

A LAND OFFICE BUSINESS

Homesteading in Northern Idaho

Appendices A through J

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APPENDIX A

Timeline for Public Land Policy with emphasis on North Idaho

- 1780 **State Relinquishments** - Congress declared that "the un-appropriated lands which should be ceded or relinquished to the United States by any particular state should be disposed of for the common benefit of the United States, and be settled and formed into distinct republican states which should become members of the union hand having the rights of sovereignty and freedom and independence like the other states--the lands to be granted or settled at such terms and under such regulations as should afterwards be agreed upon by the United States in Congress assembled." (Robbins 1942: 5)
- 1785-May 20 **Ordinance of May 20, 1785** - "land was to pass in fee simple from the government to the first purchaser. After clearing the Indian title and surveying the land the government was to sell it at auction to the highest bidder. Townships were to be surveyed six miles square and alternate ones subdivided into lots one-mile square, each lot consisting of 640 acres to be known as a section. No land was to be sold until the first seven ranges of townships were marked off. A minimum price was fixed at \$1 per acre to be paid in specie, loan-office certificates, or certificates of the liquidated debt, including interest. The purchaser was to pay surveying expenses of \$36 per township. Congress reserved sections 8, 11, 26, and 29 in each township, and one-third of all precious metals later discovered therein. In addition the sixteenth section of each township was set aside for the purpose of providing common schools (Robbins 1942: 8).
- 1796 **Act of 1796** - "retained the basic institutions of rectangular survey and auction. The minimum price, however, was raised to \$2 per acre as compared with \$1 under the Ordinance of 1785. Approximately half the lands were to be disposed of in tracts containing 5,760 acres, the rest in tracts of 640 acres (Robbins 1942: 16)
- 1800-May 10 **Act of May 10, 1800** - "provided for a liberal credit system, a reduction in the minimum amount of land to be offered for sale, and establishment of administrative machinery. Local land offices were to be opened . . . The minimum amount of land that could be purchased was reduced to 320 acres; the minimum price was kept at \$2 per acre. While a discount of 8 per cent was allowed for cash payment, more important was the fact that liberal credit was tendered to the settler" (Robbins 1942: 18-9)

- 1803-April 30 **Louisiana Purchase** - the United States purchased 756,961,280 acres from France.
- 1804-March **The Act of 1804** - "providing for the disposal of public land in the state of Indiana and for other purposes was approved. It is within the other purposes that the fundamental changes in the land policy are found. In this act Congress acceded to the demand that no interest be charged until payments became delinquent. This changed the cash price of the land from one dollar eighty-four cents to one dollar sixty-four cents, since under the new arrangement the eight per cent discount was reckoned on the face value of the deferred payment instead of on that sum increased by the interest charges at six per cent . . . The other concession made to the popular demand was the reduction of the size of tract offered . . . The quarter section provision was achieved in 1804" (Hibbard 1924: 74-5).
- 1812-April 25 **General Land Office Act** – created the General Land Office to oversee the public domain.
- 1819-March 31 **Florida Purchase** - the United States purchased 37,931,520 acres from Spain.
- 1820-April 2 **Act of April 2, 1820** - "provided for the sale of tracts as small as 80 acres at a cash payment of \$1.25 per acre. So ended the ill-starred system of selling government land on time. So ended the ill-starred system of selling government land on time" (Hibbard 1924: 98).
- 1830- May 29 **Preemption Act of 1830** - "any settler who had migrated to the public domain and had cultivated a tract of land in 1829 was authorized to enter any number of acres up to a maximum of 160 by paying the minimum price of \$1.25 per acre. Although the act was temporarily in character it nevertheless constituted a general pardon to all inhabitants who had settled illegally. It also served in some respects as a further indulgence to those settlers for whose assistance the relief legislation of the 1820's had been designed. But the act had still more far-reaching significance. Once the government had granted this concession--preemption--it was exceedingly difficult to refuse it on later occasions. In practice, therefore, the act encouraged illegal settlement, for settlers immediately took up the best lands they could find and petitioned Congress for preemption. Why not pardon us, they queried, as well as the unlawful settlers of 1830? So in 1832 Congress renewed the Act of 1830, and again in 1834. In fact, as Edward Everett complained in 1835, the preemption bill was coming up as regularly as the annual appropriation bill" (Robbins 1942: 50).
- 1836-July 11 **Specie Circular** - Local land officials instructed to accept only gold and silver in payment for public land (an exception to this was actual settlers buying 320 acres or less).

- 1837-May **Panic of 1837** - Land sales entered a precipitous decline and general commodity prices subsequently dropped dramatically.
- 1838- June 22 **Act of 1838** - every settler of the public lands who was the had of a family or over twenty-one years of age, and who was in personal residence thereon at the time of the passage of the act and four months next preceding, was entitled to all the benefits of the privileges granted in the Preemption act of 1830.
- 1840 **Renewal of the Act of 1838** - preemption was continued down to June 22, 1842.
- 1841-September 4 **Preemption/Distribution Act** - repudiated the retrospective policy of preemption and recognized that settlement prior to purchase was no longer per se a trespass. The act provided that an individual, henceforth, could legally venture forth upon public surveyed land and stake a claim to the exclusion of all others. The maximum amount that a settler could purchase was 160 acres, to be paid for at the government minimum price of \$1.25 per acre.
- 1844 **Grants to States** - Congress institutes a program of granting one half million acre grants to new states.
- 1845 **Texas** - admitted to the union.
- 1846 **Oregon** - Acquisition of Oregon Territory
- 1848-February 2 **Treaty of Guadalupe Hidalgo** - acquisition of area including states of California, Nevada, Utah and Arizona and parts of New Mexico, Colorado and Wyoming.
- 1848-August 14 **Establishment of Territorial Government of Oregon**
- 1853-March 2 **Establishment of Territorial Government of Washington**
- 1853 **The Gadsden Purchase** - acquisition of southern New Mexico.
- 1858-September 17 **Articles of Treaty of Peace and Friendship** with Coeur d'Alene Tribe.
- 1862-May 20 **Homestead Act of 1862** - provided "the right to a homestead, not exceeding 160 acres, on the surveyed public domain. Title to the homestead could be acquired by continuous residence, improvement of five years, and the payment of a fee of \$35 on the Pacific Coast and \$26 in the other states. After six months' of actual residence and suitable improvement, the claimant might commute his homestead entry into full title simply by the payment of \$1.25 per

- acre. Any improvement to the extent of an acre or more entitled the claimant to commutation" Robbins 1942: 207)
- 1862-July 1 **Act of Incorporation of the Union Pacific Railroad** - authorized to construct, maintain and enjoy said railroad and telegraph lines. To aid in this construction the act granted a right-of-way of two hundred feet on each side, grounds for stations, buildings, etc., and every alternate section of land, designated by odd sections, per mile on each side and within the limits of ten miles on each side (Robbins 1942: 207).
- 1863 **Idaho organized as a Territory.**
- 1864- March 21 **Homestead Act of 1864** - provided that the soldier who had served a minimum of two years should be able to secure a homestead with only one year's residence (Robbins 1942: 207).
- 1864 **Amendment to the Act of Incorporation of the Union Pacific Railroad** - provided for the doubling of the size of the land grant to the corporation bringing the total to 40,000,000 acres.
- 1864 **Land Grant to the Northern Pacific Railroad Corporation** - equally liberal and more extensive than that to the Union Pacific, twenty sections per mile on each side being granted within all territories traversed, and half that amount within states. Here lieu lands might be chosen within ten miles of the outer line of the regular alternate section grant.
- 1864-July 2 **Morrill Act** - established land grant colleges in each state not in rebellion.
- 1866 **Land Grants** - to the Atchison Topeka and Santa Fe and the Southern Pacific.
- 1867-June 20 **Alaska Purchase** - area of the state of Alaska purchased from Russia.
- 1867-June 14 **Executive Order Establishing Coeur d'Alene Indian Reservation** - (Rejected by Tribe)
- 1870-July 15 **Act of July 15, 1870** - "Under its terms, a man who had served a minimum of ninety days in the military or naval forces of the United States was enabled to enter 160 acres of double premium reserved public lands along the railroads--the most-prized land in America--or anywhere in the public domain" (Robbins 1942: 214).
- 1872-April 4 **Homestead Act of 1872** - "retained the principles of the homestead law, eliminated the "assignable rights" clause, allowed a soldier six

