

PUBLIC LAND SITUATION IN THE UNITED STATES.

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M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES;

RELATING

TO CERTAIN PHASES OF THE PUBLIC LAND SITUATION IN THE  
UNITED STATES.

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FEBRUARY 13, 1907.—Read; referred to the Committee on Public Lands and ordered  
to be printed.

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*To the Senate and House of Representatives:*

I call your attention to the urgent need of legislation affecting the different phases of the public land situation in the United States. In the first place I wish to speak of the conservation of the mineral fuels belonging to the United States. In my annual message of December 4, 1906, and special message of December 17, your attention was called to the importance of conserving the supplies of mineral fuels still belonging to the Government. I recommended to Congress the enactment of such legislation as would provide for title to and development of the surface land as separate and distinct from the right to the underlying mineral fuels in regions where these may occur, and the disposal of these mineral fuels under a leasing system on conditions which would inure to the benefit of the public as a whole. I again call the attention of Congress to the importance of enacting such legislation. I care little for the details; the prime need is that the system should be established, that from henceforth the nation should retain its title to its fuel resources, and its right to supervise their development in the interest of the public as a whole. Such a leasing system as that proposed represents by no means an untried policy. In the Australian countries during the last fifteen years coal has been mined under a system of government leases, and on conditions so favorable for development that their coal and coke are to-day being sold on the Pacific coast of both the American continents. In all the

great coal-producing European countries, except Great Britain, coal is being mined under government leases. In Great Britain leases are granted almost entirely by the private land owners, but there, as in other countries, the surface culture and the mining operations are conducted independently of each other. In Nova Scotia, British Columbia, India, and other British colonies a government leasing system has been adopted and is working satisfactorily. In the United States, although conveyance of the mineral rights with the surface has been the common practice, the separate development of the two interests is increasing; and in the eastern and middle States a large part of the coal is being mined under a system of private leases. It is gratifying to note that in these States, as in foreign countries, these two great industries, agriculture and mining, are conducted within the same boundaries, and the country thus attains its highest dual development without conflict of interests. Indeed, the mining industry, and the factories using their fuels, create larger local markets for the product of the farm.

Mineral fuels, like the forests and navigable streams, should be treated as public utilities. This is generally recognized abroad. In some foreign countries, practical control of a large portion of the fuel resources was allowed years ago to pass into private hands; but the existing governments are endeavoring to regain this control in order that the diminishing fuel supply may be safeguarded for the common good, instead of being disposed of for the benefit of the few—though the mistake of the preceding generation in disposing of these fuels for a nominal return can not always be corrected by the present generation, as the cost may be so enormous as to be prohibitory.

In our own Western States and Territories the scarcity of both water and forests has rendered necessary their preservation as public utilities; and the preservation of the forests for the purpose of conserving both the waters and the timber supply has come to be recognized as the wise and proper policy of the Federal Government.

The quantity of high-grade mineral fuels in the West is relatively much smaller than that of the forests; and the proper conservation of these fuels is a matter of far-reaching importance. This Government should not now repeat the mistakes of the past. Let us not do what the next generation can not undo. We have a right to the proper use of both the forests and the fuel during our lifetime, but we should not dispose of the birthright of our children. If this Government sells its remaining fuel lands they pass out of its future control. If it now leases them we retain control, and a future Congress will be at liberty to decide whether it will continue or change this policy. Meanwhile, the Government can inaugurate a system which will encourage the separate and independent development of the surface lands for agricultural purposes and the extraction of the mineral fuels in such manner as will best meet the needs of the people and best facilitate the development of manufacturing industries.

I am aware that objections to this system are being urged. It is claimed that so large a part of the coal in some of the Western States has already passed into the hands of certain large corporations that parties endeavoring to operate under a lease system other coal deposits would be unable to compete with these corporations, and therefore that the fuel deposits still belonging to the Government should also be allowed to pass into private ownership, presumably into the hands

of the same or other large corporations. It is also claimed that reservation of the fuel supplies still belonging to the Government would raise the price of coal in the West, and as an argument in favor of this contention it is claimed that the reservation of the natural forests is raising the price of lumber in the West. It should be remembered that the best and most accessible bodies of timber in the West passed into private holdings before the forest reserves were established; that while the price of timber has advanced in the West, it has advanced still more in the East, where there are no forest reserves; that supplies of timber are to-day being shipped from the West to the markets of the Mississippi Valley, and even to foreign countries; and that the probability of obtaining future supplies of both timber and mineral fuel in the West at reasonable prices will be much greater with a large portion of both the forests and the fuels under the control of the Government than if this control should pass to private parties. To secure cheapness of timber and fuel for the moment at the cost of ruin to our own children would surely be a suicidal policy.

