Some chapters on the forest homestead act with emphasis on Western Montana

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The University of Montana
SOME CHAPTERS ON THE FOREST HOMESTEAD ACT

WITH EMPHASIS ON

WESTERN MONTANA

by

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CHAPTER I.

Beginnings Of The Controversy

In the great history of the development and expansion of America the free homestead was one of the most colorful phases of the settlement of the frontier. American democracy, its ideals and practices, had been based on certain rights of man to the lands of the nation. No matter what shape or form these land rights assumed—whether they were tomahawk rights, corn rights, cabin rights, sugar camp rights, pre-emption or outright purchase—they had become a basic part of American expansion policy.

The first great homestead law was passed in 1862. This act partially reversed the policy of the government from sale of the public lands to gifts of agricultural lands in certain areas with reservations for qualification. It put the official stamp of the government on the assumption that every man was entitled to enough land to build a home and establish a complete economic unit of livelihood. Abraham Lincoln expressed the new policy of the government when in support of the Homestead Law he said, "I am in favor of settling the wild lands into small parcels so that every poor man may have a home."¹

After the Civil War came the greatest wave of settlement and in the space of twenty-five years the country's settled frontier extended to the Pacific. In 1892 the well-known historian Fredric Jackson Turner advanced his famous frontier hypothesis and further wrote that the frontier of America had disappeared and that the free homesteading era was over. What was left, he stated, was worthless land not capable of

of sustaining complete economic units of livelihood.\textsuperscript{2}

Yet like many broad generalizations, Turner's theory of the ending of the frontier was not entirely true. The wave of settlement had reached the Pacific, but the tide of settlers fell back from this natural barrier and simply turned into a new direction or began to take up the unsettled areas that had been by-passed. One historian claimed that the tide of settlement and the frontier had merely turned northward to flow over the international boundary into the prairie provinces of Canada.\textsuperscript{3} This was partially true, also, as many American settlers went northward to take up the free lands in Alberta, Saskatchewan and Manitoba.\textsuperscript{4} But large areas of the West were still unoccupied and the ebb tide of settlement began to reach for these lands. These empty areas consisted of desert lands, cancelled railroad grants, Indian reservations, state and school grants, reclamation projects and the agricultural lands inside the forest reserves.

Probably the unoccupied areas that had more nearly the characteristics of the old frontier than any others were the forest homesteads. Small as these homesteads were they simulated the conditions of earlier


\textsuperscript{3}Sharp, Paul F., "When Our West Moved North," \textit{American Historical Review}, Vol. 55, (January, 1950).

\textsuperscript{4}When the rush of American immigrants to Canada subsided in 1920, the estimates were that 1,250,000 Americans had crossed the border to seek residence in Canada. This did not include the uncounted thousands who simply crossed over without reporting. \textit{Canadian Annual Review of Public Affairs}, (1920), p. 241, as quoted by Paul Sharp in "When Our West Moved North."
periods of settlement in a social and economic sense because of their isolated locations. These actual small frontiers were located in narrow mountain valleys inside the forest reserves, many miles from the well travelled arteries of transportation and the main centers of trade. These bottomlands and mountain meadows deep in the forest were part of the last of the potential free lands in the West.

The agricultural lands in the forest reserves gained an importance far out of proportion to their real worth. Before the forest homesteads vanished from the scene, they became the assumed cause of migration to Canada, the whipping boy for politicians in their war on the forest reserves, a continued factor in the demand for states' rights, and the cause of many bitter political fights in and out of the Halls of Congress, government departments, bureaus, and the state legislatures of the west.

These lands did not come to the notice of the public until 1891. In that year a determined group of eastern Congressmen backed a bill, at the request of the American Forestry Association and the Secretary of the Interior, to authorize the President to set aside forest reserves for future needs of the nation.5

The bill was attached as the 24th amendment to a general revision of the land laws. House of Representatives Bill 7254 was known as the Timber Culture Act. The Joint Committee of Congress, which handled the bill, was composed of Senators and Representatives highly in favor of establishing forest reserves.6

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6Ibid., p. 116.
In their hurry to pass the bill before Congress adjourned, the com-
mittee resorted to procedure, i.e., the introduction of a new amend-
ment in a conference report. The bill was reintroduced into the
Senate without being printed for reading by the Senators. A no debate
ban was imposed and the bill was passed by the Senate.

Western Senators, in opposition, did not dare to question the
bill's amendment because of the many advantages for them under the
balance of the act. Probably many members of the Senate were not
even aware of the addition of the amendment as the bill was not re-
read because of the lack of time and the press of business.

House of Representatives Bill 7254 passed to the House also
without printing, where some opposition was encountered. Repre-
sentative Thomas C. McRae of Arkansas distrusted it, stating, "I do
believe, Mr. Speaker, that the power given to the President by Sec-
tion 24 is an extraordinary and dangerous power to grant over the
public domain."

Representative Mark H. Dunnell of Minnesota spoke of his dislike
of the bill, mainly because of the great rush to pass the bill with-
out printing and the lack of time to debate the measure. He stated,
"This bill has never been printed. Not a member has ever seen the
bill it is proposed to pass here. Seems to be a strange desire on
the part of certain gentlemen, who seem intent upon the passage of
this bill tonight."

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7Ibid., p. 117.  
8Ibid., p. 118.  
9Ibid., p. 118.  
10U. S. Congressional Record, 51st Congress, 2nd Session, p. 3614.  
11Ibid., p. 3514.
Lewis E. Payson of Illinois, the representative who steered the bill through the House, answered Dunnell's accusation, "...and if the gentleman from Minnesota has sat here during even this session and is ignorant of the provisions of this bill, the gentleman has not yet got out of the primary school of ordinary statesmanship." (Loud and prolonged laughter).\textsuperscript{12}

Representative John F. Lacey of Iowa was the first to bring up the question of the failure of the amendment to specify what should be done with the agricultural lands that would inevitably be included if and when a forest reserve would be established. He stated, "The people of this country, who are without homes and otherwise qualified, have a right to the public lands. If lands are fit for agriculture they should never be withdrawn from settlement."\textsuperscript{13}

The debate on February 28, 1891, was limited to only a few minutes in the House before the measure was tabled. The bill was brought up on March 2, the day before Congress adjourned, and passed without any further demurrer, in the rush of business always present in the last few days of a session of Congress.

This amendment, later called the Forest Reserve Act, was the first taken by the United States Government toward the preservation of the vanishing American forests. The act was deficient inasmuch as it included no policy for the protection and operation of the reserves.

On March 30, 1891, President Benjamin Harrison exercised his newly won power for the first time. He withdrew from entry part of

\textsuperscript{12}Ibid., p. 3515.

\textsuperscript{13}Ibid., p. 3516.
The public domain and established the first forest reserve, the Yellowstone Park Reserve in Idaho. The next reserve to be established was the White River Reserve in Colorado the same year. Before he retired from office in March 1893, President Harrison had established thirteen more reserves with an overall area of 13,000,000 acres.14

President Grover Cleveland, back in office for his second term after a four-year lapse, proclaimed additional forest reserves totaling nearly five million acres in area. No provisions were made for operating or protecting the reserves. The policy of locking up the reserves became standard because of the inertia of the government which seemed unable to formulate a forest policy of its own for use of the reserves. This was the policy, or lack of one, that brought on the upsurge from dissatisfied factions in the West, and gave them an excuse to attempt to destroy the reserves. One of the principal reasons for the antagonism towards the reserves was the inclusion of agricultural lands within forest boundaries.

Meanwhile there were several concerted efforts on the part of members of Congress to establish some kind of forest policy, both workable and protective of the reserves. Most of these measures never left the committee and as a consequence died there.

The one bill which raised the hopes of many conservationists was introduced by Representative Thomas McRae of Arkansas. McRae was a senior member of the House and an ardent supporter of Congressional control over the public domain. The bill contained six sections, of which the most controversial was the sale of timber to

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14Ise, p. 120.
the highest bidder and the use of Federal troops to protect the reserves and fight forest fires. Section 6 stated, "...that any public lands embraced within the reserves, which after due examination shall be found to be better adapted for agricultural purposes, may be restored to the public domain upon the recommendations of the Secretary of Interior, with the approval of the President, after six days notice in two newspapers of general circulation in the state where the reservation is located." 15

The bill was attacked immediately by representatives from the West. Attempts were made to add amendments deleting reserves in California, Oregon and Washington. Representative Binger Hermann of Oregon tried to insert the words "mining and grazing" after the word "agriculture." 16 Representative Charles S. Hartman of Montana spoke of the rigors of life in the West, deploring taking away from the people the right to cut free timber. He concluded, "People will have to be timber thieves or else freeze to death." 17

MoRae fought back bitterly against his many opponents, saying "Whether intentionally or not, you who oppose this bill are the aides of the monopolists, who have had the special privilege of cutting government timber for nothing. You will deceive nobody by denouncing those benefitted by your opposition if successful." 18

The opposition proved too great however, and MoRae, despairing of passing his bill, derailed it by a request for its withdrawal. 19

MoRae later stated that the real reason for the bill's failure to pass was his failure to include the mining interests' free timber

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15 Ibid., p. 2432.
16 Ibid., p. 2433.
17 Ibid., p. 2861.
18 Ibid., p. 2861.
rights in the bill. The bill had powerful backing and was endorsed by the Commissioner of Lands, the Secretary of Interior, and the American Forestry Association, but the combined efforts of western lobbyists and congressmen were overwhelming.

McRae introduced a somewhat modified bill in the second session. It was passed by the House but failed in the Senate because of the lack of a quorum. In the third session, McRae introduced a second revision of the bill, this time permitting mining upon the reserves and eliminating the clause permitting timber sales.

The mining clauses softened the attitudes of the western congressmen. Practically the only opposition came from those members of Congress who still clung to the policy of the locked-up reserve. The clause pertaining to the agricultural lands remained in the bill. This clause was apparently favored by all concerned, except those who were strict conservationists. The bill, House of Representatives 119, passed the House by an overwhelming majority.

The third McRae bill, even though opposed by strict conservationists and ahead of its time, would have been passed in later years by these same people. The bill, though partially adhering to the locked reserve policy, was the forerunner of the modern-day policy of "ultimate sustained use" that now governs the national forests.

House of Representatives Bill 119 died in the Senate, without even being voted on, due mainly to the efforts of Senator Henry M. Teller of Colorado who introduced a substitute bill representing the western Senators' views as to how the reserves should be run.

20 Ise, p. 125.

21 Ibid., p. 127.
The provisions of the Teller bill, in contrast with the McKee bill, were somewhat different. First, the reasons for creating reserves were limited, mainly, to safeguarding watersheds and to securing an everlasting supply of timber for the people in the state where the reserve was located. This policy of state's rights was to rear its head again and again in later political battles over the reserves. The second section of the Teller bill forbade the inclusion of agricultural and mineral lands in the reserves.\textsuperscript{22}

One new addition to the bill was a clause that permitted a settler on agricultural lands in the reserves to exchange his land, if desired, for land outside the reserve on the public domain. He would receive a patent immediately on the new land, regardless of the status of his original claim in the reserve. Neither the McKee bill nor the Teller bill was passed and they lapsed with the adjournment of Congress. The forest policy of the United States remained the same, that of the locked-up reserve.\textsuperscript{23}

Interest in the reserves grew rapidly, however, owing to the increased activity of conservationists, headed by the young and growing American Forestry Association and other scientific and educational societies.

Hoke Smith of Georgia, an advocate of conservation, was Secretary of the Interior. In response to an editorial in \textit{Century Magazine} calling for a workable forest policy, Smith wrote to Walcott Gibbs, President of the National Academy of Sciences.\textsuperscript{24} The editorial was based on two resolutions from the New York Chamber of Commerce.
and the New York Board of Trade asking for action on formulating a forest policy. Article four of these resolutions was of great importance, seeking to ascertain what portions of the public domain should remain as such in view of the agricultural, mining, lumbering, and other interests of the people. Smith requested Gibbs to appoint a commission to study the problem of the reserves and to suggest a policy for governing them.

President Gibbs accepted and appointed a commission composed of Professor Charles E. Sargent, Professor William H. Brewer, Alexander Agassiz, Henry L. Abbott, Arnold Hague, and Gifford Pinchot. All of the men except Pinchot were well known authorities in their scientific fields, ranging from geology to hydrography. Pinchot was the only forester on the commission. This was his initial appointment to a government position and the first official step to a long career in forestry, which was to lead him to the position of Chief Forester of all the national forests.

During the summer of 1896 the commission toured the western states. It talked with all types of interested people in order to secure the best information possible as to what policy to adopt. The commission’s report was not due until May, 1897, but in February of that year Chairman Charles S. Sargent wrote a progress report to President Gibbs of the Science Society recommending the establishment of thirteen more reserves with a total of 21,000,000 acres. Gibbs forwarded the progress report immediately to President Cleveland.

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26 Robbínes, p. 313.
The only dissenting opinion on the commission was that of Gifford Pinchot. Pinchot was not in favor of locking up the reserves and wanted the commission to present a plan for administering them. He was a graduate forester, who believed in a theory of forest management that was in direct contrast with the locked-up policy that was in force. Pinchot's theory of conservation was that of protection, yet use, of the forests for the benefit of the people. It was this theory of ultimate use that was to lead to Pinchot's later relationship with Theodore Roosevelt and his important future role in establishing the present-day Forest Service and the Forest Homestead Act.

President Cleveland, due to leave office in about ten days, signed proclamations on Washington's birthday, February 22, 1897, creating the thirteen reserves. A storm of protest arose from pressure groups in the West. Western congressmen were in an uproar. No previous notice of any kind was given before establishment to congressmen, politicians, or business men who were affected by the order. Many congressmen from the West became permanent enemies of the reserves because of the undisguised tactics of the conservationists in creating reserves without notice and pursuing a forest policy of protection without use.

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27Ise, p. 129.

28Even though the commission did not suggest a definite workable forest policy, they did make some recommendations. No. 4 stated: "That a board of forest lands shall be appointed to determine from actual topographical surveys - what portions of the public domain, i.e., forest reserves, more valuable for agricultural purposes, should be open for sale and/or settlement. (55th Congress, 1st Session, Senate Documents 105, Vol. 5, p. 3.)


30Ibid., p. 110.
A warning against trespass was at the end of each proclamation. This warning further infuriated western congressmen and those corporations and people who were using the reserves for convenience, necessity or profit. Under existing laws no use could be made of the forests. The citizens of the West who were affected by the proclamations concluded that the reserves would be locked up, settlers kept out, and development permanently blocked.31

State legislatures, chambers of commerce, and other organizations by the score protested vigorously and flooded Congress with their petitions and memorials.32 Charges that the commission had never gone near the reserves33 or held hearings were substantiated later by Gifford Pinchot, who wrote, "So far as I know, not a single session of the commission was reported for the newspapers, not a single public meeting was held during the Commission's western trip, and what information local newspapermen dug out of Sargent was meager and not always exact."34

31 Ibid., p. 109.

32 The Seattle Chamber of Commerce said in a memorial on the Cleveland proclamations, "We can truthfully say that King George had never attempted so highhanded an invasion upon the rights of our forefathers. We hope the President and the Congress do not desire to build up and enrich British Columbia at the expense of the State of Washington." (55th Congress, 1st Session, Senate Documents 68, Vol. 5, p. 9).

33 In a letter to the Editor of Forest and Stream, Governor William A. Richards of Wyoming charged, "The Commission made no examination whatever. They passed through Wyoming on the fast train of the Burlington Railroad, at which no place is within fifteen miles of the mountains." (55th Congress, 1st Session, Senate Documents 68, Vol. 5, p. 5).

34 Pinchot, p. 108.
Six days after the proclamations setting up the reserves, a storm of controversy broke lose in Congress. Senator Clarence D. Clark of Wyoming attached an amendment to the Sundry Civil Appropriation bill nullifying the Cleveland proclamations and restoring the reserves to the public domain. The attack was led by Senator Lee Mantle of Montana and other western senators.\(^{35}\)

The Senate passed the bill the same day it was offered, but the bill ran into a stumbling block in the House, where a substitute amendment was offered by Representative Lacey of Iowa. The amendment, a watered-down version of the Clark bill, merely gave the President authority to vacate any executive order creating a forest reserve. It also authorized the Secretary of Interior, at his discretion, to make timber sales on any reservation for mining and domestic purposes. In addition, the Lacey amendment ordered the elimination of lands more valuable for agriculture. \(^{36}\)

The Lacey amendment passed the House. The Senate also passed the bill, after western Senators, their eyes on the approaching new Congress, abandoned the fight against the reserves.

President Cleveland pocket-vetoed the Sundry Civil bill with the Lacey amendment. It is said that when he received the bill for consideration, he dashed it to the floor in anger.\(^{37}\) The next day the Cleveland administration passed into history, leaving the reserves intact, but the questions of protection and use of the reserves, and placation of the embittered opponents of the reserves, were left unsettled.

\(^{35}\)Ise, United States Forest Policy, p. 131.

\(^{36}\)U. S. Congressional Record, 54th Congress, 1st session, p. 2928.

\(^{37}\)Pinchot, p. 112.
House 69 to 6. It was approved by the President on June 4, 1897.

Petition for amendment of the Senate by a vote of 22 to 21, and the amendment passed the Senate by a vote of 2 to 1.

The President then signed the proposed amendment, and the amendment was passed by the Senate. The President then signed the amendment for the Senate and signed the amendment for the House, and the amendment was passed by the House.

Western senators feared the bill might in jeopardy danger an

and endanger the resees.

1899-3. It also gave the Secretary of Interior authority to project

enacted later suspending the proposed legislation until March 31, the date of the presidential election. Land exchange was retained, a clause was added to the act that would allow for the exchange of land between the United States and any foreign country.

For the execution of agricultural lands in the reserve and patented lands after the described portion of the Bill (H.R. 110) the Bill contained provisions that the Secretary of Agriculture would have authority to provide for the exchange of agricultural lands in the reserve and patented lands.

The Secretary of Agriculture, chartered by the Secretary of Agriculture, would have authority to provide for the exchange of agricultural lands in the reserve and patented lands.

In a special session of Congress called by President McKinley, in a special session of Congress called by President McKinley, on March 19, 1897, the forest reserve was redefined in the House, and the House of Representatives, in both the Senate and the House of Representatives, passed the bill. The Republican party took control of Congress with substantial majorities in both the Senate and the House of Representatives.

CHAPTER II

Lands and the Effects on Western Efforts to Open the Agricultural

-24-
The Pettigrew amendment has been labeled as a compromise between the West and the East. The West obtained postponement of the Cleveland proclamations for approximately nine months. The East blocked cancellation of the reserves and was satisfied. The postponement led to a huge influx of claims on the reserves from settlers, miners, lumber companies, and others profiting from the postponement.

Out of the opening of the reserves came a better understanding of their purpose by the people in the West. Gifford Pinchot expressed the currently hopeful sentiment when he stated, "What was needed, above all other things, was local approval and support of the reserves, and use was the key to that." ⁴

On the question of the lieu lands, the original amendment stated that only settlers could exchange lands. This clause was originally intended to mean that settlers whose agricultural lands were far back in the reserves could move closer to settled areas to enjoy better the benefits of community life. After the joint committee's report on the bill, the words "or owners" were added after the word "settler". These two words were to cause the loss to the government of million of acres of its BEST lands, because of the great exchanges of lands that the land grant railroads, private concerns and individuals applied for under this act. ⁵

Gifford Pinchot accepted a position as Confidential Forest Agent under the Department of Interior. He made an extensive trip through the reserves the same summer in order to become more acquainted with reserve problems. In 1898, Pinchot accepted the post of Chief of the Forestry

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⁴ Pinchot, p. 118.
⁵ Ibid., p. 119.
Division in the Department of Interior. At first Pinchot had no control over the reserves, as authority lay in other bureaus and departments. His work force, the first year, consisted of five people, but he soon gathered together nearly all of the trained foresters in the United States who were not working for private employers.

In September 1901, President William McKinley died from an assassin's bullet and Theodore Roosevelt succeeded him to the Presidency. Roosevelt was a conservation enthusiast and a close friend of Pinchot. The new President backed Pinchot's forest management plans to the hilt.

The forest reserves were still the cause for complaint and unrest in the West. Recurring attacks, mostly on the local level, made management of the reserves a difficult problem. The agricultural lands in the reserves became the target for nearly hysterical attacks by so-called poor settlers who, according to their version, were losing their livelihood just from creation of the reserves. The Division of Forestry was not misled by these attacks. They were sincerely dubious of the value of the agricultural lands in the reserves. Their first aim and goal had to be preservation of the forest. All other considerations had to be secondary for the moment.

At first Pinchot was hampered by the tactics of the Department of Interior and especially by Binger Hermann, Chief of the General Land Office, under whom the Forestry Division worked. Hermann, former Representative from Oregon and later to be indicted for land frauds, controlled the political patronage of the bureau. He saddled the Division of Forestry with a collection of inefficient political appointees.

Pinchot desired to transfer the Forestry Division to the

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5Ibid., p. 118.
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several times in the administration of public lands.

The Interior Department at the time was well known for the

the best way to control the public domain was to give it away.

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restoration after use or on a sustained yield basis. The theory

use for the forest reserve. The theory was to use the national

in 1905.

but finally succeeded after seven years, in 1905.1
Ten years later 625,520 acres were in the lands of private owners who were holding the land for the timber. Over 178,000 acres were in five holdings and one man owned 81,630 acres. Of the entire area eliminated only 600 acres were under cultivation. 8

The Division of Forestry was determined that what happened to the Olympic eliminations should not happen to the rest of the reserves. It hardened the Division toward users of the reserves. The Division set up action to bring more of the timber lands within forest reserve boundaries. Pinchot convinced President Roosevelt of this great need and the President assented to the policy of creating more reserves.

To arrive at a clearer picture of the needs for reform on the public domain, Roosevelt appointed a Public Lands Commission. The members were ex-governor W. A. Richards of Wyoming, who had succeeded Binger Hermann as Commissioner of the General Land Office, F. H. Newell, Chief of the Reclamation Bureau, and Gifford Pinchot. 9

The Commission, after exhaustive investigations, made a report to the President, with many recommendations. The most important of the recommendations were:

1. That such lands in the Forest Reserves, found to be chiefly valuable for agriculture, be opened for entry; but that such lands would not be subject to commutation or exchange under the lieu land laws.

2. The repeal of the stone and Timber Act. 10

The Commission noted at the end of the report that, "The present laws are not suited to meet the conditions of the remaining public

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8 Proceedings of The National Conservation Congress, 1913; Report of Forestry Committee on Federal Forest Policy.

9 Pinchot, p. 246.

10 Ibid., p. 246.
domain. In reference to the frauds practiced under the Timber and Stone Act, it stated, "The number of patents issued is increasing out of all proportion to the number of homes established."

The position of the agricultural lands inside the reserves was a puzzling one under the existing laws. It was forbidden to include agricultural lands inside reserve boundaries, and yet no provision had been made to release those lands already included. The Department of Interior could not legally release them. The question of who was to decide which lands were agricultural or better suited for growing timber had never been settled. No classification had ever been made of the forest lands. Under the Timber and Stone Act many valuable timber lands had been filed on, before creation of the reserves, on the grounds that they were agricultural in character. Though the lands were acquired under this classification the land was not settled by home seekers. Only the barest pretense of homes and cultivation were completed.

In setting forth the proposed new policy towards the agricultural lands, the Commission stated, "However carefully the boundaries of forest reserves may be selected it is practically inevitable that more or less agricultural lands would be included. Its occupation for agricultural purposes is in the interest of the region in which it lies and of the settlers who would make homes on it. It is essential to the prosperity of the public land states, both that the forest reserves should be maintained and that all lands within their borders should be put to use."

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11 Congressional Record, 58th Congress, 2nd Session; Senate Document, 188, p. 5.

