

LAND ACQUISITIONS
BY PURCHASE, CONDEMNATION, DONATION
AND EXCHANGE

The following excerpts from Annual Reports of the Attorney General over many of the years from 1905 to 1950, relating to the acquisition of lands by the United States through purchase, condemnation, donation, or exchange for national defense, public buildings, or other public purposes, are believed illustrative of the Lands' Division past and present duties in connection with acquisitions of land by the United States. Included are some statistics which it is believed are significant in indicating the values and acreages of the lands acquired for defense or other public purposes.

Some of the excerpts (see extensive excerpts from 1935 Report) from the Annual Reports are, to an extent, repetitious, but they indicate the detailed work involved in the Government's acquisition of title to the lands over the years stated.

The citations from the Annual Report do not include all the references therein to problems related to acquisition by purchase and condemnation, but it is believed they include those pertinent to this phase of the Lands Division record.

REGISTRATION OF LAND TITLES IN PUERTO RICO
1905 -----1906
REPORT

The Reports of the Attorney General for 1905 and 1906, in including the Report of the Attorney General for Puerto Rico, note that measures had been introduced in the "Puerto Rican Executive Council" and

the Assembly; first, to establish the "Torrens System" of land or title registration in Puerto Rico; second, to provide for a Cadastral Survey of the Island. Neither of the proposed laws by the Executive Council passed at the Sessions held in the Years mentioned; but, it is further noted in said Reports, such proposals had received consideration by the Members; the plans for this form of registration and for survey were growing in favor; that Registrars of properties in Puerto Rico had almost un-animously declared themselves in favor of the measures.

1919

This Report notes that proceedings had been begun for condemnation of land for the approaches to the new KEY Bridge for the District of Columbia, and opinions had been rendered on the titles to the land acquired for that purpose.

1923

Comment is made that in the Eastern district of Arkansas a suit was brought to enforce specific performance of a contract to donate to the Government a site for a plant for the manufacture of war material, the donors having refused, since the armistice, to deliver conveyances to their property; the case, it was anticipated, would be tried during the calendar year.

Several condemnation suits were pending, instituted under authority of the act approved March 4, 1913, (37 Stat. 866), by which the Rock Creek and Potomac Parkway Commission was directed to acquire lands for Potomac Park and Rock Creek Park.

1924

LAND ACQUISITIONS

After citing the figures as to the opinions on titles rendered during the year, acreages acquired, values, etc.,-

**** "Titles to numerous other parcels have been passed upon and constant attention has been given to pending suits to condemn land for military and other public uses; to legal questions arising therein or growing out of legislation enacted for these purposes, and to litigation involving public property of the United States not included within the public domain.

p.
98
et
seq.

1923

The award by a commission appointed by the President to appraise the value of buildings and improvement of the Washington Market was appealed by the Washington Market Co., it is noted the hearing of the appeal by the Court of Appeals of the District before the summer recess of that court was impossible; the case was then ready and would be argued as soon as possible after the court resumed its regular sessions in the fall.

1924

The Report comments that "the right of condemn land for the protection of Government buildings" had been upheld in a decision of the United States District Court for the Eastern District of Virginia; the case referred to involved property valued at approximately \$2,000,000.00; and another case, of equal importance, dealing with the same question, was then pending in the Supreme Court.

1925

In *Mayor and City Council of Baltimore v. United States*, (C.C.A. 1945). The Government condemned ten blocks of residence property in the City of Baltimore. The City claimed compensation for $1\frac{1}{2}$ acres, representing alleys in the area which had been dedicated to the city but had never been improved. The city contended for a valuation determined by the square foot value of the abutting lots. The Government contended that, as there was no necessity of relocating the alleys, the city was entitled to only nominal compensation. Both the District and Circuit Court of Appeals upheld the Government's contention; the Appellate Court holding that in the case of streets and highways, the measure of compensation is the cost of providing substitutes and if no relocation is necessary, the local authorities are entitled only to nominal compensation.

1926

The Court held in *Old Dominion Land Co., vs. United States* (269 U. S. 55.,) Congress, in authorizing the condemnation of land, may exclude from the United States when condemnation proceedings were instituted.

1930

pp. 3-4

*****Much administrative effort has been expended in reorganizing and speeding up the work of acquiring sites for erection of public buildings. A large amount of this work is under way. The old organization and the old system and methods have proved inadequate to deal promptly with the present volume of this work. We have to deal with the situation in the District of Columbia and elsewhere throughout the country where public buildings are planned. Great delays in passing on the title to sites or acquiring them by condemnation have resulted both in the District and out through the old system of obtaining abstracts of title and having them examined by attorneys in the Department. In some instances delays of many months have resulted from inability to obtain abstracts promptly. In some cases reliable title companies are found whose opinions and certificates are dependable and are relied upon by private interests. Near the close of the last session of Congress the law was amended to allow the Attorney General, in appropriate cases and to avoid delay, to rely on these certificates. That system has been adopted where necessary to prevent delay.

The other fundamental cause for delay in the acquisition of sites by condemnation has been the long time consumed in the legal proceedings

1930

required to determine that just compensation. These proceedings are necessarily cumbersome and slow, and the only way to prevent delay in the erection of buildings where sites are being condemned is to provide by law that immediately upon the institution of condemnation proceedings, the Government may commit itself irrevocably to pay whatever award of compensation may be made and may take immediate possession with proper assurance to the property owner of ultimate payment. Outside of the District of Columbia the Federal Government conducts condemnation proceedings according to State laws, which usually have adequate provisions of the kind above mentioned for the acquisition of immediate possession by the condemning authority on the institution of proceedings but, with the exception of the Secretary of War, no Federal Executive has statutory power to take advantage of such provision of State law. Congress usually puts a limit on the amount to be paid for sites, and in the absence of express provision of law an Executive cannot commit the Government to pay an award which may exceed that limit. The result is such that in condemnation proceedings to acquire building sites outside of the District of Columbia, unless they happen to be acquired for the War Department, it is not legally possible to take possession at the time the proceedings are instituted, and the acquisition of title and possession must await the final outcome of the condemnation proceedings and all appeals which may be taken to higher courts. Prior to March, 1929, there was no provision of law in the District that allowed the Government to take immediate title and possession. In that month there became effective in the District a statute to allow the head of the Executive Department acquiring the property to commit the

Government in advance to pay any award which may be rendered and, by depositing in court the estimated value of the property and assuring the property owner of payment of any additional amount which may be awarded, to take immediate title and possession at the very beginning of the condemnation proceeding without waiting for their completion. If the executive heads are willing to take advantage of this statute within the District of Columbia, the public building program here may be speeded up, but if similar speed is desired respecting sites outside the District of Columbia, some legislation is needed to give the Secretary of the Treasury or the heads of other Executive Departments acquiring the property power to commit the Government in advance to pay the ultimate award and thus take immediate title and possession." (45 Stat. 1415).

