of said Senate Ex. Doc. No. 122, the honorable Third Auditor recites as follows, to wit:

(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). | State act 1852 (all 7 per cent). | | | | Total. |
|----------------------------------|-------------------------------|----------------------------------|--------|--------|--------|------------|
| | \$1,000. | \$1,000. | \$500. | \$250. | \$100. | |
| Issued by State | 200 | 341 | 420 | 172 | 421 | \$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 \$542.09 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, (\$42.09), was by some error paid from the appropriation of \$400,000 made by an 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.

The matters recited in the aforesaid Note A demand answer and explanation.

It is true that upon representation made to the legislature of California of the loss of the original bond No. 34 for \$1,000, that body, on April 30, 1853, duly authorized a duplicate thereof to issue, which duplicate the United States have duly paid, and which original the State of California has also since erroneously paid, together with all interest earned thereon up to the date of such payment of said original bond, and to that extent California is a loser thereby, and hence the reference by the honorable Third Auditor to said particular bond is correct.

But as to bonds Nos. 343, 344, 345, 432, and 433 for \$1,000 each, the State of California submits herewith full, true, and correct copies of certain pages of the original bond register, marked "Exhibit No. 14 A."

An inspection of said exhibit shows these facts as follows, to wit: That each face of this original bond register was subdivided into columns showing "date of issue," "denomination of bonds for \$100, \$250, \$500, \$1,000," "to whom issued," that the last number of bonds issued for \$100, etc., on a certain page of said register was numbered No. 374, and that the last number of similar bonds on next following page was numbered No. 398; therefore the next issue of bond for \$100, on the top of the next succeeding page should have been No. 399, whereas in fact it was numbered 340.

This wrong numbering of bonds for \$100, beginning thus at No. 340, was continued in error to No. 347, inclusive, before said error in numbering was discovered, so that—

Bond No. 340 for \$100 should have been No. 400.
 Bond No. 341 for \$100 should have been No. 401.
 Bond No. 342 for \$100 should have been No. 402.
 Bond No. 343 for \$100 should have been No. 403.
 Bond No. 344 for \$100 should have been No. 404.
 Bond No. 345 for \$100 should have been No. 405.
 Bond No. 346 for \$100 should have been No. 406.
 Bond No. 347 for \$100 should have been No. 407.

This error in numbering can be and is properly accounted for upon the theory that the person who entered these numbers on the original bond register must have accidentally or unintentionally turned over two pages of said bond register instead of one, to wit, the one beginning with bond No. 340 for \$100, and the other beginning with bond No. 375 for \$100, and ending with bond No. 399 for \$100.

The recitals therefore printed on page 15 of said Senate Ex. Doc. No. 122 constitute the true and exact explanation relating to the bonds therein described, to wit, bond No. 343 for \$100, which, when correctly numbered, should have been No. 403, as aforesaid.

Bond No. 343 for \$100 having already been issued as correctly numbered before this error so made was discovered, and there not being any intention to duplicate bond No. 343, that which therefore appears to be a duplicate of bond No. 343 should, when correctly numbered, be No. 403; so that whenever the United States shall pay said second issue of bond No. 343 for \$100, it will not, in fact, be paying twice for one and the same bond, but will, in fact, be paying only once for a bond thus shown to have been erroneously numbered 343, but which correctly should have been numbered 403.

Again, it seems that, after issuing bonds No. 415 for \$100 and No. 158 for \$250, the State came to issue its next bonds (they being of the denomination of \$250, and should have been numbered 159, 160, 161, 162, respectively), instead of recording said issue in the column of \$250 bonds, they were erroneously entered in the column of \$100 bonds and took the numbers 416, 417, 418, 419, respectively.

This erroneous numbering of bonds for \$100 continued from No. 416 to No. 433, inclusive, before said error was discovered and corrected, and while this erroneous numbering was corrected on the face of the bond register itself, yet this correction could not affect the numbers which the bonds already issued bore, for they were already afloat and beyond the ability and control of the State to correct; so that—

Bond No. 416 for \$100 appears for bond No. 420 for \$100.
 Bond No. 417 for \$100 appears for bond No. 421 for \$100.
 Bond No. 418 for \$100 appears for bond No. 422 for \$100.
 Bond No. 419 for \$100 appears for bond No. 423 for \$100.
 Bond No. 420 for \$100 appears for bond No. 424 for \$100.
 Bond No. 421 for \$100 appears for bond No. 425 for \$100.
 Bond No. C422 for \$100 appears for bond No. C426 for \$100.
 Bond No. 423 for \$100 appears for bond No. 427 for \$100.
 Bond No. 424 for \$100 appears for bond No. 428 for \$100.
 Bond No. 425 for \$100 appears for bond No. 429 for \$100.
 Bond No. 426 for \$100 appears for bond No. 430 for \$100.
 Bond No. 427 for \$100 appears for bond No. 431 for \$100.
 Bond No. 428 for \$100 appears for bond No. 432 for \$100.
 Bond No. 429 for \$100 appears for bond No. 433 for \$100.

By this error in numbering, a bond for \$250, which should have been numbered 163, was, when issued, erroneously numbered 159 for \$250; so that the recitals in said Note A, that bonds Nos. 432 and 433 for \$100 each were issued in lieu of bonds Nos. 344 and 345 for \$100, is correct according to the aforesaid erroneous numbering, but as bonds Nos. 344 and 345 for \$100 each had once been duly issued and numbered according to a correct numbering, the second issue of said Nos. 344 and 345 for \$100 should, in fact, have been numbered 404 and 405 for \$100 each.

A careful study of said Exhibit No. 14 A will verify and duly establish the exactness of this explanation.

CHAPTER TWO.

SCHEDULE B.

Amount of money necessary to reimburse and pay the State of California the amount of the expenditures by her incurred on account of the "Mendocino expedition of 1859," etc., as per the report of the honorable Secretary of the Treasury, and not heretofore paid by the United States, aggregates the sum of \$9,294.53.

Continuing this classification, the State of California next refers to the "Carson Valley expedition" to quell the "Washoe Indian hostilities, etc., in 1860."

For the purpose of avoiding all confusion, and to simplify all recitals hereinafter submitted by the State of California in support of the remaining portions of her Indian war claims against the United States not included in the aforesaid Schedule A, all the remaining items of expenditures on account of said Indian war claims shall be separately grouped under heads, termed, respectively, schedules B, C, D, E, and F, beginning with those expenses actually paid in gold coin by the State of California on account of the special expedition, which, on p. 9, of Senate Ex. Doc. No. 122, Fifty-first Congress, first session, is termed the "Mendocino expedition of 1859."

In so subdividing and scheduling this verified supplemental statement, the State of California thereby seeks to be more in harmony with the order of arrangement adopted by the honorable Third Auditor in stating his views relative to her said Indian war claims, as recited in said Senate Ex. Doc. No. 122.

Following out this classification, the State of California now, therefore, first refers to said "Mendocino expedition of 1859."

MENDOCINO EXPEDITION, 1859.

On p. 9, Senate Ex. Doc. No. 122, Fifty-first Congress, first session, the honorable Third Auditor recites as follows, to wit:

"(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."

In view of this recital and of the fact that on the 3d day of March, 1890, the State agent and counsel for the State of California duly filed with the honorable Secretary of the Treasury all the vouchers, warrants, and other papers in evidence of the payment by said State of all the expenses so by her incurred in said "Mendocino Indian expedition," aggregating the sum of \$9,294.53, and the evidence of the necessity that existed for making said expenditures at the date thereof, and also the authority of law duly enacted by the legislature of that State, under the authority of which said payments were by her so made (as set forth in Exhibits V, p. 62, and No. 18, p. 118, Senate Ex. Doc. No. 122, Fifty-first Congress, first session), it would seem to be unnecessary to further comment on this item of California's Indian war claims against the United States. The declaration of the honorable Third Auditor that he sees no reason why provision for the settlement thereof should not be made is deemed all sufficient in these premises. These claims are itemized in Exhibit B,¹ pp. 54 and 55, Senate Ex. Doc. No. 122, Fifty-first Congress, first session, and are as follows, to wit:

EXHIBIT B¹.—(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 voucher. | 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 11, 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. R. Cole | June 18, 1860 |
| 15 | 4799 | 240.16 | William Wall | May 16, 1860 |
| 16 | 4755 | 240.16 | F. Stout | 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 Vaugh | 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 | 4782 | 31.16 | Jas. Alexander | May 11, 1860 |
| 27 | 4780 | 249.00 | E. L. Wright | Do. |
| 8 | ..... | 29.33 | E. M. Howard ..... | ..... |
| 24 | ..... | 29133 | 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 | 535.25 | 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 | 1.00 | 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. Bictell | 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.

CHAPTER THREE.

SCHEDULE C.

CARSON VALLEY OR WASHOE INDIAN HOSTILITIES, 1860.

The honorable Third Auditor, in his report of May 8, 1890, pages 9 and 10 of Senate Ex. Doc. No. 122, Fifty-first Congress, first session, recites as follows, to wit:

“(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 reimbursement 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 reimbursement 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.”

The amount of money actually paid in gold coin by the State of California to liquidate the necessary expenses by her incurred in the so-called “Carson Valley or Washoe Indian hostilities in 1860,” while Hon. John G. Downey was governor of the State of California, aggregated, as a matter of fact, the sum more precisely stated, of \$12,216.87.

Fortunately, for the more satisfactory presentation of this claim, Governor Downey is still living, and now resides at Los Angeles, Los Angeles County, Cal. It being the opinion of the State officers of California that there was no one whomsoever better qualified to state the facts pertinent to this “Carson Valley or Washoe Indian war claim,” in support thereof, than Governor Downey, whose statements under oath will no doubt be taken by all persons whomsoever without dispute as competent evidence herein, a copy of Senate Ex. Doc. No. 122, Fifty-first Congress, first

session, was duly transmitted to him for his careful examination, with a request that he would make a duly verified statement under oath, in regard to the matters recited therein, relative to the particular expenditures made by the State of California in said "Carson Valley or Washoe hostilities," such as he might deem pertinent, and such as said State could submit as evidence to support this item of her said Indian war claims against the United States.

In response to this request Governor Downey has made an exhaustive review of this entire subject-matter in the form of a statement under oath, which the State of California now submits in support of this item of her said Indian war claims against the United States, which original statement is made a part hereof, marked "Exhibit No. 15, Schedule C," copy of which being as follows, to wit:

STATE OF CALIFORNIA, *County of Los Angeles, ss:*

John G. Downey, on first being duly sworn, deposes and says that he is the identical John G. Downey who was inaugurated governor of California on January 14, 1860, and who served as such governor continuously during the year 1860. That he has examined Senate Ex. Doc. No. 122, Fifty-first Congress, first session, and has carefully read pages 9 and 10 thereof, in words and figures as follows, to wit:

"(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 reimbursement 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 Gen. 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 reimbursement 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."

(Exhibit C 2, p. 65, Senate Ex. Doc. No. 122, Fifty-first Congress, first session.)

That he has also read page 65 of said executive document, as follows, to wit:

“EXHIBIT C^o.—(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 Gen. Newman S. Clark, commanding the Pacific division of the U. S. 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 accoutrements. I caused to be collected and returned to the arsenal at Benicia 377 rifles and accoutrements 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 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.”

That the foregoing matter (Exhibit C^o) is an extract from a message addressed by him as governor of the State of California to the legislature thereof, in January, 1861, in relation to the “Carson Valley,” sometimes called the “Washoe Indian War.” That the matters recited therein are true. That he has read the sundry telegrams, letters, memoranda of correspondence, etc., recited on pages 66 to 84 inclusive of said Executive document, and is very familiar with all the matters recited therein. That he has read the matters recited in Exhibit A², printed on page 64 of said Senate Ex. Doc. No. 122, Fifty-first Congress, first session, the same being an abstract of the expenses incurred by the State of California in aid of suppressing said certain Indian hostilities arising in 1860, upon the eastern border of California, known as the “Carson Valley or Washoe Indian War” in the then Territory of Utah, now the State of Nevada, and which expenses, as there recited, aggregate the sum of \$11,335.62.

That the several amounts of money appropriated by the legislature of California under its act approved April 23, 1861 (Statutes of California, p. 223, Exhibit L², p. 186, Senate Ex. Doc. No. 122, Fifty-first Congress, first session) as follows, to wit:

“EXHIBIT L².—(Part No. 3, or third period.)

“CHAPTER COXXII.—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.”

were and are a reasonable compensation for each and all of the several matters therein respectfully recited. That each of the parties named in said act duly served as a member of the escort that guarded the transportation from California to Carson Valley, in Utah (now Nevada), of the arms and ammunition, as recited in his said message to said legislature. That all of their said services were necessary. That the prices charged and paid therefor were reasonable. That said sums included not only compensation for services performed by said parties but also for the use of the animals furnished by them, they being a mounted escort. That the sum so paid was paid for the round trip from California to Carson Valley and back. That said services were dangerous to those who made them, because said arms had to be carried through a hostile Indian country, and they were important to the public for whose use and benefit the same were made, because great expedition and care were necessary in order to save the lives and protect the property of American citizens, lately residing in California, then residing in Utah (now Nevada) upon the eastern confines of the State of California.

That the emergency was imminent and such that there was no time to let out to the lowest responsible bidder, after due advertising for services so important, so necessary, and so perilous as those that were to be performed and that were actually and successfully performed by the several parties named in said act and in said abstract.

That said arms, ammunition, etc., were transported from the city of Sacramento, Cal., by the Sacramento Valley Railroad as far as the terminus of said road, to wit, the town of Folsom, and in the direction of Placerville, Eldorado County, Cal. That from the terminus of said road, to wit, Folsom, in Sacramento County, Cal., said arms, ammunition, and military accouterments were then transported via Placerville to Utah (now Nevada), partly in wagons and partly by pack animals and by express. That the amount of \$200, paid to J. Mora Moss, was paid for the transportation of parts of said arms on said railroad from Sacramento City to Folsom. That the sum of \$5,450, paid to C. W. Tozer, then one of his aids-de-camp, was for the transportation of said arms, ammunition, etc., from Placerville, Eldorado County, to Carson City, Utah (now Nevada). That the sum of \$500 paid to Thomas Sunderland for similar services by pack animals and wagons between the same points was reasonable. That the payment provided for in the act of the legislature as follows, to wit:

“EXHIBIT H².—(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, p. 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.

(p. 185, Senate Ex. Doc. No. 122, Fifty-first Congress, first session) was reasonable and necessary, and that the amount so paid was for said transportation of said arms, ammunition, and accouterments in bulk, as aforesaid. That the sum of \$209.62, paid to L. B. Richardson for supplies furnished to said guard in charge of said arms at said time by my order, as recited in the act of the legislature, as follows, to wit:

“EXHIBIT M².—(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, p. 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 the 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.”

(p. 186, Senate Ex. Doc. No. 122, Fifty-first Congress, first session) was reasonable and under the circumstances could not have been furnished for a less sum; that there was no time to publicly advertise for proposals for supplies that were then absolutely necessary for use by said escort for said purpose at said time.

That the sum of \$520, paid to Richard M. Jessup, in the act as follows, to wit:

EXHIBIT S².—(Part No. 3, or third period.)

CHAPTER CCXCVIII.—An act appropriating money to pay the claim of 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.”

(p. 188, Senate Ex. Doc. 122, Fifty-first Congress, first session), was reasonable and necessary, and expended by him for the charter of a steam tug to transport said arms and ammunition and accouterments from the arsenal at Benecia to Sacramento, in California, via the Sacramento River, and to carry Gen. Haven, his aide, with others, with said arms, to Sacramento, prior to sending said arms, ammunition, and military accouterments to the scene of Indian hostilities in Carson Valley, Utah (now Nevada), and that said money was advanced by said Jessup because of the lack of funds in the State treasury available at that time for such purposes.

That the sum of \$75 paid to Wells, Fargo & Co., for the transportation of arms at said times, recited in the act as follows, to wit:

“EXHIBIT N².—(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,”

(p. 186, Senate Ex. Doc. 122, Fifty-first Congress, first session,) was reasonable. That said arms were transported from Placerville in El Dorado County, to Downieville, in Sierra County, California, and said service was necessary.

That the sum of \$556 paid to G. M. Raymond for services in transporting arms from Folsom, Sacramento County, to Placerville, El Dorado County, was also reasonable and necessary.

That the sum of \$20 paid to A. Blossom, for the transportation of three cases of arms from Murphy's, Calaveras County, to Sacramento City, Cal., September 23, 1861, recited in the act as follows, to-wit:

“EXHIBIT T².—(Part No. 3, or third period.)

“CHAPTER CVL.—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,” (p. 188, Senate Ex. Doc. 122, Fifty-first Congress, first session) was reasonable and necessary.

That the sum of \$1,725, paid to Joseph Kem for his service, and in transporting back to California from Carson Valley, Utah, portions of said arms, ammunition, and accouterments, as recited in the act of the legislature of California, approved March 26, 1861, as follows, to-wit—

“EXHIBIT I².—(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 26, 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”—

(p. 185, Senate Ex. Doc. 122, Fifty-first Congress, first session) was reasonable, and said services were necessary; that said sum so paid was not only for the transportation, at his own expense and with his own means of transportation, but also for services in collecting together said arms and accouterments, scattered as they were over a very large area in the Territory of Utah.

That the sum of \$192, paid to John Schade for services and sundry expenses, as recited on page 84; and \$184.75, paid to Wells, Fargo & Co. for the transportation of arms; and \$242.50, paid to John Schade for repairing and cleaning arms; and \$72, paid to M. Lobenstien for drayage of arms; and \$210, paid to T. & J. Garratt for bullet molds, as recited in Exhibit C, p. 55, said Ex. Doc. No. 122, were reasonable and necessary. That of the amount of \$192 paid to John Schade, \$110 was paid out of the governor's special contingent fund on December 5, 1860, and as recited on p. 84, Senate Ex. Doc. No. 122, Fifty-first Congress, first session, and which expenditures are in detail set forth as follows, to wit:

“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.”

"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."

That said arms, ammunition, and accouterments were received by him as governor of California from Gen. Newman S. Clark, U. S. Army, then commanding the military division of the Pacific, and consisted of 500 stands of rifles, 100,000 rounds of fixed ammunition, and all the military accouterments necessary to accompany the same.

That said arms, ammunition, and accouterments were used by the citizens as volunteers in Carson Valley, Utah (now Nevada), the number of whom, by the report to him made by Gen. J. P. Haven, on May 26, 1860, was 530; that said volunteers were under the command of Col. John C. Hayes, familiarly known as "Jack Hayes, the Texas Ranger."

That all of said military services were performed by said volunteers without any cost to the United States, so far as he is now informed; that said services have never been paid by the legislature of California, so far as he knows; but the said legislature, recognizing and appreciating the value of said services, has heretofore requested its Senators and Representatives in Congress from California, by concurrent resolution, adopted May 2, 1861, as follows, to wit:

"EXHIBIT G³.—(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,"

(p. 185, Senate Ex. Doc. 122, Fifty-first Congress, first session) to bring this matter to the attention of Congress, and to procure an appropriation with which to pay the expenses of the services, etc., of said volunteers, and all the claims justly chargeable to the Federal Government or account of said Indian hostilities.

That the exigencies at the time demanded immediate action on his part as governor of California, and because the maximum strength of the regular Army in Utah available to quell said Indian disturbances, as then reported to him, amounted in all only to 160 men, and that the Indians were reported as numbering at that time all the way from 1,200 to 2,000.

That this information was not only communicated to him but also to prominent citizens of California, among whom were: Hon. Stephen J. Field, now of the U. S. Supreme bench; Hon. J. G. Baldwin, late of the U. S. district court of Nevada; Hon. W. W. Cope, late of the State supreme bench of California; Hon. N. Green Curtis, then and now a prominent member of the bar of California; Hon. Johnson Price, secretary of state of California, and communicated to him by such men as William M. Lent, one of the principal miners of the State of Nevada; Hon. George Hearst, now U. S. Senator from California; Hon. William M. Stewart, now U. S. Senator from Nevada; Hon. Daniel Gelwicks, late State printer of California; Hon. John L. Blackburn, deputy U. S. marshal of Utah Territory, and numerous others.

That there were no railroads in California or Utah (now Nevada) at that time, but that all of said arms, ammunition, and accouterments were transported as aforesaid, either by wagons, pack trains, or by express, over the Sierra Nevada Mountains and in a snow storm, as recited in the dispatch to him as governor from Gen.

Joshua P. Haven, major-general California militia, then acting adjutant-general, and that snows then lay deep on the Sierra Nevada Mountains; that both men and animals were completely broken down on said important mission.

That said volunteers did not act independently but cooperated with the troops of the regular Army of the United States serving in the field against said hostile Indians.

That said arms, ammunition, and accouterments were turned over to said Col. John C. Hayes for said military purposes and not otherwise.

That said Col. John C. Hayes is now dead, and, so far as this affiant knows, neither he nor any of those who served under him and who served with him ever received any compensation for their said services, either from the United States or from the State of California or Territory of Utah, or from the Territory or from the State of Nevada, for the distinguished and valuable services by him and them performed and rendered on that important occasion.

That this affiant has no interest, past, present, or prospective, in this subject-matter, and makes this affidavit now only because he was governor of California during the times when these expenditures were ordered to be made and were made; that they were all made in perfect good faith to meet an extraordinary exigency and emergency then existing, all of which were duly considered by the State board of war claims examiners and by the legislature of California, who indorsed all of said acts.

That the legislature of California made due appropriation to meet said expenses and liabilities, which aggregate, he is informed, the sum of \$11,335.62.

That, as governor of California, appeals were made to him by said distinguished citizens, who then resided in Utah, who represented to him the terrible butchery of the then residents of Utah by the Indians and of the destruction of their property, by which appeals he was induced to direct that said arms, ammunition, and accouterments be promptly sent by and from and at the expense of the State of California, and duly transported with all possible dispatch and with all necessary and proper economy to the field of said Indian disturbances, to there equip and arm the citizen volunteers of Carson Valley residing on the eastern edge and outside of the State of California.

The said State board of examiners of the State of California, constituted under the State laws of California, consisted of the governor, of the secretary of state, and of the attorney-general, who passed upon all of said claims, who made the awards that were made therein, the amounts of which are set forth in a table hereinbefore referred to and printed on page 64 of said executive document.

That after these services were so performed numerous petitions were orally made and testimony in support thereof was orally submitted to said State board of examiners, but this affiant has not now any recollection that said petitions or said testimony were reduced to writing.

That all the members of said board had then intimate and personal knowledge of all of said matters.

That all of said matters were subjected by them as such State board to a careful scrutiny.

That said awards were made only after the fullest examination by them of all the facts thereof.

That said State board had intimate knowledge of all the emergencies and exigencies that arose and existed, and which made all of said expenditures absolutely necessary.

That the sums claimed therein respectively are reasonable, and under the circumstances that the supplies furnished and services rendered could not have been supplied and furnished at less rates than those charged to and paid by the State of California.

That this affiant has no means of now ascertaining what particular portion of the amounts so paid by the State of California was paid for the hire of animals, and what for cash disbursements.

That the number of miles of railroads upon which said arms, ammunition, and accouterments were transported aggregated approximately about 22 miles.

That the number of miles over mountains over which said arms were transported in wagons or pack trains aggregated, approximately, about 128 miles.

That the number of miles over mountains by which arms were transported by express aggregated, approximately, about 70 miles.

That the services continued for about 100 days, more or less.

That the number of animals employed for the transportation of said arms was not less than 50, and the number of pounds of arms, ammunition, and accouterments so transported aggregated a weight exceeding 10 tons.

That said transportation was had by the trip irrespective of the number of animals it took, or the rate per diem of the parties who were employed.

That the value of the services were duly considered by said State Board, and its importance to those whose lives were saved, whose property was protected, and to

the United States mail lines and Pony Express, the stations of both of which were thereby duly protected.

That this affiant can not now state what kind or degree of evidence said awards rested upon; but he does state that the governor, attorney-general and secretary of state were all fully satisfied that the awards made were in all respects, just, fair, and equitable, and that said service could not have been performed in any case for any sums less than so allowed by said State Board in each case and so paid by the State of California in gold coin in each thereof, as authorized to be done by the Legislature of the State of California, according to the awards made by said Board, and as hereinbefore more in detail recited.

JOHN G. DOWNEY,

Late Governor of the State of California.

Witness:

O. W. KLAUSE.

JOHN B. ASHBY.

Subscribed and sworn to before me this 6th day of August, 1890.

N. LINDENFELD,

Notary Public in and for Los Angeles County, State of California.

Not only this, but knowing that that veteran, worthy, and loyal soldier, Col. Joseph Stewart, on the retired list, U. S. Army, now residing at Berkeley, Alameda County, Cal., was senior military officer of the regular Army, who commanded the regular troops in Nevada at the date of said Washoe Indian hostilities, a copy of said Senate Ex. Doc. No. 122, Fifty-first Congress, first session, was duly transmitted to him to examine, and the request was made that he also would recite exactly what he knew, outside of the matters printed in said executive document.

Col. Stewart's statement, made under oath, while confirming much of the matters recited on pages 66 to 84, Senate Ex. Doc. No. 122, Fifty-first Congress, first session, recites much new information, and particularly how and where gallant Ormsby fell, and by whom 108 of his command of 140 brave volunteers were butchered, and also declared the necessity of this expenditure so ordered to be made and incurred by the State of California.

Col. Stewart, referring to the terrible butchery by the Indians of the citizens of Nevada, says that Governor Downey "would have been wanting not only in a sense of his official duty, but in common humanity, if he had not done that which he most nobly did."

This original affidavit of Col. Stewart is attached hereto, made part hereof, and marked "Exhibit No. 15½ C," and copy of which is as follows, to wit:

COUNTY OF ALAMEDA, *State of California, ss:*

Joseph Stewart, on first being duly sworn, says that he is now a lieutenant-colonel, U. S. Army, on the retired list, resides at Berkeley, Alameda County, State of California, and in May, 1860, was a captain in the Third Artillery of the regular Army of the United States, on the active list, on duty in California and in that portion of Utah now the State of Nevada. That he has carefully read those portions of Senate Ex. Doc. No. 122, Fifty-first Congress, first session, that relate to the Washoe Indian war, printed on pages 65 to 84, inclusive, of said executive document; that the statements therein made are all true to the best of his knowledge and belief, and that he is the identical "Stewart named in the telegram from J. P. Haven to Governor Downey, dated Placerville, May 15, 1860," as printed on pp. 70 and 71 of said executive document.

That the Washoe mines were at the time being developed. Almost the entire population of the region was from California. The excitement in the State, particularly in the central eastern part, was intense. Maj. Ormsby's command consisted, as I was informed, of more than 140 men, of whom only 32 were saved. I buried Maj. Ormsby's body on the 3d of June, 1860, the day after our fight, and a few days after I sent out an officer who buried 39 bodies. Many had been lost in attempting to cross the Truckee. The defenseless condition of Washoe and the contiguous portion of California and the uncertainty as to where the Indians might next appear required the most prompt action; and Governor Downey would have been wanting in a sense of his official duty and in common humanity if he had not done as he most nobly did.

I left Alcatraz Island on the 14th of May, taking a company of infantry from Benicia Barracks on my way. After I had left Carson I received a dispatch from Gen. Clarke directing me "not to risk a battle unless I was sure of success, but to wait for reinforcements." No commander can be sure of success until he has achieved it. I knew, however, that promptness in putting down the Indians would be a very potent factor in keeping them quiet thereafter. I had, in round numbers, about 200 men, and Col. Jack Hays 500. In the fight I had about 150 and Hays about 450. He had 4 men wounded and (1 of whom died that night) and I had 4 wounded—3

of my own company. But for the presence of Hays' command I should have "waited for reinforcements" but that would have been at the sacrifice of promptness.

If this outbreak had not been put down it is impossible to estimate the loss, not only to Washoe, but to the whole country, by the retardation of the development of the mines, the output of which was no small factor in the civil war which broke out the following year.

That the Indians were well armed was shown by the fact that we found near Pyramid Lake shotguns, one or more, which would not have been concealed and left had not better arms been in their possession.

To show the dangers to which the whites were exposed, I may add that we found in the willows on the Truckee near its mouth five bodies of white men which had been burned. I do not think the men had been tortured, but that the bodies had been burned to destroy the effluvia. A heart on the end of a stick had been roasted over the fire.

To show how completely the Indians had been subdued, I will add that on our arrival near Pyramid Lake we found an Indian child, some 18 or 20 months old, in a cave, and still alive. It died a few hours after discovery. Some time after old Winnemucca told the commanding officer at Fort Churchill that, in the fight of June 2, he lost 30 men.

That he has not any interest of any kind, past, present, or prospective, in any of the matters recited herein, or in any of the matters to which the same relates.

The affiant further states that the facts herein given so, of his own knowledge are, to the best of his recollection, of events which occurred more than thirty years ago; and his information with regard to other facts was obtained through statements and reports from others whom he regarded and still regards as perfectly trustworthy and reliable.

JOSEPH STEWART.

Witness:

A. B. MERRILL.
WM. T. WELCKER.
GEO. W. PHELPS.

Subscribed and sworn to before me this 5th day of August, 1890.

A. B. MERRILL,
Notary Public.

Not only this, but for the purpose of fully, correctly, and satisfactorily ascertaining the prices of supplies and of merchandise of all kinds and the costs of transportation of men, supplies, merchandise, etc., by teams and by express, etc., and the prices of labor and of services generally in those regions of California and Nevada at this particular time (when said arms, ammunition, supplies, etc., were so transported from California to western Utah, now Nevada, by order of Governor Downey, as aforesaid) a communication was duly addressed to Hon. Lloyd Tevis, one of the earliest settlers of California and one of her most distinguished and reliable citizens, then president of Wells, Fargo & Co.'s express, located at San Francisco, Cal., wherein due inquiry was made as to all these several matters.

To this communication Mr. Tevis kindly and very promptly replied, as follows, to wit:

PRESIDENT'S OFFICE, *San Francisco, June 20, 1890.*

JOHN MULLAN, Esq., *Washington City, D. C.:*

DEAR SIR: Yours of 10th instant is received. In answer, I herewith hand you a letter from Mr. Jno. J. Valentine, general manager, which, with the papers attached, contains all the information desired.

Yours, truly,

LLOYD TEVIS,
President, Wells, Fargo & Co.

WELLS, FARGO & Co., EXPRESS AND BANKING,
San Francisco, June 19, 1890.

Mr. LLOYD TEVIS,
President Wells, Fargo & Co., San Francisco:

DEAR SIR: Referring to the communication from John Mullan, from Washington, D. C., June 10: All the record books of old Wells, Fargo & Co. passed into the hands of trustees during the liquidation of business of the old companies, or Wells, Fargo & Co. No. 1 and 2, as sometimes termed, during the period of 1866 to 1869, inclusive. However, from our circular-book I take copies, inclosed, of circulars March 22, April 2, and October 26, 1860.

Passenger fare, Sacramento to Virginia City, was \$30 to \$40 each, according to season, summer or winter. Distances, to Carson 135 miles, to Virginia 150 miles, approximately. At the period under consideration, drivers were paid \$125 per month and furnished with room and board. It was not uncommon to pay \$80 to \$100 per ton for hay, and \$200 per ton for barley.

Yours, truly,

JNO. J. VALENTINE,
General Manager.

OFFICE OF WELLS, FARGO & Co.,
San Francisco, March 22, 1860.

To our Agents:

We have established offices in Carson Valley (Washoe), the principal office at Carson City. Waybill to Placerville office, and charge from that point—For freight, by team, 30 cents per pound; by stage, 40 cents per pound; for packages, by stage, \$1 to \$3 each; for treasure, over \$1,000, 2 per cent.; under \$1,000, 2½ per cent.; for packages coin, \$30 to \$50, \$1.25; under \$30, \$1. Add usual charges to Placerville. All heavy freight, charged per pound, must be prepaid.

Letters, on delivery at Carson, will be charged an additional 10 cents.

These rates will not at present cover the expenses of the route later in the season; this tariff will probably be reduced, but until further advised, the above rates are to be maintained.

SAM'L KNIGHT,
Superintendent.

OFFICE OF WELLS, FARGO & Co.,
San Francisco, April 2, 1860.

To our agents:

The cost of transportation from Placerville to Carson Valley having been considerably increased, you must now charge from Placerville for freight by team 40 cents per pound; stage, 50 cents per pound, and require prepayment.

Rates for treasure and packages remain as stated in circular of March 22.

SAM'L KNIGHT,
Superintendent.

OFFICE OF WELLS, FARGO & Co.,
San Francisco, October 26, 1860.

To our agents:

On and after November 1, 1860, freight from Sacramento to Carson Valley will be 50 cents per pound, and *must be prepaid*. Way bill to Placerville.

SAM'L KNIGHT,
Superintendent.

The honorable Third Auditor, on page 9 of said Senate Ex. Doc. No. 122, Fifty-first Congress, first session, says:

"Nothing is claimed as paid for military service, and it does not seem that any organized militia were called into service."

While it is true that no claim is now presented in this statement by the State of California for said military services, yet attention is called to the fact that all of Nevada in 1860 constituted a portion of the Territory of Utah as then organized, and the legislature of California, by a concurrent resolution, adopted May 3, 1861, memorialized Congress in reference to this special subject-matter, in words as follows, to-wit:

"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."

(See Exhibit No. 25, p. 121, Senate Ex. Doc. No. 122.)

The State of California, therefore, with some degree of confidence, now respectfully submits this evidence in support of this particular Schedule C of her said Indian war claims, believing that nothing more or in addition hereto could properly be asked by the authorities of the United States to establish the validity of this subdivision or schedule of her said Indian war claims, and her petition for reimbursement by the United States for the expenses necessarily incurred over thirty years ago by the State of California for the "common defense," for the payment or the due examination of which claims no provision of law has ever heretofore been enacted by Congress.

Wherefore the State of California now concludes her proof in support of this particular item of her State Indian war claims against the United States, many of the details of which are set forth on pages 65 to 85 of Senate Ex. Doc. No. 122, Fifty-first Congress, first session, and recapitulated in said affidavit of Governor Downey, duly confirmed by said affidavit of Col. Joseph Stewart, and further confirmed in said official statement of Hon. Lloyd Tevis, president of Wells, Fargo and Company's Express at San Francisco, Cal., probably the largest inland transportation company doing business in California and Nevada at the date of these expenditures made in good faith by California to maintain the "common defense" by suppressing said "Carson Valley or Washoe Indian hostilities."

Thus, from these high, reliable, and public sources has the State of California sought for information to fully answer all the suggestive recitals of the honorable Third Auditor in the matter of said "Carson Valley or Washoe Indian hostilities of 1860," in order to the more fully substantiate her claim, as recited in Exhibit A², p. 64, in Exhibit C, p. 55, and in Exhibit D², p. 84, of Senate Ex. Doc. No. 122, Fifty-first Congress, first session, as follows, to wit:

EXHIBIT A².—(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 settlement 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 | 200.62 | 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..... | 1039 | 95.00 | 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 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.

[Part of Exhibit D², p. 84, which begins on p. 66 of Senate Ex. Doc. No. 122.]

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.

RECAPITULATION OF SCHEDULE C.

Amount of money necessary to reimburse and pay the State of California the amount of expenditures by her incurred on account of the "Carson Valley, or Washoe Indian hostilities of 1860, etc.," as per the report of the honorable Secretary of the Treasury, and not heretofore paid by the United States, being:

| | |
|--|-------------|
| (1) The amount set forth in Exhibit A ² , p. 64 of said Senate Ex. Doc. No. 122, to wit, \$11,335.62, less the sum of \$20 deducted from the \$95 paid Wells, Fargo & Co., the sum of | \$11,315.62 |
| (2) The amount set forth in Exhibit C, p. 55 of said Senate Ex. Doc. No. 122, the sum of..... | 709.25 |
| (3) The amount set forth in Exhibit D ² , p. 84 of said Senate Ex. Doc. 122, the sum of..... | *192.00 |
| Making a total aggregate of principal of | 12,216.87 |

* No. 25, \$110 is included in this sum.