12 Ibid., p. 5.
The Commission outlined the steps necessary to open the lands, declaring, "The Secretary should list land of agricultural possibilities, giving ninety days for filing and the size should not exceed 160 acres or be more than one and one-half miles in length." In defense of these steps, the Commission further stated, "To open the reserves to homestead entry (i.e., unreservedly) would be in effect to abolish them. We recommend that agricultural characters of land be ascertained."\(^\text{13}\)

Again referring to the dangers of frauds, they emphasized, saying, "Principal danger in administration of this plan is likely to arise from the desire of others than settlers to get possession of valuable timber lands on the plea that they were agricultural in character. Such an abuse would be greatly facilitated by the commutation clause of the Homestead Act. Seldom if ever would bonafide settlers suffer hardship from five years residence. The shifting of ownership, during the first years of settlement and development, would be of serious injury to the reserves."\(^\text{14}\)

Pinchot's policy toward the agricultural lands centered around the goal of securing permanent homesteaders. He disliked the commutation law because he felt that the quality of settlers was lowered by the ability of settlers to buy their land after fourteen months residence. He felt that the type of settlers who wanted permanent homes would not mind spending five years on their homesteads to secure final patents.

In a second partial report the Commission, in an additional elaboration on their request for repeal of the commutation clause, reported, "In a preceding report a statement was made that our investigation of the commutation clause was still in progress. Investigation proves the

\(^\text{13}\) Ibid., p. 6.
\(^\text{14}\) Ibid., p. 8.
clause was used for passing public lands into the hands of corporations or large land owners. To prove this statement it is only necessary to drive through a county where the clause has applied. Field after field is passed through without a sign of permanent habitation or improvement other than fences. Homestead shanties of commuters are in various stages of dilapidation and show no signs of genuine occupation. Records of some counties show that 90 per cent of commuted homesteads were transferred within three months after acquisition of titles. Evidence was obtained that two-thirds of the commuters immediately left the state. In many instances foreigners, particularly citizens of Canada, came to this country, declared their intentions of becoming citizens, took up their homesteads, commuted, sold them and returned to their native land.  

"Reasons given for adhering to the commutation clause are diverse. Example: The commuter desires to raise money for use in improving his place. Often true, but the majority of cases show that the commuter leaves the vicinity. The frequency of loans is traceable in many places directly to the activity of agents of loan companies, who are often United States Commissioners, also eager, first to induce settlement, and then to make loans on account of the double commissions involved."  

The Commission further emphasized the principle that the public lands should be settled only by the homemaker.  

The establishment of the reserves left a cloud on the rights of homesteaders who had settled on the reserves prior to creation. The Division of Forestry took steps to protect valid claimants. They established the status of pre-creation settlers in a manual of instructions to forest officers as follows: Farmers on patented lands,  

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15 58th Congress, 3rd Session; Senate Document 154, p. 7.  
16 Ibid, p. 8.
on patented lands are, of course, in full possession of their lands just as much as if the farm were outside the reserve. Farmers or agricultural settlers on land not patented stand as follows:

1. If the land was settled on prior to creation, is surveyed land, and the claim duly filed, the settler obtains title just as if the lands were outside the reserve.

2. If the land was settled prior to creation, but is unsurveyed, and claim is not filed, the settler may claim after surveying and have ninety days to file claim.

3. Settlers on unsurveyed lands, who find themselves on Railroad land, fall into two classes:
   a. Settlers who settled on land before the grant have prior rights and may file in ninety days from survey.
   b. Settlers who settled after land became a grant must deal with the Railroad Company.

4. Any person who purchases a farm which is not patented subsequent to the creation of the reserve gains no rights whatever.

5. Anyone settling on agricultural lands after the creation of a reserve commits trespass and gains no rights by his settlement.17

Settlers on the reserves were allowed free timber in quantity enough to build homes, outbuildings, and fences. They were also allowed free all stone necessary for building purposes. The main restriction was application for a permit. Firewood for heating was allowed to the settlers without restriction in quantity.18 The homesteaders were given number one preference in the issuance of grazing permits. The only pledge they had to make was to assist in protecting the reserves from trespass and in preventing and fighting forest fires.19

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17 Department of Interior, Forest Reserve Manual, 1902, p. 4.
18 Ibid., p. 25.
19 Ibid., p. 10.
Regulations 1 through 4 were fair and just to the people on the reserve whose status fell into these classifications. The regulations protected the legal settlers' rights for first application to the land. Number 5 was the one regulation to cause dissension. It was the perfect example of the locked reserve policy. But the Department of Interior could do nothing about this regulation until the laws could be cleared up by Congressional action.

Meanwhile the establishment of more reserves without warning still further infuriated the West. The West was in two economic phases of development and approaching a third phase. Mining and agricultural development were approaching their peak and the manufacturing phase had just started. What manufacturing being done was based on conversion of natural resources such as lumber and metals. As in the case of all frontiers, the developers were impatient of red tape and the slowness of the government to pass what they considered to be favorable legislation. The West also felt that the Eastern political and financial interests wanted to hamper the Western development. The forest reserves, being backed largely by Eastern Congressmen, were, to the West, perfect examples of hindrance to development that the Eastern states could undertake. The West, like all frontiers, subscribed heartily to the belief that the best government was the least government. The government restrictions on the reserves were to the West good examples of the impracticality of bureaucratic government.

The opposition on the local level was most bitter. Towns and villages were being laid out rapidly. Land values were advancing swiftly. The West was welcoming new settlers and advertising for more. Each town had its own promotional groups, chambers of commerce, business groups, and one or more independent city or county newspapers, all
plumping for new business. Every town took a fierce pride in its rapid
growth and had visions of becoming the largest city in its area or state.
New counties were being formed every year and there was fierce competi-
tion as to which town would become the county seat. This was the small
western town of sixty years ago.

Probably the loudest and most colorful spokesman of all was the
local newspaper editor. The newspaper was the principal medium of com-
munication of news and opinions. People read their local newspapers
religiously. Editors were more outspoken at the turn of the century.
Politics on both the local and national level were very important to
the common citizen, and the man on the street was extremely partisan
and outspoken in his political opinions.

Any supposed or real hindrance to the growth of the West immedi-
ately brought forth the greatest resentment. The creation of the re-
serves, in some cases completely surrounding entire towns, caused out-
bursts of anger and bewilderment from a large portion of the popula-
tion of the West. The locked reserve policy spread consternation
among the small towns and the agricultural and mining populations
around them. Most towns had a sawmill employing a large proportion
of the local inhabitants. Mining was being carried out on thousands
of claims in the West. Livestock men were faced with the loss of range
and subsequent curtailment of production. Visions of unemployment and
slackening of trade and development were brought forcibly to the atten-
tion of the West.

Small local newspapers lashed out angrily against the reserves,
and thousands of letters from constituents to their Congressmen fed
fuel to the flames. Lumbering, mining, and rancher-farmer interests
consulted their political favorites, who in turn fostered the opposi-
tion of the Westerners in Congress.
One example of such local attitudes towards the reserves was shown at Hamilton, Montana. The Bitterroot Reserve had been established on February 22, 1897, as one of the original Cleveland proclamations. The reserve had been looked up for a number of years. The resentment of the population of the Bitterroot Valley was expressed in an editorial in a local newspaper, stating, "Hampered by a forest reserve system that encroaches upon his very back yard, exacts fee for the privilege of grazing his stock, and places him under the supervision of petty officials, while gathering his firewood, confronted by an exorbitant and ever-increasing price for lumber, which he must use to build a home, made possible by the prohibitive tariff, scheduled in the interest of the timber trust, forced to pay a license if he catches a mess of trout or shoots a dusk, plundered by the trusts that control the output of his clothing and groceries, ye Bitterroot rancher must indeed be a cheerful rooster to appreciate the blessings of Republican legislation that has been showered upon ye."  

The people of the Bitterroot Valley also felt that the Forest Service was favoring big business at the expense of the small settler. The Anaconda Copper Mining Company at this time was operating a large sawmill at Hamilton. In need of timber, the A.C.M. Company made application to purchase 40 million board feet of timber in T. 3 N. and T. 4 N., R. 21 W., between Lost Horse and Tim Cup Creeks. The application was endorsed by E. A. Sherman, Supervisor of the Bitterroot Reserve. The town of Darby protested the sale and petitioned the

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21The Western News, Hamilton, Montana; December 5, 1906.
Forest Service to open the land for agricultural development with the timber on it.  

In February, 1906, W. J. Tiedt of Darby journeyed to Washington, D. C., and talked to President Roosevelt three times, protesting the sale of the timber to the A.C.M. Company. He was unsuccessful. The decision further embittered the Valley against the Reserve.  

Further evidence of the hostility of the people against the reserves was shown when Representative Joseph Dixon of Montana introduced a bill in Congress to validate patents to lands in the Bitteroot Valley above Lolo Creek. The patents had been adjudged faulty and had been obtained under the Timber and Stone Act. The Western News reported that the lands had been bought by W. J. Kendall and R. A. O'Hara, legal counsel for the A.C.M. Company, and that possession had passed from them to the Company. Representative Dixon secured passage of the bill in 1905, validating 150 timber claims in the Bitteroot Reserve. Titles previously had not been secured by due process of law. Any danger that the government might seek to recover the lands was averted by the bill. 

The gravity of the controversy over the agricultural lands in the reserves was expressed in the Daily Missoulian, in an editorial that stated, "If the government refuses to dispose of the lands it violates a contract with the state. The state agrees to hold the land exempt from taxes on the theory that the land will be sold. Too often in running the lines, i.e., boundaries, an effort is made to

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22Ibid., November 15, 1905.
23Ibid., February 10, 1906.
24Ibid., December 23, 1903.
25Ibid., September 28, 1905.
The Western News, Hamilton, Montana, December 12, 1905.

Western News, Hamilton, Montana, December 12, 1905.

To the Editor of The Western News, Hamilton, Montana:

May we perhaps present our views through your column and hope for a prompt reply.

We wish to take this opportunity to request the Secretary of State to send a message to the legislature asking for the establishment of a new department, the Department of Natural Resources and Development, and to request the legislature to pass a bill enabling the department to do the following:

1. Establish a division of water resources and development.
2. Establish a division of land resources and development.
3. Establish a division of mineral resources and development.

We further request the legislature to pass a bill enabling the department to do the following:

1. Conduct surveys of water and land resources.
2. Conduct surveys of mineral resources.
3. Conduct surveys of natural resources.

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previous to proclamation as a forest reserve. The news stunned the residents of the new county. To them the proposed reserve was a blockade to future development.

Mass meetings were called protesting the establishment of the Cabinet Reserve and newspaper editors wrote strong editorials condemning the action. One meeting at Plains, Montana, endorsed a petition demanding, "...the elimination of all agricultural lands from the proposed reserve. The reserve will work a hardship on the new county and will retard growth and development." Comments from editors were searching and bitter. The editor of the Sanders County Ledger wrote, "The reserves were created for the purpose of forcing the repeal of the Timber and Stone Act. Doesn't look good to us. It is an assertion in a roundabout way that all Westerners are thieves."30

Pleas by telegraph to Representative Joseph Dixon brought the reply that he had called on Gifford Pinchot, Chief Forester, who assured him that the withdrawal was only temporary, just until examination of forest lands could take place. Dixon promised residents of Sanders County relief in action by Congress.31

Charges that the Big Blackfoot Milling Company of Bonner was heavily involved in buying timber and stone claims were reported in many newspapers. Claims were made that the government instituted action to forestall the activities of this company.

The Missoulian lashed at the charges in a somewhat sarcastic editorial, "Neither Senators Clark nor Carter nor Representative

29Sanders County Ledger, Thompson Falls, Montana, February 9, 1906.
30Ibid., February 23, 1906.
31Ibid., February 9, 1906.
Dixon knew of this order first. The report of the special agent dwelt on the fact that entries, in the territory withdrawn, were being made in the interest of the Big Blackfoot Milling Company, and that the land was being rapidly gathered up by it, and the order was given to put a stop to their operation. No means of verifying the report. The Company would certainly have liked to have had the order delayed a few years until all timber lands had been entered. Whatever we may think of the order of withdrawal, it is just as well not to make unfounded charges of improper influence in connection with it.  

The official paper of Sanders County reported that the lands owned by the Big Blackfoot Milling Company were valued at $339,616 and that the Company and the Northern Pacific Railroad Company were the two heaviest taxpayers in Sanders County.

Meanwhile during the same time the citizens of northwest Montana in Flathead County were faced with the same problems as their sister area. The Kootenai River forest lands were closed to entry December 18, 1901, and were subject to the same locked policy as the other proposed reserves were. The greatest percentage of the residents of this heavily forested area depended on the timber lands in some manner for their livelihood. The citizens of the county were incensed over the closing of the lands but their protests seemed to be of no avail. The local newspaper editor very clearly stated his position, asserting, "These lands have been held up for over three years. The Department

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33 *Sanders County Ledger*, Thompson Falls, Montana; March 1, 1906.
of Interior has paid no attention to protests and has paid no attention to the lands other than to hold them in the air for three years. There has been ample time to do something and the Lord knows that there have been enough Special Agents sent out West to get facts. A large part of the public domain has been withdrawn and allowed to remain in an exposed condition to be ravaged by disastrous forest fires, and all on account of what? Aside from a fringe of timber along the Kootenai River, the land is largely open country. Along the Yaak River and its tributaries are thousands of acres of meadow lands. Yet in spite of all these things the Department has failed to take action. It has held the lands from the public, retarded the growth of this section of the state and in the end accomplished nothing."34

The charge of favoritism for large corporations, by the Department of Interior, was also made in the case of the Kootenai Reserves. The Northern Pacific Railroad controlled millions of acres of timber lands in Montana by virtue of the railroad grants and as exchanged under the lieu land laws. The Western News of Libby, Montana, in deploring the unavailability of agricultural lands to the homesteader, claimed, "The Northern Pacific Railway has its tentacles firmly fastened to every odd section, which it wants, and much of the even sections have been taken up by the state under the various grants to the state institutions. As to the lands held by the Northern Pacific, or more properly by the Big Blackfoot Milling Company, one of the subsidiaries of the Amalgamated Copper Company of Montana, these lands are simply not for sale for any price. All

34The Western News, Libby, Montana; February 9, 1905.
the wealth that they contain is being preserved for future generations 
or for such a time as the Company gets ready to use it. 35

The editor of the Whitefish Pilot warned the people that,
"...that Government Reserve man is working again in the county," and 
further stated, "No apparent need for setting aside valuable agricul-
tural lands. In creating forest reserves, the trouble is too 
much of the work is done with a lead pencil and a map." 36 He also 
advised the citizens of the area that, "It is time for the people of 
the state to wake up and assert themselves in a manner that will com-
pel a hearing and force at least a modification of the withdrawal."
He admitted that, "Forest Reserves, judiciously selected, are a good 
thing, but there is such a thing as having too much of a good thing. 
The Flathead Valley may now be defined as a body of land completely 
surrounded by forest reserves." 37

The Missoulian, as the major spokesman for Western Montana, 
led the war on the Cabinet and Kootenai Reserves in another editorial, 
protesting, "Citizens of Flathead and Sanders Counties do not believe 
that they have been fairly treated in the matter of withdrawal of 
lands for forest reserves, but it is difficult to make the people 
of the East believe that way. Some of the 'land savers' in the 
East have gone daft on the subject. They believe that nine-tenths 
of the people of the West are land thieves and that the other tenth is 
composed of people looking for land to steal." 38

36 The Whitefish Pilot, Whitefish, Montana; December 8, 1905.
37 Ibid., January 26, 1906.
38 The Daily Missoulian, Missoula, Montana; March 19, 1906.
The Missoulian also headlined a news release in the same issue, asking, "Dixon and Carter to do something about this. In a letter to Doctor Morrow of Kalispell, Carter states he will introduce a bill soon permitting homestead entries to be made upon forestry reservations. Forester Pinchot favors this bill which, if passed, may settle this vexing question. The Libby Western News reports after six years of Kootenai reservation the government has done nothing about opening it for entry. Many squatters, no encouragement from the government. The government representative, Mr. Reynolds, examined a territory as large as New England, in one season, and on his report was the basis of the order for the withdrawal." 39

Naturally the resentment on the local level would penetrate to the halls of Congress. Western Congressmen, prodded by complaints from home, continued sniping at the reserves with blasts of oratory and the introduction of bills seeking a solution to the problem. All of the West was deeply concerned about the opening of homesteads on the reserves, with the possible exception of Southern California. Southern California was extremely water-shortage conscious at this time and had turned down legislation allowing agricultural claims on the forests, with the complaint that they would clutter up valuable watersheds.

Probably the bitterest opponent the reserves had to face was Senator Weldon Heyburn of Idaho. Inflamed to anger by President Roosevelt's policy of establishing reserves without first notifying Congressmen of the states involved, Heyburn engaged in a spirited series of letters with Roosevelt and Gifford Pinchot. Pinchot, in an effort to gain publicity and sympathy for the reserves, published

39Ibid., March 19, 1906.
the letters in full in a Department of Agriculture bulletin in 1905, presumably with the consent of President Roosevelt.40

Heyburn was infuriated at the disclosure of his correspondence and became more embittered at the reserves and particularly at Gifford Pinchot. The letters composed a group of correspondence protesting the withdrawal of lands in 1897 for the Bitteroot Reserve in Montana and Idaho, and four other reserves in Idaho withdrawn in 1903 and 1904.41 Heyburn was very concerned about the inclusion of agricultural lands in the reserves and because entire towns in the Idaho wilderness were included inside the reserve boundaries. He was irate at the alleged violation of congressional authority over the public domain. In a letter to Roosevelt he said, "American citizens prefer to have their legal rights established by law and not by consent."42 He also held the firm belief that the reserves were for the exclusive use of the people of the state where the reserve was located, writing, "The question is one of paramount interest in our state. The government holds the land therein for the present and future inhabitants of the states only. Neither the timber nor any other resources should in my judgment be considered a fund upon which the East or any other outlying section of the country may draw to increase their prosperity."43

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40 Department of Agriculture, Forest Service Bulletin No. 67; 1905.

41 The four reserves mentioned were the Henry's Lake Reserve, the Sawtooth Reserve addition, the Fayette Reserve addition and the Squaw Creek Division of the Fayette Reserve. (Department of Agriculture, Forest Service Bulletin No. 67, 1905.)

42 Department of Agriculture, Forest Service Bulletin No. 67, 1905, Senator Weldon Heyburn to President Theodore Roosevelt, February 29, 1904.

43 The same to the same, March 15, 1904.
In answer to Heyburn's claim that congressional power had been usurped, Pinchot stated, "The question, whether any land is more valuable for the minerals therein or for agricultural purposes than for forest purposes, is distinctly one to be determined by the executive."44

Pinchot, in stating his belief of the overemphasis of the amount of agricultural lands available, quoted the Geological Survey's twelfth Annual Report, "The land fitted for agriculture in the Idaho portion of the Bitterroot Reserve is limited to a few localities and the acreage is small. The canyonlike formations preclude the existence of any considerable tract of arable lands on these streams. The hillsides are everywhere too steep for cultivation and the meadows existing are either too marshy or frothy owing to the altitude. Along the Salmon River are patches of land from 2 - 25 acres in extent, totaling some 250 acres of possible agricultural lands or .03 of one per cent."45

Heyburn, in reply, cited the example of Shoshone County where the resources of the county had supposedly diminished, leaving only a strip ten miles wide and sixty miles long, and made a plea to "give Idaho a chance to grow. Leave the door open for settlement and trust somewhat to the integrity, loyalty, and patriotism of the citizens."46

In answer to Heyburn, Pinchot fired back at the thought of leaving the reserves up to the patriotism of Idaho's citizens, declaring, "A survey of four townships, 46 and 47 N., R. 5 E., and T. 46 and 47, R. 6 E., Boise Meridian, showed 90 squatter claims

44bid., Clifford Pinchot to President Theodore Roosevelt, June 12, 1905.

45The same to the same, June 11, 1904.

46Ibid., Senator Heyburn to Theodore Roosevelt, April 6, 1905.
of 160 acres each, located on the best of timber land. Not the slightest pretense of cultivation has been made. On most of the claims are cabins representing a cost of $6.00 to $10.00 each. Claimants have no intention of agricultural settlement. As soon as they have obtained title, they will undoubtedly sell to the highest bidder."\textsuperscript{47}

Heyburn's colleague, Senator Fred T. DuBois of Idaho, took the exact opposite view from Heyburn's viewpoint. He wrote to the President belittling Heyburn's attitude. He wrote that Heyburn was mistaken on the amount of agricultural lands in the proposed reserves.\textsuperscript{48} DuBois also stated, "The trouble with my colleague, Senator Heyburn, is, I think, that he is making a fight based upon conditions which do not now exist. He is contending against evils which the united efforts of the Western representatives in Congress successfully combatted and removed before he became a Senator."\textsuperscript{49}

Roosevelt, in his usual blunt manner, made a scorching reply to the Heyburn charges by writing, "People of Idaho speak well for the work of the Forest Service. In your own interview published by the \textit{Wallace} (Idaho) \textit{Press} you say it is your purpose to prevent the withdrawal of any portions of the lands of Idaho that are adapted

\textsuperscript{47}\textit{Ibid.}, Gifford Pinchot to Theodore Roosevelt, May 1, 1905.

\textsuperscript{48}The actual amount of agricultural land was extremely tiny in the reserves withdrawn in comparison to the total amount of forest lands inside the boundaries. In the Priest River Addition the amount was too small to be measured; in the Coeur d'Alene, it amounted to 1.1 per cent; in the Bitterroot Reserve, 1 per cent; in the Seven Devils, too small to be measured; in the Fayette Reserve, .4 per cent; in the Squaw Creek Reserve, .5 per cent; in the Sawtooth Reserve, .2 per cent; in the Henry's Fork Reserve, .1 per cent; and in the Yellowstone Addition, none. (Department of Agriculture, Forest Service Bulletin 67, p. 23.)

\textsuperscript{49}\textit{Ibid.}, Senator DuBoise to Theodore Roosevelt; May 5, 1905.
to settlement and homemaking purposes. If this is your only purpose you can spare yourself all anxiety for the policy described is exactly the government policy in its temporary withdrawal of lands. We are agreed on the question that the public lands of an agricultural nature should be jealously guarded. I am convinced that the public forest lands should be as carefully guarded as the public agricultural lands. The contrary policy which you seem to advocate is, in my judgment, a policy of destruction of the State's future assets in the temporary interests of a few favored parties."

Heyburn was the acknowledged leader of the anti-reservists in the West. He never relinquished his hatred for the reserves or Gifford Pinchot. On a speaking tour of Idaho in January, 1906, he sharply criticised the methods of the Forestry Bureau and charged them with maintaining a press bureau for the express purpose of attacking him. The Senator again set forth his doctrine, stating, "The Forest Reserves now cover 23,000 square miles. It is men we want, not trees. What we wish for is an open door policy in the West."

50 Ibid., Theodore Roosevelt to Senator Hayburn, June 13, 1905.

51 The Daily Missoulian, Missoula, Montana, January 30, 1906.

52 Senator Clark, while in office, had been charged with conspiracy to gain control of 21,000 acres of timber lands in Missoula and Powell Counties. His agents, R. D. Cobban and Herbert Eddy, Missoula real estate men, were indicted along with 80 other people who had acted as dummy entrymen. The charge had been filed for buying land claims before final patent had been granted. Senator Clark was adjudged, from the evidence, an innocent participant by the courts, but the agents
In Montana, the state's one representative and both senators were hostile toward the reserves and favored the large mining and lumbering interests, either for personal gain or political duty to their office. Senator W. A. Clark had vast lumbering interests in Western Montana and a lumber mill at Milltown that supplied his mining interests at Butte. Clark's business dealings with the Department of Interior had not been spotless.52

Representative Joseph M. Dixon had proposed many bills that could be construed to be raids on the public domain. His private papers have shown no definite statement of his opinion about the reserves. It is generally believed that he acted against the reserves at the request and need of his constituents.53

Senator Thomas Carter was elected to his office through the influence of the powerful Anaconda Company and was the spokesman for their interests. The Anaconda Company for many years had permits to cut free timber from its mines in Butte and had used these free use permits to cut timber for retail sale of lumber in its many retail lumber yards through the state.54 The establishment of the reserves stopped much of its free use of timber. Carter should have been a good friend of the reserves. He had secured an appointment for his

and the 80 patentees were adjudged guilty and fined various amounts between $100 and $200. (The Daily Missoulian, Missoula, Montana, August 5, 1905; January 10, 1906; March 26, 1906.)