- months instead of a year to begin his residence on his tract, and permitted the soldier's six months instead of a year to begin his residence on his tract, and permitted the soldier's term of service to be deducted up to four years from the residence requirement" (Robbins 1942: 216).
- 1873-March 13 **Timber Culture Act** - "an act to encourage the growth of timber on western prairies"--provided that any person who would plant, protect and keep in a healthy growing condition for ten years, forty acres of timber--trees not more than twelve feet apart--would receive title to the quarter-section of which the forty acres was a part. Only one quarter in any section was to be obtained in this manner (Hibbard 1924: 414).
- 1873-November **Executive Order of June 14, 1867 Amended** by Executive Order. Established a Reservation for the Coeur d'Alene Tribe.
- 1874-January 20 **Creation a Reservation in Territory of Washington for Coeur d'Alene Tribe** - 43rd Congress, Senate Doc. No. 32
- 1877-March 3 **Desert Land Act** - "provided that the settler should reclaim the land [640 acres] by conducting water [irrigating] upon it . . . This act resembles in several important particulars the preemption act requiring improvement of the land and payment for the same at \$1.25 per acre" (Hibbard 1924: 427-8).
- 1878-June 3 **Timber Cutting Act** - "attempted to prevent depredations on the western and southern forests by allowing bona fide settlers and mining interests to cut timber on the public domain [and only on identified mineral lands] for their own legitimate use without charge (Robbins 1942: 288).
- 1878-June 3 **Timber and Stone Act** - "provided for the sale, at not less than \$2.50 an acre, to citizens of the United States or persons who had declared their intention to become citizens, of public lands valuable chiefly for timber and stone. It applied to unoccupied, unimproved, surveyed, non-mineral land that was unfit for cultivation and consequently unfit for disposal under the preemption or the homestead laws. It was to be sold in quantities not to exceed 160 acres to each person. An affidavit was required of entryman stating that the timber or stone was for personal use and that the purchase was not made for speculation or for any other person" (Hibbard 1924: 465). In 1892 it was extended to all public land states.
- 1878-June 14 **Act of June 14, 1878** - "reduced the number of acres from forty to ten and prescribed the number of trees to be grown per acre as 2,700 at which time of planting and "675 living, thrifty trees" when the patent should be granted" (Hibbard 1924: 415).
- 1880 **Latah County, Idaho Organized.**

- 1887 **General Allotment Act of 1887 (Dawes Act)** - "provide for the allotment of lands to Indians on various reservations and public domain and extended the protection of laws of the United "states and territories over Indians. This was an attempt at assimilation by cessation of Indian tribal holdings and relations and by treating Indians as individuals by division of lands among them to establish homes, develop their lands, and become a part of American society. The act also offered U.S. citizenship to any individual applying for an allotment. This act resulted in the transfer of over 80 million acres (actual estimates of acreage transferred ranged from 50 to 134 million acres) of Indian lands into private ownership" (U. S. D. A. Forest Service 1997: A-3)
- 1890 **Idaho becomes a State.**
- 1890-March 28 **Ratification of Coeur d'Alene Indian Agreements.** 51st Congress, 1st Session, Report No. 1109. House of Representatives. To accompany H. R. 7703.
- 1891-March 3 **General Revision Act of 1891** - "Section I repealed the timber culture acts; section 2 amended the Desert Land Act; section 4 repealed the preemption laws, with the proviso that claims initiated before the passage of the act could be perfected under the old laws; section 5 amended the homestead acts to the effect that no commutation was to take place until fourteen months after entry; section 9 provided that henceforth there would be no more auctions of land; and section 24 allowed the President to set aside areas of timber lands as national parks" (Robbins 1942: 296-7).
- 1891 **Forest Reserve Act of 1891** - "authorizing the President of the United States whenever in his judgment he deems proper to do so, to make a reservation of the timberlands . . ." (Robbins 1942: 304)
- 1894-August **Carey Act** - "the government agreed to donate to certain states a quantity of land, not over 1,000,000 acres each, which they should cause to be settled, irrigated and, in part, cultivated; in which event the government agreed to grant patents either to the state or direct to the assignees of the state" (Hibbard 1924: 436).
- 1897 **Organic Act of 1897** - "No public forest reservation shall be established except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations to authorize the inclusion therein of lands more valuable for the mineral therein or for agricultural purposes than for forest purposes" (USDA 1905: 12).

- 1897 **Forest Lieu Land Act** - "in cases in which a tract covered by an unperfected bona fide claim, or by a patent, is included within the limits of a forest reservation the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of vacant land open to settlement not exceeding in area the tract covered by his claim or patent (Robbins 1942: 339).
- 1897-February 22 **Priest River Forest Reserve proclaimed northern Idaho and Washington.**
- 1904 **Kinkaid Homestead Act** - "providing for the experiment of homesteading the desert country in western Nebraska. This act permitted a homestead of 640 acres. Though it required improvements valued at \$800 and five years' residence, nevertheless, it opened up to farming the remaining Nebraskan lands. Its operation was so successful that there was a general demand for its extension to the rest of the public lands states" Robbins 1942: 343).
- 1906-June 11 **Forest Homestead Act** - "forest reserve lands which were chiefly valuable for agriculture, and in the opinion of the Secretary of the Interior might be occupied without injury to the forests, were to be open to entry under the homestead laws but on condition that there could be no commutation. It was thought that about 4 percent of the area of the forest reserves might be opened up to homesteading. From 1906 to 1909, over 1,400,000 acres were taken up under the provisions of this act" (Robbins 1942: 346).
- 1906-November 6 **Coeur d'Alene National Forests established in northern Idaho.**
- 1907-March 2 **Priest River Forest Reserve enlarged in northern Idaho.**
- 1908-June 26 **Pend d'Oreille established out of parts of the Cabinet, Coeur d'Alene, Kootenai and Priest River Forests. Priest River becomes Kaniksu.**
- 1909-February 19 **Enlarged Homestead Act** - "making it possible to take 320 acres as a homestead in nine different states and territories. In 1910 Idaho was added to the list making ten . . ." (Hibbard 1924: 393).
- 1910-May 6 **Presidential Proclamations eliminate agricultural and other lands from the Pend d'Oreille, Coeur d'Alene, and Kaniksu. Changed the name to Pend d'Oreille to Pend Oreille.**
- 1911-March 1 **Weeks Law** - "to enable any state to cooperate with any other state or states or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers" (Robbins 1942: 368).

- 1911-June 29 **St. Joe National Forest established in northern Idaho out of parts of the Coeur d'Alene and the Clearwater National Forests.**
- 1912- June 6 **Three Year Homestead Act** - "may be looked upon as a salutary change in the public-land policy made, for the most part, to accommodate the requirements to the peculiar conditions of the arid regions as compared with the humid regions for which the first Homestead Act was clearly designed" (Hibbard 1924: 396).
- 1916-December 29 **Stock-Raising Homestead Act** - "provided for a limit of 640 acres per homestead of lands to be designated as "stock-raising" lands" (Hibbard 1924: 398).
- 1933-September 30 **Pend Oreille consolidated with the Kaniksu.**
- 1934-June 28 **Taylor Grazing Act** - "virtually closed the public domain to further settlement" (Robbins 1942: 423).
- 1935-February 5 **President Franklin D. Roosevelt** - withdraws all public lands from private entry.

APPENDIX B

Glossary

Abstract – a brief outline of the essential information about a piece of property (Ellsworth 1976: 1).

Aliquot Parts - a description of a tract of land based on the land survey system of the United States based on Township, Range, and Sections or fraction of a Section.

Cession - the transfer of public land to states in which it is situated.

Commutation - cash payment in lieu of residency for the full term provided under the Homestead Act. If the settler did not wish to wait the required number of years, he could "commute" or purchase his claim with cash, military bounty warrants, or agricultural college scrip (Nebraska State Historical Society 1998 Internet Site ¹)

Conservation - "the planned management of a natural resource to prevent exploitation, destruction, or neglect" (New Collegiate Dictionary 1977: 241).

Declaratory Statement - (indicated as D.S. in the tract books) - A statement filed by the settler within a certain period after actual settlement. The declaratory statement indicated an intention to claim a specific tract under the preemption laws (Nebraska State Historical Society *ibid*).

Distribution - the proposal in the 1800s that the proceeds from the sale of public lands be distributed among the states.

Entry - the term used to indicate the first step in the process of claiming land under the authority of one of the various land laws. Synonymous with the terms "filing" or "filing a claim." (Nebraska State Historical Society *ibid*).

Final Certificate - a document issued by the land office after the claimant had completed all requirements to make final proof on a tract of land. The final certificate was sent to the General Land Office in Washington, D.C., which then issued a patent (Nebraska State Historical Society *ibid*).

Graduation - the proposal in the 1800s that the price for sale of public lands be varied to fit the land.

¹ http://www.nebraskahistory.org/lib-arch/services/reference/la_pubs/landlaw7.htm

Legal Description - When the Federal Government undertook to survey the public lands, they used a rectangular survey system that imposed a grid over the land. The units of measurement were "sections" composed of one square mile, and therefore containing 640 acres. A piece of property could then be described precisely using the number of units north and south of a baseline (Township) and east and west of a meridian (Range). Thus a 40-acre plot in Boundary Co., State of Idaho, is SW4 of the SW4 of S 31, T 54N, R 2E. This would be read "the southwest quarter of the southwest quarter of Section 31, township 54 north and Range 2 east [of the Boise Meridian]." (From Homestead Records. An Internet site²)

Indemnity Lands - "In Idaho, the granted lands [to Northern Pacific Railroad] were in a belt forty miles wide on each side of the road. Section III [of the act creating the railroad corporation] further provided that when the lands had been preempted or otherwise disposed of, other lands should be selected by the company in lieu thereof, in alternate sections designated by odd numbers, not more than ten miles beyond the limits of the granted lands. These "other lands" are known as "First Indemnity Lands." Additional indemnity limits were established, but in Idaho, it was necessary to establish only a second." Livingston-Little (1965: 64)

Laissez-fair - a doctrine opposing governmental interference in economic affairs beyond the minimum necessary for the maintenance of peace and property rights (New Collegiate Dictionary 1977: 644).

Manifest Destiny - "an ostensibly benevolent or necessary policy of imperialistic expansion. In the mid-19th century expansion to the Pacific was regarded as the Manifest Destiny of the United States" (New Collegiate Dictionary 1977: 699).