1931

Unusually important condemnation proceedings were had during the fiscal year 1931, i.e., District Court case No. 1952; site for the New Post Office and Interstate Commerce Department Building; District Court No. 1987, condemnation of Squares 380-382 for the new Department of Justice Building; District Court No. 1956 for the relocation of the Botanic Gardens; District Court No. 1956, condemnation of property for the National Arboretum; Dist. Ct. No. 1984, 26 parcels of land for the Rock Creek and Potomac Parkway; District Court No. 2043 Dist. Ct. No. 2068, condemnation of 70 acres for the extension of Bolling Flying Field, No. 2073 for two squares for the extension of the Library of Congress; also other condemnation proceedings, - Enlargement of the Capitol Grounds; Acquisition of reservations for public building program; acquisition of Analoatan Island, etc. Listed also are several "District of Columbia Purchase Cases", - for the Treasury Department, War Department, Department of Commerce, Arlington Bridge Memorial Commission, etc.

1932

Among other cases specifically mentioned is: "Lee et al vs. United States"., where the Court sustained the constitutionality of the provisions of an Act of March 1, 1929 (45 Stat. 1415) providing for transfer of title and possession by means of a declaration of taking and a deposit of the estimated value of the property in advance of judicial ascertainment and payment. Other condemnation cases pending in the District of Columbia, are mentioned; also several other cases pending in the Circuit Courts of Appeal, in which appellants sought reversals of judgments confirming awards.

The report further cites among others, the case of Frances-Ralph Realty Co. vs. U. S. 52 F. (2) 92, in which the C. C. A. - 8th, held in favor of the U. S., that determination of damages by the Court, after sustaining exceptions to viewer's awards in condemnation proceedings as excessive was authorized by the parties' written stipulation.

1933
p.13

In the case of U. S. vs. Arthur Bouchard, an important decision was rendered in favor of the U. S. by the C. C. A., 2nd Circuit to the effect that the U. S. has the right to abandon condemnation proceedings after judgment, before taking possession or the passing of title.

p. 12

Report cites various condemnation proceedings and purchases of land in the District of Columbia, and elsewhere, for departmental and Governmental agency sites and additions; notes that 116 new sites for post offices, custom houses, hospitals, quarantine stations, narcotic farms,

1933

etc., had been acquired by purchase and condemnation, at a cost of more than twenty-six million dollars. In most instances the condemnation resulted in a saving to the Government, the awards being less than the prices sought to be acquired.

Listed in detail are numerous sites acquired by condemnation or purchase: For the Department of Commerce for air navigation sites, light stations, etc.; for the Veterans Administration numerous hospital sites; for the Department of Interior, sites for Indian schools, and for other purposes; for the Department of Agriculture 314 sites under the Weeks Forestry Act; 31 sites under the Migrator Bird Refuge Act; 46 sites under the Wild Life and Fish Refuge Act and numerous other sites for miscellaneous in addition sites were acquired for the Navy Department; for the Department; for the Department; for the Department of Justice for Federal penitentiaries; for the War Department, 105 acquisitions for flood control; and other sites for National Military Parks. Two major projects in connection with inland waterways necessitated the preparation of numerous opinions as to titles, - the intracoastal waterway from Jacksonville to Miami; and Illinois waterway connecting Lake Michigan with the Mississippi River. During the year title to perpetual easements over 159 tracts comprising 1,585.38 acres was approved and 9 condemnation actions were instituted covering several hundred parcels. Numerous tracts were acquired along the lower Mississippi, involving 15 cases, comprising 5,539.04 acres, resulting in awards of \$1,352,129.78. In the upper Mississippi, some matters in connection with acquisitions for flood control had been concluded; others were pending.

1933

Litigation was still pending in connection with awards made in condemnation proceedings growing out of the Treaty to regulate the level of the "Lake of the Woods."

1935

Some details are given of pending cases in the Circuit Courts of Appeal including condemnation action for an ammunition storage depot in Hawaii involving \$471,792.02; various cases growing out of upper Mississippi condemnation proceedings involving control of the waters of the Mississippi; also the County of Prince William, Virginia v. United States involving streets and lanes at the Quantico Marine Base, taken by the Government during the World War and to enjoin action in an ejectment filed in the circuit court of Prince William county, Virginia, against officers of the United States in possession. The case was decided in favor of the United States (2 F. Supp. 244), and appeal dismissed by the circuit court of appeals on the ground that appeal was not taken in time.)

As to land acquisitions in the District of Columbia, the report comments on the case of Aaronson et al. v. United States, instituted at request of the Commission for Enlarging the Capitol Grounds, decided at the April Term, 1935. The Court of appeals affirmed the judgment of the court below, holding that direct and special benefits to the remainder of a tract, part of which was condemned, might be taken into consideration by the jury in awarding just compensation, notwithstanding the lack of any provision for the assessment of benefits in the statute authorizing the condemnation.

At the request of the Secretary of the Treasury, condemnation

1935

were instituted for the acquisition of all privately owned land in Square 114 as a site for the new Interior Department building, awards under such proceedings aggregating \$157,658.50. At the request of the Federal Emergency Administrator of Public Works, condemnation proceedings in District Court, No. 2347, was instituted for the condemnation of certain squares in Washington, under the slum clearance and housing provisions of Title II, sections 202 (d) and 203 (a) of the National Industrial Recovery Act; case then pending.

In Equity No. 56787, United States v. Rigel O. Belt et al., a suit brought under the Act of April 27, 1912 (37 Stat. 93), to establish the title of the United States to the area on the Eastern Branch water front known as Square 666; that case pending.

During the fiscal year final title opinions were rendered as to the validity of title to 67 parcels of land, acquired by condemnation with awards in the aggregate sum of \$1,205,680.50. Title opinions with respect to properties in the District of the Columbia were rendered at the request of the Secretary of War, Secretary of the Treasury, National Capital Park and Planning Commission, The Alley Dwelling Authority for the District of Columbia, Housing Division of the Federal Emergency Administration of Public Works. There were rendered 8,869 opinions on title to 2,830,122.78 acres of land and 1,778 parcels of land representing a consideration of \$21,360,635.49 which were acquired by various executive departments and agencies.