53The private papers of Joseph M. Dixon are in the custody of the University of Montana. Dr. Jules Karlin, Professor of the History Department, is cataloging the Dixon papers previous to writing a biography of Mr. Dixon. Dr. Karlin stated in an interview that there was no definite statement in the papers as to why Dixon opposed the establishment of the forest reserves. At this time (1905) Congressman Dixon was owner and publisher of the Daily Missoulian, the largest daily paper in Western Montana.

54Iue, p. 239.
82-year-old father, through the courtesy of Binger Hermann, Commissioner of the Land Office, to an administrative post on a reserve in Colorado.\footnote{Pinchot, p. 164.}

Montana and Idaho were very land conscious during the period from 1904 to 1906. The Crow Indian Reservation was opened to settlement by whites in 1904. The same year President Roosevelt signed Representative Dixon's bill opening the Flathead Indian Reservation to settlement. The Flathead Reservation was to open for settlement one year after the bill was signed. Anticipation was high for a booming economy and the state seemed to be on the edge of a great prosperous future. Editors wrote reams of laudatory articles and editorials on the greatness of the state. The Missoulian exulted, "Montana will be the greatest agricultural state as it is now the greatest mining state."\footnote{The Daily Missoulian, Missoula, Montana, April 30, 1904.}

The Billings Times optimistically, "Today we think the state is prosperous, and it is. But the present is dull compared to what we should see in the future."\footnote{The Sanders County Ledger forecast, "The next ten years will see a population of little short, if any, of a million. They are coming and will keep on coming."\footnote{The Sanders County Ledger, Thompson Falls, Montana, November 24, 1905; Reprint from the Billings Times.}}

1905 was a busy year for this section of the state because of the above-mentioned projects. Real estate companies advertised heavily and the Official Land Office did a rushing business daily.

\footnote{The Sanders County Ledger, Thompson Falls, Montana, November 17, 1905.}
In anticipation of the openings of lands, a new magazine, titled, "The Western Homeseeker," was launched in Missoula by William Ranft, Thomas C. Marshall, and H. C. Freeman, who were local business men. The purpose of the magazine was to aid new and old settlers to obtain agricultural lands in Western Montana and North Idaho. Its schedule called for a series of articles on phases of the homestead and forest laws to familiarize settlers with the problems in front of them.  

A new land information office was opened under the name of Smead and Hershey Company by W. H. Smead, former Indian Agent of the Flathead Indian Reservation, and E. E. Hershey, former Recorder of the United States Land Office in Missoula. A beginning membership fee of $5.00 was charged to all who signed up for help to get homesteads and farms.

Stories about other openings of public lands kept the countryside excited. When the Uinta Reservation in Utah was opened, The Missoulian reported that 5,000 people stood in line at Grand Junction, Colorado, to register for the lands. The paper also stated that the town turned the churches into sleeping places to accommodate the huge crowds. In August, the paper reported that 37,657 applicants had applied.

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59. The Daily Missoulian, Missoula, Montana, July 2, 1905.

60. Ibid., July 9, 1905.

61. Ibid., August 2, 1905.

62. Ibid., August 27, 1905.
Reported news incidents such as these whetted the appetites of Montanans for more land openings. The newspapers reported on the land issues in nearly every edition. Congressmen were quoted freely. As nearly all attacked the reserves and the lands problem, they helped form the opinions of the citizens of this area. Senator Heyburn was quoted as saying, "The Forest Service is burdened with theorists, who go too far." Senator Teller of Colorado charged, "In creating reserves, settlers have been isolated; no more could come in and not enough people to build roads and schools. The bill (Lieu Lands Clause) was passed in Congress so settlers could take land elsewhere, and was not intended to apply to railroads or corporations." Such reports kept the people's desire for free lands at a high pitch.

President Roosevelt's strong reply to Senator Heyburn was given wide publicity by many newspapers and made the subject of many editorials.

Incidents of fraud on the public domain did not seem to make much impression on the citizens beyond a mere shrugging of shoulders. The prevailing attitude seemed to be that the public lands were here for the taking. Stealing of natural resources and fraud on the public domain were considered good business.

Long news reports of the infamous Oregon trials for land frauds, when two Representatives and one Senator from that state were sentenced to prison, brought no more repercussion than a tart remark, "That Oregon seems to be running short of up-to-date statesmen."

Equity proceedings by the government were commenced against the two biggest lumber companies in Western Montana. They were

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63 Ibid., September 29, 1905.
64 Ibid., September 29, 1905.
65 Ibid., September 29, 1905.
The Western Lumber Company, owned by Senator K. A. Clark, and the Big Blackfoot Milling Company, owned by prominent Missoula businessmen and later by the Anaconda Company. The proceedings involved some 3,000 acres of timber lands bought illegally with lands scrip by two men named Benson and Hyde. The proceedings rated only a few lines in the newspapers.  

Men who were charged with stealing 1,200,000 board feet of timber from public lands were given niggardly fines of $150 to $200 and allowed to keep the timber.  

This attitude seemed to be shared by the state's congressmen. In an address to the Wholesale Lumber Dealers Association at Washington, D.C., Senator Thomas Carter was assigned the subject of "The Timber Thieves of Montana." He responded in a light vein, addressing the gathering as "Brothers of the Profession."  

Western Montana editors' statements ranged from satire to the ridiculous. The Whitefish Pilot sarcastically wrote, "Government statistics say that the precipitation in the arid West since the inauguration of the reserve policy has constantly increased. If so, the Forestry Department ought now be able to say just how long it will be until the arid country will be in a constant state of flood and high water. Judging from the present floods on the coast it is time to cut down a tree or two in that country in order that the downpour may be regulated to just the proper amount." The Libby Western News reported that the town of Libby was now the metropolis of the most elegant forest reserve in the Western States.  

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66 Ibid., November 24, 1905.  
67 Ibid., January 21, 1906.  
68 Ibid., March 9, 1906.  
69 Whitefish Pilot, Whitefish, Montana, November 29, 1905.  
Practically none of the forest supervisors were popular with the people. This was probably due to the fact that in the discharge of their duties they had to step on the toes of people who had always used the public lands freely without previous restraint.

One supervisor in Western Montana really became the target of a large group of citizens. He was E. A. Sherman, Supervisor of the Bitteroot Reserve. Grave charges of favoritism to corporations and railroads were presented against him. Petitions were signed by hundreds of people in the Bitteroot Valley, especially at Darby, asking for his removal. In his reply Sherman wrote a famous letter defending himself from the charges. He described Darby as a town "conceived in inequity and born in crime."71 Sherman was backed by Representative Dixon of Missoula as he had obtained his position on Dixon's recommendation. The petitioners' wishes were disregarded, Sherman was retained, and his salary was increased. He was transferred, however, to the position of Supervisor of the newly-created Missoula National Forest.72 Ellers Koch of Missoula was appointed as his successor.73

Meanwhile the attacks in Congress continued unabated in 1904 and 1905. In still another effort to free the agricultural lands from the reserves, Representative John F. Lacey of Iowa introduced two bills in the House in 1904. The measures were strongly endorsed by the Forestry Bureau and the Department of Interior, but both

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71 Koeh, Ellers, Region 1 in the Pre-Regional Office Days; Department of Agriculture, Early Days in the Forest Service, Vol. 1, p. 96.

72 The Western News, Hamilton, Montana, October 17, 1906.

73 Ibid., December 26, 1906.
bills were defeated by the efforts of both Eastern and Western Congressmen who could not reconcile their differences in opinions.\textsuperscript{74}

The Forestry Bureau obtained a regulation from the Department of Interior to allow leasing of some agricultural lands in the reserves in 1904. Fencing and farming these leased lands were allowed, but no applicant could occupy more than forty acres, and his permit could be revoked when ever the public interest required it. These leased lands could not be taken up by settlers and this led to more bad feelings.\textsuperscript{75} The amount of land leased was very small but the regulation was a step in the course of events that were to finally open the agricultural lands in the reserves to settlement.

On February 1, 1905, Gifford Pinchot realized the goal of his planning when the act was passed creating our modern Forest Service. Hampered by the zealous and tight restrictions of the Interior Department, he had desired to transfer all control of the reserves to one central bureau in the Department of Agriculture. The transfer was endorsed by the President and the American Forestry Association. Pinchot was now able to pursue an independent course of forest management, free to a large degree from interdepartmental red tape and bickering. The transferred control was quickly centralized and the desired policy of use of the reserves was set into motion.\textsuperscript{76}

The Forest Service became one of the most independent departments of the government. Its freedom from political patronage and control was most remarkable and unusual for a government bureau at this time.

\textsuperscript{74}Ise, p. 166.

\textsuperscript{75}Department of Agriculture, Forest Service Use Book, 1905, p. 8.

\textsuperscript{76}Ise, pp. 155-158.
Yet this same freedom developed antagonisms in Congress that threatened the very existence of the Service. Congressmen resented their lack of control over the public lands in the reserves. This resentment was expressed in many ways, ranging from niggardly appropriations to crippling restrictions placed on it, and to outright proposals for dissolution of the Service. Only the forceful backing of President Roosevelt and the eastern Congressmen kept the Service from founder. Under the President's protection, the Service flourished, and as public opinion gradually came to accept the Service congressional opposition languished. This lessening of opposition, however, would be far into the future.

Meanwhile the attempts of Congressmen from the West to exploit the reserves kept up. The pressure was relentless and Pinchot walked a tight rope throughout his career as Chief Forester. Pinchot was highly in favor of opening the agricultural lands for settlement as long as no timber land was included in the order. He believed that if people lived on the reserves the policy of regulated use would be accepted sooner. He also believed that people living on the reserves would protect them as a measure of self-defense for their properties. They would constitute a trained and ready labor force for fighting forest fires and as watchmen against trespassers on the reserves.

In the spring of 1906, Representative John P. Lacey of Iowa, in consultation with the Forest Service, introduced in the House a bill to open the agricultural lands for settlement. The main provisions of the bill allowed settlements of agricultural lands

77 Pinchot, p. 301.
78 Ibid., p. 268.
up to 160 acres in area and not more than a mile long. The bill also allowed surveying of the homesteads to be made by metes and bounds, heretofore impossible except by legal subdivision in areas not less than forty acres.
In Western Montana, the introduction of the bill was hailed with delight. The Missoulian in an editorial stated, "The passage of this bill will obviate local objections to the newly-created Cabinet and Kootenai Reserves in Sanders and Flathead Counties." The Butte Evening News prophesied, "that the legislation would remedy the one glaring defect in the forest reservation law." The Libby Western News claimed, "that passage would do much to eliminate hard feelings against the reserves." In a later editorial, The Missoulian reported, "The Forest Service is in favor of Senator Carter's bill because:

1. Settlements increase the value of the reserve.
2. It puts within the boundaries men whose interests by ownership of the land are made similar to the government's, thus increasing the protection of the reserve at no cost to the government.

As spring advanced and the bill seemed certain to pass, The Missoulian seemed to modify its editorial policy toward the reserves by stating, "Importance of our Forest Service is slowly

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81. The Libby Western News, April 5, 1906.
82. True authorship of the bill is very clouded. The Missoulian calls it the Carter Bill after Senator Carter, who introduced it in the Senate. (The Daily Missoulian, April 8, 1906.) Representative Joseph Dixon of Montana introduced it in the House, where it is inferred that he wrote the bill. (59th Congress, 1st Session, p. 4519.) John Loe calls it the Lacey Bill, after Representative Lacy of Iowa. (Ise, p. 167.) Henry S. Graves, successor to Gifford Pinchot as Chief Forester in 1910, claimed authorship for the Forest Service. (Department of Agriculture, Foresters Annual Report, 1910, p. 19.)
83. The Daily Missoulian, April 8, 1906.
beginning to be realized. Some of the zealous young fellows in the Forestry Service are not always right. They mean well. Zeal is alright. It can be gaited. Indifference in a cause is dangerous.  

This editorial was the first in The Missoulian to give any support to the reserves, under the ownership of Representative Joseph M. Dixon who purchased controlling interest in 1903.

During this time, the flow of migration had turned northward, to flow over our borders into Canada in search of free land as the supply of land in the United States, except for the waste lands and the forest reserves, became exhausted. Americans began settling by the thousands in the prairie provinces of Alberta, Manitoba, and Saskatchewan. Montana was one of the main jumping-off places for the emigrants.  

The Missoulian, still working for the passage of the Forest Homestead Act, stated, "The scarcity of agricultural lands for homesteads and the desire for lands has driven 200,000 Americans to Canada, 80,000 expected to go this season. Last year Canada published ads in 7,000 newspapers and distributed 3,000,000 maps and promotion books." The Missoulian warned settlers in the Missoula area, "that Paradise in Canada is not what its cracked up to be." The Butte Evening News optimistically wrote, "If Canada’s pitiful 5 million population is to be augmented by a million progressive Americans, annexation looks like a certainty."  

84 Ibid. May 24, 1906.  

85 In the period of 1897 to 1902 Canadian Immigration Bureau statistics show there were 784,000 immigrants entered Canada from the United States, of which one-half were returning Canadians. (Edgar Meineke, Canada, A Political and Social History; New York: Rinehart and Co. 1929, p. 375.)  

86 The Daily Missoulian, May 28, 1906.  

87 The Butte Evening News, September 6, 1905.
When the Forest Homestead Act was debated in Congress, the real merits of the bill were not even discussed. At first the debates on the bill were used only to make attacks on the Forest Service. Western Congressmen adopted mixed attitudes toward the bill. Many of the westerners had slowly been won over to the cause of conservation by the passage of the Reclamation Act of 1902. This was probably due to two main reasons: simply because the advance of time brought a better understanding of conservation, and that residents of the semi-arid states foresaw real benefits coming to them from conservation, of which reclamation and the forest reserves were a part.

The bill was introduced in the House by Representative Dixon of Montana. Probably the greatest fear and objection of the anti-conservationists was leaving the openings of the agricultural lands to the decision of the Secretary of Agriculture. To many of the westerners this was just another step toward grabbing the control of the public domain away from Congress.

During the debate, Representative Marshall M. Hogg of Colorado raised the objection to this point, asking, "Is it a wise provision to allow agricultural lands anywhere to be sold at the discretion of any Secretary?" Dixon in reply stated, "As a general rule I would say no. But realizing the need of relief in the West, we took half a loaf as being better than none."

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88. [Source]. p. 166.
89. Robbins, p. 331.
91. [Source], p. 5393.
As in other attacks on bills affecting the reserves, Congressmen tried to interject other reserve questions into the debate. Representative Frank W. Mondell of Wyoming introduced the grazing controversy into the discussion. He stated that he feared passage of any act giving "the Secretary of Agriculture any discretion. It will lead to extensions of the reserves. The strongest argument against the reserves has been that they included vast areas of grazing lands as well as areas of agricultural lands."  

Territorial Representative Marcus A. Smith of Arizona queried, "Is there anymore room left for forest reserves?" Mondell replied, "I think here and there may be patches of brush and in my state an occasional sagebrush or a straggly mountain cedar that may be the basis for a forest reserve." He further warned the House, "This bill contains no warranty of settlement. It simply gives the President another remedy to extend the reserves and close them."  

Hogg of Colorado declared, "It is a tremendous power, a power that was never imagined was to be conferred on the President. The trouble with administration, the head of the institution is a man of splendid character but a theorist from beginning to end. They think more of a tree or a sagebrush than they do of an American citizen."  

Representative Burton L. French of Idaho called it, "an act of chloroform to the people of the West, while the policy of establishing

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92 Ibid., p. 5394.
93 Ibid., p. 5394.
94 Ibid., p. 5395.
Representative Sylvester C. Smith of California stated that California did not want the lands to be opened on the grounds of cluttering up the watersheds, extremely vital to Southern California. He also noted that California had a no-fence law. Only cattlemen had to fence and small farms would become a nuisance to the cattlemen. The Reclamation Act had divided the California delegation. The northern half of California wanted the agricultural lands opened but the southern half of the state did not due to the great shortage of water for irrigation and domestic use.

In the Senate, the bill was derailed for a time by a decision to table it at the request of Senator Hayburn of Idaho who was ill and wanted to speak on it. Later the postponement was tabled for an unknown reason. The Senate, at the request of California, tacked on an amendment to eliminate the state from the bill. The House refused and in a Joint Conference the elimination was limited to the counties of Inyo, Tulare, Kern, San Luis Obispo, San Bernardino, Orange, Riverside, and San Diego in Southern California.

The one other amendment attached to the bill exempted the Black Hills Reserve in South Dakota as it came under a previous and different law due to the mining characteristics of the country involved. The Senate and the House both passed the amended bill and it was signed into law on June 11, 1906, by President Theodore Roosevelt.

95 Ibid., p. 5396.
96 Ibid., p. 5397.
CHAPTER III

Attacks on Reserves Leading to the
Second Forest Homestead Act of 1912

After the Forest Homestead Act became law, better understanding between the Forest Service and the homeseekers seemed to have a promise of better relations for the future. A person would have expected all major dissensions to disappear. Such a relationship was not to be for whenever government attempted to impose regulations or limitations on the people friction soon developed.

The West eagerly anticipated the opening of the national forests for settlement. Lack of knowledge and misunderstanding of the actual amount of agricultural lands available caused disappointment and distrust. The West believed that millions of acres of lands would be thrown open to settlement. Even though report after report had previously portrayed the actual total of agricultural lands to be very small, the prospective homeseekers and the anti-conservationists seemed not to believe or accept the truth.

The Forest Service itself was guilty of slowing down the flow of homesteaders upon the reserves for a variety of reasons. The personnel of the Service had been rigidly indoctrinated by the founders in the code that the needs and survival of the forests must come first. All other uses were secondary in importance.

The Forest Service seemed to be willing to abide by the intent of the Forest Homestead Act while at the same time taking advantage of the wording of the Act, which granted them the power of "discretion" in the decisions of which lands to open to entry. When

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1 Department of Agriculture, Forest Service, Bulletin No. 67, p. 63.
a tract of land was covered by timber they were more prone to classify the tract as timber land than agricultural. The Service realized that they had nearly reached the limit of lands available for additions to the reserves. This belief led to the practice of discouraging entries in some forest.

Gifford Pinchot believed that many of these tracts of land were not capable of becoming successful farms because of the adverse locations and the small size of the proposed homesteads. He did not want to add to the increasing number of submarginal farms in the United States nor attract to the reserves the type of people who inhabited this type of uneconomical farm unit. The rate of abandonment of submarginal farms in the East had risen greatly since 1890. The creation of more would be a detriment to social and economic advancement. The Service had grave doubts about the desirability of fostering isolated farms that would be sociologically undesirable. The Forest Service had stated before that the primary object of the forest policy, as that of the land policy of the United States, was the making of prosperous homes.

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2 One description that described this type of unwanted settler very well was by Will Barnes, retired Forest Service official in Arizona, who wrote, "there were bonafide settlers among the critics of Federal regulations, but they were often persons existing on such a level of subsistence that the delays and restrictions for use of the forests loomed as a formidable threat to their livelihood. These howlers were usually fellows with a one-room log shack with the chinking out, a couple of horses, and a hound pup, plus a wife and eleven kids. Moreover, these were the hardest to convince that the whole power of this great and glorious republic was not being used to squash them into the dirt." (Will Co. Barnes papers, Arizona Historical Society, December 1, 1908, quoted by Dr. Elmo G. Richardson in an unpublished doctoral thesis, The Politics of the Conservation Issue in the Far West, U.C.L.A. 1958.)

3 The Department of Census for 1920 lists the abandonment of acreage as farm lands for the period 1910-1920 as follows: New Jersey, -11.3 per cent; Pennsylvania, -7.8 per cent; Ohio, -5.6 per cent; Connecticut, -22.8 per cent; Massachusetts, -13.3 per cent (Department of Census, Census 1920, Vol. 6, Part 1, pp. 18, 22, 251, 283, 185, 151.)
It was also necessary to set aside a large amount of the available agricultural land in the national forests for present and future use as administrative sites, recreation areas, and special use permits that covered a multitude of purposes, such as waterpower sites, rights of way, sawmill sites, log banking, etc.\(^6\)

The personnel of the Forest Service was as sincere in the administration of the Act as men dedicated to an opposing force could be. Some of the district supervisors discouraged the entries on homesteads by filing adverse reports on the tracts applied for. At a supervisors' meeting at Missoula, Montana, in 1910, they were warned by superiors that, "There were prevailing attitudes on the part of some supervisors to protect the entity of their forests as though it was a personal possession. The matter had to be viewed in a larger and broader light as the permanency of the Forest Service depends on its ability to give the public treatment which in the long run will be satisfactory."\(^7\)

The policy of the Service toward administering the Act seems to be best expressed by Clyde Beavitt, a writer for the department, who stated, "It has been definitely decided that forest reserve lands bearing a good stand of timber are not necessarily agricultural, even though when cleared they would produce a valuable crop. In other words, the Act will not be allowed to operate as to permit the securing of timber lands

\(^4\)Personal interview with John Taylor, U. S. Forest Service, Region 1, Retired.

\(^5\)Department of Agriculture, Circular 25, 1905, p. 4.

\(^6\)Ise, pp. 260-261.

\(^7\)Forest Quarterly, September 1910, Vol. 8, No. 3; Report on Supervisors' Meeting at Missoula, Montana.
for speculative purposes. As a general rule, lands of this character will not be listed until the timber on them has been removed and sold. 8

The first field work under the Act was in the Priest River and Bitteroot reserves in Montana, Idaho, and Washington. 9 Leavitt, in describing the types of land wanted by the settlers, stated, "The lands in greatest demand are the open meadows and the alder and willow bottoms along the streams. These areas are more or less swampy because of numerous beaver dams to which in fact their original formation is largely due. They can, however, be readily drained and the soil is well adapted to the growing of hay." 10

In speaking of the hopes of the Forest Service as to the types of settlers they hoped to attract, he further elaborated, "Actual residence will be required and commutation will not be permitted. Instead of timber speculation, a class of homesteaders will be attracted. Settlers will be interested in keeping the reserves free from fire and will form a body of men who can be called upon to give help when needed." Leavitt warned prospective settlers of the disadvantage of isolation, saying, "In many cases, of course, agricultural products in isolated sections can be marketed only by feeding during the winter to stock ranging the reserves in the summer." 11

Work of opening the homesteads for entry progressed slowly. The Service's policy toward the agricultural lands was new and strange, and the Department felt that the best method was to move with caution.

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9 Ibid., p. 279.

10 Ibid., pp. 280-281.

11 Ibid., p. 281.
Two other reasons were given for the slowness of operation. The first was the scarcity of employees which the Service could employ because of the smallness of the budget. No extra funds had been appropriated to administer the Act. The second reason was that the forest lands were mostly unsurveyed and had never been classified due to the lack of money and trained personnel. Finshet, in his yearly report for 1907, stated, "The year brought 3,671 applications. Winter interrupted the work of classification. Examiners were accompanied by the applicants wherever possible. A full report was made on each tract. It considered markets, transportation facilities, topography, soil cover, and economic possibilities."\(^{12}\)

Lack of knowledge of the country also slowed down the release of the homesteads. The bulk of the surveying in the Western Montana and North Idaho area had been done privately by the Northern Pacific Railroad Company and private individuals who owned holdings of timber. Many such surveys were inaccurate and private surveying could not be considered a legal basis for land descriptions for the homesteads.

The number of claimants dropped for the following year, 1907-1908. Processed applications for homesteads showed an astonishing high rate of rejections by the Forest Service. During this period the rate of rejections of homestead entries was 42 per cent. This would seem to portray the reluctance of the Service to establish homesteads on the national forests. Yet other reasons were probably the main causes for the high percentage of rejections, such as the desire of homesteaders to file on claims covered by timber. The Chief Forester's Annual Report for 1908 stated:

\(^{12}\)Department of Agriculture, Forester's Report 1907, pp. 17-18.
Forest Homestead Entries under the Act of June 11, 1906.