CHAPTER FOUR.

SCHEDULE D.

Besides the foregoing California State Indian war claims for expenses necessarily incurred to maintain the "Common Defense," and paid by the State of California, on account of matters recited in the aforesaid Schedule A, and those of the aforesaid "Mendocino Expedition of 1859," recited in the aforesaid Schedule B, and of the "Carson Valley, or Washoe, Indian hostilities of 1860," recited in the aforesaid Schedule C; there are other California Indian war claims which grew out of Indian hostilities and Indian disturbances in said State and upon the borders thereof, arising some prior and others subsequent to January 1, 1854, but all of which were fully adjusted and satisfied subsequent to January 1, 1854, by the State of California, by paying same either in gold coin or in her State interest-bearing bonds, duly issued under the authority of the legislature of said State enacted therefor and contained in acts other than the aforesaid acts of February 15, 1851, May 3, 1852, April 16, 1853, and May 18, 1853.

None of these claims have been ever heretofore presented to the United States by the State of California, for reimbursement and payment, except as recited in Senate Ex. Doc. No. 122, Fifty-first Congress, first session.

The several items of these claims will now be duly tabulated and summarized as Schedule D, and are as follows, to wit:

(1) The sum paid under the authority of the legislature of California in its act approved May 15, 1854, in gold coin, by the State treasurer of Los Angeles County to the Los Angeles Rangers, to wit, \$3,000, the payment and allowance of which sum was duly accounted for to the State of California by the county treasurer of said county, in several of his treasury settlements made with the State treasurer of California (*see* p. 30), and Exhibit O, p. 60, Senate Ex. Doc. No. 122, Fifty-first Congress, first session. (*See also* certificate and letter of Gen. R. H. Orton, adjutant-general of California, exhibit No. 16 D, both of which are made parts hereof.) Copy of said certificate is as follows, to wit:

STATE OF CALIFORNIA, ADJUTANT-GENERAL'S OFFICE,
Sacramento, June 30, 1890.

I hereby certify that the official archives now of record in the office of the adjutant-general of California, and now in my custody, show that the military organization known as the Los Angeles Rangers was a cavalry company, organized and mustered into the military service of the State of California on August 1, 1853, with a view of protecting the lives and property of the citizens of California in the county of Los Angeles from the depredations of Indians and the many Sonorian and other assassins which infested that county for several years; that this company did much active service and rendered material aid to the citizens and civil authorities of Los Angeles, Cal., and that said organization numbered 50 men, and the names of its officers were as follows: A. W. Hope, captain; Elias Prevoort, first lieutenant; John G. Phillips, second lieutenant; W. F. B. Sanford, brevet second lieutenant; J. B. Winston, orderly-sergeant, and that said company constituted part of the first brigade of the first division, California volunteers, during said Indian disturbances; and that there can not now be found of record any muster roll of said company on file in the office of the adjutant-general or any other State office in the State of California.

* * * * *

[Extract from Exhibit No. 9, Schedule A.]

I further certify that the said sum of \$848,549.73 did not include any portion of the \$3,000 recited in the act of legislature approved May 15, 1854, in words and figures as follows, to wit:

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:

SECTION 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 of the county of Los Angeles.

(See Exhibit O, p. 60, Senate Ex. Doc. No. 122, Fifty-first Congress, first session).

R. H. ORTON,
Adjutant-General of California.

STATE OF CALIFORNIA, DEPARTMENT OF STATE,
Sacramento, June 16, 1890.

I, William C. Hendricks, secretary of state, do hereby certify that R. H. Orton, whose signature is attached to the foregoing certificate, is now and was at the date of said certification the adjutant-general of the State of California, and that the said signature is the genuine signature of said adjutant-general.

Witness my hand and the great seal of State, at my office in Sacramento, this 16th day of June, 1890.

[SEAL.]

WILLIAM C. HENDRICKS,
Secretary of State.

(2) The amount paid in gold coin by the State of California to Gen. A. M. Winn, for military services by him performed in California Indian war matters, was recited and provided for in the act of the legislature of California approved May 18, 1861. See voucher No. 11, Exhibit B², p. 64, and Exhibit P², p. 187, Senate Ex. Doc. No. 122 Fifty-first Congress, first session. See also affidavit of Hon. Adam Herold, State treasurer of the State of California, the original of which is hereto attached, made part hereof, and marked Exhibit No. 17, Schedule D, wherein the State bonds, as described by the State treasurer in his said affidavit, were issued in payment of said claim as follows, to wit:

Bond No. 220, on July 1, 1861, for \$1,000.

Bond No. 232, on September 1, 1861, for \$500.

Both of these two bonds were issued under said act of the legislature of the State of California approved April 30, 1860, which two bonds are now submitted herewith, made parts hereof, and marked Exhibits Nos. 18 and 18, Schedule D, and paid by said State in the sum of \$1,537.05.

Copy of this affidavit of State Treasurer Herold is as follows, to wit:

STATE OF CALIFORNIA, County of Sacramento, ss:

Adam Herold, being first duly sworn, deposes and says that he is now, and for more than one year last past has been, the treasurer of the State of California. That as such treasurer he is the custodian of the records of the State of California relating to the issue of bonds by said State under the acts of its legislature, approved April 28, 1857, and April 30, 1860, providing for the funding of certain indebtedness of the State specified in said acts. That as shown by the register of bonds issued under said act of April 28, 1857 (Statutes of 1857, p. 300), the following bonds of the State of California were issued to the persons, for the purposes, at the times, and in the amounts and were redeemed as herein specified, to wit:

| Date of issue. | No of bonds. | Issued to— | To pay— | Amount issued. | Date redeemed. |
|----------------|--------------|--------------------|--|----------------|----------------|
| Apr. 1, 1858 | 697 | J. W. Denver | Audited claim act of Mar. 11, 1858. | \$1,000 | Apr. 10, 1869 |
| Do..... | 698 |do..... |do..... | 500 | Apr. 29, 1865 |
| June 1, 1858 | 1463 | W. S. Uhler..... | Assignee of J. Neely Johnson, audited claim, act of Apr. 28, 1858. | 500 | Sept. 7, 1861 |
| Do..... | 1464 | E. F. Beale..... | Audited claim act Apr. 26, 1858... | 500 | May 19, 1874 |

That, as further shown by the records of his office, interest was paid by the State of California on said bonds as follows:

On bond 697 from April 1, 1858, to April 10, 1869, at the rate of 7 per cent per annum, amounting to the sum of \$771.94.

On bond 698 from April 1, 1858, to April 29, 1865, at the rate of 7 per cent per annum, amounting to the sum of \$250.73.

On bond 1464 from June 1, 1858, to September 7, 1861, at the rate of 7 per cent per annum, amounting to the sum of \$114.43.

On bond 1463 from June 1, 1858, to May 19, 1874, at the rate of 7 per cent per annum amounting to \$558.93.

That said audited claim of E. F. Beale being for the sum of \$1,242, and as the treasurer of the State was prohibited by the terms of said act of April 28, 1857, from issuing bonds in a less sum than \$500, there was issued to said E. F. Beale a certain "treasurer's certificate of balance due," dated June 1, 1858, and numbered 288 for the sum of \$242, and that said certificate of balance was on the 1st day of March, 1861, surrendered to the then treasurer of State and funded, becoming a part of bond No. 177 issued under the act of April 30, 1860. (Stat., 1860, p. 352.)

That said bond No. 177 was issued on the 1st day of March, 1861, in the sum of \$500, and that, as shown by the records of his office, interest thereon at the rate of 7 per cent per annum was paid by the State of California from March 1, 1861, to August 26, 1875, amounting to the sum of \$507.11.

And deponent further says that, as shown by the register of bonds issued under said act of April 30, 1860, the following specified bonds were issued to the persons for the purposes at the times, in the amounts, and were redeemed as herein set forth, to wit:

| Date of issue. | No. of bonds. | Issued to— | To pay— | Amount issued. | Date redeemed. |
|----------------|---------------|--------------------|--|----------------|----------------|
| Jan. 1, 1861.. | 64 | I. S. Wormser..... | Audited claim of B. F. Hastings, act April 28, 1860. | \$1,000 | Mar. 15, 1862 |
| Do..... | 65 |do..... |do..... | 1,000 | Apr. 13, 1867 |
| July 1, 1861.. | 220 | A. M. Winn..... | Audited claim, act of May 18, 1861. | 1,000 | Sept. 13, 1867 |

That, as further shown by the records of his office, interest was paid by the State of California on said bonds as follows:

On bond 64 from January 1, 1861, to March 15, 1862, at the rate of 7 per cent per annum, amounting to the sum of \$84.58.

On bond 65 from January 1, 1861, to April 13, 1867, at the rate of 7 per cent per annum, amounting to the sum of \$440.02.

On bond 220 from July 1, 1861, to April 13, 1867, at the rate of 7 per cent per annum, amounting to the sum of \$399.19.

And deponent further says that the said audited claim of A. M. Winn, given for the sum of \$1,080, and as the treasurer of the State was prohibited by the terms of said act of April 30, 1860, from issuing bonds in a less sum than \$500, there was issued to said A. M. Winn a certain "treasurer's certificate of balance due," dated July 1, 1861, and numbered 47, for the sum of \$80, and that said certificate of balance was on the 1st day of September, 1861, surrendered to the then treasurer of State and funded, becoming a part of bond No. 232, issued under said act of April 30, 1860.

That said bond No. 232 was issued September 1, 1861, in the sum of \$500 and that, as shown by the records of his office, interest thereon at the rate of 7 per cent per annum was paid by the State of California from September 1, 1861, to January 2, 1873, amounting to the sum of 361.66.

ADAM HEROLD,
Treasurer of State, State of California.

Subscribed and sworn to before me this 22d day of July, 1890.

J. D. SPENCER, Clerk.
By J. S. WILLIAMS, Deputy.

- The amount paid J. W. Denver and Samuel B. Smith, California, Indian war claims commissioners, appointed under the act of the legislature of California of May 6, 1861, a full, true, and correct copy of which act is submitted herewith, made part hereof, and marked Exhibit No. 20 D (also see voucher No. 2, Exhibit B², p. 64, Senate Ex. Doc. No. 122, Fifty-first Congress, first session), to wit..... \$6,000.00
- The amount paid A. J. F. Phelan, clerk of the board of California Indian war claims commissioners, under said act of May 6, 1861, Exhibit No. 20 D (see also voucher No. 1, Exhibit B², p. 64, said Senate Ex. Doc. No. 122, Fifty-first Congress, first session), to wit..... 3,000.00
- The amount paid A. J. F. Phelan, for the compilation of California Indian war records for the use of the State of California and of the United States (see Exhibit U², p. 188, and voucher No. 9, Exhibit B², p. 64, said Senate Ex. Doc. No. 122, Fifty-first Congress, first session), to wit..... 800.00
(Vouchers and warrants heretofore supplied.)
- Amount paid William W. Merrihew, clerk of the board of Indian war claim examiners (see Exhibit V², p. 188, and Voucher No. 7, Exhibit B², p. 64, said Senate Ex. Doc. No. 122), to wit..... 450.00

7. Amount paid to S. B. Smith for salary as California Indian war claim commissioner..... \$5,000.00
 And for contingent expenses..... 1,000.00
 And to A. J. F. Phelan, as clerk to said Indian war commission, as provided for under sections 12, 13, and 16 of the act of the legislature of California, approved April 19, 1856 (see Exhibit No. 12, pp. 114-117, Senate Ex. Doc. No. 122, Fifty-first Congress, first session), to wit..... 3,800.00
 (See State controller's vouchers and warrants, Nos. 3474, 3475, 3476, 3487, and 3601, seventh fiscal year, and 1231 and 1233, eighth fiscal year, all constituting Exhibit No. 20½ D.)

These expenses, as recited by the honorable Third Auditor on p. 8 of said Senate Executive Document, were "incurred by the State in the process of auditing its claims for presentation to the United States, and were not embraced in the claim of \$449,605.74, nor did the act of Congress of March 2, 1861, authorize the accounting officers to adjust items of that description."

This proposition is surely well taken by the honorable Third Auditor and because it is self-evident that the services of these men were as necessary to the State of California for the due performance of the duties that devolved upon her in these premises as ever were and as are the services of the several auditors and comptrollers of the U. S. Treasury Department, with their large number of examiners, clerks, and assistants to perform the duties devolving upon the Government of the United States in the due examination, audit, and confirmation of the various public accounts of its own officials throughout the country. Not only this, but you are cited to a case arising not only in your own Department, but arising even in the office of the honorable Third Auditor, where the United States, in the act of Congress approved March 12, 1861 (12 U. S. Stat., p. 199), allowed and paid the honorable Third Auditor the sum of \$1,000 for the duties theretofore performed by him when investigating the "State Oregon Indian war claims." Said \$1,000, being paid as a compensation in addition to the regular salary of said Third Auditor.

8. The amount paid R. A. Thompson and Ferris Forman, as Indian war claims commissioners in 1856 (see Exhibit L, p. 59, and vouchers 15 and 16, Exhibit D¹, p. 57, Senate Ex. Doc. No. 122, Fifty-first Congress, first session; also, State controller's warrant No. 3327, issued March 29, 1860, to Ferris Foreman for \$2,000, and warrant No. 4134, issued April 16, 1860, to R. A. Thompson for \$2,000, both of which warrants were duly paid in gold coin by the State of California, and both are now submitted herewith, and marked Exhibits Nos. 21 and 22 D), to wit..... 4,000.00

9. The amount paid B. F. Hastings (J. S. Wormser, assignee,) for transporting arms in 1856 (see Exhibit X, p. 63, and voucher No. 17, Exhibit D¹, p. 57, Senate Ex. Doc. No. 122, Fifty-first Congress, first session), and also affidavit of Hon. Adam Herold, the present State treasurer of the State of California, hereinbefore submitted, made part hereof, and marked Exhibit No. 17 D; and, also, California State bonds Nos. 64 and 65, for \$1,000 each, issued January 1, 1861, under the act of the legislature of California, approved April 30, 1860, which bonds are submitted herewith, made parts hereof, and marked Exhibits Nos. 23 and 24 D, to wit..... 2,524.60

10. Amount paid in gold coin to Gen. Edward F. Beale, by the State of California (see Exhibit H¹, p. 58, Senate Ex. Doc. No. 122, Fifty-first Congress, first session), as explained in the affidavit of Hon. Adam Herold, State treasurer of California, already filed herein as Exhibit No. 17 D; also California State bonds Nos. 1463 and 1464 for \$500 each, issued June 1, 1858, under the act of the legislature, approved April 28, 1857, and also bond No. 177 for \$500, issued March 1, 1861, under the act of the legislature of California, approved April 30, 1860, and certain correspondence showing the authority for, and the date, nature, and character of the valuable services performed by Gen. Edward F. Beale, then of California, now of Washington, D. C., and said three bonds, Nos. 1463, 1464, and 177, are now submitted herewith and made parts hereof, and marked Exhibits Nos. 25, 26, and 27 D, to wit..... \$2,160.80

(See copy of Gen. Beale's report. Exhibit No. 27½ D.)

It is worthy of note (showing the credit given to these State Indian War bonds, issued to liquidate these Indian war claims) that one of these bonds, to wit, No. 1463, circulated until it found itself in the possession of the Deutchel Effecten und Wechel Bank, at Frankfort-on-the-Main, in Germany, showing how these bonds, stamped as they were with the promise of the State of California to pay, circulated as money, from hand to hand, for value received, not only at home, but also among foreign bankers abroad.

- | | |
|--|--------------|
| 11. Amount paid in gold coin by the State of California to Gen. J. W. Denver (see Exhibit G ¹ , p. 58, Senate Ex. Doc. 122, Fifty-first Congress, first session, and also said affidavit of Hon. Adam Herold, State treasurer of the State of California, in said Exhibit No. 17 D, heretofore submitted). See also California State bonds, issued March 1, 1858, No. 697, for \$1,000, and No. 698, for \$500, under the act of the legislature of California approved April 25, 1857, referred to in said affidavit of said State treasurer, and which two bonds are submitted herewith, made parts hereof and marked Exhibits Nos. 28 and 29 D, to wit, the sum of | \$2, 522. 67 |
| (See also affidavit of J. W. Denver, Ex. No. 29 ½ D.) | |
| 12. The amount paid by the State of California to Wells, Fargo & Co., transportation (see Exhibit E ¹ , p. 57, and Voucher No. 22, Exhibit D ¹ , p. 57, Senate Ex. Doc. No. 122, Fifty-first Congress, first session, and Comptroller's Warrant No. 4212—now mislaid—and Certificate No. 223, of the State treasurer of the State of California, of May 19, 1855, for \$308.26, Exhibit No. 30 D, submitted herewith, balance due Wells, Fargo & Co., on May 19, 1855, and since paid by the State of California), to wit..... | 3, 317. 39 |
| 13. Amount paid by the State of California in gold coin to R. W. Fishborn (See voucher No. 1, warrant No. 1634, Exhibit D ¹ , p. 57, said Senate Ex. Doc. No. 122.) | 300. 00 |
| 14. Amount paid by the State of California in gold coin to John O'Meara. (See voucher No. 2, warrant No. 1472, Exhibit D ¹ , p. 57, said Senate Ex. Doc. No. 122.) | 25. 00 |
| 15. Amount paid by the State of California in gold coin to A. J. F. Phelan. (See voucher No. 3, warrant No. 3699, Exhibit D ¹ , p. 57, and Exhibit F ¹ , p. 58, said Senate Ex. Doc. No. 122.) | 1, 020. 00 |
| 16. Amount paid by the State of California in gold coin to H. C. Kibbe... (See voucher No. 5, warrant No. 4712, Exhibit D ¹ , p. 57, and Exhibit W, p. 63, said Senate Ex. Doc. No. 122.) | 175. 00 |
| 17. Amount paid by the State of California in gold coin to A. J. F. Phelan. (See voucher No. 5, warrant No. 4768, Exhibit D ¹ , p. 57, and Exhibit U, p. 62, said Senate Ex. Doc. No. 122.) | 1, 170. 00 |
| 18. Amount paid by the State of California in gold coin to Greenhood & Neubauer..... (See voucher No. 4, warrant No. 590, Exhibit B ² , p. 64, and Exhibit O ² , p. 187, said Senate Ex. Doc. No. 122.) | 136. 00 |
| 19. Amount paid by the State of California in gold coin to Oliver & Lewis. (See voucher No. 5, warrant No. 5263, Exhibit B ² , p. 64, and Exhibit R ² , p. 187, said Senate Ex. Doc. No. 122.) | 295. 00 |
| 20. Amount paid by the State of California in gold coin to A. E. Sherwood. (See voucher No. 6, warrant No. 688, Exhibit B ² , p. 64, said Senate Ex. Doc. No. 122, see special act of the legislature of California, approved April 27, 1863, as set forth in Exhibit No. 31 D, attached hereto made, part hereof.) | 131. 41 |
| 21. Amount paid by the State of California in gold coin to A. D. Bayliss... (See voucher No. 18, in table printed on p. 33, and voucher No. 8, Exhibit B ² , p. 64, Exhibit W ² , p. 189, and Exhibit W ² , p. 190, said Senate Ex. Doc. No. 122.) | 2, 000. 00 |
| 22. Amount of the original vouchers transmitted to the honorable Third Auditor of the Treasury, Washington, D. C., by Gen. W. C. Kibbe, adjutant-general of California, under the requirements of the concurrent resolution of the legislature of California, adopted April 12, 1862, and as by him duly reported in 1863 to the legislature of California, and which vouchers have not heretofore been paid, and as recited on pp. 55, 56, and 139, said Senate Ex. Doc. No. 122..... | 2, 822. 41 |

And as particularly described by the number of voucher, name of claimant, the character of expenditure, and amount thereof are as follows, to wit:

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 | 49.00 |
| 87 | Tomlinson & Bro | 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 | Artificer | 70.00 |
| 95 | James Light | Hospital | 6.50 |
| 96 | Union Wharf Co. | 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 | Quartermasters | 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 | Artificer | 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 | 195.00 |
| 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. The vouchers should be promptly forwarded to the Third Auditor for allowance and payment to the State.

Here we have the official report of the adjutant-general of California made to the legislature of that State, to the effect that he duly transmitted to the honorable Third Auditor of the Treasury the original vouchers of certain California Indian war claims, aggregating the sum of \$2,822.41, as in said table recited, none of which have ever heretofore been paid by the United States.

Said adjutant-general further reported to the legislature of California that he made due application to the state treasurer for other Indian war claims, then of record in the controller's office, and that the controller declined to deliver the same, but all of which last-named claims so then declined to be delivered to the adjutant-general and all other remaining unsettled California Indian war claims are now submitted herewith and itemized in some one of the several schedules comprising this statement.

Diligent search has been made in all the State offices of the State of California in reference to the aforesaid Indian war claims, tabulated in the sum of \$2,822.41, but no record and no trace of any thereof can now be found in any of the State offices of the State of California. No doubt all the official papers in all these cases were duly transmitted to Washington with the original vouchers to which they related.

After most diligent search, only certain fragmentary memoranda of portions of this particular item of claim have so far been found, and they were found by Gen. George B. Cosby, State adjutant-general of California, in his office. Such memoranda are now presented herewith, not as conclusive evidence in support of this item in this Schedule D, but only as information to show that such State Indian war claims did actually exist, and that official action has heretofore been had thereon by the State authorities of the State of California.

Due consideration is now asked for all these memoranda submitted herewith, each separate paper thereof being marked Exhibit No. 32 A.

48 INDIAN WAR CLAIMS OF THE STATE OF CALIFORNIA.

| | |
|---|----------|
| 23. Amount paid by the State of California in gold coin for the expenses by her duly incurred for issuing State Indian war bonds under the act approved April 25, 1857..... | \$325.00 |
| <i>(See section 8, Exhibit Q, p. 61, said Senate Ex. Doc. No. 122. Controller's vouchers and warrants No. 1364, for \$300, and No. 1472, for \$25, ninth fiscal year, heretofore supplied.)</i> | |
| 24. Amount paid by the State of California in gold coin for the expenses by her duly incurred and paid her State treasurer, as salary as member of the State board of war claim examiners, under the act approved April 30, 1860..... | 1,200.00 |
| <i>(See Exhibit No. 33 D, attached hereto and made part hereof. Controller's vouchers and warrants Nos. 106, 305, 431, 579, 727, 877, 1322, 2158, 3044, and 3455, twelfth fiscal year, constituting a part of this Exhibit No. 33. Controller's voucher No. 113, thirteenth fiscal year, heretofore supplied; see affidavit of Hon. S. H. Brooks, ex-state controller, submitted herewith and marked Exhibit No. 33 1/2 D.)</i> | |
| 25. Amount paid by the State of California for the expenses by her duly incurred and paid in gold coin to her State controller, as salary as member of the State board of war claim examiners, under the act, approved April 30, 1860..... | 1,200.00 |
| <i>(See Exhibit No. 33 D, attached hereto and made part hereof. Controller's vouchers and warrants Nos. 104, 303, 429, 577, 725, 875, 1320, 2156, 3042, and 3453, twelfth fiscal year, constituting a part of Exhibit No. 33 D. Warrant No. 111, thirteenth fiscal year, heretofore supplied.)</i> | |
| 26. Amount paid by the State of California in gold coin for the expenses by her duly incurred and paid as salary of clerk of board of war claim examiners, under the act approved April 30, 1860..... | 900.00 |
| <i>(See Exhibit No. 33 D, hereto attached and made a part hereof. Controller's vouchers and warrants Nos. 122, 321, 449, 595, 743, 895, 1338, 2174, 3062, and 3471, twelfth fiscal year; constituting a part of this exhibit No. 33. Controller's warrant No. 128, thirteenth fiscal year, heretofore supplied.)</i> | |
| 27. Amount paid by the State of California in gold coin for the expenses by her duly incurred and paid her State treasurer as salary as member of the State board of war claim examiners, under the act approved May 20, 1861..... | 600.00 |
| <i>(See Exhibit No. 34 D, attached hereto and made a part hereof. Controller's vouchers and warrants Nos. 860, 862, 899, 1393, 1411, 1412, 1690, 2870, and 2893, of the thirteenth fiscal year heretofore supplied.)</i> | |
| 28. Amount paid by the State of California in gold coin for the expenses by her duly incurred and paid her State controller as salary as member of the State board of war claim examiners, under act approved May 20, 1861..... | 600.00 |
| <i>(See Exhibit No. 34 D, hereto attached and made part hereof. Controller's vouchers and warrants Nos. 860, 862, 899, 1393, 1411, 1412, 1690, 2870, and 2893, of the thirteenth fiscal year, heretofore supplied.)</i> | |
| 29. Amount paid by the State of California in gold coin for the expenses by her duly incurred and paid as salary of clerk of State board of war claim examiners, under the act approved May 20, 1861..... | 600.00 |
| <i>(See Exhibit No. 34, D attached hereto and made part hereof. Controller's vouchers and warrants Nos. 860, 862, 899, 1393, 1411, 1412, 1690, 2870, and 2893, of the thirteenth fiscal year, heretofore supplied.)</i> | |
| 30. Amount paid by the State of California in gold coin for the expenses by her duly incurred and paid as salary of clerk of State board of war claim examiners, under said act approved May 12, 1862..... | 1,200.00 |
| <i>(See Exhibits No. 35 D, hereto attached and made part hereof. Controller's vouchers and warrants to be supplied.)</i> | |
| 31. Amount paid by the State of California in gold coin for the expenses by her duly incurred and paid as salary of clerk of State board of war claim examiners, under act approved April 16, 1859..... | 900.00 |
| <i>(See Exhibit No. 36 D, attached hereto and made a part hereof. Controller's vouchers and warrants Nos. 100, 232, 329, 176, 593, 728, 1669, 2501, 3523, 4431, 4869, and 5011, constitute part of this Exhibit No. 36, and were issued during the eleventh fiscal year.)</i> | |
| 32. Amount paid John Bell..... | 194.70 |
| <i>(See Exhibit K³, p. 186, Senate Ex. Doc. No. 122, Fifty-first Congress, first session.)</i> | |

Concerning this item the honorable Third Auditor on p. 8, said Senate Ex. Doc. No. 122, recites as follows, to wit:

"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 Capt. 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."

Wherefore the State of California now submits herewith an affidavit, signed and duly executed August 29, 1890, by Capt. Isaac G. Messec, then captain of a company of California volunteers against the hostile Indians in California, now U. S. storekeeper at the U. S. mint in San Francisco, Cal., under whom said John Bell performed the services for which the State of California duly paid him the sum of \$194.70 (as recited in Exhibit K², p. 186, Senate Ex. Doc. No. 122, Fifty-first Congress, first session), the original of which affidavit of Capt. Messec is attached hereto, made part hereof, and marked Exhibit No. 37, and copy of which is as follows, to wit:

"STATE OF CALIFORNIA, *County of Santa Clara:*

"Personally appeared before me, a notary public in and for said county and State, Isaac G. Messec, to me personally known, who, upon being first duly sworn, on oath deposes and says: That he is a resident of Gilroy, Santa Clara County, State of California; that during the Humboldt and Klamath Indian disturbances in said State in the year 1858-'59 he commanded a volunteer company of ninety-three men, including commissioned and noncommissioned officers and privates, and was directed by the proper authorities at Sacramento to operate against said hostile Indians; that during said military expedition the services of a packer was necessary, and John Bell was the packer on said expedition and rendered services as such during the period his command was in the field actively engaged in service, to wit, from October 14, 1858, to April 4, 1859; that not being an enlisted man his name did not appear on the muster roll of his command when same was disbanded.

"That he has read the copy of the act of the legislature of the State of California for the relief of said John Bell, found on p. 186 of Senate Ex. Doc. No. 122, Fifty-first Congress, first session, and that the amount therein set forth, to wit, \$194.70, for his said services for the period heretofore referred to, to wit, five months and twenty days, at the rate of \$35 per month, was a fair, just, and proper price, as well as reasonable.

"That this affiant has not nor ever had any interest in said claim of John Bell against the State of California or any interest in the claim of the State of California against the United States.

"I. G. MESSEC.

"Witnesses to signature:

"GEO. T. DUNLAR.

"JAS. C. ZUCK.

"Subscribed and sworn to before me this 29th day of August, A. D. 1890.

"GEO. T. DUNLAR,
Notary Public."

The State of California has zealously endeavored to make the foregoing Schedule D responsive, as near as may be, to that portion of the report of the honorable Third Auditor recited on pp. 8 and 9 of said Ex. Doc. No. 122, in words as follows, to wit:

"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 Capt. 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."

"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 reimbursement 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."

These several items of expenditure, paid in gold coin by the State of California on account of matters growing out of the Indian wars and pertaining to the Indian hostilities hereinbefore recited, have never heretofore been paid by the United States under any act of Congress, and are now tabulated and summarized as follows, to wit:

Schedule D.

| Item No. | Amount. | Item No. | Amount. | Item No. | Amount. |
|----------|------------|----------|----------|------------|------------|
| 1..... | \$3,000.00 | 13..... | \$300.00 | 25..... | \$1,200.00 |
| 2..... | 1,537.05 | 14..... | 25.00 | 26..... | 900.00 |
| 3..... | 6,000.00 | 15..... | 1,026.00 | 27..... | 600.00 |
| 4..... | 3,000.00 | 16..... | 175.00 | 28..... | 600.00 |
| 5..... | 800.00 | 17..... | 1,170.00 | 29..... | 600.00 |
| 6..... | 450.00 | 18..... | 136.00 | 30..... | 1,200.00 |
| 7..... | 9,800.00 | 19..... | 295.00 | 31..... | 900.00 |
| 8..... | 4,000.00 | 20..... | 131.41 | 32..... | 194.70 |
| 9..... | 2,524.63 | 21..... | 2,000.00 | | |
| 10..... | 2,160.80 | 22..... | 2,822.41 | | |
| 11..... | 2,522.67 | 23..... | 325.00 | | |
| 12..... | 3,317.39 | 24..... | 1,200.00 | | |
| | | | | Total..... | 54,907.03 |

CHAPTER FIVE.

SCHEDULE E.

The honorable Third Auditor, in his report of May 8, 1890, Senate Ex. Doc. No. 122, Fifty-first Congress, first session, recites as follows, to wit (p. 7):

(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 Bernardino, 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, 76. 154 | 72 156. 09 |
| Total..... | 449, 605. 74 | 229, 987. 67 | 130, 530. 61 |

The foregoing table would have been equally exact and none the less satisfactory had it been arranged and rendered in somewhat more detail.

For instance, as follows, to wit:

California military expeditions against hostile Indians.

| | Year. | Amount claimed against the United States by the State of California, and for which California made herself liable. | Amount thereof paid in gold coin by the State of California. | Amount thereof paid in State Indian war bonds, warrants, and certificates of indebtedness by the State of California. | Amount thereof allowed by the United States June 27, 1863, and paid in greenbacks to the State of California. | Amount thereof allowed or suspended by the United States June 27, 1863, and not paid to the State of California. |
|-------------------------------|---------|--|--|---|---|--|
| Shasta..... | 1854 | \$4, 068. 64 | ----- | \$4, 068. 64 | \$1, 261. 38 | \$2, 807. 26 |
| Siskiyou..... | 1855 | 14, 036. 36 | ----- | 14, 036. 36 | 6, 146. 60 | 7, 889. 76 |
| Klamath and Humboldt | 1855 | 99, 096. 65 | ----- | 99, 096. 65 | 61, 537. 48 | 37, 559. 17 |
| San Bernardino..... | 1855 | 817. 03 | ----- | 817. 03 | 419. 99 | 397. 04 |
| Klamath..... | 1856 | 6, 190. 07 | \$6, 190. 07 | ----- | 2, 952. 77 | 3, 237. 30 |
| Modoc..... | 1855 | 188, 324. 22 | ----- | 188, 324. 22 | 80, 436. 72 | 107, 887. 50 |
| Tulare..... | 1856 | 12, 732. 23 | ----- | 12, 732. 23 | 3, 647. 25 | 9, 084. 98 |
| Pitt River..... | 1859 | 72, 156. 09 | 72, 156. 09 | ----- | 41, 761. 54 | 30, 394. 55 |
| Klamath and Humboldt..... | 1858-59 | 52, 184. 45 | 52, 184. 45 | ----- | 31, 827. 94 | 20, 360. 51 |
| Total June 27..... | 1863 | 449, 605. 74 | 130, 530. 61 | 319, 075. 13 | 229, 987. 67 | 219, 618. 07 |
| Amount allowed September 28.. | 1863 | ----- | ----- | ----- | 542. 09 | 542. 09 |
| Total aggregate | | 449, 605. 74 | 130, 530. 61 | 319, 075. 13 | 230, 529. 76 | 219, 075. 98 |

But even the foregoing table would not be a full exemplification of the exact facts as they actually exist in these premises. The foregoing table recites simply that the Indian war expenditures of California, as heretofore presented by said State to the United States, and for which she is liable, aggregated the sum of \$449,605.74, and were all actually paid or liquidated by the State of California in the manner as follows, to wit:

1. Paid in gold coin out of her State treasury in the sum of..... \$130, 530. 61
 2. Liquidated in State Indian war bonds, warrants, and certificates of indebtedness, duly issued under the authority of acts of her legislature (none of which bore any interest) in the sum of.... 319, 075. 13
- Aggregating a total sum of..... 449, 605. 74**

Of this aggregate sum the United States has heretofore reimbursed the State of California the sum of \$230,529.76 only; making a difference between the amount so paid by the State of California, and for which she is liable and the amount so reimbursed by the United States, the sum of \$219,075.98, and which last-named sum is the amount now equitably due by the United States to the State of California, on account of this particular subdivision, or Schedule E, of her said Indian war claims, as in detail more particularly recited in said Ex. Doc. No. 122, and hereinafter elaborated. But said sum of \$219,075.98 falls short of the actual sum for which said State has made herself liable, or was expended by the State of California, as has been already and as will be more fully hereinafter shown.

Congress has heretofore had more or less specific knowledge of the Indian hostilities in the State of California, that arose in the numerous counties therein between January 1, 1854, and April 15, 1861, which hostilities were kept up almost continuously during that period. It was then that the American miners, as pioneers scouring those regions—to us then mostly unknown—in search of mineral wealth explored every canyon, defile, gulch, and ravine in the whole mountain system of said State, and who, in so doing, often found in almost each thereof, numerous Indian foes antagonizing their approach and ever resisting their progress.

During those years there were no railroads whatsoever in California, no wagon roads in said mountains, few horse trails and no foot trails, except such as said miners with their packs of provisions and blankets and rifles on their backs marked by tramping with their own tracks.

Exploring and settling up a new country under such circumstances rendered Indian hostilities and Indian disturbances in California not only a logical but a natural, necessary, and inevitable sequence.

The troops of the regular Army of the United States were few in number, and those few were stationed at specific points which, generally, were situate far distant from the fields and scenes of active Indian disturbances and actual Indian hostilities, as the history of the same so fully and so clearly discloses.

In order to know as a statistical fact just where, how many, and what kind of United States troops were stationed in California between January 1, 1854, and April 15, 1861, the late Hon. George Hearst, then U. S. Senator from California, on May 23, and June 7, 1890, for the purpose of aiding the State of California in all these premises, addressed letters to the honorable Secretary of War, copies of which are as follows, to wit:

UNITED STATES SENATE,
Washington, D. C., May 23, 1890.

The SECRETARY OF WAR,
Washington City, D. C.

SIR: I respectfully request that you may furnish me with the information as follows, to wit:

(1) The names of the several forts, garrisons, and permanent military camps in California where United States troops were stationed between September 9, 1850, and April 15, 1861.

(2) The maximum number of troops stationed at each of said places during each year within said period.