Opinions were transmitted to the Secretary of Agriculture on title to land acquired for the Forest Service, wildlife, experimental farming and under the Weeks Forestry Act, aggregating 94 parcels and 2,295,908.71 acres for which a total consideration of \$5,208,399 was paid.

1935

Title opinions with respect to properties in the District of Columbia acquired by purchase, were rendered at the request of the following Governmental agencies: Secretary of War, two parcels, \$6,675.50; Secretary of the Treasury, 9 parcels aggregating \$516,200; National Capitol Parks and Planning Commission, 4 parcels with an aggregate value of \$7,300.00; Alley Dwelling Authority for the District of Columbia, 78 parcels of land with an aggregate value of \$137,965.50; Housing Division of the Federal Emergency Administration of Public Works, three parcels, aggregating \$545,466.20, or an aggregate of \$1,213,607.20.

There were rendered 8,869 opinions on titles to 2,830,122.8 acres of land; and 1,778 parcels of land, representing a consideration of \$21,360,635.49, which were acquired by various executive departments and agencies outside the District of Columbia.

Opinions were transmitted to the Secretary of Agriculture on title to lands acquired for the forest service, wildlife, experimental farms, and under the Weeks Forestry Act, aggregating 94 parcels and 2,295,908.71 acres, for which a total consideration of \$5,208,399 was paid. Under the Weeks Forestry Act, 2,640 cases were finally closed of which 2,608 were voluntary purchases and 32 condemnation cases.

Opinions were rendered on the title to 19 parcels and 394.65 acres of land purchased by the Department of Commerce for a total consideration of \$84,966.

Opinions on title to 7 parcels of land and 71,553.87 acres were rendered for the Department of the Interior show up a consideration of

\$391,939.73 for general purposes of that Department and there were also rendered opinions on 17 parcels and 29,844.15 acres for a total consideration of \$732,904.15 for land purchases for subsistence homesteads.

There were pending the following acquisitions by purchase or condemnation:

Virgin Islands, 3 parcels; Grand Coulee Dam, Columbia River, 8 condemnation cases involving 5 parcels and 339.79 acres; Indian day schools, 8 purchases, 1 condemnation cases; Agency Valley Reservoir, 2 condemnation cases; Spotsylvania Battlefield Park, 2 purchases and 1 condemnation case; Mount Vernon Memorial Highway, 1 condemnation case; and miscellaneous acquisitions including 11 purchases, 3 condemnation, and 5 donation cases. It is noted that the Secretary of the Interior requested an opinion on title to 176,670.3 acres donated by the State of Virginia for the proposed Shenandoah National Park; that there were pending 2 cases to prevent the Secretary of the Interior from accepting that donation, 1 an injunction case in the District of Columbia, and 1 a suit pending in the Supreme Court of the United States upon appeal from a 3-judge decision granting the State of Virginia by its conservation commission the right to donate the land.

Report comments that the area of the Great Smoky Mountains National Park was donated by the States of North Carolina and Tennessee and that has been increased by a donation of 366,576.95 acres; that seven cases were then pending of which four were condemnation proceedings involving one parcel and 24,566.80 acres; 1 a purchase involving 100,176.53 acres; the condemnation

1935

case involving the Morton Butler Timber Company tract for which a claim of \$1,600,000 was made against the contention that the property was worth \$450,000.

In connection with the Mammoth Cave National Park there was then pending examination of title to 22,000 acres of land, described in 300 abstracts of title, conveyed to the United States by the Kentucky National Park Commission and additional lands were being acquired by condemnation, involving three tracts and approximately 4,000 acres; such proceedings were then pending. In the Colonial National Monument proceedings one parcel and 1,377 acres had been acquired by condemnation for an award of \$168,000 the owner claiming \$250,000. Five condemnation cases were then pending involving 7 parcels of land.

Lands acquired by subsidiary homestead corporations involved opinions on 110 cases. There were pending condemnation proceedings to acquire fishery rights in Pearl Harbor, Hawaii, involving claim of approximately \$471,792.12; condemnation proceedings to acquire lands for naval ammunition storage depot and rights of way in Hawaii, as well as a condemnation proceeding to acquire land in connection with a causeway at Mare Island, California.

During the year the Department of Justice had handled 283 public building cases for the Treasury Department in which title had vested in the United States for a total consideration of \$4,918,083.29. There were pending 39 purchase and 42 condemnation cases. For the State Department, pursuant to a treaty between the United States and Mexico, the Secretary of

State had been authorized by the President to acquire lands to straighten the channel of the Rio Grande, and to fix definitely the boundary between the United States and Mexico. During the year there had been 77 purchase and 7 condemnation cases involving 4,001.16 acres for a consideration of \$209,775.26 and at the date of the report there were 19 purchase and 31 condemnation cases pending.

For the Public Works Administration, during the year housing and slum-clearance sites had been acquired by purchase and condemnation involving 909 parcels of land in Alabama, Georgia, Indiana, New York and Ohio, involving a consideration of \$3,602,781.08.

In connection with "submarginal" lands, during the year the Department had approved title to 383,140.55 acres acquired for rehabilitation purposes, experimental stations, and migratory bird refuges, of which 360,128.28 acres were purchased at a cost of \$1,541,662.94 and 23,009.27 acres condemned, in which proceedings \$353,894.02 was awarded. There were then pending in the Department of Justice upon request for preliminary opinion, settlement, or awaiting return of checks from the Treasurer of the United States, 1,368 cases; also 89 condemnation proceedings. In connection with submarginal lands, the Department not only passes on questions of title, but is charged with the closing of the transactions in the field.

For the Veterans' Administration there were then pending title matters relating to three sites for Veterans' Administration; 1 at Biloxi, Mississippi, involving 759 acres; one at Batavia, New York, involving 52 acres; and one at Lake City, Florida, acreage not stated.

by the International Boundary Commission, and for the lower Rio Grande Flood Control projects, were being conducted at the request of the State Department.