Military Bounty Warrants - "beginning with the American Revolution and continuing through the Mexican War, Congress granted land as a bounty for military service. Bounty warrants were based on the length of service and in some cases, rank, and could be exchanged for public lands. These warrants were assignable and could be used as payment for preemptions, commuted homesteads, and direct private entry" (Nebraska State Historical Society *ibid*).

Minimum Lands - "government lands available for sale at the established rate of \$1.25 per acre" (Nebraska State Historical Society *ibid*).

Offered Lands - "lands, which had been "offered" at public auction pursuant to presidential proclamation or public notice from the General Land Office. "Offered" lands not sold at auction or otherwise reserved or withdrawn were then subject to private entry" (Nebraska State Historical Society *ibid*).

Patent/Grant - "is the government's or proprietor's passing of title to the patentee/grantee. This is the first-title deed and the true beginning of private ownership

² <http://members.aol.com/gkrell/homestead/home.html>

of the land" (Szucs and Luebking 1997: 244). "The deed issued by the government for a tract of public lands claimed under the various land laws" (Nebraska State Historical Society *ibid*).

Plat - "sometimes called a survey, is the surveyor's drawing of the legal description so that the land is identifiable--his certification that everything is in order so far as the warrant, approved acreage, and legal description are concerned" (Szucs and Luebking 1997: 244).

Popular Sovereignty (also called Squatter Sovereignty) - "a pre-Civil war doctrine asserting the right of the people living in a newly organized territory to decide by vote of their territorial legislature whether or not slavery would be permitted there" (New Collegiate Dictionary 1977: 895).

Preemption - is the right, given by the government to the actual settler upon a tract of public land, of purchasing the land before others (New Collegiate Dictionary 1977: 906).

Proof - The final step in perfecting title to land entered under the government land laws. Although requirements varied, the settler was required to prove that he had complied with the legal requirements in order to receive title to his claim (Nebraska State Historical Society *ibid*).

Proof of Publication - prior to making final proof, the claimant was required to publish notice of his intention to "prove up" once each week for a period of not less than thirty days, in a legal newspaper nearest the land (Nebraska State Historical Society *ibid*).

Property, Real and Personal - "One major distinction is between real and personal property, which arose in Norman England to distinguish between property the courts could restore to a dispossessed owner and property for which the courts would grant compensation for losses. The distinction is conveniently--if only roughly--between land (and its "fixtures") and movables." (Szucs and Luebking 1997: 264).

Public Domain or Public Lands - "included all lands that were at any time owned by the United States and subject to sale or other transfer of ownership under the laws of the Federal Government. The national domain, on the other hand, consists of the total area, both land and water, under the jurisdiction of the United States (Hibbard 1924: 7).

Relinquishment - A written statement, executed on the back of the duplicate filing receipt, which certified that a claimant desired to give up his pre-emption, homestead, or timber culture entry. The land then became subject to further entry. The register of the land office recorded the words, "cancelled by relinquishment" opposite the record of entry in the tract book (Nebraska State Historical Society *ibid*).

Script - "means a piece of paper entitling the person to who it is issued to a prescribed amount of land on the public domain" (Hibbard 1924: 26).

Squatter - a person who settles on property without right or title or payment of rent, a person that settles on public land under government regulation with the purpose of acquiring title (New Collegiate Dictionary 1977: 1129).

"Soldier's Claim" - soldiers serving a minimum of ninety days in the Union Army during the Civil War were permitted to deduct their time of service from the homestead residency requirements. If wounded, or discharged because of service-connected disability, the entire term of enlistment could be deducted (Nebraska State Historical Society *ibid*).

Stump Ranch – a tract of timberland logged off and sold to prospective farmers with stumps of the trees still covering the land.

Tree Claim - the popular terminology for a land entry made under the Timber Culture Act of 1873 (Nebraska State Historical Society *ibid*).

"Un-offered Lands" - the lands subject to private entry without having first been "offered" at public auction (Nebraska State Historical Society *ibid*).

Warrant - "certifies the right to a specific acreage and authorizes an official surveyor to survey it, assuming no prior and conflicting claims" (Szucs and Luebking 1997: 244).

Western Frontier - "The most significant thing about the American frontier is, that it lies at the hither edge of free land." (Turner 1893: 200).

APPENDIX C

Abstracts from St. Joe Land Classification Report 1914-1915 USDA Forest Service³ Fred W. Beier, Jr and S. A. Wallace 1914-15

“The public, and particularly a few who are desirous of securing land for homes, have from various press articles and other sources of information, formed the opinion that the National Forests of this section contain large areas of agricultural land. This state of affairs resulted in many inquiries as to the possibilities of securing land, and a great number of applications for land under the act of June 11, 1906. The applicants in most cases were unfamiliar with the land applied for, and the result was the examination of many areas of rough and rugged character that were totally unfit for agricultural purposes. This brought about considerable work and expense to the Forest service. It also caused the applicants and public to believe that vast areas of agricultural land were being withheld from entry.

With the above points in view an extensive classification of the land within the St. Joe National Forest was undertaken. The principal object of this classification was to determine the extent, area and location of non-listable land, and to ascertain what areas were of such a character that they could be listed under the Act of June 11, 1906.” (page 2)

“The land within the Forest is too steep and rough for tillage. The climatic conditions are unfavorable for the successful production of crops. Under these circumstances, and after making a careful comparison with agricultural lands in neighboring localities, and observations as to the length of the growing season, supported by the Weather Bureau Records, it is determined that all land within the main division of the Forest is nonagricultural in character” (page 5)

“The Palouse Division of the St. Joe National Forest is badly shredded by alienations. The greater portion of the settlers are those who purchased the land after it was logged over. There were a few natural meadows that were occupied prior to the creation of the Forest.

The value of the land for agriculture within this unit has a very wide range; from a low value suitable for the production of a small amount of hay and grain only, to first class orchard land. The highest priced land at the present time lies along the extreme western boundary in Sections 17 and 20. Here land on which there are fully matured orchards is valued at from \$500 to \$1000 per acre, and the best lands suitable for the production of grain in this vicinity is listed at from \$60 to \$80 per acre. Lands that have been covered with timber, two miles from the extreme western boundary, are valued at from \$10 to \$15 per acre; this is presumably on account of the higher elevations and steeper slopes. Aside from the few farms along the western edge of this unit there are a very small number making a living on the Forest from agriculture; four or five families in T. 42 N., R. 2 W., and a few families along Santa Creek and Charlie Creek. The greater portion of the people occupying land within the Forest make a living by working at the various saw mills and lumber camps during the winter and harvest fields during the summer. Good timothy hay brings from \$6.00 to \$10.00 per ton delivered at the various logging camps and at stations along the railroad. There is a fair demand for all the grain that can be produced locally.” (page 6)

³ 1914-5 St. Joe Land Classification 1914-1915. Unpublished Report. USDA Forest Service.

“There have been numerous homestead entries within the Forest based on settlement prior to the creation of the Forest. These entries are confined to two localities, Marble and Big Creeks. Many of the homestead claimants have received patent and nearly all have offered final proof. Some of the claims have been contested, mainly on the ground of insufficient compliance with the homestead law in regard to residence and improvement, and that the land was non-agricultural in character. The greater part of the land entered under the homestead law was heavily timbered, and in a region noted for its valuable white pine timber. Very little has been done to agriculturally develop the homesteads. The usual practice of the claimants has been to construct a small cabin and clear a garden patch so as to make a perfunctory compliance with the requirements of the homestead law. The claimants on receiving title have in most cases sold the land to lumber companies. They have not cared to retain their claims or develop them in an agricultural way. In disposing of the claims the value of the land was not considered, the stumpage value of the timber being the price paid for the claims. The land after the timber is removed is considered valueless because of the high cost of clearing, and the inaccessibility of the region. Some of these owners have offered to give the Government cut over lands rather than to pay taxes on the same, which indicates the value of the cut over areas from an agricultural standpoint.

Legal Description	Settlement Type	Abstracts Concerning Settlement
T41N, R2W	Marginally Agricultural	
T41N, R1W	Marginally Agricultural	There is no land within this unit used for agriculture at this time. The land that was proved up under the homestead law is unimproved. This land contained the most valuable timber within this unit. There is being [the beginning of] an agriculture community organized just outside the Forest on logged over lands along Moose Creek. The land owned by the Government is suitable for the production of timber only.
T41N, R6E	Timber Squatters	The areas mentioned would be useful in an agricultural way, to the administration and development of the entire tract as a forest unit, inasmuch as this region is in an isolated region, three days distant by pack train from the nearest supply point. A residence, practically throughout the year, has been maintained in two instances on bars adjacent to the main North Fork and successful garden crops raised.
T42N, R1W	Timber Squatters	Ten percent of the land within this township is patented under the homestead law. None of the land is under cultivation at this time. Along the Palouse River in section 24 adjoining this unit there is a natural meadow that was taken up some 15 years ago and the original homesteader is still living on the land and has enough land developed at this time on which to make a living.
T42N, R2W		There are four pre-creation settlers living on land within this unit. Each of these homesteads had some natural meadow and the land was taken for its agricultural values and not for

