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**Liabilities of registers and receivers. Letter from the Secretary of the Treasury, transmitting, for the consideration of the Senate, a communication from the Auditor for the Interior Department upon the subject of "Liabilities of registers and receivers on their bonds for the proceeds arising from the sales of Indian lands".**

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LIABILITIES OF REGISTERS AND RECEIVERS.

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LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING,

FOR THE CONSIDERATION OF THE SENATE, A COMMUNICATION FROM THE AUDITOR FOR THE INTERIOR DEPARTMENT UPON THE SUBJECT OF "LIABILITIES OF REGISTERS AND RECEIVERS ON THEIR BONDS FOR THE PROCEEDS ARISING FROM THE SALES OF INDIAN LANDS."

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JANUARY 10, 1898.—Referred to the Committee on Public Lands and ordered to be printed.

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TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, D. C., January 8, 1898.

SIR: I have the honor to transmit herewith, for the favorable consideration of Congress, a communication from the Auditor for the Interior Department, of the 7th instant, upon the subject of "liabilities of registers and receivers on their bonds for the proceeds arising from the sales of Indian lands," and recommending immediate legislation for the security and protection of the interests of the United States and the Indians.

Respectfully, yours,

L. J. GAGE,  
*Secretary.*

To the PRESIDENT OF THE SENATE.

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TREASURY DEPARTMENT,  
OFFICE OF AUDITOR FOR THE INTERIOR DEPARTMENT,  
Washington, D. C., January 7, 1898.

Sir: I have the honor to invite your attention to the following extract from an important recommendation contained in the "Report of the Secretary of the Interior for the fiscal year ended June 30, 1897," page 19, viz:

LIABILITIES OF REGISTERS AND RECEIVERS ON THEIR BONDS FOR THE PROCEEDS ARISING FROM THE SALES OF INDIAN LANDS.

In the case of the United States v. George B. Rogers and Charles W. Berryman, sureties on the bond of Charles W. Danilson, receiver of public moneys at Blackfoot, Idaho, a decision was rendered September 22, 1896, by the United States district

court for Idaho, and affirmed, on appeal, 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."

Neither the Comptroller of the Treasury nor the Solicitor of the Treasury for the Department of Justice deem an appeal advisable, as both of said decisions were based on that of the United States Supreme Court in the Brindle case (110 U. S., 688), which covers every point in this case. The Brindle case further holds, in effect, that registers and receivers may receive the same compensation from the sale of Indian lands that they do from the sale of public lands; that if the proceeds from the sale of Indian lands are sufficient they are 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 the sale of both classes of lands may reach \$6,000.

At the present time Indian lands are being disposed of at ten or more land offices, the proceeds of which amount to hundreds of thousands of dollars a year, for which the sureties on the bonds of receivers are not liable. In order to secure and protect the interests of the United States it is recommended that there be added to section 2234, Revised Statutes, as it now stands, the following words, to wit:

"Who shall have charge of and attend to the sale of the public and Indian lands within their respective land 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 case of the United States *v.* Danilson et al., referred to above, was instituted at the request of this office, and the decision and its effects were by me called to the attention of the General Land Office and the above proposed legislation suggested.

It is absolutely essential to the security and protection of the interests of the United States and their wards that the legislation above recommended be at once enacted, and for the purpose of calling the attention of Congress to the matter, I respectfully request that you transmit this letter to the President of the Senate with such recommendations as you may choose to submit.

Respectfully, yours,

WM. YOUNGBLOOD, *Auditor.*

To the Honorable the SECRETARY OF THE TREASURY.