The Report concludes with a lengthy tabulated statement work accomplished during the year, the totals of which are as follows:

Title cases closed July 1, 1935 to June 30, 1936:

	Parcels	Cost
For the Treasury department, by Donation, Purchase, condemnation Exchange or Transfer,	305	\$3,787,092.48
For Dept. Agriculture, under the Weeks Forestry Act; by purchase, condem- nation; donation; or exchange,	66	13,742,713.00
For Dept. Interior; By purchase, condemnation, or donation,-	20	316,568.83
For Public Works Admn.,- (Slum clearance) By purchase or donation,-	2,281	14,961,090.03
For Dept. Commerce,- By purchase or condemnation,-	3	6,075.00
For War Dept. - By purchase or condemnation,-	79	1,290,161.94
For State Dept. by purchase or condemnation,-	1,861.69	67,819.10
For the Federal Communications Commission,	1	600.00
For the Navy Dept.,-		16,886.00
For Veterans Bureau, -	7.26	7,000.00
For Resettlement Administration,-	9	7,318,272.16
For Park and Planning Commission,	124	139,287.55

	Parcels	Cost
For Alley Dwelling Commission.-	109	193,362.50
Treasury Department,-	<u>125</u>	<u>1,948,660.50</u>
Grand Total,-	3,122	\$43,960,589.09

1937

Attorney General Wickersham created "The Public Lands Division" in 1909, with limited functions. (Circular 114, Nov. 16, 1909).

The assignments to the Division in previous years having enlarged the duties of the Public Lands Division, the functions were restated at length by Attorney General Cummings in 1933.*

p.
107

In view of the depressed financial condition of the country, Congress enacted legislation authorizing the purchase of farm lands to be divided into small farm units and to be transferred to dispossessed tenants and others who might qualify to purchase these self-sustaining units.** In addition large sums of money were appropriated by Congress for the purpose of building new post offices and other Federal public buildings, the

* Indian matters were added in 1910 (Memorandum to Chief Clerk from Attorney General Wickersham, January 14, 1910). Matters pertaining to all acquisitions of land, including examinations of titles, were added by Attorney General Daugherty in 1921 (General Order 1200, July 20, 1921). Attorney General Sargent transferred to the Admiralty Division all "matters relating to condemnation of lands, and titles to lands" (Order 1823, May 19, 1927), but in 1930 Attorney General Mitchell provided for the restoration of these functions to the Lands Division (Order 2085, February 1, 1930). In 1933 Attorney General Cummings restated at length the functions of the Division (Order 2507, December 30, 1933) and in 1936 he added resettlement and housing matters (Supplemental Order, January 20, 1936).

** See the National Industrial Relief Act, approved June 16, 1933, 48 Stat. 200; the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, 49 Stat. 115; and Emergency Relief Act of 1936, approved June 22, 1936, 49 Stat. 1608.

1937

erection of which necessitate the gainful employment of thousands of idle citizens. Further, Congress authorized the acquisition of thousands of acres of land to be included in the national forests and national parks.

In 1933 the personal of the Public Lands Division included 57 persons; whereas, by reason of the above-mentioned duties and increased work, the personnel of the Lands Division included 450 employees. The increase in the volume of work resulting from the new land policy approved by Congress increased the mail rendered by the Division to a total eight times as great as the mail received in 1933*.

On April 8, 1937, Assistant Attorney General McFarland reorganized the work of the Lands Division and created four sections, the names and duties of which are as follows:

1. The Law Section.
Appeals (memoranda to Solicitor General briefs, etc.) and office matters (committees, opinions, and special assignments).
2. The Trial Section.
Correspondence, pleadings, tribal briefs, memoranda, etc., relating to cases in trial courts (except condemnation cases).
3. The Title Section.
All matters relating to the acquisition of lands (except cases on appeal); title opinions (preliminary and final), including correspondence, memoranda, etc.; condemnation proceedings in the trial courts, including correspondence, pleadings, trial briefs, memoranda, etc.

* See annual report of Assistant Attorney General McFarland for the annual year of 1937.

1937

Grants, leases, and the protection of public property. -

p. 109

During the nineteenth century the attention of successive Attorneys General and their staffs was directed to litigation and problems that arose in the administration, protection, and disposal of the public domain. There were innumerable disputes involving settlers; grants of lands to railroads, schools and States had to be construed; and the United States was drawn into arduous litigation by claimants under grants from foreign sovereigns prior to the acquisition of Louisiana, Florida, and California.*

Echoes from those days are still heard in the Lands Division. Litigation with the Northern Pacific Railroad Co., involves the construction and administration of an enormous grant made in 1864 and 1870, and the United States is defending the withdrawal, for forest reserve purposes, of nearly 3 millions of acres claimed by the railroad in Montana, Idaho, and Washington. An ancient Mexican land grant figures in a dispute over title to a portion of Mare Island, now a Government naval base in San Francisco Bay. In another case, parties in Puerto Rico presented an eighteenth-century grant from the King of Spain, to contest possession of 6,000 acres of land in the Luquilla National Forest. The validity of old land grants made by the United States becomes tremendously important in oil and gas fields, and the cases involve not only future possession but also the recovery, through an accounting, of all gas and oil taken from the land by the defendants. In connection with leases of public oil lands, the executors of the estate of Edward L. Doheny paid the United States \$100,000 in settlement of one claim against them, and in a suit previously instituted against Doheny

p. 110

* Cummings and McFarland, Federal Justice (Macmillan, 1937) chs. VII, XIII, XIX.

1937

P.
110 for fraudulently securing the execution of certain leases of public lands they paid \$3,000,000 in settlement, ending 14 years of litigation and bringing the Government's recoveries arising out of the so-called "Teapot Dome" scandals to a total of \$31,141,322.62.

There are also continuous, though less spectacular, duties arising from the present ownership and administration of land by the United States. These include prosecutions for timber trespass on the public domain, suits for the collection of damages caused by fire trespass or for the collection of delinquent rentals, and actions for the cancellation of leases or for accountings under the terms of leases.

Conservation and rehabilitation.- With the passing of the frontier a new land-development program was first reflected in projects for the in projects for the reclamation of desert and arid lands. These endeavors, tapping the rivers and streams of the West, have continued to present questions as to the respective water and power rights of the United States, the States, conservation districts, and private landowners, often resulting in legal proceedings. A single case, now pending in the Supreme Court, involves the claims of Texas, New Mexico, a conservation district, the Reconstruction Finance Corporation, Reclamation Service, and the Indian Bureau.

p.
111 Land Acquisitions. - It is in the volume and purposes of land acquisitions, however, that the new land policy of the Nation is most strikingly manifest. Of course, sites had been acquired since the earliest days of the republic, for military and naval purposes and for public buildings. The sad experience of the Federal Government, due to claims and contests over the titles to real

1937

property upon which fortifications or public buildings had been erected, led Congress in 1841 to prohibit the expenditure of funds on any site to be used for any public purposes until the written opinion of the Attorney General should be had as to the validity of the title.

