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B-127507, Dec. 10, 1962

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B-127507, DEC. 10, 1962

TO AUTHORIZED CERTIFYING OFFICER, FOREST SERVICE:

BY LETTER OF NOVEMBER 14, 1962, YOU ASKED WHETHER A PAYMENT OF $66.39 PROPERLY MAY BE MADE TO THE STATE OF MINNESOTA FROM FISCAL YEAR 1962 NATIONAL FOREST FUND RECEIPTS UNDER THE AUTHORITY CONTAINED IN THE ACT OF JUNE 22, 1948, 62 STAT. 568, THE PROVISIONS OF WHICH WERE AMENDED AND EXTENDED BY THE ACT OF JUNE 22, 1956, 70 STAT. 326.

IT IS STATED THAT PAYMENT OF $125,365.70 HAS BEEN MADE UNDER THE ABOVE ACTS TO THE STATE OF MINNESOTA FOR FISCAL YEAR 1962. THIS AMOUNT REPRESENTS THREE-FOURTHS OF ONE PERCENT OF THE JUNE 30, 1962, APPRAISED VALUATION OF $4,163,481 FOR NATIONAL FOREST LAND WITHIN THE SUPERIOR NATIONAL FOREST BOUNDARY WATERS CANOE AREA. HOWEVER, FOR THE REASONS HEREINAFTER STATED, THE AMOUNT OF $66.39 HERE INVOLVED, WHICH REPRESENTS THREE-FOURTHS OF ONE PERCENT OF THE APPRAISED VALUATION OF $8,852 FOR 328 ACRES OF NATIONAL FOREST LAND IN SECTION 13, TOWNSHIP 63 NORTH, RANGE 14 WEST, FOURTH PRINCIPAL MERIDIAN, HAS NOT BEEN PAID TO THE STATE.

THE ACT OF JUNE 22, 1948, AUTHORIZED THE PURCHASE OF CERTAIN LANDS IN THE BOUNDARY WATERS CANOE AREA IN MINNESOTA AS AN ADDITION TO THE SUPERIOR NATIONAL FOREST. SPECIFICALLY INCLUDED IN SUCH PURCHASE AUTHORITY WERE SECTIONS 1 TO 12 INCLUSIVE, AND SECTIONS 14 TO 22 INCLUSIVE, OF TOWNSHIP 63 NORTH, RANGE 14 WEST, FOURTH PRINCIPAL MERIDIAN. THIS ACT ALSO PROVIDED FOR ANNUAL PAYMENTS TO THE STATE OF MINNESOTA OF THREE-FOURTHS OF ONE PERCENT OF THE FAIR APPRAISED VALUE OF THE ACQUIRED LAND.

SUBSEQUENTLY, IT WAS PROPOSED TO EXTEND THE AREA IN WHICH LAND COULD BE PURCHASED FOR EXPANSION OF THE SUPERIOR NATIONAL FOREST AND IN 1956 BILLS S. 2967 AND H.R. 8657 WERE INTRODUCED IN THE CONGRESS. THESE BILLS WERE IDENTICAL AND INCLUDED SPECIFIC AUTHORITY TO PURCHASE LAND IN SECTION 13, TOWNSHIP 63 NORTH, RANGE 14 WEST, FOURTH PRINCIPAL MERIDIAN. EACH BILL WAS FAVORABLY CONSIDERED AND WAS RECOMMENDED FOR PASSAGE WITHOUT AMENDMENT BY BOTH THE HOUSE AND SENATE COMMITTEES ON AGRICULTURE. HOWEVER, WHEN S. 2967 WAS REPORTED, THE BILL PRINTED AT THAT TIME DESCRIBED THE LAND IN TOWNSHIP 63 NORTH, RANGE 14 WEST, AS SECTION 12 INSTEAD OF SECTION 13. THE BILL IN THAT FORM WAS PASSED BY THE CONGRESS AND BECAME THE ACT OF JUNE 22, 1956, REFERRED TO ABOVE.

AN EXAMINATION OF THE LEGISLATIVE HISTORY OF THESE BILLS CLEARLY DISCLOSES THAT THE REFERENCE TO SECTION 12 RATHER THAN TO SECTION 13 IN S. 2967 RESULTED FROM AN ERROR IN THE PRINTING OF THE BILL AND THAT THE CONGRESS HAD NO INTENTION TO SO CHANGE THE DESCRIPTION OF THE LAND. WITH RESPECT TO SUCH ERRORS IN PRINTING

IT IS STATED IN 82 C.J.S. STATUTES SEC. 342 THAT "GENERALLY, MERE VERBAL INACCURACIES, OR CLERICAL ERRORS OR MISPRINTS WILL BE CORRECTED BY THE COURT, IN THE CONSTRUCTION OF A STATUTE, WHENEVER NECESSARY TO CARRY OUT THE INTENTION OF THE LEGISLATURE AS GATHERED FROM THE ENTIRE ACT.' WHILE IN THIS CASE THE INTENT OF THE CONGRESS CANNOT BE DETERMINED FROM THE "ENTIRE ACT," THE AMBIGUITY WHICH RESULTS FROM THE FACT THAT THERE WAS ALREADY IN EXISTENCE AUTHORITY TO PURCHASE LAND IN SECTION 12 JUSTIFIES A RESORT TO THE LEGISLATIVE HISTORY IN ORDER TO CLARIFY THE INTENT OF THE CONGRESS. SEE FLEMING V. SALEM BOX COMPANY, 38 F.SUPP. 997. SEE ALSO ELFRING V. PATERSON ET AL., 285 N.W. 443, WHEREIN, QUOTING FROM THE SYLLABUS, IT IS STATED THAT "IF A CLERICAL ERROR RENDERS A STATUTE INCAPABLE OF REASONABLE CONSTRUCTION, THE PROPER WORD OR NUMERAL WILL BE DEEMED SUBSTITUTED, PROVIDED IT CAN BE SUPPLIED BY REFERENCE TO THE CONTEXT, OTHER STATUTES, OR OFFICIAL RECORD OF LEGISLATIVE PROCEEDINGS.'

ACCORDINGLY, THE ACT OF JUNE 22, 1956, PROPERLY MAY BE CONSTRUED AS REFERRING TO SECTION 13 AND, IF OTHERWISE CORRECT, THE AMOUNT OF $66.39 NOW MAY BE PAID TO THE STATE OF MINNESOTA.