

How to Get a Homestead
IN THE
National Forest
Reserves



By VOLNEY T. HOGGATT

LAND ATTORNEY FOR

THE DENVER WEEKLY POST
U. S. LAND BUREAU

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IF YOU RESIDE NEAR THE NATIONAL FOREST RESERVES IN COLORADO AND WANT INFORMATION REGARDING FOREST HOMESTEADS, WRITE TO THE FOLLOWING:

LIST OF NATIONAL FORESTS IN COLORADO.

FOREST.	FOREST SUPERVISOR AT
Arapahoe.....	Fraser, Colo.
Battlement.....	Collbran, Colo.
Cochetopa.....	Saguache, Colo.
Colorado.....	Fort Collins, Colo.
Durango.....	Durango, Colo.
Gunnison.....	Gunnison, Colo.
Holy Cross.....	Glenwood Springs, Colo.
Leadville.....	Leadville, Colo.
Montezuma.....	Mancos, Colo.
Pike.....	Denver, Colo.
Rio Grande.....	Monte Vista, Colo.
Routt.....	Steamboat Springs, Colo.
San Isabel.....	Westcliffe, Colo.
San Juan.....	Pagosa Springs, Colo.
Sopris.....	Aspen, Colo.
Uncompahgre.....	Delta, Colo.
White River.....	Meeker, Colo.

How to Get a Homestead in the National Forest Reserves

(BY VOLNEY T. HOGGATT)

Galusha A. Grow, whom Francis Curtis, the author of the history of the Republican party, calls the patriarch of the party, was the father of the first homestead bill. When he entered congress, in December, 1851, he was the youngest man on the floor of the house of representatives, and his maiden speech was on "Man's Right to the Soil."

For ten consecutive years at the beginning of each session of congress he introduced a free homestead bill, only to have it quietly pigeonholed by the interests, who held that the disposition of the public lands should be sold to powerful interests who would hold the land for exploitation and speculation.

To show how strongly they were entrenched at the national capital is to state that a period of continuous fighting for ten years by Grow was necessary before the first homestead law was passed by congress, which recognized the everlasting heritage "that the public lands should be reserved in small quantities for actual settlers."

The homestead law was passed and became a law in 1862, during the first administration of Abraham Lincoln, and remains to this day the only law of congress that was ever attempted to be complied with in the growth and development of the great West.

It means that a native-born citizen of the United States or one who has declared his or her intention to become a citizen of the United States, and who is not the owner of 160 acres of land in any state or territory, may file upon not more than 160 acres of unappropriated government land, agricultural in character.

This definition applies to forest homesteads in the national forests. There is also what is called an enlarged homestead law which allows, in certain arid localities in the West, one to enter 320 acres of land.

There is no law of congress that has for its object the disposition of the public lands, so little known and understood as the act of congress approved June 11, 1906, and known as the "Forest Homestead law."

The American people are clouded in their conception of the objects and intentions of congress relative to its system of control of the national forests. The law of conservation, or better, the policy of the conservation movement by the government of the

United States was an arbitrary withdrawal of millions of acres of the public domain, both forested and prairie, not for the purpose of permanently withdrawing one acre of agricultural, grazing or mineral lands, but for the purpose of temporarily calling a halt and the taking of an inventory to ascertain how much, if any, of the great mass of the public lands so withdrawn had been illegally obtained, and to call an instant halt on the pilfering of the public lands by dummy entries and fictitious residences and the obtaining of titles by fraud, deceit, and perjury.

To show the liberality of congress with reference to the obtaining of a forest homestead within the national forests, whenever possible the settler is given the exclusive use of necessary land, not exceeding 320 acres of adjoining pasture lands, during a portion of the year when needed for protection against other stock which is permitted to graze on the national forest. This, taken in connection with the homestead of the settler, gives him practically 480 acres of land on which he may have peaceable and exclusive possession.

The settler is allowed to graze ten head of milch or work animals without any permit and free of charge on the national forests.

The law gives the secretary of agriculture authority to allow the free use of timber and stone on national forests by forest homesteaders, bona fide settlers, miners, residents and prospectors for minerals and for fire wood, fencing, building, mining, prospecting and other domestic purposes as may be needed by such persons.

All waters in the national forests may be used for domestic, mining or irrigation purposes under the laws of the state wherein such national forests are situated.

The national forests are patrolled and protected at government expense for the benefit of the homesteader—the actual settler. The government, in thus protecting and patrolling the national forests, instructs the forest rangers to “see to it that the water, wood and forage of the reserves are conserved and wisely used for the benefit of the home builder first of all.”

Is not this admonition a fair proof of the desire of congress and it is that the old, time-tried, five-year homestead law is in force within the boundaries of these national forests, and the strong arm of the government is so wrapped around its exterior boundaries that permit the poor settler to go in these national forests with one pig, cow or horse and have the same protection as the great big cattle and sheepmen, with their thousands of herds of cattle, sheep and horses.