Legal Description	Settlement Type	Abstracts Concerning Settlement
	Marginally Agricultural	the timber. These four tracts are the only ones out of the twelve homesteads taken within this township, on which there are any improvements or any effort has been made to bring the land under cultivation.
T42N, R3W	Marginally Agricultural	About 100 cattle and 1000 sheep are grazed on this unit. The area has been accessible by roads and trails for the past thirty years.
T42N, R4W	Marginally Agricultural	There are several homesteaders occupying land within the Forest at this time. One of the settlers who has been more than twenty years on the land has about forty acres developed and a good group of buildings, but he is unable at this time to make a living on the land and is compelled to work out a good portion of the time. None of the others have over ten acres developed and simply use the land as a place to keep their families while they work in the agricultural communities outside the Forest during the summer and in the lumber camps in the winter. Forty-five per cent of the land within this unit was proved up under the homestead law, 32 farm units; of this number only five or six are occupied at this time. The ruins of some of the old cabins can be found in clearings of about one-half acre in extent. The original homesteader located the land for the timber values and as soon as proof was made transferred the land to the timber companies who are holding it for its timber values at this time. Eighty acres along Crane Creek in section 8 recently sold for \$500 including a fairly good group of buildings five or six acres cleared, and about ten acres more slashed. Stump land that is level and has good agricultural possibilities is offered for \$5 per acre by the timber companies. The entire area owned by the Government is suitable for the production of timber only.
T42N, R5E	Timber No Settlement	The township was surveyed in 1908, and final approval by the Surveyor General made 1912. It was reserved for Forestry purposes March 21, 1905, and included in what was then known as the Coeur d'Alene Forest. June 4, 1912, part of the township was eliminated by proclamation in favor of the State of Idaho. The 200 acres alienated consists of a state selection, unapproved.
T42N, R6E		This area was withdrawn from entry for forestry purposes March 21, 1905, and included in the Coeur d'Alene Forest. The township was surveyed during the fall of 1912 and the survey was accepted February 20, 1913. A number of squatter locations and lieu selections had been made prior to this date and subsequent to the filing of the plat filings on these locations were offered at the Lewiston Land Office. The homestead entries have been contested and decisions

Legal Description	Settlement Type	Abstracts Concerning Settlement
	Timber Squatters	<p>rendered unfavorable to the claimants in all but two cases. The Lieu selections were patented April 27, 1915. The homestead entries were made for the timber value of the land.</p> <p>None of the land under homestead entry has been developed in an agricultural way, other than a showing in an attempt to comply with the regulations governing such an entry. Evidence brought forth during hearing in these cases would show that it would be an impossibility to maintain anything but a summer residence on these claims</p>
T42N, R7E	Timber No Settlement	A survey of Sections 1, 2, 3, and 12 was completed August 24, 1914, and approved by the surveyor General on March 27, 1915. The rest of the township is unsurveyed and as far as the records of this office are concerned, show no locations of any nature.
T42N, R8E	Timber No Settlement	This area is unsurveyed and comes partially within the primary grant of the Northern Pacific Railway Co. on these sections. There are no other claims on the area. It has been used to some extent by hunting and prospecting parties.
T42N, R9E	Timber No Settlement	<p>Owing to the topography, climate and inaccessibility of this region it would be an impossibility to make any agricultural use of these lands. The nearest supply and market point is three days travel from the area over a rough mountain trail. The growing season is very short for agricultural crops.</p> <p>This area was withdrawn from entry by proclamation March 21, 1905. The survey was finished September 4, 1914, and approved by the Surveyor General may 5, 1915. The area is within the primary grant of the northern Pacific Railroad company.</p> <p>There has been some placer mining in section 10, but records of this office do not show mineral or other entries. The area has been used in the past by hunting and prospecting parties.</p>
T42N, R10, 11E	Timber No Settlement	<p>Travel other than on foot is prohibitive over the greater part of this area because of the steep topography. A trail, as used by the early prospectors, is found along the main divides . . .</p> <p>Also a great negative factor in its agricultural use. The nearest supply point is superior, Montana, over a rough mountain trail which is open to travel about four months of the year.</p> <p>These lands were withdrawn from entry March 21, 1905, by proclamation. T42North, Range 10 and 11 East were surveyed in 1914 and survey was approved by the Surveyor</p>

Legal Description	Settlement Type	Abstracts Concerning Settlement
		<p>General May 5, 1915. The area lies within the Northern Pacific primary limit. The area has been prospected to a large extent, but the records do not show entries of any description</p>
T43N, R5W	Agricultural	<p>Land similar in character to the Government land within this township is valued at \$1 per acre. The lands suitable only for the growing of timber and for grazing. There is patented land in Section 17 along Pine Creek, covered with matured orchards, that is probably worth \$1000 per acre. This land is about 2000 feet lower elevation and practically level. Along the foot hills, where the land is only suitable for the production of grain it is valued at \$80 per acre when placed under cultivation. Stump land within and adjoining the Forest ranges in price from \$1 to \$20 per acre depending on the elevation, location and topography. It is possible only in favorable years to mature vegetables up to an elevation of 3000 feet in this section.</p> <p>Forest created March 2, 1907. Surveyed 1871. 11,740 acres alienated within this unit constitute 98% of the total area of this township within the Forest, title acquired as follows:</p> <p>35% R.P. 12% T.P. 0.5% L.P. 23% H.P. 5% State Lieu Selection approved 12% R.R. 0.5% Public sale 10 % School</p> <p>The west portion of Sections 5, 8, practically all of 17, the greater portion of 16, the west portion of Sections 20, and 29, are all being used for agriculture; these lands were grass areas before being taken up for agriculture; the balance of the lands were acquired for their timber values and no attempt is being made to clear the land for agriculture at this time, where the timber has been removed.</p>
T43N, R4W	Timber Homesteads used for Nonagricultural Residence	<p>There is hardly a section that is not accessible by roads or trails. Owing to the absence of rock the buildings of roads is a comparatively easy matter. All the land suitable for agriculture has been patented within this unit; the remaining government land being high dry ridges where it is not possible to obtain water for domestic use.</p> <p>There are eight homesteaders living within this unit. The land that they occupy has been under development for ten to sixteen years. These settlers are not able to produce enough hay and grain for a team and three or four head of cattle from the land under cultivation. They are using the land as a place</p>

Legal Description	Settlement Type	Abstracts Concerning Settlement
		<p>to keep a family, and depending upon outside work for support.</p> <p>There is about 1,000 sheep grazed within this unit and a small amount of horses and cattle; otherwise this unit has been put to no use by the public in the past. There is hardly a section that is not accessible by roads or trails and there are two miles of privately owned telephone line within this township.</p>
T43N, R3W	Marginally Agricultural	<p>Along the valleys from one to two tons of timothy and clover hay per acre is grown. Hay brings from \$5 to \$10 per ton delivered at the railroad or logging camps. There has been no June 11 application within this unit since the creation of the Forest.</p> <p>All alienated lands within this township aside from Sections 16 and 36 were located for their timber values. On the portions of the land that were suitable for agriculture that have been logged off, the land has been sold by the timber companies to individuals and a small portion is being cultivated.</p>
T43N, R2W	Marginally Agricultural	<p>There is a small amount of land under cultivation along Charlie Creek and in Section 5 along Santa Creek. The farmers are raising mostly timothy and clover, and some grain hay and favorable feed grain and some of the hardier vegetables. Seventeen percent of the patented land within this township was patented under the homestead law. Practically none of the land was taken for its agricultural value.</p>
T43N, R1W	Marginally Agricultural	<p>There are several settlers living in Sections 1, 3, 12, 13 and 24. They are occupying logged off lands, which are slowly being cleared and cultivated. These lands are productive when cultivated. Timothy and clover grows in profusion. Stump land suitable for agriculture has a market value of \$5 per acre. The government land within the unit is entirely unsuited to cultivation.</p>
T43N, R5E	Timber Squatters	<p>The area created as part of the Forest by proclamation dated March 21, 1905. The township was surveyed in 1903 and the survey was approved by the Surveyor General February 3, 1905. The Northern Pacific Railway Co. primary grant covers the north one-half of the township. There are two patented homestead entries. There were three other entries within these boundaries, which show upon the records of this office, as having been cancelled.</p> <p>The claimants above mentioned erected cabins and made an attempt at clearing the land. In no case has there been any</p>

Legal Description	Settlement Type	Abstracts Concerning Settlement
		<p>successful agricultural development. The timber resources, without question, have been the primary motive for the alleged settlement in all cases.</p> <p>The greater portion of the area is inaccessible for the want of trails. The character of the ground cover and the steepness of slopes, encountered in this locality, making travel almost prohibitive without a trail. A good trail and telephone line is maintained from Roundtop Ranger station to Monumental Buttes. A new trail and telephone line along the Clearwater - St. Joe Divide to Bearskull Mountain, and which forms the north boundary of this area, was completed during 1915.</p>
T43N, R6E	Timber Squatters	<p>The area was withdrawn from entry for forestry purposes March 21, 1905. A final survey of the township was made in 1914 by the G. L. O. The land was classified as non-mineral November 25, 1912. There are a number of old cabins in the Rutledge Creek drainage built by timber locators, but in every case show abandonment.</p>
T43N, R7E	Timber No Settlement	<p>This unsurveyed township lies partly within the primary grant of the Northern Pacific Railway Company. Place limit selections have been filed on the odd sections, 1 to 27 inclusive. The remainder of the alienations is lieu selection. This area was withdrawn for forestry purposes March 21, 1905, and included at that time in the Coeur d'Alene Forest. There are no mineral or homestead entries on this area.</p>
T43N, R8E	Timber No Settlement	<p>This township lies within the primary grant of the Northern Pacific Railway Company and December 28, 1918 place lists were filed on all odd sections classified as non-mineral. There are no other claims within the area.</p>
T43N, R9E	Timber No Settlement	<p>The area has no agricultural value, owing mainly to the following reasons: inaccessibility, climate, and topography. The nearest supply points are from three to four days travel over mountain trails. It has been observed that lands of similar character are not used in an agricultural way.</p>
T43N, R10E	Timber No Settlement	<p>The lands comprising this unit have no agricultural values on account of the climate and inaccessibility. The nearest supply point is at Superior, Montana, over a rough mountain trail. The lands along the river have been used by prospectors and placer miners. Lands of a similar character are not developed in an agricultural way.</p>
T43N, R11E		