It may be fairly claimed among the advantages of the leasing system that (1) it will facilitate the working, under favorable conditions, of coal deposits for local markets by miners without large capital, as no land-purchase money would be required and the small royalty charges would be paid out of the earnings; (2) it will facilitate larger operations, as the leases could be made sufficiently liberal in the matter of time, area, and other conditions to induce healthy competition and meet all real demands, and yet in all cases the general supervision of the Government could be such as to (3) prevent waste in the extraction and handling of these fuels; (4) the system can be operated in such manner as to prevent the evils of monopolistic control; (5) it will permit the Government to reserve from general use fuels especially suitable for metallurgical and other special industries; and (6) it will enable the Government to protect the public against unreasonable and discriminating charges for fuel supplies.

Already probably one-half of the total area of the high-grade coals in the West has passed under private control. Including both the lignite and the coal areas, these private holdings probably aggregate not less than 30,000,000 acres of coal fields. With the remainder of the lands containing mineral fuels reserved and leased by the Government, there will be ample opportunity to determine, in the near future, which of the two systems—private ownership, or the leasing system with general Government supervision—will best protect the interests of the people and thus promote the permanent development of the West.

In planning such a leasing system by the Government the question of revenue, beyond that necessary to cover the expenses of administration and exploration, need not be seriously considered. The spirit of generosity which the country as a whole has shown in connection with the disposal of its public lands and the use of the proceeds from the sale of these lands for the further development of the West through the reclamation service and in other ways is of itself a sufficient guaranty that in the administration of both the coal reserves and the national forests this generous policy will be continued. It is safe to believe also that Federal supervision of both the coal lands and the forests will be reduced to a minimum, and that in the future even more than in the past this supervision will be limited to that necessary

to carry out the policy of conserving these natural resources in such manner as will best promote the permanent interests of the people, and above all of the western people, of the people in the neighborhood of the mines and the forests which we seek to preserve for the public use.

The necessity for care in the future management of these fuel supplies is further illustrated by the rapid rate at which the use of such fuels is increasing in the United States. The amount of coal used in this country during the last ten years is practically equal to that used during the preceding fifty years of its history, and during each decade of this period the coal used was practically equal to the sum of that used during all the preceding decades.

This remarkable development and the certain continuity of this prodigious growth compels us to recast all estimates as to the life of our "inexhaustible resources." We can foresee the time when the eastern industries will be much more largely taxed for supplying foreign markets. Then the West will also be largely engaged in varied manufacturing enterprises, and this will require the intelligent use of every ton of available fuel in that region. The grave importance of conserving the fuel supplies in the West still remaining under the control of the Government, with a view to the accomplishment of these important purposes, impels me again to bring this matter to the attention of Congress.

Let me repeat that what I seek at this time is that the system be begun. I know the difficulty of providing in minute detail by legislation for all the needs in advance. I have the heartiest sympathy with the desire of the people of the new States of the Rocky Mountain region for the rapid development of the lusty young Commonwealths of which they are so proud. So far from hindering, I want to further that development. But surely it is to the peculiar interest of these States that the development shall take place in such way as to leave the children better off, and not worse off, than the fathers. Let us use, but not waste, the national resources. Let us show our confidence in the future by being willing to provide for the future. If we dispose of all the coal lands now we can be well assured that twenty-five years hence the generation then coming to manhood will regret our shortsightedness and lack of provision for the future. It would surely be greatly to the advantage of this country if some at least of the coal fields of the East, and especially of the anthracite fields, had been left under the control of the Government. Let us provide in the West against the recurrence of the conditions which we deplore in the East. At the outset the law would be administered in a spirit of the broadest liberality, with the least possible interference with the development of the coal fields. What is especially necessary is to establish the principle, so that as conditions change there will be opportunity to meet the changing needs in adequate fashion. Moreover, I can not too emphatically say that all laws which merely seek to prevent monopoly or the mishandling of the public by forbidding combination are certain to fail of their purpose. Our experience with the interstate commerce and antitrust laws shows that what is needed is not prohibition of all combinations, but such supervision and control over combinations, and over corporations entering into them, as will prevent the evils while giving to the public the advantages of combination.

