46TH CONGRESS, 3d Session. | SENATE. | REPORT No. 878.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1881.—Ordered to be printed.

Mr. SLATER, 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 House bill No. 1729, have had the same under consideration, and submit the following report thereon:*

This bill provides for the payment of four Indian war bonds issued by the State of California under the provisions of an act of her legislature, approved May 3, 1852, providing for expenses incurred by said State in the suppression of Indian hostilities, and are of the class of bonds provided to be paid under the provisions of section 4 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the government for the year ending the 30th day of June, 1861," approved June 23, 1860 (Statutes, vol. 12, p. 104), which section provided as follows:

> That the Secretary of War be, and he is hereby, authorized to pay out of the unexpended balance of appropriation for the war debt of the State of California, made by the last section of the act approved August 5, 1854, entitled "An act making appropriations for the support of the Army for the year ending June 30, 1855," any outstanding and unpaid bonds and coupons issued by said State for said war debt prior to the passage of said act, but bearing date subsequent to the 1st day of January, 1854.

Under and by virtue of which a large amount was paid out of the Treasury for California war bonds issued by authority of the act of its legislature of May 3, 1852, but bearing date subsequent to January 1, 1854, still leaving, however, a balance of the original appropriation of August 5, 1854, of $10,183.63, which balance was covered into the Treasury on the 30th of June, 1863. By act of Congress of July 25, 1868 (vol. 15, p. 175), this balance was reappropriated for the payment of the unpaid California Indian war bonds, and the sum of $538.11 was paid therefrom on account of such bonds in 1872, and the balance of the appropriation, $9,645.52, was again covered into the Treasury July 1, 1864.

These bonds, for which payment is now sought, were issued to Lucien Mansfield on the 18th day of May, 1856, and bear interest at 7 per cent. per annum, are each drawn for $250, and numbered, respectively, 164, 166, 167, and 168, and have interest coupons attached numbered from five to eleven, inclusive. Coupon No. 5 is for $10.84, being for interest falling due January 1, 1857, and coupon No. 11 is for $5.88, being for interest falling due May 2, 1862, the date when these bonds matured. The other coupons are for $17.50 each, being for interest falling due on the 1st day of January of each year, from 1858 to 1861, inclusive.

It appears by satisfactory evidence before your committee that these bonds are of the number of California war bonds which were entitled to be paid under the act of June 23, 1860, the same being included in a descriptive list of such bonds made and certified by the treasurer and governor of said State, dated February 28, 1862, and filed in the Third Auditor's office. It also appears in evidence that these bonds were filed in the Third Auditor's office by R. McBrotney March 24, 1865, and were returned to him by direction of the Third Auditor July 30, 1867, the appropriation having lapsed.

A bill was introduced into the House in the Forty-third Congress providing for the payment of these bonds, which bill was referred to the Committee on Claims, and by that committee reported back with a favorable report. A bill providing for their payment was also introduced into the Forty-fifth Congress in the House, referred to the Committee on Indian Affairs, and by that committee reported back with a recommendation that it pass.

That these bonds were not paid during the life of the appropriation under the provisions of the act of June 23, 1860, or under the reappropriation of July 25, 1868, is certainly not the fault of the government, and they should not now be entitled to greater consideration than they would have received if presented for payment prior to the 1st of July, 1863. The bonds of the same class were paid with interest accruing up to July 1, 1860, without respect to date of presentation. And your committee are of the opinion that these bonds should be paid in the same manner, upon which basis the amount due upon said bonds would be $1,290.56, and not $1,416.88, as provided in the text of the bill, and the bill should be amended in this respect.

Your committee are also of the opinion that the bill should be so amended that the amount authorized to be paid upon these bonds should be made to the lawful holder thereof, instead of to the person named in the bill; and, when so amended, your committee recommend that said bill do pass.

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