

D. J. HOLMES.

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MAY 12, 1908.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. CUSHMAN, from the Committee on Private Land Claims, submitted the following

REPORT.

[To accompany S. 437.]

The Committee on Private Land Claims, to whom was referred the bill (S. 437) for the relief of D. J. Holmes, having considered the same, report thereon with a recommendation that it pass.

The bill in terms seeks to appropriate \$500 for the relief of Mr. D. J. Holmes, of Portland, Oreg., to compensate him for the loss of about 100 acres of his homestead entry, with the improvements thereon, said property being included by the Government in an Indian reservation. The facts are fully set out in the Senate report on this bill, and said Senate report is hereto attached and made a part of this report.

The committee recommend that said Senate bill do pass without amendment.

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[Senate Report No. 392, Sixtieth Congress, first session.]

The evidence in this matter establishes, in the judgment of the Committee on Public Lands, the following facts:

On June 1, 1885, Holmes, the claimant in this bill, made homestead entry of the northwest quarter of section 10, township 6 south, range 12 east, in Oregon. Previous thereto a survey made by one Hadley, or Handley, shows that the land was not in the Indian reservation, but was subject to homestead entry. Holmes at once, after entering upon the land and taking out homestead papers, made improvements—a dwelling 14 by 24 feet, one and one-half stories high, a barn 18 by 20 by 12 feet, fences, and other outhouses—which he estimates at \$895.

Afterwards, and before the expiration of the time for making final proof, under orders of the Government, another survey was made by one McQuinn, which took a little more than 100 acres of Holmes's land, including all his improvements, for the Indian reservation, and the land was afterwards in some way entered by an Indian named Spencer. Holmes surrendered his land upon the making of McQuinn's survey because McQuinn told him his entry was not good, the land belonging to the Indian reservation. The land, according to McQuinn, was third-class farming land, except a small piece of garden bottom. McQuinn estimates the improvements to be worth \$500 or more.

The committee recommends the amendment of the bill by striking out \$895 and inserting \$500, and as thus amended recommends its passage.