



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON

A-25484.

JAN 11 1929

The Paymaster General of the Navy,
Bureau of Supplies and Accounts,
Navy Department.

Sir:

Your letter of December 5, 1928, returned to this office without payment settlement certificate, issued November 30, 1928, in favor of _____ for \$2,000, being the amount awarded to her by the judgment in the proceedings in the case of the United States v. _____, Equity 31414. You call attention to the act of April 27, 1904, 33 Stat. 422, which provides:

"* * * That hereafter estimates for the payment of all judgments against the United States, including judgments in Indian depredation claims and of United States courts shall be transmitted to Congress through the Treasury Department as other estimates of appropriations are required to be transmitted."

The Attorney General forwarded the decree of the court in this case to the Secretary of the Treasury stating that the proceedings were under the act of April 27, 1912, 37 Stat. 93. This act provides a procedure to quiet title to lands claimed by the United States, and in section 4, requires that if the court shall find that there are any private rights, titles or interest in the land or water adverse to the paramount right of the United States, the value thereof shall be ascertained and reported to the Congress. The final decree of the court in the present case, however, awards to the sum of \$2,000 "to be paid to her as now provided by 39 Stat. 566, 567." The statute referred to in the decree is the act of August 29, 1916, which makes an appropriation of \$331,000 for the acquisition by purchase or condemnation of such lands in the vicinity of the Navy Yard, Washington, D. C., as, in the judgment of the Secretary of the Navy, shall be necessary or expedient to acquire for additions to the Navy Yard. Said act also expressly provides that the authority to purchase or condemn lands shall include authority to purchase, condemn or compensate for wharves, bulkheads, structures or other improvements upon such lands as, though owned or claimed by the

United States, are in the occupancy of private individuals. The act expressly provides, 39 Stat. 571, "the amounts herein appropriated therefor, except for repairs and preservation at Navy Yards and stations, shall be available until expended."

In view of the appropriation specifically providing for the acquisition of the lands in question either by purchase or condemnation, and the fact that the purpose and effect of the judgment here involved is the acquisition or quieting of title to a part of said lands, or improvements thereon, the act of April 27, 1904, supra, is not applicable.

The certificate of settlement is accordingly returned herewith for payment by a disbursing officer in accordance with section 307 of the Budget and Accounting Act of June 10, 1921, 42 Stat. 25.

Respectfully,

(Signed) J. R. McCarl.

Comptroller General
of the United States.

Inclosure.