For the purpose of maintaining schools and churches within the boundaries of the national forests the settlers may occupy for these purposes not exceeding two acres for each schoolhouse and one acre for a church free of charge.

The national forest service of the department of agriculture will actually furnish wire and staples to a forest homesteader whenever a drift or division fence is needed for the better control of stock grazed under permit.



Routt County, Colorado. Products--Raised on a Forest Reserve Homestead.

All forest material needed for use in their construction may be furnished from the national forests free.

Here we have some light on the disposition of the government to assist the settler in his first years in these reserves. It has worked wonders in Canada, where the Canadian government has assisted tens of thousands of American farmers in establishing their homes in the Canadian Northwest.

The Denver Weekly Post is preparing a prospectus which will, in a comprehensive way, give every detail in the course of initiating a forest homestead, its selection, the filing of the homesteader's intention of selecting a forest homestead which gives him a preference right against any subsequent application for the same tract of land, and all legal advice and instructions how to proceed in obtaining these forest homesteads.

The Weekly Post will prepare and file for every applicant the papers required to be filed in the office of the secretary of agriculture in the selection of the homesteader's tract of land, and all applications and affidavits required by the homesteader when he enters

the land under the forest homestead laws before the secretary of the interior. In short, it will perform all the legal services required by the applicant, providing it is made in good faith and with the following intention:

"The residence and cultivation required by the forest homestead law means a continuous maintenance of an ACTUAL HOME on the land entered, to the exclusion of a home elsewhere, and continuous annual cultivation of some portion of the land for a period of five years, at the expiration of which the government conveys the land free to the homesteader by United States patent."

These are the kind of ACTUAL SETTLERS, and none others. The Denver Weekly Post will assist to obtain forest homesteads. It will give them free legal advice from the initiation of their homesteads until they receive the patent from the government and will prepare all their land papers to be filed in the land office, protect them in their peaceful and continuous possession, and assist them in every way to maintain their homes.

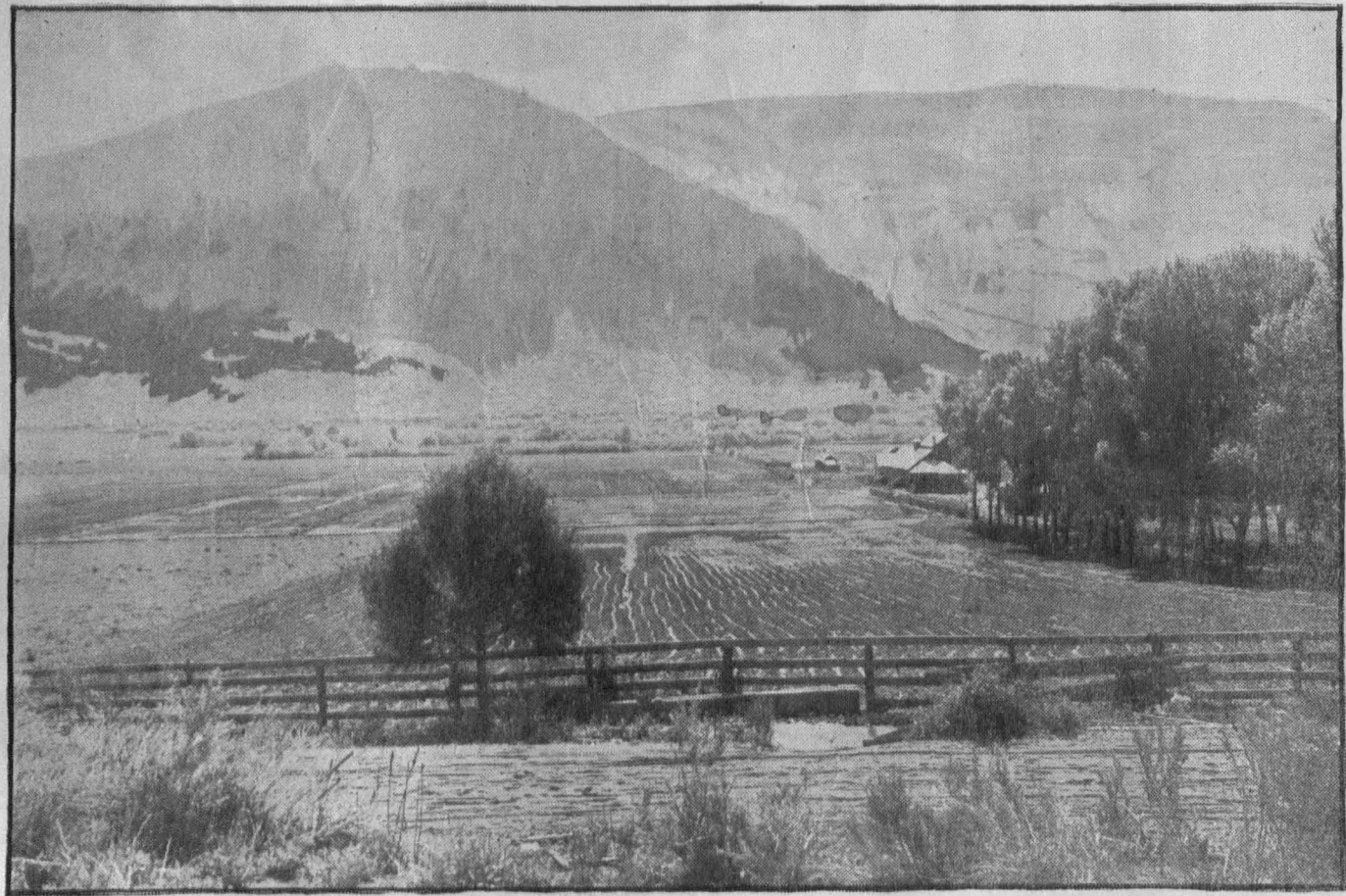
Prospectus, containing full information, is on the press and will in a few days be mailed to all applicants who comply with this rule.

