

PUBLIC-LAND LAWS.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RELATING TO

THE PUBLIC-LAND LAWS.

DECEMBER 17, 1906.—Read and ordered to be printed.

To the Senate and House of Representatives:

PUBLIC-LAND LAWS.

The developments of the past year emphasize with increasing force the need of vigorous and immediate action to recast the public-land laws and adapt them to the actual situation. The timber and stone act has demonstrated conclusively that its effect is to turn over the public timber lands to great corporations. It has done enormous harm. It is no longer needed, and it should be repealed.

The desert-land act results so frequently in fraud and so comparatively seldom in making homes on the land that it demands radical amendment. That provision which permits assignment before patent should be repealed, and the entryman should be required to live for not less than two years at home on the land before patent issues. Otherwise the desert-land law will continue to assist speculators and other large holders to get control of land and water on the public domain by indefensible means.

The commutation clause of the homestead act serves in a majority of cases to defeat the purpose of the homestead act itself, which is to facilitate settlement and create homes. In theory the commutation clause should assist the honest settler, and doubtless in some cases it does so. Far more often it supplies the means by which speculators and loan and mortgage companies secure possession of the land. Actual, not constructive, living at home on the land for three years

should be required before commutation unless it should appear wiser to repeal the commutation clause altogether.

These matters are more fully discussed in the Report of the Public Lands Commission, to which I again call your attention.

I am gravely concerned at the extremely unsatisfactory condition of the public-land laws and at the prevalence of fraud under their present provisions. For much of this fraud the present laws are chiefly responsible. There is but one way by which the fraudulent acquisition of these lands can be definitely stopped, and therefore I have directed the Secretary of the Interior to allow no patent to be issued to public land under any law until by an examination on the ground actual compliance with that law has been found to exist. For this purpose an increase of special agents in the General Land Office is urgently required. Unless it is given bona fide would-be settlers will be put to grave inconvenience or else the fraud will in large part go on. Further, the Secretary of the Interior should be enabled to employ enough mining experts to examine the validity of all mineral-land claims and to undertake the supervision and control of the use of the mineral fuels still belonging to the United States. The present coal law limiting the individual entry to 160 acres puts a premium on fraud by making it impossible to develop certain types of coal fields and yet comply with the law. It is a scandal to maintain laws which sound well, but which make fraud the key without which great natural resources must remain closed. The law should give individuals and corporations under proper government regulation and control (the details of which I shall not at present discuss) the right to work bodies of coal land large enough for profitable development. My own belief is that there should be provision for leasing coal, oil, and gas rights under proper restrictions. If the additional force of special agents and mining experts I recommend is provided and well used, the result will be not only to stop the land frauds, but to prevent delays in patenting valid land claims and to conserve the indispensable fuel resources of the nation.

RIGHTS OF WAY AND PRIVILEGES.

Many of the existing laws affecting rights of way and privileges on public lands and reservations are illogical and unfair. Some work injustice by granting valuable rights in perpetuity without return. Others fail to protect the grantee in his possession of permanent improvements made at large expense. In fairness to the Government, to the holders of rights and privileges on the public lands, and to the people whom the latter serve, I urge the revision and reenactment of these laws in one comprehensive act, providing that the regulations and the charge now in force in many cases may be extended to all, to the end that unregulated or monopolistic control of great natural resources may not be acquired or misused for private ends.

PRIVATE HOLDINGS WITHIN NATIONAL FORESTS.

The boundaries of the national forest reserves unavoidably include certain valuable timber lands not owned by the Government. Im-

been in progress looking toward an arrangement by which the forest on railroad lands within national forest reserves may be preserved by the removal of the present crop of timber under rules prescribed by the Forest Service, and its perpetuation may be assured by the transfer of the land to the Government without cost. The advantage of such an arrangement to the Government lies in the acquisition of lands whose protection is necessary to the general welfare. The advantage to the railroads is found in the proposal to allow them to consolidate their holdings of timber within forest reserves by exchange after deeding their lands to the Government and thus to cut within a limited time solid bodies of timber instead of alternate sections, although the amount of timber in each case would be the same. It is possible that legislation will be required to authorize this or a similar arrangement with the railroads and other owners. If so, I recommend that it be enacted.