Favorable
Unfavorable
Further inquiry
No recommendation

The tempo of listing lands speeded up somewhat during the 1908-1910 period. The number of applicants in 1908 was 5271. More than half of these were applied for in Southern California due to the Act of May 30, 1908, which extended the Forest Homestead Act to all counties in Southern California except San Luis Obispo and Santa Barbara.¹³

From June 11, 1906 to May 1, 1912, the Secretary of Agriculture's Report, called for by hostile Western Congressmen, reported the following total of applicants for the six-year period:

| Applications | 25,297 |
| Applications allowed | 10,695 |
| Applications disallowed and including those voluntarily withdrawn | 12,991 |
| Applications pending | 2,611 (15) |

The report still showed a large percentage of rejections and withdrawals, approximately 60 per cent. To answer the complaints about the charged practice of creating reservations for ranger stations from agricultural lands, Congress also asked for a report on the number of ranger

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¹³Department of Agriculture, Forester's Report, 1908, p. 10.
¹⁴Ibid., p. 11.
The report still showed a large percentage of rejections and withdrawals, approximately 60 per cent. To answer the complaints about the charged practice of creating reservations for ranger stations from agricultural lands Congress also asked for a report on the number of ranger headquarters withdrawals. The Secretary of Agriculture reported that the number of withdrawals stood at 5,740. Congressman also charged that entrymen were removed from homesteads for the purpose of creating ranger station sites. In answer to these charges, Henry S. Graves, Chief Forester, reported that one ranger station had been established for each 60,000 acres of forest. He stated, "Instructions of April 19, 1909, forbid reservations as administrative sites of any tract of land for which a forest homestead entry is pending." The Forest Service kept insisting in their information releases that forest homesteads were not to be desired and that conditions under which people would have to live were not of the best. The homesteads were definitely limited to social and economic virtues. The Service issued reports on several forests, one of which was very typical of Montana and Idaho Forests. This report was on the Crater Lake National Forest in Oregon. The report described the situation, saying, "The region within the forest is not one to attract settlement since the climate precluded the possibility of raising any crop but hay. On the east slope the winters are long, snow is deep, and Klamath Lake frozen over, while on that portion of the west slope, within the forest, conditions are but

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16 Ibid., p. 2.

17 Department of Agriculture, Report of Forester, 1912, p. 17.
create the extent of forest land."

increase in the demand for agricultural crops, there is little hope of in-
reason that the land is not suitable for agriculture."

In the west the forest area will not be reduced for the sup-
where land there will always be determined by nature."

within a forest region and the production area of forest land and
out of the western montane area there can be used for a grip-
take, and given in the undertaking land which can be used for a grip-

"There is, of course, here and there in the interior coast land-

and situations unsuitable for agriculture."

not from the forests which have been neglected by nature itself to soils
must be secured through the plantation of some-stand lands and
reserves. He wrote: "In the west the increase of agricultural lands
of the westlessness of their hope for production. Farming under the
called future might lead to inform the productive settler

accompanied and parasite and any purchased their horses."

road houses along the different routes of travel where travelers are
there on the forest are engaged mainly in raising stock and mainten-
in the lower waters of the Skagit river. The new actual set-
3,225 acres, have been set aside under the act of June 21, 1906, entitled

trivial different. Important on the forest lake and early forest are
The creation of new national forests during 1906 and 1907 added to the old problems of the reserves. In February, 1907, Senator Fulton of California attacked an amendment to the Agricultural Appropriation Bill forbidding the creation of more reserves in any of the public lands in the West. This bill originated in the House. Because of a threat by Senator Hayburn of Idaho to filibuster the Appropriation Bill if the amendment was questioned, the bill passed the Senate without a recorded call of yeas and nays. The passage of the bill meant the repeal of the Forest Reserve Act and an end to extension of reserves without Congressional approval.

In the ten days grace period allowed the President before signing the bill, Pinchot and Roosevelt stole a march on the anti-reservists. The President and the Chief Forester collaborated actions and created 21 new reserves the day before the Appropriation Bill had to be signed. The wrath on Congressional Hill was considerable. Roosevelt himself said, "The opponents of the Forest Service turned handsprings in their anger and dire were their threats against the executive, but the threats could not be carried out and were only a tribute to the efficiency of our action." In the period from June 1, 1906 to June 1, 1907, 9,716,716 acres of new national forests were proclaimed in Idaho and 8,319,503 acres in Montana.

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23Ise, pp. 199-200.

24Pinchot, p. 300.

25The figures on national forest proclamations in Idaho and Montana, before the repeal of the Forest Reserve Act, included lands previously withdrawn for reservations but not formally proclaimed as Forest Reserves. (Department of Agriculture, Forester's Report, 1907, p. )
The actions of Roosevelt and Pinchot set off another wave of dissatisfaction against the reserves. The attacks by the anti-conservationists assumed a new line of resistance under the guise of the states' right to the natural resources inside their boundaries. Elmo R. Richardson, in his thesis on politics in conservation, calls it, "a natural reluctance of dominant economic and political interests to change their time-honored views. The movement masqueraded under the labels of individualism and development to fulfill the rights and toils of pioneer settlers." 26

Governor Joseph K. Toole of Montana, in his biennial message to the state legislature, complained of the restrictions and regulations. He was concerned with the strict enforcements of the rules of the reserves. He stated, "the wisdom of creating reserves was not to be doubted but the demands of floods of settlers should not be overlooked." 27

The Idaho State Legislature adopted a resolution on the forest homesteads, stating, "That while Congress has provided for home entries in forest reserves under burdensome and impractical conditions, the state cannot hope for a substantial growth under such conditions as no people would care to make their homes in a section of the country subject to such restrictions and limitations as will naturally prevent the growth of communities large enough to bring schools, churches, and other institutions incident to community life." 28

Public sentiment in the West was so irate over the proclamation of additional reserves that a Public Lands Convention was called in


27Message of Governor Joseph K. Toole to the Montana State Legislature, 1907, p. 39.

Denver, June 19, 1907. It was attended by both anti-conservationists and the leading adherents to conservation, including Pinchot, Secretary of Interior James Garfield, and F. H. Newell of the Reclamation Service.²⁹

Just before the convention, the Forest Service released many thousands of acres of agricultural lands which had been held in the reserves,³⁰ apparently hoping by this measure to gain the favor of the farming regions.³¹

The convention was dominated by the well-organized grazing interests and the tone of the proceedings was definitely anti-conservation and anti-Pinchot. The resolution passed by the convention included mention of the agricultural lands in the reserves. They called for:

2. Administration of the Forest Reserves without interfering with the utilization of the public lands for homes.³²

The resolutions did not condemn forest reserves but asserted that they should not infringe upon settlement.³³

With so much dissatisfaction in the West over conservation and its practices, Roosevelt felt that it was essential to smooth out differences. When Pinchot approached him with the idea of calling a governors' conference, he heartily agreed. The object was to

²⁹Robbins, p. 351.
³⁰Lands eliminated from the reserves could not be homesteaded under the Forest Homestead Act. This led to much misunderstanding on the part of settlers, who, while attempting to take up these lands, ran into the restrictions of the Department of Interior to whom control of the land was relinquished by the Forest Service on elimination from reserve boundaries. The Forest Service was unjustly blamed for many of the difficulties. (Department of Agriculture, Forester's Report, 1910, p. .)
³¹Robbins, p. 351.
³²Ibid., p. 353.
create uniform public sentiment on the utilization of natural resources. The conference led to the appointment of a National Conservation Commission with Pinchot as chairman. The reports of the Commission were read at the National Conservation Congress held at Seattle in August, 1909. Gifford Pinchot spoke in defense of the forests by stating, "that forestry must come first, conservation later." He admitted that some agricultural lands were still in the reserves but insisted that they were being released as quickly as possible. The gathering was dominated by the lumbering interests who by now were supporting the reserves. Most of the opposition to the reserves was to come from smaller more-localized interests.

On March 4, 1909, Theodore Roosevelt stepped down from the Presidency and William Howard Taft, his hand-picked candidate to carry on his conservation policies, assumed the office. Gifford Pinchot remained in office as Chief Forester.

The passing of Roosevelt from the national scene seemed to let loose the brake on anti-conservationist feelings. Taft was not made

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35 Robbins, p. 371.

36 The dismissal of Pinchot was approved by a large number of people in Montana. The Helena Independent, before the dismissal, stated, "It is time to stop Mr. Pinchot, time for Montana and other western states to make a declaration of independence. (Helena Independent, August 27, 1909.) After the dismissal the Independent declared, "Twenty million acres of the state have been raped from us for forest reserves by presidential proclamation and the undue zeal of one Gifford Pinchot." (Richardson, p. 165.) The Butte Miner exulted, "Mr. P's downfall will be recorded with satisfaction for he certainly was a dangerous man." (Butte Miner, January 8, 1910.) In Kalispell, Montana, "red hot" resolutions
of the same progressive makeup that had been Roosevelt's. Dissension broke out between Pinchot and Richard Ballinger, new Secretary of Interior, over coal lands in Alaska and reservation of waterpower sites. Ballinger was a westerner from Washington and subscribed to a lenient policy toward the public domain. Pinchot believed in the so-called autocratic rule of Roosevelt's. The clash produced one of the most controversial quarrels in our nation's history. Taft supported Ballinger and fired Pinchot as Chief Forester. Pinchot was succeeded by Henry S. Graves, his second in command. Graves, who had been with Pinchot since 1900, was a determined follower of Pinchot's policy. As far as the conservation movement was concerned, it indicated that Taft was willing to acknowledge that there was merit in the western stand on natural resources.

The year 1910 brought many attacks from various quarters. The bulk of the resentment came from the Pacific Northwest states and centered in Montana, Idaho, and Washington. The attacks hardened into a form that could almost be classified as due to sheer ignorance and stupidity because of the senselessness of many of the charges against the reserves. were passed at a mass meeting which denounced the inclusion of agricultural lands in the reserves. Persons in this state, i.e., Montana, hopefully believed that the end of the Forest Service was at hand. One of them remarked to a ranger, "The rest of you fellows will soon follow your leader into oblivion." (Richardson, p. 165.)

37Robbins, p. 165.

38Eight months after leaving office, Pinchot was accused by Senator Heyburn of Idaho of being directly responsible for the great 1910 fire that swept much of the Montana and Idaho forest lands by prohibiting the burning of underbrush and barring prospectors who could have been firefighters. Senator Carter of Montana and Representative Mondell of Wyoming quickly joined Heyburn and the critical press of the West printed the charges with no attempt to examine the enormity of the implications. (Richardson, p. 169.)
The agricultural lands in the reserves were one of the many points of attacks along with grazing, mineral lands, and waterpower sites.

At the second National Conservation Congress at St. Paul in the summer of 1910 President Taft admitted the presence of agricultural lands in the reserves, saying, "In the present forest reserves there are lands which are not forests and ought to be homesteads. This has caused some local irritation. We are carefully eliminating some lands from the reserves, and, where practical, are listing them for entry under the Act."39 He also complained of the attacks on him by Congress, saying, "Congress ought to trust the Executive to use the power of reservation wisely" and rather naively, "I am in favor of each branch of the government trusting the good faith of the other."40

The enemies of the reserves seemed, at first, to dominate the Conservation Congress. Governor Edwin L. Norris of Montana charged that the federal government had been the greatest sinner in wasting public lands.41 The Governor of Washington, M. E. Hay, delivered a very unfriendly speech toward the reserves. The State of Washington was the core of anti-conservation feelings in the Northwest. Hay spared no one's feelings in his attack. He spoke of settlers in the reserves being harassed, browbeaten, and often forced to abandon claims.42 Hay stated that the headwaters of the Skagit River held enough agricultural land to hold 300-400 homesteads. The Governor charged that on the

40 Ibid., p. 21.
42 Address of Governor M. E. Hay of Washington, ibid., p. 65.
Quinault River a flourishing settlement was closed. The settlers had moved to British Columbia simply because the Forest Service refused to build a road and the settlers were too poor themselves to build one. 43 Hay also called for all non-forested lands to be opened to entry. 44

The resolutions of the Second Governors' Conference, which had been held in Salt Lake City a few days previously, were read into the minutes of the Congress. Number four of the resolutions called for elimination from the reserves of all homestead lands. 45 The special report to the Conservation Congress from Idaho stated that the agricultural lands should be opened to settlement. It also suggested that the decisions of what land was agricultural in character should be made by an Idaho arboriculturist rather than by people familiar only with farming in general. 46 Montana's special report ignored the agricultural lands in the national forests altogether. 47

The Congress, surprisingly enough, closed in a spirit of cordial attitudes and relations with the Forest Service as a whole. Gifford Pinchot, though not holding the office of Chief Forester, was honored at the meeting. Memorials lauding his services to the cause of conservation were passed and many tributes paid to him. 48

Continuing attacks against the Forest Service, because of the agricultural lands, were based on the word "discretion" that gave the Service the right to decide which lands to open. Congressman from the West led debates on the subject. Hayburn of Idaho said the only man to make the decisions should be the farmer himself. He was

43 Ibid., p. 66.
44 Ibid., p. 68.
46 Ibid., p. 326.
47 Ibid., pp. 343-346.
48 Ibid., pp. 48, 76, 117, 151, 159, 221.
joined by Representative Rucker of Colorado who stated that, "The man who wants a home, who perhaps has spent the most of his days upon the farm, is met with denial of his right by some younger just from the city or college life, and is curtly informed the land is not suitable for agricultural pursuits."

Montana's State Legislature joined in the controversy. The legislative session of 1911 deplored the fact that the lands were not open to entry, but in a resolution suggested a method of selection by impartial judgment. The resolution read:

"To the Honorable Senate and House of Representatives in Congress assembled:

Whereas large areas of agricultural lands are included in the various forest reserves of the United States that are more valuable for agriculture than for forestry. Whereas the same should be speedily opened to actual and bona fide settlers applying for the same under the homestead laws. Now, therefore, be it Resolved that we, the 12th Legislature of the State of Montana do hereby petition the Congress of the United States, that a commission of three persons be appointed for each state in which forest reserves are located, said commission to consist of one resident of such state, one member connected with the Forest Service, and one member whose residence shall not be in the state. The duties of said commission shall be to enforce the laws relative to homesteads in the forest reserves in a just and liberal manner and to immediately pass on the applications of all persons applying for homesteads upon such reservations: Be it further

Resolved that the Secretary of State be, and is hereby, instructed to transmit properly authenticated copies of this resolution to the Secretary of Interior, our Senators and Representative in Congress, to the President of the United States Senate, and to the Speaker of the House of Representatives."

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49 One of the pet peeves of the westerners was that many of the trained foresters were directly from eastern colleges, where at this time the only forestry schools were located, and though full of theories, lacked practical experience. Pinchot wrote, "Most of them were certainly green but in time the men got over their greenness, but the stories about them never grew old. They had a habit of turning up years later in Congressional debates, but always dated up to minute." (Pinchot, p. 149.)

50 Ise, p. 256.

51 U. S. Congressional Record, 62nd Congress, 1st Session, p. 97.
The resolution was printed in the Congressional Record and became part of the anti-Forest Service attack of 1912.

As had been common in the past, Congress started the attack with an amendment to the annual Agricultural Appropriation Bill. The amendment was offered by Senator Knute Nelson of Minnesota. It directed and required the Secretary of Agriculture to classify and open all agricultural lands in the reserves for entry. The bill did not leave the selection of the lands to the discretion of the Secretary of Agriculture. The amendment was a real threat to the national forests as even heavily timbered lands would be thrown open to be exploited by the same methods and practices used under the now defunct Timber and Stone Act of 1878. Even the ranger stations and administrative sites of agricultural value would have to be opened. 52

While the bill was in the hands of the committee, Henry S. Graves, the Chief Forester, sensing the great danger to the national forest policy, headed a campaign of conservationist activity to save the forests. The American Forestry Association, of which Graves was an officer, sent a vigorous protest to Congress, but it failed to keep the bill from passing the Senate. 53

Graves, in an article in the Saturday Evening Post defended the Service's policy toward the agricultural lands. Representative William Kent of California, a faithful friend of the Service, had the article printed in the Congressional Record. Graves, in an attempt to explain the enmity of the West toward the Service, stated, "Certain members of Congress and hostile newspapers have repeatedly charged the Forest

\[52\text{Ise, p. 257.}\]
\[53\text{Ibid., p. 257.}\]
Service with locking up thousands of undeveloped farms and by its bureaucratic methods depriving the settlers of this land. Statements made so often people are now beginning to believe them. This attack on the Forest Service is part of a campaign against the whole national forest system. Their area, i.e., agricultural lands, has been enormously exaggerated because of the premises of speculators to get timber for nothing. The arable land will not cover 1/2 of 1 per cent of the entire forest area."  

Graves selected two general areas in Montana to show the problems and the status of the disputed lands. He wrote about the Kootenai Forest, saying, "The demand for agricultural lands for bona fide settlement and cultivation has probably been more intense in the Kootenai Valley, Montana, within the last three years than in any other national forest. The condition that is blocking agricultural development of this remarkable fertile district is not the presence of the national forests. It is the presence of enormous holdings in the hands of lumber companies and the Northern Pacific Railroad Company. These heavily timbered areas are being reserved indefinitely for a raise in price or for future lumbering operations. In the meantime a settler cannot secure an acre of them. On the other hand all lands in the national forest chiefly valuable for agriculture are being cut up and opened for entry."  

In reference to the Swan River country of the Flathead National Forest Graves stated, "Though the Forest Service has done its utmost to encourage homebuilding on lands chiefly valuable for agriculture, it has declined to open to entry under the guise of settlement lands that are worth far more for timber and waterpower than for any

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54Y. S. Congressional Record, 62nd Congress, 1st Session, Appendix, p. 59
55Ibid., p. 592.
possible agricultural use. The Swan River Valley contains upward of 30,000 acres of arable lands bearing a virgin forest of yellow pine of 15,000 to 40,000 board feet to the acre. Its value under present conditions is $2.50 a thousand, averaging $50 per acre. The timber on an average claim would be worth $8,000."  

The Chief Forester, in answer to the theory advanced by his opponents that a settler needed a source of income to develop his claim, argued, "It is repeatedly urged that a settler needs the money represented by the timber standing on his claim to assist him in improvements. The government offers the settlers an unimproved farm of up to 160 acres. The greatest part of the lands offered are worth from $5 to $15 per acre. Should the government add to a farm worth from $1,200 to $3,000 in its raw state a bonus of ten thousand or twenty thousand dollars worth of timber to aid in its development? Such a bonus represents a gift of public property that is equivalent to hard cash taken from the Federal Treasury."  

Graves pointed out three distinct lines of attack by the western Congressmen who opposed the reserves. They were:

1. The demand that all national forest holdings be parcelled out to the various states.

2. The charge that the national forests are made up of lands that cannot grow forests.

3. The charge that the national forests are largely agricultural.  

The amendment's progress through Congress was delayed and debated for nearly three months. Some nonsensical changes to the amendment were suggested, notably one by Hayburn, who proposed

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56 Ibid., p. 592.
57 Ibid., p. 593.
58 Ibid., p. 592.
that all lands under 4,000 feet in altitude be thrown out of the reserves.
All of the amendments of this type were defeated. The debates in the
Senate drew spirited arguments from both sides. Senator George F.
Chamberlain of Oregon defended the bill after modification but stated
that the evils of the Forest Service were the fault of Congress.
Chamberlain proved himself the master of Heyburn of Idaho who made wild
irrational statements in his attacks on the reserves. To Heyburn's
charges that thousands of people wanted lands, Chamberlain quoted the
Forest Service's reports showing the figures for abandonment of non-
entry of forest homesteads as 37 per cent in District 2, Denver;
22 per cent in New Mexico; Utah, 16 per cent of listed lands abandoned;
in California, 43 per cent, and in the Idaho Senator's own state, 13
per cent.59 Heyburn replied that it was the solitude that drove them
out.60 Heyburn also made the ridiculous statement that the forests
should be cut down as the snow melted faster in the trees than on the
open slopes and caused floods.

Senator William A. Borah from Idaho, who had succeeded conserva-
tionist Senator Dubois, proved himself a fit mate for Heyburn by at-
tacking the reserves at every opportunity. He claimed that 500,000
Americans had gone to Canada the previous five years due to lack of
homestead lands in the United States.62 Borah and Heyburn went down

58 Ibid., p. 592.
59 U. S. Congressional Record, 62nd Congress, 2nd Session, pp. 6538-40.
60 Ibid., p. 6542.
61 Ibid., p. 6542.
62 Ibid., p. 7746.
fighting to remove the word "chiefly" from the bill in reference to the phrase, "chiefly valuable for agriculture." 63

The amendment went to a joint conference committee where the objectionable features were removed from the bill by the outgeneraling of the Senate members of the committee by the House members. 64

There was really no vital change in the final law from the Act of June 11, 1906, due almost entirely to the efforts of the members of the House who successfully blocked most attempts of the Senate to destroy the reserves. The only change was to make mandatory the opening of the agricultural lands by the Secretary of Agriculture. A sum of $25,000 was appropriated for the classification of forest lands and $100,000 was to be provided each year, 65 until the classification was completed in 1922. 66

Thus the last great attack on the national forests left them intact. There were some attacks since the ones in 1912 but by that time the public had some to regard the Forest Service as the saviour of the nation's forests and the attacks dwindled away to nothing.

The number of applicants showed a drop from 5,349 in 1911 to 5,100 in 1912. A peculiarity of the applications pending and not disposed of showed that one-half of them were in the Missoula Forest District. One hundred forty of these pending claims in the Missoula District were in railroad grant lands not surveyed, 125 were for jackpine flats of doubtful agricultural value, and 302 were for heavily timbered lands. 67

64 Ibid., p. 7747.
65 Ise, p. 256.
7. The sudden great demand for housesteads brought forth new emigrants

86 69.49 1910, p. 2

and it must meet the requirements of the

forested timberland. The lands reserved for forest purposes and watered by

watersheds in the larger drainage basins are being earmarked for use in the

germane recommendation for the selection of lands to be reserved. The

Department of the Interior recommends that the

forest reserves in that larger governmental unit, the Department of the Interior,

after the passage of the act of 1920, a much of applications

were submitted in the most unprecedented and rapid manner to the

Forest Service. The Forest Service, having received many of these

requests, reported that the number of requests

corresponded to the number of farms opened. The number of

farms dropped sharply from 1910 to 1915, from 92,000 acres.

The Forest Service reported the number of requests increased in the period

June 1915 to June 1916, reaching 126,000 acres.

There are hundreds of old abandoned claims with their little

residences. The problem extends far beyond claims now under process.

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of new homesteads dwindled rapidly after 1917 and by 1925 the Chief Forester reported that approximately were occupied. The decreasing size and quality of the homesteads showed a parallel with the decrease of applicants. In a special bulletin issued to guide forest officers, Graves reviewed the law and set minimums of acceptable acreages for homesteads as practical farm units. They were as follows:

1. High altitudes: 160 acres where hay and root crops can be grown.

2. Lower altitudes: 40–60 acres of irrigated lands for grain and forage crops.

3. Moderate climates: 30–50 acres irrigated land for grain and forage, some fruits and vegetables.


5. No farm should be less than 20 acres.

 positive value for agriculture. 2. They must be of greater permanent value for agriculture than for the primary purposes for which it was created. 3. Their occupancy for farm purposes must not injure the national forest. 4. They must not be needed for public purposes.

(Department of Agriculture, Forest Service, Special Bulletin, Principles and Procedures Governing the Classification and Segregation of Agricultural and Forest Lands in the National Forests, 1911.)

72 Department of Agriculture, Report of Forester, 1927.

73 Department of Agriculture, Forest Service, Special Bulletin, Principles and Procedures Governing the Classification and Segregation of Agricultural and Forest Lands in the National Forests, 1911, p. 4.
By 1931 the Forest Service reported, "Many of the areas classified 5-15 years as agricultural and open to entry under the Act have either remained unentered or after a succession of entries and relinquishments have been left unpatented and unoccupied, demonstrating that their classification was erroneous. A considerable number was recalled during the year." In 1933, they reported that notwithstanding a pronounced trend from urban to rural life (depression), bona fide and non-speculative applications did not increase. The last report issued by the Forest Service was in 1940 when 36 applications were listed.