INSTRUCTIONS.

First—Ascertain by personal examination your land, that you select for your forest homestead. Be sure that it is agricultural in character.

Second—Fill out carefully the enclosed application and forward to Denver Weekly Post. It will be promptly filed by our attorneys with the district forester, in Denver, Colorado, and appearance entered by the attorney for The Denver Weekly Post, showing that you are represented by a duly qualified attorney at law, who will look after your interests and protect you in all your rights until patent is issued to you for your homestead. Act promptly, select your land at the very first opportunity, for the applications filed with the district forester give the applicant the prior and preference right against all other parties desiring the same land.

Third—Don't write and ask any questions not answered by the prospectus, until after you have, by personal examination, selected your homestead. No questions will be answered until after your selection, as thousands are writing us daily, and it will be impossible to reply to all and will accomplish no good purpose



Forest Homestead in the Animas Valley, North of Durango, Colo. in the Durango National Forest Reserve.

REGULATIONS GOVERNING ENTRIES WITHIN NATIONAL
FORESTS, SUPERSEDING CIRCULAR OF JULY 23, 1907.

Department of the Interior, General Land Office, .

Washington, D. C., December 16, 1908.

Registers and Receivers, United States Land Offices.

Sirs: Your attention is called to the act of June 11, 1906 (34 Stat., 233), the copy of which is hereto attached as Appendix A. This act authorizes homestead entries for lands within national forests, and you are instructed thereunder as follows:

1. Both surveyed and unsurveyed lands within national forests which are chiefly valuable for agriculture and not needed for public use may, from time to time, be examined, classified, and listed under the supervision of the secretary of agriculture, and lists thereof will be filed by him with the secretary of the interior, who will then declare the listed lands subject to settlement and entry.

2. Any person desiring to enter any unlisted lands of this character should present an application for their examination, classification, and listing to the district forester for the district in which the land is located in the manner prescribed by regulations issued by the agricultural department. (The present regulations are attached as Appendix B).

3. When any lands have been declared subject to settlement and entry under this act, a list of such lands, together with a copy of the notice of restoration thereof to entry and authority for publication of such notice, will be transmitted to the register and receiver for the district within which the lands are located. Upon receipt thereof the register will designate a newspaper published within the county in which the land is situated and transmit to the publishers thereof the letter of authority and copy of notice of restoration, said notice to be published in the designated newspaper once each week for four successive weeks. You will also post in your office a copy of said notice, the same to remain posted for a period of sixty days immediately preceding the date when the lands are to be subject to entry. If no paper is published within the county, publication should be made in a newspaper published nearest the land.

4. The cost of publishing the notice mentioned in the preceding paragraph will not be paid by the receiver, but the publisher's vouchers therefor, in duplicate, should be forwarded to the department of the interior, Washington, D. C., by the publisher, accompanied by a duly executed proof of publication. The register will require the publisher to promptly furnish him with a copy of the issue of the paper in which such notice first appears, will compare the published notice with that furnished by this office, and in case of discrepancy or error cause the publisher to correct the printed notice and thereafter publish the corrected notice for the full period of four weeks.



Routt County Products—Raised on a Forest Reserve Homestead—Moffat Road.

5. In addition to the publication and posting above provided for, you will, on the day the list is filed in your office, mail a copy of the notice to any person known by you to be claiming a preferred right of entry as a settler on any of the lands described therein, and also at the same time mail a copy of the notice to the person on whose application the lands embraced in the list were examined and listed, and advise each of them of his preferred right to make entry prior to the expiration of sixty days from the date upon which the list is filed.