Legal Description	Settlement Type	Abstracts Concerning Settlement
	Timber No Settlement	The area has been prospected to a large extent, but the records do not show entries of any description.
T44N, R3W	Marginally Agricultural	<p>Section 36 was surveyed in 1893; the remainder of the township was surveyed in 1900 and was created a part of the National Forest March 2, 1907.</p> <p>7830 acres, or 78% of the land within the forest boundary is alienated.</p> <p>22% National Forest land 44% Railroad patent 14% Timber patent 13% Homestead patent 7% School patent on account of priority of survey.</p> <p>Ninety percent of the land patented within this unit was patented for its timber values, the conditions were such that a portion of the land could be logged off several years ago and the portion suitable for agriculture was sold by the timber companies and is now being slowly brought under cultivation.</p>
T44N, R2W	Marginally Agricultural	The only use made of this unit is a small amount of grazing. The locality has had a passable road for the past thirty years and has been within ten miles of a railroad station for the past seven years.
T44N, R3E	Timber Squatters	<p>Travel within the area is confined to trails, so that supplies for the residents and logging camps along Marble Creek have been packed in on horses. A trail from Pocano, a siding on the main line of the Chicago, Milwaukee and St. Paul R., at the mouth of Marble Creek, extends up Marble Creek into the area. This trail is rough, and some parts of it are very steep. It is joined in Sec. 17 by another trail from St. Joe, Idaho. Another extends from Marble Mountain, joining the Pocano trail in sec. 34. Three trails are in fair condition, but the construction has been very expensive, due to the steep narrow stream canyons, and the amount of heavy rockwork that is necessary. A logging railroad from Pocano is to be constructed under the direction of the Milwaukee Lumber Co. of St. Maries, Idaho. Construction is under way, and several tunnels are being driven, but the general opinion is that the billion feet of timber on the Marble Creek drainage will not warrant the high cost of the construction of the road.</p> <p>A few homesteaders have maintained homes during the entire year, but during the winter months all travel to outside points was on snowshoes, and it was impossible to do any kind of work during the winter months.</p>

Legal Description	Settlement Type	Abstracts Concerning Settlement
		<p>The township has been used very little, except by the homestead claimants who have resided on the area. Logging operations have been carried on in Secs. 1, and 2, T. 43N., R.3E. The logs were driven down Marble Creek to the St. Joe River. Supplies were packed in from Clarkia and Pocono, Idaho, making the cost of logging very high. With the completion of the logging railroad from Pocono within the next two years, extensive logging will be carried on on the Marble Creek drainage, and the removal of the Government timber, on account of its location, and the great amount of alienated land, will depend upon the removal of the private timber.</p> <p>This area was reserved for forestry purposes on November 6, 1906. It was surveyed in 1903, the survey being approved by the Surveyor General November 5, 1904. The plat was filed in the local land office July 17, 1905.</p> <p>This is a portion of the Marble Creek drainage noted for its claims of White Pine timber, and a three cornered contest between the State of Idaho, the settlers, and the Northern Pacific Railway Company over title to certain claims within this drainage. The land that is claimed by the settlers was squatted on about 1902 or 1903, many of the claims being located by professional claim locators who were generally in the employ of lumber companies. The State of Idaho claimed a certain portion of this land through grants from the Federal Government for school purposes. The Northern Pacific Ry. Co. filed a list to cover a portion of the area with lieu land scrip. Gradually the titles are being cleared, and the land is passing to the settlers, Railway Company, and State, so that the larger portion of the township is privately owned, although there are several cases pending at the present time. In most cases where the settlers have secured title to the land, it has been purchased by the lumber companies, and a part of the Northern Pacific land has passed to the lumber companies, notably the Rutledge Lumber Co.</p> <p>The land actually claimed by the settlers as homesteads has been cultivated to a very limited extent, hardly more than for garden purposes. In nearly every case on receiving title to their claims, the homestead claimants have moved away, whether they have disposed of their claims or not.</p>
T44N, R4 & 5E	Timber Squatters	<p>The area was reserved for forestry purposes on March 21 1905. T. 44 N., R4E. was surveyed in 1904, the survey being approved by the Surveyor General November 24, 1908. The plat was filed in the local land office June 4, 1909. Sections 29 and 33 of T. 44 N., R. 5 E. were surveyed in 1903. The survey was approved by the Surveyor General on February 3, 1905. The remaining sections were surveyed during the past field season.</p>

Legal Description	Settlement Type	Abstracts Concerning Settlement
		<p>All of T. 44 N., R.5 E. and a greater portion of T. 44 N., R. 4 E. are within the primary limits of the land grant to the Northern Pacific Ry. Co. A mineral classification has been made of the odd sections in both townships, but the completed classification has not been approved. All of the odd sections in T. 44 N. R. 4 E. were classified as non-mineral. The following sections in T. 44., R. 5 E. were classified as mineral: N1/2 Section 1; SE1/4 Section 5; N1/2 Section 11, E1/2 Section 13. The remaining portion of these sections, and all other odd sections were classified as non-mineral. The only alienations within the area are the lands patented to the Northern Pacific Railway Company, and subject to the same company under the land grant. A number of squatters cabin are found within the area, but none of the squatters have attempted to file on the lands held under squatter's rights. None of the alienated lands have been used or occupied except by trappers and prospectors.</p>
T44N, R6 & 7E	<p>Timber No Settlement</p>	<p>On account of the short season and the heavy fall of snow, it is impossible to consider this land as having any agricultural possibilities.</p> <p>This area was reserved for forestry purposes on March 21, 1905. It is unsurveyed, and within the primary limits of the land grant to the Northern Pacific Ry. Co. . . . all the alienated lands in the area are those subject to the rights of this land grant. The alienated lands have been used only by trappers or prospectors.</p>
T44N, R8E	<p>Timber No Settlement</p>	<p>There is no land level enough for farming purposes, except a small flat of about 15 acres at Conrad's Crossing. Hence there is no possible agricultural land.</p> <p>None of the land within the area has been used for any purposes except mining.</p>
T44N, R9 & 10E	<p>Timber No Settlement</p>	<p>At the present time, on account of the lack of trails, this area is inaccessible. There is one trail constructed along the Bitterroot Divide. The remainder of the area has none, so it is almost impossible to reach any part except that adjacent to the divide.</p> <p>There are no locations except mining locations, which, for the most part, have been temporary, and abandoned after a short time. None of the land has ever been used except for camping and prospecting purposes.</p>
T45N, R4 & 5E		<p>A few homestead claimants squatted on lands along the St.</p>

Legal Description	Settlement Type	Abstracts Concerning Settlement
	Homesteads used for Nonagricultural Residence	<p>Joe River, but only one claimant, Lee Setser, whose claim covers S1/2SE1/4 of Section 9, and Lots 1 and 2, Section 16, T. 45 N. R. 6 E., made filing on his claim. The squatters on these claims merely held the claims along the river while they prospected or trapped in the locality. So nothing was done to develop the claims in an agricultural way and the agricultural land on the claims was very limited, not exceeding more than two or three acres on the largest flats. Because of the light stand of timber these claims were not particularly valuable for the timber they carried.</p> <p>The greater part of the alienated land was secured by the Northern Pacific Railway through its land grant. None of the claims within the area were used for any purposes other than for temporary residence.</p>
T45N, R6E	Timber No Settlement	The land is within the limits of the primary land grant to the Northern Pacific Railway Company. A mineral classification of the greater portion of the township has been made, but a very small portion of this classification has been approved. None of the land has been held for homestead purposes; several mining claims have been located and a view prospectors have made this their temporary residence, but there is only one residing within the area at the present time.
T45N, R7E	Timber No Settlement	There are no other entries within the area besides those under the Northern Pacific Railway grant. None of the lands within the area have been used for any purposes other than prospecting.
T45N, R8 & 9E	Timber No Settlement	There are no entries except under the Northern Pacific Railway grant. None of the lands have been used for any purposes other than for prospecting.
T46N, R3E		A logging railroad is constructed up Big Creek from the main line of the C. M. & St. P. at Herrick, Idaho. The steel on this road will be taken up within the next two years on the completion of the logging operation on the Big Creek drainage. The remainder of the area, the eastern portion of the township, is inaccessible. There are no trails that are open and travel is blocked by the fallen timber from the 1910 fire. After the removal of the logging railroad from Big Creek it will be possible to construct, at a moderate cost, a wagon road from a short distance up the stream, but for the remainder of the distance the cost of construction would be prohibitive on account of the narrow canyon and rough condition of the area. Although this area is not far from the St. Joe River and the main line of the C. M. & St. P. R.R. extends up the canyon of this river, it is inaccessible because of its rough character and,

