

~~INDIAN WAR CLAIMS.~~—In 1854 a section was appended to the act of Congress making appropriations for the army, directing the Secretary of War to examine into and ascertain the amount of expenses incurred, and now actually paid, by the State of California in the suppression of Indian hostilities within the said State prior to the first day of January, A. D., 1854, and that the amount of such expenses, when so ascertained, be paid into the Treasury of said State, provided that the sum so paid shall not exceed in amount the sum of \$921,259 65. At the last session of our State Legislature an act was passed directing the Governor to furnish the Secretary of War with a certified statement of the amounts paid by the State as aforesaid. The ex-Governor, in his message, says that he complied with this act of the Legislature, and that the Secretary of War declined payment of the amount appropriated, until placed in possession of the several vouchers upon which warrants and bonds were issued by the State of California, claiming, as it appears, the right to question the propriety of such payment, and, should he deem the vouchers unsatisfactory, to refuse to pay over to the State the moneys appropriated by Congress.

The Secretary of War has undoubtedly assumed a prerogative in this matter not authorized by the act of Congress. He is instructed to "ascertain the amount of expenses incurred and now actually paid by the State of California, and then pay over to the Treasury of said State the amount above mentioned. We think Gov. Bigler very properly dissented from such a violent construction of the act of Congress as the Secretary of War has put upon it, the effect of which is to constitute him a judge to decide upon the propriety of allowing and paying the amounts for which the State of California has already become responsible. For

which is to constitute him a Judge to decide upon the propriety of allowing and paying the amounts for which the State of California has already become responsible. For what does he require, the original vouchers, the property of the archives of the State, unless for the purpose of reviewing the action of the State, in providing for defending her citizens from savage cruelties to which they were exposed by the inaction of the Federal Government, and in auditing the expenses? The Secretary may conclude that a particular company, in such a portion of the State was uncalled for, or not absolutely necessary; that other companies consumed too much flour, bacon, or beans, or that the documents in support of the amounts claimed are not exactly *au fait* of the regular army, and thereupon reverse the action of the State.

We believe the Secretary is what might be termed an ultra States Rights man, but his practice in this particular is not very consistent with the notions of Sovereignty. This State in her capacity as a Sovereign has performed duties towards the inhabitants thereof, imposed alone upon the Federal Government, and has also paid for the same, and then calls upon the party for whom she did this service to be reimbursed. That party magnanimously responded, and made the appropriation referred to, appointing the Secretary of War an agent merely, to pay over the amounts expended by the State in behalf of the General Government, not exceeding the amount therein mentioned, upon receiving evidence that the same had been incurred, and actually paid by the State. But the Secretary of War wants the State officers to rob the archives of the original papers on file to submit to him for inspection. In the courts of justice, and in every other proceeding, certified copies from the proper department of a State Government are reserved as evidence of the facts which they purport to give. The same act of Congress contains a provision for the payment of the

pers all the to submit to him for inspection. In the courts of justice, and in every other proceeding—certified copies from the proper department of a State Government are reserved as evidence of the facts which they purport to give. The same act of Congress contains a provision for the payment of Fremont's batallion, in which case it requires the muster rolls and other papers from the proper officers, and it is very singular if Congress had intended that the State of California should be subjected to the same rules as an individual or officer in the settlement of accounts with the government, that some mode of settlement had not been provided in the section making the appropriation.

We think the conduct of the Secretary of War is an insult to the State, and we regret to see our legislature taking steps to comply with his unwarrantable demands. An application should have been made to Congress for the passage of an explanatory act, leaving the Secretary no loop hole, or some measure taken to bring the construction of the old act before some other tribunal than the Secretary of War.

In the eagerness to get hold of this money (which some seem to view as a donation by Congress) we may lose our self respect as a Sovereign State. But if it has been determined upon that the State must stoop to the caprices of the Secretary of War, the plan recommended by Governor Johnson is much better than the one which the majority of the legislature seem to favor. He recommends that Dr. Bates, State Treasurer, Gen. Denver, now in Washington, and formerly one of the Board of Examiners of War Claims, and Mr. Phelon, clerk of that Board, be appointed as commissioners to present the original vouchers at the War Office in Washington, and receive the funds appropriated by Congress, and that only the latter receive any compensation, besides expenses. The first mentioned gentleman is the proper person to receive the money, while the

other two, having been connected with the War Loan Board, are familiar with all the vouchers and papers to be presented. The Governor thinks that a great saving to the State will result from the adoption of this plan. On the other hand, the majority in the Legislature are highly indignant that the Governor should venture any suggestions relative to the matter, and the Assembly, at last dates, had passed an act constituting C. B. Smith, the commissioner. Whether the Senate will unite with the Lower House against the Governor, remains to be seen. Mr. Smith is a very clever gentleman, but no better qualified to transact the business of this commission than hundreds of others in the State, and the action of his supporters in the Legislature looks very much like a disposition to provide a place for a partizan friend without regard to means or the interest of the people of the State. It is a dangerous precedent to establish, and the Legislature will probably have calls enough if they will only supply good places for all who may urge their claims. The mind of every man of ordinary capacity for business would, at once suggest the propriety of selecting an agent to transact a particular business, who possessed some previous acquaintance with such business, particularly if he could be obtained on equally favorable terms. This was doubtless the reason Governor Johnson recommended Gen. Denver and Mr. Thelou, and we think he displayed good sense in so doing, and we believe he will be sustained in the course he has taken.