6. Any person qualified to make a homestead entry who, prior to January 1, 1906, occupied and in good faith claimed any lands listed under this act for agricultural purposes, and who has not abandoned the same, and the person upon whose application such land was listed, has, each in the order named, the preferred right to enter the lands so settled upon or listed at any time within sixty days from the filing of the list in your office. Should an application be made by such settler during the sixty-day period you will, upon his showing by affidavit the fact of such settlement and continued occupancy, allow the entry. If an application is made during the same period by the party upon whose request the lands were listed, you will retain

said application on file in your office until the expiration of the sixty-day period, or until an entry has been made by a claimant having the superior preference right. If no application by a bona fide settler prior to January 1, 1906, is filed within the sixty-day period, you will allow the application of the party upon whose request the lands were listed. If entry by a person claiming a settler's preference right is allowed, other applications should be rejected without waiting the expiration of the preferred right period. Of th applicants for listing, only the one upon whose request a tract is listed secures any preference right. Other applicants for the listing of the same tract acquire no right by virtue of such applications.

7. The fact that a settler named in the preceding paragraph has already exercised or lost his homestead right will not prevent him from making entry of the lands settled upon if he is otherwise qualified to make entry, but he cannot obtain patent until he has complied with all of the requirements of the homestead law as to residence and cultivation and paid \$2.50 per acre for the land entered by him.

8. When an entry embraces unsurveyed lands, or embraces an irregular fractional part of a subdivision of a surveyed section, the entryman must cause such unsurveyed lands or such fractional parts to be surveyed at his own expense by a reliable and competent surveyor, to be designated by the United States surveyor general, at some time before he applies to make final proof. Survey will not be required when the tracts can be described by legal subdivisions, or as a quarter or a half of a surveyed quarter-quarter section or rectangular lotted tract, or as a quarter or a half of a surveyed quarter-quarter-section or rectangular lotted tract.

9. Application for survey must be made by the homestead claimants or their duly authorized attorneys to the United States surveyor-general of the state wherein the land is situated. The applications must describe the claim to be surveyed by metes and bounds following the description contained in the listing and entry. The claimant may designate the surveyor he desires to do the work, who will, in the absence of objection, be authorized so to do by the United States surveyor-general. Surveys will be numbered by the United States surveyor general consecutively when the orders for survey are issued, beginning with No. 37, thus "H. E. S. No. —."

The surveys must be actually made on the ground by the surveyor designated by the United States surveyor-general, must be in strict conformity with or be embraced within the area described in the listing and entry, and the field notes and preliminary plat promptly returned to the surveyor-general.

10. The corners of each claim must be numbered consecutively, beginning with No. 1; the corner and survey numbers must be neatly chiseled or scribed on the side (facing the claim) of the stone, post, or rock in place marking the corner. The corners may consist of a stone not less than 24 inches long, set 12 inches in the ground; a post not less than 3 feet long by 4 inches square, set 18 inches in the ground, or a rock in place. Corner No. 1 of each claim must be connected by

course and distance with an established corner of the public surveys, or if there be no corner within a reasonable distance, with a United States location monument, which may be established by the surveyor at some prominent point in the vicinity, and may consist of a stone not less than 30 by 20 by 6 inches, set 15 inches in the ground, or a post 8 feet long 6 inches square, set 3 feet in the ground. The letters U. S. L. M. and number of the monument should be chiseled or cut upon the side of the monument and a detailed description thereof furnished the surveyor-general by the surveyor. Such bearings from the corners of the claims and U. S. L. monuments should be taken to nearby prominent objects as will serve to identify the locus of the claim. Upon the return of the field notes of survey, which must be verified by the affidavit of the surveyor, executed before any officer qualified to administer oaths and having a seal, and the preliminary plat, the surveyor-general will cause same to be examined, and if found regular, approve the same and cause to be prepared three sets of field notes and four plats of the claim, deliver to the claimant one plat to be posted on the claim; transmit two plats and two sets of field notes to the register and receiver of the local land office, one set to be forwarded to this office, with the final proof of claimant, and one plat and field notes to be retained in the office of the surveyor general. Action upon applications for survey and upon the surveys when returned must be promptly had. Surveys of homestead claims heretofore made may be accepted and approved by surveyors-general if in substantial conformance to the requirements herein set forth.

11. The commutation provisions of the homestead laws do not apply to entries made under this act, but all entrymen must make final proof of residence and cultivation within the time, in the manner, and under the notice prescribed by the general provisions of the homestead laws, except that all entrymen who are required by the preceding paragraph to have their lands, or any portion of them, surveyed must, within five years from the date of their settlement, present to the register and receiver their application to make final proof on all of the lands embraced in their entries, with a certified copy of the plat and field notes of their survey attached thereto.

12. In all cases where a survey of any portion of the lands embraced in an entry made under this act is required, the register will, in addition to publishing and posting the usual final-proof notices, keep a copy of the final-proof notice, with a copy of the field notes and the plat of such survey attached, posted in his office during the period of publication, and the entryman must keep a copy of the final-proof notice and a copy of the plat of his survey prominently posted on the lands platted during the entire period of publication of notice of intention to submit final proof, and at the same time his final proof is offered he must file an affidavit showing the date on which the copies of the notice and plat were posted on the land and that they remained so posted during such period, giving dates.