(3) To what arm of the military service, to wit, artillery, infantry, or cavalry, did said troops belong?

Your early reply hereto will oblige,

Yours very truly,

GEORGE HEARST,
U. S. Senator.

Reply to this letter was made by the Adjutant-General's Office, as follows, to wit:

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, May 27, 1890.

SIR: Complying with your request of the 23d instant for information relative to the forts, garrisons, troops, etc., in California between September 9, 1850, and April 15, 1861, I have the honor to inclose herewith a statement which, it is believed, will cover the points in question.

Very respectfully,

C. MCKEEVER,
Acting Adjutant-General

HON. GEORGE HEARST,
U. S. Senate, Washington, D. C.

Forts, garrisons, and military camps in California where U. S. troops were stationed between September 9, 1850, and April 15, 1861, etc.

| Posts or stations. | Year. | Maximum strength. | Troops. | Posts or stations. | Year. | Maximum strength. | Troops. |
|---------------------------------------|------------------------------|------------------------------------|-------------------------|---|------------------------|-------------------|-------------------------|
| Camp Far West, Yuba County. | 1850 | 65 | Infantry. | Fort Jones, Siskiyou County—Cont'd. | 1854 | 38 | Infantry. |
| | 1851 | 51 | Do. | | 1855 | 82 | Do. |
| | 1852 | 57 | Do. | | 1856 | 151 | Artillery and infantry. |
| Benecia, Solana County. | 1850 | 139 | Infantry. | Jurupa, San Bernardino County. | 1857 | 133 | Infantry. |
| | 1851 | 147 | Do. | | 1858 | 85 | Do. |
| | 1852 | 310 | Inantry and dragoons. | | 1852 | 52 | Do. |
| | 1853 | 145 | Infantry. | | 1853 | 53 | Do. |
| | 1854 | 145 | Artillery and dragoons. | | 1854 | 42 | Do. |
| | 1855 | 255 | Artillery. | | 1853 | 106 | Do. |
| | 1856 | 124 | Do. | | 1854 | 79 | Do. |
| | 1857 | 160 | Do. | | 1855 | 154 | Do. |
| | 1858 | 126 | Artillery and infantry. | | 1856 | 143 | Do. |
| | 1859 | 303 | Do. | | 1857 | 69 | Do. |
| | 1860 | 167 | Infantry. | | 1858 | 139 | Do. |
| | 1861 | 174 | Do. | | 1859 | 164 | Do. |
| Sonoma, Sonoma County. | 1850 | 36 | Dragoons. | Fort Humboldt Humboldt County. | 1860 | 177 | Do. |
| | 1851 | 212 | Do. | | 1861 | 87 | Do. |
| | 1852 | 28 | Artillery. | | 1858 | 85 | Infantry. |
| | 1851 | 29 | Do. | | 1859 | 84 | Do. |
| | 1852 | 76 | Do. | | 1860 | 72 | Do. |
| | 1853 | 46 | Do. | | 1861 | 70 | Do. |
| | 1854 | 156 | Do. | | 1857 | 113 | Dragoons and infantry. |
| | 1855 | 120 | Do. | | 1858 | 132 | Dragoons. |
| | 1856 | 116 | Do. | | 1859 | 141 | Do. |
| | 1857 | 163 | Do. | | 1860 | 110 | Dragoons and infantry. |
| | 1858 | 380 | Artillery and infantry. | | 1861 | 116 | Do. |
| | 1859 | 208 | Do. | | 1854 | 59 | Dragoons. |
| 1860 | 145 | Artillery. | 1855 | 133 | Do. | | |
| 1861 | 121 | Do. | 1856 | 149 | Do. | | |
| Monterey, Monterey County. | 1850 | 39 | Do. | Fort Crook, Shasta County. | 1857 | 142 | Dragoons and artillery. |
| | 1851 | 33 | Do. | | 1858 | 147 | Do. |
| | 1852 | 53 | Do. | | 1859 | 139 | Dragoons. |
| San Luis Rey, San Diego County. | 1850 | 49 | Dragoons. | 1860 | 157 | Do. | |
| | 1851 | 44 | Artillery and dragoons. | 1861 | 159 | Do. | |
| | 1852 | 7 | Artillery. | 1855 | 20 | Artillery. | |
| Rancho del Chino, Los Angeles County. | 1850 | 26 | Infantry. | Nome Lackee Reservation, Tehama County. | 1856 | 20 | Do. |
| | 1851 | 25 | Do. | | 1857 | 23 | Do. |
| | 1852 | 69 | Do. | | 1858 | 22 | Do. |
| | 1852 | 69 | Do. | | 1857 | 82 | Infantry. |
| Fort Yuma, San Diego County. | 1850 | 94 | Infantry. | Fort Ter Waw, Del Norte. | 1858 | 85 | Do. |
| | 1851 | 93 | Do. | | 1859 | 87 | Do. |
| | 1852 | 366 | Infantry and dragoons. | | 1860 | 80 | Do. |
| Fort Miller, Fresno County. | 1853 | 169 | Infantry. | San Bernardino, San Bernardino County. | 1861 | 60 | Do. |
| | 1854 | 152 | Infantry and artillery. | | 1858 | 176 | Artillery. |
| | 1855 | 115 | Artillery. | | 1859 | 155 | Infantry. |
| | 1856 | 249 | Do. | | 1857 | 22 | Artillery. |
| | 1857 | 200 | Do. | | 1858 | 20 | Do. |
| | 1858 | 271 | Do. | | 1859 | 68 | Infantry. |
| | 1859 | 214 | Artillery and infantry. | | 1860 | 86 | Do. |
| | 1860 | 159 | Infantry. | | 1861 | 86 | Do. |
| | 1861 | 133 | Do. | | 1859 | 82 | Infantry. |
| | 1851 | 62 | Do. | | 1859 | 92 | Artillery. |
| | 1852 | 122 | Do. | | 1860 | 92 | Do. |
| | 1853 | 82 | Do. | | 1861 | 80 | Do. |
| 1854 | 134 | Infantry, dragoons, and artillery. | 1861 | 158 | Do. | | |
| Fort Reading, Shasta County. | 1855 | 73 | Artillery. | Fort Weller, Mendocino County. | 1850 | 96 | Infantry. |
| | 1856 | 85 | Do. | | 1851 | 114 | Infantry and artillery. |
| | 1857 | 94 | Do. | | 1852 | 284 | Artillery and dragoons. |
| | 1858 | 94 | Do. | | 1853 | 175 | Artillery. |
| | 1852 | 167 | Dragoons and infantry. | | 1854 | 298 | Do. |
| | 1853 | 212 | Do. | | 1855 | 140 | Do. |
| | 1854 | 102 | Artillery and infantry. | | 1856 | 119 | Artillery and dragoons. |
| | 1855 | 134 | Do. | | 1857 | 157 | Do. |
| | 1856 | 78 | Artillery. | | 1858 | 93 | Artillery. |
| | 1852 | 118 | Dragoons. | | 1859 | 87 | Infantry. |
| | 1853 | 147 | Dragoons and infantry. | | 1860 | 86 | Do. |
| | Fort Jones, Siskiyou County. | 1853 | 147 | | Dragoons and infantry. | 1861 | 82 | Do. |

U. S. SENATE,
Washington, D. C., June 7, 1890.

SIR: Referring to your letter of May 27, 1890, inclosing me, in compliance with my request of May 23, 1890, a statement of the forts, garrisons, and military camps in California, where United States troops were stationed between September 9, 1850, and April 15, 1861, etc., I respectfully request that you may also furnish me with the names of the forts, garrisons, and military camps in the counties of Los Angeles, San Bernardino, and San Diego, in Southern California, where United States troops were stationed, if any, in the years 1845-'46-'47-'48, and '49, and the maximum strength of the troops at each of said places in each of said years, and to what arm of the military service said troops belonged.

Your early reply hereto is requested and will oblige, yours, very truly.

GEORGE HEARST.

ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C.

To this letter reply was duly made by the War Department, copy of which is as follows, to wit:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 10, 1890.

SIR: Referring to your letter of the 7th instant, requesting information relative to the names of the forts, garrisons, and military camps in the counties of Los Angeles, San Bernardino, and San Diego, in Southern California, where U. S. troops were stationed, if any, in the years 1845, '46, '47, '48, '48, and '49, and the maximum strength of the troops at each of said places in each of said years, and to what arm of the military service said troops belonged, I have the honor to furnish the following statement compiled from the records of this office, viz:

| Posts or stations. | Year. | Maximum strength. | Troops. |
|---------------------------------------|-------|-------------------|--|
| San Luis Rey, San Diego County | 1847 | 592 | Dragoons and Mormon Battalion. |
| | 1849 | 75 | Dragoons. |
| Los Angeles, Los Angeles County | 1847 | 625 | Dragoons, New York Volunteers, and Mormons. |
| | 1848 | 291 | Dragoons and New York Volunteers. |
| San Diego, San Diego County | 1849 | 282 | Dragoons. |
| | 1847 | 105 | Mormon battalion. |
| | 1848 | 129 | New York Volunteers and Mormons. |
| La Paz, San Diego County | 1849 | 146 | Dragoons and infantry. |
| | 1847 | 114 | New York Volunteers. |
| | 1848 | 267 | Do. |
| San Jose, San Diego County | 1848 | 105 | Do. |
| | 1849 | 118 | Dragoons and infantry. |

Very respectfully,

Hon. GEORGE HEARST,
U. S. Senate, Washington, D. C.

C. MCKEEVER,
Acting Adjutant-General.

Outside of the counties of Tulare, in which there were no U. S. troops stationed between 1854 and 1861, and San Bernardino, in which there were no U. S. troops stationed between 1854 and 1858, and none after 1859, and the maximum number between 1858 and 1859, was 176 (and they not mounted), the scenes of said active actual Indian hostilities and Indian disturbances were confined exclusively between 1854 and 1861 to the northern counties of the State of California, to wit: Klamath, Modoc, Sutter, Nevada, Yuba, Napa, Yolo, El Dorado, Trinity, Plumas, Butte, Shasta, Siskiyou Humboldt, Del Norte, and Tehama.

Due cognizance will be taken of the fact that most of these sixteen counties are not only very mountainous and difficult to traverse and not easy of access but on the contrary even up to this date are accessible by fewer wagon-roads than any other counties in the State, some of which up to the present time, are not traversed or reached by any railroad whatsoever.

From this carefully prepared table, furnished to one of the Senators from California by the War Department, it thus officially appears that there were no U. S. troops of any kind present, stationed, or serving between September 9, 1850 (the date of the admission of California into the Union) and April 15, 1861, in any of the eleven counties of Klamath, Modoc, Sutter, Nevada, Yuba, Napa, Yolo, Eldorado, Trinity, Plumas, and Butte.

You will also take official cognizance of the further fact that it was particularly in these last-named eleven counties that Indian wars, Indian hostilities, and Indian disturbances waged most actively, violently, and destructively in California between January 1, 1854, and April 15, 1861.

This, therefore, left only five counties in said State in which were stationed any U. S. troops at all, to wit, Shasta, Siskiyou, Humboldt, Del Norte, and Tehama, and the U. S. troops that were stationed in all of said five counties should have been mounted in order to have been effective, for the military absurdity of U. S. troops on foot attacking wild and savage Indians on horseback needs no elaboration from anyone.

In Shasta County there were no U. S. troops stationed after 1856, and the maximum number stationed therein between 1854 and 1856 was 134, and they not mounted, being composed of artillery and infantry.

In Siskiyou County there were no U. S. troops stationed after 1858, and the maximum number stationed therein between 1854 and 1858 was 151, and they not mounted, being composed of artillery and infantry.

In Tehama County there were no U. S. troops stationed after 1858, and the maximum number stationed therein between 1854 and 1858 was 23, and they not mounted, they being artillery, and even they were stationed on an Indian reservation.

In Del Norte County the maximum number of U. S. troops stationed therein between 1854 and 1861 was 87, and they not mounted, they being infantry.

It was therefore during this comparatively defenseless condition of California (so far as hostile Indians were concerned) that the citizens of that State had to organize themselves for their own defense against said hostile Indians, or be duly organized under the laws of said State.

A sample of this condition of things subsequent to January 1, 1854, and the consequences thereof are set forth in the certificate of January 17, 1856, of the late Gen. D. D. Colton, then sheriff, and Hon. R. L. Westbrook, then county judge of Siskiyou County, original of which with petitions accompanying the same are hereto attached, made parts hereof, and marked "Exhibit No. 38 E," and copy of which certificate is as follows, to wit:

STATE OF CALIFORNIA, *County of Siskiyou:*

We, the undersigned, do hereby certify that in the month of July, A. D. 1855, at Humbug and Klamath rivers in said county, the Indians commenced hostilities upon the white inhabitants of said rivers by murdering ten or twelve of their number without any good cause or provocation, thereby declaring war against all the white inhabitants of said county, rendering it necessary for the inhabitants to resort to arms for their defense and safety, and that a number of citizens (we believe those whose names appear to a petition to the legislature of this State, headed by Mr. Martin) formed themselves into a company, armed and equipped themselves, and proceeded in pursuit of said hostile Indians, with a view to chastise them, as the only means of preventing like occurrences in future, and we believe the services were rendered by said company, as set forth in their said petition, and that the hostility of the Indians fully justified, and that the safety of the inhabitants really demanded, their organization and services.

R. L. WESTBROOK,
County Judge.

D. D. COLTON,
Sheriff of Siskiyou County, California.

YREKA CITY, *January 17, 1856.*

STATE OF CALIFORNIA, *County of Siskiyou:*

I, Hiram G. Ferris, clerk of the county of Siskiyou, certify that R. L. Westbrook is county judge, and D. D. Colton is sheriff of the county aforesaid, and that their signatures above are genuine.

Witness my hand and the seal of the county court this 17th day of January, A. D. 1856.

[SEAL.]

H. G. FERRIS,
County Clerk.
by E. M. ANTHONY,
Deputy.

The Legislature of California being in session when the foregoing letters of Gen. Colton and Judge Westbrook were received, and which referred to the petition therein recited, enacted a stringent law to aid the United States officers of the Indian Department in California in the proper discharge of their duties, and which act provided for the infliction of very severe punishment of fine and imprisonment

upon those who should in any wise interfere with the proper authorities of the United States to manage, in the manner as said officers deemed best or most fitting, these wild and unchristianized Indians of California, the original of this act is as follows, to wit:

CHAPTER CXLII.—An act to aid the officers of the Indian Department, appointed by the General Government for the State of California, in the discharge of their duties.

[Approved April 21, 1856.]

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

SECTION 1. It shall be unlawful for any person or persons to wilfully and maliciously interfere with, or in any wise interrupt, the Superintendent of Indian Affairs, or any one of the Indian agents of the General Government or their employés, connected with the Indian Department in this State, in the discharge of their duties in said Department, either by seeking to weaken their influence with the wild and unchristianized Indians, or by seeking to hinder or frighten the Indians from going to the reservations, or by enticing them away from the reservations, or by interfering with them in any other malicious way whatever.

SEC. 2. Any person or persons who shall so interfere with or interrupt the officers, or any of them, or any of their employés, named in the first section of this act, in the discharge of their official duties, or who shall hinder or prevent, by any means, any of the wild and unchristianized Indians from entering the reservations, or who shall entice, advise, or assist any of the Indians to leave the same, shall be deemed guilty of misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Thereafter, with a full knowledge of the public condition of affairs in northern California, the governor of California, Hon. J. Neely Johnson, on August 14, 1856, addressed an order to Hon. John Cosby, major-general, commanding the sixth division of the California militia, the original of which is hereto attached, made part hereof, and marked "Exhibit No. 39 E," and copy of which is as follows, to wit:

EXECUTIVE DEPARTMENT,
Sacramento City, Cal., August 4, 1856.

SIR: Your letter of the 28th ultimo is at hand, and I hasten to transmit such orders as may be deemed necessary in view of the condition of the difficulties in your division.

I will here remark that it is a matter of extreme regret you should not have received the orders I had transmitted you previously, so that you might have been fully advised in the premises, and now I will simply reiterate the purport of those orders, transmitted by written communication a few days after the departure of Capt. Judah for the North.

Those orders then were (and as in substance reported to Capt. Judah), and now reaffirmed, for you to take such measures and employ all the power you may possess as the major-general commanding the sixth division California militia, under the laws of the State, which may be absolutely necessary for the protection from Indian hostilities of the persons and property of the people within your command. Whilst doing this, however, I can not too strongly urge the absolute importance of conducting your operations on the most economical scale and with the least possible expense, to say nothing of the great importance to the State of observing the strictest economy in all the departments of government. We can not be insensible of the fact that a speedy appropriation for the payment of the expenses thus incurred will be greatly dependent on the extent of that expenditure.

I hesitate not to believe that your past action has been, as your future will exhibit due regard to the observance of the suggestions I have made, and an earnest desire to accomplish the paramount objects for which you have taken the field—the restoration of peace and quiet among those hostile Indian tribes and the white inhabitants.

Immediately on the receipt of your previous communication I addressed a letter to Gen. Wool, commanding U. S. forces, representing the truthful condition of affairs in your vicinity and urging upon him the absolute necessity for sending a sufficient number of those troops to furnish the protection so imperatively required.

The reply to this in substance was "I have no troop unemployed to send on that duty;" hence upon the State authorities devolved that protection which the Federal Government should have furnished, and upon you more especially devolves by law as

the major-general commanding that division the responsibility and duty to call out the State military of your command for the performance of this service.

Arms and ammunition the State has none which are not distributed to existing volunteer companies or in the possession of the San Francisco vigilance committee.

Very respectfully, your obedient servant,

J. NEELY JOHNSON.

Hon. JOHN COSBY,

Major-General, Commanding Sixth Division, California Militia.

The legislature of California, having, therefore, been fully advised in the premises by its governor, enacted for "common defense," *ex necessitate*, sundry acts, some of which are as follows, to wit:

1. The act of April 25, 1857 (California Statutes of 1857, p. 262), under which non-interest-bearing Indian war bonds and certificates of indebtedness were authorized to be issued in a sum aggregating \$410,000. (See Exhibit Q, p. 60, Senate Ex. Doc. No. 122, Fifty-first Congress, first session, and also a part of Exhibit No. 12 A, heretofore filed herein in Schedule A.)

2. The act of March 30, 1858 (California Statutes of 1858, p. 102), amending said Exhibit Q, also part of Exhibit No. 12 A, as aforesaid.

3. The act of March 30, 1858 (California Statutes of 1858, p. 102), authorizing the issue of noninterest-bearing bonds in favor of Walter McDonald and A. M. Jones, for services as Indian commissioners under the act approved April 18, 1856, in the sum of \$6,000. (See Exhibit J, p. 58, said Senate Ex. Doc. No. 122, and Exhibit No. 40 E, herewith.)

4. The act of April 7, 1859 (California Statutes of 1859, p. 173), under which the original aforesaid appropriation of \$410,000, payable in noninterest-bearing Indian war bonds and certificates of indebtedness was increased to \$440,000, or an additional appropriation of \$30,000. (Exhibit No. 41. E, herewith.)

5. The act of May 16, 1861 (California Statutes of 1861, p. 409), whereby the aforesaid appropriation of \$440,000, made payable in noninterest bearing Indian war bonds and certificates of indebtedness, was increased to \$510,000, or an additional appropriation of \$70,000. (Exhibit No. 42 E herewith.)

6. The act of May 12, 1862 (California Statutes of 1862, p. 528), amendatory of the foregoing acts. (Exhibit No. 43 E herewith.)

7. The act of April 27, 1863 (California Statutes of 1863, p. 649), which act repealed all the foregoing acts, but made an additional appropriation, payable in noninterest bearing bonds and certificates in the sum of \$154,987.58. (See Exhibit No. 44 E herewith.)

Under all these several statutes there was appropriated by the State of California the sum of \$670,987.58, and an authorization to issue State California Indian war bonds and certificates of indebtedness, none of which, however, were to bear any interest. The only substantial difference between any of said acts being as follows, to wit: That section 4, of the act approved April 25, 1857, Exhibits Q, Senate Executive Document No. 122, and 12 A, directed that bonds to be issued thereunder should be issued in even sums in denominations of \$100, \$200, \$500, and \$1,000, respectively, which section 4 was subsequently amended by section 2 of the act approved March 30, 1858 (Exhibit No. 12 A), by providing that said bonds should be issued "in such sums as the board of examiners should have audited and allowed"; none of which bonds or certificates, however, were to draw any interest whatsoever. So that all the bonds issued prior to March 30, 1858, were issued in even sums of \$100, \$200, \$500, and \$1,000, but after that date in sums which corresponded to the amounts recited on the face of the certificates issued by the State board of examiners, and warrants issued by the State controller.

In addition to these acts there were certain other acts passed by the legislature of California, wherein the State did not make any provision for the issuance of bonds, but made appropriations in gold coin, to be paid directly out of the State treasury, with which to pay and liquidate said California Indian war expenses, and pay for the same in cash, and which acts are as follows, to wit:

1. Act of March 12, 1856 (California Statutes of 1856, p. 42), under which there was appropriated in gold coin, the sum of \$15,000. (See Exhibit R, p. 61, said Senate Ex. Doc. No. 122.)

2. Act of April 25, 1857 (California Statutes of 1857, p. 262), section 8, under which there was appropriated in gold coin the sum of \$500. (See Exhibit Q, p. 61, Senate Ex. Doc. No. 122, Fifty-first Congress, first session, and Executive No. 12 A.)

3. Act of April 16, 1859 (California Statutes of 1859, p. 275), under which there was appropriated in gold coin the sum of \$5,000, governor's contingent fund, and pay of clerk of board of war claims commissioners the sum of \$900. (See Exhibit No. 36 D herewith.)

4. Act of April 16, 1856 (California Statutes of 1859, p. 295), under which there was appropriated in gold coin the sum of \$52,527.86. (See Exhibit No. 45 E, herewith.)

5. Act of March 20, 1860 (California statutes of 1860, p. 110), under which there was appropriated in gold coin the sum of \$60,475.85. (See Exhibit No. S, p. 61, said Senate Ex. Doc. No. 122.)

6. Act of April 25, 1860 (California statutes of 1860, p. 258), under which there was appropriated in gold coin the sum of \$2,157.70. (See Exhibit No. 46 E, herewith.)

7. Act of April 30, 1860 (California statutes of 1860, pp. 401-404) under which there was appropriated in gold coin the sum of \$5,000, governor's contingent fund. (See Exhibit No. 33 D, herewith), also for salary of treasurer as member of State board of war claims examiners (Exhibit No. 33 D, herewith), \$1,200. For salary of controller as member of State board of war claims examiners (Exhibit No. 33 D herewith), \$1,200. For pay of Clerk of Board of War Bond Commissioners (Exhibit No. 33 D, herewith), \$900.

8. Act of May 13, 1861 (California statutes of 1861, p. 347-348), under which there was appropriated in gold coin the sum of \$959.09. (See Exhibit No. 47 E, herewith.)

9. Act of May 20, 1861 (California statutes of 1861, p. 541) under which there was appropriated in gold coin for salary of treasurer, a member of war board of examiners, the sum of (Exhibit No. D, herewith) \$600. For salary of controller as member of war board of examiners (Exhibit No. 34 D, herewith), the sum of \$600 for pay of clerk of board of war board of commissioners (Exhibit No. 34 D, herewith), the sum of \$600.

10. Act of May 12 1862, (California statutes of 1862, p. 529) section 2, for two years' pay of clerk of board of war claims commissioners (Exhibit No. 35 D, herewith), the sum of \$1,200.

Under these various general statutes of the legislature of the State of California providing for the issuance of noninterest-bearing State Indian war bonds and certificates of Indian war indebtedness, aggregating a total of \$670,987.58, and under these other general statutes of the legislature of the State of California making appropriation in gold coin with which to pay in cash certain other State Indian war claims in a sum aggregating \$673,987.58, there was then appropriated a grand total aggregate of money and of bonds in the sum of \$1,344,975.16.

Thus, there were numerous Indian war expenses, some paid by the State of California in gold coin, while others were liquidated by payment in said State bonds and certificates of Indian war indebtedness, a history of all of which, more or less full and complete, together with evidence more or less satisfactory, was duly brought to the attention of Congress prior to March 2, 1861, specially explained to the satisfaction of its committees on military affairs by the State adjutant-general of California, Gen. W. C. Kibbe, as recited on page 137, said Senate Ex. Doc. No. 122, all of which finally resulted in the passage by Congress of the act approved March 2, 1861 (12 U. S. Stats., p. 199). (See Exhibit No. 48 E, herewith, appropriating said sum of \$400,000.)

The vice of this act, however, was that it was too restrictive in many particulars, and faulty in the fact that it failed to make ample provision for the total expenditures that had theretofore been incurred and liabilities theretofore assumed by the State of California up to the date of the passage thereof on account of all of the several Indian war matters that had arisen in said State prior to the date of the passage of that act to aid the United States in maintaining the "common defense."

It was further faulty in failing to name several counties and in failing to recite certain other specific years in which Indian hostilities had occurred, and the amount appropriated fell short by many thousand dollars of the exact amount that was then actually due the State of California as principal alone.

Under the said act of Congress of March 2, 1861, the State of California, instead of relying, as it might and as its State authorities now think it should have done, upon its said State bonds, and submitting them or the original register thereof as the proper evidence whereby to measure its Indian war claims against the United States, and doing generally in all these premises as Congress finally and wisely permitted it to do under the act of August 18, 1856 (11 U. S. Stats., p. 91), and as it was finally authorized to do by said authority of Congress, said State, fully relying upon the equity of its claim, so by it then held against the United States went to work and submitted, with marked particularity, most of the original vouchers and evidence to support certain of its claims, which aggregated, when presented to the Treasury Department, the sum of \$449,605.74.

What was the result? When these claims came to be examined and revised by the accounting officers of the Treasury Department, and aggregating as aforesaid the sum of \$449,605.74, they were cut down and reduced to the sum of \$230,529.76, thereby disallowing, rejecting, or suspending claims that aggregated the sum of \$219,075.98, and all of which had been theretofore fully paid by the State of California, or for the full payment of which said State made herself liable.

It was against an audit, allowance, award, and partial and insufficient payment by your Department so unjust as this that the State of California has ever protested, and does now still protest, and she submits that an indemnity, such as was alleged to have been a full satisfaction of this item of these claims, was not warranted by

the intention of Congress, and which was not at the date of such award nor since said date has ever been made fully known or satisfactorily explained to the proper State authorities of the State of California. It is very difficult (provided it be not entirely impossible) even at this date for the State of California to know or to find out officially by what exact rules of adjustment or executive construction of a remedial statute a measure of allowance was or could be reached, such as was accorded said State under said Congressional remedial act.

Take, for instance, a single item only of said Indian war claims so presented under said act of March 2, 1861, to wit, that of the "Modoc Indian war of 1856," wherein the State of California paid in her State noninterest-bearing bonds or in her State certificates of Indian war indebtedness the sum of \$188,324.22.

In this claim the accounting officers of your Department, after having eliminated therefrom every item that could possibly come under the head of "disallowed," reduced or scaled, in amount exactly one-third, nearly every item in the miscellaneous abstract of such claims that were allowed at all by said officers, simply arbitrarily declaring "deduct one-third," irrespective of the fact whether said payments made by the State of California were for military supplies, military equipage, or for commissary stores, or for miscellaneous expenditures, or for clothing, or for forage, or for ranching, or for stationery, or for repairing, or for work, or for smithing, or for rent, or for hospital departments, or for ammunition, or for veterinary purposes, or for tents, or for blacksmith's coal, or for wheelwright's work, or for horseshoes, or for blacksmith's kits, or for fuel, or for medical outfits, or for use of horses, or for printing, or for use of wagons and oxen for transportation, either hired or purchased; so that said abstract, wherein the State of California paid out the sum of \$67,688.51, was allowed by the United States in the sum only of \$37,778.36.

Not only this, but in all cases where any of said volunteers were assigned to any special or extra duty as "extra-duty men," and actually performed the duties of "butchers, carpenters, blacksmiths, coal burners, wood choppers," etc., where the period of such services so by them performed was not for full ten days, all allowances for any shorter periods or lesser number of days were rejected in toto, notwithstanding the State of California had theretofore paid all these men for the actual time they were so employed in said special occupation of "extra duty," whether said services covered the period of one day or a greater number of days.

Not only this, but even where these "extra-duty men" were employed and paid by the State of California for full ten days or more, the accounting officers of the Treasury, instead of allowing and reimbursing the State of California the rate of daily compensation provided for by paragraph No. 883 of the Army Regulations for 1857, for "mechanics employed west of the Rocky Mountains," all said "extra-duty men" were seemingly classified and bunched in one class only, to wit, the class of "laborers," and an allowance and award of the minimum compensation only for the said valuable "extra duty" services, to wit, 35 cents per day, was conceded and made therein to each thereof.

In other words, this remedial and beneficent statute of Congress, intended for the relief of the State of California, and which by its very title was intended to reimburse the State of California for all the expenses by it incurred in the suppression of Indian hostilities in said State enumerated therein, received not only the strictest construction possible at the hands of the officers of your Department, but nearly every item of all claims so officially presented by said State for such payment and reimbursement seems to have undergone a cheeseparating process, not by any specific rules of allowance, but by an arbitrary declaration of award, expressed in these words: "Deduct one-third," etc.

As these claims on March 2, 1861, were not officially before the accounting officers of your Department for audit, the question then naturally arises, why should Congress in said act make an appropriation in just the sum of \$400,000 to be paid in United States interest-bearing bonds?

The answer thereto at this time may partially be found in the report of the adjutant-general of California, officially made to the legislature of said State, printed as Exhibit 44, on pp. 137 to 139, said Senate Ex. Doc. No. 122, wherein said adjutant-general recites that he had with him in Washington City, D. C., prior to March 2, 1861, complete duplicate vouchers of all these claims, aggregating the sum of \$400,000, and that he only exhibited the same to the proper committees in Congress, to whom the bill making provision for the payment thereof had been referred, and which committees, in connection with the Third Auditor himself, prior to the date of the passage of said act, seemed to have been generally satisfied with the justice of these claims as then presented.

Said adjutant-general says that the members of these committees were so satisfied with the general character of the vouchers and justice of said claims that they agreed to abate no part of the same, except the cases paid by the State of California over and above the amount paid to the U. S. troops serving in that State.

Besides, too, the question might arise whether or not the spirit, if not the letter, of the laws of Congress enacted on June 17, 1850, and September 23, 1850, should not have been made to apply to these Indian war claims when a settlement thereof was had by the United States, which was not done, and which acts are as follows, to wit:

On the 17th of June, 1850, an act was passed, the third section of which reads as follows:

"SEC. 3. *And be it further enacted*, That whenever enlistments are made at, or in the vicinity of, the said military posts, and remote and distant stations, a bounty equal in amount to the cost of transporting and subsisting a soldier from the principal recruiting depot in the harbor of New York, to the place of such enlistment, be, and the same is hereby, allowed to each recruit so enlisted, to be paid in unequal installments at the end of each year's service, so that the several amounts shall annually increase, and the largest be paid at the expiration of each enlistment." (U. S. Stat., vol. 9, p. 439.)

On the 23d of September, 1850, the following provision was inserted in the Army appropriation bill:

"For extra pay to the commissioned officers and enlisted men of the Army of the United States, serving in Oregon or California, three hundred and twenty-five thousand eight hundred and fifty-four dollars, on the following basis, to wit: That there shall be allowed to each commissioned officer as aforesaid, whilst serving as aforesaid, a per diem, in addition to their regular pay and allowances, of two dollars each, to each enlisted man as aforesaid, whilst serving as aforesaid, a per diem, in addition to their present pay and allowances, equal to the pay proper of each as established by existing laws, said extra pay of the enlisted men to be retained until honorably discharged. This additional pay to continue until the first of March, eighteen hundred and fifty-two, or until otherwise provided." (U. S. Stat., vol. 9, p. 504.)

The first of these acts was continued in force until August 3, 1861 (U. S. Stat., vol. 12, p. 288, sec. 9), on which date it was repealed. During the time when the last of said acts was in existence the U. S. soldiers and sailors on the Pacific coast received nearly double pay.

Whatever may have been the exact reasons that caused the same, yet the fact now fully appears that this item of said claims of the State of California, to wit, the "Modoc Indian war item," after having been fully examined in the field, first by a State board of Indian war commissioners, and thereafter audited and viséed by another State board of Indian war-claims examiners, at Sacramento, composed of the State treasurer, State controller, State adjutant-general, and *ex officio* quartermaster-general of California, and by said last board duly certified to the State controller and State treasurer, in the sum of \$188,324.22 and by them fully paid in the State non-interest-bearing bonds of said State, yet under the strict and rigid construction placed upon said act of Congress of March 2, 1861, by the accounting officers of the Treasury Department, this Indian war claim so paid by said State in the sum of \$188,324.22 was officially allowed by them in the sum of \$80,436.72, only showing that nearly 60 per cent of this entire claim, to wit, the sum of \$107,887.50, was disallowed, rejected, or suspended by said officers and still remains unpaid by the United States.

This action created not only great surprise to the legislature and State officers of the State of California, but has inured to the very great detriment and loss of her own citizens, who performed the services or furnished the supplies and suffered great losses and disasters during said Indian wars, and who, in consideration of said services, supplies, and losses, had received as payment therefor State bonds or State certificates of indebtedness, issued by said State, none of which bore interest. These State obligations, irrespective of their form, had ever, prior to the date of this inequitable audit and award, been taken at their full face value, and had ever passed current from hand to hand in California and elsewhere as negotiable instruments, due and payable to the holders thereof, and had ever passed at par for value received, because on their face was stamped the promise of the State of California to pay the same, and wherein said State has ever relied and does still rely upon the good faith of the United States to pay her an amount equal to the full face value of all thereof with which to hereafter fully redeem the same, and all issued to aid the United States to maintain the "common defense" on the Pacific coast, at a time and under circumstances when it is fully shown herein the United States had not stationed on duty or in service in California a military force adequate to cope with said Indians and to subdue said Indian hostilities and Indian disturbances therein. Other items of this unjust adjustment and so-called settlement are as follows, to wit:

1. Claims for arms and horse equipments that were lost, worn out, or destroyed were disallowed.

2. Claims for cavalry horse hire were cut down to 40 cents a horse per day (and wherein the United States did not furnish the forage), a sum which would not pay for even the cost of the daily forage ration for one horse, to wit, 14 pounds of hay

and 12 pounds of oats, corn or barley—that being the Army ration recited in paragraph No. 1010 of the Army Regulations for 1857—and especially at the high rates paid for such articles ruling in the mountainous region of California between 1854 and 1861, where said Indian hostilities prevailed, much less for the use of such horses and the cost of feeding them added thereto.

To show the value of hay per ton in the month of August, 1851, at Shasta, Cal., we submit herewith the statement made August 30, 1862, by Messrs. R. T. Sprague and Benjamin Shurtleff, showing the value of hay to be from \$100 to \$115 per ton, or about 5 cents per pound, so that the hay ration alone was equal to 70 cents a horse per day. (See exhibit marked "Sprague & Shurtleff No. 47½ E.")

3. Claims for wages of teamsters and packers were generally reduced to about one-half of the amount that the State had so paid.

4. Claims for the value of animals, horses, mules, and oxen, killed, lost, or stam-peded, were generally disallowed, and all claims for property lost or destroyed by Indians rejected in toto, as being Indian deprecation claims, for which it was held that Congress did not make any provision to allow or pay.

5. Claims for horses used by the members of spy companies were generally reduced to one-eighth, when it is known that spy companies always have the best and fleetest horses.

6. Claims for services of horses used by companies of infantry when mounted were not allowed (probably because such companies were called "infantry").

7. Claims for the prices of all provisions were cut down generally, when anything at all was allowed.

8. Claims for blacksmiths' shoeing kits were disallowed.

9. Claims for the transportation of supplies disallowed or cut down, because the distance or number of miles between the points from which and to which said supplies were transported were not specifically stated or the points exactly designated.

