

BENJAMIN F. BINGHAM.

JANUARY 16, 1880.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. DEERING, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1729.]

*The Committee on Indian Affairs, to whom was referred the bill (H. R. 1729) for the payment of certain Indian war bonds of the State of California, have had the same under consideration, and beg leave to submit the following report:*

The evidence laid before the committee clearly establishes the fact that Indian war bonds were issued by the State of California under an act approved May 23, 1852, in payment of expenses incurred in the suppression of Indian hostilities within that State.

It is also shown that these bonds named in the bill (four in number) were issued as a part payment of the debt incurred as above stated and under the authority referred to, and were made payable in ten years, with interest at the rate of 7 per cent. per annum.

It is found that the bonds are properly authenticated, being signed by J. Neely Johnson, governor; G. W. Whitman, comptroller; and Henry Bates, treasurer. The certificate of James J. Green, comptroller of California in 1872, as to the genuineness of the bonds, was submitted by the claimant and is filed with other papers in evidence, and also a letter from Hon. Horace Austin, Fifth Auditor of Treasury United States.

Following numerous precedents, that the general government was liable for all expenses incurred by States in the suppression of Indian hostilities, Congress, by an act approved August 5, 1854, assumed the payment of this class of bonds, and the sum of \$924,259.65 was appropriated for that purpose. On the 29th day of June, 1863, there was an unexpended balance of this appropriation of \$10,188.63, which, under the provisions of law, was carried to the surplus fund of the Treasury. This unexpended balance arose out of the fact that certain of these bonds had not been presented for payment. Among this number were the bonds now in the hands of the committee, which the holder innocently supposed to be good at any time on presentation at the Treasury Department, the faith of the government having been pledged for their payment. It now appears, however, that while the justice of the claim is acknowledged by the department, payment is prevented by the law which requires that all unexpended balances be covered back into the Treasury after a specified time, and the holder is therefore compelled to ask that Congress will confer upon the Secretary of the Treasury

authority to pay to him the money that has been once appropriated for that purpose.

There is among the papers in evidence before the committee a letter from Assistant Secretary Sawyer, certifying to the amount heretofore paid on similar bonds out of the appropriation made by Congress, as heretofore stated, and as to the unexpended balance carried to the surplus fund in the manner cited above.

The bonds on which payment is now asked are numbered 164, 166, 167, and 168, and amount in the aggregate to \$1,416.88.

In view of the foregoing facts, the committee report the bill to the House with the recommendation that it pass.

