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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON

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DEC 8 1931

The Honorable,

The Secretary of the Interior.

DEC 30

Sir:

I have your letter of November 17, 1931, requesting decision whether the appropriations made for the construction of works authorized by the act of December 21, 1928, 45 Stat. 1057, known as the Boulder Canyon Project Act, are available for the purchase of land title certificates with the insurance or guarantee feature in connection with the purchase of land required to carry out the provisions of said act.

Section 14 of the act of December 21, 1928, 45 Stat. 1065, provides as follows:

"This act shall be deemed a supplement to the reclamation law, which said reclamation law shall govern the construction, operation, and management of the works herein authorized, except as otherwise herein provided."

Section 7 of the act of June 17, 1902, 32 Stat. 388, known as the reclamation law, provides:

"That where in carrying out the provisions of this Act it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, * * *."

It was held in decision of May 19, 1906, 12 Comp. Dec. 691, that section 355, Revised Statutes, has no application to the acquisition of land under the reclamation act and that the Secretary of the In-

terior may determine the validity of title to land to be acquired under said act. See, also, 5 Comp. Gen. 953, 954.

The rule is well established that the cost of an abstract of title for use in determining the validity of the title of land to be acquired by purchase is a proper charge against the appropriation available for the purchase price but that in cases in which condemnation proceedings have been instituted, the cost of the necessary evidence of title is properly chargeable to the appropriation for expenses of suits. See 8 Comp. Gen. 306, and the decisions therein cited.

A certificate of title, as generally understood, is the conclusion of the certifier upon the title without being accompanied by an abstract of title or showing of the various transactions upon which the certificate of title is based. The transactions connected with a parcel of land are usually shown through the form of an abstract of title setting forth these transactions. The duty upon the Secretary of the Interior is to determine the validity of the title and a certificate of title by a title company as above understood may be no more than an aid to the Secretary of the Interior in the determination of the validity of the title. The determination of the certifier may not be substituted for the determination of the validity of the title by the Secretary of the Interior. If the certificate of title is sufficiently informative in this respect, and in that connection

the title company is a responsible one so that reliance may be placed upon its work embodied in the giving of the certificate of title, the procurement of abstracts of title or of certificates of title with or without the insurance feature as an incident thereto, is authorized, payment to be made under the appropriation available for the purchase price, if in the exercise of your discretion, such abstracts or certificates are necessary for you to determine the validity of the title to the land to be acquired.

Respectfully,

Comptroller General
of the United States.