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Bowers and Richards

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BOWERS AND RICHARDS.

MAY 21, 1880.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. ERRETT, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1768.]

The Committee on Indian Affairs, to whom was referred bill H. R. 1768, respectfully report:

Statement of facts in the matter of House bill No. 1768, in favor of Bowers and Richards, for \$9,455.77, as shown by the record in said matter filed with the House Committee on Indian Affairs.

1st. On June 28, 1873, J. M. Barney entered into a written contract with the United States to deliver to Indian agencies in Arizona, that included the Rio Verde Indian Reservation, fresh beef at 5 cents per pound, and filed with the United States, as required by the terms of said contract, a bond in the sum of \$50,000 for the faithful performance thereof. (See copy of said contract and of said bond filed in evidence in said case.)

2d. In pursuance of said written contract, said James M. Barney delivered to the agent in charge of said Rio Verde Indian Reservation beef as follows:

	Pounds.
In the month of May, 1874.....	139,427
In the month of June, 1874.....	140,000
The first of which, at 5 cents per pound, amounts to.....	\$6,971 35
And the second to.....	7,000 00
Making a total of.....	13,971 35

In evidence thereof see the receipts of J. W. Mason, captain Fifth Cavalry, in charge of said Indian agency at said time.

On August 26, 1874, said J. M. Barney gave the Commissioner of the Indian Bureau, Ed. P. Smith, a written order to deliver to Bowers and Richards, or order, the proceeds of said 139,427 and of said 140,000 pounds of beef, receipts as by him delivered in May and June, 1874, at said Rio Verde Reservation. (See copy of said order filed in evidence herein.)

On January 14, 1875, the then Commissioner of Indian Affairs wrote Bowers and Richards that unsettled receipts for \$13,971.35 in favor of J. M. Barney, on account of fresh beef furnished by him to the Rio Verde Reservation, in Arizona, for May and June, 1874, were on file in his office, and that an order from J. M. Barney must be forwarded to his of-

rice to effect payment to them, whenever funds available should have been furnished by Congress. (See copy of same in evidence.)

On January 14, 1875, the then Commissioner of Indian Affairs wrote to Edward Johnson to a similar effect. (See copy of letter to same.)

On January 15, 1876, the then Commissioner of Indian Affairs wrote Bowers and Richards that there were on that date unsettled claims in favor of J. M. Barney, for said beef delivered at the Rio Verde Indian Reservation in May and June, 1874, amounting to \$6,971.35 and \$7,000, respectively; and that, in accordance with an order of said J. M. Barney, the said amount would be paid to Bowers and Richards as soon as funds would be appropriated by Congress therefor. (See copy of same in evidence.)

On March 24, 1876, the Secretary of the Treasury, Hon. B. H. Bristow, submitted to the House of Representatives a report transmitting a deficiency estimate that included said sum of \$13,971.35, as then due J. M. Barney for said beef so furnished, but which was not appropriated; (See House Ex. Doc. 151, Forty-fourth Congress, first session, page 29 thereof.)

On December 27, 1876, the Second Auditor of the Treasury audited and allowed of the \$6,971.35 claim the sum of \$4,525.58, and paid same to said Bowers and Richards, leaving a balance of \$2,445.77 then unpaid, and which balance of \$2,445.77 was suspended until an appropriation applicable to its payment should be made by Congress, and which balance of \$2,445.77 and which sum of \$7,000 remain unpaid and still due, and the sum of said two amounts of \$2,445.77 and \$7,000 is \$9,445.77, the same being the amount now asked for in said House bill No. 1768. (See letters from Second Auditor and Commissioner of Indian Affairs.)

That on February 9 and 10, 1880, the honorable Secretary of the Treasury informed Hon. John G. Campbell, Delegate from Arizona, that, with the exception of \$34,210, appropriated per act of June 20, 1878, for W. B. Hooper & Co., no appropriation applicable to the payment of these claims has been made since March 24, 1876, and that there are no funds in the Treasury from which they can be paid; and that, under the rulings of the Comptroller of the Treasury, it would appear that further legislation is now needed to authorize the accountant officers to adjust claims of the class included in House Ex. Doc. 151. (See letter to the Hon. J. G. Campbell from the honorable Secretary of the Treasury.)

So that it appears from the papers filed in this case that beef amounting to 139,427 and 140,000 pounds, respectively, was delivered to the United States Indian agency at Rio Verde, Arizona, by J. M. Barney, as per his written contract with the United States, and of the value of \$6,971.35 and \$7,000, respectively, making, in all, \$13,971.35, and which amount of \$13,971.35 was by said Barney duly ordered to be paid to Bowers and Richards; that of said sum only \$4,525.58 has been by the United States paid, and the same was paid to Bowers and Richards; and that the balance thereof, to wit, \$9,445.77, is unpaid and still due by the United States to Bowers and Richards, named in said House bill No. 1768; and that the said sum of \$9,445.77 remained unpaid for the want of funds available to pay same (Congress having failed to make any appropriation for the payment thereof up to date); and that this further legislation by Congress is, in the opinion of the Comptroller of the Treasury, needed to authorize the accountant officers of the Treasury to adjust claims of the class included in House Ex. Doc. No. 151, hereinbefore referred to.