Legal Description	Settlement Type	Abstracts Concerning Settlement
	Timber Squatters	<p>no doubt, will remain inaccessible because of the high cost of trail and road construction.</p> <p>This area was reserved for forestry purposes on March 21, 1905, and surveyed in 1907. The survey was approved by the Surveyor General February 29, 1908. The greater portion of the alienated lands were secured under the Homestead law, and a small part by lieu selection. The homestead claimants squatted on their lands about 1902 and 1903. Filings were allowed on June 7, 1909. The claimants constructed cabins on their claims, and cleared a small tract of ground, which was merely a garden patch. Nothing more was done to develop the claims in an agricultural way. The claims were located in the best stands of timber, little attention being paid to the agricultural value of the land. The timber on the claims was killed by the 1910 fire and in some cases, where the timber was accessible; it was sold by the claimants to the Milwaukee Lumber Company.</p> <p>On receiving title the claimants, in nearly every case, discontinued their periodical residence on their claims and took up evidence elsewhere. A few of them made trips to his locality to look after the disposal of their timber. There is not a single case where a claimant has resided on and farmed the land since receiving title to the same. From the use of these claims it is evident that they were taken for their timber value and there is little prospect of any of the claims being developed in an agricultural way.</p>
T46N, R4E	Timber Squatters	<p>The area was reserved for forestry purposes March 21, 1905, and surveyed in 1903, the survey being approved by the Surveyor General on April 13, 1905.</p> <p>The alienated lands were secured under the Homestead Law, by the grant to the Northern Pacific Railway Company and by lieu selections of the Northern Pacific Railway Company. The lands secured by lieu selections and under the Homestead law carried very good stand of timber, and were taken for that purpose. Filings were allowed on this area on December 18, 1905, and four homesteads were finally patented within the area. The claimants secured patents in 1908 and 1909. Prior to that time their residence on their claims was temporary and their improvements consisted of small cabins, a small clearing in some cases. None of the land was farmed or cultivated in an agricultural way other than a small garden patch prior to the time the claims were patented. Since securing patent nothing has been done to improve the claims in an agricultural way and none of the claimants have resided on their claims, so it is very clear that they were taken for the stand of timber, which they carried.</p> <p>Two of the homestead claims on the West Fork of Slate</p>

Legal Description	Settlement Type	Abstracts Concerning Settlement
		<p>Creek, as well as a considerable portion of land secured by lieu selections, is at the present time owned by the McGoldrick Lumber Company who are removing the fire killed timber from this land and other timber secured from the Forest Service. This land is the most valuable within the area, because of its location, slope, and depth of soil. As to the value of the land after the timber is removed, a representative of the McGoldrick Lumber Company stated that the company would give the land to the Forest Service rather than to pay the taxes on same.</p> <p>In the logging operations in this locality it has been observed that on account of the methods used and the general topography of the country, which usually consists of small drainages, it is necessary to control all the land within he drainages for the successful removal of the timber, because where individuals have owned small tracts along the streams, they have caused no little inconvenience by interposing objections to the construction of logging railroads, flumes and chutes.</p>
T46N, R5E	Timber No Settlement	<p>This area was reserved for forestry purposes on March 21, 1905 and surveyed in 1903, the survey being approved by the Surveyor General on April 13, 1905. The alienated lands within this area were secured under the grant to the Northern Pacific Railway Company, have very little value for anything but the production of timber.</p>
T46N, R6E	Timber Homesteads used for Nonagricultural Residence	<p>With the exception of a very limited area along the East Fork [Loop Creek] the remainder of the area has no agricultural possibilities, due to the topography, since the slopes are so steep and rocky that there is no land that could be farmed.</p> <p>This area was reserved for forestry purposes on March 21, 1905. It was surveyed in 1903, the survey being approved by the Surveyor General on December 5, 1904.</p> <p>The alienated lands within this area consist of the odd sections, subject to the land grant to the Northern Pacific Railway Company . . . One old homestead entry within the area was contested and a decision favorable to the Government rendered. The lands of the area have been used in connection with the construction of the railroad, by prospectors, and for administrative purposes by the Forest Service. The one June 11 claim within the area is farmed to the extent that a very good garden of hardy vegetables is produced and a small amount of hay [Falcon Homestead].</p>
T46N, R7 & 8E	Timber	<p>The alienated lands within the area, other than the lands of the Northern Pacific Railway Company, consist of several groups</p>

Legal Description	Settlement Type	Abstracts Concerning Settlement
	No Settlement	of mining claims, located on the Bitterroot divide in the locality of the Monitor Mine. These claims are valuable only for mining purposes and have been used for that purpose.
T47N, R3E	Timber Squatters	<p>The area is inaccessible, although a logging railroad from the main line of the C.M. & St. P., at Herrick, Idaho, extends up Big Creek into it. This road is only temporary and will be removed within the next two years on the completion of the logging operations of the Milwaukee Lumber Company on this drainage. Then the only means of reaching the area will be by the present trail along the divide to Kellogg and Wallace, and by using the abandoned railroad grade along the stream. The latter route will be almost impassable, except during low water. On account of the number of times it will be necessary to cross the stream, and because the bridges which are used at the present time by the logging railroad will no doubt be carried away by high water when the steel is removed, and because of the steep and narrow canyon, the cost of construction of a wagon road or trail into this area would be almost prohibitive.</p> <p>This area was reserved for Forestry purposes on March 21, 1905, and surveyed in 1907, the survey being approved by the Surveyor General on February 29, 1908.</p> <p>All the alienated lands within this area, except eighty acres, were secured under the Homestead Law. The claimants in nearly every case squatted on the lands about 1902 and 1903. Filings were allowed on June 7, 1909. The principal improvements on each claim were a cabin and the clearing of a small garden patch. So it may be said that practically nothing has been done to develop the claims in an agricultural way. Each claim carried a very good stand of timber which was killed by the 1910 fire and in nearly every case the claimants have disposed of this timber to the Milwaukee Lumber Company, which purchased all the merchantable fire killed timber on the Big Creek drainage.</p> <p>On receiving title to their claims, the claimants in every instance took up their residence elsewhere and a few of them made periodical trips to the land to look after the disposal of the timber. But there is not a single case where a claimant resided on the land and improved it in an agricultural way. The few small areas that were cleared have not been enlarged and for the most part have grown up to weeds and brush.</p>
T47N, R4E		This area was reserved for forestry purposes on March 21, 1905, and surveyed in 1903, the survey being approved by the Surveyor General on December 5, 1904. The alienated lands were secured under the Homestead Law. In 1902 and 1903 a number of squatters squatted on lands within this township.

Legal Description	Settlement Type	Abstracts Concerning Settlement
	Timber Squatters	<p>From the report of Special Agent Schartz of the General Land Office in Forest Service Bulletin No. 67, it is shown that there were twenty-nine squatters' claims within this area and that the principal thing done to improve each claim was the construction of a cabin, which in most instances was not habitable, and on a few of the claims a small clearing was made. Each claim carried a very good stand of timber and it was for this timber that the claims were held. Filings were allowed on July 25, 1905; only two filings were made. It is believed that none of the remaining squatters were allowed filings because of the report of Special Agent Schartz. The timber on the claims was killed by the 1910 fire and removed by the McGoldrick Lumber Company who logged the merchantable fire killed timber within this township.</p>
T47N, R5E	Timber Squatters	<p>The alienated lands within this area are lands subject to the selection of the N. P. Railway Company under their land grant A number of cabins were constructed within this area in 1902 and 1903. A number of people established squatters' claims, but there is no record of filings being allowed on any of he claims.</p>
T47N, R6 & 7E	Timber Squatters/ No Settlement	<p>On account of the steepness and general roughness of the area it is, as a whole, inaccessible, although on account of the open divides, it can be reached by pack trains and is accessible for grazing purposes.</p> <p>This area was reserved for forestry purposes on march 21, 1905 and surveyed in 1903, the survey being approved by the Surveyor General on January 16, 1905.</p> <p>In 1902 and 1903 a number of cabins were constructed and forty-nine people established squatters' claims. But for some reason these claims were abandoned and there is no record of any of the claimants filing on their claims. An examination of these claims was made in 1905 by Special Agent Schartz of the General land Office and his report is found in Forest Service Bulletin No, 67.</p>

APPENDIX D

Abstracts from Land Classification,
Coeur d'Alene National Forest, Idaho.
Albert E. Frutig
1916

Practically all arable areas within the forest have been alienated. What arable areas remain consist of small patches mingled with these alienations so that the agricultural values of these may be taken as well representative of the arable forest lands. Over the forest as a whole the soil while fertile is due to climatic conditions, capable of producing only the hardiest crops such as hay and root vegetables. Exceptions to these are found in the particularly heavily alienated portions along the western and southern boundaries of the forest, where more diversified crops, but still to a rather limited extent, are produced.

With respect to location the same relative conditions hold good as with productiveness, the areas most accessible to the market being those along the western and southern boundaries of the forest.

Of the 132,553 acres within the Forest boundaries which have been alienated, patent or grant has been secured from the Government as follows:

38,893.76 acres were patented to the Northern Pacific Railway Company

22,840.19 acres belong to the State of Idaho

37,108.19 acres have passed to patent under the Homestead Act of May 20, 1862 and its amendments. Of this area about 25% is agricultural in character. Of this 25% not over one-quarter is now being tilled. The remainder having been logged off is now idle with a growth of brush and weeds. The 75% non-agricultural has in great measure been logged or burned off; at present a very small percentage, not over 5% is being grazed, while the remainder is gradually returning to forest. A large percentage of all the land taken under the Homestead Acts, after being patented was sold immediately to lumber companies and is now being held entirely for its timber value.

