



COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON

EX-706

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The Honorable,

The Secretary of Agriculture.

Sir:

I have your letter of November 5, 1930, requesting reconsideration of decision of October 11, 1930, A-33604, which held that the cost of an abstract of title is properly part of the purchase price of the land involved and that an appropriation for general expenses of the bureau having administrative control of the land is not available for the cost of the abstract of title.

You state that there has not been found a decision holding that only the appropriation for the purchase of land may be used to defray the cost of an abstract of title. The general rule as to the availability of appropriations is that where an appropriation is available for a given expenditure the use of another appropriation for such expenditure is not authorized unless it is made available in specific terms.

There have been numerous decisions holding that the appropriation for the purchase price of land is the one primarily available for the cost of an abstract of title; applying the general rule stated in the preceding paragraph the availability of the appropriation for the land would automatically negative the availability of any other appropriation for the cost of the abstract.

You state that for a long period the department has consistently followed the practice of paying for abstracts of title under the appropriation for the general and miscellaneous expenses of the bureau having administrative control of the land purchased and that no exception to such practice has been previously made by the accounting officers. It is understood that because of negotiations by department representatives the grantor of the land involved in this case was induced to accept \$11,000 for the tract purchased instead of \$15,000 which was the original price, and that in addition the grantor subsequently paid one-half of the cost of the abstract of title.

In view of the showing made and with the understanding that hereafter incidental costs connected with the acquisition of the land by the department will be paid under the appropriation for the purchase price thereof unless specific legislative authority appears to make such payment otherwise, no further objection will be made to the payment of the department's share of the cost of the abstract of title for the land requiring the \$11,000 appropriation for the additional land for the Beltsville Experimental Farm under the appropriation for general expenses for the Bureau of Dairy Industry.

Respectfully,

(Signed) J. R. McCarl

Comptroller General  
of the United States.