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Daniel Woodson

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Recommended Citation

H.R. Rep. No. 880, 52nd Cong., 1st Sess. (1892)

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DANIEL WOODSON.

MARCH 28, 1892.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BYRNS, from the Committee on Claims, submitted the following

REPORT:

[To accompany H. R. 3323.]

The Committee on Claims, to whom was referred the bill (H. R. 3323) for the relief of Daniel Woodson and the estate of Ely Moore, beg leave to report:

Daniel Woodson, was a receiver of public moneys and disbursing agent in the Delaware land district of Kansas, from August, 1857, to June, 1861. He was a special receiver and superintendent, to assist at the sales of certain Indian trust lands in Kansas. Ely Moore, deceased, was register of the land office in the Pawnee land district of Kansas; and also a special register and superintendent to assist at the sales of certain Indian trust lands in Kansas.

Congress, on the 18th of August, 1856, in the seventh section of "An act making appropriations for certain civil expenses of the Government," enacted—

That in the settlement of the accounts of registers and receivers of the public land offices the Secretary of the Interior be, and he is hereby, authorized to allow, subject to the approval of Congress, such reasonable compensation for additional clerical services and extraordinary expenses incident to said offices as he shall think just and proper, and report to Congress all such cases of allowance, at each succeeding Congress, with estimates of the sum or sums required to pay the same. (Stat. at Large, Vol. II, p. 91.)

A certified copy of the report to Congress, as required by said act, shows that the accounts of the register and receiver of said Delaware land district were settled under said act on December 21, 1860, for office expenses, and that the sum of \$12,857.92 was allowed them for clerk hire, office rent, fuel, and light, which was then reported to Congress for appropriation, as said act required. Said sum was made up as follows:

Amount allowed the register for clerk hire	\$7, 383. 00
Amount allowed the receiver for clerk hire	3, 150. 00
Total sum allowed for clerk hire	10, 533. 00
Amount allowed the register for office rent, voucher No. 3	845. 80
Amount allowed the receiver for office rent, voucher No. 1	845. 80
Amount allowed the register for fuel and light, voucher No. 2	316. 66
Amount allowed the receiver for fuel and light, voucher No. 4	316. 66
Total sum allowed on settlement	12, 857. 92
Amount appropriated February 19, 1861, to pay for clerk hire (12 Stat., 133)	10, 533. 00
Balance of sum allowed on settlement for office rent, etc., not yet appropriated	2, 324. 92

The report in these cases says:

The register and receiver for the Delaware land district, Kansas, appear to have proceeded in this matter according to the law of August 18, 1856. Their expenses for clerk hire, office rent, etc., during the three years mentioned, have amounted to \$12,857.92, or a little over \$4,000 per year, which is regarded as reasonable, in view of the unusually large quantity of land sold and located at that office during this period of time.

From evidence submitted to the committee, it is shown that no appropriation has been made to pay said Receiver Woodson the sum of \$1,162.64, stated on said settlement under said act to be due to him for office rent, fuel, and light.

A certified copy of the report to Congress, as required by said act, shows that the account of Ely Moore, deceased, late register of said land office, was settled, under said act, on February 12, 1861, for office expenses, and that the sum of \$4,115 was allowed him for clerk hire and office rent, which was then reported to Congress for appropriation, as required by said acts. Said sum was made up as follows:

Clerk hire for one clerk, at \$4 per day, exclusive of Sundays, from the 1st of April, 1857, to January 27, 1860, 885 days.....	\$3,540.00
Office rent for fifteen months, ending April 5, 1858	575.00
	<hr/>
Total for clerk hire and office rent.....	4,115.00

Said report of February 12, 1861, says:

The item of rent for which \$575 is claimed in this case for fifteen months ending April 5, 1858, is regarded as cognizable, under the act of 1856, in cases where the extraordinary character or amount of the business of a land office requires extraordinary accommodations.

The concluding part of said report further says:

The register would probably have a claim similar to that of the receiver mentioned in my letter to you of the 26th January last.

A certified copy of the report referred to of January 26, 1861, in the case of the receiver, who served at the same time and in the same district with Register Moore, shows that in the settlement of the receiver's account, under said act of 1856, he was allowed \$1,145, for office rent, which amount was appropriated in 1878 and paid to him. It is also in evidence before your committee that said receiver in said settlement, under the act of 1856, filed a receipt for \$1,000 paid by him for office rent, for said Register Moore and himself; that said receipt was filed with said receiver's accounts; that he obtained an allowance of \$500 on it, and that said Register Moore was entitled to an allowance of \$500 on said receipt or vouchers. Thus as said Register Moore's account was presented for only \$575, charged in said account for office rent, your committee do not feel justified in reporting any greater sum for appropriation than that charged and allowed on said settlement, under said act.