3,994.83 acres have gone to patent under "Forest Lieu Selection".

18,063.19 acres have passed to patent under the Timber and Stone Act.

3,323.86 acres have been entered under the Forest Homestead Act of June 11, 1906 under which they were classified as agricultural.

3,323.86 acres have been entered under the Forest Homestead Act of June 11, 1906 under which they were classified as agricultural. About one-third of this acreage has so far been put under cultivation and the amount is annually increasing.

8,328.41 acres have been entered or patented under the Mineral Act of June 4, 1897 although a much greater portion than this was once entered under that Act and was later abandoned. The surface of this land for the most part has been logged or burned off; none of it is agricultural in value. At present a small percentage is being grazed, while the remainder is gradually returning to forest, or is used in connection with mining activities underground.

[General statement describing all townships within the Coeur d'Alene National Forest]

In the mountainous portions of this area which form by far its greatest part, the value for agriculture is so evidently negative that it is hard even to conceive of such a factor applied to it.

It is only on the river bottoms and the few flats running up its larger tributary streams that any value for agriculture can be figured. This is covered usually with large stumps and though practically all of it has been privately owned for five to twenty-five years and ranchers are not scarce not over 20% is under cultivation because of the high cost of clearing. High yields of the hardier crops such as hay and root vegetables could no doubt be obtained, but with more choice lands elsewhere at their present values, it is not at all certain that it would pay to clear land for agriculture. Clearing would cost from \$90 to \$250 over acre.

APPENDIX E

Abstracts from 1913 General Land Classification Report
District No. 5 Project
Pend Oreille National Forest, Idaho
(Swim 1913)
Townships 62, 63, 64 and 65 North, Ranges 1, 2 and 3 East

“The area in general is sparsely settled. A strip of land along the Moyie River, for the most part less than a mile in width, and along Round Prairie and Mission Creeks for about the same width s occupied by original entrymen and settlers whose homesteads were initiated under the Act of June 11, 1906.

The land settled prior to the creation of the National Forests throughout the area is largely open meadow or brush land with the exception of a few claims located on deer and Mission Creeks, which were evidently taken for their stands of merchantable timber.

The open meadowland tracts throughout the area produce abundantly of the hardier hays and vegetables. Development work has progressed but slowly on the earlier homesteads beyond the seeding of natural meadows and clearing of light brush land areas. Settlers who occupy land under the act of June 11, 1906, along the Moyie River and Mission Creek particularly are confronted with a different problem entirely from the earlier pre-creation settler. Land not included in these earlier homesteads that later came under the interpretation of the Act of June 11 is largely burned over land and for the most part very stony. These settlers have made but little showing agriculturally and make their livelihood largely by working off their claims.

Within the interior of the area, settlement is almost, if not entirely, lacking; there being practically no open meadow land excepting in small tracts and the large bodies of agricultural land are either covered with heavy stands of merchantable timber or are remote from transportation.”

“It is recognized by ranchers and farmers in the Kootenai Valley and along the slopes bordering the valley that only the hardier crops can be grown on account of the frequent occurrence of frosts. All kinds of hays and forage grasses, the hardier fruits both large and small, and the hardier vegetables of all kinds produce abundantly, while tomatoes, cucumbers, melons, pumpkins, corn, etc., cannot be depended on as a sure crop on account of cool nights and the danger of frosts. These more tender plants are as a consequence not grown extensively or often attempted; the farmers confining themselves to such crops as will not be affected by light frosts or cool nights. While light frosts are frequently in the valley and bench lands along the Kootenai River, their frequency and severity are increased with the increasing altitude within the area. Within the area killing frosts may be expected as late as the first weeks in June and as early in the fall as the last week in August. The early frosts in the fall generally occur after crops are fully matured and there is seldom but little damage done by freezing at that time.”

“The area, in general, is of low agricultural value and limited possibilities. There are a few tracts of land of limited acreage that possess a high degree of fertility within the area but these tracts are scattering.

The principal factors influencing the undesirability of the land for general farming purposes are, shallow stony soil, short growing season, frequency of killing frosts, heavy snowfall, high altitude, and limited variety of crops.”

“Mr. J. C. Barto, a progressive rancher, located in Sec. 26, T. 63 N., R. 1 E., just outside of the National Forest Boundary, was consulted regarding the productivity of typical bench land soils. Mr. Burto purchased three years ago, paying \$20 an acre, a partially improved eight acre tract six and a half miles northwesterly from Bonners Ferry, located at an elevation of approximately 2400 feet above sea level. The soil on bench at this place is a compact silty loam from two to four feet in depth . . .

Mr. Barto states that the dairy business and growing of hogs are the most practical methods that he has as yet found for the utilization of this character of land. He is proprietor of the Model Farm Dairy and finds for his produce a ready market in Bonners Ferry. His cow are of the short horn breed which he considers to possess advantages over the Jersey inasmuch as after they have served their usefulness as a milk animal they can be placed on the market as beef at a fair profit.

Mr. Barto’s hogs are of the Berkshire breed and pedigreed animals. He grows them on alfalfa, clover and carrots, and is experimenting with peas and beans as grain to fatten them on. Some hogs in his herd had attained a weight of from four to six hundred pounds.

Mr. Barto is clearing his land in rather a systematic manner and estimates that it costs from \$85 to \$100 per acre by his method. He cuts the large tamarack trees into railroad ties; the tops and large butts unsuited for ties are converted into cordwood, which is delivered to Bonners Ferry for \$4 per cord. Two cords are hauled per load. This salvage, he estimates, will amount to approximately \$2000.”

Letter of Transmittal dated August 6, 1914 unsigned copy accompanying the above report.

“The level lands following the main stream courses will eventually become the agricultural districts, in fact much of that land has already been listed for homestead entry under the Act of June 11, 1906, or otherwise alienated. The high, steep and rough lands back from the streams are unquestionably permanent Forest lands.

Prior to the initiation of this project practically all the agricultural land had been applied for, examined, and listed for homestead entry unless too heavily timbered or the listing involved needed rights of way or endangered other forest interests. For that reason all the land outside the permanent retention areas marked on Exhibit a, not already alienated, is at present chiefly valuable for forest purposes and should be so classified. However, such land should not be permanently segregated for forest purposes for the reason that it is believed that after the present valuable stand of timber is removed a reclassification might result in the land passing permanently into the agricultural class. Experience has shown that to open such land to homestead entry prior to the removal of the timber retards, rather than hastening, agricultural development because of the opportunity for timber speculation.”

Of the total of 147,474 acres in this project, 32,230 acres are alienated and 115,744 acres are government land, 92,891 acres of which are herewith recommended for classification and segregation as permanent forest land and 22,353 acres are classified as chiefly valuable for forest purposes at the present time but are not permanently segregated pending the final adjustment of values.”

APPENDIX F

Abstracts from Land Classification
 In Decamp, J. C., Pend Oreille--Classification
 Extensive 1916--Intensive 1917
 USDA Forest Service⁴

Legal Description	Settlement Type	Abstracts Concerning Settlement
T65N, R4 & 5W	Timber No Settlement	A tract of land on Meadow Creek, formerly listed, was abandoned by the applicant as soon as he became acquainted with local conditions. It is felt by the local forest administrative officers that the listing of this area was a mistake and that future listing should not be permitted on the adjacent meadow, which is classified as high mountain meadow land, valuable as a part of the Forest . . . The chance of such a homestead providing a living for the homesteader and his family would be very poor. All produce raised on the place would have to be fed to stock and the stock taken out to market on the hoof. There are no other agricultural possibilities.
T65N, R3W	Timber No Settlement	The Unit is isolated. There have been no sales of land for agricultural purposes on which to base agricultural values . . . There is no agricultural settlement within the area
T65N, R2W	Marginally Agricultural	With the possible exception of small pockets of land along the eastern boundary the area has no agricultural value.
T64N, R4W	Timber No Settlement	The area has no agricultural value.
T64N, R3W	Timber No Settlement	The bulk of the timber upon the Unit has passed to private ownership though Railroad and Timber patents. . . The privately owned timber, judging by what was done on the Pack River to the south, will be slashed without regard to future value to the public at large. It is reasonable to expect that since one of the primary objects of the Forest is watershed protection, the entire privately held acreage within the unit will sometime, after the timber has been removed, come under

⁴ Abstracted from Decamp (1917) Land Classification in the Pend Oreille National Forest.