13. Section 1 of the said act of June 11, 1906, having been amended by the act of May 30, 1908 (35 Stat., 554), the only counties

in Southern California in which entries thereunder cannot be made are San Luis Obispo and Santa Barbara, to which counties the act of June 11, 1906, does not apply. Entries made of lands in the Black Hills national forest can be made only under the terms and upon the conditions prescribed in sections 3 and 4 of the act of June 11, 1906, as amended by the act of February 8, 1907 (34 Stat., 883).

14. This act does not authorize any settlements within forest reserves except upon lands which have been listed, and then only in the manner mentioned above, and all persons who attempt to make any unauthorized settlement within such reserves will be considered trespassers and treated accordingly.

Very respectfully,

Approved.

FRED DENNETT, Commissioner.

JAMES RUDOLPH GARFIELD, Secretary.

THE FOREST HOMESTEAD LAW.

APPENDIX A.

AN ACT To provide for the entry of agricultural lands within forest reserves.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the secretary of agriculture may in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of land within permanent or temporary forest reserves, except the following counties in the state of California, Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego; which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the secretary of the interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this act.

Upon the filing of any such list or description the secretary of the interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding one hundred and sixty acres in area and not exceeding one mile in length, at the expiration of sixty 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 description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published 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 first, nineteen hundred and six, 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 lands 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 lands 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 the 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 in which such lands are situated for a like period; and further, that any agricultural lands within 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 commutation provisions of the homestead laws, but settlers, upon final proof, shall have credit for the period of their actual residence upon the lands covered by their entries.

Sec. 2. That settlers upon lands chiefly valuable for agriculture within forest reserves on January first, nineteen hundred and six, 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 homestead 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 two dollars and fifty cents 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.

Sec. 3. That all entries under this act in the Black Hills forest reserve shall be subject to the quartz 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 forest 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.

Sec. 4. That no homestead settlements 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 first, nineteen hundred and six, 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 settlers or occupants to lands chiefly valuable for agriculture therein occupied or claimed by them prior to the said date, and all homestead entries under this act in said counties in said reserve shall be described by metes and bounds survey.

Sec. 5. That nothing herein contained shall be held to authorize any future settlement on any lands within forest reserves until such lands have been open 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.

Approved, June 11, 1906.—(34 Stat., 233.)

AN ACT Excepting certain lands in Pennington county, South Dakota, from the operation of the provisions of section four of an act approved June eleventh, nineteen hundred and six, entitled "An Act to provide for the entry of agricultural lands within forest reserves."

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the following described townships in the Black Hills forest reserve, in Pennington county, South Dakota, to wit: Townships one north, one east; two north, one east; one north, two east; two north, two east; one south, one east; two south, one east; one south, two east; and two south, two east, Black Hills meridian, are hereby excepted from the operation of the provisions of section four of an act entitled "An act to provide for the entry of agricultural lands within forest reserves," approved June eleventh, nineteen hundred and six. The lands within the said townships to remain subject to all other provisions of said act.

Approved, February 8, 1907.—(34 Stat., 883.)

AN ACT To amend an act approved June eleventh, nineteen hundred and six, entitled "An act to provide for the entry of agricultural lands within forest reserves."

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That an act entitled "An act to provide for the entry of agricultural lands within forest reserves," approved June eleventh, nineteen hundred and six, be amended by striking out of section one the following words: "Except the following counties in the state of California: Inyo, Tulare, Kern, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego."

Approved, May 30, 1908.—(35 Stat., 554.)

APPENDIX B.

Regulations Governing Applications Under the Act of June 11, 1906.

U. S. Department of Agriculture,
Forest Service.

1. All applications for the listing of lands under the act of June 11, 1906, must be signed by the person who desires to make entry, and must be mailed to the district forester for the district in which the land is located.

2. The person upon whose application the land is listed has the preference right of entry, unless there was a settler on the land prior to January 1, 1906, in which event the settler has the preference right.

3. Persons having preference rights under the act may file their entries at any time within sixty days after the filing of the list in the local land office. If they do not make entry within that time, the land will be subject to entry by the first qualified person to make application at the local land office.

4. All applications must give the name of the national forest and describe the land by legal subdivisions, section, township, and range, if surveyed, and if not surveyed, by reference to natural objects, streams, or improvements, with sufficient accuracy to identify it.

5. Section 2 of the act gives, within national forests only, an additional homestead right of entry upon lands chiefly valuable for agriculture, to settlers prior to January 1, 1906, who have already exercised or lost their homestead privilege, but who are otherwise competent to enter under the homestead laws. The general act of February 8, 1908, provides that any person who, prior to February 8, 1908, made entry under the homestead laws, but for any cause has lost, forfeited, or abandoned his entry, shall be entitled to the benefits of the homestead law as though such former entry had not been made, except when the entry was canceled for fraud or was relinquished for a valuable consideration.