10. Claims for all kinds of services were cut down in prices.

11. Claims for cooking utensils and other things useful and needed by volunteers in the field were cut down in prices.

12. Claims for numerous matters recited in vouchers which were not fully certified were thrown out, disallowed, or rejected in toto.

13. Claims for the items not fully recited or provided for in the act of Congress were rejected as not being provided for, or alledged, not included in said act of Congress of March 2, 1861.

14. Claims for the amounts paid for medical advice, medical services, and medicines were disallowed.

When California's volunteers, or those in the military service of California between 1854 and 1861, were sick or disabled, or had been shot by Indians in engagements between said volunteers and said Indians, and were so disabled at the date of discharge of their respective companies that they had to be left behind in the Indian country, the State of California made due provision to care for such of her sick and wounded volunteers, and for their nursing, until they could be restored to health; but all claims for the reimbursement of the amounts so paid by said State on account of such medical care, board, lodging, and necessary expenses of said sick and disabled were disallowed by the United States, and all expenses of a similar kind were disallowed after the date of the muster-out of said companies, whether same related to bills for medicine, or for medical advice, or for medical assistance rendered such sick, wounded, and disabled.

As illustrative and in evidence of this recital, see p. 64, Klamath and Humboldt expedition of 1858 and 1859, and pp. 69 and 70, Pitt River expedition of 1859, official roster, now in the office of the honorable Third Auditor of the Treasury, for the claims of John C. Bull (Voucher No. 104), G. W. Work (Voucher No. 109), Dr. Henry Grass (Voucher No. 66), Dr. Guild (Voucher No. 68), the Klamath and Humboldt expedition of 1858 and 1859, and of Dr. Edward P. Vollum (Voucher No. 72), the recently retired and distinguished medical director of the Regular Army of the United States, and of Dr. W. R. Nichols (Voucher No. 52), of the Pitt River expedition of 1857, all of whom rendered valuable medical assistance and gave valuable medical advice during said Indian wars.

Duplicate vouchers of all thereof except that of Dr. Guild are submitted herewith and marked "Bull E," "Grass E," "Work E," "Vollum E," and "Nichols E," respectively.

15. Claims for services of hospital stewards, for attending the sick, and for the board and lodging of the sick in any portion of the hostile Indian country, were disallowed.

Claims for furnishing and fixing up the rude, though suitable, accommodations on Salmon River, Klamath County, Cal., for sick volunteers in that then inhospitable mountain region, in midwinter, to wit, on January 11, 1855, buildings to be used for

hospital and hospital steward were all disallowed, although paid in full by the State of California, and paid, too, in a series of other claims which aggregated \$9,657.75, of which sum there was allowed and paid by the United States only the sum of \$1,757. (See p. 37 of the official roster of the "Klamath & Humboldt Expedition," 1855, now of record in the office of the honorable Third Auditor, and also duplicate of voucher No. 24 for \$787.50 of Edward W. Hayward, marked "Exhibit Hayward E.")

16. Claims for the prices of nearly all meals were generally cut down one-third, provided they were not entirely thrown out, irrespective of whether said meals were furnished said volunteers or guides or Indians that had been captured, and had been transported by long land marches, at the expense of said State, to be delivered to the Indian agents in charge of the several Indian reservations then established in the State of California.

It is respectfully submitted that those who have ever witnessed the long, difficult, and peculiar pilgrimage of large bodies of captured Indians, men, women, and children, being transported as prisoners of war, as was done in this case by the State military machinery of California, at the expense of said State, can appreciate the declaration that claims for this class of peculiar and difficult services should not be weighed in apothecary's scales or by Troy weights, it matters not who holds the scales or who adjusts the so-called settlements.

17. Claims for all tobacco issued to volunteers were disallowed.

18. Claims for medical attendance were disallowed, and prices for the use of barns (used either for shelter of men, of animals, or of stores) were disallowed.

19. Claims where vouchers were not "definite," or "not understood," were either cut down, disallowed, or thrown out entirely.

20. Claims for clothing seem to have been disallowed right and left; \$3.67 only per month was allowed these California volunteers in midwinter, an amount certainly not sufficient to clothe even a recruit at a United States rendezvous, where no military services were to be performed, nor was this sufficient to cover the value of the clothing authorized by paragraph No. 1317 of the Army Regulations for 1857, and paragraphs No. 1031 to No. 1050 of said regulations for 1857 or in any other year, seemingly were not generally followed, so far as the State of California can now ascertain.

It will be particularly observed that all clothing used by the regular Army of the United States serving in California during the times of these particular Indian hostilities in said State were made of special material purchased by the United States in the East at the lowest possible wholesale figures, directly from the eastern factories, or made in the East (where and when the prices of labor was the minimum), at the military establishments then under the direction of the Quartermaster-General, U. S. Army, and they and all other articles of use, either of clothing or of food, were also purchased in a similar manner, and when needed for the U. S. Army serving in California were transported to San Francisco, via Cape Horn, in Government transports, chartered at the lowest possible figure per ton, after public advertisement, under contract awarded to the lowest responsible bidder, for the transportation of all of said articles to be used on the Pacific coast, and at a time, too, when said articles commanded the maximum prices possible throughout the mining and mountain regions of California, which were the scenes of these particular Indian difficulties, showing conclusively that it was impossible for the merchants of California, dealing in said articles of clothing and food, to thus successfully compete with the United States, in prices paid by the United States under circumstances like those recited as aforesaid.

21. No wastage seems to have been allowed in the issue of provisions, from evaporation, or leakage, or loss, and wherein, by Article No. 1067 of the Army Regulations of 1857, the ordinary wastage was about 10 per cent on pork, 10 per cent on bacon, 10 per cent on sugar, 10 per cent on vinegar, and 10 per cent on soap, 5 per cent on bread (or flour), 5 per cent on beans, 5 per cent on rice, 5 per cent on coffee, and 5 per cent on salt.

Special attention is called to the fact that the total cost to the United States of nearly all the provisions used by the Regular Army of the United States in California, between 1854 and 1861, consisted of two factors only; the one, the actual wholesale cost of such provisions in the city of New York, where they were purchased in bulk, at wholesale prices by the United States Commissary Department from the lowest responsible bidder, after due public advertisement; and, second, the actual cost of the transportation thereof in bulk, by full shiploads, from New York City to California, via Cape Horn, shipped in transports specially chartered therefor by the United States Quartermaster's Department, such charters being always given to the lowest responsible bidder, after due public advertisement therefor. So that the prices in California of all such provisions were simply and only the actual first cost or purchase price at wholesale in New York City, in a time of profound peace, and

the actual cost of the transportation thereof from New York City to California, and thence to the places where such provisions were consumed, leaving no margin to the California dealer, wholesale or retail.

This standard of prices certainly could not and was not intended by said act of Congress to measure the value of similar provisions, when purchased in the State of California, either at retail or at wholesale, by the State authorities thereof. The value of all these articles in California, at the date of their purchase by the State authorities of that State, was their comparative worth as then determined by said authorities and the vendors thereof in the contract of sale and purchase, so then and there and by them duly consummated, and not otherwise. It would be outrageous to suppose that Congress meant or expected said State authorities, up on the spur of the moment, in a hostile Indian country, to purchase such supplies in localities under circumstances where such hostilities necessarily and immediately enhanced the prices of all such provisions, by rendering it difficult and expensive, if not almost impossible, for the merchants or others owning said articles, to replenish their stock of similar supplies when exhausted, made impossible on account of the hostile condition of the Indians along all the roads of travel over which such supplies had necessarily to be transported.

The prices contemplated by said remedial act of Congress that were to be allowed and reimbursed the State of California on account of her payment for supplies, transportation, and personal services pertinent and necessary to such Indian hostilities successfully suppressed by her volunteer troops, were those and only those which the United States would have to have paid for the regular Army of the United States in exactly the same places, at exactly the same times, and under exactly the same circumstances, as were actually paid by said State in said cases.

As the United States did not have any troops of any kind of the regular Army in eleven counties out of the sixteen in which these Indian hostilities arose, and wherein the prices of everything in said sixteen counties were necessarily the highest possible in consequence of these Indian hostilities, the pertinent inquiry is, "What standard of cost or of value could the United States have had, except that paid by the State of California for such supplies and transportation and personal services?"

It nowhere appears, so far as is now known, that the accounting officers of the Treasury or the Third Auditor ever went outside of your Department to ascertain prices and values through other and outside sources in any of said matters, and did have officially before them any prices or values other than those so paid by the State of California, for if they had they certainly would never have adopted a declaration so arbitrary as the one they did, namely, "deduct one-third."

Besides, too, the proviso in said act of March 2, 1861, in words as follows, to wit: "Provided, That he [the Third Auditor] be and he hereby is, authorized and directed, whenever in his opinion the evidence in support of any claim for services, supplies, and transportation is not sufficient to establish such claim, or the value of the services rendered or the supplies furnished, before reporting such claim for settlement and payment as herein directed,"

does not seem to have ever been carried out by the honorable Third Auditor.

22. No adequate allowances seemingly were made, either for food or for clothing, or otherwise providing for those Indians who had been taken prisoners by the California volunteers, or who were found destitute or otherwise needy, or for the due transportation of such Indians from the battlefields where they were so captured to the several Indian reservations where they were by said volunteers duly delivered to the custody of Hon. Thomas J. Henley, then Superintendent of Indian Affairs in and for the State of California.

No adequate provision seemingly was made for other incidental expenses to be incurred for the maintenance and for other matters relating to said Indians generally, whether said Indians were hostile or friendly. A small batch of correspondence with reference to Indians so captured and so transported to the several Indian agencies and reservations in California is tabulated and submitted herewith, made part hereof and marked "Exhibit No. 49 E," and given only as a sample to show the peculiar miscellaneous character of this special and difficult account of military service imposed upon the California volunteers, what it involved, the detail of the numerous expenses that were necessarily incurred therein (none of which could have been given out to contract to the lowest responsible bidder after due public advertisement therefor), and all of which expenses were duly paid by the State of California, either in gold coin or were fully liquidated by the due issuance of its Indian noninterest-bearing State obligations in the form either of Indian war bonds

or said certificates of Indian war indebtedness. Said correspondence, tabulated, is as follows, to wit:

| Nature of communication. | Date. | From. | To. | Subject. |
|--|---|---|---------------------|--|
| Telegram | Oroville, Dec. 11, 1859. | McCarty..... | Gen. Kibbe | Disposition of 33 captured Indians. |
| Do..... | Oroville, Dec. 12, 1859. | Lieut. McCarty..... | do | Transportation of 33 captured Indians. |
| Do..... | Red Bluff, Dec. 3, 1859. | Weller..... | do | Instructions to Gen. Kibbe. |
| Do..... | Red Bluff, Dec. 1, 1859. | Taliaferro | do | Do. |
| Do..... | Red Bluff, Dec. 3, 1859. | Weller..... | do | Do. |
| Do..... | Oroville, Dec. 6, 1859. | J. G. McDuffie | do | Do. |
| Receipt..... | Nome Lackie Indian Reservation, Nov. 3, 1859. | V. E. Geiger | do | Receipt of 21 Indians. |
| Do..... | Oct. 10, 1859 | Alberto Sandoval..... | do | Receipt of \$100 as packer in Indian expedition. |
| Certificate of account. | Oct. 9, 1859 | State of California, by John Spinks and Wm. Byrnes. | James Greenwood | Piloting and use of horse against Indians. |
| Order..... | Shama. Sept. 17, 1859. | State of California, by William C. Kibbe. | John Spinks..... | Provisions for Indians. |
| Certificate of account. | Round Valley, Oct. 10, 1859. | State of California, by W. Byrnes. | William R. Storme | Supplies furnished Indians. |
| Receipt..... | Round Valley, Nov. 1, 1859. | H. L. Ford..... | J. M. McCarty | 23 Indians. |
| Do..... | do | State of California. | W. R. Storme | Supplies furnished Indians. |
| Certificate of account. | do | State of California, by N. E. Hanson. | W. R. Stormes | Do. |
| Do..... | 1859 | State of California, by William C. Kibbe. | W. S. Woodley.... | Transportation of 153 Indians. (Allowed by State board.) |
| Receipt..... | Mendocino Indian Reservation, Oct. 26, 1859. | H. L. Ford | N. E. Hanson | 211 Indians. |
| Certificate of account. | Mountain House, Oct. 5, 1859. | State of California, by N. E. Hanson. | W. R. Stormes | Supplies furnished Indians. |
| Do..... | Mountain House, Nov. 3, 1859. | do | do | Do. |
| Receipt..... | Office Mendocino Indian Reservation, Oct. 3, 1859. | H. L. Ford | W. Byrnes..... | 82 Indians. |
| General order.. | Headquarters of Indian expedition, Pitt River, Nov. 24, 1859. | Gen. William C. Kibbe. | Lieut. J. McCarty. | Instructions to Lieut. J. M. McCarty. |
| Board bill..... | Sacramento, Dec. 20, 1859. | C. H. Haman..... | Gen. Kibbe | Board for Indians. |
| Letter | Office Superintendent of Indian Affairs, Oct. 18, 1858. | Thos. B. Henley | do | Instructions. |
| Letter of instructions. | San Francisco, Jan. 15, 1859. | do | do | Transportation of Indians. |
| Certificate of account-bill.. | Little Valley, Oct. 25, 1859. | State of California, by Wm. C. Kibbe. | Thomas Furlong.. | Supplies. |
| Bill..... | do | State of California by N. E. Hanson. | do | Do. |
| Do..... | Round Valley, Nov. 1, 1859. | State of California by N. E. Hanson. | Wm. R. Stormes.. | Supplies furnished Indians. |
| Receipt..... | Mountain House, Oct. 5, 1859. | State of California. | do | Do. |
| Duplicate receipt. | Mountain House, Oct. 3, 1859. | do | do | Do. |
| Do..... | Round Valley, Oct. 10, 1859. | do | do | Do. |
| Do..... | Sept. 25, 1859 | do | Henry Laudt | Clothing, etc., furnished Indians. |
| Memorandum of purchase made for Indian dogs. | Robertson Ranch, Sept. 14, 1859. | State of California. | J. M. McCarty | Meals, board, etc., furnished troops. |

| Nature of communication. | Date. | From. | To. | Subject. |
|---------------------------------|------------------------------------|---|----------------------|---|
| Board bill..... | Robertson Ranch, Sept, 1859. | State of California. | J. M. McCarty.... | Hay and meals furnished. |
| Bill..... | Round Valley, Sept. 14, 1859. | do..... | do..... | Supplies furnished. |
| Bill for loss of horse. | Nome Lulte, Nov. 1, 1859. | N. E. Hanson..... | S. P. Stormes..... | Death of horse. |
| Certificate of account. | Little Lake Valley, Oct. 12, 1859. | State of California by W. C. Kibbe. | Potter & Richardson. | Forage. |
| Do..... | do..... | do..... | do..... | Do. |
| Do..... | Oct., 1859..... | State of California. | John Spinks..... | Supplies. |
| Copy of certificate of account. | do..... | State of California by Alvin Potter and Wm. Richardson. | do..... | Forage. |
| Letter..... | Capelella, Dec., 1861. | C. H. Veeder..... | Gen. Kibbe..... | Request for additional evidence in support of bill of Alvin Potter. |

23. The allowance made to armorers, carriage-makers, and blacksmiths of the Ordnance Department of the regular Army of the United States, men who are non-combatants, but, as mechanics and laborers, housed in comfortable quarters at posts and arsenals, either in peace or war, was each one and one-half rations per day, as recited on page 212 of the Army Regulations of 1857. This rate of allowance of the Army ration should certainly have been issued to these California Volunteers doing hard military service in the field, in camp, or on the march, when campaigning against hostile Indians, and that too at times in midwinter.

It fully appears in this case that an order was issued on September 2, 1859, as to what and how much the regular ration for said volunteers doing that kind of service should consist, and was duly promulgated by the adjutant-general of California, and which was not followed by the Third Auditor in these cases, as follows, to wit:

"Ration as fixed September 2, 1859—six men, one week (7 days), by order of Gen. William C. Kibbe: Flour, 63 pounds; bacon, 31½ pounds; beans (in lieu of rice), 5 pounds; rice (in lieu of beans), 5 pounds; coffee (in lieu of tea), 3 pounds; tea (in lieu of coffee), 14 ounces; sugar, 6 pounds; vinegar, 2 quarts; yeast powders, 4 boxes; salt, as needed; soap, as needed; candles, as needed; ammunition, as per order Commanding Officer."

(Note by Gen. Kibbe: "The above ration was strictly adhered to in all cases, and the bills show accordingly.")

See Exhibit No. 50 E.

Certainly the United States intended that these volunteers should at least have had enough to eat and to wear when aiding the State of California to maintain as best she could the "common defense," and of this quantity of food and raiment the State of California very properly made herself the judge.

24. Claims were frequently disallowed because subvouchers were not furnished.

25. The necessity for military services of certain officers of high rank seems to have been admitted by the then Secretary of War, but the pay and allowances made to them were ignored by the accounting officers of the Treasury, resulting in wholesale disallowances of all such pay and expenditures so made by the State of California on this account.

26. Another matter to which attention is invited is the fact that the State board of war claims examiners of the State of California, composed of the State treasurer, State controller, and State quartermaster-general and adjutant-general, when examining and auditing these claims, reduced them in amount extending all the way from 5 to 25 per cent, but notwithstanding this fact the accounting officers of your Department still further reduced them to the extent and in the amounts as hereinbefore recited.

As an example of the result of this system of auditing, you are cited to the case of voucher No. 124, Pitt River Expedition of 1859, Tehama, Shasta, Plumas, and Butte (duplicate herewith), wherein the State claims as presented by the State of California to the United States, and as paid by said State, aggregated the sum of \$72,157.09, but the amount allowed by the United States aggregated only the sum of \$41,761.54. In this claim all the expenses made by the State of California were paid in gold coin. This special voucher, duplicate of which is submitted herewith and marked "Bidwell E," is taken as an illustrative sample, because the party who

dealt therein with the State of California was Hon. John Bidwell, one of the earliest pioneers of California, a distinguished member of Congress in 1865-'67, an ex-State senator, candidate for governor on two occasions, and who as a man of worth and honest dealings was then and is now considered as not having any superior in the State of California. Gen. Bidwell presented his said claim to said State board of war claims examiners, for supplies furnished and services rendered by him to the State of California, between August 22 and December 14, 1859, in the sum of \$1,523.13. This claim the State board of California reduced in the sum of \$363.66, thereby diminishing said claim to \$1,159.47, whereupon on January 18, 1860, the quartermaster and adjutant-general of California duly certified on said voucher, so modified and so reduced, as follows, to wit:

"That said voucher was correct and just; that the articles recited in said voucher were furnished, and that the services therein recited were rendered as charged; that the prices charged therefor were just and reasonable, and that the same were necessary for the public service."

The proper officers of your Department, not satisfied therewith, still further reduced it in the sum of \$54.50, allowing therein the sum only of \$1,104.97.

But when this item was refunded to said State it was paid in greenbacks worth at the date of payment about 50 cents on the dollar, so that the State of California, that had paid Gen. Bidwell for said supplies and services in gold coin in the sum of \$1,523.13, was reimbursed as indemnity therefor and in payment thereof in gold coin about the sum of \$552.49, or about one-half of the said Bidwell claim so certified by the adjutant-general and quartermaster-general of the State of California, and as paid by said State in the sum of \$1,159.47.

27. Amounts paid by the State of California to its enrolling officers were thrown out, notwithstanding said enrolling officers had been duly appointed by the governor and commander-in-chief of the State of California for the purpose of mustering into its military service her said volunteers for said Indian war service, in compliance with the act of her legislature of March 2, 1856, whereby it was made the duty of said governor to so appoint said enrolling officers. Copy of said act is attached hereto, made part hereof, and marked "Exhibit No. 51 E."

Duplicate samples of certain vouchers where said disallowances were made for such services are submitted herewith, being voucher No. 25, Klamath expedition of 1856, and voucher No. 79, Klamath and Humboldt expedition of 1856, submitted herewith and marked "Dosh-E" and "Rosborough-E," respectively.

In this last California expedition the amount actually paid out in gold coin by the State of California aggregated the sum of \$6,190.07, while the amount reimbursed the State of California by the United States in payment therefor aggregated only \$2,952.77.

But even when this amount was so reimbursed by the United States it was paid to the State of California in June, 1863, in "greenbacks," at which date said currency was worth only about 50 cents on the dollar, so that the State of California, having paid out for the "common defense" in gold coin the sum of \$6,190.07, was reimbursed by the United States in the equivalent in gold coin only the sum of \$1,476.38.

28. Tolls for ferriage were cut down when not thrown out entirely. It will be remembered that few bridges spanned the California rivers at that time; the charges for all tolls were fixed by the State law of California, and hence could not be reduced even by the officers of your Department.

29. Clerical expenses for preparing accounts, papers, muster rolls of troops, and the thousand and one miscellaneous matters pertaining generally to the numerous military organizations, mustering in and mustering out of volunteers called into the field to subdue Indian hostilities, and closing and settling accounts of all kinds were disallowed; see, for instance, vouchers Nos. 149, 150, 151, 152, and 153, Pitt River expedition of 1859, duplicates of which, with controller's warrants Nos. 3319, 3856, 3864, 3865, and 3869, issued in 1860, are submitted herewith, and marked "Fruchy E," "Reid E," "Bailey E," "Willett E," and "Lindenberger E" respectively, attached to the affidavit of E. W. Willett, attached hereto and marked "Exhibit 51 1/2 E."

It is respectfully submitted that the services of the clerks so named were as necessary then to the State of California as are similar services necessary to-day in the city of Washington, where an army of clerks are daily performing for the regular Army similar services in the Adjutant-General's Office of the War Department and in the offices of the accounting officers of your Department.

30. Apparently nearly every item of expense made by Gen. Kibbe as adjutant-general of California was, *eo nomine*, rejected and disallowed, whether it was for his traveling expenses or for forage for horses while passing from one point of hostilities to another, and for anything and everything with which Gen. Kibbe's name was in any wise whatsoever connected.

The only reason, substantially, assigned by the honorable Third Auditor for such disallowance being that "Gen. Kibbe was a State officer, and not connected with these Indian expeditions," yet this officer was in the field, by the direct military order of the governor and commander in chief of the State troops of the State of California.

As illustrative of this see Special Order, No. 2, signed by John B. Weller, as governor and commander in chief of the State of California, on September 28, 1858, submitted herewith, made part hereof, and marked "Exhibit No. 52 E," yet all expenses of every kind which the State of California had incurred on account of Gen. Kibbe, though unanimously approved by the State board of examiners, and paid in gold coin by the State of California, were rejected, in toto, by the United States, and not reimbursed up to this date.

As illustrative of this kind of settlement you are cited to the duplicates of vouchers No. 48 and No. 139, and others of the expedition of the "Kibbe Rangers," which are submitted herewith and marked respectively "Kibbe No. 48 E" and "Kibbe No. 139 E."

To support the protest of the State of California against this kind of settlement said State now files as an illustration a duplicate voucher, No. 139, being one of a series of vouchers in a schedule of claims and expenditures on account of the "Kibbe Rangers," which voucher is in the sum of \$645.75 (paid by controller's warrant No. 3852, of April 9, 1860, for \$645.75), and which was thrown out by the accounting officers of the Treasury, and for no reason other than "that Gen. Kibbe was a State officer and therefore not connected with said Indian expeditions," etc.

31. Inadequate protection of the Indian frontier, in the State of California existing to an alarming degree, is emphasized by the correspondence between the governor of the State of California and the commanding general of the division of the Pacific, a portion of which correspondence is submitted herewith, made a part hereof, and marked "Exhibit No. 53 E."

32. It was in consequence of this peculiar condition of public affairs that the legislature of California felt called upon to pass the act approved April 18, 1856, by which was created a State board of commissioners of war claims, to examine the claims of the citizens of the counties of Klamath, Siskiyou, and Humboldt and report to the governor the amount of the just claims held by the citizens of these counties for services rendered and supplies furnished to the troops and volunteers engaged in the suppression of Indian hostilities in the years 1854, 1855, and 1856, copy of which act is hereto attached, made a part hereof, and marked "Exhibit No. 40 E."

33. Under said authority the governor of California duly appointed Walter McDonald and A. M. Jones as State commissioners to constitute said board. Said commissioners in the prosecution of their duties, proceeded to the field, made the examination contemplated by said statute, and on November 11, 1856, made due report to the governor of California in relation thereto, which report was, by the governor, on March 3, 1857, duly submitted to the legislative assembly of California with the recommendation that the State legislature make due provision by an appropriation of money or by the issuance of State bonds to pay said expenses. The original of this report and the original of the message of the governor of California are submitted herewith, made parts hereof, and marked "Exhibit No. 54 E."

34. Whereupon the legislature of California passed an act approved April 25, 1857 (see p. 60, Exhibit Q, Senate Ex. Doc. No. 122, Fifty-first Congress, first session), copy of which act has been heretofore submitted, made a part hereof and marked "Exhibit No. 12A," Schedule A, creating a State board of war claims examiners, to examine and audit all claims for services rendered, and supplies furnished to several military expeditions against the Indians in the several counties, as in said act recited. This act of April 25, 1857, was supplemented by the act of March 30, 1858. (See Ex. No. 12A, Schedule A.)

35. Under the provisions of said act of the legislature of said State, Hon. James L. English, State treasurer; Hon. George W. Whitman, State controller, and William C. Kibbe, State adjutant-general and *ex-officio* quartermaster-general of the State of California, constituted said board of Indian war claims and Indian deprecation claims examiners.

36. This State board met at Sacramento, Cal., on June 9, 1857, and immediately upon organizing elected Gen. William C. Kibbe president thereof.

Its next official act was to duly issue a notice to all parties interested in said Indian war claims to immediately present their claims to said board in the manner as set forth in said notice. The original record of the official proceedings of said board, after diligent search, can not now be found (see Schedule A, Exhibit No. 12 A), but a few separate fragmentary sheets of what purports to be a copy of the minutes of the proceedings of said board and of said notice were found by the adjutant-general of California, George B. Cosby, in his office at Sacramento, which,

together with copies thereof, are now submitted herewith, made parts hereof, and marked "Exhibits Nos. 55 and 56 E."

Among other matters officially determined by this State board at the early stages of its proceedings was to fix the rates of pay of all volunteers engaged in said Indian wars, and wherein said board fixed as such rates the same rates of pay as had been prescribed in the act of the legislature of California, approved April 25, 1855, an act entitled "Concerning the organization of the militia," copy of which act is submitted herewith, made part hereof, and marked "Exhibit No. 57 E."

Attention is specially called to section 22 of this act of April 25, 1855, in words as follows, to wit: "All troops called into service after the passage of this act to repel invasions or quell insurrections, or for any other purpose requiring continued service for the space of more than one week, shall receive the pay of the United States troops serving in California, with 10 per cent on the same added thereto."

It is to be taken for granted that Congress, on March 2, 1861, took cognizance of said act of the legislature of the State of California, but its tenor was certainly ignored in toto by the accounting officers of the Treasury.

It is respectfully submitted that the 10 per cent additional pay of California volunteers, recited in said State statute, would not aggregate a sum equal to that provided to be paid the U. S. troops serving in California under said acts of Congress of June 17, 1850, and September 23, 1850.

The whole intention, tenor, and spirit of this California statute of April 25, 1855, was to conform, as near as may be, to equivalent and similar statutes of Congress theretofore enacted for the government of the regular armies of the United States; besides, too, these California volunteers, serving in the field to suppress said Indian hostilities between 1854 and 1861, were on a war footing and in the service of the United States for the "common defense" as much so as were the soldiers in the Regular Army itself then serving in California.

37. Among other matters also determined by said board, as set forth in said minutes, was to establish the rates of hire for mules, horses, etc., and the per diem to be allowed to quartermaster's men, artificers, etc. So that in each and all of these matters, whether relating to services rendered or supplies furnished, there was a uniform fixed standard of maximum prices and values established by a State board at all times, proceeding according to laws duly enacted therefor by the legislature of the State of California.

38. Among other notices duly issued by said board was one issued August 22, 1857, calling public attention to the fact that the original papers relating to these Indian war claims, which had theretofore been duly acted upon by said State commissioners, McDonald and Jones, had been lost, and that others would be required to be filed for the action of said board, copy of which notice is hereto attached, made part hereof, and marked "Exhibit No. 58 E."

39. In evidence of the loss of papers in the case of the "Coast Rangers," the original letter of H. B. Dickerson, second lieutenant commanding said "Coast Rangers," addressed to Gen. Kibbe, August 13, 1856 is hereto attached, made part hereof, and marked "Exhibit No. 59 E," wherein said Lieut. Dickerson recited that the captain of his company, Capt. Thorp, and its first lieutenant, Myers, were dead, and when dying were in possession of the original company papers of said "Coast Rangers," and hence the necessity for the request as made in said letter.

40. In evidence of the care exercised by said board, attention is called to the reply made by its president, one of its commissioners, that all vouchers for supplies furnished or for services rendered had to be duly verified, and in the form as in said letter set forth, copy of which is submitted herewith, made part hereof, and marked "Exhibit No. 60 E."

41. So that it would seem from the foregoing that these claims were first to be submitted to an examination in the field by said board of commissioners, created by the legislature under its act of April 18, 1856, and thereafter they were to be submitted to a further crucial test, to wit: to a reexamination by said State board, created by the legislature April 25, 1857, composed of three of her highest State officers, to wit, the State treasurer, the State controller, and the State adjutant-general and ex-officio State quartermaster-general of said State, who duly issued to each claimant a certificate of indebtedness, showing the amount so due on the claim so audited and so allowed by said board.

Thereafter the action of said board was duly certified to another State officer, to wit, to the State controller, whose duty it was, after having further examined and controlled said accounts and allowances, to either duly issue his State warrant in payment thereof, or to duly certify the same to the State treasurer, whose duty it was to further examine and exercise due vigilance and surveillance over all of said allowances, and if by him found correct, then it was his duty either to take up and cancel said certificates theretofore duly issued by said board or to take up and cancel said State warrants of said controller and in lieu thereof to duly issue California State noninterest bearing Indian war bonds.

42. It is respectfully submitted that after this due care so to be taken and as was duly taken in every case by a series of State boards created by said legislative enactments of the legislature of the State of California, and after due exercise of such care on the part of such State officers of said State, reducing in amount as they did, in almost every case, every item of every claim presented to them, resulting first in the issuance of said certificates of indebtedness and allowances by said board, and thereafter the issuance of said State controller's warrants, and still thereafter the due issuance by said State treasurer of said California State Indian war bonds, pledging the good faith of the State to pay these State obligations (wherein the State of California firmly relied upon the good faith of the United States to fully reimburse her an amount of money sufficient to fully liquidate all said forms of her State obligations), is it to be supposed that the State of California could rest content and satisfied with a so-called settlement wherein a further reduction of about 50 per cent of the amount of these claims was made by the accounting officers of the Treasury, proceeding therein under authority of said act of Congress of March 2, 1861?

43. While at this date it may be difficult for the State of California to declare positively what were the actual principles of adjustment upon which the accounting officers of the Treasury proceeded in these premises, yet some light might possibly be thrown upon this matter by referring to the recitals contained in the letter addressed by the honorable Third Auditor June 24, 1862, to the honorable Secretary of War, due reply to which was made by said Secretary July 9, 1862, a copy of which is submitted herewith, made part hereof, and marked "Exhibit No. 61 E."

The State of California being so firmly of this opinion now repeats the declaration heretofore made in these premises and recited on page 28 of Senate Ex. Doc. No. 122, Fifty-first Congress, first session, in words as follows, to wit:

"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.'

"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 reappropriation of the unexpended balances of the old appropriations made in said acts of 1854, 1856, 1860, 1861, 1868, and 1881.

"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 reopen, reexamine, 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."

44. In this presentation of this important item of her State Indian war claims the State of California is not forgetful of the fact, but earnestly submits to you, that the honorable Third Auditor and the proper accounting officers of your Department, in all these items of disallowance and rejection, are still legally vested with adequate jurisdiction to yet remedy much (if not entirely all) of the injustice that has heretofore been done her in these premises.

It is respectfully submitted that such power still legally vests in said officers of your Department, unless by refinement of construction by said officers of the inten-

tion of Congress in the so-called "covering-in acts" of Congress, thereby declaring themselves divested of said power.

To say that any act of Congress making a special appropriation of money for any specific purpose, not fully expended for such purpose, can be kept alive, so far as any unexpended balance is concerned, by simply making upon said unexpended balance the minimum draft possible within any specific period of time not named in any act of Congress, is not, it is respectfully submitted, within the purview of the intention of Congress in any acts whatsoever; and that any such construction by the accounting officers of your Department as this is error, and the effect of the application of any such rule of construction as this to those, or to any other similar proper acts, is to do great injustice to the parties affected thereby, and in this case would be doing an injustice to the State of California not contemplated in said act of March 2, 1861.

While the appropriation made by said act of March 2, 1861 (12 U. S. Stats., 199), may have lapsed, yet it is respectfully submitted that the honorable Third Auditor is still vested with jurisdiction to at least examine all of said items so heretofore disallowed or rejected by his predecessor for want of sufficient evidence, and in view of this new evidence and of this presentation of this case, he can now fully allow the amounts as originally claimed (errors and omissions only, of course, excepted).

This being done, you can duly report to Congress as deficiencies such additional allowances, with a recommendation that an appropriation be made therefore with which to pay the same. Failing in this, then, and in that event, the State of California, having no other remedy, will be compelled, as its only alternative proposition, to appeal to the equity of Congress to accord her, in another remedial statute, that full payment and indemnity which has by a former Third Auditor, or which hereafter may be denied her by the present Third Auditor of your Department, when proceeding to give a construction to said remedial act of Congress of March 2, 1861, and to other acts of Congress to be considered in connection therewith.

The State of California in such an event respectfully requests that when next submitting this matter to the Senate that you may be pleased to recommend the payment of the full amount of this item of this claim as finally tabulated in this statement, or that it may be adjusted according, at least, to the principles of the highest equity known to your Department in like cases.

In support of the aforesaid proposition special attention is called to the report made by the honorable Third Auditor, February 12, 1890, to your honorable predecessor, Mr. Secretary Windom, in the case of the Indian war claims of Oregon and Washington, for the examination and payment of which Congress made provision on the very same day, to wit, March 2, 1861, as that made in the case of the State of California in an act entitled, "An act to provide for the payment of expenses incurred by the Territories of Washington and Oregon in the suppression of Indian hostilities therein, in the years 1855 and 1856."

These Indian war claims of Oregon and Washington were in all respects similar to, if not identical with, those of California, and it is respectfully submitted that outside of refined executive construction it would be difficult, if not impossible, not only to satisfactorily explain why California's Indian war claims, so similar to those of Oregon and Washington, could not be, and should not be, examined, audited, and allowed, and reported to Congress from time to time as deficiencies, with your recommendation that an appropriation be made to pay the same, as has heretofore been frequently done and as is being now almost annually done in the cases of Oregon and Washington.

