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Letter from the Secretary of the Interior,  
transmitting a draught of a bill to authorize the  
Secretary of the Interior to use certain unexpended  
balances of appropriations for the Indian service.

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UNEXPENDED BALANCES, INDIAN APPROPRIATIONS.

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L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

*A draught of a bill to authorize the Secretary of the Interior to use certain unexpended balances of appropriations for the Indian service.*

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JANUARY 12, 1874. — Referred to the Committee on Appropriations and ordered to be printed.

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DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., January 12, 1874.*

SIR: I have the honor to present herewith, for the favorable consideration and action of Congress, the draught of a bill to authorize the Secretary of the Interior to use, as far as the interests of the Indian service may require, in accordance with treaty stipulations and for the objects for which originally appropriated, the unexpended balances of former appropriations for said service which remained on the books of the Indian Office on the 30th June, 1873.

A copy of a report, dated 10th instant, from the Commissioner of Indian Affairs, is also herewith transmitted. It presents the views of that officer, in which I fully concur, as to the urgent necessity that exists for the legislation herein requested.

Very respectfully,

B. R. COWEN,  
*Acting Secretary.*

The SPEAKER of the House of Representatives.

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*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to use, so far as the interests of the Indian service shall require, in accordance with treaty stipulations, and for the objects for which originally appropriated, the unexpended balances of former appropriations for said service which remained on the books of the Indian Office on the 30th June, 1873.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., January 10, 1874.

SIR: By the enacting clause to the Indian appropriation bill for the present fiscal year, approved February 14, 1873, (Stats., vol. 17, p. 437,) the appropriation made under said act is held to be an annual one within the meaning of section 5 of the act of July 12, 1870, (Stats., vol. 16, p. 251,) and by the decision of the First Comptroller of the Treasury dated July 25, 1873, "appropriations made for the Indian service prior to July 1, 1873, but not including those by the act of February 14, 1873, cannot be used for the service of this year, except in payment of expenses properly incurred prior to July 1, 1873, or in the fulfillment of contracts properly made prior to the same date."

In a subsequent letter to this office on the same subject, the Comptroller states that it is not material whether the money remaining on hand from former years' appropriations is due under treaty stipulations or whether it was appropriated for special purposes or not, as no money can be drawn from the Treasury except in consequence of an appropriation made *by law*, and that no question of convenience or inconvenience nor even of justice, should be permitted to induce a departure from the provisions of law.

The office does not question the correctness of the Comptroller's decision, taking the law in its literal sense, but cannot believe that it was the intention of Congress to annul appropriations heretofore made in fulfillment of treaty stipulations with Indian tribes, or for special purposes, as in the cases of the removal of the Winnebagoes from Wisconsin and the Kickapoos from Mexico, simply because the amounts appropriated for these purposes were not expended at a certain given time.

The embarrassments that this office has been subjected to, by reason of the restrictions above referred to, have been very great and detrimental to the best interest of the service. It is injudicious in many cases to expend in any one year the exact amount appropriated to carry out treaty stipulations, or otherwise, as in some years the full amount may not be required, while the next year more than the amount appropriated may be needed; and when work of improvements connected with the service has been commenced, and measures inaugurated and in progress for the removal of Indians, or for the accomplishment of any other object of importance, which requires time and labor to complete, the withdrawal, in the midst of the work, of funds appropriated for such purposes cannot prove otherwise than disastrous in its results.

Submitting the above for your consideration, I respectfully suggest that the attention of Congress be invited to the matter, with the view of obtaining such legislation in the premises as will place at the disposal of the Department the unexpended balances of former appropriations for the Indian service which remained on the books of this office on the 30th June, 1873, to be used, so far as the interest of said service shall require, in accordance with treaty stipulations, and for the objects for which the funds were originally appropriated.

A draught for a bill to meet the requirements in the case is herewith inclosed.

Very respectfully, your obedient servant,

E. P. SMITH,  
Commissioner

Hon. SECRETARY OF THE INTERIOR.