

AUTHORITY OF ATTORNEYS OF THE JUDGMENT CREDITORS TO ENTER SATISFACTION OF THE JUDGMENT.

A judgment against the United States in favor of persons who were non-residents having expressly provided that payment thereof should be made to the attorneys of the judgment creditors, such attorneys are authorized upon receipt of the amount of the judgment to enter satisfaction thereof.

(*Comptroller Tracewell to the Secretary of the Treasury, May 5, 1903.*)

By your reference, under date of the 1st instant, of a communication from Mr. Robert M. Hughes, of Norfolk, Va., you request my views as to who may enter satisfaction of judgment and receive payment in the case presented.

The judgment referred to was rendered by the circuit court for the eastern district of Virginia in a suit by James Graham, jr., against the United States for salvage services rendered by the steamer *Birdoswald* in rescuing the Winter Quarter light vessel, *No. 45*, of the United States, which was found adrift in the open sea. The suit was brought by Graham, as agent of the master and owners of the steamer, who were nonresidents.

Judgment was rendered in the names of the master and owners of the steamer for \$1,500, but it was expressly provided by the decree that payment thereof should be made to "Charles Sharp and Robert M. Hughes, as partners in the practice of law under the name and style of Sharp & Hughes," who were counsel for the petitioners and who had asserted an attorney's lien upon the amount of the award. It is a general rule of practice that satisfaction of a judgment may be made by the attorney of record of the judgment creditor while his authority as attorney remains unrevoked, and in view of the specific provision in the decree in this case, I can see no reason to doubt that counsel named are authorized to make such satisfaction and that payment of the amount of the judgment may be legally made to them.

PAYMENT OF RENT TO A LESSOR WHO IS THE AGENT OF THE OWNER.

Sections 3477 and 3737, Revised Statutes, which prohibit the transfer or assignment of claims against, or contracts with, the United States, have no application to the payment of rent by the Government to a lessor who is the agent of the owner of the leased premises.

(*Comptroller Tracewell to the Public Printer, May 6, 1903.*)

I have received your letter of the 1st instant, as follows:

"This office entered into a lease with James C. Brown, of Baltimore, Md., for a stable, to run from April 15, 1901, to April 14, 1902, since which time we have been occupying the stable without a lease for the reason that we were never able to get Mr. Brown to execute a new lease. I am now presented with a power of attorney, signed by James C. Brown, empowering Thomas J. Fisher & Co., Incorporated, to collect rental due from the United States Government, and also to enter into a new lease with the United States Government for one year from April 15, 1902, to April 14, 1903.

"I have to ask whether, in your opinion, I am authorized to execute this lease and to pay the rent to Thomas J. Fisher & Co., under this power of attorney, the lease, of course, to be subject to the approval of the Joint Committee on Printing, as the law provides."

Sections 3477 and 3737 of the Revised Statutes forbid the transfer or assignment of all manner of claims against or contracts with the United States, and hence all payments under the lease with Brown, the owner of the premises, must be made to him and not to his attorney or agent. There is no objection, however, to your taking a receipt from his attorney as a proper voucher in your account with the Treasury, provided that payment is made by a check drawn on the Treasurer of the United States or a designated depository, payable to the order of the principal, in the manner prescribed in the circular herewith inclosed (Department Circular, No. 52, of April 29, 1903).

As to the proposed lease, it may be executed by Thomas J. Fisher & Co., Incorporated, as attorney in fact for James C. Brown, under a properly executed power of attorney, in which case the rental due may be paid to said company.