6. The fact that an applicant has settled upon land will not influence the decision with respect to its agricultural character. Settlers must not expect to include valuable timber land in their entries. Settlement made after January 1, 1906, and in advance of opening by the secretary of the interior, is not authorized by the act, will confer no rights, and will be trespass.

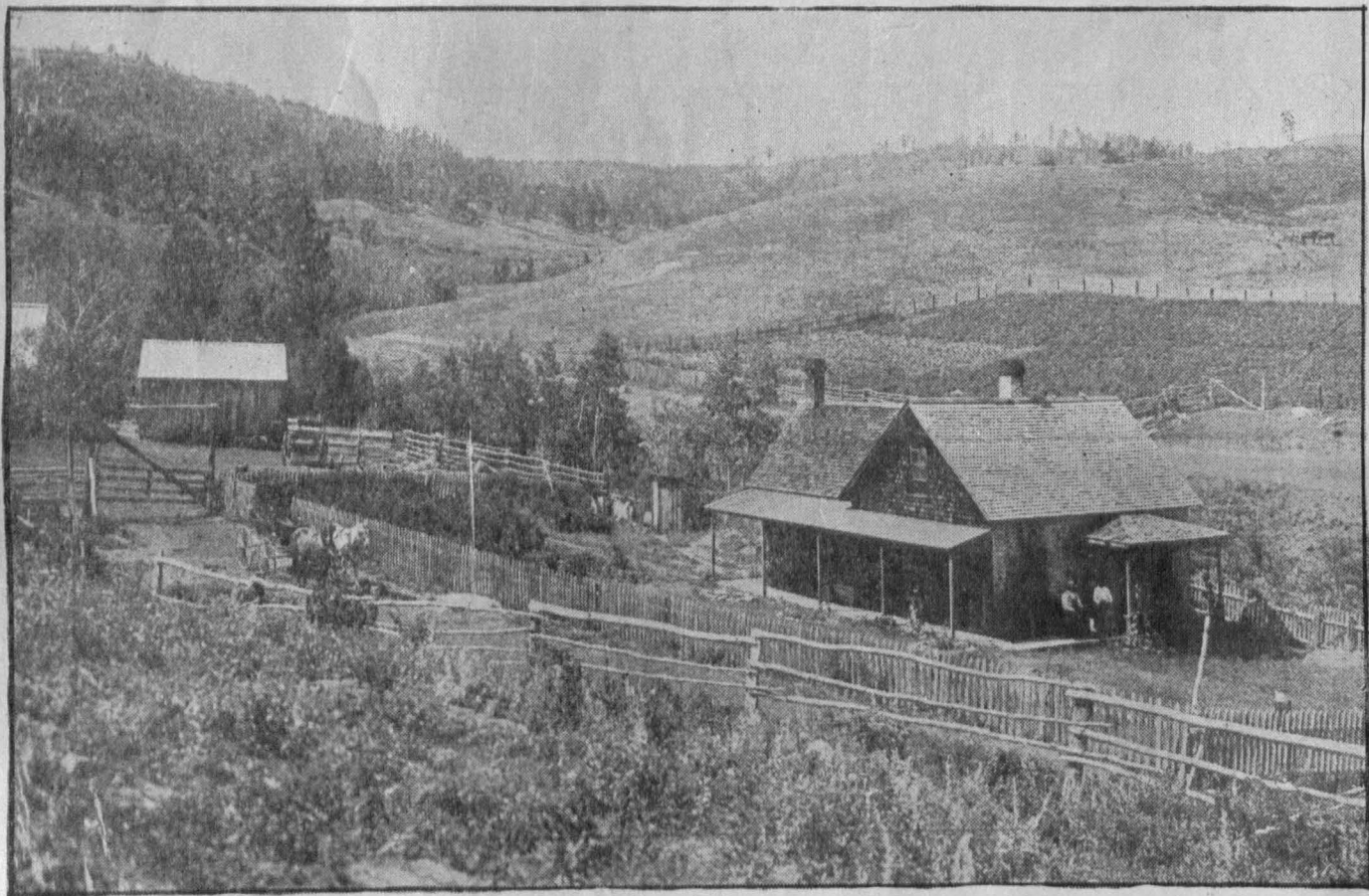
7. Entry under the act is within the jurisdiction of the secretary of the interior, who will determine preference rights of applicants.

8. Applicants who appear to have a preference right under the act of June 11, 1906, will be permitted to occupy so much of the land applied for by them as, in the opinion of the forest supervisor, is chiefly valuable for agriculture, and need not wait until the land is listed.

SETTLERS ON NATIONAL FORESTS WHERE THE LAND IS UNSURVEYED ARE FREE FROM COST OF SURVEY--A GREAT VICTORY FOR THE POOR SETTLER.

United States Department of Agriculture, Office of the Secretary.
Washington, D. C., Oct. 3, 1911.

