

TO REIMBURSE THE STATE OF OREGON, AND TO PAY THE STATE AND CITIZENS OF CALIFORNIA FOR MONEY EXPENDED IN THE SUPPRESSION OF INDIAN HOSTILITIES DURING THE MODOC WAR.

MARCH 24, 1882.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 5391.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1365) to reimburse the State of Oregon for moneys expended and indebtedness assumed in the suppression of Indian hostilities during the Modoc war in the years 1872 and 1873, and the bill (H. R. 4244) for the relief of the State of California and the citizens thereof, respectfully report:

That in pursuance of an act of Congress approved June 18, 1874, as follows, omitting the enacting clause, "That the Secretary of War be, and he is hereby authorized and required to ascertain, or cause to be ascertained, the amount of expenses claimed to be necessarily incurred by the States of Oregon and California, or the citizens thereof, for arms, ammunition, supplies, transportation, and services of the volunteer forces in the suppression of Indian hostilities in said States in the years 1872 and 1873, and report the same to Congress at the next session, together with the names of persons who claim to be entitled to relief, together with a statement of the facts and sums upon which such report may be based," and in obedience to an order of the Secretary of War, dated June 20, 1870, issued under and by virtue of said act of Congress, Inspector-General James A. Hardie, United States Army, proceeded to investigate said claims, and made a full report thereon, which was submitted to the Forty-third Congress, at the second session thereof, by Executive Document No. 45.

By that report it appears that a full history of the Modoc troubles was forwarded to the Secretary of War by General Schofield March 24, 1874, as set forth in a communication from Governor Grover, of Oregon, dated February 13, 1874.

The occasion for calling out the volunteers by the State of Oregon is briefly stated in the report of General Hardie, as follows:

There were two periods of employment of troops by the State of Oregon. The first was in December, 1872, and January, 1873. The occasion was the widespread dismay through the settlements of Southern Oregon, caused by the massacre of citizens, on the 29th and 30th of November, by Modocs, on the borders of Tule Lake. After the affair of the 1st of January, 1873, in which, under the command of General Wheaton,

our forces were not successful in their endeavor to subdue the Modocs; it will be remembered that it was determined to adopt other measures in the premises than those of coercion, and the volunteer troops were withdrawn. These measures proved entirely fruitless, and were followed by the base assassination of the peace commissioners and the breaking out of new hostilities. The alarm of the settlers in the basin (as the region which was the scene of operations is called) was so great that the governor was induced to make a second call for troops. These troops were in service in the latter part of April, May, and a portion of June, 1873."

The investigation of these claims seems to have been thorough and made with proper care on the part of General Hardie. He says:

I visited the different places in the States named, where the more important purchases were made and expenses were incurred. I examined all persons that I could reach connected in any way with the accounts in question, generally under oath, requiring in most cases sworn statements of the correctness of their accounts as presented to the States. I ascertained the nature of the transactions of the administrative officers connected with the expedition, and every other important fact, it is believed, relating to the acquisition and disposition of the property concerned, the raising, service, and disbandment of the troops. Having been at the Lava Beds during the Modoc operations last year, and having traveled over most of the routes used by the troops, I was in a position to become readily acquainted, through a second visit, with the leading features of the region in which the expenditures originated, and, besides, to become well acquainted with men and things concerned. Thus prepared for an intelligent study of these accounts, laborious care has been expended in their examination, with a view to a report thereon satisfactory to the War Department; and furnishing a safe basis of action thereupon by Congress.

It appearing, as General Hardie states in his report, that, under the militia law of the State of Oregon, volunteer troops called into State service shall receive the same compensation that United States troops do for the same period, and that in the adjustment of the accounts in question the State of Oregon issued certified vouchers in the nature of certificates of indebtedness in accordance with a general law authorizing it, he states his conclusion as to the rule which should govern in the settlement of the claims as follows:

In this condition of things it would seem fair that the United States should pay into the State treasury the amount of the obligations of the State for the purchase of arms and munitions, cavalry and quartermaster horses and military supplies; for transportation, forage, medical attendance, and the necessary citizens' labor employed, at such rates as the United States was paying on the spot at the time. On account of pay of troops the reimbursement can only reasonably extend to such an amount as the United States would have paid the same officers and the same men had they been mustered into the service. For the hire of the cavalry horses upon which the troops were mounted the United States' scale of commutation should be allowed. For subsistence the number of rations which the troops would have consumed had they been regularly mustered into the service, commuted at the cost price of the ration where they served, fixes the rate of reimbursement. For the clothing an amount should be reimbursed the State equal to the usual commutation allowance of clothing to volunteers when called into service.

The amount claimed by the State of Oregon by the scheduled claims examined by General Hardie was \$132,855.20, but under the present bill is \$136,000, while the amount allowed by General Hardie, under the rule above stated, is \$70,268.08; which latter amount your committee believe well established, and adopt the same as the sum justly due the State of Oregon for moneys expended and indebtedness assumed by said State in the suppression of Indian hostilities during the Modoc war in the years 1872 and 1873; and, from the evidence presented, your committee does not feel warranted in recommending the payment of any greater sum in the premises.

The amount claimed by the State of California and the citizens thereof

under bill H. R. No. 4244 is \$4,441.33, being the exact sum allowed by General Hardie in his report above referred to, from which the claim may be stated, as follows:

For moneys expended by the State of California in connection with the Modoc hostilities, on account of the transportation of arms to the front and back to the State depots	\$495 72
For the pay, allowances, commutation of clothing, and horse hire of mounted cavalry soldiers, furnishing their own horses and subsistence of one quasi organization of volunteers, consisting of 1 captain, 1 lieutenant, and 27 men, engaged for 8 days. This company participated in the fight of November 17, 1872, under the command of General Wheaton, in which 4 men were wounded, 2 subsequently dying from the injuries then received. Their services were acknowledged in official reports to have been valuable. Also for the pay, allowances, &c., for similar services in the same Modoc war during the autumn and winter of 1872 and part of the spring of 1873, of 14 men 42 days, 10 men 74 days, 10 men 72 days; 1 man acting as captain, principal scout, and guide, 72 days, and 1 man acting as organizer, scout, and guide, 74 days	3,945 61

As to the services of these men and the allowances therefor, General Hardie, in his report, says:

These services are described, by sworn statements appended, to have been of an extra hazardous nature. * * * The duties performed, however, were rather those of guides and scouts than organized troops. I have no doubt that their services were of value. Captain Fairchild has been allowed pay during this period as principal scout and guide, and Mr. Dorris has been allowed at the rate of \$75 per month. The remaining men have been awarded the amounts claimed by them, 55 cents per diem, pay and clothing allowance of United States soldiers, which is little enough for the services performed. These claims are thus moderate, because I was on the spot before their presentation and cautioned claimants to be reasonable in their demands.

Considering the necessity, character, and value of the services rendered, the committee believe said sum of \$4,441.33, and the first-named sum of \$70,268.08, to be just, valid, and meritorious claims against the United States. In lieu of said bills Nos. 1365 and 4244 the committee report back the accompanying substitute and recommend its passage.