Evidence before your committee shows that the amount of \$4,115, allowed said Register Moore, deceased, under said act of 1856, has never been appropriated or paid to his estate.

Your committee are of the opinion that Daniel Woodson, late receiver, is entitled to an appropriation for the sum of \$1,162.46 and that the estate of Ely Moore is entitled to an appropriation for the sum of \$4,115, as allowed them on the settlement of their accounts under said act of 1856; and that said amounts due to said officers should long since been appropriated and paid to them.

A certified copy of the report of the Commissioner of Indian Affairs, of June, 1885, in the cases of said Woodson and of said Moore, as special

agents for the sales of the Delaware Indian trust lands, and of the trust lands of the United tribe of Wea, &c., Indians, shows that said special agents in the settlement of their accounts were allowed commissions on only a part of the trust moneys received from the sales of said trust lands. The Supreme Court of the United States, in case No. 216, of one of the four special agents employed to assist in the sales of said lands, decided (110 U. S. Reports, p. 688), on March 3, 1884, that the Delaware Indian treaty of May 6, 1854 (10 Stats., 1048), and the Wea, &c., Indian treaty of May 30, 1854 (10 Stats., 1082), allowed commissions on all of the trust moneys received from the sales of said lands. Said court ordered judgment to be entered in favor of said special agent for the additional commissions, withheld from him in the settlement of his accounts for the expenses of the sales of said trust lands, together with interest on the trust moneys due to him, and which were paid to him in 1884.

In 1884, a duly authorized agent of said Woodson and Moore applied for a further adjustment of their accounts for the expenses of the sales of said trust lands and the allowance of the commissions due to them, together with the interest on their moneys, which had been loaned out, by act of Congress, at 5, 6, and 7 per cent, payable semiannually, as is shown by said certified report of 1885; which request was refused, in 1885, on the ground that an act of Congress was necessary requiring or authorizing said accounts to be further and finally adjusted.

The House Committee on Claims in the Forty-ninth Congress favorably reported a bill appropriating the moneys due to said Woodson and Moore under said act of 1856 and requiring a further adjustment of their accounts as special agents of the sale of said trust lands, and the payment of the trust moneys withheld from and due to them, together with the interest due on said trust moneys, which bill was not reached on the calendar.

The House Committee on Claims in the Fiftieth Congress favorably reported H. R. 2263, by report No. 819, which was not reached on the calendar.

The duly constituted agent of said Woodson and Moore, in 1889, again made application for a further adjustment of the accounts of said Woodson and Moore, for the additional commissions due to them under said Indian treaties as construed by said court in 1884, in the case of one of the four special agents employed to sell said trust lands. That said agent called attention to the act of August 7, 1882 (22 Stats., p. 345, ch. 439), which authorizes and directs "the proper accounting officers of the Treasury to examine and audit all of the unpaid claims heretofore filed in the Departments" for services rendered "under the direction of the Indian Bureau or of any of its agents." Section 1063 of the Revised Statutes provides for a reference to the Court of Claims of any one of a class of claims involving disputed facts or controverted questions of law, "where the decision will affect a class of cases or furnish a precedent for the future action of any executive department in the adjustment of a class of cases, without regard to the amount involved in the particular case;" yet in the face of these facts the application was refused on the 17th of October, 1889, and in a written communication said agent was advised to continue his effort to obtain relief for said special agents from Congress.

Said Indian treaties expressly provide that the United States as trustee shall pay all of the expenses of selling said trust lands out of the moneys derived from the sale thereof and that only the net proceeds shall be paid over to said Indians. The Fifty-first Congress author-

ized the Delawares in an appropriation act of March 3, 1891, for fulfilling treaty stipulations with various Indian tribes, to draw one-half of all funds now held in trust by the United States for their benefit, with one-half of all interest due upon the same, together with all uninvested funds and interest moneys to their credit and on deposit in the United States Treasury; and as the United States as trustee are responsible to said special agents for the payment of the trust moneys withheld from and remaining due to them, together with the accrued interest thereon, it is necessary, in order to protect the interest of the United States, that the relief sought for by said special agents in the bill H. R. 3323 should be granted without further delay.

Your committee therefore recommend the passage of the bill.