The wise policy, thus based upon experience and fixed in the subsequent governmental practice of nearly a century, has served the Nation in its new land program involving the acquisition of lands for forest, soil conservation, resettlement, housing, and similar purposes. Land is purchased and titles are examined in every State of the Union, under as many different bodies of real property law, and subject to a variety of statutes as to registration of title. During the past year the Lands Division certified title and closed transactions for the expenditure of \$49,542,776.10 in the purchase of 7,762,121.77 acres.

The new land program faced disputes over constitutionality. The power of the United States was challenged when it sought to acquire land for slum clearance; for a demonstration recreational project; for low-cost housing; and for the Jefferson National Expansion Memorial. The granting of funds to municipalities for public works was retarded as taxpayers and landowners in many localities petitioned for injunctions.

Frequently the United States, in its effort to acquire land, is hindered by the refusal of owners to sell or by the impossibility of establishing a title free from defects. Under such circumstances the Government institutes condemnation proceedings. Defendants, in recent actions of this character, challenged the constitutionality of the respective statutes under which condemnation was authorized. Others, in the determination of the amount the United

States was to pay for lands or easements, contested the amount to be awarded and demanded excessive sums. Land values and interests of every kind and character are involved in the 9,000 such cases pending in the courts on July 1, 1937.

At the present time (1937 Report) it deals with all matters relating to real property owned or to be acquired by the United States and, in general, with all matters concerning the public domain, or public works. (Note Dept. Order No. 2507; Dec. 30, 1933, and various supplements thereto; Dept. Order No. 3732 and supplements thereto.

COMMENTS OF OTHER DEPARTMENTS AND AGENCIES
ON LANDS DIVISION SERVICE DURING THE FISCAL YEAR
(1937)

Excerpts from the Report of the Lands Division to the Attorney General.

***"It is pertinent to survey the performance of the Division particularly in the light of comments or other manifestations of its reputation with the public and with the interested agencies of the Government.

This reputation is illustrated by (1) the complete cessation of complaints or delays in litigation and land acquisitions, and (2) the receipt of a respectable volume of unsolicited favorable comments on the quality of the service of the Lands Division. Such a record is significant because in all of its work the Division serves other agencies of the Government, and therefore, is an important factor in the formation of good or bad opinions or reputation within the government as to the quality of the performance of the Department of Justice.

Delays: During the last quarter of the fiscal year 1936-37, the Attorney General was constantly in receipt of communications-telegrams, letters, telephone calls, from citizens, public administrators and members of Congress, complain-

1938

the Report of the Asst. Atty. Gen. to the Atty. Gen. for 1938 shows that beginning in 1855, forty acres was set apart as an Experimental Farm at 12th and Constitution Avenue, S. W.; Washington, D. C. later additional tracts were acquired for the Department for other such farms for the Bureau of Plant Industry, and other bureaus of the Department of Agriculture at various times. The lands acquired by the Government under the provisions of law authorizing such establishments by the Department of Agriculture by direct purchase or condemnation to July 1, 1938, consisted of 3,294 acres, costing \$918,535.00 and the Attorney General, when requested by the Secretary of Agriculture, caused the examination of the necessary titles. The stations acquired for the Bureaus of the Department of Agriculture were in 14 states and the District of Columbia.

1939

P. 104
It seems appropriate in this year's report to place the work of the Lands Division and its rapid expansion in recent years, in its proper context of national policy. From a Division having 57 employees in 1933, and relatively few functions consisting principally of litigation incident to the Government's ownership of the public domain and other lands, the Division expanded to a personnel numbering 500, as of July 1, 1939, with vastly greater and more diversified functions to perform.

(1) Reference is here made in footnote in the Report to the following orders of the Attorney General, expanding functions of the Division:

Order	No.	2507	-	January 1, 1934
"	"	"		Supp. No. 1, - Jan. 20, 1936
"	"	"		Supp. No. 3, - Jan. 19, 1939

The footnote further states:

"The Division is charged with handling litigation or other legal work incident to the following: (1) Public lands; (2) condemnations; (3) approval of titles; (4) forest reserves; (5) Indian lands and affairs, (except crimes), including suits in the Court of Claims; (6) reclamation and irrigation; (7) conservation; (8) Pueblo Lands Board; (9) Rent Commission; (10) Insular and Territorial affairs; (except those specifically assigned, other than criminal; (11) W.P.A. and P.W. A. cases; (12) eviction cases; (13) briefs and arguments in the Supreme Court on assignment by the Solicitor General; and (14) special assignments by the Attorney General".

1939

Of approximately 2,000,000,000 acres of land which comprise the United States, 987,000,000, or about one-half, are in farms. 413,000,000 acres are in crops, the rest being pastures, woodland and waste. There are, in addition, some 615,000,000 acres classed as forest or burned over and cut-over, and some 329,000,000 acres of range land. (Rept. Nat. Res. Bd. 1934.)

p.
105

**** Since 1933 the problem of arresting this waste of land resources has been vigorously attacked. The Government has acquired submarginal lands, taken them out of crop production and put them to their best economic use. Farm families living on land unsuited for agriculture have been re-settled on good farming land. A farm tenancy program was adopted (50 St. 525) through which farmers may acquire their own land.*** Dam and reservoir sites have been acquired to control floods, produce electric energy and to conserve and devote the water to proper use. More and larger reclamation and irrigation projects have been constructed in the west in order that new life may be brought to former deserts. Through the creation of grazing districts and the setting up of soil conservation projects, erosion is being checked and fertility is being restored. National parks, national forests and wild life sanctuaries are being established and expanded. Decent housing is being provided for both farm and city families, while the health, safety and morals of the nation are being protected with the clearing away of the slums.

p.
106

What has this vast undertaking meant to the Lands Division? With, a few exceptions, the legal services incident to this broad program of conservation were and are being rendered by it. This work is being performed throughout the continental United States and in several of its territories and possessions. In fact, 225, of the Division's total personnel are located in all but seven States of the Union, and in Porto Rica, in order that the

in the extensive flood control program now in progress on the Mississippi.

**** In the United States vs. Northern Pacific Railway Co., et al., reported on last year, the District Court quieted the title of the United States to the land in dispute; awarded the railway company compensation under the Act of 1929, for approximately 1,450,000 acres of the area; and awarded compensation to the United States for approximately 66,000 acres of other lands which the company had erroneously obtained from the Government. Both parties are taking appeals directly to the Supreme Court under the provisions of the Special Act of May 22, 1936.

