

EVIDENCE OF TITLE TO LANDS.

When the Attorney-General, in passing upon the validity of titles to property purchased by the United States, certifies that the title will be good upon the release of certain mortgages, it is proper that the sufficiency of the releases should be decided by him, and not by the Comptroller of the Treasury upon the question of the payment for the land.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,

April 3, 1895.

SIR: I am in receipt, by your reference through the Chief of Engineers, United States Army, of a letter from Capt. Theo. A. Bingham, inclosing vouchers in favor of Amanda C. Bethune and W. A. Bethune for lands purchased from them by the United States in Colbert County, Ala., for the sum of \$1,125.50. Sundry other papers are also inclosed. You ask whether payment can be made upon said vouchers.

On October 4, 1894, the Attorney-General, in a letter addressed to you, said that the deed from said Bethunes to the United States would pass a good and valid title upon the release of two mortgages therein mentioned. Releases of two mortgages, evidently those referred to by the Attorney-General, are inclosed among the papers sent by Captain Bingham. I suppose the doubt as to the propriety of making payment arises upon the question of the validity of these releases. If so, it would seem that the proper course to follow is to submit the releases to the Attorney-General for his opinion, as he is by law charged with the responsibility of investigating the title to property before payment is made.

If the Attorney-General does certify that the releases are in due form, payment of the voucher above referred to is authorized, provided evidence is furnished with the payment that at the time thereof no liens have been placed upon the property since the certificate of the Attorney-General was given. As that certificate is now five months old, it is not at all improbable that there may be fresh liens upon the property, such as taxes or judgments.

Respectfully, yours,

R. B. BOWLER,
Comptroller.

The SECRETARY OF WAR.