Thus the Forest Homestead Act took its place as part of the great land history of the nation. It was an instrument that fulfilled the needs of the common people who desired lands upon which to build their homes. The destiny of these people lay in the soils and forests of their country as had those of their forefathers before them. Settlement of the forest lands was the goal of the sincere and dedicated men who founded our national forests. To them and their supporters goes the credit for the settlement of our last frontier.

74 Department of Agriculture, Forest Service, Report of Forestry, 1931.
75 Ibid., 1933.
76 Ibid., 1940.
CHAPTER IV.
Problems of the Reserves and Homesteaders

The settlement of the forest frontier did not solve all of the problems of the reserves or those of the homesteaders. Instead it rather intensified the problems of both and transferred them to a local rather than a national basis. Settlement on the forests brought out the best qualities of most men and the worst in a few.

The homesteaders accepted a challenge that nature and man had created by homesteading the wilderness areas where the advantages were few and the disadvantages were many. In their attempts to wrest a home and a living of a decent standard, many of the settlers became discouraged and failed or retrogressed into the society of the wilderness around them. Other homesteaders, who were few in number, finally accumulated enough assets, after years of hard work and sacrifice, to assure themselves of an average standard of living.

The many varied purposes of homesteading offered a study of human personalities and desires. Many people who homesteaded in the forests did so because of a desire to live away from heavily populated areas. These people were generally lovers of the great outdoors and were endowed with the characteristics and skills necessary to take a wilderness area and tame it with their hands. Others homesteaded the wilderness from the standpoint of economic necessity. Farmers at heart, they could not afford to purchase a farm that lay in a better location, due to the lack of finances.

Some pioneers, seemingly part of the restless elements that have always lived on the fringes of civilisation, settled on the forests because of the need for fulfillment of their desire to be alone and
independent. It was surprising to note how many of the forest homesteads were entered on by men who were satisfied to live in a log shack, tend a few cows and horses, raise a small garden, and live on the claim the rest of their lives. ¹

Many people homesteaded these isolated tracts of land without fully realizing the hardships and dangers attendant to such a venture. Unfamiliar with the actual potentiality of the land and the human toll that they would have to pay for success, the homesteaders flocked to the new lands as eager for new homes and opportunities as were the pioneers on the historic Oregon Trail.

The small size of the forest homestead was one of the commonest factors against success of the venture. On the great plains 160 acres were hardly considered enough to sustain a homesteader and his family. Yet these small forest homesteads were eagerly sought by a multitude of settlers who evidently discounted this knowledge, probably because to them the forests were at the time the last of the potential free land. ²

The largest possible homestead, as limited by the Act, was 160 acres with a maximum length of one mile. The size of the average homestead entry during the years 1906 - 1912 was approximately 85 acres. ³ When the Forest Homestead Act was changed in 1912, Congress did away with the authority of the Secretary of Agriculture to decide which tracts to open to settlement. The Forest Service was ordered to open all

¹ The author found that these types of men were the ones who settled on the extremely isolated tracts where no roads were available at the time of settling, thus achieving isolation to a high degree.
² Interview with John Taylor, U. S. Forest Service, Region No. 1, Retired.
³ U. S. Forest Service, Region No. 1, Records.
agricultural lands after classification. This action led to the opening of many small tracts that ordinarily would have been retained in the forests.

The average size of the tracts entered on after 1912 declined steadily to approximately 70 acres in area. A listing of a 160-acre tract by the Service after 1912 became a rarity. As the number of homesteads available dwindled, the quality of the homesteads became poorer, the locations more isolated and smaller in size.

The smallest homestead entered on in Region 1 was H.E.S. No. 854, 2.21 acres, in the East Fork of the Bitteroot River in the Bitteroot National Forest. The reason for listing such a small tract was that it had been overlooked on other occasions and was entirely surrounded by other forest homesteads. No. 854 went to patent in 1915 after satisfying all requirements for residence and cultivation. The owner has since died and the acreage is now part of the Fred Wetzstein ranch at Sula, Montana.4

Other tiny homesteads were H.E.S. No. 248 in the Madison National Forest, area 5 acres, now unoccupied;5 No. 555, Helena National Forest, area 11.63 acres;6 and No. 526, Flathead National Forest, on beautiful Swan Lake. No. 526 had an acreage of 11.58, and under present conditions would be desirable as a summer home.7

4U. S. Forest Service, Bitteroot National Forest, Land Ownership Records.
5U. S. Forest Service, Region No. 1, H.E.S. Surveys, See appendix, Map 2%. All maps were from this source.
6See appendix, Map 2%.
7See appendix, Map 17.
It is doubtful, however, that this was the original intention of the homesteader in 1915 as Swan Lake was at the end of a 100-mile rough wagon road from Missoula, Montana, the nearest large town.

The forest homesteads generally occupied the bottom lands of creeks and rivers where the natural actions of the water had formed the flat or sloping surfaces necessary for farming. Others were formed by the activities of thousands of beaver who once inhabited the mountain country.  

The homesteads were mostly irregular in shape, caused by the survey lines following the contour of the mountains; also because of the insistence of the Forest Service that no forests of any considerable size be included in the homesteads. This accounts for the unusual and, at times, humorous boundaries of the homesteads. Some of the oddities were H.B.S. No. 353 in the Blackfeet National Forest, which looks like a rough cross.  

No. 863 in the Absaroka National Forest took the shape of the letter Y. No. 87, Beaverhead National Forest, could be likened to a running rooster, and No. 579, Kootenai National Forest, was slim and narrow like a snake.

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9 See appendix, Map 14.

10 See appendix, Map 6.

11 See appendix, Map 12.

12 See appendix, Map 14.
The surveying of the homesteads was generally by metes and bounds, a system of surveying irregular tracts of lands. Wherever the terrain was wide enough legal subdivision was used. All surveying west of the Mississippi River had been done before by legal subdivision, which became the legal method of surveying the new lands by Act of Congress in the Land Ordinance of 1787. The metes and bounds method of survey for the forest homesteads was authorized by the Forest Homestead Act.

Surveying by metes and bounds was based on a common corner from which the additional corners and lines were run. Most surveys used from six to twelve corners in surveying the irregular pieces of land, but one homestead, No. 293, Missoula National Forest, was so irregular in shape that it had a total of 40 corners. This method of surveying made legal descriptions of the land long and burdensome.\(^1\)

Most of the homesteads did not suffer from the lack of water. Rather the problem was reversed,—that of too much. Generally the homestead was crossed by one or more mountain streams from which surface irrigation was merely a matter of plowing suitable ditches. Most of the tracts of land were subject also to a great deal of subsurface irrigation, due largely to the mountainous terrain around them, making many of the farms of the marshy type.\(^2\)

The mountain streams were also a disadvantage at times as they periodically overflowed their banks and made new channels, which chopped up the arable sections of the small ranches into still smaller units. The rancher-farmer was faced with the necessity of bridging the creeks at his own expense and labor in order to carry on his occupation.

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\(^{13}\)See appendix, p. 1445, for legal description of H.E.S. No. 453.

\(^{14}\)See appendix, Map, 12, H.E.S. No. 87, for a homestead of this type.
One of the disadvantages of the forest homestead was the distance from market centers, churches, and other forms of community life.

One example of this handicap was in the Rock Creek area, a fabulous trout-stream country located 25 miles east of Missoula, Montana, at that time in the Missoula National Forest. The residents of upper and middle Rock Creek bought their supplies in Stevensville, in the Bitteroot Valley, a trip by horseback over rough mountain trail of 25 miles. They also trailed the cattle and horses that they sold over the mountains.

Another example of the extreme distances to civilization was the homesteading of H.S.S. Nos. 453 and 455 on the Selway River in Idaho in what is now the Selway-Bitteroot Primitive Area. At the time of settling, 1912-1920, the nearest road was 60 miles away and the railroad 90 miles. During the twenties, nine other homesteads in that area were settled on. They were Nos. 457, 445, 459, 460, 785, 786, 787, and 788. At the present time the nearest of these homesteads is still 12 - 15 miles from the closest road. Entry can only be made by pack train or by air on the three landing strips available.

H.S.S. No. 353, Blackfeet National Forest, and No. 802, Kootenai National Forest, at the time of homesteading were approximately 30 miles from the nearest road, but are now connected by forest roads to civilization.  

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15 See appendix, Map 16.
16 See appendix, Map 5.
The long distances, even by the best of wagon roads, were a barrier to social and economic activity. Far from markets, the homesteaders had to confine their cash crops mostly to the raising of cattle and horses, which could be driven to market in good weather. The isolation made the life of the homesteader a lonely one as far as social phase went as it made attendance at church and community affairs a rarity.

Medically the homesteaders were at a tremendous disadvantage as a trip of 20-100 miles to the nearest doctor or hospital could mean the difference between life and death. Yet the average settler seemed to be hardy, due probably to the healthy outdoors work he engaged in.

The homesteaders as a whole enjoyed very few formal educational advantages. Most of the early settlers had only a few years of grade school education but, with the advent of good roads and motor cars, most of the second and third generations attended the high schools. Small country schools were the rule with from 2-30 pupils in all eight grades and a single teacher. A rancher-farmer with college training was a rarity.

Recreation of the settlers was limited to a certain extent. Distance was the main deterring factor for participation in community recreation. This was also the chief reason why so few farmers in the forests belonged to farm clubs or grange organizations. But this lack of formal organization was replaced by a mutual helpfulness among the settlers, who aided each other in the spirit of friendship that generally characterizes frontier relations.

Outdoor recreation in the form of fishing, hunting, and outings in the forests were providentially at their back door. The lack of
community recreation and social life led to a closer-knit family life among the homesteaders.

The homesteader provided for much of his material needs from the homestead itself. Yet the cash income of the small farm was so limited, due to the many factors affecting farm production, such as smallness in size, inferiority of soil, high altitudes and distance from market, that he had to seek partial employment outside the farm.

Many homesteaders worked in the logging industry or as summer employees for the Forest Service. The Service was extremely glad to have a ready supply of available workmen for the summer and as prospective firefighters skilled at handling a shovel or a mule.

The homesteader's intimate knowledge of the countryside was a valuable asset to the Service in the days before surveying and classification made known the regions of the back country. The Forestry Department also considered summer employment as partial fulfillment of residential requirements of the homestead, even though absent.

Most of the summer jobs were of the common labor variety, such as forest lookouts, trail builders, carpenters, firefighters, herders and blacksmiths. The one disadvantage to the homesteader was that employment came at his busiest time of the year when he was tending his crops.

Many of the homesteads were units of the fire warning system of the Forest Service. Some settlers were connected with the forest phone lines to act in the capacity of fire wardens. This was a boon to some of the settlers who would have been without a phone for decades or at least until private companies or cooperatives endeavored to provide service. It was also a great aid to the Service in the early reporting of forest fires.
Forest fires were an ever-present danger to the forest residents and many isolated farmers lost their homes in this manner. Probably the greatest forest conflagration in the history of the Northwest was the 1910 fire that burned over parts of Montana, Idaho, and Washington. Many of the homesteaders lost their entire livelihood and some were among the nearly 100 persons who lost their lives fighting the holocaust.

The Forest Service considered homesteaders on the forest as valuable and necessary to the protection of the reserves. Besides the advantages of having a ready labor force and for fire protection, the Service regarded them as unpaid forest wardens. Because of residency they were required to report trespass of any kind on the reserves, such as illegal timber cutting or grazing.

The settlers in return were given all of the timber and stone necessary for building a home, barns, fences and free firewood. The settler had free grazing rights on the reserves for five head of stock and was given priority in obtaining additional grazing permits at a modest fee. This priority was a valuable asset, especially during the time of extremely restrictive grazing in certain areas.

The variety of farm crops that could be raised on most of the homesteads was limited severely by climate, inferiority of soils,

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17 Betty Goodwin Spencer in her story of the great 1910 fire stated graphically, "Many lives were lost, great ranches and lonely homesteads were gone in a few moments, after years of labor had just brought them to a point of fruition, uncounted livestock was destroyed." (Betty Goodwin Spencer, The Big Blowup, Caxton Printers, Caldwell, Idaho, 1954, p. 187.) Miss Spencer listed five homesteaders killed, three in Idaho and two in Washington. (Ibid., pp. 222-23, p. 225.) She declared, "That additional civilian lives were lost in the Big Blow has never been denied. However, no record gives their name, number, status or occupation. (Ibid., p. 226.)

and the altitude. The highest homestead in Region No. 1 was H.E.H. No. 538, in the West Fork of the Bitterroot country, which lay at an altitude of 4700 feet. Most of the homesteads were located between 3000 and 4000 feet in altitude. The frost-free growing period in the Western Montana mountains averaged about 85 days.

Native grasses and hay were always the largest crop factor. In the early days some oats and other grains were grown for stock feeding but now practically no grains are raised, due to the impracticability of raising a crop so limited in quantity and still necessitating the purchase of expensive harvesting machinery. The small size of the farms and the inferiority and roughness of the soil do not make the growing of grains economically feasible. Garden patches were the rule and most homesteaders raised all of their vegetable needs, conserving them by canning or storing them in root cellars.19 Berry growing for home use was practiced on most farms and many had small orchards, especially those units below 3000 feet in altitude.

Occupancy of forest homesteads has followed the national trend in the decreasing yearly of the number of farmers actively engaged in agriculture. Some of the frontier tracts have also followed the

19On the small homestead with a hillside nearby the root cellar was generally dug into the side of the hill. In the late 1930's the Service ordered the rangers to burn the abandoned cabins and outbuildings on the homesteads that had reverted to the forests in order to restore the forest to its natural setting. Sam Billings, retired forester, stated that the one thing that they couldn't burn was the root cellar in the side of the hill. In many cases the only sign of an abandoned home in the wilderness was the old root cellar. (Interview with Sam Billings, U. S. Forest Service, Region No. 1, Retired.)
identical trend of consolidation into larger units, more economical to operate. An example of this trend was portrayed in the Rock Creek area where 16 homesteads were entered on by prospective home seekers. Most entries were made after Congress forced opening of agricultural lands in 1912 and lowered resident requirements on all homesteads to three years.

Two of the entries reverted to the national forests and were never reopened to entry. One homestead, on Brewer Creek, a tributary of Rock Creek, has been carved into summer home lots. The Montana Fish and Game Department has purchased H.E.S. No. 558, area 105 acres, for increased access to Rock Creek for fishermen. Three are unoccupied and used for grazing. Eight are now being used for agricultural purposes. Five of these are owned by one man, Clarence Hamm, Jr., who operates them as one cattle ranch.

The history of the Hamm Ranch offered a picturesque story of a pioneer family who struggled to make the transition from a wilderness homestead to a modern ranch enterprise. Clarence Hamm, Jr., bought the first homestead from the original patentee, who sold as soon as he acquired title in 1916. Clarence, Jr., was born on the home ranch the following year and vividly remembered the hardships of his parents to secure a livelihood from their small mountain ranch. During his childhood there was no road connecting the ranch to the main highway and his folks rode horseback 25 miles over a mountain range to

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21 Mr. Hamm owns H.E.S. No. 52, 87.79 acres; No. 54, 120 acres; No. 287, 100.55 acres; No. 289, 79.05 acres; and No. 291, 113.71 acres, a total of 501.14 acres. (U.S. Forest Service, Lolo National Forest, Land Ownership Records, 1960.)
Stevensville, in the Bitteroot Valley, twice a year for supplies. The isolated families of Rock Creek became most versatile at wresting a living from the wilderness.

Mr. Hamm's parents had a large vegetable garden and his mother canned extensively in the summer and fall. Much of the meat they ate was venison and bear, which they smoked or froze during the fall and winter. Mr. Hamm wryly recalled that much of their shortening came from bear tallow. During the twenties and depression thirties, the father worked for the Forest Service in the summer to add to their income. When the first road was built to connect them to Missoula in 1924, the family immediately bought a used car, a vintage Model T Ford.

Mr. Hamm, Sr., donated the land on which the community school was built, and Clarence, Jr., attended all eight grades in the one-room country school. There were at the most 16 pupils and generally five to six grades with one teacher in attendance.

Clarence, Jr., served in Africa and Italy during the Second World War with the Army Air Corps. While in Italy he purchased the four additional homesteads that had stood idle for many years. On his return his father retired and Hamm started the fine purebred Aberdeen Angus herd of cattle that he has at the present time.

Modern conveniences were very slow to come to Rock Creek residents. The Hamm Ranch had a Forest Service phone and was part of the fire warning system. Electric lights and power were brought in by the Rural Electrification Administration in 1952. It was 1959 before the Hamm's piped in water and had modern bathroom conveniences.

Mr. Hamm's total net income averaged about $2,000 a year as so much of his gross income had to be plowed back into the ranch for improvements. The only government subsidy for farmers that he had
ever received was one-half the cost of the main line of the modern sprinkler system he now uses.

The rancher estimated that the 501 acres of land in his ranch is now worth between 60 and 70 thousand dollars; his cattle he valued at $25,000, and his equipment, including four tractors and a caterpillar, at $25,000. He stated that operating a mountain ranch was actually not economically feasible as operating costs were very high due to the rocky soil, the extensive leveling of land necessary, and the distances that he has to travel to work his ranch. His holdings are scattered up and down the creek for a distance of ten miles.  

Needless to say, due to the location, Hamm has had numerous offers from sportmen, summer residents, and the State Fish and Game Department, who want to buy his lands. So far he has resisted the temptation to sell because, as he stated it, he liked the way of life and the place on which he lived.

The Hamm ranch is situated on the historical site of the ghost mining town of Quigley which had a fabulous boom period from 1890 to 1892 and then died as quickly as it was born. The only building left of a town of 2,000 people in its heyday is used by the Hamm's as a barn for their saddle stock.

The Hamm properties have been in the middle of the controversy over stream access between sportmen and their associations on one side and the Montana Fish and Game Commission and the property owners on the other. Thousands of fishermen crowd Rock Creek each summer and many of them have been extremely careless of private property rights. Mr. Hamm has had to post "No Trespassing" signs on his property because of the damage and inconvenience caused by some.

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22 Interview with Clarence Hamm, Jr.
of the sportmen. He reported a tremendous job of cleaning up debris and that many gates were left open which allowed stock to stray. His belief was that these violations were general throughout the area.

An additional survey was made to ascertain the fate of the forest homesteads in the Bitteroot National Forest in southwestern Montana. Exceptionally severe geologic conditions on the west slope, such as the steep rocky canyons and the presence of forests on the east side of the Bitteroot Valley, kept the number of homesteads opened to entry to a minimum. Most of the tracts in private hands today, with two exceptions, are in the French Basin of the East Fork and in the West Fork of the Bitteroot River.

One of these exceptions was H.H.S. No. 198, 59.88 acres, on Tip Cup Creek south of Darby, Montana. No. 198 went to regular patent but after a succession of lessees has been allowed to grow back to forest though still privately owned. The other was H.H.S. No. 535, 38.91 acres, on Laird Creek, also south of Darby. The homestead was about 300 feet wide and three-fourths of a mile long. Homesteaded by a retired logger in 1916, who has since died, No. 535 has had a succession of owners ranging from a lumber company, who bought it for the right of way, to Ravalli County, which acquired title from non-payment of taxes. It was sold at a tax sale to the Ravalli County Bank and at present is occupied by six summer homes.

The floor of the valley of the West Fork was withdrawn from the Bitteroot Reserve and was entered on under the regular homestead laws. Only three of the eight forest homesteads in the West Fork

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23The Forest Service reported on each tract that had been listed in a study of the results of the forest homestead program in 1930. Fifty-nine homesteads were listed for the forest. In 1930 there were 13 homesteads owned by original entrymen or their heirs, 53 in private ownership other than patentee, 14 homesteads had been recalled, relinquished or cancelled. Their study showed the average value of homes on the claims was $250, barns $150, and fences $75. The lands
went to patent. They were H.E.B. No. 533, 3,619 acres; No. 534, 100.96 acres; and No. 538, 145.58 acres. No. 534 is still privately owned but not farmed. It is unique in that it lays across the West Fork from the highway and has no bridge for access to the property. The river is forded when low and a boat provides access at other times. No. 533 is used in conjunction with a regular homestead. No. 538 was homesteaded by T. A. (Ap) Cooper, old-time Darby resident. Cooper applied for listing in 1912, made entry in 1914, and patented his land in 1919. He raised fine horses and cattle and forest rangers reported that it was the finest hay ranch in the country. Cooper died in 1953 and there have been two owners since, who did not occupy the homestead but used it for summer cattle grazing. Its present importance lies in the fact that the owners receive first priority in the issuance of grazing permits on the national forest.

The five other homesteads in the West Fork were recalled by the Forest Service for recreational reserves. There were dozens of applicants for the tracts of land but the Service, desirous of good public relations, refused to make the decisions as to who should have the homesteads, on the grounds that to do so would have caused dissension among the residents.

The lands were used as follows: 75 per cent for grazing, 10 per cent for farming, and 15 per cent for timber production. The greatest proportion of these 59 claims, 40 in number, were eliminated from the national forest and therefore do not come under the supervision of the Service now. (U. S. Forest Service, Bitterroot National Forest, Study of the Results of the Forest Homestead Program, 1930.)

See appendix, Map 3.

See appendix, Map 16.

See appendix, Map 1.

Interview with C. A. Cooper, Lands Records, Bitterroot National Forest, Hamilton, Montana.
In the East Fork of the Bitterroot there were ten homesteads listed in one of the most beautiful basins in the West. The mountain vale was called variously Moss's Hole, French Basin, and East Fork. This was one of the few areas where the homesteads averaged from 150 to 160 acres in size, with one exception, that of the smallest ever listed,—H. E. S. No. 854, 2.21 acres. After a succession of owners, most of the homesteads were purchased by Fred Metasteon, who now owns over 1,000 acres and operates a large cattle ranch on them. The Forest Service stated that at the present time there are only three families residing on the forest in the East Fork and about a dozen summer homes.

The most interesting group of homesteads, because of their isolated location, was located in the Selway-Bitterroot Primitive Area, situated in Northern Idaho and Western Montana, straddling the Bitter-root Mountains. The Primitive Area was attached to the Bitterroot National Forest for administrative purposes. When settled, these homesteads were 50 to 60 miles from the nearest roads, and at the present time the closest one is still 15 miles from a road.

The earliest of the homesteaders was Martin Moe, a trapper and woodworker, who made entry on H.E.S. No. 453, 102.72 acres in 1910, on Running Creek and the Selway River. Moe was evidently a wanderer of the woods as he did not make a permanent residence on his claim. The Forest Rangers bent over backward, because of the isolation of the claim, to allow the trapper his homestead. They made trip after trip into the wilderness to check on his progress but were never able to find him home. Moe was always away working in sawmills or on farms.

for a living. For two of the years he disappeared entirely from his old haunts. Judicious detective work on the part of the Service revealed that he had been an inmate of the State Asylum for the Insane in Boise, Idaho. When he made final entry for a patent in 1918 it was discovered that he was not a citizen. He was given a chance to file his first papers of intention to become a citizen but refused to do so. Because of his failure to become a citizen and of his mental condition, the Forest Service finally recommended non-patent. His request for a patent was denied by the Lewiston, Idaho, Land Office in 1919. 29

No. 453 was homesteaded again in 1921 by Francis Horrace, a Darby, Montana, woodsman, who, with his brother Bill, lived on the claim until 1952. The two brothers made their living in a multitude of ways, raising cattle, trapping, working for the Forest Service, and wintering government horses and mules on the hay raised on their ranch. Horrace obtained a patent on his homestead in 1926. 30

No. 455, with 112.60 acres, on North Star Creek and the Selway River, was located about four miles from No. 453. This tract, the second to be entered on in this area, was homesteaded in 1920, by William Reap, a blacksmith from Miles City, Montana. Mr. Reap completed the necessary requirements for cultivation and residence and was granted a patent in 1924. Reap lived on his claim until his death in 1955. 31

29 See appendix for correspondence and reports of the Martin Roe Claim, No. 453, pp.

30 See appendix for correspondence and reports of the Francis Horrace Claim, No. 453, pp.

31 See appendix for correspondence and reports on the William Reap Claim, No. 455, pp.
Nos. 453 and 455 are at present owned in partnership by Lynn Newman and Kenneth Wolfinbarger of Darby, who operate hunting lodges and dude ranches on their property. They own an airplane and have constructed an airstrip on North Star Creek.