****Among the interesting Federal acquisitions effected or being effected during the past year through eminent domain proceedings were—the obtaining of fee simple title to some 540 miles of right of way in the States of Washington and Oregon, involving approximately 2,400 separate ownerships and parcels of land, for power transmission lines for the Bonneville project; the Denison Dam and Reservoir on the Red River Between the States of Oklahoma and Texas; the continuation of acquisition of fee simple titles and flowage easements for the vast Mississippi River improvements of navigation and 9-ft. channel project of the War Department; the acquisition of approximately 60,000 acres of land for the Muroc Bombing Field for the War Department; 5,600 acres of land for an addition to the West Point Military Reservation in New York; the acquisition of additional land for the Atlantic Northeast Air Corps Station and Depot on Long Island in New York; and land for the Gravelly Point Airport in Washington.

In addition to services rendered in condemnation cases, the division prepared title opinions on 7,114 tracts of land acquired by the Government through

purchase, donation or exchange. These acquisitions totaled 1,364,731.49 acres and 629 parcels, at a cost of \$14,593,149.57. This work required extensive research into diverse and sometimes little known fields of the law, including future interests, special statutory liens, such as those for public welfare assistance advances and those created by local improvements districts, constitutional and statutory provisions authorizing acquisition of land by the United States and disposition thereof by various public bodies; bankruptcy and taxation matters, special tax title provisions and laws affecting dedication and abandonment of public ways, in addition to the numerous subjects involved in the usual examination of titles. These problems had to be considered as affected by the laws of all the states and territories and the District of Columbia against a background of Federal statutes and constitutional law, and necessitated familiarity with both the common and the civil law.

These title opinions had to do principally with lands being acquired for forests, farm tenants, wildlife and migratory waterfowl refuges, biological survey purposes, flood control, slum clearance and the submarginal land program.

(Here follows in the Report statement as to the acreage acquired during the previous fiscal year; the cost thereof.)

**** The Attorney General has designated the Assistant Solicitor General as the officer charged with the preparation of his opinions (Order No. 2507, Jan. 1, 1934,) When the subject matter of an opinion involves matters assigned to the Lands Division, the Assistant Solicitor General requests the views of the Division. During the fiscal year ended June 30, 1939, the Lands Division furnished the Asst. Sol. General memoranda for use in 23 opinion matters.

in the Condemnation Section of the Lands Division (as distinguished from the Title Section) mentioned hereafter); 73,237 pieces of mail both incoming and outgoing, flowed through the Section; and 236,477 docket entries were recorded.

3. Permitting removal of structures and other property by the owner.

A vital collateral problem to the speedy acquisition of lands for military purposes is the difficulty of removing structures which are affixed to the realty at the time the title vests in the Government, but for which the acquiring agency has no use. For example, the Navy could not possibly use 1,000 fig trees on a farm at Hampton Roads, Va., Naval Air Base, nor could the Army use milking machinery built into a dairy farm located within an area acquired for an Army post. There may be legal limits to the power of the vendor and Government to agree as to what is personalty after the title to the realty has vested in the Government upon the filing of the Declaration of Taking, but this power has been employed, so far as possible for the relief of dispossessed owners, and, as a matter of common sense, economy to the Government. Owners have been permitted to remove certain properties of no possible use to the acquiring agency upon reasonable reduction of the compensation payable to the owners, or upon a stipulation that no claim will be made for the property removed. The Navy would otherwise have to chop down the fig trees and the Army would have to junk the milking machinery obtaining only salvage value. A Bill on the subject is now pending before the Congress.

P. were acquired during the 12-month period more than 2,000,000 acres of land, upon which 20,628 title opinions were written, an increase of approximately 43% over the number written during the preceding year. The increase in the cost of the land acquired was approximately 132 per cent.

The increase in the amount of work performed by the Division in connection with the approval of titles is attributable to a number of factors. The chief cause, of course, has been the demand of the military and naval forces for large areas of land, - frequently consisting of numerous and expensive tracts. There has been an increase also, in the number of titles passed upon for other departments and agencies of the Government engaged in the national defense program. Example of acquisitions of this type are the purchase by the Federal Communications Commission of lands needed for the erection of monitor stations to prohibit the reception and dispatch of unlawful communications; the purchase and lease by the Maritime Commission of lands to be used for the erection of docks and shipyards for the construction of merchant ships; and the acquisition by the Coast Guard of lands upon which radio towers and lookout facilities are to be erected.

IMPROVEMENT IN PROCEDURE

P. 129 In order that all acquisitions of lands needed for defense purposes may be handled promptly and efficiently, certain revisions have been made in the procedure to be followed in the examination and approval of titles. The result has been a considerable conservation of effort and a progressive reduction in the time required for title examination and approval. As a consequence of these revisions in procedure, the acreage time required for the approval of titles has been cut from 11 days in the fiscal year 1940 to 6 days in the fiscal year 1941, notwithstanding the contemporaneous increase

in the volume of title work.

A factor which naturally assisted in effecting this improvement is the revision of Section 355 of the Revised States adopted Oct. 9, 1940 (54 Stat. 1083). This Section as revised, permits the Attorney-General to approve the title to "low-value lands", subject to such infirmities as, in the opinion of the Attorney General, may, without jeopardizing the interests of the United States, be left for removal by condemnation or other appropriate proceedings if and when necessary. Such lands are limited, however, to those which do not have an average value in excess of \$10.00 per acre and the total value of which does not exceed \$3,500.00. Approximately 28 per cent of the title matters received in the Division during the past year involved lands of the type contemplated by the recently adopted provisions, the average cost thereof being approximately \$3.70 per acre. Were it not for the discretion conferred upon the Attorney General by the Act of October 9, 1940, it is probable that a substantial portion of these lands could not have been acquired by purchase. There would have been a resultant delay in the title approval process and, in those cases where condemnation proved to be necessary, the cost of the land to the United States would have been increased by the added expenses incident to litigation and the dockets of the courts would have been further burdened by condemnation proceedings.

**Reorganization of land acquisition work in connection with
National Defense Projects in the War Department:**

P. 150 It seems appropriate to mention the part which the Lands Division has played in connection with the reorganization of the Real Estate Branch of the Office of the Quartermaster General in the War Department.

process, either actual or constructive, and elimination the usual appearance fee, pursuant to statutory authorization.

