

to be done at the Government Printing Office. (See 1 Comp. Dec., 559; 3 id., 127; 11 id., 558; 15 Op. Art. Gen., 262.)

The above appropriation for meat inspection in the act of June 30, 1906, *supra*, is applicable to the payment of the necessary expenses thereof.

### RENTAL OF BUILDINGS IN DISTRICT OF COLUMBIA.

Buildings may be rented in the District of Columbia during the fiscal year 1908 for the use of the Marine Corps.

(Comptroller Tracewell to the Secretary of the Navy, March 22, 1907.)

By your reference of March 19, 1907, I have received, with your request for my decision on the question therein presented, the following letter from the quartermaster of the United States Marine Corps, dated March 15, 1907:

"On December 10, 1904, in reply to an inquiry from this office dated November 30, 1904, you decided that in view of the provisions of act of March 3, 1907, which reads as follows:

"Hereafter no contract shall be made for the rent of any building or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and that this clause shall be regarded as notice to all contractors or lessors of any such building or any part of such building, there was no authority of law under which this office could rent or lease any building or buildings or parts thereof within the District of Columbia, notwithstanding the fact that under the head of Repairs of Barracks, Marine Corps, in the annual naval appropriation acts, funds were provided for repairs and improvements to quarters at the stations named under such head, and also for the renting, leasing, etc., at certain stations and at such other places as the public exigencies required. One clause of your decision reads:

"An appropriation for renting buildings generally is not sufficient, but the terms of the appropriation must show the intention to authorize the renting of buildings situated in the District of Columbia."

"2. In the naval appropriation act for the fiscal year beginning July 1, 1907, approved March 2, 1907, under the

head of Repairs of Barracks, Marine Corps, the following language appears:

"\* \* \* For the renting, leasing, improvement, and erection of buildings \* \* \*, at stated places, and the following words 'the District of Columbia,' the latter four words being inserted under the subappropriation named for the first time. In connection with the insertion in the appropriation act of the words mentioned, attention is invited to the recommendation of the brigadier-general commandant, United States Marine Corps, to the Secretary of the Navy, dated October 1, 1906, under the head of Headquarters, United States Marine Corps. His remarks are as follows:

"The attention of the Department is invited to the comments in my last annual report on the question of the congested condition of these headquarters, which has not been improved. It is again recommended that either additional space in the Mills Building be assigned to the Marine Corps or that provision be made for the rental of ample quarters for these headquarters somewhere in the immediate vicinity of the Navy Department, not only owing to the reasons above stated, but also for the further reason that it is deemed highly essential that suitable facilities and protection be afforded the permanent and valuable records of the Corps, which are now stored in an inflammable building in the Marine Barracks in this city. Frequent reference is necessarily made to these records, and much valuable time of the clerks is wasted by reason of their being obliged to go back and forth to obtain information."

"In the same connection attention is invited to the following extract of a communication from the office dated October 4, 1906, transmitting to the Secretary of the Navy the annual estimates of the quartermaster's department of the Marine Corps for the fiscal year 1908, in which estimates the words 'in the District of Columbia,' under the head of Repairs of Barracks, Marine Corps, were inserted:

"In explanation of the new wording incorporated under this heading—"the District of Columbia"—it is stated that frequently, and particularly on the 4th of March, it has been found necessary to rent or lease quarters for enlisted men brought to Washington to participate in the inaugural parade on that day. The Comptroller of the Treasury, in a decision dated December 10, 1904, held that it was unlawful, in view of the prohibition in the act of March 3, 1877 (19 Stat., 370), to rent buildings in Washington, D. C., for any purpose. At the present time there is urgent necessity for the renting of a portion of a fireproof building to store records of the Marine Corps from date of its creation up to about 1900. These important records are now stored in an old

barracks in Washington, which is not only not fireproof, but is not dry. The quartermaster deems it important that there should be authority of law for the renting or leasing of a building or a portion thereof in Washington, D. C., for the accommodation of troops, storage of records, offices, and for other necessary purposes which time may show the requirements for the same.

"When the undersigned appeared before the House Committee on Naval Affairs verbally to explain the estimates for the next fiscal year for the quartermaster's department no further argument on the insertion in the estimates of the words 'the District of Columbia' was regarded as necessary by the committee, the foregoing explanation in the letter transmitting the estimates being regarded by the committee as self-explanatory.

"3. The decision of the Comptroller is requested as to whether this office is authorized under the provisions of the naval appropriation act approved March 2, 1907, and effective July 1, 1907, to rent or lease a building or buildings or part or parts thereof in the District of Columbia."

The provisions of the act of March 2, 1907 (Public, No. 171), making appropriations for the naval service for the fiscal year ending June 30, 1908, materially differs from the language of the act which was considered by me in my decision to which reference is made in the letter *supra*. It is therefore unnecessary to consider that decision (31 MS. Comp. Dec., 581) in connection with this case further than to inquire whether the language of the act of March 2, 1907, is such as to overcome the general prohibition made by the act of March 3, 1877 (19 Stat., 370), and to permit the use of the appropriation for rental of buildings in the District of Columbia.

Said act of March 2, 1907, appropriated money, *inter alia*, "for the renting, leasing, improvement, and erection of buildings in Porto Rico, the Territory of Hawaii, the Philippine Islands, at Guam, the District of Columbia, and at such other places as the public exigencies require."

The effect of this language can not be regarded otherwise than as express authority for rental of buildings in the District of Columbia, and must, therefore, be held to supercede for the fiscal year of 1908 the prohibition contained in the act of March 3, 1877.

## DISTRIBUTION OF GOVERNMENT PUBLICATIONS TO DESIGNATED DEPOSITORIES AND LIBRARIES.

The publications known as "Decisions of the Comptroller of the Treasury," "Digest of Decisions of the Comptroller of the Treasury," "Digest of Decisions of the Treasury Department (Customs)," and "Digest of Decisions and Regulations made by the Commissioner of Internal Revenue," are publications intended for the "especial use" of Executive Departments within the meaning of that term as used in section 58 of the act of January 12, 1895, and therefore copies thereof need not be delivered to the Superintendent of Documents for distribution to designated depositories and libraries.

(Comptroller Tracwell to the Secretary of the Treasury, March 25, 1907.)

In your communication of March 20, 1907, you request my decision of a question which you therein presented as follows:

"Section 58 of the act of January 12, 1895, 'An act providing for the public printing and binding and the distribution of public documents' (28 Stat., 610), contains this provision:

"\* \* \* 'of all publications of the Executive Departments not intended for their especial use, but made for distribution, five hundred copies shall be at once delivered to the Superintendent of Documents for distribution to designated depositories and State and Territorial libraries.'

"The question on which your opinion is desired is, Are the decisions contained in the books known as 'Decisions of the Comptroller of the Treasury,' 'Treasury Decisions,' 'Digests of Decisions of the Comptroller of the Treasury,' 'Digest of Decisions of the Treasury Department (Customs),' and 'Digest of Decisions and Regulations Made by the Commissioner of Internal Revenue,' publications intended for the 'especial use' of the Department within contemplation of the statute? The printing of the additional 500 copies of the above publications under the statute named would involve an expenditure of several thousand dollars.

"Copy of a letter of the Acting Secretary of the Treasury, under date of February 14, 1907, bearing on this subject, and the reply to the same by the Superintendent of Documents, are submitted herewith."

The question whether the publications mentioned by you are publications intended for the "especial use" of the Ex-