The justice of this proposition becomes the more apparent, if not almost self-evident, in view of certain recitals in said California act of March 2, 1861 (12 Stats., 199, 200), which are contained in an extract therefrom as follows, to wit:

"And in auditing the said claims for supplies, transportation, and personal services, the same shall be computed at prices corresponding, as near as can be ascertained, to the rates paid for similar supplies and transportation furnished or rendered to the United States Army in the same country at the same time; and the Third Auditor, as to all principles not expressly settled by this act, shall be governed in auditing and settling said claims by the principles adopted in his report upon the claims of the Territories of Oregon and Washington of the seventh of February, eighteen hundred and sixty, made in pursuance of a resolution of the House of Representatives passed the eighth of February, eighteen hundred and fifty-nine: Provided, that he be, and hereby is, authorized and directed, whenever in his opinion the evidence in support of any claim for services, supplies, and transportation is not sufficient to establish such claim, or where he may have any doubts as to the genuineness thereof, to require additional and satisfactory proof touching such claim, or the value of services rendered or the supplies furnished before reporting such claim for settlement and payment as herein directed." * * *

It is respectfully submitted that this mandatory rule, so laid down in said proviso in that case, was not followed by the honorable Third Auditor of the Treasury in this case; on the contrary, while the State of California has duly sought, yet no proper opportunity, so far as now appears, was ever given to said State to furnish proof additional to that already or in the first instance furnished in support of any claim, or that would be satisfactory to the Third Auditor, or sufficient to establish such claim, and said State has never been informed that the Third Auditor had any doubts as to the genuineness of any claim, either as to the value of any of said services rendered or any of said supplies furnished, and that said officer has never called upon said State for any additional or satisfactory proof touching any such claim or the value of such services rendered, or said supplies furnished, before said officer reported said claim for payment. The State of California has never been officially notified or officially given any opportunity until the date of the adoption of said Senate resolution on December 9, 1889, to furnish additional evidence in support of any of said claims, or to have officially passed in review, by way of reconsideration, the aforesaid audit and disallowance.

In support of said reconsideration the State of California now therefore submits evidence, partly heretofore and partly now furnished, which if not sufficient, she is willing to furnish such other additional evidence as may prove satisfactory, either to the honorable Third Auditor or to any other proper accounting officer of your Department.

While California is simply asking that she be dealt with only in the same spirit and in the same manner in which the proper accounting officers of your Department have heretofore dealt with the Indian war claims of Oregon and Washington, it will be particularly noted that Oregon and Washington, like California, have never been contented to accept the award and allowance made to them by the honorable Third Auditor of the treasury in said Oregon and Washington Act; but, on the contrary, Oregon and Washington are now respectively repeating a demand which they have heretofore addressed to Congress, that full payments for the amounts which they and their citizens believe their people are justly entitled to receive, and a bill for that purpose, to wit, Senate bill No. 627, was on the 14th day of December, 1891, duly introduced in the Senate by Senator Dolph, of Oregon, wherein Congress is requested to pay Oregon and Washington the amount of the full balance claimed to be due said States, to wit, the sum of \$3,296,658.81 (*see* Exhibit No. 62 E), notwithstanding the fact that Oregon and Washington and their citizens have already received under said act the sum of \$2,512,684.56.

The basic principles of the justice of these claims are such that they will not down, but on the contrary will ever continue to assert themselves, despite any errors of omission or commission heretofore existing, whether made in the first instance in the remedial legislation of Congress, or, in the second instance, by the erroneous, refined, or strict construction of such legislation made by the proper accounting officers of your Department, or by either of them.

Said report of the honorable Third Auditor so made to your honorable predecessor, Mr. Secretary Windom, on February 12, 1890, regarding the similar claims of Oregon and Washington, is as follows, to wit:

TREASURY DEPARTMENT,
THIRD AUDITOR'S OFFICE,
Washington, D. C., February 12, 1890.

Hon. WILLIAM WINDOM,
Secretary of the Treasury:

SIR: I return the inquiry addressed you by Hon. William M. Stewart, dated 8th instant. The report of the Third Auditor, which appears in House Ex. Doc. No. 11, Thirty-sixth Congress, first session, had relation to Indian hostilities in 1855 and 1856 (not 1856 and 1857), in Oregon and Washington Territories. Provision for payment for said claims was made by act of March 2, 1861 (12 Stat., 198, 199). The appropriation never lapsed—in the sense of terminating the authority for the settlement of the claims. Since the general provision (by act of June 20, 1874) for the covering-in of balances which have stood for two fiscal years, the allowances upon claims of this class have been, and are, annually reported to Congress, for deficiency appropriations to enable payment.

Very respectfully,

W. H. HART, *Auditor.*

The State of California deems it proper to here call attention to the fact that this report of the honorable Third Auditor, of his official action in the due examination, audit, allowance, and recommendation to pay the territorial Indian war claims of Oregon and Washington, by him so made to Congress on February 7, 1860, and now con-

stituting House Ex. Doc. No. 11, Thirty-sixth Congress, first session, was based exclusively upon a resolution of the House of Representatives, adopted February 8, 1859, and wherein the honorable Third Auditor duly examined, audited, allowed, and recommended to be paid and wherein there has been paid, up to date of said Oregon and Washington Indian war claims, a total amount aggregating the sum \$2,512,684.56.

Wherefore the State of California respectfully submits that if the honorable Third Auditor could examine, audit, allow, and recommend to Congress as deficiencies the payment of the Indian war claims of Oregon and Washington, when proceeding therein in those cases, as he did, under a resolution of the House of Representatives only, that surely the honorable Third Auditor ought to be equally competent, at this time, to at least examine and recommend to the Senate, if not to Congress, for final payment, the Indian war claims of the State of California, in this case, when proceeding therein under your supervision and direction, and by your authority under a resolution of the Senate, and wherein, as in this case, the amount sought to be paid is approximately only about one-fifth of the amount heretofore actually paid in said cases of Oregon and Washington, and all of which he could do under this Senate resolution even if he thought himself not vested with power under said act of March 2, 1861.

The State of California in this connection also calls attention to p. 123 to 132 of said House Ex. Doc. No. 11, Thirty-sixth Congress, first session, to wit: Sundry tables of statements of the prices paid by officers of the quartermaster and commissary departments of the regular Army of the United States in Oregon and Washington in 1855 and 1856, and submits that from the average prices therein recited may be also gathered the approximate, if not the real, value of similar supplies in California, purchased and paid for by said State for the use of its State volunteers when engaged in suppressing these Indian hostilities in California during this same period.

The State of California renews the declaration that this act of March 2, 1861, was a relief measure, and was ever, and is now, entitled to a liberal construction by your Department, because it believes that Congress fully intended in said act to mete out to California a measure of allowance whereby she should be fully reimbursed all the expenses by her incurred, that her citizens should be fully paid all the liabilities by her assumed and by her promised to be paid, in her efforts to secure that protection against Indian hostilities therein which the failure of the General Government made necessary by compelling said State to secure her remedy through her own State machinery then in existence or improvised to meet emergencies, due to Indian hostilities as they arose from time to time in said State.

It is respectfully submitted that the true amount of the balance of allowance which the United States should make to the State of California in this item of her Indian war claim is exactly the same which the State of California in good faith paid out and assumed and made itself liable to pay, and which amount was ascertained first, by the due examination in the field by her own State board of Indian war commissioners, Walter McDonald and A. M. Jones, and, second, by the due examination, adjudication, and audit by her own State board of war claims examiners, consisting of three of the highest sworn officers of that State, and thereafter by the separate and consecutive action of the State treasurer, and of the State controller, and of the governor of the State of California, to whom all of said Indian war bonds were made payable and who duly indorsed his name on all thereof, and duly delivered them over to the claimants themselves or to the legal agents of said claimants.

The State of California has never approved and has never accepted, but has ever declined to approve and to accept, and does still decline to approve and accept, and does protest against approving and accepting, the audit and allowance so heretofore made on account of this item of her said Indian war claims against the United States. The State of California now submits that such payment as has heretofore been tendered to and received by her in these premises has been received by her on account and under protest only; and she further submits that she can not properly accept such payment either as a full indemnity or as an indemnity such as should operate as a final and complete discharge and satisfaction of all claims or matters between her and the United States referred to in said act of Congress of March 2, 1861 (12 U. S. Stat., 200).

These views have heretofore been officially expressed by the proper State officers of the State of California in official reports made as to the very remarkable character of this so-called settlement of these California Indian war claims, and may be at least partially ascertained by referring to the official reports of the adjutant-general of the State of California, made to the governor and legislature of that State upon this California Indian war debt, as printed on pages 137 and 138, Senate Ex. Doc. No. 122, Fifty-first Congress, first session, in words as follows, to wit:

“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 \$30,587.954.

“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 U. S. 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 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 U. S. 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."

The date when final payment was made by the United States of said claims so examined and audited was June 27, 1863; which date was in the middle of the late civil war, when all United States mails were sent to California via the Isthmus of Panama, and amid a condition of public affairs theretofore unprecedented, and as recited on page 28 of Senate Ex. Doc. No. 122, Fifty-first Congress, first session, as follows, to wit:

"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 reopening, 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', part No. 2."

This state of facts is, therefore, now entitled to your highest official consideration. Had California been nearer Washington the final equitable, if not legal, adjustment of these State Indian war claims would have been nearer completion and payment. What, therefore, was not done promptly in the past may probably be done the more satisfactorily in the present or in the very near future, and the State therefore desires to proceed on exact and full information.

For the purpose of ascertaining, from official data in the War Department, the exact values and prices of the Army ration in California between 1850 and 1861, and the cost of transportation thereof from the place of purchase to the several military points then occupied by the troops of the regular Army in California, United States

Senator George Hearst, who resided in California prior to and during this period, for the purpose of aiding the State of California in these premises, and to secure specific information thereon, addressed a letter on June 7, 1890, to the honorable Secretary of War, copies of which are as follows, to wit:

UNITED STATES SENATE,
Washington City, D. C., June 7, 1890.

HON. SECRETARY OF WAR,
Washington City, D. C.

SIR: I respectfully request that you may inform me (by the reference hereof to the Commissary-General of the United States Army) of the weight and of the average value of each item of the Army ration of a soldier stationed at the places in California and during the years as set forth in a table inclosed herewith.

Please give me the names or kind (as well as the value) of each and every article that made up and constituted, during each of said years, the daily ration of a soldier at each of said places, stating—

First. The total cost to the United States, at each of said places during each of said years, of 100 full or complete Army rations, with transportation thereof included.

Second. The total cost to the United States, at each of said places during each of said years, of 100 full or complete Army rations, with transportation thereof excluded.

Your very early reply hereto and due return of said table will oblige,

Yours very truly,

GEORGE HEARST.

(NOTE.—The table inclosed in this letter is the one duly furnished by Acting Adjutant-General C. McKeever, U. S. Army, from the War Department, May 27, 1890.)

To this letter the honorable Secretary of War, on June 19, 1890, replied in a communication, copy of which is as follows, to wit:

Subject: Army ration in California, 1850-1861.

WAR DEPARTMENT,
Washington City, June 19, 1890.

SIR: In response to your letter of the 7th instant, requesting information in regard to the relative weight and average value of each item of the Army ration of a soldier stationed at places in California between September 9, 1850, and April 15, 1861, I have the honor to advise you that upon reference of the matter to the Commissary-General of Subsistence that officer reports as follows:

"The records of this office do not contain the information requested.

"It can probably be found only in the accounts and returns of the commissaries and quartermasters of the several posts at the dates named. Those accounts and returns are filed in the office of the Third Auditor, who can probably furnish the desired information."

The table inclosed by you is herewith returned as requested.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

HON. GEORGE HEARST,
United States Senate.

Whereupon, on June 23, 1890, Senator Hearst addressed a letter to the Secretary of the Treasury, copy of which is as follows, to wit:

UNITED STATES SENATE,
Washington, D. C., June 23, 1890.

SIR: On June 7, 1890, I addressed a letter to the honorable Secretary of War, copy of which I inclose you herewith, marked A.

2. To this letter I have received a reply from the Secretary of War, copy of which I inclose you herewith, marked B.

3. In view of the recitals in said reply of the Secretary of War, to wit: "That the records of the Commissary Generals's Office do not contain the information requested by me, and that probably the records of the Third Auditor's Office can furnish me the desired information;" wherefore I respectfully request that I may be furnished by your Department with the information requested in my said letter to the Secretary of War, by the reference hereof to the office of the honorable Third Auditor, and due return of the table showing the names of the forts, garrisons, and military camps, etc., in California, from September 9, 1850, to April 15, 1861.

Respectfully,

GEORGE HEARST.

HON. SECRETARY OF THE TREASURY,
Washington City, D. C.

(NOTE.—The table inclosed in this letter is the one duly furnished by Acting Adjutant-General C. McKeever, U. S. Army, from the War Department May 27, 1890.)

To this letter a reply on August 19, 1890, was duly made by the Treasury Department copy of which is as follows, to wit:

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
Washington, D. C., August 19, 1890.

SIR: In answer to your letter of June 23, 1890, relative to weight and value of the Army ration issued to soldiers at the various stations in California between September 9, 1850, and April 15, 1861, I am directed by the Secretary of the Treasury to inform you that after an extended preliminary examination it is found impracticable to comply with your request.

This office has no record of officers on duty in the Commissary Department at the different stations and posts, and the returns of the few that have been identified as serving at a number of the places named do not disclose the cost of the rations issued or whether transported by Government teams or by contractors. Purchases of parts of rations appear to have been made each year and at varying prices during the year. For instance, at Benicia barracks purchases were made in 1855 as follows:

Pork, half barrels, \$14.25, \$24.50, \$29, \$32. Flour, half barrels, \$8, \$10, \$12. Coffee, 15 and 23 cents. Sugar, 10, 11, and 13½ cents. A similar difference in cost of the various items is shown each year, and as it is difficult to determine what portion of the rations issued were so purchased, whether issued at that particular station or sent to other posts, it is not possible to make an intelligent estimate of the cost to the Government of the rations issued at each separate station.

From the investigation made it is believed that during all the period named the standard Government ration, as published on p. 240, Army Regulations, of 1857, was issued.

Your letter and the table of stations herewith returned.

Respectfully,

W. H. HART, Auditor.

Hon. GEORGE HEARST, U. S. Senate.

(See original, submitted herewith, made a part hereof, and marked "Exhibit No. 63 E.")

Now, from this high authority, coming from your own Department, coming, in fact, as it does, from the office of the honorable Third Auditor of the Treasury, it fully appears that in one and the same year, at one and the same military post in California, and a military post, too, not situate at any time in any portion of the hostile Indian country, but removed many miles therefrom, during this same period from 1854 to 1861, pork varied in prices from \$14.25 to \$32 per half barrel, flour from \$8 to \$12 per half barrel, coffee from 15 to 23 cents per pound, and sugar from 10 to 13½ cents per pound, and that similar differences existed in the cost prices or values of various items of the Army ration of a soldier of the regular Army in each year.

In consequence of all these recitals, your own Department declares that it is not possible for it to now make an intelligent estimate of the cost to the United States of the Army ration issued from 1854 to 1861 to the troops of the regular Army of the United States stationed at each or at any of said forts, military posts, garrisons, and military camps situate in said sixteen counties of California, in eleven of which the United States did not have a single soldier, and all of which sixteen counties were the scenes of the Indian hostilities herein recited which the State of California successfully suppressed. Query? If the honorable Third Auditor could not state the cost of the Army ration from 1854 to 1861 at the military posts in the five counties where the United States had troops, how could it be possible for him to state such costs in the eleven counties where the United States did not have any troops?

In view of the foregoing declaration, it is difficult for the State of California to understand the recital of the honorable Third Auditor on pp. 7 and 8 of Senate Ex. Doc. No. 122, Fifty-first Congress, first session, in words as follows, to wit:

"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 proper accounting officers of the Treasury, as shown by the foregoing official declaration, not having any official data to guide them in any of these premises, either as to the first costs or values of the Army rations themselves or of the actual costs or values of the transportation thereof to any one of said military posts in any of said sixteen counties, and ignoring the prices that had been so actually paid or contracted to be paid by the State of California between 1854 and 1861 in all said premises, as duly verified by the evidence before the State authorities of California and duly submitted to the United States, seem to have adopted a standard perfectly arbitrary, because an order must have gone out from some of the offices of your Department, "deduct one-third," and by which the allowances, in many of the items

so then presented by the State of California for reimbursement, were reduced one-third, and all of which, it is respectfully submitted, was perfectly arbitrary.

The final result of this arbitrary action, in connection with other matters equally inequitable, was to allow and reimburse said State less than 50 per cent of the actual amount so by it paid or agreed to be paid in these premises between 1854 and 1861.

While it is true said act of Congress of March 2, 1861, contained (to state it mildly) a most inequitable provision, in the light of the construction thereof by the accounting officers of the Treasury to limit the prices or values of supplies, transportation, etc., to the prices as were actually paid by the United States, yet it now clearly and fully appears that conditions, even so inexorable as these, were not properly conformed to by the proper accounting officers of the Treasury, who in fact, as it now appears, did not have any official data on these very points to correctly, justly, and equitably guide them in all these premises. The only data as to prices, values, etc., seemingly were those furnished by the State of California herself in her said Indian war claims and in the vouchers and evidence filed therein, and none others, and these were ignored.

Not only this, but said act of Congress of March 2, 1861, made it mandatory upon the honorable Secretary of the Treasury, when paying the State of California the amount of said expenses that should be so audited and allowed, to pay the same in United States bonds (said bonds were to draw interest at the rate of 6 per cent per annum; bonds of the class issued under the act recited in said statute, when paid were paid by the United States, both principal and interest in gold coin).

Said act of March 2, 1861, declared as follows, to wit:

"That the sum of four hundred thousand dollars, or so much thereof as shall be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses incurred by the State of California in the suppression of Indian hostilities therein, * * * and the Secretary of the Treasury, when the said expenses of the State of California shall have been audited and allowed, shall be and hereby is authorized to pay the same in bonds of the United States authorized to be issued by the act of February the eighth, eighteen hundred and sixty-one."

Now this act of February 8, 1861, so therein referred to, was an act entitled "An act authorizing a loan" (12 U. S. Stats., 129), and provided for the issuance of \$25,000,000 in certificates of stock, each certificate to be of not less than \$1,000 in value, payable in not less than ten and not more than twenty years, to bear interest at the rate of 6 per cent per annum, payable semiannually by coupons attached to said certificates, and for the cost of engraving, printing, and issuing said certificates of stock there was appropriated the sum of \$20,000 (an item of necessary expense very much like that necessarily incurred by the State of California when issuing its Indian war bonds, etc., under the acts of February 15, 1851, May 3, 1852, and April 25, 1857, etc.).

In other words this California Indian war debt, for which Congress appropriated the sum of \$400,000, was to be paid in United States obligations bearing interest, both principal and interest, when paid, to be paid in coin, because the bonds that were issued under act of February 18, 1860, were eventually paid, both principal and interest in gold coin.

But instead of paying the State of California even this 50 per cent allowance of the original amount of her said Indian war claims in said interest-bearing stock or bonds, as contemplated by said act of Congress of March 2, 1861, and as expected to be so done by the State of California, the same when paid was paid by the United States in greenbacks, which on the date of such payment were depreciated to the extent of nearly 50 per cent of their face value, taking gold as the standard whereby to measure the value of money, gold in New York on that date (June 27, 1863) being worth 145 $\frac{1}{2}$, as shown by the statistics in your Department. Whereas, in the Oregon and Washington act of Congress, quite similar to this, passed, too, by the same Congress, approved on the same day (March 2, 1861; 12 U. S. Stats., 198), and relating to the payment of similar Indian war claims arising in Oregon and Washington about the same time that these Indian war difficulties arose in the State of California, it having been left discretionary in the latter case with the honorable Secretary of the Treasury, when paying said Oregon and Washington Indian war claims, to determine whether it was or was not expedient for the United States to pay the same in United States Oregon war bonds, drawing interest at the rate of 6 per cent per annum, running for twenty years, or to pay the same in United States money; the honorable Secretary of the Treasury in the exercise of said discretion directed the issuance, under said Oregon and Washington act of March 2, 1861, of 6 per cent United States bonds, known as the "Oregon War-Debt Bonds," to the amount of \$1,090,850, with which to pay said Oregon and Washington Indian war debt. Of the sum so issued there has been redeemed and paid with interest, \$1,088,300, leaving unpaid up to January, 1892, not then presented, the sum of \$2,500. upon which

interest ceased July 1, 1881. But in the case of the State of California, under said California act of Congress, which made it mandatory for the honorable Secretary of the Treasury to make said payment to California in United States bonds (or stock) quite similar to those issued by him to pay said Oregon and Washington Indian war debt; said Secretary, who, we submit, was not vested with any discretion in the premises, did, nevertheless, make said payment to California in greenbacks, at a date when that class of currency was depreciated in the market at the rate of about 50 per cent on the face value thereof; provided, always, that gold coin was then and is now the true or legal standard of value of money.

True, under the legal-tender acts of Congress of February 25, 1862, July 11, 1862, and March 3, 1863 (12 U. S. Stats., 345, 532, 709), as construed by the U. S. Supreme Court in the legal-tender cases (12 Wall., 457-681), said greenbacks were United States money for the purpose of paying, after those dates, all debts in the United States, whether contracted prior or subsequent to said dates, wherever a different kind of money in which said debts should be paid was not otherwise specifically named. But where the obligation contracted prior to these dates, as in this case, was to pay said allowed claims in interest-bearing bonds, then we submit that the payment of said allowed claim in greenbacks was not a payment according either to the letter or to the spirit of said act of Congress of March 2, 1861, which made it obligatory upon the honorable Secretary of the Treasury to pay the same in bonds, and it is respectfully submitted that said act of Congress was in effect and in fact intended to be a legislative contract of a very high order between the United States and the State of California.

In evidence that the State of California and her citizens duly expected to receive their payment in said United States bonds (or stock which bore interest, and which at the date of their issue and ever thereafter had the same value in the market as gold), as provided for in said act of Congress, attention is called to the fact that the legislature of California, in anticipation thereof, went so far as to enact a law for the due reception and proper disposition of said bonds by public sale, and for the due distribution of the proceeds arising from such sale of said bonds or stock, as fully appears in the act of the legislature of California therefor approved April 9, 1862 (State statutes of California, p. 181), copy of which act, marked "Exhibit 63½ E," is as follows, to wit:

EXHIBIT 63½ E.

CHAP. CLXXIX.—An act to provide for the redemption of bonds issued for expenses incurred in the suppression of Indian hostilities in certain counties of this State.

[Approved April 9, 1862.]

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, upon the receipt of the amount of United States bonds appropriated by act of Congress entitled An Act for the payment of expenses incurred in the suppression of Indian hostilities in the State of California, approved March second, eighteen hundred and sixty-one, to report the amount of said bonds so received to the controller of State, who shall charge the treasurer with the same. The controller of State shall, by advertisement, notify all persons holding bonds or certificates issued by the treasurer of State for services rendered and supplies and transportation furnished, under the provisions of an act entitled 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 twenty-fifth, eighteen hundred and fifty-seven, and of the several acts amendatory thereto, and also all certificates issued for fractional claims audited and allowed by the board of examiners of war claims, as authorized by the said act and amendatory acts, in payment of expenses incurred by the following expeditions, viz: the Shasta expedition of eighteen hundred and fifty-four, in the Siskiyou expedition of eighteen hundred and fifty-five, in the Klamath and Humboldt expedition of eighteen hundred and fifty-five, the San Bernardino expedition of eighteen hundred and fifty-five, the Klamath expedition of eighteen hundred and fifty-six, the Modoc expedition of eighteen hundred and fifty-six, the Tulare expedition of eighteen hundred and fifty-six, to surrender to him all such bonds and certificates issued under the acts and for the expeditions aforesaid.

SEC. 2. Upon the surrendering of any or all of such bonds or certificates to the controller of State he shall cancel the same by writing across the face thereof the words "Cancelled, this _____ day of _____, eighteen hundred and sixty____," (and shall transmit them to the treasurer of State, who shall make a similar indorsement thereon and file the same in his office), and shall issue to the person or persons so

surrendering the said bonds or certificates a warrant upon the treasurer of State, directing the treasurer to deliver to such person the bond or bonds of the United States to which he is entitled upon his paying to said treasurer of State, in cash, five per cent upon the principal of said United States bond or bonds so delivered: *Provided*, That only the amount audited and paid by the Government of the United States upon the vouchers for which said bonds or certificates so surrendered were issued shall be paid in United States bonds.

SEC. 3. Of the amount of cash paid to the treasurer of State, as directed by section two of this act, two-fifths shall be paid by the treasurer of State into the general fund, and the remaining three-fifths shall be set apart as a special fund and paid to William C. Kibbe upon the order of the controller, who shall draw his warrant for the same upon the treasurer of State.

SEC. 4. The controller of State, upon the receipt of the United States bonds as aforesaid, shall advertise for sealed proposals for the purchase of the amount paid to the treasurer and belonging to the State of California, for cash, and shall fix a time when the bids for the purchase of the same shall be opened by the controller and treasurer, and the sale shall be awarded to the highest bidder: *Provided*, That the same shall not be at a less rate than ninety cents on the dollar. Of the proceeds of the sales of said bonds, two per cent shall be paid by the treasurer of State into the general fund, and three per cent shall be set apart and paid to William C. Kibbe in the manner prescribed in the foregoing section, and the remainder of the proceeds shall be paid by the treasurer of State, upon the warrant of the controller, to the assistant United States treasurer at San Francisco, as a part of the quota of the direct tax allotted to this State by act of Congress.

SEC. 5. On the first Monday of July, September, January, and April next the controller, treasurer, and secretary of State shall meet at the office of the treasurer of State and destroy all bonds and certificates surrendered under the provisions of this act, after examining and approving the record of the same, which shall be kept by the controller and treasurer of State.

It will be particularly observed that the date of this State act, April 9, 1862, was more than one year subsequent to the date of the passage of said Congressional act of March 2, 1861, and more than one year prior to June 27, 1863, the date of said payment in greenbacks to the State of California by the Secretary of the Treasury on account of said California Indian war debt.

Under sections 1 and 2 of said State act of April 9, 1862, all holders of said California Indian war bonds and certificates of indebtedness issued under said acts of April 25, 1857, March 30, 1858, and acts amendatory thereof and supplemental thereto, were publicly notified to come forward and surrender the same to the State controller, and in lieu thereof to receive or exchange them for their pro rata share of said United States bonds (not then or thereafter received).

Under section 5 of said State act of April 9, 1862, all said State bonds and certificates so surrendered were authorized to be destroyed by the controller, treasurer, and secretary of state of said State, in the full expectation that State bonds would be exchanged for said United States bonds.

This accounts for the improvident destruction of sundry of said bonds and certificates surrendered and destroyed under an entire misconception of the injustice done the State in these premises, and lists of all of which will appear hereinafter as exhibits Nos. 67, 68, 69, 70, 73, 74, and 75, Exhibit F.

Under section 4 of said State act of April 9, 1862, the State of California provided that the pro rata share of said United States bonds, which were to be so paid into the State Treasury, and which represented the pro rata actual payment in gold coin in the sum of \$130,530.61, so theretofore made by said State out of her State treasury, in part payment of said Indian war claims, (see printed table in this schedule as to what claims were paid in coin), after due public advertisement, should be sold to the highest responsible bidder for coin, but that no bonds should be sold in any case at a rate less than 90 cents in coin on the dollar.

So that the legislature of the State of California expected to get at least 90 cents on the dollar, instead of 50 cents on the dollar, for every dollar's worth of the United States obligations so expected to be paid by the United States to her, even under this arrangement and kind of payment, which to that extent at least would have relieved this inequitable settlement of some of its harsher features; for, if done as the law contemplated, it would have added \$92,000 to the money value of the \$230,000 allowance so made to said State in this item of her said Indian war claims.

It is here worthy of note that the State of California, in a matter not dissimilar to this, to wit, in the payment of the quota of her direct tax, allotted to her citizens under the act of Congress of August 5, 1861, levying a direct tax upon the property of the people of the several States, to the extent of \$20,000,000, wherein California's quota was \$254,538.67, made it mandatory as aforesaid in section 4 of said act, when the proceeds of the sales of so many of said United States bonds or stock as belonged to the State treasury proper should revert to the general fund in her State treasury,

that same should, upon a warrant from her State controller, be paid by her State treasurer to the assistant treasurer of the United States at San Francisco, Cal., as a part of her said quota of said direct tax, and which proceeds so to be paid to the United States were to be paid, and were actually paid, in gold coin.

But in consequence of this miscarriage of justice, equity, if not of law, in administering said remedial Congressional act of March 2, 1861, passed for the relief and benefit of said State, this act of the legislature of the State of California passed April 9, 1862, became inoperative, except section 5 thereof, under which sundry of said bonds and certificates therein recited and referred to were (under all the circumstances of the case) improperly and unfortunately destroyed. When the honorable Secretary of the Treasury failed to pay said State in said United States bonds, no portion of said State act of April 9, 1862, we submit, should have been carried out or executed. The foregoing facts rendered it therefore obligatory upon the State of California to make other, different, and much more expensive arrangements to provide the money with which to pay the United States her said quota of \$254,538.67, of said direct tax, levied under said act of Congress of August 5, 1861.

This provision was made by said State levying in another statute an additional tax in gold coin upon the property of her citizens in order to raise the money to pay said quota of \$254,538.67, which quota, your records show has been fully paid, and that too in gold coin, so that the obligation of the State of California to the United States under the heading of "direct tax," stands to-day fully liquidated upon the books of your Department.

How different the treatment of said State by the United States in this Indian war debt! The State of California, in the first instance, was allowed and awarded only about 50 per cent of the amount of her said Indian war claims against the United States, as originally presented, the total of which had been actually paid either in gold coin or had been assumed and promised to have been paid by the State of California to its volunteer troops and citizens who had either furnished supplies, performed services, or suffered loss in said Indian war for the common defense, and in the second instance, when said State did actually receive from the United States even this 50 per cent allowance, the award was paid, not in said United States interest-bearing bonds or stock (equivalent to gold and as contemplated by said act of Congress of March 2, 1861), but the same was paid as aforesaid in a currency then depreciated one half, taking either gold or silver as the standard of value of money.

Not only this, but when this one-half award was paid even in greenbacks, instead of being paid to said State by a subtreasury draft, drawn on San Francisco, where on June 27, 1863, there was on deposit to the credit of the United States in coin and in currency, several millions of dollars; or paid by a draft drawn on the New York subtreasury, which could have been sold in San Francisco by California at a premium, these greenbacks (a currency unknown either to the United States or to the State of California at the date of said contract between the United States and said State, as embodied in said act of March 2, 1861) were delivered to Wells, Fargo & Co.'s Express, to be carried to California by said company, at the expense, not of the United States, but at the expense of said State, in the sum of \$11,489.38, being \$2,299.87, for a service charge, and \$9,198.51 for a 4-per-cent insurance charge. In other words, the United States seemingly or practically secured the circulation in California in 1863 of about the sum of \$230,000 in greenbacks, but at the expense of the State of California, in the sum of \$11,489.38, as aforesaid.

The foregoing recitals are corroborated and fully confirmed by the official report of a State senate committee with Hon. John P. Jones, then a State senator of California, now a United States Senator from Nevada, as chairman, made to the State senate of California, which report is as follows, to wit:

"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 \$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 hitherto been 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 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 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 to their redemption.

"Therefore they report back the bill and recommend its passage.

"JOHN P. JONES, *Chairman,*

"GEORGE S. EVANS,

"W. E. LOVETT,

"*Of the Committee.*

"*Indian war claims.*

"The treasurer last year reported the amount allowed by the United States, and to be paid this State upon Indian war claims, to be \$229,987.67; and the treasurer at the same time, reported the contract with Wells, Fargo & Co., for bringing that sum to California, and he advised the governor and the legislature that in case the United States should pay in legal-tender notes, insurance upon the same during their transmission from New York would be necessary.

"The United States having paid in notes, it was agreed that Wells, Fargo & Co. should have and might make a claim against the State for such amount as they paid for insurance.

| | | |
|--|------------|--------------|
| "Wells, Fargo & Co. have received..... | | \$229,987.67 |
| "And charged for services | \$2,299.87 | |
| "For insurance, 4 per cent | 9,198.51 | |
| | | 11,498.38 |

"Leaving a balance of..... 218,489.29

"This amount was paid to the State in notes, while Wells, Fargo & Co., retain the amount of their charge, \$11,498.38, subject to final settlement with the State.

"War bonds and certificates have been presented for payment, to date, to the amount of \$192,288.50, which have been surrendered for the sum of \$102,166.62, being the amount allowed by the United States thereon, less the 5 per cent deducted under the act of the legislature of April 9, 1862.

| | |
|--|--------------|
| "Paid to claimants | \$102,166.62 |
| "Five per cent retained | 5,377.54 |
| "Balance in fund for redemption of bonds and certificates, exclusive of said 5 per cent | 45,905.26 |

"Against the retaining said 5 per cent many of the claimants have protested on the ground that the State had no right to reduce the amount allowed them by the United States, or to subject any portion of it to the use of the State. The validity of this reason seems hardly open to question, but the law has been complied with, and the 5 per cent retained.

"The smallness of the exaction from each of the claimants may induce them in the main to avoid the expenses of prosecuting the matter; still the subject should receive the attention of the legislature as it hardly benefits the State to exact the 5 per cent when the bond guarantees to the holder whatever may be allowed by the United States.

“The war debt of the State may now be summed up as follows:

| | |
|---|--------------|
| “Old war debt as per statement, included in report (see Exhibit O).... | \$218,468.54 |
| “Amount of bonds issued under the act of 1857..... | 354,475.19 |
| “Certificates and audited accounts not bonded..... | 75,000.00 |
| “Cash paid by California..... | 156,207.85 |
| | <hr/> |
| | 804,151.58 |
| “The net amount received into the State treasury from the United States Government, \$218,149.67, will extinguish | 426,866.89 |
| | <hr/> |
| “Making the total Indian war debt..... | 377,284.69 |

“Of this amount only \$218,468.54 is properly chargeable as State debt.

“There have been so many references, by the governor and other State officers of California in the various State papers to the various phases of these California war claims, that I can only refer to them generally, and hence among other record refer to them as follows, to wit:

- “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 226-232, senate journal (seventh session), 1856.
- “Page 384, assembly journal (seventh session), 1856.
- “Pages 29, 36, 37, senate journal (eighth session), 1857.
- “Pages 63, 69, 302, 303, 314, 467, senate journal (ninth session), 1858.
- “Page 43, assembly journal (tenth session), 1859.
- “Pages 35, 665, senate journal (tenth session), 1859.
- “Page 406, senate journal (eleventh session), 1860.
- “Page 594, senate journal (twelfth session), 1861.
- “Pages 23, 227, 34, senate journal (thirteenth session), 1862.
- “Page 32, senate journal (fourteenth session), 1863.
- “Page 37, assembly journal (seventeenth session), 1857-'58.”

So that, what between the refinement of construction by the accounting officers of your Department of this remedial act of Congress, under which these California Indian war claims were examined, audited, and finally allowed, and the exercise on June 27, 1863, of a power not then legally vested in your predecessor in office, as to the kind of equivalent or money of final redemption in which he determined that the amount thereof so finally allowed should be paid to said State by the United States, and the manner and cost of transporting and delivering to the State of California said greenbacks, and the market value thereof in money or in coin, the results so jointly evolved had the effect as a monetary fact to secure to the State of California and to her citizens in money less than one-fourth of the amount of money which she and they were justly entitled to be paid by the United States in these premises.

This is fully shown as follows, to wit:

| | |
|---|--------------|
| The amount of these claims against the United States, as heretofore presented by the State of California, aggregated the sum of..... | \$449,605.74 |
| Of which the United States paid only the sum of..... | 230,529.76 |
| Which, after deducting said expenses paid to Wells, Fargo & Co..... | 11,489.38 |
| | <hr/> |
| Left to the State of California and to her citizens the sum of..... | 219,040.38 |
| And as this sum was paid in greenbacks, then worth in coin only about 50 cents on the dollar, the State of California therefore finally received into her State treasury, in the equivalent of coin, the sum only of about..... | 109,520.19 |
| | <hr/> |
| To meet and offset its State Indian war claims, paid in gold, and liabilities assumed in the form of bonds and certificates, etc., which aggregated, as aforesaid, the sum of | 449,605.74 |

Further comment herein ought to be unnecessary.