There are two condemnation matters upon which I made recommendation to the last Congress on which action had been completed at the end of the session. The first of these is a bill to simplify existing notice requirements and to expedite payments to property owners by permitting the early distribution of funds deposited in court. The second is a bill to eliminate the Commissioner system in federal condemnation proceedings for the duration of the war. This system is productive of delay, expense, and seems to offer no compensating protection - either to individual landowners or to the Government. I urge the early enactment of these two measures which would do much to expedite the condemnation of land for war purposes and to make our condemnation procedures fairer to the owners of the condemned land.

p.
12

1943

Land acquisition, principally for war purposes, reached what is probably its peak in the course of the fiscal year. Condemnation proceedings terminated with payment embraced over 800,000 acres, and 6,625 parcels of land, involving awards of \$62,113,824.67. In addition, 1,618,382.32 acres, and 1,783 parcels were acquired by purchase at total cost of \$97,505,003.62. The volume of legal work presented is indicated by the fact that 4,683 condemnation cases were instituted during the year to acquire 43,920 individual tracts; title evidence was received on 20,169 cases involving acquisitions by purchase; 15,381 preliminary title opinions and 18,297 final opinions were prepared.

p.
17

Land acquired from July 1, 1938, to June 30, 1943, for defense and war purposes alone, totaled 3,538,705 acres and 10,852 parcels at a cost of

\$376,988,920. In addition, there are pending in condemnation proceedings for war purposes, 17,643,240 acres, the value of which is yet undetermined, of which approximately 13,000,000 acres involve outstanding rights of land, already in the public domain.

The Department of Justice is concerned with legal aspects of land acquisition; it plays no part in determining what land must be acquired. In performing the functions of the Department, the objectives have been: (1) To obtain immediate possession and, where necessary, to improve the legal processes by which this end is attained; (2) to facilitate prompt payment of compensation and thus reduce as far as possible any hardship occasioned to the property owner; and, (3) to protect the Government against excessive awards.

Administrative improvements in the method of handling land acquisition have greatly reduced the time necessary to institute condemnation proceedings and to obtain effective possession. The length of the legal proceedings after obtaining possession, is however, adversely affected by the requirement in many jurisdictions that commissioners be appointed to determine the amount of the award, with a right in either party to obtain a trial de novo before a jury. I have previously recommended the elimination of this double procedure by the enactment of legislation providing for one trial by a common law jury, I renew this recommendation.

Under present law, procedure in condemnation suits must conform to that of the States (Act of August 1, 1888, 40 U. S. C. A., 257-8). The Federal Rules of Civil Procedure promulgated by the United States Supreme Court, are, by their terms, inapplicable to such proceedings. A proposal to regulate the procedure by rule has been tentatively advanced to a Sub-Committee

-81-
1943

of the Supreme Court Advisory Committee. It is hoped that the Supreme Court may ultimately determine to close this hiatus in the modernized procedure prescribed by its rules.

The size of condemnation awards was significantly affected by the decision of the Supreme Court in *United States vs. Miller*, 317 U. S. 369, holding that "just compensation" under the Fifth Amendment does not include an increment in the value of the property based upon its anticipated condemnation. The decision is of great importance in protecting the Government against charges for inflated values produced by land speculation.

Memo: In connection with the record set out in the foregoing Annual Reports of the Attorney General, and other reports referring to the acquisition of lands; see the book "The Acquisition of property for Defense Purposes" in the Library, for detailed statements as to the statute and procedure established throughout the Division, including field offices, in connection with the examination and approval of title to lands and the conduct of condemnation proceedings; the distribution of funds, related matters.

1944

During the past five years the Lands Division has devoted the greater part of its energies to emergency work occasioned first by preparation for national defense, and then, after war began, to obtaining at the greatest speed possible, the lands necessary for war purposes. The initial war effort was literally based upon land. After Pearl Harbor, the M-Day files were opened, and there lay the blueprints for an Army of over 10,000,000 men, a Navy large enough to fight of any of the seven seas, and the world's largest air force. Where were these great aggregations of men to be trained? Where were the ships to be built - the guns, planes and munitions to be manufactured?

Demands for land acquisition rattled out of the General Staffs with the rapidity of machine gun fire, in a volume over ten times greater than at any other time in American history. Air fields, bombing ranges, tank maneuver grounds, artillery, machine gun and rifle ranges, housing sites, dry docks, naval stations radio and radar sites, areas for manufacturing plants to make guns, tanks and all the vast miscellany of modern warfare—all were needed and needed immediately. Steam shovels moved in instantly after acquisitions, executing vast plans of construction for war purposes.

Even as far back as the fiscal year ending June 30, 1940, the Report of this Division calls attention to the shift in its work from peacetime to prospective wartime acquisitions (Rep. 1940-P. 121, et seq.) During a great part of this five year period the most tremendous land-acquisition in the history of this or any country for national defense and war purposes was going forward at an increasingly accelerated pace. It was only during the past fiscal year that the various agencies of the Government have lessened their demands for land in connection with war problems arising from the war and at the same time has been rearranging its processes so as to be able to function rapidly and efficiently for peacetime purposes.

ACQUISITIONS OF LAND AND THE WAR.

P. 214
The number of new acquisitions for war purposes for the first time in five years began to show some decline. This was inevitable and to be expected. The great job of training our armed forces here at home had largely been completed. The vast expansion of industry to produce the ships, the guns, the tanks, the planes, the ammunition and the thousand and one other pieces of equipment for the finest land and sea forces in the history of the world had been carried through with astonishing speed and signal success.

But the burden of work in the Division continued. The tedious, time consuming and unspectacular job of "mopping up" had arrived. Thousands of titles needed to be cleared up, hundreds of condemnation cases remained to be tried or settled, and millions of dollars had to be distributed to the land owners as rapidly as possible.

Yet the volume of new land acquisitions by condemnation during the year was far beyond the normal peacetime volume, for 2616 cases, involving 21,036 tracts were instituted. The most significant feature of the condemnation work in the past year, however, has been the closing out of the largest number of cases in the history of the Government, involving 1,326,704.96 acres and 9,401 parcels of land, not measured in acreage. This represents a total of 25,357 tracts (made up of both acreage and parcels, as compared with 19,435 for the preceeding year; and despite the urgent need for legislation to expedite distribution of condemnation awards, at the end of the fiscal year 80.42% of all money deposited in court had been distributed to land owners, as compared with 67.77% at the end of the fiscal year 1943, representing genuine progress in the "mopping up" of pending business.

