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Letter from the Secretary of the Interior, transmitting a communication from the Secretary of the Board of Indian Commissioners in relation to an unexpended balance of appropriation made by the act of May 29, 1872, to pay the expenses of said board

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EXPENSES OF THE BOARD OF INDIAN COMMISSIONERS.

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LETTER

FROM THE

SECRETARY OF THE INTERIOR,

TRANSMITTING

*A communication from the secretary of the board of Indian commissioners in relation to an unexpended balance of appropriation made by the act of May 29, 1872, to pay the expenses of said board.*

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

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DEPARTMENT OF THE INTERIOR,  
Washington, D. C., February 9, 1874.

SIR: I have the honor to present herewith a copy of a communication addressed to this Department on the 7th instant by Thomas K. Cree, secretary of the board of Indian commissioners, in which attention is invited to the fact that there remains in the Treasury an unexpended balance of an appropriation (of \$15,000) made by act of Congress, approved May 29, 1872, to pay the expenses of said board. (Statutes at Large, vol. 17, p. 186.)

The act making appropriations for the Indian Department, approved February 14, 1873, continued the commission with the powers and duties conferred by law; but, in view of the fact that a balance of the appropriation made by the former act remained unexpended, and was sufficient to defray the expenses of the board for the fiscal year ending June 30, 1874, no additional appropriation was provided therefor by the latter act.

This unexpended balance amounts to \$8,061.71; but the First Comptroller of the Treasury, on the 25th July, 1873, decided that said sum is subject to the operation of the act of July 12, 1870, and is, therefore, unavailable without further legislation by Congress.

I invite the attention of Congress to this subject, and earnestly recommend such action as will authorize the use of said unexpended balance of \$8,061.71, remaining of the appropriation made by act of 29th of May, 1872, in defraying the expenses of the board of Indian commissioners already incurred and that may be incurred during the fiscal year ending June 30, 1874.

Very respectfully, your obedient servant,

C. DELANO,  
Secretary.

Hon. J. G. BLAINE,  
Speaker House of Representatives.

BOARD OF INDIAN COMMISSIONERS,  
Washington, D. C., February 7, 1874.

SIR: I have the honor to ask your attention to the following extract from the fifth annual report of the board of Indian commissioners, dated January 20, 1874:

At the last session of Congress the board of Indian commissioners were continued from the 1st of July, 1873, but no appropriation was made for the expenses of the board for the reason that the unexpended balance of a former appropriation was deemed ample. By a subsequent decision of the First Comptroller of the Treasury, under the act of Congress, \$8,061.71 of this balance still unexpended reverted to the Treasury on the 1st of July. This made necessary either that the work of the board should be abandoned, or its members should supply the funds needed. They did this so far as necessary, and the work of the office has been continued.

And in explanation would respectfully say, that at the time of the passage of the last Indian appropriation bill, approved February 14, 1873, the board had remaining of the previous appropriation of \$15,000 (act approved May 29, 1872) sufficient to carry them through the fiscal year ending June 30, 1874; but by a decision of the First Comptroller of the Treasury, dated July 25, 1873, it was held that the unexpended balance remaining in the Treasury came under the operation of the act of July 12, 1870, and therefore could not be used.

I also ask your attention to the following extract from the speech of Hon. Aaron A. Sargent, introducing the Indian appropriation bill for 1873-'74, as showing the intention of Congress:

I will first state, however, that we appropriated but \$15,000 for the expenses of these Indian commissioners in the last Indian appropriation bill. They have informed me that they have not spent more than half of that for their expenses, and that they need no appropriation for the next year. I have, therefore, simply put in the bill the ordinary provision that the board is continued another year, with the powers and duties prescribed by law. My friend from Maine (Mr. Hale) suggests that what I state with regard to this appropriation for the Indian commission is unprecedented in the history of appropriations. I think myself it is evidence of the honest and disinterested character of these gentlemen. (Cong. Globe Forty-second Congress, third session, p. 114.)

And respectfully request that you take such action as you deem proper in order to carry out the intention of Congress, and to secure the use of the above referred to balance of \$8,061.71 for the payment of expenses incurred during the fiscal year ending June 30, 1874, under the terms of the act approved February 14, 1873, continuing the board of Indian commissioners with "powers and duties heretofore provided by law."

Very respectfully, your obedient servant,

THOMAS K. CREE,  
*Secretary.*

Hon. COLUMBUS DELANO,  
*Secretary of the Interior.*