

5-28-1884

## Report : Claim of J. Burchard

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IN THE SENATE OF THE UNITED STATES.

MAY 28, 1884.—Ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 1800.]

*The Committee on Claims, to whom was referred the bill (H. R. 1800) for the relief of J. L. Burchard, have considered the same, and report as follows:*

[House Report No 1150, Forty-seventh Congress, first session.]

The claim was reported favorably by the House Committee on Indian Affairs in the Forty-seventh Congress. The same committee of the present Congress has adopted the previous report. This committee adopts the said report and concurs in its recommendation.

*The Committee on Indian Affairs, to whom was referred the bill (H. R. 64) for the relief of J. L. Burchard, late Indian agent at Round Valley, California, respectfully report:*

It appears from the letter of Second Comptroller of the Treasury that J. L. Burchard, Indian agent at Round Valley, California, was inefficient and seemed to have but little knowledge of law or book-keeping, and made purchases and disbursements as agent not in accordance with law.

It appears that he has filed vouchers for all purchases and disbursements, though some of the vouchers are irregular in form, and in some cases the information upon which the vouchers are based is not fully satisfactory.

Mr. Berry, the author of the bill, addressed a letter of inquiry to Mr. W. W. Upton, the Comptroller, in regard to Agent Burchard's accounts. Mr. Upton's reply is as follows:

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,  
Washington, D. C., December 14, 1881.

SIR: I have received your letter of the 1st instant, transmitting a communication from J. L. Burchard, late Indian agent, relative to his accounts as agent at Round Valley, California.

In your letter you refer to remarks made by Mr. Burchard and desire a statement of the reasons "why his accounts cannot be settled; if he has filed his vouchers as stated, and the moneys disbursed as he alleges, and for which the Department will not credit him; also, if there is anything in his accounts which show a fraudulent intent on his part."

In reply, I have to state that in the examination of Agent Burchard's cash accounts it was found that he claimed credits for money disbursed without warrant of law, viz, moneys received from sale of Government property had been disbursed instead of being deposited in the Treasury as miscellaneous receipts, as required by section 3618, Revised Statutes.

Also funds had been misapplied, in violation of the provisions of sections 2097 and 3678, Revised Statutes.

Also, that he had made purchases exceeding in amount \$1,000 without advertising for the same, contrary to section 7, act of March 3, 1875 (18 Stat., 450).

The disbursements, classified as above, amount to considerable in the aggregate, and credit cannot be given for the same by the accounting officers, for reason that the transactions were in violation of law.

He has filed vouchers for the same, and the money appears to have been disbursed as he alleges. There are, however, quite a number of vouchers in his accounts which are defective in form and deficient in information, which show irregularity in the manner in which the business was transacted.

It is presumed those vouchers will be perfected, and the necessary information furnished. He has been given a limited time for this purpose.

So far as I am aware no fraudulent intent on his part has been alleged or discovered, and, while his accounts show great irregularities and lack of familiarity with the business with which he was charged, I know of no reason to suspect his honesty or good faith.

Very respectfully,

W. W. UPTON,  
*Comptroller.*

Hon. C. P. PERRY,  
*House of Representatives.*

It will be seen from this letter that no reason exists to suspect any dishonesty on the part of Mr. Burchard, or that any of the funds of the Government have been retained.

It is claimed by Mr. Burchard that all moneys that came into his hands have inured to the benefit of the Government, and, so far as anything appears to the contrary, his claim is true, having filed vouchers for all claims, though some of the vouchers are irregular.

This bill simply authorizes the proper accounting officer to settle his accounts upon the principles of justice and equity.

Your committee recommend the passage of the bill.

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