It must be added, nevertheless, that with all our efforts there is a sizeable back-log of funds on deposit in court remaining to be distributed. This serious problem was clearly recognized by the Truman Committee in its report. (Rep. No. 10, pt. 16, Spl. Comte. Invest. Defense Program 78th Cong. 2nd Sess. P. 122.) There was a considerable number of large acquisitions involved in the work of the Division during the year, both by purchase and condemnation. Among the acquisitions by condemnation are included the Capitol Park Hotel, Washington, D. C., for use as a Servicemen's Center, for a consideration of \$400,000.00; 244.6 acres of land in York Co., Pa. for a Naval Ordnance

-97-
1945

lands and facilities acquired by direct purchase, was paid for acquisitions for war purposes. During the past fiscal year 2,475 new purchase cases were received in the Division and 2,890 cases were closed, representing a rate of closing over new cases of 116 per cent. An important factor in this respect was the reduction in the average time for rendering preliminary opinions on title from seven and a half to five and a half days, and the reduction in the average time for rendering final opinions from 5½ to slightly over 4 days. In all, title opinions on 101,449.51 acres and 804 parcels (not listed on an acre basis) were prepared and the consideration paid for the property involved was \$79,262,198.99.

Unusual acquisitions by purchase included a plant in Monongahela County, W. Va., from E. I. DuPont de Nemours and Company, which involved slightly over 826 acres of land at a cost of nearly \$5,800.00 per acre; 246.695 acres of land at Long Beach California, from the Douglas Aircraft Co., at a total cost of \$17,303,029.70; 59.6 acres of land in Washington County, Maryland, for use in connection with the Fairchild Engine and Airplane Corporation, at a cost of \$912,423.95; and an entire railroad, including the rolling stock of the Hampton and Langley Field Railway Company, in Elizabeth County, Virginia, for a consideration of \$92,500.00.

1946

ACQUISITION OF LANDS

****The Division institutes, supervises and conducts actions to cancel federal grants and patents; to remove clouds on titles.****

**** In addition, the Division passes upon the validity of title to lands to be acquired by the United States and conducts proceedings in

p.
224p.
277

condemnation where the Government exercise the right of eminent domain.

**** The trend noted in the Annual reports for the past two years from wartime to peacetime acquisitions has continued. A great volume of work of this kind, however, was handled during the year. Although in acreage the volume of land acquired declined as compared with the last peacetime year of 1939, the number of tracts handled was over seven times greater and the total cost of the land acquired was more than two and a half times greater than in that year. The volume of land acquisition work, therefore remained substantially above the 1939 level, when 2,082,379.30 acres and 1,051 parcels of land were acquired at a cost of \$22,247,473.39 (See Report 1939, p. 118.)

The decline in the volume of incoming land acquisition work occurred as might have been anticipated, both with respect to lands acquired by purchase and those sought through condemnation proceedings. On the other hand, the litigation work of the Division, aside from condemnation litigation, continued to increase during the year.

(Memo: Footnote, p. 278 states: "Whether the acquisition is by purchase or by condemnation each "parcel" usually represents a separate case; where land is acquired on an acreage basis each case is usually referred to as a tract and many such tracts contain hundreds of acres each.")

LITIGATION (Condemnation cases.)

As has been noted a decrease in condemnation proceedings begun during the year occurred as compared with the preceding year. During the past fiscal year a total of 508 cases for the condemnation of 5,800 tracts were instituted as contrasted with the institution in the previous year of 1,274 new cases, involving 7,991 tracts. However, in the matter of closing cases the same disparity is not shown, for during the fiscal

-141-
1951

LAND ACQUISITIONS

Report of the
Attorney General
(Typed copy, Main
Lib.)

In the field of acquisitions, the Division received 781 new condemnation cases in 1951, in comparison of 695 in 1950. As of June 30, 1951, 2,675 condemnation cases were pending, involving 27,145 tracts totaling 9,231,901.85 acres. At the same time last year 2,744 cases, involving 26,164 tracts, totaling 9,941,171 acres, were pending. Approximately, \$60,801,140.14 was expended as the cost of land acquired by purchase and in condemnation, though included in this figure are payments for lands acquired in other than the 1951 fiscal year. Deposits in condemnation cases during the year totaled \$29,581,142.79, while disbursements were \$22,995,460.14. On July 1, 1951, sums totaling \$37,002,552.69 remained on deposit in condemnation cases. While the actual litigation of these cases and the approval of the titles is handled by the Department, considerable work is done by the various acquiring agencies in obtaining surveys and appraisal reports.

When the Korean War started on June 24, 1950, six days prior to the 1951 fiscal year, peacetime acquisitions necessary for dams, reservoirs, irrigation and power projects were being carried on in all sections of the United States and the Department of the Army had informally advised that plans for projects involving over 20,000 additional tracts of land were to be acquired in the near future. However, with the opening of the Korean conflict, defense activities took priority, thereby causing a great increase in the volume of acquisitions of that type during the fiscal year of 1951. During the latter part of the 1951 fiscal year the military establishment advised the Department that a large military construction program would be started in connection with the expansion facilities and the addition of other military installations, costing millions of dollars. The title work and the institution of condemnation proceedings will have to be done by the Department and considerable additional personnel will have to be added as result of this program.

p.
266

While the Federal Government's program of peace-time acquisition was curtailed because of the Korean conflict, nevertheless certain other projects proceeded, as shown by a taking in June 1951, of 4,520 acres of land located in Burke, Virginia, for an airport to serve Washington, D. C. and the surrounding areas. There were non-defense acquisitions for post office sites, forest land, transmission lines, roads, navigation easements, and numerous other purposes during the fiscal year 1951. It is interesting to note, also, that additional work in volume was received in connection with pending projects. These projects included Bull Shoals Dam and Reservoir in Arkansas, Grenada Dam and Reservoir in Mississippi and the Clark Hill and Allatoona Dam and Reservoir, in Georgia, which involve both reclamation and the production of electric power. Another example is the Central Valley Project, of the Bureau of Reclamation in California, which will result in the irrigation of millions of acres of arid land. With the program for the change of the natural water resources of millions of acres of land, intricate problems of law and fact are frequently encountered. For example, during the 1951 fiscal year, proceedings were instituted in California for the taking of a hydro-electric plant, owned by the Pacific Gas and Electric Company, which at the time was in full operation. This involved the usual problem of business losses as compared with fair market value in awarding just compensation.

Also instituted during the year were proceeding to acquire more land to further the development of guided missiles. One project, the Joint Army-Navy Long Range Proving Grounds, located on the Banana River on the coast of Florida, contemplates a complete installation for experimentation and testing of guided missiles. Approximately 13,000 acres will be acquired, and although the land is of low value considerable title work is involved. Another similar project is the Naval Air Missile Testing Center, located at Point Mugu, Ventura