Calendar No. 1382

77TH CONGRESS, 2d Session | SENATE | REPORT No. 1340

WILEY W. WATKINS

MAY 14, 1942.—Ordered to be printed

Mr. TUNNELL, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 2925]

The Committee on Claims, to whom was referred the bill (H. R. 2925) for the relief of Wiley W. Watkins, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1713, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1713, 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 2925) for the relief of Wiley W. Watkins, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 9, strike out "$10,000" and insert in lieu thereof "$1,000".

The purpose of the proposed legislation is to pay to Wiley W. Watkins the sum of $1,000, such sum having been determined by the Secretary of the Interior to be the fair and reasonable value of all improvements and the labor involved therein prior to November 9, 1940, by reason of erroneous allowance of homestead entry.

STATEMENT OF FACTS

According to the records of the General Land Office, on September 7, 1900, a patent was issued to John Nelson for the land in his homestead entry Duluth 9221, covering, among other lands, the lot under discussion in this bill; through inadvertence, the fact that this entry was patented and covered this lot was not noticed on the tract book records of that Office. When Wiley W. Watkins filed application for the same lot, it appeared to be vacant, and his entry for that tract was allowed on December 10, 1935, and final certificate was issued on June 9, 1938; on November 9, 1940, Watkins was advised by the General Land Office of the conflicting patents, and that each patent was issued in conformity with the record upon which the right to patent was predicated, and as each patent was signed, sealed, countersigned, and recorded, the title to the land had passed, and the department was without further jurisdiction over the land or the patent.

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On July 29, 1941, in a report to this committee, the Secretary of the Interior, made the following recommendation:

"In view of the showing made in the final proof as to the value of the labor and improvements which were placed upon the land, it is suggested that the bill be amended by striking out '$10,000' and inserting '$1,000' in lieu thereof."

Your committee, after carefully considering the merits of the case, concur in the recommendation of the Secretary of the Interior, and recommend that the bill, as amended, do pass.

Appended hereto is the report of the Department of the Interior, together with other pertinent evidence:

THE SECRETARY OF THE INTERIOR,
Washington, July 29, 1941.

Hon. DAN R. MCGEHEE,
Chairman, Committee on Claims,
House of Representatives.

MY DEAR MR. MCGEHEE: Your letter of June 16 asks for my views on H. R 2925, for the relief of Wiley W. Watkins.

I will offer no objection to the enactment of the bill, which proposes to pay to Mr. Watkins a sum to be determined by the Secretary of the Interior as the fair and reasonable value of all improvements and the labor involved therein, which he placed on lot 7, sec. 20, T. 59 N., R. 24 W., fourth principal meridian, Minnesota, prior to November 9, 1940, by reason of the erroneous allowance of his homestead entry G. L. O. 05717 therefor.

The records of the General Land Office show that on September 7, 1900, patent issued to John Nelson for the land in his homestead entry Duluth 9221, final certificate No. 3205, covering, among other lands, the lot above described. Through inadvertence, the fact that this entry and patent covered this lot was not noted on the tract book records of this office. When Wiley W. Watkins filed application to make homestead entry G. L. O. 05717 for the same lot, it appeared to be vacant on our records and his entry for that tract was allowed on December 10, 1935. He submitted final proof on September 17, 1937, and on January 13, 1938, final certificate issued followed by patent No. 1097582 on June 9, 1938. On November 9, 1940, this office advised Watkins of the conflicting patents and that each patent was issued in conformity with the record upon which the right to patent was predicated, and as each patent was signed, sealed, countersigned, and recorded, the title to the land had passed and the Department is without further jurisdiction over the land or the patents.

The final proof submitted by Mr. Watkins on his entry shows that he listed his improvements as follows:

Homestead shanty, worth in labor and material	$125
Frame building 14 by 20, garage, in labor and material	150
4-room house, concrete cellar and foundation, in labor and material	400
5 acres cleared and cultivated at $50 per acre	250
Total	925

His allegations as to his residence, cultivation, and improvements are corroborated by his two final proof witnesses, Fred Schmige and George Demars, both of Bovey, Minn.

In view of the showing made in the final proof as to the value of the labor and improvements which were placed upon the land, it is suggested that the bill be amended by striking out "$10,000" from line 9, page 1, and inserting "$1,000" in lieu thereof.

Photostatic copies of the homestead application, the final proof testimony of the claimant and his witnesses and the final certificate, which are material to the facts in this case, are enclosed as requested.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

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