Had these Indian war claims of the State of California against the United States so aggregating \$449,605.74 been paid even in the manner, at the time, in the amount, and in the bonds or stock as in said act of Congress contemplated, and as was by the State of California expected to be done under said act, it would have been more than sufficient:

| | |
|--|--------------|
| First, to have paid her entire direct war tax of | \$254,538.67 |
| Less..... | 38,180.79 |
| | <hr/> |

Same being the 15 per cent rebate refunded said State for assuming and paying said tax without any expense to the United States, making a balance due of said direct tax thereunder of \$216, 357. 88
 (12 U. S. Stats., 311, 312, and 23 U. S. Stats., 239), and, Second, to have paid her citizens the amount which was finally paid to the State of California by the United States, to wit..... 230, 529. 76

Which two sums aggregate a total of..... 446, 877. 64
 And which amount when deducted from the original amount of her Indian war claims..... 449, 605. 74

Would have still left a surplus in the hands of the State of California in the sum of..... 2, 728. 10

So that if the United States had acted according to said legislative contract or justly to the State of California and in the same spirit in which the State of California had acted toward the United States in similar premises, the result would have been that the State of California would have received from the United States an amount of money sufficient to have paid her entire direct tax debt to the United States, and had sufficient left with which to have fully paid, dollar for dollar, all of her citizens for the balances due them respectively in these premises for services rendered, supplies furnished, and property destroyed during these Indian wars, and in addition thereto the good faith of the State of California to her citizens and to the public generally, would not have been questioned, and the necessity for reasserting, presenting, and explaining this claim *de novo* would have been avoided.

Justice to the present honorable Third Auditor demands that it should be here stated that when passing upon even only some of the foregoing considerations so brought to his official attention by the State of California, as set forth in Senate Ex. Doc. No. 122, Fifty-first Congress, first session, he frankly admitted the force of this appeal and plea, made by the State of California in these premises, but he submitted (erroneously, in the opinion of the State of California, however) that these were matters which should be addressed, not to him, but to the equity of Congress, to be adjudged only by Congress itself, because on pages 7 and 8 of said Ex. Doc. 122 the honorable Third Auditor recites as follows, to wit:

“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 reassertion 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.”

The State of California deems it proper to here call attention to the fact that when this particular subject-matter of these California Indian war claims was officially presented to the Secretary of War, Hon. Simon Cameron, for his opinion and action thereon, he, on August 17, 1861, declared his opinion thus:

“He could not doubt, however, that it was necessary to call out the troops on the occasions specified in the law, and I shall not, therefore, interfere with the decision of the Auditor, whose positive duty it is to decide upon the accounts, unless there shall be good grounds for so doing.”

See Exhibit No. 64 E, submitted herewith and made a part hereof.

The State of California therefore now respectfully submits that the United States is justly indebted to her in this item of her said Indian war claims for which she now makes due claim, and asks payment, as per Schedule E, recapitulated as follows, to wit:

Difference between the amount of California Indian war claims represented by gold coin actually paid and liabilities actually assumed represented by noninterest-bearing obligations issued by the State of California under the authority of the acts of her legislature, aggregating the sum of..... \$449, 605. 74
 The amount of greenbacks heretofore paid said State, and received by the State of California on account only and under protest, and as hereinbefore recited, aggregating..... 230, 529. 76
 Leaving an unpaid balance still due the State of California by the United States in the sum of..... 219, 075. 98

CHAPTER SIX.

The State of California now presents the remaining and last portion of her State Indian war claims against the United States, in the last schedule thereof, to wit:

SCHEDULE F.

This schedule is limited to, and contains exclusively, those items of California's Indian war expenses, the claims for which have heretofore been duly examined, adjudicated, audited, allowed, paid, or the liability to pay which has been assumed by the State of California under the acts of her legislature approved April 25, 1857, March 30, 1858, and acts amendatory thereof and supplemental thereto, and for the due liquidation of all of which in the first instance, the State of California issued her noninterest-bearing State Indian war obligations, to wit: State Indian war bonds or State certificates of Indian war indebtedness, under the authority of said acts, none of which items of expense have ever heretofore been audited by the United States, because not heretofore presented to the United States, or not heretofore authorized to be paid or examined under any act of Congress, and not heretofore included in any other schedule in this statement.

Full, true, and correct copies of these two acts of the legislature of California, of April 25, 1857 and March 30, 1858, under which the examination, audit, allowance, payment or liquidation of these Indian war claims were made by the State of California, duly certified by the honorable secretary of state of the State of California, under his seal of office, were heretofore submitted in Schedule A, and marked therein, "Exhibit No. 12 A."

Copy of the original State register of the issue of all of said State noninterest-bearing Indian war bonds, issued under said acts, is also submitted herewith and marked "Exhibit No. 65 F."

Copy of the register of the issue of all of said State certificates of Indian war indebtedness, issued under said acts, is also submitted herewith, made a part hereof, and marked "Exhibit No. 66 F."

Said act of April 25, 1857, differs from said act of March 30, 1858, in this only, that the noninterest-bearing bonds issued under the former were issued in even sums of \$100, \$200, \$500, and \$1,000, while the bonds issued under the latter were issued in sums corresponding exactly with the amounts recited on the face either of the State Indian war certificates of indebtedness, issued in liquidation, or of the controller's warrants issued in payment of said Indian war claims, which had been examined, audited, and allowed under said acts.

It is the reimbursement by the United States to the State of California of the amount by her heretofore paid and the amount of the liability to pay which was assumed by her, items of all of which are now included in this Schedule F (claims for which have either never heretofore been presented to the United States by the State of California, or which have not heretofore been included in any act of Congress), for which due claim against the United States is now made by said State.

A certain number of these noninterest-bearing State Indian war bonds and certificates of Indian war indebtedness have already been paid by the State of California, some of which, after having been so paid, were destroyed by said State under authority of the laws of California (to wit, section 5, act April 9, 1862, Exhibit 63½ E), while others thereof, also so paid, are now presented herewith.

Full, true, and correct lists of all of those California noninterest-bearing State Indian war bonds, issued under said acts, that were so paid and so destroyed by the State of California, showing the date when, name of the officers by whom, and the laws under the authority of which, the same were so destroyed, are submitted herewith, made parts hereof, and marked "Exhibit No. 67 F."

Full, true, and correct lists of all those California noninterest-bearing State Indian war certificates of indebtedness, issued under said acts, that were so paid and so destroyed by the State of California, showing the date when, name of the officers by whom, and the law under the authority of which, the same were so destroyed, are submitted herewith, made parts hereof, and marked "Exhibit No. 68 F."

Full, true, and correct lists of all those California noninterest-bearing State Indian war bonds, so issued under said acts, so paid, but not destroyed, are also submitted herewith, made parts hereof, and marked "Exhibit No. 69 F."

Full, true, and correct lists of all those California noninterest-bearing State Indian war certificates of indebtedness, so issued under said acts, so paid, but not destroyed, are also submitted herewith, made parts hereof, and marked "Exhibit No. 70 F."

All the bonds enumerated in said Exhibit No. 69 are submitted herewith and marked "Exhibit No. 71 F parts 1, 2, 3, 4."

All the certificates enumerated in said Exhibit No. 70 are submitted herewith and marked "Exhibit No. 72 F."

Full, true, and correct lists of all those California noninterest-bearing State Indian war bonds so issued under said acts, but still outstanding, not paid, and now in the hands of innocent holders, are also submitted herewith, made parts hereof, and marked "Exhibit No. 73 F."

Full, true, and correct lists of all those California noninterest-bearing State Indian war certificates of indebtedness so issued under said acts, but still outstanding, not paid, and now in the hands of innocent holders, are also submitted herewith, made parts hereof, and marked "Exhibit No. 74 F."

For the purpose of supplementing the aforesaid recitals, and to make as a single exhibit an exemplified tabular statement of all these noninterest-bearing State Indian war obligations—bonds and certificates so issued under said acts by the State of California—a matter of permanent record in your Department and as an exhibit herein, there has been prepared with great care and at some expense, and now submitted herewith, such tabular statement in book form, to wit, Exhibit No. 75 F, entitled:

"Description, value, disposition, etc., of certain California Indian war bonds and Indian war certificates of indebtedness and allowance issued under the authority of the acts of the legislature of the State of California, approved April 25, 1857, and March 30, 1858, respectively, and acts amendatory thereof and supplemental thereto."

Each two opposite pages of this Exhibit No. 75 F are subdivided into separate columns, which show as follows, to wit:

| Date of bond. | Consecutive No. of bond. | Bond, to whom issued. | Amount of bond. | | Amount of certificate. | | No. of certificate upon which corresponding bond issued. | Consecutive No. of certificate. | Date of certificate. | Certificate, to whom issued. |
|---------------|--------------------------|-----------------------|-----------------|------|------------------------|------|--|---------------------------------|----------------------|------------------------------|
| | | | \$ | cts. | \$ | cts. | | | | |

| Numbers of bonds issued on consecutive No. of certificate. | No. of bond paid by California and by it subsequently surrendered to the United States. | No. of bond paid by California and by it subsequently destroyed. | No. of bond issued by California now outstanding and not paid. | No. of certificate not bonded paid by California and by it subsequently surrendered to the United States. | No. of certificate not bonded paid by California and by it subsequently destroyed. | No. of certificate bonded issued by California now outstanding and not paid. | Amount of certificate. | Remarks. |
|--|---|--|--|---|--|--|------------------------|----------|
|--|---|--|--|---|--|--|------------------------|----------|

This Exhibit No. 75 F shows at a glance each noninterest-bearing Indian war bond and certificate by number, to whom, when, for what purpose, and in what amount each was so issued, also the particular number of each bond corresponding to each certificate, and *vice versa*, and also the number of each bond and of each certificate now surrendered herewith to the United States, and also the number of each thereof heretofore paid and destroyed by the State of California, and the number of each thereof remaining unpaid and now outstanding in the hands of innocent holders.

In said report of the honorable Third Auditor, on p. 9 of said Senate Ex. Doc. No. 122, is recited as follows, to wit:

"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 noninterest-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."

It is for the purpose, therefore, of fully supplying correct information relative to the several matters recited in the foregoing extract of said report that the State of California now furnishes copies of the State registers of the issue of said noninterest-bearing State bonds and certificates.

In now surrendering to the United States these noninterest-bearing State obligations so heretofore duly issued, given, and delivered by the State of California in part payment of her said Indian war indebtedness, there is also submitted herewith much evidence to support the allegations heretofore made in these premises.

It is respectfully submitted that this evidence should be sufficient to conclusively show to your Department that the State of California has not only heretofore redeemed and paid a portion of said State Indian war indebtedness, but that she has paid a very considerable portion thereof. Not only this, but said evidence further shows that the State of California, by solemn enactments of her legislature, has assumed the liability to pay, and has promised to pay, the entire remainder thereof out of any money which hereafter may be appropriated by Congress for the payment of these State Indian war claims.

The State of California has been diligently engaged in collecting this more complete evidence and presents the same at this time because it embodies information officially called for, and because also numerous items of these claims have never heretofore been examined in your department (Congress, as held by the accounting officers of the Treasury, not having heretofore authorized the same), or they have not heretofore been presented, to the United States, and for the further reason that this evidence falls within the purview of the information contemplated to be duly furnished to the Senate by your Department, in order that your further reply to the resolutions of the United States Senate, may thereby, when made, be complete and the more satisfactory.

When the State of California heretofore presented a statement relative to a portion of these particular items of her Indian war claims, it was not merely "to introduce them to the attention of the United States, or out of abundant caution only," to make claim for reimbursement of such portion, because said State expected then, as she expects now, that the United States will give full and serious consideration to all of her said State Indian war claims of the class recited and tabulated in this Schedule F.

When considering these noninterest-bearing State Indian war obligations, attention is called to the fact that a portion thereof constitute a portion of the regular series of State bonds, duly issued by the State of California; that the record of the issue of such series appears on pages 220 to 243 of the same original register of bonds kept by the State treasurer of the State of California, wherein is recorded on pages 37 to 47 thereof the issue of another such State series, to wit, that of the "interest-bearing State Indian war bonds, issued under the authority of the aforesaid act of February 15, 1851;" wherein is also recorded on pages 115 to 160 of this same original State bond register the issue of another of such State series, to wit, that of the "interest-bearing State Indian war bonds, issued under the authority of the aforesaid act of May 3, 1852," etc., and both of which two last-described series of State Indian war bonds are fully recited in Schedule A of this supplemental report.

The State of California further submits that she has ever expected and does still expect that legal, if not equitable, consideration will be given—if not by the proper accounting officers of the Treasury, then by Congress—to all these noninterest-bearing State Indian war obligations, such as has ever heretofore been accorded and given by the United States to said interest-bearing State Indian war obligations, issued by said State under said two acts of the legislature of California of February 15, 1851, and May 3, 1852.

Congress has paid in full, principal and interest, most of these last two series of California State Indian war bonds, and for the remainder of which, where not so paid, the honorable Third Auditor has heretofore favorably recommended appropriate legislation by Congress, in order that all of same may be also paid, because on page 5, Senate Ex. Doc. No. 122, Fifty-first Congress, first session, the honorable Third Auditor says, as follows, to wit:

"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 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."

All of these State Indian war obligations, irrespective of the particular act of the California legislature, which authorized the same, were issued in equal good faith by the State of California, in liquidation and full payment of services rendered and supplies furnished her, and for other matters necessarily connected with Indian hostilities within her borders, covering as they did a period of ten or twelve years, and all of which Indian war expenses were necessarily incurred by the State of California to aid the United States to maintain the "common defense," the necessity therefor arising in consequence of the want of adequate military protection to the lives and property of her citizens, which protection from Indian invasion, Indian hostilities, and Indian disturbances, it was the duty of the Federal Government to adequately and timely furnish.

The State of California respectfully submits that it is quite impossible for her to see how the United States can justly ignore and fail to redeem and fully pay the noninterest-bearing California State Indian war obligations, issued by her subsequent to January 1, 1854, in liquidation and full payment of the Indian war expenses by her incurred subsequent to said date, and at the same time to recognize, redeem, and fully pay similar State Indian war obligations by her issued prior to January 1, 1854, which did bear interest; said last State obligations having been issued in liquidation and full payment of similar Indian war expenses, incurred on account of similar Indian hostilities, occurring in said State prior to January 1, 1854.

The State of California further respectfully submits that the recognition, redemption, and full payment by the United States of one series of this class of State Indian war obligations, and the nonrecognition, nonredemption and nonfull payment by the United States of another series of this same class of State Indian war obligations, and in lieu thereof the scaling down and payment by the United States in only about 50 per cent of the face value of said second series, whether brought about by the enactment of a rigid statute by Congress, or by the strict and refined or erroneous construction given to a remedial statute by the accounting officers of the Treasury, would be an adjustment as inequitable as it is unusual for the United States to adopt, when dealing with the several States of the Union on account of expenses by them necessarily incurred for the "common defense."

A list of California's State Indian war claims which said State (by and through her said State board of war claims commissioners, and war claims examiners) has heretofore duly examined, adjudicated, audited, allowed, fully paid in gold coin, or liquidated, by the due issuance of her said noninterest-bearing State Indian war obligations, and never heretofore included in any act of Congress, and which the State of California now petitions may be duly recognized; redeemed, and paid in full by the United States, and aggregating the sum of \$92,777.46, is as follows, to wit:

SCHEDULE F, of California Indian war claims, presented to the United States, not heretofore included in any act of Congress, and claims not heretofore presented to the United States, and none of either of which are included in any other schedule herein, nor included in the table of the honorable Third Auditor, page 7 of Senate Ex. Doc. No. 122, Fifty-first Congress, first session.

| Serial number. | Number of bond. | Number of certificate. | To whom issued. | For what amount issued. | In payment, for what issued, etc., by California. |
|----------------|-----------------|------------------------|-----------------------|-------------------------|--|
| 1 | 278 | 635 | Nicholas Algier | \$500.00 | Sundry services rendered and provisions, etc., furnished the State of California, in Sutter County, Cal. |
| 2 | 279 | 635 | do..... | 500.00 | Do. |
| 3 | 280 | 635 | do..... | 500.00 | Do. |
| 4 | 281 | 635 | do..... | 1,000.00 | Do. |
| 5 | 282 | 635 | do..... | 200.00 | Do. |
| 6 | 283 | 635 | do..... | 200.00 | Do. |
| 7 | 284 | 635 | do..... | 200.00 | Do. |
| 8 | 285 | 635 | do..... | 200.00 | Do. |
| 9 | 286 | 635 | do..... | 200.00 | Do. |
| 10 | 287 | 635 | do..... | 100.00 | Do. |
| 11 | 288 | 635 | do..... | 100.00 | Do. |
| 12 | 520 | 824 | James Walsh | 1,000.00 | } Indian depredation and supplies. |
| 13 | 521 | 824 | do..... | 100.00 | |

SCHEDULE F, of California Indian war claims, etc.—Continued.

| Serial number. | Number of bonds. | Number of certificate. | To whom issued. | For what amount issued. | In payment, for what issued, etc., by California. |
|------------------|------------------|------------------------|--------------------------------------|-------------------------|---|
| 14 | 579 | 1028 | J. A. Driebellis | \$150.00 | Indian depredation. |
| 15 | 586 | 1038 | Walter McDonald | 1,000.00 | Services as State Indian war commissioner. |
| 16 | 587 | 1038 |do..... | 1,000.00 | Do. |
| 17 | 588 | 1038 |do..... | 1,000.00 | Do. |
| 18 | 589 | 1039 | A. M. Jones | 1,000.00 | Do. |
| 19 | 590 | 1039 |do..... | 1,000.00 | Do. |
| 20 | 591 | 1039 |do..... | 1,000.00 | Do. |
| 21 | 612 | 1062 | Joseph Stone | 600.00 | Indian depredation. |
| 22 | 615 | 1065 | Samuel Sherwood | 150.00 | Do. |
| 23 | 623 | 1076 | Buryman Lack | 1,320.00 | Do. |
| 24 | 624 | 1077 | John Sannickson | 4,280.00 | Do. |
| 25 | 631 | 1086 | Boucher & Cook | 820.00 | Do. |
| 26 | 632 | 1085 | D. C. Osborne | 250.00 | Do. |
| 27 | 633 | 1084 | Johnson & Douglass | 975.00 | Do. |
| 28 | 634 | 1083 | Patrick Mullen | 600.00 | Do. |
| 29 | 635 | 1082 | James Mitchel | 150.00 | Do. |
| 30 | 649 | 1096 | C. S. Anderson | 1,260.00 | Do. |
| 31 | 654 | 1089 | Patrick Ford | 3,676.00 | Do. |
| 32 | 655 | 1099 | R. L. Westbrook | 1,000.00 | Do. |
| 33 | 656 | 1099 |do..... | 360.00 | Do. |
| 34 | 671 | 1113 | William T. Stevens | 400.00 | Do. |
| 35 | 679 | 1124 | E. A. Stevenson | 1,000.00 | Do. |
| 36 | 680 | 1124 |do..... | 1,000.00 | Do. |
| 36 $\frac{1}{2}$ | ..... | 825 | James Walsh | 9.00 | Indian depredation and supplies. |
| 37 | 681 | 1124 | E. A. Stevenson | 1,000.00 | Indian depredation. |
| 38 | 682 | 1124 |do..... | 1,000.00 | Do. |
| 39 | 683 | 1124 |do..... | 1,000.00 | Do. |
| 40 | 684 | 1124 |do..... | 1,000.00 | Do. |
| 41 | 685 | 1124 |do..... | 1,000.00 | Do. |
| 42 | 686 | 1124 |do..... | 1,000.00 | Do. |
| 43 | 687 | 1125 | J. S. P. Bass & Co | 705.50 | Do. |
| 44 | 717 | 1153 | Edward W. Inskeep | 798.50 | Do. |
| 45 | 718 | 1153 |do..... | 798.50 | Do. |
| 46 | 720 | 1154 | John Eglan | 200.00 | Do. |
| 47 | 723 | 1138 | Williams, McDermott & Thompson | 2,000.00 | Do. |
| 48 | 724 | 1158 |do..... | 2,000.00 | Do. |
| 49 | 725 | 1158 |do..... | 3,154.50 | Do. |
| 50 | 730 | 1170 | R. A. Parker | 1,000.00 | Do. |
| 51 | 731 | 1170 |do..... | 1,000.00 | Do. |
| 52 | 732 | 1170 |do..... | 1,000.00 | Do. |
| 53 | 733 | 1170 |do..... | 1,000.00 | Do. |
| 54 | 734 | 1170 |do..... | 1,000.00 | Do. |
| 55 | 735 | 1170 |do..... | 1,000.00 | Do. |
| 56 | 736 | 1170 |do..... | 1,000.00 | Do. |
| 57 | 737 | 1170 |do..... | 1,000.00 | Do. |
| 58 | 738 | 1170 |do..... | 1,000.00 | Do. |
| 59 | 739 | 1170 |do..... | 449.00 | Do. |
| 60 | 741 | 1171 | J. C. Butler | 1,000.00 | Do. |
| 61 | 742 | 1171 |do..... | 1,000.00 | Do. |
| 62 | 743 | 1171 |do..... | 1,000.00 | Do. |
| 63 | 744 | 1171 |do..... | 514.00 | Do. |
| 64 | 745 | 1172 | H. D. Van Wyck | 1,000.00 | Do. |
| 65 | 746 | 1172 |do..... | 657.10 | Do. |
| 66 | 747 | 1169 | John Chapman | 800.00 | Do. |
| 67 | 749 | 1174 | R. G. Watkins | 216.67 | Military services in "California Rangers," commanded by Capt. G. H. Hage. |
| 68 | 750 | 1175 | G. W. Leonard | 216.67 | Do. |
| 69 | 751 | 1177 | F. A. Thomas | 177.70 | Do. |
| 70 | 752 | 1178 | C. Bohrer | 177.70 | Do. |
| 71 | 753 | 1179 | A. S. Shaw | 168.20 | Do. |
| 72 | 754 | 1180 | A. Lavantree | 168.20 | Do. |
| 73 | 755 | 1181 | R. M. Libbey | 168.20 | Do. |
| 74 | 756 | 1182 | R. J. Lyons | 158.70 | Do. |
| 75 | 757 | 1183 | C. S. Storms | 158.70 | Do. |
| 76 | 758 | 1184 | W. H. Burke | 158.70 | Do. |
| 77 | 759 | 1185 | Adderton | 149.20 | Do. |
| 78 | 760 | 1186 | E. Citizen | 149.20 | Do. |
| 79 | 761 | 1187 | G. Citizen | 149.20 | Do. |
| 80 | 762 | 1188 | F. Cole | 149.20 | Do. |
| 81 | 763 | 1189 | F. Cole | 149.20 | Do. |
| 82 | 764 | 1190 | J. Collins | 149.20 | Do. |
| 83 | 765 | 1191 | W. D. Butts | 149.20 | Do. |
| 84 | 766 | 1192 | P. Clifford | 149.20 | Do. |
| 85 | 767 | 1193 | W. Grass | 149.20 | Do. |
| 86 | 768 | 1194 | J. Kinnevan | 149.20 | Do. |

SCHEDULE F, of California Indian war claims, etc.—Continued.

| Serial number. | Number of bond. | Number of certificate. | To whom issued. | For what amount issued. | In payment, for what issued, etc., by California |
|----------------|-----------------|------------------------|------------------------------|-------------------------|---|
| 87 | 769 | 1195 | R. L. Northrup | \$149.20 | Military services in "California Rangers," commanded by Capt. G. H. Hage. |
| 88 | 770 | 1198 | B. R. Robinson | 149.20 | Do. |
| 89 | 771 | 1197 | Jas. W. H. Rover | 149.20 | Do. |
| 90 | 772 | 1198 | W. Slater | 149.20 | Do. |
| 91 | 773 | 1199 | F. Swan | 149.20 | Do. |
| 92 | 774 | 1200 | J. Weisner | 149.20 | Do. |
| 93 | 775 | 1201 | J. H. Weatherwax | 149.20 | Do. |
| 94 | 776 | 1202 | F. Wilber | 149.20 | Do. |
| 95 | ..... | 1203 | J. S. Webb | 149.20 | Do. |
| 96 | 777 | 1204 | C. Carlisle | 149.20 | Do. |
| 97 | 778 | 1205 | W. Reed | 149.20 | Do. |
| 98 | 779 | 1206 | J. McCartie | 149.20 | Do. |
| 99 | 780 | 1207 | S. Kirkkruff | 149.20 | Do. |
| 100 | ..... | 1208 | Edward Carr | 149.20 | Do. |
| 101 | 781 | 1209 | C. Moore | 149.20 | Do. |
| 102 | 782 | 1210 | Jas. Arnold | 149.20 | Do. |
| 103 | 783 | 1211 | H. Case | 149.20 | Do. |
| 104 | 784 | 1212 | Jas. Wood | 149.20 | Do. |
| 105 | 785 | 1213 | W. Mathews | 149.20 | Do. |
| 106 | 786 | 1214 | F. Wallace | 149.20 | Do. |
| 107 | 787 | 1215 | C. C. O'Donald | 149.20 | Do. |
| 108 | 788 | 1216 | W. Martin | 149.20 | Do. |
| 109 | 789 | 1217 | T. G. Hewlett | 149.20 | Do. |
| 110 | 700 | 1218 | R. Gassaway | 149.20 | Do. |
| 111 | 791 | 1219 | W. Lincoln | 149.20 | Do. |
| 112 | 792 | 1220 | J. Davis | 149.20 | Do. |
| 113 | 793 | 1221 | R. Miller | 149.20 | Do. |
| 114 | 812 | 1238 | A. L. Pardee | 1,000.00 | Indian depredation. |
| 115 | 813 | 1238 |do..... | 1,000.00 | Do. |
| 116 | 814 | 1238 |do..... | 1,000.00 | Do. |
| 117 | 815 | 1238 |do..... | 1,000.00 | Do. |
| 118 | 816 | 1238 |do..... | 1,000.00 | Do. |
| 119 | 817 | 1238 |do..... | 503.92 | Do. |
| 120 | 818 | 1238 |do..... | 774.00 | Do. |
| 121 | 819 | 1238 |do..... | 172.56 | Do. |
| 122 | 828 | 1248 | W. E. Phillips | 650.00 | Do. |
| 123 | 832 | 1159 | Sleeper, Hamlin & Co | 1,000.00 | Do. |
| 124 | 833 | 1259 | Lockhart & Roseborough | 2,500.00 | Do. |
| 125 | 834 | 1259 |do..... | 2,500.00 | Do. |
| 126 | 835 | 1259 |do..... | 5,000.00 | Do. |
| 127 | 836 | 1259 |do..... | 3,665.00 | Do. |
| 128 | 839 | 1256 | Henry Cuddiback | 29.60 | Military services. |
| 129 | 840 | 1257 | D. L. Marshall | 17.60 | Do. |
| 130 | 841 | 1255 | Thos. P. Wyatt | 20.53 | Do. |
| 131 | 843 | 1262 | Peter Donnelly | 975.00 | Do. |
| 132 | 844 | 1261 | J. Manheim & Co | 472.15 | Do. |
| 133 | 845 | 1264 | D. H. Lowry | 351.35 | Do. |
| 134 | 846 | 1265 | Elijah Steele | 900.96 | Military services and supplies. |
| 135 | ..... | 636 | Nicholas Allgier | 10.00 | Indian depredation. |
| 136 | ..... | 825 | James Walsh | 9.00 | Supplies. |
| 137 | ..... | 991 |do..... | 100.00 | Indian depredation. |
| 138 | ..... | 1266 | G. McKee | 20.10 | Military services. |
| 139 | ..... | 1267 |do..... | 83.20 | Horse hire. |
| 140 | ..... | 1168 | Robert O'Neil | 430.00 | Military supplies. |
| 141 | 824 | 1241 | S. C. George | 132.50 | Military services. |
| 142 | 825 | 1242 | J. M. Van Sytle | 175.00 | Do. |
| 143 | 829 | 1247 | Wm. M. Young | 77.05 | Do. |
| 1 | ..... | 992 | James Walsh | 60.00 | Military supplies. |
| | | | | 92,795.96 | |

Several of the items in the foregoing schedule are on account of "claims for depredations committed by Indians in the State of California," for which the legislature of said State made due provision to examine, adjudicate, audit, pay under the aforesaid acts of April 18, 1856, April 25, 1857, and March 30, 1858, and acts amendatory thereof and supplemental thereto, and for which said State fully satisfied the original claimants in every instance, either by a payment in gold coin, or in the issue of noninterest-bearing State Indian war bonds, or in State certificates of Indian war indebtedness.

Most, if not all these State Indian war claims, while not heretofore presented to the United States in the particular forms in which they are now presented, yet in various ways and at sundry dates the existence thereof have heretofore been brought to the official notice of the proper accounting officers of the Treasury, but not acted upon by said officers, because, as they have alleged, "not included or provided for in any act of Congress."

Since the date of the last presentation to your Department by the State of California of her State Indian war claims against the United States, Congress has passed an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891 (26 U. S. Stats., 851).

But this act of Congress of March 3, 1891, provides for the adjudication and payment of those Indian depredation claims only wherein the original parties suffering such loss have never been heretofore indemnified therefor. But notwithstanding this, said act does not give the Court of Claims jurisdiction to adjudicate or determine, or even to hear, any of the items of this class of claims, such as is now presented by the State of California herein, where a State, by and through its own State machinery, has heretofore examined, adjudicated, audited, paid, or assumed the liability to pay such Indian depredation claims. Therefore, the State of California is now absolutely without any remedy whatsoever, even under this remedial statute, different from that which it possessed prior to the date of the passage thereof, and before that date it had none at all.

It is proper here to state that by virtue of the special character of all the items of Indian depredation claims included in this Schedule F, constituting, as it does, a part of the general Indian war claims of the State of California against the United States, it was deemed advisable by said State, prior to March 3, 1891, to call the attention of the Indian Office to said items, and to submit to said office the history thereof, as far as may be, in each particular case, and to file said items in the Indian Office in the hope and expectation that they would be provided for by Congress in the Indian depredation act of March 3, 1891.

But neither the honorable Commissioner of Indian Affairs nor the honorable Secretary of the Interior, to whom this subject-matter was especially referred by the honorable Commissioner of Indian Affairs for instructions as to what should be done by him in these premises, could recognize said claims as pure Indian depredation claims, with the State of California as payee or as claimant, but permission, nevertheless, was granted by the honorable Secretary of the Interior to said State to make all of the same matters of official record in the Indian Office, by virtue of a special decision of the honorable Secretary of the Interior rendered therein February 27, 1891, as follows, to wit:

DEPARTMENT OF THE INTERIOR,
Washington, February 27, 1891.

The Honorable COMMISSIONER OF INDIAN AFFAIRS:

SIR: I acknowledge the receipt of your communication of 28th ultimo, in which you ask for instructions as to the disposition of certain original declarations and affidavits in Indian depredation claims heretofore filed by the State of California.

For your information and guidance in the matter, I transmit herewith the opinion of the Assistant Attorney-General of this Department of the 24th instant, wherein it is stated—

"There is no provision under the acts of Congress authorizing a State to prosecute claims for Indian depredations. I am, therefore, of the opinion that the State of California is not entitled to prosecute these claims.

"As to the individual claimant's rights, it is clear that in the presentation of these claims there has been a failure to comply with the several acts of Congress and the rules and regulations made in pursuance thereof, and by reason of such failure, said claims, strictly speaking, are not invested with the characteristics of legal Indian depredation claims against the United States. Still it appears to have been the intention of Congress, as expressed in the act of March 3, 1885, and subsequent acts herein referred to, to have all claims that have been filed in the Interior Department as Indian depredation claims, on behalf of citizens of the United States, carefully investigated by the Secretary of the Interior and reported to Congress for its action thereon.

"Section 466 of the Revised Statutes provides 'that no payment on account of any such claim shall be made without a specific appropriation therefor by Congress,' and section 2098 of the Revised Statutes provides 'No claim for Indian depredations will be paid until Congress shall make special appropriation therefor,' and inasmuch as these claims have been filed as Indian depredation claims, I am of the opinion that they should be carefully investigated and reported to Congress for such action as it may deem proper."

The inclosures of your communications are returned herewith.

JOHN W. NOBLE, *Secretary.*

Attention is called to the fact, however, that said Indian depredation statute of Congress of March 3, 1891, discriminates in favor of a special series of this class of claims, which may be termed a "preferred class," which is composed of those Indian depredation claims which, prior to March 3, 1891, had been duly filed in the Indian Office and had been examined and reported upon by some Indian inspector and there-

tofore duly examined in the Indian Office and favorably recommended by the Secretary of the Interior to Congress for payment.

In this preferred class of Indian depredation claims the Court of Claims, without any further examination therein, is in every case authorized to enter up judgment in favor of the claimant for the full amount so allowed or recommended, unless either the claimant himself or the United States shall elect to reopen said claim and try the same *de novo*, as authorized by section 4 of said act, in these words, to wit:

"SECTION 4. * * * *Provided*, That all unpaid claims which have heretofore been examined, approved, and allowed by the Secretary of the Interior or under his directions in pursuance of the act of Congress making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-six, approved March third, eighteen hundred and eighty-five, and subsequent Indian appropriation acts, shall have priority of consideration by such court, and judgments for the amounts therein found due shall be rendered, unless either the claimant or the United States shall elect to reopen the case and try the same before the court, in which event the testimony in the case given by the witnesses and the documentary evidence, including reports of Department agents therein, may be read as depositions and proofs: *Provided*, That the party elected to reopen the case shall assume the burden of proof."

In other words, Congress, in said act, duly authorized a judgment to be entered up in favor of the claimants and full payment to be made to such claimants in every case, where the claim was filed in the Indian Office prior to March 3, 1891, wherein a favorable report had been made by the Secretary of the Interior, and for the amount as allowed or recommended by said Secretary.

Why, therefore, should not Congress give an equal dignity to similar adjudications and final audits and decrees in equity of awards of the State boards of the State of California in this case, especially, too, when said adjudications have resulted in the issuance of noninterest-bearing State Indian war bonds and certificates of Indian war indebtedness, and all received by said claimants in full liquidation and payment of their said claims, and many of which are now in the hands of third parties, innocent holders thereof, for value paid therefor?

These bonds and certificates have ever heretofore passed at their face value, constituting in fact a currency throughout the State of California, and wherein that State has partially redeemed the same in whole or in part, and the remainder are now largely in the possession of third parties, bona fide innocent holders for value received, a record of all of which so far as can now be found, was filed in the Indian Office by the State of California prior to March 3, 1891.

This recognition by Congress is now the more appropriate in view of the recitals contained in Exhibit No. 12 A, wherein it fully appears, that all the original State records of the official proceedings and all the archives of said State boards, wherein were contained the record of their said examinations, adjudications, audits, and allowances in all of said Indian depredation cases, after most diligent search made therefor in all of the State offices of the State of California at Sacramento, can not now be found, the presumption being that said original records are either now in the possession of the proper accounting officers of the Treasury of the United States, or of Congress, or that the same are mislaid or lost.

The adjutant-general of California, on March 2, 1862, in compliance with a concurrent resolution of the legislature of that State, submitted a report in writing on this matter, setting forth that portions of said original State records were sent to Washington for use by the California Indian war claims commissioners (all of whom are now dead) appointed under the act of the legislature of that State, approved April 19, 1856 (Exhibit No. 12, p. 114, Senate Ex. Doc. No. 122, Fifty-first Congress, first session).

In addition thereto, under a concurrent resolution of the legislature of California approved April 18, 1860, it appears that the record of the action of said State board of war claims examiners on these claims was ordered to be sent by the governor of California to the delegation then in Congress from that State, as evidence to support a bill then pending in the House of Representatives having for its object "the assumption and payment by the United States of all of said California Indian war debt," as recited in Exhibit No. 19, p. 119, said Senate Ex. Doc. No. 122.