Settlers on national forests under the act of June 11, 1906, will no longer have to pay for a survey, as they have had to in the past on unsurveyed lands, when the claim goes to patent. This relieves many settlers under the act, commonly known as the Forest Homestead law, from a burdensome expense. Relief from this burden has been brought about by an agreement between the secretary of the interior and the secretary of agriculture, whereby surveys made by employees of the forest service will be under the supervision of the surveyor



Forest Homestead on South Fork Williams River, Near Pagoda, Routt County, Colorado, National Forest Reserve.

general so that they can be accepted by the general land office as final.

Hitherto it has been necessary to make two surveys. Under the terms of the Forest Homestead law, national forest lands cannot be opened to settlement unless the secretary of agriculture has recommended to the secretary of the interior that it be listed for settlement; and listing is not possible until a survey has been made. The secretary of agriculture has no authority to list any land unless an examination has shown that the land is more suitable for agriculture than for forest purposes. So when land is applied for, employes of the department of agriculture are sent to ascertain its character, and at the same time make a survey of it by metes and bounds if a survey is necessary.

This survey, however, could not be accepted by the land department as a basis for patent, because only surveys under the supervision of the surveyor general can, under the law, be accepted as a basis for passing title. In consequence, under the procedure provided for when patent is sought to unsurveyed lands, the settler on land within a national forest has had to pay for a second survey. This has been felt to be especially hard because it has subjected settlers on national forests to an expense which settlers on surveyed public lands do not have to bear. Since it merely duplicated the work of the first survey, there seemed no reason why this first survey might not answer both for listing the land and for patenting it.

The survey for listing, made by forest officers, has always been without expense to the prospective homesteader. Under the new arrangement the field expenses of the survey will continue to be paid by the department of agriculture, so that the applicant will merely be called on to meet the cost of checking up and platting the surveys by the surveyor general. This will remove one of the greatest objections to the working of the forest homestead law. The officials of both the department of agriculture and the department of the interior are pleased that the way has been found, through co-operation in the surveys, to simplify the procedure, cut out a duplication of work and lessen the cost of settling upon agricultural lands within national forests.

October 23, 1911.

Smith Riley, United States District Forester at Denver, Colorado, writes the following splendid letter to The Denver Weekly Post:

The secretary of agriculture has entire jurisdiction over national forests, except in matters of surveying and passage of title. He cannot convey any kind or degree of title to the land itself, but has authority to grant permits for the occupancy of lands and use of the resources of the forests. Permits are necessary for the occupancy and the use of national forest lands for operations or enterprises of any kind, except that prospecting and mining may be followed without restriction just the same as on the public lands outside of reser-

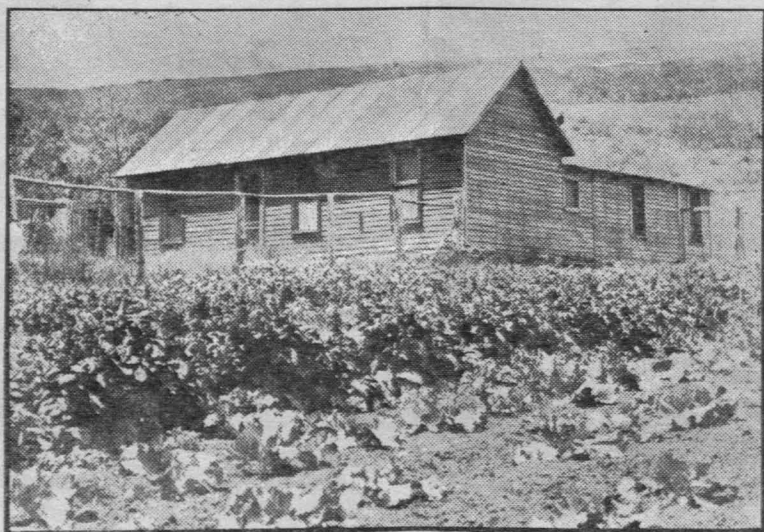
vations. Transient camping, hunting, fishing and surveying for lawful projects may be followed without restriction and without a permit of any kind. Where a charge is made for the use of a national forest, the rate is based upon that which is actually furnished to the permittee, as, for instance, advantageous location, and is not based upon the profit which may be made from the enterprise. Drift fences, corrals, roads, trails, schools, churches and all irrigation enterprises are granted free. In the case of drift fences or corrals, the permittee is usually required to have a grazing permit in connection with these uses. Timber is given users of the forest for the construction of telephone lines if the service will, in return, be permitted the use of the telephone line for official business.

Mineral lands within national forests may be located, developed and patented in accordance with the mining laws, and the fact of their inclusion within the national forest has no bearing whatever upon their development or disposition. All claims to public lands are investigated before patent is issued. Accordingly, before patent is issued to any land claims within the national forest, the secretary of the interior, who has entire jurisdiction over passage of title, requests a report of facts, and an examination is made for this purpose by the forest officer, the conclusion arrived at and disposition made by the secretary of the interior. No restriction whatever is placed on the acquisition of mineral lands other than those which govern similar claims outside the boundaries of the national forests.

