66TH CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1187.

J. D. CALHOUN.

JANUARY 13, 1921.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. JOHNSON of Mississippi, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 13499.]

The Committee on the Public Lands, to whom was referred H. R. 13499, authorizing the Secretary of the Interior to sell and patent to J. D. Calhoun the northwest quarter of the southwest quarter of section 34 in township 19 north, of range 2 west, Louisiana meridian, having considered same, report the bill to the House with the recommendation that it do pass, with the following amendment, viz: Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior be, and he hereby, authorized to sell and patent to J. D. Calhoun, of Lincoln Parish, La., the northwest quarter of the southwest quarter section 34, township 19 north, range 2 west, Louisiana meridian, situated in the Parish of Lincoln, State of Louisiana, at not less than $1.25 per acre, land which he and his grantors have occupied under claim and color of title, and of which they have had the actual possession, beneficial use, and enjoyment, believing themselves to be owners in good faith for more than 30 years: *Provided*, That application for the purchase of the described tract of land under this authorization be filed at the United States land office at Baton Rouge, La., within 90 days after the passage of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated: *Provided further*, That the entry which may be made and the patent issued under the provisions of this act shall be subject to and contain a reservation to the United States of all oil, gas, and other minerals in the land so entered and patented and with the right to prospect for, mine, and remove same.

STATEMENT OF FACT.

The evidence submitted to the committee showed that the 40 acres of land involved in this bill formed a part of the farm or plantation of Mr. J. D. Calhoun and that he and the authors of his title had had the actual possession of the same for a period of more than 60 years, and that during this time the land had been improved with buildings and other necessary farming equipment, and that not until recently

did he know that this land had never been legally patented or disposed of by the United States.

The bill was referred by your committee to the Department of the Interior for consideration and a report and on May 15, 1920, the Secretary of the Interior made a report to the chairman of your committee. The committee has adopted his recommendations, with the exception that the consideration to be paid is placed at $1.25 per acre instead of $5 per acre, for the reason that it has been the custom in cases of this character to authorize the sale of the lands at the minimum price of $1.25 per acre. The report by the Secretary of the Interior is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 15, 1920.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands, House of Representatives.

MY DEAR MR. SINNOTT: In response to your letter of April 20, 1920, I have the honor to submit the following report on H. R. 13499, a bill for the relief of J. D. Calhoun. The bill, if passed, would authorize the Secretary of the Interior to sell and patent to J. D. Calhoun the NW¼ SW¼, sec. 34, T. 19 N., R. 2 W., L. M., Louisiana, at $1.25 per acre.

An examination of the tract book in the General Land Office fails to show that attempt has ever been made by anyone to acquire title to the above-mentioned tract under the public land laws of the United States. A number of affidavits have been submitted in support of the bill tending to show that the present claimant and his ancestors have been the reputed owners of the and for more than 60 years, the claim appearing to have originated with John Stow, grandfather of Abraham Stow, first husband of Sarah E. McGee, the mother-in-law of the beneficiary under the bill. The sworn statement of Mr. Calhoun shows that the land is situated in the middle of his plantation of 700 acres; that the land has been cultivated and that a dwelling house has been placed thereon.

An examination of available data in the United States Geological Survey and the fact that there is a copy of an oil and gas lease among the papers submitted by Mr. Calhoun leads to the conclusion that the land involved is thought to be of an oil producing character.

In response to a telegraphic inquiry the Commissioner of the General Land Office has received the following telegram from the register and receiver of the United States land office at Baton Rouge, La.:

"Northwest quarter of southwest quarter, section 34, township 19 north, range 2 west, Louisiana meridian, embraced in rejected timber and stone application of Lynn Evans, application rejected because of defective filing; rejection notice mailed him on March 24, 1920. Application was filed March 22, 1920; 30 days not yet elapsed."

Under the circumstances sought to be established and in the absence of a valid adverse claim, the department will advance no objection to the purchase of the land in question by Mr. Calhoun at not less than $5 per acre ($1.25 being considered an inadequate price) in so far as the sale relates to surface rights only. In view of the prevailing legislation reserving mineral rights under agriculural entries to the United States, the department does not feel justified in recommending legislation the effect of which would be to permit the disposal of subsurface rights to land which is in an oil producing region and evidently thought to contain oil.

In order to protect any legal right which the timber and stone applicant referred to in the above quoted telegram may establish and in harmony with the views expressed above concerning the advisability of disposing of subsurface rights to the lands, it is suggested that the bill be amended to read as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized to sell and patent to J. D. Calhoun, of Lincoln Parish, La., the northwest quarter of the southwest quarter, section 34, township 19 north, range 2 west, Louisiana meridian, situated in the parish of Lincoln, State of Louisiana, at not less than $5 per acre, land which he and his grantors have occupied under claim and color of title, and of which they have had the actual possession, beneficial use, and enjoyment, believing themselves to be owners in good faith for more than 30 years: *Provided*, That application for the purchase of the described tract of land under this authorization be filed at the United States Land Office at Baton Rouge, La., within 90 days

after the passage of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated: *Provided further*, That the entry which may be made and the patent issued under the provisions of this act shall be subject to and contain a reservation to the United States of all oil, gas, and other minerals in the lands so entered and patented and with the right to prospect for, mine, and remove the same."

Should the bill be amended as suggested, this department will interpose no objection to the enactment thereof.

In accordance with your request, the affidavits submitted in support of the bill are returned herewith.

Cordially, yours,

JOHN BARTON PAYNE,
Secretary.

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