So that the archives kept at Sacramento and transmitted for use before your Department show a record only of the numbers of said bonds and of said certificates of indebtedness issued and paid out by said State in liquidation of said Indian war claims, with names to whom, purposes for which, and amounts for which the same were so respectively issued in payment of this class of claims, after the same had been fully examined, duly adjudicated, and finally allowed, and the extent to which the same have heretofore been redeemed and paid by said State, a full, true, and correct exemplification of all of which as aforesaid is set forth in the aforesaid Exhibit No. 75 F.

Such papers entitled to be considered as secondary evidence relative to portions of these claims in Schedule F, in full or in part, as the State of California has now in her possession, are now submitted herewith to support matters recited in this Schedule F, marked "Exhibit No. 76 F," which, tabulated, are as follows, to wit:

(1) CAPTAIN G. H. HAGE.

| No. | Date. | From whom. | Subject-matter. |
|-----|---------------------|--|---|
| 1 | 1851 and 1852 ..... | ..... | Muster roll of California volunteers. |
| 2 | Dec. 4, 1861 | Gen. William C. Kibbe | Relative to California rangers. |
| 3 | Dec. 6, 1861 | Myron Norton | Do. |
| 4 | 1851 and 1852 ..... | ..... | Pay roll of California rangers. |
| 5 | Nov. 21, 1861 | R. G. Watkins | Relative to California rangers. |
| 6 | Nov. 30, 1861 ..... | ..... | Do. |
| 7 |do |do | Supplies furnished California rangers. |
| 8 | Nov. 15, 1861 | J. McDongle, late governor of California. | Relative to services of Capt. Hage's company. |
| 9 | 1851 and 1852 | R. G. Watkins | Account of supplies furnished. |
| 10 | Nov. 30, 1861 |do | Account of charter of Brig North Bend. |
| 11 | Dec. 7, 1861..... | J. H. Tilghman | Relative to California rangers. |
| | | O. M. Wozencraft..... | |

(2) P. D. BEEBE.

| | | | |
|----|---------------------|------------------|-----------------------------------|
| 12 | July 2, 1859 | P. D. Beebe..... | Relative to his Indian war claim. |
| 13 | Aug. 13, 1858 |do | Receipt. |

(3) CAPT. ELIJAH STEELE.

| | | | |
|----|---------------------|---------------------|--|
| 14 | 1852..... | ..... | Pay roll of Capt. E. Steele's company. |
| 15 | July 27, 1857 | Edward Wicks | Affidavit, etc. |
| 16 | 1857..... | Various names | Relative to Capt. Steele's company. |

(4) JAMES WALSH.

| | | | |
|----|---------------------|--------------------|---------------------------------------|
| 17 | Aug. 27, 1857 | James Walsh..... | Relative to his claim. |
| 18 | Oct. 7, 1857 | Wm. C. Kibbe | Allowing said claim. |
| 19 | Oct. 14, 1857 | James Walsh..... | Protest against inadequate allowance. |
| 20 | ..... | ..... | Memorandum items allowed. |
| 21 | Dec. 30, 1857..... | Geo. A. Young..... | Receipt of attorney. |

(5) NICHOLAUS ALLGEIER.

| | | | |
|----|--------------------|-------------------|----------------------|
| 22 | May, 1850..... | ..... | Statement of claim. |
| 23 | Nov. 5, 1857 | S. B. Smith | Receipt of attorney. |

(6) D. H. LOWRY.

| No. | Date. | From whom. | Subject-matter. |
|-----|---|-------------------------------------|---------------------------------|
| 24 | August to No- vember, 1852. | ..... | Statement of claim. |
| 25 | Aug. 10, 1861, and Oct. 31, 1856. | Lowrie, McDermott, and Van Wyke. | Affidavits in support of claim. |
| 26 | Dec. 17, 1862..... | D. H. Lowry | In support of claim. |
| 27 | ..... | Charles McDermott and Van Wyke. | Affidavits in support of claim. |
| 28 | Dec. 17, 1862..... | McDermott to D. H. Lowry. | Affidavit in support of claim. |

(7) H. D. VAN WYCK.

| | | | |
|----|---------------------|-------------------------------|---|
| 29 | Aug. 17, 1861 | McDermott and H. D. Lowry. | Statement and affidavits in support of claim. |
| 30 | Aug. 14, 1858 | Chas. R. Street..... | Receipt, bonds 1046-9. |

(8) S. C. GEORGE.

| | | | |
|----|--|-------|------------------------|
| 31 | From May 6, 1856, to July 31, 1857. | | See memorandum below.* |
|----|--|-------|------------------------|

* This number consists of twenty-six papers, comprising letters, statements of accounts, receipts, affidavits, certificates of allowance, etc., all relating to the claim of S. C. George.

The particular items in this Schedule F, where the record thereof was filed in, or due notice given to, the Indian Office in said cases by the State of California prior to March 3, 1891, together with the corresponding Indian Office numbers, are tabulated as follows, to wit:

| Serial No. | Name. | Indian Office No. | Serial No. | Name. | Indian Office No. |
|-----------------|--------------------------------|-------------------|------------------|------------------------|-------------------|
| 12 | James Walsh | 6977 | 62 | J. C. Butler | 6975 |
| 13 | do. | 6977 | 63 | do. | 6975 |
| 14 | J. A. Driebellis | 6968 | 66 | John Chapman | 6989 |
| 34 | William T. Stevens | 6992 | 114 | A. L. Pardee | 6966 |
| 36 ² | James Walsh | 6977 | 115 | do. | 6966 |
| 43 | J. S. P. Bass & Co. | 6993 | 116 | do. | 6966 |
| 47 | Williams, McDermott & Thompson | 6974 | 117 | do. | 6966 |
| | do. | 6974 | 118 | do. | 6966 |
| 48 | do. | 6974 | 119 | do. | 6966 |
| 49 | do. | 6974 | 120 | do. | 6966 |
| 50 | R. A. Parker | 6998 | 121 | do. | 6966 |
| 51 | do. | 6998 | 122 | W. E. Phillips | 7001 |
| 52 | do. | 6998 | 123 | Sleeper, Hamlin & Co | 6994 |
| 53 | do. | 6998 | 124 | Lockhart & Roseborough | 6973 |
| 54 | do. | 6998 | 125 | do. | 6973 |
| 55 | do. | 6998 | 126 | do. | 6973 |
| 56 | do. | 6998 | 127 | do. | 6973 |
| 57 | do. | 6998 | 131 | Peter Donnelly | 7010 |
| 58 | do. | 6998 | 136 | James Walsh | 6977 |
| 59 | do. | 6998 | 137 | do. | 6977 |
| 60 | J. C. Butler | 6975 | 137 ² | do. | 6977 |
| 61 | do. | 6975 | | | |

Wherefore the State of California now moves the honorable Secretary of the Treasury to request the honorable Secretary of the Interior for leave to temporarily withdraw from the files of the Indian Office all of said Indian deprecation cases so numbered and so filed in the Indian Office by the State of California prior to March 3, 1891, and that he may be pleased to consider the same herein, so that all of same may constitute a part of this presentation by the State of California in support of this Schedule F, and that they may have favorable recommendation to Congress for payment.

The original claimants, in whose names and in whose favor all these State adjudication of Indian deprecation cases were so made by the State of California, and to whom said State obligations were delivered and paid, having been fully indemnified, compensated, and satisfied by said State, on account of said Indian deprecations and losses arising from said Indian deprecations, have now no longer any pecuniary interest in the claims themselves, but they or their assignees may have interest in the bonds issued by said State in satisfaction of said claims, so that said claims having been duly satisfied by said State their rights should become legally subrogated to those of the State of California, who can be left to hereafter deal with said bondholders in all cases where said bonds themselves have not been finally redeemed and paid by said State.

The State of California does not know with any degree of certainty of the present whereabouts of said original claimants, nor does she know whether they are all now living or dead, and said State is absolutely without relief in any of these premises; therefore, she now urges the equity of her said claims herein, and requests that they be duly submitted to the favorable consideration of Congress, with a recommendation that Congress may give to these State adjudications herein, a dignity equal to that heretofore given by Congress, under said Indian deprecation act of March 3, 1891, to recommendations made in similar cases, when acted upon exclusively in the Indian Office and in the Interior Department, all of which the State of California prays may now be done in these State cases.

The State of California declares, as provided for private claimants in said preferred class under said Indian deprecation act of March 3, 1891, that for reasons above recited, she now elects not to reopen any of said Indian deprecation adjudications, but expresses her willingness to fully abide by the awards heretofore made in each thereof by her own State boards.

RECAPITULATION OF CALIFORNIA'S INDIAN WAR CLAIMS AGAINST THE UNITED STATES.

The foregoing statement has been subdivided into six separate schedules, to wit, A, B, C, D, E, F, in order.

(1) That all California's Indian war claims and all expenses incidentally connected therewith, arising prior to January 1, 1854, to pay or liquidate which due provision of law was enacted by the legislature of California in its act approved February 15, 1851, May 3, 1852, April 16, 1853, and May 18, 1853, etc., authorizing the issuance of interest-bearing State Indian war bonds, State controller's warrants and State treasurer's certificates of balances due on State controller's warrants, and not heretofore fully paid or wholly reimbursed by the United States, shall be separately grouped in one schedule herein, marked A.

(2) That all California's State Indian war claims relating to expenses connected with the "Mendocino Indian war claims or expedition of 1859," to pay which in gold coin, due provision was made by the legislature of California in its act approved April 12, 1860, and not heretofore paid or reimbursed by the United States, shall be separately grouped in one schedule herein, marked B.

(3) That all California's State Indian war claims relating to the "Carson Valley or Washoe Indian hostilities of 1860," and all incidental expenses connected therewith, to pay which, in gold coin, due provision of law was made by the legislature of California in her several acts in a schedule thereof duly recited, and not heretofore paid or reimbursed by the United States, shall be separately grouped in one schedule herein, marked "C."

(4) That all California's State Indian war claims, whether arising prior or subsequent to January 1, 1854, and allowed, audited, and paid either in gold coin or in interest-bearing bonds, duly issued by the State of California subsequent to January 1, 1854, under due authority of laws other than those of February 15, 1851, May 3, 1852, April 16, 1853, May 18, 1853, enacted therefor by the legislature of said State as in a schedule thereof recited, and not heretofore presented, paid, or reimbursed by the United States, shall be separately grouped in one schedule herein, marked "D."

(5) That all California's State Indian war claims arising between January 1, 1854, and March 2, 1861, examined, adjudicated, audited, allowed, and paid either in gold coin or liquidated in noninterest-bearing State Indian war obligations, in the form either of State Indian war bonds or State certificates of Indian war indebtedness, under the acts of the legislature of said State, approved April 25, 1857, March 30, 1858, etc., and not heretofore fully paid or fully reimbursed by the United States, shall be separately grouped in one schedule herein, marked "E."

(6) That all California's State Indian war claims, irrespective of the dates when the same arose, and consisting principally of claims arising on account of depredations committed by Indians in California, due notice of which, with evidence, was filed in the United States Indian Office prior to March 3, 1891, and also certain California State Indian war claims never heretofore presented to the United States, to liquidate which noninterest-bearing bonds and certificates of the series aforesaid were duly issued, and all of which have been heretofore duly examined, adjudicated, audited, allowed, and liquidated in said State Indian war obligations, but not heretofore paid or reimbursed by the United States, shall be separately grouped in one schedule herein, marked "F."

The amount of all these California State Indian war claims, so severally scheduled, are now tabulated as follows, to wit:

| | |
|--|----------------|
| (1) Amount set forth in Schedule A | \$271, 849. 73 |
| (2) Amount set forth in Schedule B | 9, 294. 53 |
| (3) Amount set forth in Schedule C | 12, 216. 87 |
| (4) Amount set forth in Schedule D | 55, 162. 03 |
| (5) Amount set forth in Schedule E | 219, 075. 95 |
| (6) Amount set forth in Schedule F | 92, 777. 46 |

Making a total aggregate of California's State Indian war claims against the United States, none of which have heretofore been paid or redeemed by the United States, and now due and payable by the United States in the sum of 660, 376. 57

CONCLUSION.

In concluding this final statement of California's State Indian war claims, and the presentation of the reasons to support her petition to show why she should be indemnified by being fully reimbursed by the United States on account of the actual amounts of money by her heretofore paid, and of the liabilities by her heretofore

assumed and promised to be paid, as set forth in the foregoing schedules A to F, inclusive, attention is specially called to certain fundamental propositions, which, it is respectfully submitted, enter as important factors herein, which should secure favorable consideration, provided they be not basic principles which should finally determine and, without further question, control the final adjudication by the United States of these Indian war claims.

FIRST.

These claims are not private claims to be weighed only in the refined legal balances of the accounting officers of the Treasury, but they are public claims, presented to the United States by the State of California in her corporate and political capacity as one of the States of the Union, and are entitled to the highest consideration both of your Department and of Congress.

By virtue of the political relations sustained by the State of California to the Federal Government, that State and her people have been constitutionally guaranteed the right of adequate protection of life and property against Indian invasion and against Indian hostilities, the domestic tranquillity of her citizens has been insured by the General Government against Indian disturbances within her borders, and, impliedly, said State and her citizens have a right to a full indemnity upon the failure of the General Government to afford such adequate protection and insurance, in any case where said State has been compelled to incur expense to alternatively secure such protection.

The Federal Government treats the Indian tribes of the United States as its wards, and in the past has ever, when dealing with said Indian tribes, treated them and with them as quasi independent nations. Neither said Indians nor their property are subject to any control of the several States within whose respective borders said Indians reside.

California, like each of the other States, upon her admission into the Union, surrendered to the United States the exclusive power to create and control an army for the defense of her territory, and for the protection of her property and that of her citizens and of their property, in so far as Indians and Indian affairs are concerned.

This surrender by said State was upon the guaranty that the Federal Government would do that which each of the original thirteen States had a right to do, prior to their admission into the Union, for such defense and protection within their limits respectively, and California, like all new States, was admitted into the Union upon an equality and equal footing with the thirteen original States.

Hence the guaranty by the Federal Constitution from invasion and insurance of domestic tranquillity applies with special force in the case of the Indian tribes in the State of California. Wherefore it would seem to conclusively and logically follow that, if by reason of the failure of the General Government to keep this guaranty in the case of the State of California, that then full compensation should be duly made to her in premises like these hereinbefore recited.

It seems quite impossible to make a stronger case than this, as grounds for asking compensation under this guaranteed protection. If this does make a case against the General Government, then said constitutional guaranty might better have never been written. But it is respectfully submitted that the matter is now no longer an open question, because Congress, in numerous of its acts and especially in its last declaration, to wit, the act approved March 3, 1891, an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations" (26 U. S. Stats.), though long delayed, has finally fully recognized its constitutional obligation to fully hear, determine, adjudicate, and pay all just Indian depredation claims judicially brought, with evidence, to the official notice of the United States prior to that date in all cases whether the claimants be individuals, companies, or corporations.

SECOND.

If the recitals in this statement show anything, they conclusively show that the Indian hostilities herein recited, existed in sixteen counties in the State of California, and from the records of the War Department that in eleven of said counties the United States did not have a single soldier, and that in the five other counties the military force of the United States was not mounted, and was too small, in fact inadequate, to be trusted to leave its camp, barracks, posts, or the Indian reservations in said State, whereon they were chiefly stationed, to guard and hold in subjection the friendly Indians then held in custody on certain Indian reservations. For said troops to have left any of said guarded places, and to have gone therefrom to the protection of the citizens in said eleven other counties, would no doubt have resulted only in adding to the number of hostile Indians, by adding thereto those who were then in amity with the United States.

The facts relative to the want of adequate military protection against the Indians in California are therefore incapable of bona fide dispute, because they are facts not only established by the public records of the State of California, but by those of the United States, facts which have entered into, made and constituting a part of the accepted public history of the State of California during this period of which Congress and the Departments have heretofore taken due cognizance, and with which this statement is most replete and fully confirms.

This branch of the history of these claims is therefore not embarrassed by either legal doubt or controversy as to facts, leaving only to be determined by the United States the just measure of allowance of the obligations resting upon the General Government as resulting from these facts, as fully shown in this statement.

It is, therefore, respectfully submitted that neither additional data nor any argument whatsoever are needed to show that in consequence of the peculiarly hazardous condition of Indian affairs in California from 1854 to 1861 unexpected emergencies suddenly arose with which said State was immediately compelled to grapple, either by using her own State militia, or, alternatively, to improvise other adequate military protection against hostile Indians therein, in order to properly compensate for the failure of the General Government to furnish that needed protection so guaranteed said State in the Federal Constitution.

While the Federal Constitution is silent or fails to declare what result shall follow the failure of the General Government to keep said constitutional guarantee to protect any particular State in any particular case against Indian hostilities, and the failure to keep said constitutional guarantee to insure the domestic tranquility of any State against Indian disturbances, yet equity, reason, precedent, comity between the several States and the United States, like comity between independent nations, all suggest that if there existed a political obligation on the part of the General Government to so protect California there must be a consequent political liability and a corresponding necessary pecuniary obligation on the part of the General Government to indemnify said State upon the failure to so protect.

It is respectfully submitted that the statutes of Congress, the international adjudged cases, the citations of publicists, and the maxims of text writers upon the general question of liability involved herein, and the demands through diplomatic agents, the last-noted instance thereof being the demand of our own Government upon and agreed to by Chili for indemnity, and a tribunal to hear and determine the same is now in session in Washington City, and other similar examples that could be multiplied, all conclusively establish one and the same lesson, to wit, that, where hostilities, such as the aforesaid Indian hostilities in California from 1851 to 1861, brought upon said State and her citizens, peculiar and specific expenses which were incurred in behalf of and resulted in the general good of the public, whose "common defense" had been so guaranteed that the General Government ought to make full compensation therefor by reimbursing said State the actual amount of money by her so paid out, and to pay her, for the use and benefit of said citizens, the full amount of the liability so by her assumed in liquidation and payment of such expenses and promised to be paid said citizens by said State.

Whatever specific sum of money is found necessary and proper by the United States to fully compensate the State of California and her citizens in this case, for this failure in the discharge of this Federal obligation is therefore not the disbursement to her or to them of any bounty, nor the donating to her or to them of any gratuity, but is simply according her full equity.

THIRD.

There having been an existing guarantee by the General Government to protect and to insure the State of California and her citizens for the purposes as herein recited, and there having been a failure on the part of said Government to do either, there then arose a consequent necessity for the State of California to incur a specific expense to secure a similar and adequate protection.

The amount of such specific expense has been heretofore fully inquired into, carefully adjudicated, exactly ascertained, and justly audited by said State through her own State boards, regularly proceeding therein under due authority of proper legislative enactments of said State, wherein said State has either paid or assumed the liability to pay in full every dollar of said specific expense, as the legislature of said State has solemnly promised to pay the whole thereof, as set forth in its enactments herein recited.

The question therefore naturally arises, "What is the duty of the Federal Government to California under circumstances like these in a case like this?" The claimant in this case is not a private claimant, but is one of the States of the Union, and as such is entitled to all the benefits and indemnities from the Federal Government the Constitution of which guaranteed her the aforesaid protection.

The State of California, while not importunate in repeating her demands too frequently, but having had at all times in the past, as she now has in the present, a due regard for the fiscal condition of the Federal Treasury, has been prompt, active, vigilant, and ever earnest in the due presentation of her State Indian war claims against the United States, understating, if anything, rather than overstating in the past the exact amount of her said claims, but asking at all times that she be paid whatever amount she actually paid and promised to pay for the "common defense," in these premises.

California has not been guilty of any laches or delay tending to prejudice her said State Indian war claims. Under careful provisions of the statutes by her own legislature she has instituted quasi judicial proceedings to carefully investigate, and has taken full testimony, and has correctly ascertained, justly adjudicated, and exactly fixed the true amount of the expenses by her necessarily incurred, resulting from the facts aforesaid; and she has duly presented to the United States the records, as well as may be, under all the circumstances, of her own official acts and the history of all the motives moving her therein. She now duly presents to the United States for adjustment and payment all of her State Indian war claims, and is ever ready to furnish all the evidence possible or necessary to support the same, and stands ready to make even more clear (if that may be required by the United States), any of the matters herein recited.

The Indian war claims of the State of California rest upon a basis either well founded in law or upon one where law and equity are indistinguishably blended, or (by virtue of the political relations existing between the State of California and the General Government) said claims rest upon an equitable foundation of the highest order possible, such as now fully entitles her petition for payment to prompt and just consideration by the proper authorities of the Federal Government.

FOURTH.

It being conceded that the State of California was entitled to adequate military protection from the General Government between January 1, 1851, and January 1, 1861, and that such protection was not so then afforded or furnished her, and that great and sudden emergencies arose, in consequence of which said State was compelled to call into requisition her own State military machinery to supply adequate protection, and in doing which she was compelled to incur a certain necessary expense, and to incur which her legislature had to exceed the constitutional limit of expenditure provided for during a period of peace by legislating for a state of war, and by virtue of laws which had been theretofore duly enacted by her legislature; the exact amount of which expense has been heretofore thoroughly inquired into, carefully adjudicated, exactly ascertained, justly audited, and fully paid or satisfactorily liquidated through the State machinery of said State. The next proposition is, What should the United States do in order to determine the exact measure of an allowance to be meted out to said State under premises like these? Shall the United States now call into existence a new Federal war claims commission or a new Federal war claims examining board for the purpose of inquiring *de novo* into all these California State Indian war claims, after many of the parties who might have given exact information, and who might have fully testified herein, are either dead, or if living, are so scattered that their present whereabouts can not now be exactly ascertained, and the full and true circumstances under which said expenses were incurred could not now be otherwise fully and exactly known, and whatever might be done herein could be done only at very great expense to the United States? Or will the United States preferably adopt as a finality herein a method, by it often adopted in quite similar cases of other States of the Union, to wit, to now adopt the adjudications so made herein by the State of California?

These findings of fact and the adjudications so made by the State boards of the State of California (composed, as State boards always were, of some of the highest State officers of that State, sworn to do their duty in all these premises), it is respectfully submitted, can be as safely trusted now as could the findings of fact and the adjudications that might be hereafter declared by any new Federal tribunal.

Should any doubt arise in these premises as to what would be the proper procedure to be had herein by the United States, then that doubt should be at once removed when it is remembered that it has been abundantly shown that the State of California has either fully paid or has actually assumed the liability to pay the full amount of all of said claims, and whatever State obligations were duly issued to pay any of said debts, very few thereof bore any interest whatsoever, and many of which are to-day in the hands of innocent bona fide holders.

In so acting it is respectfully submitted that the United States will be in harmony with the principles enunciated by the House War Claims Committee submitted in House Report No. 1633, made April 22, 1890, to the House of Representatives by

Representative Maish, and in Senate Report No. 1938, Fifty-first Congress, first session, made to the Senate January 9, 1891, by Senator Cockrell, from the Senate Committee on Military Affairs, in the matter of certain war claims of certain citizens of the State of Kansas (Capt. George H. Hume and others), wherein it was held that an essential prerequisite to the consideration of such war claims by the Senate was that the State wherein such claims arose must either have paid said claims, or the payment thereof must have been actually assumed by said State, and in all of which propositions the Senate duly acted and unanimously concurred. These prerequisites fully exist in this case of the State of California.

In said report Senator Cockrell said:

"Congress, on July 27, 1861, passed an act entitled 'An act to indemnify the States for expenses incurred by them in defense of the United States,' and appropriated an indefinite amount of money in the hands of the War Department to reimburse the States for expenses 'for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting,' State troops employed and to be employed in aiding to suppress the insurrection.

"Ever since the passage of that act the States have been from time to time presenting claims for such reimbursement, and the Treasury Department has uniformly held, so far as your committee are advised, that it was an essential prerequisite to the consideration and auditing of such claims that the States should either have paid or actually assumed the payment of such claims."

Copies of said reports, to wit, House Report No. 1633 and Senate Report No. 1938, Fifty-first Congress, first session, are submitted herewith, made parts hereof, and marked "Exhibits Nos. 77 F and 78 F."

FIFTH.

In conclusion, the State of California respectfully prays that the United States may now give full dignity, consideration, and credence to these adjudications of her State Indian war claims, as recited in this statement, notwithstanding the fact that the original evidence now or heretofore filed in support of sundry of the several awards so made may not appear full or sufficient, the loss of the original evidence as presented to said State boards in certain of said cases being duly accounted for by virtue of the loss of the original records and proceedings of said State boards and of their archives relating thereto, and that the best secondary evidence that can now be found has been submitted in lieu thereof.

This being finally done, the State of California, where not heretofore done, will thereafter be enabled to fully redeem the total amount of all her present outstanding, wholly unpaid interest and noninterest bearing State Indian war obligations, of whatsoever form the same may consist.

In addition thereto the State of California will also be enabled to fully pay those of her citizens whom she has heretofore only partially paid, by fully redeeming those Indian war obligations, issued to meet and liquidate those liabilities incurred by said State on account of the "common defense," which heretofore were paid only in part.

These unpaid citizens of California have no remedy of any kind as individuals against the United States in any of these premises at this time, in consequence of the principles declared in said Senate Report No. 1938 and House Report No. 1633, Fifty-first Congress, first session, which debar them from proceeding, even by petition to the United States, to reclaim or to recover any sums or any balances due them on account of any part of said liabilities so incurred by said State for the "common defense."

The principles contained in these reports is to declare, in effect, that all citizens having unpaid claims of the class, as in this case of California, must look not to the United States for their proper relief, but must look to the State of California, and that California must look to Congress for reclamation, full indemnity, and payment; and when payment is made by the United States, it should be made to California in trust for the use and benefit of said unpaid citizens, who thereafter shall proceed through appropriate State machinery exclusively, and not otherwise, to recover whatsoever may be legally or equitably due them.

Such action by Congress as this would terminate, in an equitable manner, all further possible contention in all these premises, not only that which has heretofore existed and which still exists between the United States and the State of California, but also terminate that contention which has so long existed between said State and her own creditors herein.

These Indian war claims of California have constituted the subject-matter of numerous important messages and other public communications in writing from every governor of California, beginning with Governor Peter M. Burnett, in 1851, and ending with Governor George Stoneman in 1885, inclusive, and of other State officers of that State, all made and addressed by them to the legislature thereof.

This subject has also had repeated important action by the legislature of California, the last of which was had twenty-two years ago, upon a report by the joint committee on claims of both houses, made to the legislature of California, on February 21, 1872, unanimously signed by said joint committee, of which Hon. George C. Perkins, then State senator and now U. S. Senator from California, was chairman. (*See* p. 161, Sen. Ex. Doc. 122, Fifty-first Congress, first session.)

In addition thereto these California Indian war claims, in some form or other, have heretofore been fully brought to the official attention of Congress, either by the legislature of California direct or by the Senators and Representatives in Congress from California, continuously from 1851 to December, 1893.

On December 19, 1889, for the purpose of having the whole subject-matter once for all fully, officially, and finally reported upon by your Department, the Senate adopted a resolution, introduced therein by Hon. Leland Stanford, then U. S. Senator from California, in words as follows, to wit:

[Senate resolution, Fifty-first Congress, first session.]

“Resolved, 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 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.”

Again on December 21, 1893, the Senate adopted another resolution, in words as follows, to wit:

[Senate Resolution, Fifty-third Congress, second session.]

“Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate any and all matters not heretofore reported relative to the Indian war claims of the State of California referred to and recited in the resolution of the Senate, adopted December 19, 1889, and in so doing he shall report the amount of money which the State of California claims to be yet due her by the United States, as the full indemnity for all moneys by her expended and for all liability by her assumed under her laws not fully reimbursed by the United States, in any matters growing out of her efforts to suppress Indian depredations in said State, and upon the borders thereof, and to aid the United States in maintaining the ‘common defense,’”

and which resolution was introduced in the Senate by Hon. Stephen M. White, then U. S. Senator from California.

It is respectfully submitted that the action of the United States in this particular case should rest very largely, if not entirely, upon the fact that said adjudications are in the nature of final decrees in equity of awards of and by one of the States of the Union, which has proceeded at all times in these premises under the authority of the laws of the legislature thereof duly enacted for that specific purpose (the necessity for which stands without question), which laws have been duly administered through the instrumentality and quasi-judicial action of certain State boards of such State, composed as they were of some of the highest State officers thereof, sworn to do their duty in these premises, the proof of all of which, it is submitted, is full, sufficient, and convincing, and all done by said State to aid the United States to maintain the “common defense.”

In submitting the foregoing proposition, it is not of course intended to declare that the whole and only duty of Congress consists simply in recording its affirmation or in registering its confirmation of said adjudications of said State Indian war claims against the United States, and to fully pay the same, for the reason only; that they are presented as such State adjudications and final decrees of awards in equity

of such State; but what is meant is, that in an exceptional case like this, where it is affirmatively, abundantly, and conclusively shown that there was an inadequate, if not a total lack of that military protection which had been expressly or impliedly guaranteed to be furnished the State of California by the General Government, and where said State under sudden and unforeseen emergencies was compelled to instantly proceed in order to secure for herself that "common defense" which the Federal Constitution made it the duty of the General Government to maintain, and in so doing said State was necessarily compelled to incur specific expenses, the amounts of which claims were not paid in money directly by the legislature through any act specially passed for that purpose, after due examination by that body of such claims, have been carefully inquired into by quasi-judicial State tribunals specially created by the legislature for that object, which tribunals have correctly ascertained and exactly fixed the amount of said expenses and duly entered up a decree in equity, by making an award therein in every case so allowed, the amounts of which awards the State of California, thereafter, either fully paid in gold coin or the liability to pay which she has fully assumed, and wherein much of the original evidence and records of the proceedings of said tribunals have been lost (provided always the same be not now in the possession and exclusive custody and control of the United States, as recited in this statement); that in a case so exceptional as this the least the General Government should do, it is respectfully submitted, would be to affirm these adjudications as made in this case by the State of California, and to allow and fully pay the same.

Attention is specially called to the fact that the Senate, as late as February 1, 1892, fully recognized and unanimously adopted the principle embodied in the proposition now invoked by the State of California in these cases. This action by the Senate was had by the passage through that body of Senate bill No. 53, Fifty-second Congress, first session, the object of which was to make full indemnity, satisfaction, and payment in money, to all persons, or to their heirs or legal representatives, who had rendered services, expended money, incurred indebtedness or furnished supplies, in repelling invasion and suppressing Indian outbreaks and Indian hostilities within the territorial limits of Nevada, where that State had theretofore duly examined and found and declared the amounts thereof respectively.

The importance of this action becomes emphasized when it is remembered that the Nevada Indian war claims so provided for in said bill are not only those adjudicated by a State board of war claim examiners of the State of Nevada, and that the claims themselves are of a class on all-fours with most of those described in this statement, but that all of said Nevada war claims are a part and parcel of the identical class of claims recited in Schedule C of this statement, on account of expenses incurred at the same time, for the same purpose, and under exactly the same circumstances, differing only in this, that while the State of Nevada did not pay or assume the liability to pay any of said claims to any of her citizens, the State of California did pay all of her said claims in full, and that too, in gold coin or proper obligations, thirty years ago.

The State of California now submits herewith a copy of said Senate bill No. 53 and Senate report No. 21, made thereon January 13, 1892, Fifty-second Congress, first session, and also a copy of the proceedings had in the Senate on the passage of said bill on February 1, 1892, and make the same parts hereof and marked exhibits Nos. 79 F, 80 F, and 81 F.

Wherefore the State of California now prays that the United States may fully reimburse her the exact amount of money which this statement shows she paid, and also the amount which she has duly assumed, promised, and made herself liable to pay in all these premises, aggregating the sum as aforesaid of \$660,376.57.

Such final action by the United States as this, though tardily done, would enable the State of California to do full justice to all persons whomsoever, who either rendered her services or furnished her supplies or suffered loss of their property, etc., in her behalf, in any of the matters as in this statement recited, when aiding California to maintain the "common defense" by suppressing said Indian outbreaks, Indian hostilities, and Indian disturbances within and along her borders during the periods of time as in the several schedules in this statement recited.

In compliance with the recitals contained in the aforesaid Senate resolution of December 19, 1889, you have heretofore partially reported to the Senate relative to certain of these California Indian war claims, said reports being chiefly based upon matters theretofore presented to your Department by said State in support of her said claims, which, upon being duly transmitted to the Senate, have been printed in Senate Ex. Doc. No. 122, Fifty-first Congress, first session.

The State of California now respectfully moves that you may be pleased to transmit to the Senate this supplemental and duly verified statement, together with all the evidence submitted herewith to support the same, with a recommendation that full payment be made by Congress of all these claims.

This statement and the reports heretofore sent to the Senate, and the evidence now and heretofore adduced by the State of California in support of these State Indian war claims, should be before the Senate whenever that body shall consider the equity of these claims when taking final action thereon.

This supplemental statement, thus comprised in six schedules, A, B, C, D, E, F, is supported by eighty-one exhibits, extracts of certain of the more important of which have been incorporated herein, as very few of same could be bodily so incorporated.

These several exhibits submitted herewith, which refer—

- To Schedule A, are numbered from 1 to 14, inclusive.
- To Schedule C, are numbered from 15 to 15 $\frac{1}{2}$, inclusive.
- To Schedule D, are numbered from 16 to 37, inclusive.
- To Schedule E, are numbered from 38 to 64, inclusive.
- To Schedule F, are numbered from 65 to 81, inclusive.

There are no exhibits accompanying or referred to in Schedule B. Exhibits which do not appear separate from this statement are all incorporated herein.

In conclusion, therefore, it is respectfully submitted that the amount of money which the State of California claims, declares, and shows herein to be yet due her by the United States as the full indemnity for all moneys by her expended and for all liabilities by her assumed under her laws, not fully reimbursed by the United States, in any and all matters growing out of her efforts to suppress Indian depredations and hostilities in said State and upon the borders thereof, and to aid the United States in maintaining the "common defense," aggregates the sum of \$660,376.57, and for the due payment by the United States of all of which petition, request, and demand in her name is now very respectfully made to you, and through you to the Senate and to the House of Representatives in Congress now assembled.

I am, Mr. Secretary, very respectfully, your obedient servant,

JOHN MULLAN,

Attorney and Counsel for the State of California, Petitioner.

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

EXHIBIT No. 67 F.