Agricultural lands, both surveyed and unsurveyed, within the national forests may be acquired under the act of June 11, 1906, a copy of which is attached as well as a copy of regulations of the interior department governing entries within national forests, and which explain fully the method of procedure in such cases. It is much simpler to acquire title to unsurveyed agricultural lands within national forests than to acquire title to unsurveyed lands outside the national forests. All that is necessary to acquire such lands within a forest is to comply with the terms of the act of June 11, 1906, and the only expense which the applicant is put to now, under a recent agreement between the secretaries of the interior and agriculture, is the cost of clerk hire in the office of the surveyor general of the state in which the claim is located, where it is necessary to review the field notes and report of the surveyor. Outside of the national forests, it requires a certain number of signers to a petition praying for a survey, who must all be residents of the region for which a survey is sought, and must advance the expense of the survey as well as the cost of supervision in the office of the surveyor general. In addition to this the surveyor general's assistants are limited, and they must wait until it is possible to find time to do the work. When the public surveys are finally extended to the region the settlers will be reimbursed the amount advanced.

Under the act of June 11 a surveyed or unsurveyed claim within a national forest is examined immediately upon receipt of the appli-

cation, and if it does not conflict with an entry already of record, or some prior valid claim, and is found to be agricultural in character, the applicant is permitted to at once occupy and cultivate the land, and need not wait until it is actually listed before he goes upon the claim. In this way no delay is experienced at all and very little expense is caused the applicant. In addition to 160 acres under this act, claimants who settled on agricultural lands within national forests prior to Jan. 1, 1906, and who have already exercised or lost their homestead privilege, but are otherwise competent to make entry of lands under the homestead laws, are permitted an additional homestead right of entry under this act, provided that in addition to complying with the provisions of the homestead law they pay \$2.50 per acre for lands entered under the provisions of the act, such payment to be made in making final proof.



Dr. DeWitt's Mountain Ranch in Middle Park, Near Hot Sulphur Springs Park
Grand County, Colorado

From this it will be seen that, contrary to the general understanding, lands within national forests may be acquired in a much simpler way and to greater extent than ordinarily upon the public domain outside the national forests.

All resources of the national forests are for the use of the people, and settlement and use is encouraged. Settlers are granted the free use of timber "not to exceed in stumpage value \$20 in a year." The class of material usually taken is dead timber, since it is best adapted to the purposes for which it will be used, and ranges in value from 50 cents to \$1.50 per thousand feet, which will give to the settler all the timber he will be able to use ordinarily during the year.

All timber within national forests which can be cut with safety to the reproduction and the watershed for which there may be need is for sale. Applications to purchase are invited. Mature green timber is for sale except where its removal would make a second crop doubtful, reduce the timber supply below the point of safety, or be detrimental to stream flow. All dead timber is for sale. The use of forage crop of the national forests is allowed as fully as the proper care and protection of same and water supply permit. Every effort is made to assist the stock owners in a satisfactory distribution of stock on the range in order to secure harmony with the citizens, to reduce the waste of forage by trampling through unnecessary moving of stock, and to obtain a more permanent, judicious and profitable use of the range. The adjustments are made first, with the view to protection of the lands adapted to grazing; second, to protection of the settler and home-builder against unfair competition, and the protection and permanency of the live stock industry. The feed charge is less than that required by individual owners of grazing lands, and the state for its lands, and is based upon the cost of supervision.

There are seventeen national forests in the state of Colorado with a total gross area of 14,731,400 acres. Within their boundaries there are 1,350,345 acres of patented lands, making a total net area of 13,381,055 acres. Two years ago a thorough examination of the boundaries of the national forests was ordered by the forester, and the result was that in the state of Colorado alone 1,085,204 acres were eliminated. These eliminations consisted principally of small areas situated along the boundaries which were not needed for forest purposes and which had no forest cover. Many of these lands were suited only to grazing, having too thin a soil and no water to be satisfactory for the pursuit of agriculture. There are still small non-forested areas within the national forests, which are agricultural in character, and yet would be capable of producing forests if it were possible to reforest all of the lands now void of forest cover. It is impossible to reforest all of these areas at once, and such lands will be listed with the department of the interior for restoration to entry through the act of June 11, 1906. This practically eliminates the lands from the national forests, but does so through this act rather than by proclamation of the president. There are no extensive areas of non-forested agricultural lands within the national forests.

Attached is a list giving the names of all the forests in Colorado with the location of the supervisors' headquarters. The supervisors have immediate charge of the forests, under the general direction of the district forester, and deal with the people in the vicinity of the national forests, and conduct the correspondence in regard to the supervision and use of the forests. A map of the state is also attached, showing the location of all the forests and their relation to each other.

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