WORKING CAPITAL FOR THE NATIONAL FORESTS.

The money value of the national forests now reserved for the use and benefit of the people exceeds considerably the sum of one thousand millions of dollars. The stumpage value of the standing timber approaches seven hundred million dollars, and together with the range and timber lands, the water for irrigation and power, and the subsidiary values, reaches an amount equal to that of the national property now under the immediate control of the Army and Navy together. But this vast domain is withheld from serving the nation as freely and fully as it might by the lack of capital to develop it. The yearly running expenses are sufficiently met by the annual appropriation and the proceeds of the forests. Under the care of the Forest Service the latter are increasing at the rate of more than half a million dollars a year. The estimate of appropriation for the present year is less than for last year, and it is confidently expected that by 1910 the Forest Service will be entirely self-supporting. In the meantime there is the most urgent need for trails, fences, cabins for the rangers, bridges, telephone lines, and the other items of equipment without which the reserves can not be handled to advantage, can not be protected properly, and can not contribute as they should to the general welfare. Expenditures for such permanent improvements are properly chargeable to capital account. The lack of reasonable working equipment weakens the protection of the national forests and greatly limits their production. This want can not be supplied from the appropriation for running expenses. The need is urgent. Accordingly I recommend that the Secretary of the Treasury be authorized to advance to the Forest Service, upon the security of the standing timber, an amount, say \$5,000,000, sufficient to provide a reasonable working capital for the national forests, to bear interest and to be repaid in annual installments beginning in ten years.

TRANSFER OF THE NATIONAL PARKS.

The national parks of the West are forested, and they lie without exception within or adjacent to national forest reserves. Two years ago the latter were transferred to the care of the Secretary of Agriculture, with the most satisfactory results. The same reasons which

led to this transfer make advisable a similar transfer of the national parks, now in charge of the Secretary of the Interior, and I recommend legislation to that end.

INDIAN LANDS.

Within or adjoining national forests are considerable areas of Indian lands of more value under forest than for any other purpose. It would aid greatly in putting these lands to their best use if the power to create national forests by proclamation were extended to cover them. The Indians should be paid the full value of any land thus taken for public purposes from the proceeds of the lands themselves, but such land should revert to the Indians if it is excluded from national forest use before full payment has been made.

GOVERNMENT CONTROL OF GRAZING.

The control of grazing in the national forests is an assured success. The condition of the range is improving rapidly, water is being developed, much feed formerly wasted is now saved and used, range controversies are settled, opposition to the grazing fee is practically at an end, and the stockmen are earnestly supporting the Forest Service and cooperating with it effectively for the improvement of the range.

The situation on the open Government range is strikingly different. Its carrying capacity has probably been reduced one-half by overgrazing and is still falling. Range controversies in many places are active and bitter, and life and property are often in danger. The interests both of the live-stock industry and of the Government are needlessly impaired. The present situation is indefensible from any point of view, and it should be ended.

I recommend that a bill be enacted which will provide for Government control of the public range through the Department of Agriculture, which alone is equipped for that work. Such a bill should insure to each locality rules for grazing specially adapted to its needs and should authorize the collection of a reasonable grazing fee. Above all, the rights of the settler and home maker should be absolutely guaranteed.

Much of the public land can only be used to advantage for grazing when fenced. Much fencing has been done for that reason, and also to prevent other stock owners from using land to which they have an equal right under the law. Reasonable fencing, which promotes the use of the range and yet interferes neither with settlement nor with other range rights, would be thoroughly desirable if it were legal. Yet the law forbids it, and the law must and will be enforced. I will see to it that the illegal fences are removed unless Congress at the present session takes steps to legalize proper fencing by Government control of the range.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *December 17, 1906.*