List of California Indian war bonds issued under the authority of the acts of the legislature of the State of California, approved April 25, 1857, and March 30, 1858, and under acts amendatory thereof and supplemental thereto, respectively; paid by California, and by it subsequently destroyed, under authority of section 5, State act April 9, 1862. (Exhibit No. 63 F.)

| No. of bond. | Amount of bond. | No. of bond. | Amount of bond. | No. of bond. | Amount of bond. | No. of bond. | Amount of bond. |
|--------------|-----------------|--------------|-----------------|--------------|-----------------|--------------|-----------------|
| 4 | \$1,000.00 | 69 | \$200.00 | 169 | \$1,000.00 | 304 | \$200.00 |
| 5 | 1,000.00 | 72 | 100.00 | 170 | 1,000.00 | 309 | 100.00 |
| 6 | 1,000.00 | 73 | 100.00 | 171 | 1,000.00 | 318 | 200.00 |
| 7 | 1,000.00 | 76 | 100.00 | 173 | 1,000.00 | 321 | 100.00 |
| 8 | 1,000.00 | 85 | 100.00 | 174 | 1,000.00 | 344 | 100.00 |
| 9 | 1,000.00 | 86 | 100.00 | 175 | 1,000.00 | 345 | 100.00 |
| 14 | 1,000.00 | 87 | 100.00 | 176 | 1,000.00 | 346 | 1,000.00 |
| 15 | 1,000.00 | 88 | 100.00 | 177 | 1,000.00 | 350 | 200.00 |
| 17 | 1,000.00 | 89 | 100.00 | 179 | 1,000.00 | 353 | 500.00 |
| 18 | 1,000.00 | 93 | 100.00 | 180 | 1,000.00 | 354 | 200.00 |
| 19 | 1,000.00 | 94 | 100.00 | 181 | 1,000.00 | 355 | 100.00 |
| 20 | 1,000.00 | 95 | 100.00 | 182 | 1,000.00 | 356 | 100.00 |
| 24 | 500.00 | 96 | 100.00 | 199 | 1,000.00 | 357 | 500.00 |
| 27 | 500.00 | 97 | 100.00 | 215 | 200.00 | 358 | 200.00 |
| 28 | 500.00 | 99 | 100.00 | 217 | 200.00 | 359 | 100.00 |
| 30 | 500.00 | 106 | 200.00 | 222 | 200.00 | 364 | 100.00 |
| 44 | 200.00 | 107 | 200.00 | 225 | 200.00 | 365 | 100.00 |
| 47 | 200.00 | 108 | 200.00 | 233 | 200.00 | 366 | 100.00 |
| 48 | 200.00 | 109 | 200.00 | 238 | 100.00 | 368 | 100.00 |
| 57 | 200.00 | 113 | 200.00 | 239 | 200.00 | 371 | 100.00 |
| 58 | 200.00 | 125 | 200.00 | 262 | 200.00 | 372 | 100.00 |
| 59 | 200.00 | 133 | 200.00 | 264 | 200.00 | 375 | 500.00 |
| 60 | 200.00 | 134 | 200.00 | 267 | 1,000.00 | 376 | 100.00 |
| 62 | 200.00 | 140 | 200.00 | 274 | 200.00 | 386 | 200.00 |
| 63 | 200.00 | 143 | 200.00 | 292 | 100.00 | 387 | 100.00 |
| 65 | 200.00 | 149 | 200.00 | 297 | 500.00 | 389 | 100.00 |
| 67 | 200.00 | 150 | 200.00 | 302 | 100.00 | 390 | 500.00 |
| 68 | 200.00 | 168 | 1,000.00 | 303 | 200.00 | 391 | 1,000.00 |

102 INDIAN WAR CLAIMS OF THE STATE OF CALIFORNIA.

List of California Indian war bonds issued under the authority of the acts of the legislature of the State of California, etc.—Continued.

| No. of bond. | Amount of bond. | No. of bond. | Amount of bond. | No. of bond. | Amount of bond. | No. of bond. | Amount of bond. |
|--------------|-----------------|--------------|-----------------|--------------|-----------------|--------------|-----------------|
| 392 | \$1,000.00 | 493 | \$200.00 | 558 | \$200.00 | 669 | \$171.17 |
| 394 | 500.00 | 494 | 200.00 | 559 | 100.00 | 673 | 103.30 |
| 405 | 100.00 | 495 | 200.00 | 564 | 101.67 | 690 | 160.14 |
| 406 | 100.00 | 500 | 200.00 | 566 | 91.50 | 693 | 87.42 |
| 407 | 100.00 | 501 | 100.00 | 567 | 81.34 | 694 | 87.42 |
| 411 | 200.00 | 506 | 100.00 | 569 | 71.17 | 696 | 106.13 |
| 413 | 100.00 | 510 | 200.00 | 570 | 81.34 | 700 | 129.60 |
| 415 | 200.00 | 511 | 100.00 | 572 | 71.17 | 705 | 95.36 |
| 416 | 100.00 | 514 | 1,000.00 | 574 | 131.50 | 709 | 87.42 |
| 432 | 500.00 | 516 | 500.00 | 575 | 479.17 | 710 | 95.36 |
| 433 | 200.00 | 517 | 200.00 | 583 | 240.00 | 722 | 1,200.00 |
| 434 | 1,000.00 | 519 | 200.00 | 584 | 1,672.06 | 748 | 265.60 |
| 435 | 500.00 | 522 | 200.00 | 585 | 387.73 | 794 | 95.36 |
| 436 | 200.00 | 523 | 100.00 | 593 | 1,638.00 | 796 | 1,254.67 |
| 437 | 200.00 | 524 | 100.00 | 594 | 124.86 | 797 | 1,216.67 |
| 438 | 100.00 | 527 | 200.00 | 598 | 275.79 | 808 | 102.40 |
| 439 | 200.00 | 528 | 200.00 | 599 | 433.27 | 809 | 63.57 |
| 440 | 200.00 | 536 | 100.00 | 600 | 69.03 | 810 | 87.42 |
| 441 | 100.00 | 537 | 500.00 | 604 | 138.08 | 811 | 57.40 |
| 460 | 100.00 | 538 | 100.00 | 608 | 13.99 | 820 | 95.36 |
| 468 | 200.00 | 547 | 200.00 | 611 | 506.13 | 821 | 133.08 |
| 484 | 200.00 | 548 | 200.00 | 620 | 124.86 | 824 | 253.50 |
| 485 | 100.00 | 552 | 100.00 | 625 | 124.86 | 827 | 87.42 |
| 486 | 200.00 | 553 | 500.00 | 627 | 124.36 | 830 | 76.80 |
| 487 | 100.00 | 554 | 200.00 | 628 | 163.58 | 831 | 18.56 |
| 488 | 200.00 | 555 | 200.00 | 630 | 133.08 | 837 | 18.56 |
| 489 | 100.00 | 556 | 100.00 | 646 | 305.60 | 838 | 22.96 |
| 492 | 100.60 | 567 | 200.00 | 668 | 95.36 | | |

EXHIBIT No. 68 F.

List of certificates of indebtedness and allowance on account of California Indian wars, issued under the authority of the acts of the legislature of the State of California approved April 25, 1857, and March 30, 1858, and under acts amendatory thereof and supplemental thereto, respectively, not bonded, paid by California and by it subsequently destroyed, under authority of Sec. 5, State act April 9, 1862. (Exhibit No. 63 F.)

| No. of certificate. | Amount of certificate. | No. of certificate. | Amount of certificate. | No. of certificate. | Amount of certificate. | No. of certificate. | Amount of certificate. |
|---------------------|------------------------|---------------------|------------------------|---------------------|------------------------|---------------------|------------------------|
| 17 | \$30.00 | 370 | \$61.82 | 681 | \$4.25 | 868 | \$24.80 |
| 19 | 32.80 | 394 | 69.60 | 685 | 20.00 | 871 | 25.80 |
| 31 | 46.50 | 396 | 88.00 | 715 | 33.08 | 884 | 13.26 |
| 33 | 95.00 | 403 | 88.00 | 729 | 33.08 | 885 | 72.70 |
| 44 | 85.00 | 433 | 84.80 | 739 | 52.58 | 888 | 49.00 |
| 87 | 49.62 | 468 | 55.43 | 743 | 52.58 | 901 | 61.25 |
| 107 | 69.60 | 470 | 46.40 | 749 | 33.08 | 902 | 15.47 |
| 109 | 88.00 | 487 | 86.85 | 751 | 33.08 | 905 | 49.71 |
| 111 | 67.60 | 491 | 36.85 | 759 | 85.33 | 915 | 15.47 |
| 115 | 24.35 | 509 | 43.12 | 774 | 57.00 | 929 | 40.00 |
| 117 | 88.00 | 511 | 84.80 | 776 | 67.22 | 931 | 26.81 |
| 118 | 100.00 | 512 | 10.05 | 777 | 64.75 | 946 | 24.86 |
| 119 | 8.56 | 513 | 41.60 | 779 | 67.50 | 947 | 73.34 |
| 121 | 10.05 | 514 | 35.87 | 781 | 73.13 | 951 | 56.00 |
| 122 | 41.60 | 516 | 99.51 | 785 | 18.00 | 958 | 89.47 |
| 123 | 200.00 | 559 | 15.47 | 794 | 20.00 | 964 | 28.30 |
| 124 | 88.00 | 560 | 84.00 | 797 | 33.08 | 970 | 90.70 |
| 125 | 60.80 | 563 | 62.75 | 731 | 33.03 | 990 | 16.80 |
| 134 | 80.35 | 564 | 15.47 | 799 | 33.08 | 994 | 65.99 |
| 193 | 57.19 | 575 | 15.47 | 810 | 100.00 | 997 | 64.19 |
| 195 | 65.16 | 587 | 71.47 | 811 | 33.08 | 999 | 65.60 |
| 339 | 73.12 | 618 | 6.28 | 838 | 49.82 | 1001 | 24.86 |
| 355 | 29.20 | 621 | 41.16 | 840 | 84.80 | 1043 | 124.86 |
| 359 | 55.82 | 623 | 32.89 | 841 | 49.51 | 1164 | 133.08 |
| 361 | 35.00 | 626 | 27.33 | 846 | 31.53 | 1165 | 74.67 |
| 363 | 2.40 | 669 | 38.50 | 848 | 31.20 | 1167 | 25.67 |

EXHIBIT No. 69 F.

List of California Indian war bonds issued under the authority of the acts of the legislature of California, approved April 25, 1857, and March 30, 1858, and under acts amendatory thereof and supplemental thereto, paid by California, and by it surrendered to the United States through its agent and counsel, John Mullan.

| No. of bond. | Amount of bond. | No. of bond. | Amount of bond. | No. of bond. | Amount of bond. | No. of bond. | Amount of bond. |
|--------------|-----------------|--------------|-----------------|--------------|-----------------|--------------|-----------------|
| 1 | \$1,000.00 | 141 | \$200.00 | 252 | \$200.00 | 379 | \$1,000.00 |
| 2 | 1,000.00 | 142 | 200.00 | 253 | 500.00 | 380 | 1,000.00 |
| 3 | 1,000.00 | 144 | 200.00 | 254 | 200.06 | 381 | 200.00 |
| 10 | 1,000.00 | 146 | 200.00 | 255 | 500.00 | 382 | 100.00 |
| 11 | 1,000.00 | 151 | 1,000.00 | 256 | 500.00 | 388 | 100.00 |
| 12 | 1,000.00 | 152 | 1,000.00 | 257 | 100.00 | 393 | 200.00 |
| 13 | 1,000.00 | 153 | 1,000.00 | 258 | 200.00 | 395 | 1,000.00 |
| 16 | 1,000.00 | 154 | 1,000.00 | 259 | 200.00 | 396 | 1,000.00 |
| 21 | 500.00 | 155 | 1,000.00 | 260 | 200.00 | 397 | 1,000.00 |
| 23 | 500.00 | 156 | 1,000.00 | 261 | 100.00 | 398 | 1,000.00 |
| 25 | 500.00 | 157 | 1,000.00 | 263 | 500.00 | 399 | 1,000.00 |
| 26 | 500.00 | 158 | 1,000.00 | 265 | 1,000.00 | 400 | 500.00 |
| 31 | 500.00 | 159 | 1,000.00 | 266 | 1,000.00 | 402 | 100.00 |
| 32 | 500.00 | 160 | 1,000.00 | 268 | 1,000.00 | 408 | 1,000.00 |
| 33 | 500.00 | 161 | 1,000.00 | 269 | 1,000.00 | 409 | 1,000.00 |
| 34 | 500.00 | 162 | 1,000.00 | 270 | 500.00 | 410 | 200.00 |
| 35 | 500.00 | 163 | 1,200.00 | 271 | 200.00 | 412 | 1,000.00 |
| 36 | 500.00 | 164 | 200.00 | 272 | 1,000.00 | 414 | 100.00 |
| 37 | 500.00 | 166 | 1,000.00 | 273 | 1,000.00 | 417 | 200.00 |
| 38 | 500.00 | 167 | 100.00 | 275 | 200.00 | 418 | 200.00 |
| 39 | 500.00 | 172 | 1,000.00 | 276 | 200.00 | 419 | 1,000.00 |
| 40 | 500.00 | 183 | 1,000.00 | 277 | 500.00 | 420 | 1,000.00 |
| 42 | 200.00 | 184 | 1,000.00 | 289 | 200.00 | 421 | 1,000.00 |
| 43 | 200.00 | 185 | 1,000.00 | 290 | 200.00 | 422 | 1,000.00 |
| 45 | 200.00 | 186 | 1,000.00 | 293 | 100.00 | 423 | 1,000.00 |
| 46 | 200.00 | 187 | 1,000.00 | 294 | 500.00 | 424 | 500.00 |
| 49 | 200.00 | 188 | 1,000.00 | 295 | 200.00 | 425 | 200.00 |
| 50 | 200.00 | 189 | 1,000.00 | 298 | 500.00 | 426 | 1,000.00 |
| 51 | 200.00 | 190 | 1,000.00 | 299 | 200.00 | 427 | 1,000.00 |
| 52 | 200.00 | 191 | 1,000.00 | 300 | 200.00 | 428 | 200.00 |
| 53 | 200.00 | 192 | 1,000.00 | 301 | 200.00 | 429 | 100.00 |
| 54 | 200.00 | 193 | 1,000.00 | 305 | 100.00 | 430 | 1,000.00 |
| 55 | 200.00 | 194 | 100.00 | 306 | 500.00 | 431 | 100.00 |
| 56 | 200.00 | 195 | 1,000.00 | 307 | 500.00 | 442 | 1,000.00 |
| 61 | 200.00 | 196 | 200.00 | 308 | 200.00 | 443 | 1,000.00 |
| 64 | 200.00 | 197 | 1,000.00 | 310 | 100.00 | 444 | 1,000.00 |
| 66 | 200.00 | 198 | 1,000.00 | 312 | 200.00 | 445 | 1,000.00 |
| 70 | 200.00 | 200 | 1,000.00 | 313 | 200.00 | 446 | 1,000.00 |
| 71 | 100.00 | 201 | 1,000.00 | 314 | 200.00 | 447 | 1,000.00 |
| 74 | 100.00 | 202 | 1,000.00 | 315 | 100.00 | 448 | 1,000.00 |
| 75 | 100.00 | 203 | 500.00 | 316 | 200.00 | 449 | 1,000.00 |
| 77 | 100.00 | 204 | 500.00 | 320 | 100.00 | 450 | 1,000.00 |
| 78 | 100.00 | 205 | 500.00 | 323 | 100.00 | 451 | 1,000.00 |
| 79 | 100.00 | 206 | 500.00 | 324 | 100.00 | 452 | 1,000.00 |
| 80 | 100.00 | 207 | 500.60 | 327 | 200.00 | 453 | 1,000.00 |
| 82 | 100.00 | 208 | 500.00 | 328 | 1,000.00 | 454 | 500.00 |
| 83 | 100.00 | 209 | 500.00 | 329 | 1,000.00 | 455 | 100.00 |
| 84 | 100.00 | 210 | 500.00 | 330 | 1,000.00 | 456 | 500.00 |
| 90 | 100.00 | 211 | 500.00 | 331 | 1,000.00 | 457 | 100.00 |
| 92 | 100.00 | 212 | 500.00 | 332 | 100.00 | 458 | 100.00 |
| 101 | 200.00 | 213 | 100.00 | 333 | 200.00 | 459 | 100.00 |
| 103 | 200.00 | 214 | 200.00 | 334 | 200.00 | 461 | 200.00 |
| 104 | 200.00 | 216 | 200.00 | 335 | 100.00 | 463 | 200.00 |
| 105 | 200.00 | 218 | 200.00 | 337 | 500.00 | 464 | 100.00 |
| 110 | 200.00 | 221 | 200.00 | 338 | 200.00 | 466 | 100.00 |
| 111 | 200.00 | 223 | 200.00 | 339 | 1,000.00 | 467 | 200.00 |
| 112 | 200.00 | 224 | 200.00 | 340 | 1,000.00 | 469 | 200.00 |
| 114 | 200.00 | 230 | 1,000.00 | 341 | 1,000.00 | 471 | 200.00 |
| 115 | 200.00 | 231 | 1,000.00 | 342 | 200.00 | 472 | 200.00 |
| 116 | 200.00 | 232 | 1,000.00 | 343 | 200.00 | 473 | 100.00 |
| 117 | 200.00 | 234 | 200.00 | 347 | 1,000.00 | 474 | 200.00 |
| 118 | 200.00 | 236 | 1,000.00 | 348 | 500.00 | 475 | 200.00 |
| 120 | 200.00 | 237 | 1,000.00 | 349 | 200.00 | 478 | 200.00 |
| 121 | 200.00 | 240 | 200.00 | 351 | 200.90 | 479 | 200.00 |
| 122 | 200.00 | 241 | 200.00 | 352 | 200.00 | 480 | 200.00 |
| 123 | 200.00 | 242 | 200.00 | 360 | 1,000.00 | 481 | 200.00 |
| 124 | 200.00 | 243 | 200.00 | 361 | 500.00 | 482 | 200.00 |
| 126 | 200.00 | 244 | 1,000.00 | 362 | 200.00 | 483 | 200.00 |
| 127 | 200.00 | 245 | 1,000.00 | 363 | 100.00 | 490 | 100.00 |
| 128 | 200.00 | 246 | 1,000.00 | 367 | 100.00 | 491 | 100.00 |
| 130 | 200.00 | 247 | 500.00 | 369 | 100.00 | 499 | 100.00 |
| 131 | 200.00 | 248 | 500.00 | 373 | 100.00 | 502 | 100.00 |
| 132 | 200.00 | 249 | 500.00 | 374 | 100.00 | 503 | 100.00 |
| 136 | 200.00 | 250 | 500.00 | 376 | 200.00 | 504 | 100.00 |
| 139 | 200.00 | 251 | 200.00 | 378 | 1,000.00 | 505 | 100.00 |

104 INDIAN WAR CLAIMS OF THE STATE OF CALIFORNIA.

EXHIBIT No. 69 F.

List of California Indian war bonds issued under the authority of the acts of the legislature of California, etc.—Continued.

| No. of bond. | Amount of bond. | No. of bond. | Amount of bond. | No. of bond. | Amount of bond. | No. of bond. | Amount of bond. |
|--------------|-----------------|--------------|-----------------|--------------|-----------------|--------------|-----------------|
| 507 | \$100.00 | 618 | \$124.86 | 733 | \$1,000.00 | 775 | \$149.20 |
| 513 | 1,000.00 | 619 | 124.86 | 734 | 1,000.00 | 776 | 149.20 |
| 515 | 1,000.00 | 621 | 245.11 | 735 | 1,000.00 | 777 | 149.20 |
| 518 | 1,000.00 | 638 | 296.43 | 736 | 1,000.00 | 778 | 149.20 |
| 525 | 100.00 | 640 | 1,484.04 | 737 | 1,000.00 | 779 | 149.20 |
| 531 | 100.00 | 647 | 342.06 | 738 | 1,000.00 | 780 | 149.20 |
| 532 | 200.00 | 648 | 94.44 | 740 | 185.20 | 781 | 149.20 |
| 533 | 100.00 | 651 | 340.16 | 741 | 1,000.00 | 782 | 149.20 |
| 534 | 100.00 | 653 | 20.00 | 745 | 1,000.00 | 783 | 149.20 |
| 535 | 200.00 | 661 | 199.50 | 746 | 657.10 | 784 | 149.20 |
| 539 | 200.00 | 662 | 63.82 | 749 | 216.67 | 785 | 149.20 |
| 542 | 200.00 | 663 | 309.79 | 750 | 216.67 | 786 | 149.20 |
| 545 | 100.00 | 664 | 324.79 | 751 | 177.70 | 787 | 149.20 |
| 546 | 200.00 | 665 | 64.19 | 752 | 177.70 | 788 | 149.20 |
| 549 | 200.00 | 666 | 282.70 | 753 | 168.20 | 789 | 149.20 |
| 550 | 200.00 | 667 | 196.35 | 754 | 168.20 | 790 | 149.20 |
| 551 | 100.00 | 672 | 91.38 | 755 | 168.20 | 791 | 149.20 |
| 561 | 100.00 | 675 | 289.63 | 756 | 158.70 | 792 | 149.20 |
| 571 | 71.17 | 676 | 245.63 | 757 | 158.70 | 793 | 149.20 |
| 573 | 1,397.50 | 677 | 262.40 | 758 | 158.70 | 798 | 13.99 |
| 576 | 252.14 | 678 | 293.33 | 759 | 149.20 | 799 | 293.33 |
| 579 | 168.56 | 688 | 550.40 | 760 | 149.20 | 800 | 293.33 |
| 581 | 72.25 | 689 | 284.80 | 761 | 149.20 | 801 | 293.33 |
| 582 | 51.15 | 697 | 156.60 | 762 | 149.20 | 802 | 293.33 |
| 589 | 1,000.00 | 708 | 99.33 | 764 | 149.20 | 803 | 171.00 |
| 590 | 1,000.00 | 715 | 481.29 | 765 | 149.20 | 804 | 136.91 |
| 591 | 1,000.00 | 721 | 1,360.08 | 766 | 149.20 | 805 | 119.20 |
| 595 | 1,000.00 | 726 | 198.87 | 767 | 149.20 | 806 | 13.99 |
| 597 | 18.56 | 727 | 273.33 | 768 | 149.20 | 807 | 15.47 |
| 601 | 829.83 | 728 | 907.20 | 769 | 149.20 | 822 | 45.09 |
| 602 | 1,617.34 | 729 | 805.99 | 770 | 149.20 | 842 | 71.47 |
| 603 | 270.15 | 730 | 1,000.00 | 771 | 149.20 | 845 | 351.35 |
| 606 | 74.67 | 731 | 1,000.00 | 772 | 149.20 | 846 | 900.96 |
| 607 | 416.10 | 732 | 1,000.00 | 774 | 149.20 | | |

EXHIBIT No. 70 F.

List of California certificates of Indian war indebtedness and allowance issued under the authority of the acts of the legislature of the State of California approved April 25, 1857, and March 30, 1858, and under acts amendatory thereof and supplemental thereto, respectively, not bonded, paid by the State of California, and by it surrendered to the United States through John Mullan, its State agent and counsel.

| No. of certificate. | Amount of certificate. | No. of certificate. | Amount of certificate. | No. of certificate. | Amount of certificate. | No. of certificate. | Amount of certificate. |
|---------------------|------------------------|---------------------|------------------------|---------------------|------------------------|---------------------|------------------------|
| 22 | \$12.00 | 257 | \$65.60 | 546 | \$52.00 | 768 | \$15.50 |
| 25 | 22.00 | 292 | 84.80 | 549 | 26.25 | 770 | 60.00 |
| 38 | 52.00 | 294 | 88.00 | 550 | 84.00 | 772 | 39.00 |
| 52 | 75.20 | 295 | 67.10 | 571 | 15.47 | 783 | 12.32 |
| 73 | 21.82 | 297 | 76.00 | 582 | 13.13 | 787 | 10.75 |
| 76 | 84.80 | 306 | 88.00 | 592 | 41.97 | 790 | 1.55 |
| 83 | 56.82 | 321 | 85.71 | 598 | 26.53 | 792 | 72.14 |
| 85 | 84.80 | 323 | 84.80 | 600 | 4.00 | 807 | 33.08 |
| 101 | 62.10 | 328 | 75.34 | 604 | 96.21 | 813 | 13.10 |
| 103 | 88.00 | 330 | 84.80 | 620 | 17.00 | 815 | 33.08 |
| 158 | 48.94 | 347 | 62.57 | 631 | 32.00 | 819 | 24.86 |
| 175 | 41.44 | 353 | 68.82 | 632 | 19.20 | 827 | 66.40 |
| 184 | 62.94 | 387 | 84.80 | 634 | 93.50 | 830 | 83.60 |
| 186 | 65.60 | 435 | 25.00 | 645 | 31.22 | 831 | 59.35 |
| 187 | 58.19 | 236 | 46.85 | 664 | 25.00 | 833 | 88.00 |
| 189 | 65.60 | 443 | 10.05 | 693 | 50.50 | 861 | 49.82 |
| 192 | 85.60 | 444 | 41.60 | 697 | 52.50 | 863 | 84.80 |
| 215 | 94.40 | 449 | 41.80 | 709 | 41.20 | 889 | 47.67 |
| 220 | 94.40 | 464 | 19.00 | 723 | 33.08 | 936 | 24.86 |
| 226 | 64.19 | 467 | 44.82 | 725 | 95.14 | 942 | 82.94 |
| 228 | 65.60 | 499 | 84.80 | 727 | 33.08 | 953 | 77.83 |
| 229 | 64.19 | 521 | 14.00 | 755 | 43.15 | 954 | 72.98 |
| 231 | 65.60 | 523 | 66.00 | 760 | 85.33 | 956 | 65.60 |
| 248 | 76.66 | 537 | 88.00 | 762 | 17.33 | 966 | 74.67 |
| 255 | 62.94 | 539 | 82.40 | 764 | 52.50 | | |

EXHIBIT No. 73 F.

List of California Indian war bonds issued under the authority of the acts of the legislature of California, approved April 25, 1857, and March 30, 1858, and under acts amendatory thereof and supplemental thereto, respectively, now outstanding and not paid.

| No. of bond. | Amount of bond. | No. of bond. | Amount of bond. | No. of bond. | Amount of bond. | No. of bond. | Amount of bond. |
|--------------|-----------------|--------------|-----------------|--------------|-----------------|--------------|-----------------|
| 22 | \$500.00 | 383 | \$500.00 | 616 | \$1,000.00 | 703 | \$23.84 |
| 29 | 500.00 | 384 | 200.00 | 617 | 138.08 | 704 | 91.38 |
| 41 | 200.00 | 385 | 100.00 | 622 | 124.86 | 706 | 91.38 |
| 81 | 100.00 | 401 | 100.00 | 623 | 1,320.00 | 707 | 91.38 |
| 91 | 100.00 | 403 | 100.00 | 624 | 4,250.00 | 711 | 103.30 |
| 98 | 100.00 | 404 | 100.00 | 626 | 2,800.00 | 712 | 91.38 |
| 100 | 100.00 | 462 | 200.00 | 629 | 152.58 | 713 | 43.70 |
| 102 | 200.00 | 465 | 200.00 | 632 | 250.00 | 714 | 99.33 |
| 119 | 200.00 | 470 | 200.00 | 634 | 600.00 | 716 | 124.86 |
| 129 | 200.00 | 476 | 200.00 | 635 | 150.00 | 717 | 789.50 |
| 135 | 200.00 | 477 | 100.00 | 636 | 32.00 | 718 | 789.50 |
| 137 | 200.00 | 496 | 1,000.00 | 637 | 18.56 | 719 | 94.19 |
| 138 | 200.00 | 497 | 200.00 | 639 | 33.27 | 720 | 200.00 |
| 145 | 200.00 | 498 | 1,000.00 | 641 | 18.56 | 723 | 2,000.00 |
| 147 | 500.00 | 508 | 100.00 | 643 | 17.22 | 724 | 2,000.00 |
| 148 | 200.00 | 509 | 100.00 | 644 | 9.40 | 725 | 3,154.50 |
| 165 | 100.00 | 512 | 100.00 | 645 | 68.82 | 739 | 449.00 |
| 178 | 500.00 | 520 | 1,000.00 | 649 | 1,260.00 | 741 | 1,000.00 |
| 219 | 200.00 | 521 | 100.00 | 650 | 605.00 | 742 | 1,000.00 |
| 220 | 200.00 | 526 | 100.00 | 652 | 1,134.00 | 743 | 1,000.00 |
| 226 | 200.00 | 529 | 1,000.00 | 654 | 36.76 | 744 | 514.50 |
| 227 | 200.00 | 530 | 200.00 | 655 | 1,000.00 | 745 | 1,000.00 |
| 228 | 200.00 | 540 | 500.00 | 656 | 360.00 | 746 | 657.10 |
| 229 | 200.00 | 541 | 200.00 | 657 | 500.00 | 747 | 800.00 |
| 235 | 200.00 | 543 | 200.00 | 658 | 500.00 | 763 | 149.20 |
| 278 | 500.00 | 544 | 100.00 | 659 | 500.00 | 772 | 149.20 |
| 279 | 500.00 | 560 | 200.00 | 660 | 300.00 | 795 | 33.08 |
| 280 | 500.00 | 562 | 71.17 | 670 | 18.56 | 812 | 1,000.00 |
| 281 | 1,000.00 | 563 | 122.00 | 671 | 400.00 | 817 | 503.92 |
| 282 | 200.00 | 565 | 91.50 | 674 | 87.42 | 818 | 774.00 |
| 283 | 200.00 | 568 | 71.17 | 679 | 1,000.00 | 823 | 15.47 |
| 284 | 200.00 | 577 | 18.56 | 680 | 1,000.00 | 825 | 175.00 |
| 285 | 200.00 | 578 | 375.00 | 681 | 1,000.00 | 826 | 91.38 |
| 286 | 200.00 | 580 | 18.56 | 682 | 1,000.00 | 828 | 650.00 |
| 287 | 100.00 | 586 | 1,000.00 | 683 | 1,000.00 | 829 | 77.05 |
| 288 | 100.00 | 587 | 1,000.00 | 684 | 1,000.00 | 832 | 1,000.00 |
| 291 | 100.00 | 588 | 1,000.00 | 685 | 1,000.00 | 833 | 2,500.00 |
| 296 | 100.00 | 592 | 1,856.78 | 686 | 1,000.00 | 834 | 2,500.00 |
| 311 | 100.00 | 596 | 18.56 | 687 | 705.00 | 835 | 5,000.00 |
| 317 | 200.00 | 605 | 105.48 | 691 | 91.38 | 836 | 3,665.00 |
| 319 | 100.00 | 609 | 22.33 | 692 | 95.36 | 839 | 29.60 |
| 322 | 100.00 | 610 | 19.40 | 695 | 110.73 | 840 | 17.60 |
| 325 | 100.00 | 612 | 600.00 | 698 | 87.42 | 841 | 20.53 |
| 326 | 200.00 | 613 | 400.00 | 699 | 87.42 | 843 | 975.00 |
| 336 | 100.00 | 614 | 130.00 | 701 | 23.84 | 844 | 472.15 |
| 370 | 100.00 | 615 | 150.00 | 702 | 43.70 | | |

EXHIBIT No. 74 F.

List of certificates of indebtedness and allowance on account of California Indian wars, issued under the authority of the acts of the legislature of the State of California, approved April 25, 1857, and March 30, 1858, and under acts amendatory thereof and supplemental thereto, respectively, not bonded, now outstanding and unpaid.

| No. of certificate. | Amount of certificate. | No. of certificate. | Amount of certificate. | No. of certificate. | Amount of certificate. | No. of certificate. | Amount of certificate. |
|---------------------|------------------------|---------------------|------------------------|---------------------|------------------------|---------------------|------------------------|
| 4 | \$200.00 | 348 | \$68.82 | 573 | \$15.47 | 882 | \$13.26 |
| 5 | 100.00 | 349 | 64.32 | 576 | 15.47 | 883 | 13.26 |
| 16 | 49.60 | 350 | 57.95 | 577 | 15.47 | 886 | 80.00 |
| 26 | 500.00 | 354 | 4.82 | 580 | 68.00 | 909 | 13.26 |
| 35 | 12.50 | 356 | 68.82 | 583 | 13.13 | 910 | 15.47 |
| 54 | 87.00 | 357 | 41.69 | 584 | 68.00 | 912 | 15.47 |
| 61 | 76.80 | 358 | 24.74 | 588 | 32.83 | 918 | 20.26 |
| 70 | 67.57 | 364 | 17.49 | 613 | 11.78 | 920 | 13.26 |
| 74 | 1.00 | 366 | 2.40 | 614 | 6.07 | 922 | 15.77 |
| 112 | 68.35 | 367 | 68.82 | 615 | .07 | 925 | 200.00 |
| 114 | 88.00 | 369 | 84.80 | 616 | 6.07 | 930 | 84.80 |
| 120 | 10.05 | 375 | 6.82 | 617 | 64.00 | 930 | 60.00 |
| 126 | 200.00 | 377 | 84.80 | 619 | .59 | 934 | 24.86 |
| 127 | 83.85 | 383 | 49.49 | 636 | 10.00 | 938 | 24.86 |
| 135 | 37.60 | 385 | 4.80 | 638 | 35.90 | 950 | 15.47 |
| 136 | 200.00 | 388 | 52.60 | 643 | 60.75 | 957 | 100.00 |
| 137 | 88.00 | 390 | 88.00 | 653 | 22.50 | 966 | 24.80 |
| 145 | 18.69 | 405 | 21.60 | 655 | 4.00 | 968 | 37.56 |
| 149 | 64.19 | 407 | 40.00 | 660 | .75 | 971 | 13.26 |
| 152 | 65.60 | 408 | 55.19 | 694 | 700.00 | 973 | 8.40 |
| 153 | 64.19 | 409 | 200.00 | 695 | 92.00 | 974 | 76.00 |
| 154 | 1.00 | 410 | 65.60 | 735 | 33.08 | 978 | 76.18 |
| 156 | 65.60 | 430 | 59.19 | 757 | 4.41 | 980 | 76.00 |
| 162 | 64.19 | 438 | 90.00 | 758 | 85.33 | 983 | 300.00 |
| 164 | 65.60 | 441 | 200.00 | 763 | 71.17 | 984 | 52.00 |
| 168 | .69 | 442 | 23.00 | 766 | 18.67 | 985 | 74.67 |
| 170 | 89.50 | 453 | 28.80 | 788 | 68.00 | 987 | 74.67 |
| 180 | 83.02 | 458 | 65.60 | 795 | 81.34 | 988 | 71.17 |
| 196 | 35.04 | 460 | 15.08 | 801 | 74.45 | 991 | 100.00 |
| 198 | 11.20 | 472 | 9.00 | 803 | 33.08 | 992 | 60.00 |
| 218 | 21.15 | 473 | 100.00 | 804 | 100.00 | 995 | 32.83 |
| 224 | 13.86 | 474 | 32.80 | 805 | 33.08 | 996 | 56.00 |
| 236 | 51.60 | 475 | 47.95 | 823 | 24.86 | 1024 | 33.33 |
| 238 | 15.20 | 477 | 84.80 | 828 | 3.46 | 1030 | 133.08 |
| 239 | 63.35 | 479 | 84.80 | 842 | 14.16 | 1041 | 121.75 |
| 241 | 88.00 | 483 | 39.60 | 858 | 6.10 | 1045 | 26.56 |
| 242 | 68.35 | 485 | 88.00 | 860 | 88.00 | 1166 | 16.33 |
| 269 | 54.19 | 493 | 88.00 | 864 | 20.32 | 1168 | 430.00 |
| 271 | 65.60 | 494 | 47.60 | 870 | 16.00 | 1203 | 149.20 |
| 279 | 50.00 | 496 | 88.00 | 872 | 13.26 | 1208 | 149.20 |
| 284 | 60.00 | 506 | 56.00 | 873 | 13.26 | 1229 | 70.50 |
| 285 | 200.00 | 508 | 88.50 | 874 | 13.26 | 1243 | 128.00 |
| 299 | 6.04 | 527 | 72.00 | 875 | 13.26 | 1244 | 36.17 |
| 308 | 20.00 | 535 | 6.33 | 876 | 13.26 | 1251 | 345.84 |
| 325 | 40.34 | 547 | 30.10 | 877 | 13.26 | 1252 | 288.00 |
| 331 | 40.34 | 548 | 84.00 | 878 | 13.26 | 1253 | 41.60 |
| 340 | 68.82 | 562 | 1.80 | 879 | 13.26 | 1254 | 297.60 |
| 344 | 18.07 | 568 | 15.47 | 880 | 13.26 | 1266 | 20.10 |
| 345 | 53.57 | 570 | 15.47 | 881 | 17.22 | 1267 | 83.20 |
| 346 | 46.57 | 572 | 15.47 | | | | |

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 agent and counsel for the State of California at Washington, D. C., in presenting and prosecuting the State Indian war claims of said State against the United States before the proper Departments of the Government of the United States and before Congress; that he has read all the matters stated, recited, or referred to in the foregoing schedules; that all of said matters are true of his own personal knowledge except those matters therein stated upon information and belief, and as to those matters he believes the same to be true.

JOHN MULLAN.

Subscribed and sworn to before me this 22d day of December, 1893.

[SEAL.]

GEO. E. TERRY,
Notary Public.