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Amendment to section 2234, Revised Statutes.

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AMENDMENT TO SECTION 2234, REVISED STATUTES.

JANUARY 7, 1898.—Ordered to be printed.

Mr. HANSBROUGH, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 2934.]

The Committee on Public Lands having had under consideration Senate bill 2934, and having duly examined the same, report and recommend the passage of the bill.

The following letter has been received by the committee from the Secretary of the Interior on this subject:

DEPARTMENT OF THE INTERIOR,
Washington, December 22, 1897.

SIR: In my annual report for the fiscal year ending June 30, 1897, at pages 19 and 20 of said report attention is called to the decision rendered September 22, 1896, by the United States district court for Idaho, in the case of the United States *v.* George B. Rogers and Charles W. Berryman, sureties on the bond of Charles W. Danielson, receiver of public moneys at Blackfoot, Idaho, which decision was affirmed by the circuit court of appeals for the ninth circuit July 1, 1897, holding "that it is not a part of the duties of registers and receivers to sell Indian lands and that the proceeds of sales of such lands are not public moneys of the United States, but are trust funds for which the sureties on receivers' bonds are not liable or responsible to the United States if their principals fail to pay over and account for the same." That under said decision it is possible for registers and receivers of local land offices, if the receipts from the sale of Indian lands are sufficient, to become entitled to the maximum compensation of \$3,000 in addition to the compensation allowed them by law for the sale of public lands, so that their compensation for both classes of lands may reach \$6,000.

The statement is also made that Indian lands are being disposed of at the present time at ten or more land offices, the proceeds of which amount to hundreds of thousands of dollars yearly, for which the sureties on the bonds of receivers are not liable, and in order to secure and protect the interests of the United States it is recommended that section 2234 of the Revised Statutes be amended by adding to it, as it now stands, the following:

"Who shall have charge of and attend to the sale of the public and Indian lands within their respective districts, as provided for by law and official regulations; and receivers shall be accountable under their official bonds for the proceeds of such sales and for all fees, commissions, or other moneys received by them under any provision of law or official regulation."

The attention of your committee is called to this recommendation at this time with the request that it take such action in the premises as may result in the speedy enactment of the legislation recommended. I desire to say in this connection that the attention of the Committee on Indian Affairs has also been called to this matter and a similar recommendation and request made, and I have also addressed a similar communication to the chairman of the House Committee on the Public Lands.

Very respectfully,

C. N. BLISS, *Secretary.*

Hon. H. C. HANSBROUGH,

Chairman Committee on Public Lands, United States Senate.