

COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON

1843



A-47693

FMS

MAR 31 1933

APR 31

The Honorable,

The Secretary of Agriculture.

Sir:

I have your letter of March 2, 1933, requesting decision as follows:

"The last clause in Section 5 of the Act of March 3, 1925 (43 Stat. 1132) authorizes the acceptance of donations of land for any National Forest purpose. In connection with offered lands the donor is sometimes unwilling to pay the expense of procuring an abstract or of having an existing abstract completed to show the transfer to the United States. The above mentioned Act makes no specific provision for the payment of any expenses incidental to acceptance of donations. Your decision is, therefore, desired as to whether there may be paid from the appropriation Salaries and Expenses, Forest Service (a) the cost of completing an abstract to show the transfer of title from the donor to the Government or (b) the cost of procuring an abstract where none is presented by the donor."

Section 5 of the act of March 3, 1925, 43 Stat. 1133, provides:

"That \* \* \* the Secretary of Agriculture is hereby authorized \* \* \* to accept donations of land for any national forest purpose."

The cost of abstracts of title necessary for the determination of the validity of title to lands to be acquired by the United States by purchase as distinguished from acquisition by condemnation proceedings is as a general rule payable under the appropriation for the purchase of the land. See 8 Comp. Gen. 308, and the decisions therein cited.

Accordingly, where there is a specific appropriation available for the purchase of land for the purposes for which the particular tract of land is donated, that appropriation would be exclusively available for the cost of any abstracts of title that may be necessary. See decision to you November 14, 1930, A-33604, and A-26824 of April 25, 1929, to the Secretary of the Interior. However, where land is donated for a forest purpose for which no appropriation has been made for the purchase of the land, there being no appropriation exclusively available, the cost of any abstracts of title may be charged to the appropriation for Sales and Expenses, Forest Service.

Respectfully,

(Signed) J. R. McCarl

Comptroller General  
of the United States.