

INDIAN HOSTILITIES IN WASHINGTON AND OREGON TERRITORIES IN 1855 AND 1856.

JUNE 22, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. ALBRIGHT, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 2329.]

MILITARY COMMITTEE ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., May 6, 1874.

DEAR SIR: I inclose copy of a bill referred to me for consideration. I wish you would examine the same, and give me such information as may assist me in coming to a proper conclusion thereon. Also give me your opinion as to the propriety of enacting the same into a law.

I am, very truly, yours, &c.,

CHAS. ALBRIGHT.

Hon. ALLAN RUTHERFORD,
Third Auditor, U. S. Treasury.

For the reasons set forth in the following letter of Hon. Allan Rutherford, Third Auditor Treasury Department, dated May 7, 1874, the committee report adversely upon the accompanying bill (H. R. 2329):

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
Washington, D. C., May 7, 1874.

SIR: I have the honor to acknowledge the receipt of your communication of the 6th instant, inclosing bill (H. R. 2329) relating to claims growing out of Indian hostilities in Oregon and Washington Territories in 1855 and 1856.

You will observe that no recommendation was made by this Office in the reports made November 10 and 14, 1871, referred to in the bill. The lists were merely made up in obedience to the directions of the Senate.

After very careful investigation and consideration, I am of opinion that further legislation is not advisable.

I will refer briefly to the three classes of cases in their order as they appear in the bill:

First. The report of November 10 referred to claims which were not considered by the commission, and which, therefore, were not considered by, or even known to, the Third Auditor when he made his report of February 7, 1860, to the House of Representatives. The commission did not summon any claimants before it, nor were any claims actually presented to it. It took up all the official accounts and returns which had been made to the Territories by the several quartermasters, commissaries, &c., and made its examination and report upon such papers.

But whenever a quartermaster, or commissary, or other officer, gave a citizen a certificate for stores, &c., the officer filed the *counterpart* thereof in his own accounts, as a part thereof; and thus the commission had before it a complete record of any transaction between any officer and any citizen.

There is, of course, a possibility that in some rare instances the officer issued a voucher without being careful to file its counterpart in his accounts. If it be deemed advisable to legislate upon this possibility, the bill ought to be guarded by inserting

a provision that no claim should be allowed unless supported by either the *official return* of the officer or the *original voucher* issued by the officer at the time of the transaction. If both are wanting in one and the same claim the coincidence ought to be a weighty argument against the claim.

If both these checks be thrown aside, and the allowance of claims be permitted upon mere *ex-parte* testimony, the creating of the commission was a mere ceremony, and the keeping of accounts by officers a useless precaution. The honest claimant could almost never reap the benefit of such legislation, while the door would be opened wide to the unscrupulous. After a lapse of nearly twenty years it would rarely happen that an honest claimant could find in the dim recollections of his neighbors any evidence sufficiently reliable to warrant the allowance of his claim; but a few dishonest men could easily band together to give mutual testimony, which, however much suspected, could not be disproved.

If any further legislation is desirable, which I do not think, I urgently recommend the inserting of the provision above stated.

Second. The report of November 14 referred to a class of papers known as the "Hathaway vouchers." These were in no sense of the term *vouchers*. They were merely certificates by certain persons styling themselves "appraisers" of the value of horses and equipments which were to be taken into the service of the Territory. There was nothing to prevent any person whose property was so appraised from asking and receiving a regular voucher from the quartermaster by whom the property was received; and the presumption is that every person entitled to such a voucher did ask and receive it, and has already been paid upon the voucher.

The possession of such a certificate of appraisement raises no presumption that a regular voucher was not duly issued for the property. In many cases it undoubtedly was the fact that the horses were turned over to companies in which the owners were serving; and in these cases the *rolls of the company* noted the soldiers as owning their horses, and upon this evidence the soldiers were paid for the use and risk, and either took the horses with them on leaving the service, or were paid their value if the horses were lost in the service. The present legislation is ample for all these claims when supported by any reasonable evidence.

Third. The bill proposes to allow to officers and their clerks full pay and office-rent for all the time in which they were occupied in making up their accounts after the close of the war, as reported by the commission.

From the report made by the Auditor (Mr. Atkinson) to the House of Representatives, on 7th February, 1860, I quote as follows:

"But it appeared that some of the officers and clerks had been paid out of this fund for services alleged to have been rendered in making out their accounts, in some cases during the whole of the year 1857, and as late as the middle of the year 1858, *nearly two years after the volunteers were discharged*, at rates ranging from six to ten dollars per day for the whole consecutive period. In another part of this report I have stated that I allowed to quartermasters and commissaries, and their clerks, three months after the discharge of the volunteers in which to make out and close their accounts. This was considered sufficiently liberal. In fact, as a general rule, it has been held that claims of this description, when presented by either States or Territories, must be made out entirely at *their own expense*, and that no part of such expenditures shall be borne by the United States. But I did not even adhere to this rule, considering that under the circumstances it might be relaxed a little; and believing three months ample time for each of these officers to finish up his business and close his accounts, I allowed pay for himself and clerks for that period after the discharge of the volunteers. This is the period fixed by law in which officers of the Regular Army are required to make out and render their accounts, after the expiration of each quarter."

In viewing this recommendation made by the Auditor it should be considered that the volunteers were in service less than ten months, and that the vouchers and original papers on which each account was to be made up were all in existence before the commencement of the three months allowed for the making up of the account, for each voucher was necessarily made at the time of the transaction which it represented. Under such circumstances the Auditor deemed three months ample time for an officer and his clerks, no longer interrupted by the duties of active service, to arrange the papers into the form of an account. I return your letter and the bill.

Very respectfully, your obedient servant,

ALLAN RUTHERFORD,
Auditor.

HON. CHARLES ALBRIGHT,
House of Representatives.