

Bureau of Child and Animal Protection, Appropriation.  
Bureau Child and Animal Protections, Indians Not Within  
Jurisdiction of Bureau of Child and Animal Protection.

The State Bureau of Child and Animal Protection has no authority to use any portion of the moneys appropriated for its support for the relief of Indians. Such relief must come from the legislature, if that body has authority to appropriate for such purpose.

Helena, Montana, January 11, 1909.

Hon J. M. Kennedy, Secretary State Bureau, Child and Animal Protection, Helena, Montana.

Dear Sir:

In answer to your inquiry

As to whether you are authorized to expend a part of the moneys appropriated for the support and maintenance of the Department of State Bureau of Child and Animal Protection for the relief of the several bodies of Indians now camped in this vicinity,

you are advised that there has been no money appropriated for your Department for the purpose indicated, and as such an expenditure is not now authorized by law it is not within your power to incur any expense, or use any state moneys for such purpose.

There are grave doubts as to the constitutionality of any law which might be passed making appropriations of money to be expended as you indicate, which it is not necessary now here to consider.

Very respectfully yours,

ALBERT J. GALEN,  
Attorney General.