

Calendar No. 1081

69TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 1061

PERFECTING HOMESTEAD ENTRY OF JOHN HEBNES

JUNE 9 (calendar day, JUNE 14), 1926.—Ordered to be printed

Mr. ODDIE, from the Committee on Public Lands and Surveys, submitted the following

REPORT

[To accompany H. R. 10489]

The Committee on Public Lands and Surveys, to whom was referred the bill (H. R. 10489) to perfect the homestead entry of John Hebnes, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in the report of the House Committee on the Public Lands (H. Rept. No. 735, 69th Cong., 1st sess.), which is appended hereto and made a part of this report, as follows:

[House Report No. 735, Sixty-ninth Congress, first session]

The Committee on the Public Lands, to whom was referred H. R. 10489, to perfect the homestead entry of John Hebnes, report favorably thereon with the recommendation that the bill do pass with the following amendment:

Line 7, strike out all after the word "Montana" and insert "is hereby validated."

The sole purpose of this bill is to validate a stock-raising homestead entry made in good faith by the entryman and erroneously allowed by the United States Land Office. The entryman expended a considerable sum in improvements and complied fully with the law. There is no fraud. The Secretary of the Interior recommends enactment of the bill with an amendment which has been accepted by your committee. The favorable report of your committee is unanimous.

The report of the Secretary of the Interior is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, March 25, 1926.

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

MY DEAR MR. SINNOTT: You have requested a report on H. R. 10489, proposing to allow John Hebnes to perfect his additional entry under the stock-raising homestead act of December 29, 1916 (39 Stat. 862), without residence upon the land embraced in either the original or additional entry.

The patented original homestead entry of Hebnes embraces SW. 1/4 SE. 1/4 sec. 14; NW. 1/4 NE. 1/4 and NE. 1/4 NW. 1/4 sec. 23, T. 7 N., R. 9 E., M. M., Montana (120 acres). On July 16, 1923, he applied to make an additional entry under the stock-raising homestead act for E. 1/2 E. 1/2 sec. 22, said township (160 acres). The application was allowed by the local officers on March 13, 1925. The allowance was erroneous, as the land had been withdrawn and included in petroleum reserve No. 42, Montana No. 2, by Executive order of January 11, 1916, and the stock-raising homestead act is limited by its terms to "unappropriated unreserved public land."

It appears from the record that Hebnes owned and resided on his original entry at the date he applied to make the additional entry, hence if the additional entry were valid it would be governed by section 5 of the stock-raising homestead act and could be perfected by proof that he had placed on the land permanent improvements, tending to increase the value of the same for stock-raising purposes, of the value of not less than \$1.25 per acre.

Hebnes has filed an affidavit to the effect that, relying on the allowance of his entry, he had inclosed the land with 2 1/2 miles of three-wire fence, and had built a small cattle shed on the land, at an expense of \$320.

Inasmuch as the land is not within the limits of the geologic structure of a producing oil or gas field, and in view of the fact that entryman, in ignorance of the illegality of the entry, has placed valuable improvements on the land, I recommend that the entry be validated. To effect that end, I suggest that the bill be amended by striking out all after "Montana," in line 7, and inserting "is hereby validated."

Very truly yours,

HUBERT WORK.