Let me also again urge that legislation be passed to provide for Government control of the public pasture lands of the West on the same general principles which now apply in the Government control of the forest reserves. The local control of the range should be in the hands of western men familiar with stock raising, and there should be full local participation in the management of the range; for cooperation between the stockmen and the Government officers is absolutely essential. The grazing fee should be small and at first almost nominal. There is no need at present that the Government should get a net revenue from grazing on the public range, but only enough to pay for administration and improvement, and it may be wise to provide that any surplus shall go to the States and Territories in which the fees are collected. If a law for the control of the range should, as I request, be enacted, such control would not be taken hurriedly, but gradually, as grazing districts can be organized. The one prime essential in the policy of range control must be to protect the homesteader in his right to create a home for his family. The right of the homesteader, of the home maker, of the actual settler on the land, must always be paramount, and he must have whatever range privileges are necessary to his purpose. At present it is unlawful to fence the public domain. All fences unlawfully maintained will have to be taken down. Unless Congress takes action to legalize reasonable and necessary fencing through Government control of the range, there will be serious loss to stockmen throughout the West, and this loss will often fall hardest on the small man; for in many cases the stock business can not be conducted without fences. Yet it would be grossly improper to provide for the continuance of all the present illegal fencing; for while much of this fencing is needed, much of it also represents a fraud upon the public. What is needed is not to provide for the continuance of all fencing, whether beneficial or harmful, but a proper discrimination between the two classes, a discrimination to be exercised always with especial care for the interests of the homesteader and the small stockman. The interests of the man who has actually made his home or is actually seeking to make his home on the land, whether he owns cattle or owns sheep, are really identical with those of the homesteader. The opposition to the measure comes primarily from those who do not make their homes on the land, but who own wandering bands of sheep that are driven hither and thither to eat out the land and render it worthless for the real home maker; and also from the men who have already obtained control of great areas of the public land largely through the ownership or leasing of water at what might be called the strategic points of the range, and who object to the proposed law for the very reason that it is in the interest of the actual homesteader and the small stockman, and because it will break the control that these few big men now have over the lands which they do not actually own. The proposed law is emphatically a law in the interest of popular rights. The present system in an immense number of cases renders it impossible for the small man to exist, and it works chiefly for the benefit of the very rich man, whose interest it is to keep out home makers and preserve immense stretches of the public domain for his own use, to the detriment of the development of the Commonwealth. Surely it is in accordance with the spirit of our Government to pass a law in the interest of the actual settler, instead of to leave undis-

turbed the present system in the interest of those who monopolize an improper proportion of the public domain, or of the others who are indifferent as to whether in the long run they destroy the worth of the public domain.

As in the case of the proposed law for controlling the disposition of the mineral fuels, our object should be to get the principle of the law established, leaving a necessary discretion to those who at the outset are to administer it, and then to perfect the law later as actual experience may show the need.

Let me urge that Congress provide \$500,000 in addition to the present estimates, to be immediately applied to the clearing of the arrears of business in the General Land Office, as regards the detection and prevention of fraud in disposing of applications for patents to the public lands.