Nine other homesteads were entered on in the Primitive Area before proclamation as that type of an area in 1936. H.E.S. Nos. 457, 455, 459, and 788 were consolidated into a dude ranch and depend on planes for transportation. The class of the others is Nos. 487, none, and 786, base camp for hunters; No. 785, little use; No. 460, summer home; and No. 788, base camp.

Recently the Primitive Area homesteads have been in the limelight again. They are the only privately owned lands in the area, which gives them a strategic and economic value far beyond their worth as agricultural homesteads. The Forest Service has announced plans to create a Wilderness Area out of the greater part of the Primitive Area. Seven of the homesteads will be inside the boundaries of the Wilderness Area. They face extinction as no private lands are allowed in an area so designated. Forest acquisition of the homesteads will be by purchase or condemnation by right of eminent domain. The Forest Service admits that these isolated ranches occupy an important place in facilitating the harvest of the surplus elk from the large herds in the Primitive Area, but they insist that these homesteads must be acquired to achieve a true wilderness area. The fate of the seven homesteads is still unknown as no final decision has been reached on the establishment of the Wilderness Area since hearings are still in progress.

Two other large concentrations of homesteads lie in the Swan River District in the Flathead National Forest and the Yaak River country of the Kootenai National Forest. The Swan River homesteads have undergone land consolidations but not into such large singular holdings as the Rock Creek and French Basin areas. The Yaak River country has had two fairly large consolidations.

The number of permanent residents on the forest homesteads has become less and less as time passes. The greatest abandonment of patented and unpatented homesteads came before 1930. Probably the greatest single cause was the passage of the new Forest Homestead Act of 1912. From 1906 to 1912, after the passage of the first Act, the Forest Service had moved slowly in the listing of lands for entry. There were a multitude of reasons for this caution. The Service had no desire to list tiny sections of land that would be too small to enable a settler to make a living from it. Another reason was that much of the listable land had timber on it that was not matured or too isolated to log until later years. This type of land necessarily had to wait for harvest and eventual listing for entry. Other reasons were the inferiority of the soil of supposedly agricultural lands and the needs of the forests for reseeding areas, administrative sites, etc.

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34 The Inland Empire Multiple Use Committee, Proposal for the Selway-Bitteroot Wilderness Area, February, 1961, p. 10.
This slowness of action led the West to believe that the Service was reluctant to relinquish any lands under their control. Anti-conservationists and their followers, ignorant or oblivious to the true geological characteristics or needs of the western forests, forced passage of the Act of 1912. The greatest flood of entries came after that year and many were made on tracts of land that should never have left forest use or were too small to be suitable for agricultural settlement. Pioneering these submarginal farms brought financial, physical, and emotional distress to many of the settlers. They homesteaded with the highest of expectations and then, due to many varied circumstances, took part in the great abandonment of their homes, prior to 1930.

In 1930 the Forest Service conducted a survey, The Results of the Forest Homestead Program, to find out how the homesteaders were doing. The results were shocking for some national forests in western Montana. In the Blackfeet Forest, 198 homesteads were listed and entered on by 1930. Abandonment or non-use of claims before and after patent was 121 or 60.6 per cent. The reasons given by the rangers, who made the survey, were as follows: 5, too far from market; 50, greater economic advantages elsewhere; 58, inferiority of soil for farming; 5, sold to adjoining ranches; 2, disappearance of local markets; 1, old age.37

The changes in ownership were another sign of the undesirability of forest homesteads. Farming lands are traditionally the lowest in ratio of turnover of proprietorship. The special survey showed that in the Flathead National Forest only 148 of 267 claims, or 55.3 per cent, were in the hands of the original claimants or their heirs.

37 U. S. Forest Service, Blackfeet National Forest, Study of Results of the Forest Homestead Program, 1930.
The status or ownership of the remaining 119 homesteads was:

1. Other farm purchasers after patent 48
2. Muskrat farmers 6
3. Bought for hotels, resorts, or summer homes 7
4. Cancelled after entry, found to be on Northern Pacific Railroad land, settler refused re-entry 4
5. Reverted to county for taxes 3
6. Leased to tenant farmers but not by original patentee 5
7. Occupied by logger 1
8. Owned by bank or loan company 4
9. Entered, abandoned, succeeding entrymen 26
10. Occupied by laborers 2
11. Reverted, rented by forest for fox farm 1

Another revealing figure about the Flathead Forest was the number of homesteads not being used or occupied. Ninety-four of the 267 claims on the forest were not occupied or being farmed.38

The number of permanent residents on the reserves has greatly lessened since the survey of 1930.39 There were many reasons for this but probably the main one, as in 1930, was due to the inability to make a living, caused by the smallness in size and inferiority of the soils of the homesteads. Another reason was that people naturally sought the better way of life, possible in the cities and towns.

Many of the homesteads, after a series of entries and relinquishments, have been recalled or reverted to the national forests. Accurate data on the total of tracts reverting is not available. Only localized areas, which can be recalled personally by retired forest officials, can be taken as a standard.

Officials of the Kootenai Forest estimated that 60 per cent of the homesteads on that forest either reverted, were abandoned, or were recalled for various reasons. The Flathead Forest estimated 50 per cent of its entries made were returned to that forest.40

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39 Accurate data to support the claim of lessening of the number of permanent residents on the forest, since 1930, was not available.
The personal tragedy of the great abandonment was revealed very clearly in the Kootenai Forest Survey of 1930. The rangers of that forest were asked to write remarks, based on their own knowledge of the homesteads, on each individual report. The local ranger knew his territory and residents well and had an intimate knowledge of the homesteaders' struggles to make a living on the forests. The rangers of the Kootenai were very expressive and revealing in their terse and laconic remarks as to why some homesteads were abandoned and others were successful. Some of the remarks were:

1. Deeded to grocer for grocery bill.
2. Owner uses homestead for a home, works out for a grubstake.
3. No agricultural value.
4. Abandoned, used by neighbors occasionally.
5. Present owner lives in California.
6. One of the few places where owner is making a living from his ranch.
7. Estate, probably will go to county.
8. All grown up again.
9. One of the few self-supporting farms on the Kootenai, good truck garden and orchard. (Good farmer.)
10. Owner resided on claim to prove up; sold timber; moved out.
11. House burned in 1928, no money to rebuild.
12. Owner not on claim for four years, has children, no school closer than Libby, no road, no bridge.
13. Land is isolated, has no water, poor fencing, no change to enlarge.

This opinion was the general consensus of forestry officials interviewed.

40 The estimated figures given were for the abandonment of claims after patent; those reverting to the forest by abandonment before patent; and those claims recalled either through reclassification, non-entry, or entry and then relinquishment.
14. Owner died, wife moved to town, too lonesome.
15. Moved to town for school.
16. Entry made, nothing done.
17. No occupancy or operation for years, owner in Florida.
18. In hands of bank.
19. Occasionally visited by owner for recreational purposes.
20. Original entryman had idea of making a stock ranch but failed and lost place on loan to Poole.
21. This place sold to present owner for taxes.
22. The best and most prosperous ranch in the Yaak Valley.\textsuperscript{41}

One of the fears of the Forest Service was that settlement of the isolated frontiers in the forests would bring a class of people sociologically undesirable, who would be more harm than good for the reserves. The Service did not want this to happen but they had no legal way to screen applicants as to character or ability. Each applicant had to be taken at face value and officials could only discourage some types of settlers, because all had equal rights to the homesteads.

An area that was settled by the type of settlers that the Service did not want was in the Pinkham Creek country in the Kootenai National Forest. Pinkham Creek lies in a very heavily forested frontier area in Northwestern Montana about a dozen miles from the Canadian border.

The homesteaders in this area migrated from the mountain country along the common border between Kentucky and West Virginia and settled on adjacent homesteads on Pinkham Creek. The migrants were of the silent, distrustful, clannish type of people so prevalent

\textsuperscript{41} U. S. Forest Service, Kootenai National Forest, Study of Results of the Forest Homestead Program, 1930.
in the mountainous sections of the middle Appalachian Mountains. Their desire to be left alone to live as they pleased was an oddity in the West where people were noted for their friendliness. Forest officials reported that these people's standard of living was extremely low.

The Service later came to believe that the opening of the Pinkham Creek District to that type of people was a grave mistake. The combination of a low standard of living and settlement on submarginal lands did not bring pleasing results.

Forest rangers also reported the suspicions that many of the residents were engaged in the manufacture, sale, and consumption of illegal liquor known as "moonshine." Reports were many of the warning shots being fired close to rangers who came too close to the stills. Rangers were ordered on patrol only in pairs.42

The residents of Pinkham Creek made most of their sparse living off their small farms and the forest, game poaching was prevalent. The only other occupations for them was to cut ties periodically for the Great Northern Railroad or to fight forest fires in the summer. The number of man-caused fires in the Pinkham District led forestry officials to the belief that the fires were set deliberately by the residents in order to secure employment. In one July afternoon in 1924 thirty-four man-caused fires were set in the Pinkham Creek country. The forest administrators were aroused to action and set up seven guard camps of three men each, all armed and ready for action.

The entire area was closed to public entry and the settlers of Pinkham Creek were not allowed on the forests without first

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42 Interview with John Taylor, U. S. Forest Service, Region No. 1, Retired.
securing permission. Rangers reported many violations of the closing order and stated that the residents were too stubborn to ask for permits. Some of the rangers were fired on by unknown persons but luckily no lives were lost. Threatening letters were left in the guard camps during absences saying, "Get the Hell out of here," signed, "Pinkham Creekers." But as the fire danger lessened with the approach of fall the bitterness between the Forest Service and the settlers subsided. The men of the Forest Service call the incidents of that tense summer "The Pinkham Creek Rebellion."

Sam Billings, retired ranger of Region No. 1, served as a forest guard in the Pinkham District during those troublesome times. He stated that the poverty of the settlers was depressing and described their standard of living as the lowest that he had ever seen. The people of the area had large families; the children were without a change of clothes and were barefoot eight months of the year. They lived in one or two-room log cabins, equipped with crude homemade furniture, dirt floors, straw mattresses, and the most primitive of sanitary provisions.

He further stated that there were no churches and only a single one-room school where attendance rules were never enforced. Billings said that nearly all of the young people left to seek their fortunes elsewhere as there was neither room nor opportunity for them at home. The retired forester stated that up to World War II there had been little change or improvement in living conditions in that district.

43 Interview with Sam Billings, U.S. Forest Service, Region No. 1, Retired.
moved on and off the reserves at will, and there were no enforceable
dependent, there were thousands of squatters on the forest. In no
profit, without formal reservations or cases at the courts of their
put into the public domain for convenience, necessary and
show how to change toward regulated use of the reserves. For decades the
troubled. The squatters and trespassers of the local citizenry were
settlers were to blame themselves for a good share of their
be removed from their track.
Suppressed in the face of the tremendous local opposition that can
ment approached the new experiment with a naivete of mind that was
inexpert, untrained, unprepared and unprepared. Yet the Forest
action to satisfy the land-hungry settlers. Some personal were
event. Long range planning had to be correlated with immediate
failed to succeed, and to be approached with
was new and untried, administration of administrative lands was a new
have exhausted many errors of the Forest Service on the grounds that the
were buried in mists of red tape and regulations. An observer could
some of the complaints were just because many Government bureaus
steered into deficiencies and frustrated attitudes.
regulations that had to be correlated with纵横 regulations home.
The openings of the lands to settlement and the rules and
rangers, superintendents, and to formation of the committees in Congress.
many of complaints that were voiced in the writings of letters to
automated and bungling in the administration was reflected in these
lower the new Forest Service. The better that the Service was too
seemed to be much different and important on the part of the settlers
During the first attempts to settle on the forest homesteads there

-66-
laws to control them. After the Service took over the administration of the forest lands it became the duty of the Service to protect the reserves against many kinds of trespass. In fulfillment of its duties the Department made many enemies simply by enforcing the laws.

The problems of opening the lands for entry were very similar in all of the forests of Western Montana. But the strength of the local opposition to the reserves varied in intensity from one forest to another. Some forests were exposed to a more hostile feeling on the part of the populace, due to the difference in local situations under which the reserve had been proclaimed.

Probably the hottest spot of local antagonism was in the Cabinet Reserve in Western Montana, covering all of Sanders County and parts of Flathead County. The Cabinet Forest was born in a controversy that threatened its future for several years. It was created in 1905, the same year the Montana State Legislature had voted the existence of Sanders County. The proclamation of the Cabinet Reserve had struck the residents like a thunderbolt at the climax of their planning for their future county. Local opposition was aroused to effective antagonism and echoes of this were reflected over Montana, reaching as far as the state’s own representatives in the nation’s capital.

The government, because of its method of proclamation of the reserve, was partially to blame for much of the local antagonism. Its charges that the Big Blackfoot Milling Company was exploiting the forests were never put to test or a trial. Then, too, the Forestry Department held no public hearings nor gave formal notification to any portion of the populace involved. No future plans for the forests were announced at the time of proclamation and the citizens
assumed that the locked reserve policy would be enforced. One peculiarity of the Cabinet was that it had far more agricultural lands than most forests included in its boundaries. This was due to the inclusion of the broad Clarks Fork River Valley that traversed Sanders County from end to end. The Clarks Fork Valley contained thousands of acres of possible agricultural lands that were covered by virgin forests. The combination of all of these points became the basis for the local opposition.

The eagerness of the settlers for homesteads in the Cabinet Forest after the passage of the Forest Homestead Act was blocked by many conditions, both natural and man made. Entries on the forest were held up by lengthy delays in surveying and classifying by the undermanned Service. The presence of timber on much of the land meant delay to settlement until the timber could be removed.

The preemption settlers did not have many troubles or worries about their lands because they were protected by having preferred rights of entry after surveying. Only those occupying more than 160 acres of land or the ones who had located on strictly forest lands were in any danger of losing it. Many of the squatters were irked by the lengthy period of time it took to have a survey made and the land classified. Some preemption settlers were not able to patent their lands for nearly ten years after application, due to various circumstances.

The impatience of the new homesteaders to reside on the lands of their choice was expressed in the many letters to the Forest Service asking for special use permits to enable them to settle on the forests. Many of the letters told of the hardships of the waiting homesteaders, their poverty, large families, and of their
need for "just a small piece of land to build a cabin and raise a small garden patch to feed their families through the long winter months."

The Forest Service was retarded in its survey, classification, and listing of the agricultural lands by limited personnel and lack of funds. The climatic factor was a great deterrent also as the necessary work had to be completed in the short summer season when the rangers' work of patrolling the forests and fighting forest fires was the heaviest.

Another factor that slowed listings of lands was the carelessness or ignorance of the settlers in giving accurate land descriptions, so that the examiners could find the proposed homesteads. Many applications were received reserving lands with such vague descriptions as "between the forks of Marten Creek, up the gulch a ways, the flat above the big burn, near the gravel slide," etc. when the examiners went to survey and locate one claim with what seemed to be proper land descriptions they found it on top of Squaw Peak, an 8,500 ft. mountain west of Missoula. In many instances correction of land descriptions meant a year's delay before survey and listing would be made.

One of the main areas of disagreement between the Service and the homestead applicants in the Cabinet Forest was the classification of lands as to whether they were more suitable for agricultural purposes or for forestry. In one case of dispute in this category a petition was signed by a large number of residents swearing that the disputed claim was more valuable for farming than for forestry.

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44 U. S. Forest Service, Lolo National Forest, Adjustment Claims, Cabinet Forest, F. E. Middlesworth File, No. 411.
The petition stated, "... that the length of time it took to grow a
tree it would produce, by cultivation of the soil, value enough to
erect a pillar of bronze the size of every tree grown."45 Another
disappointed homeseeker's petition to the Chief Forester and Montana's
Senator Henry L. Myers stated that the soil of his desired farm was
of rich black loam nearly three feet thick and was attested so by the
signatures of his neighbors. The Chief Forester, at Senator Myers' request, ordered a re-examination of the property, upon which the ori-
ginal examination was upheld. The new survey by soil experts showed
that the soil consisted of rocky sand and that the land was needed for
reforestation and protective purposes.46

Classification of lands was an erratic problem for the Service.
The differences of opinions as to what constituted agricultural lands
varied from examiner to examiner. Rangers on the local scene were
very apt to give adverse reports on classification of certain tracts,
yet the Regional officials seemed to have a lenient view as to how the
lands should be classified. Many homesteads that the local examiners
declared to be of more value as forest lands were allowed to be settled
on by the authority of Regional officers.47 One forest supervisor,
perturbed over the refusal of the homesteader to accept the examiner's
report, wrote to the Regional Forester stating, "It is a difficult
matter from the standpoint of public opinion to have our classification
of lands comply with the wishes of all. This case is merely an ex-
ample of what is to come in the future. A principle (is) involved
which makes it necessary for us to take a firm and positive stand

45U. S. Forest Service, Lolo National Forest, Adjustment Claims,
Cabinet Forest, I. G. Estinger file.
46U. S. Forest Service, Lolo National Forest, Adjustment Claims,
Cabinet Forest, Ed Jackson File, No. 103.
The letter was a request for a portion of the land to be used for railroad purposes, and the Department of Interior was expected to approve it. The letter was drafted by the Department of the Interior in response to a request for a portion of the land to be used for railroad purposes. The land was considered necessary for the expansion of the railroad system.

The proposed portion of land was located on the outskirts of the city, and the Department of Interior recommended that the land be used for railroad purposes. The land was described as being suitable for railroad purposes and was located near a busy intersection.

The letter asked for a portion of the land to be used for railroad purposes, and the Department of Interior was expected to approve it. The land was considered necessary for the expansion of the railroad system.
to notify the Forestry Department. This led to more ill feeling toward the Service, which had allowed entry, and the Railroad Company, to whom title had passed. The Forest Service was then forced to tell the applicant that his entry was cancelled.

Other settlers complained that the 400-foot right of way granted to the Northern Pacific pre-empted too much good agricultural land, especially in the fertile Clarks Fork Valley. The records of the homestead claims of the Cabinet Forest do not bear out the many stories of the supposed harshness of the Railroad Company in their dealings with settlers in accidental occupation of railroad lands. In four instances recorded, where settlers found themselves inadvertently on railroad lands, the difficulties were settled amicably with the Northern Pacific Railroad at the request of the Forest Service. In one circumstance the homesteader had been allowed to go upon a tract of land and, misunderstanding the survey, had built his house and barns on railroad land. At the request of the Forestry Department the Railroad Company sold the five acres necessary to assure the settler possession of his buildings for $5.00 an acre. In another case a settler had taken up a 145-acre tract that straddled the section line between Sections 9 and 10. After building his home on the land it was discovered that Section 9, containing 30 acres of his best agricultural land, had been reclassified non-mineral and patented to the Northern Pacific. On the request of the Forest Service, the Northern Pacific relinquished the section and took lands elsewhere.

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50 Ibid., S. J. Higgins File.
position expressed on the part of both parties or committees
the Senate and the department appeared to be concerted. Whether this
was the Senate's view or the view of the department, the Senate's
position was expressed in a letter to the Secretary of the Interior,
who has been in constant consultation with the Forest Service and
executive department, and who has been actively engaged in
preparing the necessary legislation to carry out the request of
some one hundred and fifty thousand people.

Letters from members of Congress and interested people.
The Forest Service remained firm in the decision despite a demand of
the personal friends, representatives before Johnson of Washington.
The Forest Service refused the application and the young man appealed to
the President, and charged that it had not been occupied for three years.

applied for the swamp creek station on the grounds that it had been
trouble but the Forest Service refused to act. 'One young man,' in 1917,

There were many complaints over these resources.

A great deal of bitterness was aroused in disappointed land.

For some unknown reason Forest stations were never started.

Area needed for future power at the dam.

were rejected because of conflict with lands reserved for a reservoir.

lands. Many applications for homesteads along the Clark's Fork River
small mountain valleys, they occupied the only available agricultural
necessary for the harvest of timber were parceled out.

and school lands, administrative sites, logging districts, reservoirs on
lands reserved for other purposes, such as reserved greenbelt space
seekers by the many rejection of applications that had been filed.
of courtesies could be a matter of conjecture. Senator Myers' political record while in the Senate showed continous support of the Forest Service. The complaints of the applicants who appealed to the Senator seemed to have been answered to their satisfaction or else quickened the activity of the Service toward the claims in dispute.

The migratory character of many of the applicants in the Cabinet Forest was a great trial to the Forest Service. Many of them were seasonal workers in the woods or for the Northern Pacific Railroad Company. Many times the Service would notify preferred applicants of the opening of their desired tracts and the letters of notification would be returned by the Post Office marked "No Forwarding Address." The reason for this was probably the seasonal work factor and, then, the applicants, after a wait of one or two years to go upon their lands, had tired of waiting and simply moved on to greener pastures. Railroad employees were constantly being transferred to other locations along the track.

There were some cases of fraud in the homesteading of the Cabinet Forest. Many of these frauds dealt with attempts of people to claim that they were pre-creation settlers. Most cases of this type that came to trial were won by the government. The commonest fraud perpetrated, which the Forest Service could do nothing about, was the selling of improvements on claims before patent. The buyer assumed that by purchase he would become the preferred applicant for the claim. The settler who was taken in by this type of fraud found, on investigation, that there were from one to four applicants ahead of him. In order to extricate himself from his difficulties, he was forced to purchase withdrawals from each applicant.
between the Forest Service and a very old and honored lawyer for the defendant.

thereafter to the N.C.W. Company, the defendant case became a petitio mendorum

served that he only wanted patent in order to sell the land, and

but was rather arrested in the residence and cultivation. The service

the Anaconda Copper Mining Company. He settled on the land in 1899

Forest. The defendant, Hugh Atherton, was a 72-year-old logger for

consumed a 160-acre homestead on Secretary Lake on the Prescott National

Westtvtiction. One case, however, might the Government Court, can

settled by the Forest Service, which was very thorough in

were few in number. Those cases that came to be contested were

extensive trends on homesteads in other Western Homestead, because

Kootenay, Idaho, during the entire time of alleged residence?

covered that the applicant had actually been occupying a homestead at

when Roy applied for a patent, the Service investigated and dis-

one case common to this type of fraud was the Thomas Roy homestead.

a land near the application's claim to residence and cultivation,

claim continuous residence, only to have the Service challenge at

There were numerous attempts on the part of the homesteaders to

additional record. Apparently vanished and was never found.

were tempted to bring attention to that, attention, which had a presentation

years of investigating work, the Service at-

also operated a profession on Fort desable land at Jervis

based on a pre-existing claim on Kootenay Creek for trial.

one over-mighty character, cap attention, said this reporter.
Theodore Lents of Missoula, who was later to be appointed District Judge of Western Montana, serving in that capacity for many years. Incensed at the charges of the Service that the aged man only claimed the land in order to sell it to the lumber companies, Lents staged a bitter debate with the prosecuting lawyers. He stated in his plea that his client was charged with being engaged in a diabolical conspiracy to obtain by fraud 160 acres of land. Lents charged the Department of Interior with favoritism toward large corporations, declaring, "Since counsel has injected the lumber barons into the case, maybe there would be some funds available to inquire how title to some hundreds of thousands (acres) in the near neighborhood of poor Archibald's humble cabin was acquired by W. A. Clark and the Amalgamated Copper interests. Archibald, as he stands before this court with his club feet, stumpy fingers, with his ignorant brogue and childish twaddle, has no fewer and no more rights before the law than W. A. Clark." Archibald lost his claim before the local courts but on appeal to the General Land Board at Washington, D.C., was given a patent to his land.54

Many of the cases of fraud were so apparent to the authorities that when the Service contested them the defendants seldom appeared to defend their claims. Some applicants tried various methods of deception to fool the examiners but were rarely successful as each tract had to have Forest Service approval and examination in order to receive a patent from the Department of Interior.

Claim jumping cases were very few in number and were committed in instances where the original entryman would abandon his claim

for a year or two, only to return to find a family squatting on
his farm. Such cases were generally settled among the disputants,
with the Forest Service acting as referee.

The most important link between the authorities and the home-
steaders was the local forest ranger. The ranger had to be a person
of many abilities because of the many phases of his work. He had to
settle disputes, enforce regulations, apprehend trespassers, pla-
cate the demanding public, bear the brunt of its displeasure, and
perform his duties in a fair manner. He was the potential friend
of all law-abiding homesteaders and a Nemesis to those few who
flaunted their disregard for laws and regulations. The challenge
of the job usually brought the Forest Service the best of men for
the few positions open.

The forest ranger, so versatile in outdoor duties, was gen-
erally appalled by the amount of paper work that had to be per-
formed. One ranger, mildly protesting his lot and the non-existence
of funds to hire helpers, wrote his supervisors concerning the fool-
ishness of endeavoring to survey a right of way through a forest
homestead by himself. He declared, "It is also rather a slow opera-
tion for one man to run trial lines through the dense stand of young
lodgepole pine in order to find the best location for such a road,
while acting as axe man, transit man, flag man, chain man, level man,
rod man, cook and pasker. Of course, this might not seem difficult
for an all-around rodbat like a ranger but the real difficulty is
holding an umbrella to protect the notebook while performing the
other operations." He whimsically concluded, "Probably if I had
the eyes of Argus, the hands of Vishnu, and the Seven League Boots,
I wouldn't rattle around so much in the position of ranger."
...and western Montana miners and Indian land buyers talked to settlers and

The ranger on the land. In the p mixture of settlers and order.

the door of his cabin and poked the title through a knothole, or

were the necessary cases of

were marred women homesteaded entirely if her husband had at

be it the ranger. The ranger very greatly advanced it and told

here. She wrote to the local ranger to indicate what her status would

family wanted to marry a bachelor homesteading the farm adjoining

the address on the new role. The work of a ranger even exceeded into

a woman who had acted so effi-

In several instances, rangers acted in the capacity of mediators
guns were reported. Luckily only one of these reported cases had a serious ending, when Ranger Ernest B. Clark of Thompson Falls was killed in 1915. Clark was shot while surveying a forest homestead by another homesteader who claims that he had been hunting. The Forest Service went all out in an effort to convict the supposed hunter but he was released by a Sanders County jury after a long trial.58 Other rangers lost their lives fighting the numerous forest fires that periodically threatened many of the forest homesteads.

As the amount of available agricultural lands in the forests grew smaller, the Service was plagued by applicants who insisted they be allowed to make entry on the many 3 to 10-acre meadows that abounded in the reserves. One applicant was so insistent in his demands that the Service release a seven-acre tract that he appealed to his Senator. His plea stated, "Western Montana must grow and she cannot grow over the hills, so the valleys must be opened for homesteads, and all bottom tracts, both large and small. Leave the hills for the forests."59 Regardless of his plea, the Forest Service rejected his application.

One forest supervisor proposed that the small natural meadows be planted with seedling trees, thus enabling the Service to reject the applications on the grounds that they were timber lands. The District Forester replied that it was a good idea but that no funds were available for the project.60 The Service successfully resisted most of the efforts to clutter up the forests with tiny homesteads.

Present relations between the Forest Service and the forest homesteaders are very cordial. Cases of trespass on the forest


by the settlers are very rare. Some of the privileges of the early
days have been revoked, such as free timber and stone for building,
free firewood, etc. Very few of the settlers are employed by the
Service in modern times. The use of radio and the airplane has
taken over the watch for fires. Married couples and college stu-
dents man the forest lookout on remote mountain peaks, and forestry
students and regular employees are given preference for summer em-
ployment. Undoubtedly the Forestry Department would like to have
some of the homesteads returned to government ownership, but funds
for acquisition have never been made available.

Many of the homesteads now have greater value for recreational
purposes than for agriculture. In some areas building lots for
summer homes on the forest homesteads are eagerly sought after,
especially those situated on trout streams and lake shores. Some
have already been sold to summer residents and more probably will
be in the future. The Montana Fish and Game Commission would like
to purchase many of the homesteads to provide access for fishermen
to trout streams. They have already purchased one in the Rock
Creek area and hope to buy more when funds and lands become available. 61

60U. S. Forest Service, Lolo National Forest, Adjustment Claims,
Cabinet Forest, Taylor S. Knight File.

61The Montana Fish and Game Commission, in its desire to purchase
additional lands for purposes of returning game range and stream
access areas to public ownership, has run into the problem of being
forced to bid against private interests. The Commission is limited
to paying the maximum appraised value for grazing lands. Private
interests who purchase such lands for development generally outbid
the State. In one recent example the Commission bid $45,000 for a
tract of grazing lands adjacent to the forest in the East Fork of
the Bitteroot River, but private parties secured the property with
a bid of $75,000.
The forest homesteads also have become a perennial headache to western game administrators. Since World War II pressure of multiple use has increased tremendously. The forests must serve not only for pasturing commercial stock but as grazing ranges for big game herds, principally elk and deer, and these hungry bands have wrought considerable damages on the homesteads. The settlers' demands for reduction of the game herds are contested by sportsmen throughout the West. Some of the homesteads must be acquired in the future and restored to the forests to relieve some of the pressure on the natural habitat of game animals.

Some of the homesteads in western Montana have been completely obliterated by the construction of the Cabinet and Noxon dams. Others will cease to exist if present plans for future power and flood control projects go into effect. The homesteads in the Kootenai River Valley will be inundated by the proposed Libby Dam. The same fate threatens the homesteads in the North Fork of the Flathead River if the Glacier dam is built. Other homesteads will have to be eliminated when plans for future wilderness areas are adopted, such as the proposed Bitteroot-Selway Wilderness Area now under consideration. Undoubtedly in the future there will be further abandonments of undesirable tracts and consolidation of others into larger agricultural units, more economical to operate.

The value of the forest homestead to the settlement of the West cannot be ignored. In the simplest of terms it should be called a continuance of American expansion. The most outspoken goal of American land tenure policy has been the family-type farm. From the days of Jefferson, the ideal of our economy has been based on the independent land owner. This policy has dominated people's thinking and it has

found expression in the many land settlement programs that have settled America.

The forest homestead fulfilled a need of the times in which it was born. The passage of the Act was welcomed by the people of the West and by the Forest Service, that guarded the nation's forests. The intent of forestry officials was to attract to the reserves a superior type of homesteader who could live and prosper on the forests. In settling on the reserves, the homesteader would help fulfill the role of protector of the forests. Prosperity, that would have attracted this desirable type of settler, could only come through the release of the best of agricultural lands, in large enough units to assure stability of residence, income, and progress.

The intent of the Act of 1906, as put forward by Gifford Pinchot and his tiny group of theorists, was a noble goal for which to strive. If the intent of the Act and the administration of the forest homesteads had been left strictly alone by the anti-conservationists of the West, a large degree of success could have been achieved. The opponents of the conservation movement were not entirely responsible for the listing of the submarginal lands which caused the great abandonment of homesteads by 1930. Loyal supporters of conservation, who yielded to pressure in order to save the Forest Service from extinction, must take a portion of the blame.

The continuing attacks on the Forest Service that culminated into open warfare in 1912 resulted in the removal of the authority of the Forestry Department to use its discretion as to which agricultural lands should be opened. The Service was forced to capitulate to avoid censure from the policy makers of the West. The Service has clung to the belief that the future of the Department was worth the sacrifice of part of its domain.
The lack of vision in the formulation of the land policies in the past can be seen very clearly at the present time. The creation of more submarginal farms could only result in eventual abandonment. Farms of this type are settled on only by people with an extremely low standard of living. The combination of submarginal lands and people with a sub-standard of existence leads to personal and community deterioration. For the land this is inevitable. Low farm incomes and the lack of financial reserves do not lead people to the practice of conservation of resources for the future. This is due to the necessity of exploiting the ability of the land to the utmost in order to produce the barest of livings. For the people there are serious deteriorations to social and moral values which always correspond to the environment. The social and moral decline of the family leads to a similar fate for the community. The inevitable lessening of tax revenues reduces the amount available and necessary for the support of community services.

The wholesale listings of land after 1912 was one of the tragedies of the land history of the nation. Most of the tracts should have never left the forest to be used for purposes other than what nature had intended.

The Forest Service has long known what the eventual result of the Forest Homestead Program would be. The people of the United States, especially the residents of the West, have only begun to sense the wrongs of the Act of 1912. Some of the damages incurred by that Act are slowly being repaired through the natural changes that take place with the passage of time. The knowledge of the need for

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63Ise, p. 79.

restoration of many of the homesteads to the forests, to serve the
needs of all the people, is slowly being realized. The need for
forest and recreation lands has at last outweighed the needs for
additional farmlands and the pendulum of public opinion is swing-
ing toward wise planning for the general good.
Mr. Charles Howell  
Forest Supervisor  
Kooskie, Idaho  

Dear Sir:  

I first moved on the claim July either 22 or 24. I am not certain. In the year 1908. But did only stay a few days, in July, but moved back. I believe about the first part of October 1908. From that time on I made it my residence until 1916 with the exceptional times when packing in supplies, which would be about two months every year. Was away about three months I believe while making trail up ditch Creek during 1914 and 1915, about five months making trail and fighting fires. Other times that I would be away going and coming for mail. This is as near as I can explain as I have no time books.  

I made final proof July 6. Proof was suspended reason being that I had fully become a citizen.  

Later received notice by registered mail that proof was rejected. This notice I received September 27, dated July 26, 1916 from U. S. Land Office at Lewiston via Red River Hot Springs from there forwarded to Arlee to Florence, Montana, my present address.  

I notified the U. S. Land Office that I would take no further steps acquiring the homestead or take any further steps in becoming so therefore I will relinquish entirely.  

Respectfully  
/s/ M.R.K.
Dear Sir:

There is enclosed, herewith, report in this case which has been prepared by this office from information gathered at various points. There is also enclosed a copy of a letter received from Moe, which has been attached to the original report in the line of a supplemental report on residence. In this letter and in a letter previously received and a statement received from the Lewiston Land Office, the statement is made that Moe does not intend to become a citizen of the United States and desires to relinquish his right to this claim. While he has not made a formal relinquishment, there is no question that he intends to abandon the homestead. I feel that, in view of the fact, it would be useless for this Office to make a further investigation in the case and that a protest letter should be prepared for the Land Office, in event that he desires to complete the entry.

We have not investigated the situation around Elk City, due to the fact that we feel pretty certain that Moe's time, while away from his claim, has been spent in the Bitterroot country, rather than in the Elk City country. In fact, Moe's letter indicates that he is located at present at Florence, Montana.

I should be glad to know if you feel that we should take further action in this case, since it will be possible for a representative from this office to visit Elk City if you consider it necessary.

Very truly yours,

Forest Supervisor
Forest Supervisor
Kooskia, Idaho

Dear Sir:

Seemingly the claimant in the above designated case submitted final proof for the entry on July 5, 1918.

No report has been received in this case from you, and the record does not indicate that you have asked the Register and Receiver to suspend action on the final proof in order to afford you opportunity to submit the usual Claims report in the case. It is realized, of course, that you have had a bad fire situation on your Forest during July. However, since fire conditions have improved, it is thought that you can now give this matter your attention.

Very truly yours,

F. A. Penn,
Assistant District Forester
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SELWY NATIONAL FOREST

L
Claims-Selway
Martin A. Moe, H.06379 Kooskia, Idaho
Philip A. Shearer, H.05056 Oct. 5, 1918

District Forester
Missoula, Montana

Dear Sir:

Reference is made to Mr. O'Brien's letter of September 26, and our reply of September 30.

The Ranger's report has reached this office in the above cases and we find that they are both questionable. It will, therefore, be impossible to forward a definite report until we can locate the claimants, both of whom are absent from their claims. The Shearer case can probably be handled without serious delay, but the Moe case will be difficult, due to the fact that there is no cultivation and the man is practically insane.

Mr. Clark will leave as soon as possible for the upriver country and will take the matter up, since there is no ranger in that country at present and Forest Guard Sell is unable to prepare the reports. A copy of this letter is enclosed for the Lewiston Land Office.

Very truly yours

/s/ Chas. F. Howell

Forest Supervisor
Lewiston Land Office
Lewiston, Idaho

Gentlemen:

Due to the fact that we have been unable to get in touch with the claimant, Martin R. Koe, and the isolated nature of this claim, we have been unable to submit a report in this case, as indicated in our letter of September 12.

I regret that it will again be necessary to ask you to extend the time for action in this case until November 15, 1918, at which time we shall endeavor to have our report in your hands.

Very truly yours,

/s/ Chas. F. Howell

Forest Supervisor
District Forester
Missoula, Montana
Dear Sir:

The Register of the Lewiston Land Office has informed this office that the claimant in this case has never filed his citizenship papers and has practically informed the Lewiston Office that they will not be filed. The final action upon this claim is, therefore, indefinitely delayed and there is no reason why the report from this office should be submitted until such time as definite data can be gathered in regard to residence and cultivation.

Mr. Black informs me that Moe is in the Bitteroot Valley, probably in the neighborhood of Darby. It may be possible for a Forest Officer located in Darby to get in touch with him and father the information desired in this case, since this office is unable to secure any information from either the applicant or people living in the locality.

Very truly yours,

FOREST SUPERVISOR
Reference is made to your letter of October 11. To the best of my knowledge, Moe's residence on the claim was more or less indefinite. He did, however, live upon it at different times from the of application until some time in June 1916. I am inclined to believe that prior to this date the cabin was used as a headquarters on his trap line, rather than as a permanent homestead settlement. Since from all indications, he did not attempt to improve these quarters into any kind of a desirable or permanent home, but used an old trap cabin which had existed on the claim for a number of years, prior to the time Moe made application for a homestead. During the latter part of July, 1916, Arthur Blake, who was at the time employed by the United States Biological Survey, moved into the cabin formerly occupied by Moe and camped in it continuously until some time in August of 1917. I am positive that Moe did not maintain a home on the land at this time. I left the Bear Creek Ranger Station, I think on Nov. 5, 1917; to my personal knowledge, he did not re-establish his residence on the claim up to this date.

Since I left the Selway country, last winter, I do not know whether Moe came back to his cabin for the winter or not, but do
recall that there was some talk of Moe running his trap line again during the winter of 1917 and 1918. If the facts in this letter do not furnish the information you desire in regard to the residence of Moe, I think it very probable that definite dates can be secured at Elk City, since Mr. Moe spent a great deal of his time in or near Elk City during his absence from his claim.

Very truly yours,

Ray H. Fitting

Forest Ranger
L
Claims - Selway
Moe, Martin R.
H.E. Lewiston 04379 - 05853 October 21, 1918

Mr. W. W. White
Supervisor of the Bitteroot National Forest
Missoula, Montana

Dear Sir:

Reference is made to our telephone conversation of October 21,
1918.

On December 26, 1912, Martin R. Moe made H.E. Lewiston 04379,
and on December 5, 1914, made additional H.E. Lewiston 05853 for
certain lands in unsurveyed T. 30 N., R. 13 E., B.M., within
the Selway National Forest, Idaho. The tract is described by
metes and bounds and contains 107.72 acres.

Mr. Moe submitted final proof for his entry on July 5, 1918,
and the Lewiston Land Office has requested the Forest Service to
report in the matter. The tract in question is somewhat isolated
and the Forest Ranger or Rangers who have had charge of the dis-
trict within which the claim is located have not been in a position
to keep the claim under observation and make note of the character
of the compliance made from year to year by Mr. Moe, and the Super-
visor in charge of the Selway National Forest seems unable to
ascertain the facts necessary for the completion of his report.

It is understood that you and Ranger Wilkerson are familiar
with the present whereabouts in the Bitteroot Valley of Mr. Moe.
It will be appreciated therefore if you will invite Ranger Wilkerson,
or some other qualified member of your force, to obtain a complete
detailed written statement of the facts concerning the compliance
with reference to the area of the claim cultivated and the resi-
dence upon it, from Mr. Koe, and transmit it to the District
Forester for forwarding to Supervisor Howell.

It will be helpful if the statement desired be provided
at the earliest date possible, since the Forest Service report
on the claim is overdue.

Very truly yours,

F. A. Penn,

Assistant District Forester
and December 6, 1914. No information available regarding absence.

To have been established during the same year. Stated March 2, 1912,

Gentlemen was supposed to have been made in 1909. Real estate

4. Settlement and residence

Settlement.

Prospect of 65 acres of land can be listed after

Deep step above the creek, especially the north side of the creek extends up the

River. The south side of the creek extends up the

Great plains by the depression of hunting creek where it flows

The area lies above hunting creek and is bottom land, or rather a

The approximate elevation of the claim is 950 feet. Most of

3. Topography and surface

Present.

Mountain trail, then moves on which the prospect has extended at

Approximately 6 miles from creek, mountain range on right side

R. 12 E., S. W. at the confluence of hunting creek and separate river;

Land is measured from the approximate section 29, T. 32 N.

2. Description of claim

Claim.

No. I-271 and No. 241 Homestead Entry Survey. #773. Claimant has no

eastern, western, north and south boundary description, patent No. H. C.

Report of Forest Service on No. J. L. Judgment O-4799 and O-5859

I. Claimant

H. C. Judgment O-4799 A 05859

Dr. H. C. Sheetman

Claimant - Survey
from claim. No family implements were found on the claim; household goods consisted of one cookstove and one heating stove.

5. **Improvements**

Dwelling - log shake roof, dirt floor 14' x 14', one door, one window; probably value, $50.00. Habitable at all seasons, but in poor state of repair. Cabin evidently not built by claimant. Domestic water supply taken from Running Creek.

6. **Cultivation**

No agricultural crops upon the land at the present time. Approximately 3 acres has been brushed off and hay cut from it in the past. About 3 acres has been slashed, but none of it cultivated and none of the land under ditch. Cost of clearing will be $50.00 per acre; value when cleared, $10.00 per acre. Claimant raises upon the land at the present time and the crop in the past was probably fed to pack horses used by claimant. Clearing probably all done by present claimant.

7. **Cresing**

No stock of any kind upon the claim.

8. **Timber**

Probable stand of timber on entire area 175 M ft. B.M.; 80 acres of area could be classed as timber land, value $1.00 per M. ft., or $175.00, none of timber cut, and is inaccessible at present time, not possible to sell it.

9. **Additional Information**

Claim is not used in any way for trade or business that could be ascertained. The claimant in this case follows trapping and is away from the claim a considerable portion of the time. Approximately two years ago the man was declared insane and committed to
I

\[ f \]

\[ \text{Forest Superintendent} \]

We have the information secured from Mr. B. Pettit and hand,

report prepared from information secured upon examination of

which state with such time as the necessary information be secured.

that the register and rector are required to delay action on

II. Examinations

at the present time.

and is not mentally competent to carry on cultivation or residence

claim does not have the appearance of a permanent home.

10.

the claim examined September 24, 1946, by Mr. Boll,

until next season. If he is not located within a convenient short

canton, part of his will be impossible to make Ere into the nearest

Guarding rectorate of the territory should happen to return to the

section, is it possible to secure information re-

which would be a central point from which the operations were

which he has only been arrested on to a very limited extent and the

out, and to the other section of the community are very few. The out-

to the claim has become permanently incapacitated, due to insanity.

and working and requesting to the other claimant, and requesting the community to

state of health over which the interests over the community.

the insane asylum and was later removed, but has been in a poor
MEMORANDUM FOR DISTRICT FORESTER:

I have compared the facts submitted in the Claims report in the above designated case with those given in the report made by Forest Ranger Adolph Webolt on the application for listing of the land submitted by Mr. Martin R. Moe on June 24, 1910, and they are not entirely consistent. Ranger Webolt reported that Mr. Moe had constructed an addition 12' x 14' to the trapper's cabin which already had been on the land in question and that he had 10 acres of land fenced and under cultivation; these facts do not correspond with those reported by Forest Supervisor in so far as cultivation is concerned.

Mr. Moe, in his application dated January 24, 1910, for the listing of the land alleged that he had settled on it as a trapper in July 1908 and had fenced 10 acres on which he had raised hay and vegetables. Taking into consideration the long period of time which the claimant had been attached to the land and his more or less diseased mental condition it is thought that he has made in the matter of residence and cultivation compliance sufficient to satisfy the law in force, May 26, 1912, when he made entry for the tract.

It is difficult to ascertain definitely what the intentions of the entryman are with reference to the tract. In his letter of October 21, 1918, to Forest Supervisor Howell he stated he had notified the United States Land Office that he would take no further steps toward becoming a citizen or toward becoming a citizen or toward acquiring the land from the Government and that he would
relinquish it entirely. The matter was taken up with the Register and Receiver of the Lewiston Land Office and from their letter of November 9, 1918, to you it does not appear that Mr. Moe has relinquished his claim for the land. The Register and Receiver, however, said that the proof was rejected by their office on July 5, 1918, because the claimant is not a citizen of the United States and that the case has not yet been reported by the General Land Office on account of suspension of action requested by the Forest Service. The Local Land Office further stated that the claimant might ask for equitable action by the Department of Interior based on facts showing excusable grounds for not becoming a citizen within the life of the entry.

In view of the facts just recited I think a no protest in this case should be sent to the Register and Receiver. The Land Office will undoubtedly pass on the qualifications of the entryman. I would like to have your views in the matter.

Acting District Forester
L
Claims - Selway
Martin R. Moe
H.B. #04379 - 05853
Stevensville, Montana
November 12, 1918

Forest Supervisor
Bitteroot National Forest
Missoula, Montana

Dear Sir:

In reply to your letter of Nov. 5:

The following is the information which I received from Mr. Martin R. Moe:

He said he filed on the claim in 1912 and made his home there till July 1916. During this time he spent about one month in the spring and fall packing in his grub and supplies. He put up hay for a rancher near his claim in 1912-13-14-15 which took him three weeks each year. He was at the claim seven days in 1917 and one day in 1918.

He claims to have been in Montana practically all the time since he left his claim in July 1918. Mr. Moe is now employed as a lumberjack at Starr's Mill on Carlton Creek.

Very truly yours

Donald B. McGregor

Forest Ranger
L
Claims - Selway
Moe, Martin R.
H.E. Lewiston 04379-05853

Missoula, Montana Oct. 28, 1919

Please furnish the date of Patent, or cause for delay if it has not been issued.

Acting

Idaho Selway 30 N
Lewiston Boise 13 E

Notes and bounds (unsurveyed)

Martin R. Moe, H.E. Lewiston, 04379-05853

Status:

On July 5, 1918 the final proof submitted by entryman was rejected by the General Land Office because he was not a citizen of the United States. No further action has been taken.

G.G.

Land Law Clerk

J.E.B.

Chief of Status

January 3, 1920
APPENDIX - PART II

ADJUSTMENT FILE, FRANCIS HORRACE, R.E.S. NO. 453.
L
Settlement - Selway
Horrace, Francis
No. 07794
Moscow, Idaho
624 Univ. Ave.,
Nov. 17, 1922

Forest Supervisor
Kooskia, Idaho

Dear Sir:

Reference is made to the residence of Francis Horrace on
Claim No. 07794.

While at Bear Creek, I received a statement from Mr. Horrace
as to the residence periods, which are as follows:

Residence established, September 5, 1921.
Left for Darby, June 6, 1922.
Resumed residence, September 15, 1922.

Very truly yours,
L. M. C.,
District Ranger
L
Claims - Selway
Horrace, Francis M.
R. E. Lewiston 07794 August 25, 1926

Forest Supervisor
Kooskia, Idaho

Dear Sir:

Your letter of August 16 is received.

Enclosed is a copy of his letter of August 25, from which it appears the Register of the Coeur d'Alene Land Office mailed a copy of the Notice of Intention to Make Final Proof in this case to the Supervisor at Coeur d'Alene, by whom it should have been forwarded to you.

Please examine the claim and submit a report thereon accepting from Register's letter as Notice of Intention to Make Final Proof.

Measures have been taken to make a homestead entry survey of the land, during the present season, if possible, and in the meantime, action on the final proof will probably be suspended without request from this office, under regular Land Office procedure.

Very truly yours,

M. E. Wolff,
Assistant District Forester

Enclosure
Following is a claim report on the Francis Horrace Homestead, H.E. No. 07794; situated in the Selway National Forest.

1. Claimant

   Francis Horrace, of Darby, Montana

   Mr. Horrace has no family. A brother, W. G. Horrace resides with him on the claim.