I wish to express my utter and complete dissent from the statements that have been made as to there being but a minimum of fraud in the actual working of our present land laws. I am exceedingly anxious to protect the interests of bona fide settlers and to prevent hardship being inflicted upon them. But surely we are working in their interests when we try to prevent the land which should be reserved for them and for those like them from being taken possession of for speculative purposes, or obtained in any fraudulent fashion. The funds appropriated by Congress to protect public lands from illegal entry or unlawful appropriation have been utterly insufficient to keep pace with the vast amount of public-land business. For this reason the natural sympathy of the Administration with bona fide claimants and the proper desire to further their interests, has led to the use of almost all of this appropriation, not for the detection and prevention of fraud, but for the purpose of hastening the routine hearing and office inspection of final proof. If sufficient money is not now granted to enable the Administration both to protect the interests of bona fide claimants, and at the same time to hunt out the fraudulent ones, then the responsibility for the delays which will necessarily occur, or for the fraud which will obtain, can not rest upon the Administration. The great number of fraudulent cases which our lack of means forces us to leave undetected brings deep discredit on the public-land system of the country, and it does not seem to me that there can be any apology for the Government's failure to provide ample means for their detection and to insist upon the means being so used as to guarantee their detection, and this can only be done if an ample force of inspectors is furnished, so that each entry may be inspected upon the ground or adequate information obtained about it that will satisfy us that the land is being taken in accordance with law. It is not true that any very long time will be needed for such inspection. With the amount provided for which I have asked, the arrears of the work will be brought up within a year, and thereafter the work can be kept up by a continually diminishing appropriation.

The present force of special agents is utterly insufficient to conduct the proper field examinations. But there have been here and there a limited number of such field examinations in which direct investigation by Government officials was added to the evidence furnished

by claimants. Four specific examples of these field examinations are as follows (I omit the names of the places):

(a) Examination of desert-land entries during August, September, and October, 1906:	
Agents assigned.....	11
Total days examination on the ground.....	484
Entries examined.....	1,159
Claims examined per day per agent.....	2.4
Unfavorably reported..... per cent..	41
Relinquished..... do....	5
Favorably reported..... do....	54
(b) Homestead entries examined during October and November, 1905:	
Agents assigned.....	23
Total days examination on the ground.....	300
Entries examined.....	900
Claims per day per agent.....	2
Unfavorably reported..... per cent..	46
Relinquished..... do....	10
Favorably reported..... do....	44
(c) Homestead entries:	
Entries examined.....	110
Unfavorably reported..... per cent..	63.7
Favorably reported..... do....	36.3
During the past year 50 additional claims have been relinquished.	
(d) Timber-culture entries:	
Entries examined.....	107
Unfavorably reported..... per cent..	67.3
Canceled on relinquishment..... do....	10.2
Canceled for other causes..... do....	6.5
Favorably reported..... do....	16

Summarizing the results, it appears that in these 4 districts nearly 2,300 cases were examined, and that in over half the law had not been complied with, the failure being in each case on some essential feature, and in very many cases showing deliberate fraud. In six months ending December 31 last our present insufficient force of special agents secured indictments in 197 actions for fraud, 26 of which have been tried, resulting in 14 convictions and 12 acquittals. In the forest reserves, where we have been able to examine a great number of claims, in about one-third the law was not complied with.

In the Susanville and Sacramento, Cal., placer mining claims it was discovered that one man with 14 associates had attempted to get possession of 250,000 acres, including much of the finest timber land in the region, by locating placer claims upon it. Three agents on this ground examined 25,000 acres of claims and reported unfavorably upon over 24,000 of them, with a result that up to date, because of this investigation, 36,000 acres were relinquished and restored to governmental ownership while the investigation was still in progress, an amount considerably in excess of the amount actually investigated.

While the above cases of course show worse results than would be shown by examinations made at random, they are nevertheless by no means unusual, save, perhaps, in the case of the placer claims investigation. Surely such a showing renders it impossible to say that there is no fraud, and therefore no need of striving to detect and prevent fraud. On the contrary, there is urgent need for such effort in the interest not only of the honest observance of the law but in the interest of honest and bona fide settlers. Without sufficient money it is impossible to execute the land laws in reasonably prompt and efficient

fashion. The business of the Land Office, because of lack of appropriations, is far behind. To protect the public property no less than to relieve the land claimants, enough money should be given for the purposes I have outlined above, and the appropriation should be made immediately available. Unless such money is given, then either honest claimants must suffer hardship or wrongdoers must be permitted to be the beneficiaries of their fraudulent and illegal acts. From the standpoint of the public interest, failure to prevent fraud of this kind is peculiarly serious, because in so many cases the success of the fraudulent claimants means the prevention of the establishment of a home by some honest home seeker. The earnest wish of the Administration is to discontinue the advertisement of fraud in connection with the public land system; but the only way to accomplish this is by putting a stop to the fraud itself.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 13, 1907.*

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