2. Description of the Claim

   The claim lies in unsurveyed sections 21 and 22, Township 29, Range E., B.M. on both sides of Running Creek and at its confluence with the Selway River. Most of the cultivated land lies along Running Creek and along the Selway River at the junction of the two streams. The largest tract of tillable land is located on the bench on the south side of Running Creek and at an elevation approximately 30' higher than the creek. The land is held under H.E. No. 07794, Coeur d'Alene Land Office and is described as Homestead Entry Survey #453, containing 107.72 acres.

3. Topography and Surface

   The claim contains about 60 acres of arable land within a 1919 burn. The soil is about 12" deep and is made of decomposed or partially decomposed granite. The soil that is best suited for cultivation is located on the bench on the south side of the creek. The has a favorable slope and exposure with the exception of the area located on the North side of the creek. When cleared and put to use, this claim should raise enough hay to support a good sized herd of cattle.
The house and its furniture is very tidy and the exterior:

Garden tools.

Walking and a set of hammers. He also has an ample supply of

The farm implements consist of a plow, harrow, hay rake, 

one for supplies.

Continuous services that date with the exception of some short trips

Prette. Rested was established on October 25, 1929, and has been

1929. The chintam watered in the harvested fields on the meadow

constant until August 1, 1929. From August 1, 1929 until October 25,

performed and for supplied, rested was again established and was

for three weeks in April and again in August. After a two-week

October 25, 1929 and was continuous until October 25, 1929, except

two weeks in August for that purpose. Rusted was established

three more of August. Rusted was established for about

the summer of 1929. The only farming done was the harvesting of about

Hopman, and obtained employment in the Hitterfoot orchards during

in the spring of 1929, about April 15, the oastment lived for forty

1922, the oastment traveled together about the oast and vicinity

national Forest. After re-establishing the oastment on September 2,

purchasing the appearance he was employed as a teacher by the Hitterfoot

He was absent from the oast from June 6 to September 22.

having tried on the oast in August 30, 1921.

The oastment settled on this land in September 1921, after

settlement and restlessness
and no ceiling. The value of such a building would not exceed $180.00.

The water for the household purposes is carried from the creek, about 100 yards distant.

There is in all, about 1000 feet of ditch running along their cleared land for irrigation purposes. The value of this ditch would be about $250.00. There is approximately 190 yards of post and pole fence on the claim. The value of this fence would be about $95.00.

A hayshed and barn has been constructed during the present summer. It is about 30' x 40', constructed of logs and shakes. The value of this barn would be about $200.00.

6. Cultivation

Eight acres of this land is productive at the present time, or rather eight acres are producing crops. Another four acres have been cleared, ready for tilling and have been partially broken up. At the present time, the crop consists five acres of oats, two acres of alfalfa, and one acre of garden vegetables. There is no orchard. Nearly all of the cultivated land is under ditch. Four acres are cleared and ready for cultivation. A start has been made to break up this new ground. On my last conference with the claimant, he stated that it was his intention to break up the ground and seed it in the spring. The cost of clearing this land is about $75.00 per acre. The land, under cultivation, has a sale value of about $15.00 per acre. During the present year, about 15 tons of hay were produced on the claim.
Sufficient garden vegetables were raised for their own use. Natural hay was harvested in 1921, 1922, 1923, 1924, and 1925. During 1925 the natural hay land was seeded to domestic crop and an excellent was harvested. The hay crops are fed to the claimant's stock.

7. Grazing

The claimant owns 6 horses, one milk cow, one yearling heifer, and one mule. The stock graze at large over the claimant on national forest land under free use permits.

8. Timber

No live timber on the claim. The claim was swept by fire during 1919. There is no market for the timber products.

9. Additional Information

The claim is not used for any trade or business not contemplated within the homestead laws. It is understood that the claimant made homestead entry in California but relinquished. The claimant does not own any other land. The claim has not been sold or mortgaged. No evidence of fraud available. The land, at present, is more valuable for agricultural purposes. Last examination of the claim was made on July 25, 1926.

10. Good Faith

Although the residence has not the common conveniences that the average person is accustomed to, it satisfies their needs and I do not believe there is any reason to doubt their good faith. All that they personally own is on the claim. Any one proving up on a claim in this locality is working against adverse conditions. The claimant's residence has been good. His investment in time,
labor, and money could not be realized by selling the claim.

11. **Recommendations**

A hearing to determine the validity of the claim is not recommended because: The residence has been good. From all appearances his action on the claim has been initiated in good faith.

Respectfully submitted.

/s/ Jack A. Farnell

Forest Ranger

Report approved 9-10-26
since it shows substantial compliance with both Homestead and cultivation requirements.

Foreman Supervisor
Coeur d'Alene 012215

Notice of Patent

Recorded on the Status books of the District Forester and forwarded to the Supervisor of the Selway National Forest for his information.

District Forester

/s/ J. B. Seely

Coeur d'Alene, Idaho

Francis X. Horrane:

H. E. Survey No. 453, embracing a portion of, approximately, Township thirty north of Range thirteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at Corner No. 1, from which U. S. Location Monument No. 453 bears north thirty-seven degrees fifty-nine minutes east one and eight hundredths chains distant, thence south thirty-seven degrees fifty-eight minutes east five and seventy-six hundredths chains to corner No. 2; thence, south sixty-one degrees fifty-two minutes east fourteen and eighty-nine hundredths chains to corner No. 3; thence, south sixty-three degrees fifty-two minutes west forty-five and eighty-six hundredths chains to corner No. 4; thence south seventy-five degrees eighteen minutes west twenty-seven and forty-three hundredths chains to corner No. 5; thence, north thirty-two degrees five minutes west nine and fifty-five hundredths chains to corner No. 6; thence, north fifty-seven degrees forty-eight minutes east twenty-three and seventy-two hundredths chains to corner No. 7; thence, north sixty-three degrees twenty-eight minutes east forty and thirty-three hundredths chains to corner No. 1, the place of beginning, containing one hundred seven acres and seventy-two hundredths of an acre.

Calvin Coolidge (Signed)

Patent No. 996864

March 3, 1927
APPENDIX - PART III

ADJUSTMENT FILE, WILLIAM REAP, H.E.S. NO. 455
L
Settlement - Selway
Reep, William #455 March 1, 1917

Forest Supervisor

Dear Sir:

Your report Form 110 on this case received and approved.

Early action will be taken by this office to list the land recommended by you for opening to settlement and entry.

A copy of the list will be sent to you in due time.

Very truly yours,

F. A. Fenn, Assistant District Forester

By Acting
REPORT ON FOREST SERVICE APPLICATION

L. Settlement - Selway
Reap, William #455

General Description

1. Location - (a) 160 acres

(b) Tract lies in unsurveyed territory in what will probably be known when surveyed as T. 30 N., R. 13 E., B.M., sections 20-21. See map and field notes of metes and bounds survey attached. The area is identical to that applied for.

(c) The area applied for and examined is situated on the north side of the Selway River, at the junction of North Star Creek and the Selway River. The tract is reached from Darby, Montana, by trail 50 miles; the nearest railroad point, Kooskia, Idaho, is the nearest railroad point in Idaho, and is reached by road 15 miles and by trail 70 miles. Neither route is possible to or from the area during the winter months, due to heavy snows, and the divide which must be crossed on the route coming into the tract from the Montana side, and the exceedingly poor trail which exists upon the upper Selway River renders it absolutely impossible to travel to the area from the Idaho side during the winter. The area is also reached from Elk City, Idaho, which is a small mining camp, over a poorly constructed trail which crosses numerous high mountains and is impassable except for about four months during the summer months.

2. Settlement - (a) No settlement has ever been made on the land.

(b) No improvements have ever been constructed upon this area.

(c) The area has never been put to use in the past.
District Forester
Missoula, Montana

Dear Sir:

In reply to your of July 26.

This claim was visited again this summer by Ranger Fitting, and it was found that application #58 is outside the two mile limit. The approximate location of #455 is in Section 9 - 10, T. 30 N., R. 13 E., E.M. instead of Sections 20 and 21, same township, as it appeared on the records.

Very truly yours,

C. F. Howell

Forest Supervisor
3. **Claims**

There are no conflicting claims on or for the area.

4. **Climate** - (a) The average annual precipitation is from 25 to 30 inches, about one-half of which falls as snow. As nearly as can be ascertained, the snow ranges in depth from one to three and one-half feet. Heavy rains usually occur during the late fall and early spring. From July 1 to September 1 it is usually dry, although a sufficiently heavy rainfall is generally had during this period to insure the growth of all crops grown in this section.

(b) Temperature ranges from 110° Fehrenheit in summer to -20° in winter. Killing frosts may occur from October 1 to May 1.

(c) All crops commonly grown in this latitude can be grown successfully upon this area. This tract has been fully demonstrated on a tract of land very similar in character and is located approximately four miles downstream from the area applied for, since very fair crops of alfalfa, grain, timothy hay, vegetables, and small fruits are grown upon it.

(d) A home can be maintained during the entire year.

5. **Public Uses**

(a) No portion of the tract is needed for public use of any kind.

(b) No reservations or exemptions for roads or trails needed.

(c) Tract has no bearing on the driveability of any stream.

(d) Tract does not include or control a power site.

(e) Tract is not needed for the protection of a watershed nor to prevent the contamination of a city's water supply.

**Listable Lands**

6. **Location and Average**
(a) The area is in unsurveyed territory, in what will probably be when surveyed Sections 20-21, T. 30 N., R. 13 E. B.M. Map and field notes of metes and bounds surveyed are attached. There are no adjoining claims. No small areas of the National Forest land will be included.

(b) Area - 112.60 acres.

(c) Applicant was not present during the time the examination was made.

7. Topography and Soil

(a) Approximately 15 acres of the area consists of a sandy bar along the river, while the remainder of the area is an upper bench approximately 150 feet above the waters edge. The bottom land along the river has a very gradual slope of about 10% and varies in width from one and one-half chains to five chains, at which points a very abrupt rise occurs and forms a bench which is practically level. The entire tract has a southwest exposure.

(b) Considerable surface rock is found on the bottom but not in sufficient quantities to prevent the proper cultivation of the land. The bench land is practically free from rock. A few outcrops of granite are found on the northeast corner of the area on the slope north of North Star Creek.

(c) The soil on the bottom land is a very light sandy loam, from 1 to 3 feet deep, with gravelly clay subsoil, while the soil on the uplands is a heavier character, having composed of disintegrated granite and clay, and is quite gravelly in places, varying in depth from one to several feet, and apparently of a moist character.

(d) Water sufficient for irrigation and domestic purposes can be obtained at a reasonable cost from North Star Creek, which
8. **Agricultural Values**

(a) All crops commonly grown in Northern Idaho can be successfully grown upon this area, such as hay, grain, vegetables of all kinds, berries and some of the hardier fruits. The land is probably best adapted to the growing of hay. Good crops of timothy, alfalfa, or grain hay could undoubtedly be raised upon this land, 1½ to 2 tons would probably be an average crop, however, no definite figures are obtainable in this section. The Pettibone Ranch, which is situated approximately four miles below this area and is very similar in character, is being successfully farmed at the present time.

(b) The cost of clearing, grubbing, removal of stumps, and otherwise preparing the land for cultivation will range from $25.00 to $75.00 per acre.

(c) In its present state this land has no market value for farming. The arable land after being cleared and put into shape for cultivation has a market value probably of from $10.00 to $25.00 per acre.

9. **Forest Value**

(a) All timber and young growth on the area was destroyed by fire in 1910, leaving the tract denuded of all merchantable timber. Since the former stand of timber consisted of white fir, the coming crop would probably consist entirely of white fir, and would have little or no commercial value. Some reproduction of white fir is noticeable on the area at the present time.

10. **Other Factors**

(a) This area being closely adjacent to a large area of excellent grazing land makes it a very desirable for agricultural purposes, since the range cannot be utilized advantageously without some arable land in connection. In my opinion the tract offers an exceptionally
good opportunity for developing a stock ranch, therefore. I recommend that the area be listed under the Act of June 11, 1906, as being more valuable for agricultural purposes than for Forestry purposes.

Non-Listable Lands

11. Location and Acresage

(a) The area is identical with a portion of that applied for.
L
Claims - Selway
Reap, Wm.
H. E. Lewiston #455

1. **Claimant**

Report of the Forest Service on the claim of Wm. Reap, Lowell, Idaho. He is unmarried and lives alone upon the claim.

2. **Description & Claim**

The land lies in approximate Section 10, T. 30 N., R. 13 E.
B.M., unsurveyed, just south of North Star Creek on the east side of the Selway River.

3. **Topography and Surface**

About 18 acres of the claim lies on a bench not over 10 feet above the level of the Selway River. This is all fine soil and can be readily cultivated. A second bench about 20 feet higher contains about 20 acres of land, nearly all of which can be readily cultivated but will need irrigation. The remainder of the claim lies in the foot hills and is rolling in character. In all about 80 acres can be cultivated when cleared.

4. **Settlement and Residence**

The claimant settled on the land in the spring of 1919. He was absent during the remainder of that year, the tent in which he lived being destroyed by a forest fire. In 1920 he erected a house upon the claim and has resided continuously since that time. During such times as he was absent he worked for the Forest Service as blacksmith on trail work.

5. **Improvements**

The dwelling is a log house 16' x 20' with one room. It has a
shake roof, one door, two windows and is not floored. It is habitable at all seasons. The approximate value is $125.

There is a cellar on the place built of logs in an excavation in the hillside. The roof is of puncheon covered with shakes and then with earth. The value is $75.

There is 350 rods of strong fence made of poles laid between double posts. It is valued at $70 per hundred or $245.

Water for domestic use is obtained from North Star Creek near which the dwelling is located. All improvements were built by the present claimant.

6. **Cultivation**

By rough measurements 16.4 acres are actually producing crops. In addition about 4 acres can be cultivated without further clearing. The land was burned over exceptionally clean in 1919 and the clearing consists only in removing a few logs and grubbing out roots. The land can be cleared for about $25 per acre and will be worth about $15 per acre when cleared. Two acres were cleared in 1920, four in 1921, three in 1922, five in 1923, and 2.4 in 1924. Grain for hay has been raised and fed to stock upon the claim.

7. **Grazing**

Claimant owns only two mules and a horse which are used and grazed upon the claim.

8. **Timber**

There is no living timber upon the claim, all of it having been killed by fire in 1919.

9. **Additional Information**

The claim is not used for any purpose not contemplated by the homestead law. The claim has not been sold or mortgaged and the
The claim has never made other homestead entry and owns no other land.

The claim is at present most valuable for agricultural purposes.

Claim was examined by a Forest Officer, June 10, 1924.

10. Good Faith

The claim has the appearance of a permanent home. The improvements are well constructed and built for permanence. All equipment necessary to maintain a residence are on the place and the claimant has no other home.

11. Recommendations

No hearing should be ordered to determine the validity of the following reasons.

Cultivation and improvements are in excess of homestead law requirements. Residence has been maintained almost continuously for more than four years. The place has every appearance of a permanent home.

Submitted June 10, 1924

By C. A. MacGregor, Fire Assistant

Approved _____________________

_______________________________
Forest Supervisor
APPENDIX - PART IV

AN ACT TO PROVIDE FOR THE ENTRY OF AGRICULTURAL LANDS IN THE

FOREST RESERVE
AN ACT TO PROVIDE FOR THE ENTRY OF AGRICULTURAL LANDS IN THE
FOREST RESERVES

Be it enacted by the Senate and House of Representatives of
The United States in Congress assembled:

That the Secretary of Agriculture at his discretion and he
is hereby authorized upon application or otherwise to examine and
ascertain as to the location and extent of lands within permanent
or temporary forest reserves, which are chiefly valuable for agri-
culture and which in his opinion may be occupied for agricultural
purposes without injury to the forest reserves and which are not
needed for public purposes and may list and describe the same by
metes and bounds or otherwise and file the lists and descriptions
with the Secretary of Interior with the request that the said lands
be opened to entry in accordance with the provisions of the homestead
law and this act.

Upon the filing of any such list or description the Secretary
of Interior shall declare the said lands open to homestead settle-
ment and entry in tracts not exceeding one mile in length and not
exceeding 160 acres in area, at the expiration of 60 days from the
filing of the list in the land office of the district within which
the lands are located during which period the said list or descrip-
tion shall be prominently posted in the land office and advertised
for a period of four weeks in one newspaper of general circulation
in the county in which the lands are situated: Provided, that any
settler actually occupying and in good faith claiming such lands for
agricultural purposes prior to January 1, 1906 and who shall not
have abandoned the same and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall, each in the order named, have a preference right of settlement and entry.

Provided: Further, that any entryman desiring to obtain patent to any land described by metes and bounds entered by him under the provisions of this act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the land entered, made by or under the direction of the United States Surveyor General showing accurately the boundaries of such lands which shall be distinctly marked by monuments on the ground and by posting a copy of such plat, together with a notice of time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the register of the land office for the land district which such lands are situated for a like period; and further that any agricultural land within the forest reserves may at the discretion of the secretary, be surveyed by metes and bounds and that no lands entered under the provisions of this act shall be patented under the provisions of the homestead act, but settlers upon final proof shall have credit for the period of actual residence upon the lands covered by their entry.

SECTION TWO:

That settlers upon lands chiefly valuable for agriculture within forest reserves on January 1, 1906 who have already exercised
or lost their homestead privilege but are otherwise competent to enter lands under the homestead laws are hereby granted an additional right of entry for the purposes of this act only, and such settlers must otherwise comply with the provisions of the homestead law and in addition thereto must pay $2.50 per acre for lands entered under the provisions of this section, such payment to be made at the time of making final proof on such lands.

SECTION THREE:

That all entries under this act in the Black Hills Forest Reserve shall be subject to the quarts or lode mining laws of the United States and the laws and regulations permitting the location, appropriation and use of the waters within the said reserves for mining, irrigation and other purposes and no titles acquired to agricultural lands in said Black Hills Forest Reserve under this act shall vest in the patentee any riparian rights to any stream or streams of flowing water within said reserve and that such limitation of title shall be expressed in the patents for the lands covered by such entries.

SECTION FOUR:

That no homestead settlement or entries shall be allowed in that portion of the Black Hills Forest Reserve in Lawrence and Pennington Counties in South Dakota, except to persons occupying lands therein prior to January 1, 1906 and the provisions of this act shall apply to the said counties in said reserve only so far as is necessary to give and perfect title of such occupants or settlers to lands chiefly valuable for agriculture therein occupied or claimed by them prior to said date and all homestead entries under this act in said counties in said reserve shall be described by metes and bounds survey.
SECTION FIVE:

That nothing herein contained shall be held to authorize any future settlement on any lands within forest reserves until such lands have been opened to settlement as provided in this act or to in any way impair the legal rights of any bona fide homestead settler who has or shall establish residence upon public lands prior to their inclusion within a forest reserve.

APPENDIX - PART V

MAPS
FIGURE 1

BITTERROOT NATIONAL FOREST
SURVEYED
SEGS. 23, 26, T2N, R21W
H.E.S. NO. 534
AREA 100.96 ACRES
SCALE: 10 CHAINS = 1 INCH
MADISON NATIONAL FOREST
SURVEYED JULY 20, 1917
SEC. 20, T13S, R4E
H.E.S. NO. 848
AREA 5 ACRES
SCALE: 10 CHAINS = 1 INCH
FIGURE 3

BITTEROOT NATIONAL FOREST
SURVEYED OCT. 28, 1916
SECS. 2 & 3, T1N, R20W
H.E.S. NO. 535
AREA 38.91 ACRES
SCALE: 10 CHAINS = 1 INCH
KOOTENAI NATIONAL FOREST
UNSURVEYED, T36N, R31W
H.E.S. 403
AREA 159.35 ACRES
SCALE: 10 CHAINS = 1 INCH
Kootenai National Forest
Surveyed June 28, 1909
SECS. 20, 29, 30, T32N,
R26W
H.E.S. No. 802
Scale: 10 Chains =
1 Inch
FIGURE 7

BITTERROOT NATIONAL FOREST
UNSURVEYED T2N, R13W
H.E.S. NO. 197
AREA 154.33 ACRES
SCALE: 10 CHAINS = 1 INCH
MISSOULA NATIONAL FOREST
UNsurveyed secs 27, 28, 34, T6N, R16W
H.E.S. No. 79
Area 159.61 acres
Scale: 10 chains = 1 inch
BEARTOOTH NATIONAL FOREST
SECS. 30, 31, T8S, R20E
SECS. 25, 36, T8S, R19E
H.E.S. NO. 1023
AREA 132.71 ACRES
SCALE: 10 CHAINS = 1 INCH
JEFFERSON NATIONAL FOREST
UNSURVEYED SECS 31-32
T12N, R8E
AREA 159.07 ACRES
SCALE: 10 CHAINS = 1 INCH
FIGURE 12

BEAVERHEA UNITED STATES
UNSUIERED T2S, R21W
H.E.S. NO. 87
AREA 159.76 ACRES
SCALE: 10 CHAINS = 1 INCH
FIGURE 13

MISSOULA NATIONAL FOREST
UNSURVEYED TION., R16W
H.E.S. NO. 170
AREA 57.56 ACRES
SCALE: 10 CHAINS = 1 INCH
KOOTENAI NATIONAL FOREST
SURVEYED 1918
SEC. 21, T31N, R32W
H.E.S. NO. 579
AREA 28.98 ACRES
SCALE: 10 CHAINS = 1 INCH
KOOTENAI NATIONAL FOREST
UNSURVEYED
APPROXIMATE SECS. 14, 15
T35N, R29W
H.E.S. NO. 1050
AREA 70.17 ACRES
SCALE: 10 CHAINS = 1 INCH
FIGURE 16

BITTERROOT NATIONAL FOREST
SURVEYED NOV. 12, 1915
SEC. 20, T1N, R21W
H.E.S. NO. 533
AREA 36.19 ACRES
SCALE: 10 CHAINS = 1 INCH
FIGURE 17

FLATHEAD NATIONAL FOREST
SURVEYED OCT. 15, 1915
SEC. 15, T2S, R18W
H.E.S. No. 526
AREA 11.58 ACRES
SCALE: 10 CHAINS = 1 INCH
FIGURE 18

BLACKFEET NATIONAL FOREST
SURVEYED JULY 29, 1921
APPROXIMATELY SEC. 14, T33N, R20W
H.E.S. 1094
AREA 31.12 ACRES
SCALE: 10 CHAINS = .1 INCH
FIGURE 19

GLACIER NAT. PARK

MIDDLE FORK OF FLATHEAD RIVER

U.S. NO. 2 G.N.

H.E.S. 809 R.R.

FLATHEAD NATIONAL FOREST
SURVEYED SEPT. 24, 1917
SECS. 23, 24, T29N, R16W
H.E.S. 'NO.' 809
AREA 86.66 ACRES
SCALE: 10 CHAINS = 1 INCH
MISSOULA NATIONAL FOREST
UNSURVEYED
APPROXIMATE SECS. 5,6,7,8,
T4N, R14W
H.E.S. NO. 69
AREA 158.16 ACRES
SCALE: 10 CHAINS = 1 INCH
KOOTENAI NATIONAL FOREST
SURVEYED JUNE 23, 1918
SECS. 11 & 12, T33N, R29W
H.E.S. NO. 582
AREA 86.22 ACRES
SCALE: 10 CHAINS = 1 INCH
LOLO NATIONAL FOREST
SURVEYED
SECS. 13, 14, T17N, R26W
H.E.S. NO. 545
AREA 38.40 ACRES
SCALE: 10 CHAINS = 1 INCH
HELENA NATIONAL FOREST
SURVEYED AUG. 8, 1916
SECS. 15 & 16, T7N, R5E
H.E.S. NO. 555
AREA 11.63 ACRES
SCALE: 10 CHAINS = 1 INCH
FIGURE 25

BLACKFEET NATIONAL FOREST
UNSURVEYED SECS 9, 10
T32N, R27W
H.E.S. NO. 353
AREA 159.84 ACRES
SCALE: 10 CHAINS = 1 INCH
FLATHEAD NATIONAL FOREST
UNSURVEYED
AREA 144.08 ACRES
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