Legal Description	Settlement Type	Abstracts Concerning Settlement
		Forest administration, through purchase or through relinquishment for taxes.
T64N, R2W	Marginally Agricultural	With the possible exception of pockets of land along the eastern boundary the area has no agricultural value . . . The lower bench lands, where sufficient areas have been found to form homestead units, show great agricultural possibilities . . . Farm units of from five acres up are advertised in the neighborhood by private owners, at values from \$10 to \$75 for the raw land. The small farm units are based mostly on orchard production, hogs and dairy cattle, and the figures given in the advertising for the estimated receipts from such places are decidedly problematical.
T64N, R1W	Timber No Settlement	The area has no agricultural value.
T64 & 65N, R3E	Timber No Settlement	The Unit affords very little agricultural value at the present time. Since the only arable areas, those on Canuck Creek, are covered with a heavy stand of spruce timber which will some day come into the market, with consequent opening up of the region by logging roads and possibly change the climate due to removal of the timber, they are not given a definite agricultural value at this time, but are left to be "Reexamined when timber is removed.
T63N, R3W	Timber No Settlement	The area has no agricultural value.
T63N, R2W	Timber No Settlement	The area has no agricultural value.
T63N, R1W	Timber No Settlement with one Marginal exception	Soil and climatic conditions along the eastern border of the area are favorable to agriculture: The topography is not. The only settlement within the Unit is in the NE 1/4 of Sec. 11. The lower bench lands, which line the Kootenai Valley are greatly in demand because of the frequent overflow of the bottom lands along the river. Raw lands are being sold to those thoroughly familiar with local conditions at from \$10 to 15\$ per acre. Cut over lands belonging to the lumber companies bring from \$12 to \$40 per acre, but are sold mainly to outsiders attracted by the advertising . . . What little agricultural land there is within the Forest occurs in scattered pockets along the creeks. They nowhere reach the minimum farm unit; therefore the land may be said to have no agricultural value.

Legal Description	Settlement Type	Abstracts Concerning Settlement
T62N R2 & 3W	Timber No Settlement	The lands within the Unit are of no value for the production of farm crops.
T62N R1W	Timber No Settlement	The area has no agricultural value.
T61 & 62 N R2E	Timber No Settlement	The upper slopes and ridges have no agricultural value.
T61N R2 & 3W	Timber Timber Squatters	The Unit in the past has been the field for an active campaign carried on by timber locators and representative of lumber and railway companies, and the State . . . the timber alienated under Homestead and Timber & Stone claims has been acquired by the lumber companies.
T61N, R1W	Marginally Agricultural	Considerable area adjacent to the Forest has been exploited by land companies. An area of 1,600 acres, known as the Kootenai Orchards, located five miles west of Shiloh was placed on the market at the price of \$500 an acre. This price included the clearing, which was contracted at \$125 an acre, the setting out of two-year-old orchard stock, and the care of the orchard for three years. The land was sold mostly to people in the East who were unfamiliar with local conditions. At the present time the trees are seven years old, are dwarfed, and have not come in to commercial bearing. From the standpoint of the settlers, settlement has been a failure. Settlements on an area known as the Highland Flats, adjacent to the Forest boundary, have demonstrated that timothy-clover hay can be produced in paying quantities where the land valuation is not over \$200 an acre. Baled timothy hay brings \$12 to \$16 a ton at the ranch. Oats and wheat do not mature. The dairying industry is only beginning to be developed, cream being shipped to Sandpoint and to Spokane. The hardier vegetables such as potatoes, carrots, peas, can be produced abundantly, and strawberries and raspberries do well, but the region is limited by lack of market to the commercial production of forage crops and dairying products. The best of the clover-timothy lands in the region are situated on the flats from Moravia to Bonners Ferry.
T61N, R1E	Marginally Agricultural	The interior of the area has no agricultural value . . . The only arable land within the Unit is that in the north half of section 24, designated as left for intensive examination. This area, less than a full homestead in extent, is shown on the status records to be public land, but has been occupied for several years past

Legal Description	Settlement Type	Abstracts Concerning Settlement
		by a settler and his family. He has about fifteen acres in growing crops, and values the land under cultivation at \$125 and acre. It produces three tons of clover-timothy hay per acre, which finds a ready sale on the place, baled, at \$14 a ton. The main factor in the cost of clearing of this land was the removal of the surface rock. Vegetable crops have done well, but the market is limited. The dairying industry is still in its infancy, but will undoubtedly be one of the important factors in the agricultural development of the community.
T61N R3E	Marginally Agricultural	The value of the land within the Unit for agricultural purposes is problematical. None of the lands in the vicinity under similar topographic and climatic conditions are being developed. A possible Homestead unit in Sec. 28 was examined on Homestead application #298 in 1910, and sixty acres recommended for immediate listing, with an additional seventy acres suspended pending the removal of the timber. The applicant, however, abandoned the application before listing was made, and the application was cancelled.
T60N R2 & 3W	Timber No Settlement	The Government lands within the Unit are not suitable for agriculture. . The area has no possible agricultural value whatever.
60N R1W	Marginally Agricultural	Lands remaining under Forest control have no agricultural values. The slopes are too precipitous for cultivation. The demand for farm lands on the lower benches has been so strong that all available areas have become alienated . . . The homesteads east of McArthur cover all the agricultural land in that tract, and are being developed as fast as finances will allow.
T60N, R1E	Timber Homestead used for Nonagricultural Residence	The upper slopes and benches have no agricultural value . . . The land at the present time, if under cultivation, would probably not be worth much more than the cost of clearing . . . The Homestead Entry in Sec. 20 was apparently made as a headquarters for a trapper working in the neighborhood. It was soon abandoned, but has lately been re-filed on and the present claimant states that he expects to make a home there.
T60N, R2E	Timber No Settlement	The area has no agricultural value.
T60N R3E	Timber No Settlement	The area has no agricultural value
59N R2W		

Legal Description	Settlement Type	Abstracts Concerning Settlement
	Timber No Settlement	The Government lands within the Unit are not suitable for agriculture. . The area has no possible agricultural value whatever.
59N R1E & 1W	Marginally Agricultural	<p>The agricultural values for the region as a whole are low when compared with those of the areas to the south around Sandpoint and below Boners Ferry to the north. The average ranch of eighty acres, with forty acres cleared and under crop, and with \$1200 worth of improvements, brings about \$40 an acre on the market. Prices vary. Outsiders, unfamiliar with local conditions, have paid as high as \$60 an acre for dry red fir-larch cut over bench lands, the cost of clearing of which amounts to from \$80 to 150 an acre. The same type of lands, but with a stand of timber worth \$5 to \$8, are secured from the state and Railroad holdings by those thoroughly familiar with local conditions, at prices of from \$10 to \$14 an acre . . . In other words the homesteader, after proving up under the present three year law, which requires one-eighth of the area listed to be placed under cultivation, is not able to sell his land for what it cost him in time and money, to make the required cultivation.</p> <p>The upper homestead on Sand Creek is a fair example of the development of agricultural lands in the region. The claimant is a hard worker, and with his family has resided almost continuously on the place. In four years he has not been able to clear the minimum of one-eighth of his area, or twenty acres, required under the homestead law, under which he elected to prove up. At the present time he has less than seven acres plowed, and has had to buy hay for his horses to carry them over the past winter . . . The burned cedar on Sand Creek is accessible to the railroad at Elmira and a number of small sales have been made the making of posts and poles on the area providing much needed employment for the homesteaders within the Forest, and adjoining settlers.</p>
T59N R2E	Timber No Settlement	The area has no value for agriculture. No attempts at agricultural settlement on the area have been made, nor have there been any in the immediate vicinity.
T59N R3E	Timber No Settlement	The area has no agricultural value
T57 & 58N R1E	Timber Homestead used for Nonagricultural Residence Timber Squatters	The agricultural values of the area were early exploited. The proximity to the town of Hope, on Lake Pend Oreille, which, as early as 1850 was an important trading post, and the fact that there has been considerable prospecting for minerals throughout the area led to the taking up of possible agricultural land. Most of the homestead claims which have been patented were settled on prior to the creation of the Forest, before which

Legal Description	Settlement Type	Abstracts Concerning Settlement
		<p>time the so-called squatters rights passed from hand to hand with a sale value of from \$150 to \$300. Similar lands along the borders of the Forest sell at from \$10 to \$12 an acre for the raw land, and at from \$65 to \$125 an acre for the land when under cultivation. The cost of clearing the lands already taken up within the Unit will vary from \$50 to \$125 an acre. The average clearing costs about \$65. The agricultural areas are for the most part in deep basins to which, because of their protection from the lake winds, are liable to frosts. The hardier crops can be grown in abundance, but the market is limited. The cereals such as oats and wheat do not mature, and the commercial crop is limited to timothy-clover hay . .</p> <p>.Considerable of the area has been alienated under homestead patent. These homestead claims were mostly established prior to the creation of the Forest, and in order to obtain the timber. Agricultural settlement has been limited to the cultivation of family gardens, and of small areas incidental to the use of the homesteads as headquarters for other work.</p>
T58N R2E	Timber No Settlement	The area has no agricultural value. No cultivation has ever been attempted, nor have similar areas elsewhere in the region been cultivated.
T58N R3E	Timber No Settlement	The area has no agricultural value. All the arable land is in patches, which extend along the creeks in stringer-like terraces. The minimum altitude of the creek bottoms, 3100 feet, is higher than is considered practical for the production of farm crops in this region, even where close to market.
T57N R2E	Timber No Settlement	The area has no agricultural value.
T57N R3E	Timber No Settlement	The only area within the Unit which can be considered as having agricultural values is the terraced bench land extending along the North Fork of Lightning Creek from the Beaver Creek Ranger Station to the south township line, along the East Fork from where it first branches in Sec. 33 to its junction with the North Fork.
T56N R1E, R1W T55N R1W	Marginally Agricultural	<p>Although considerable of the area has been alienated under Homestead patent there has been but very little development on which to base agricultural values.</p> <p>The only self-supporting homestead within the Unit comprises the meadowland along the Creek below Mirror Lake. This settler, after ten years has about twenty acres planted to clover. He grows about two tons of clover-timothy had to the acre, which is worth \$14 a ton delivered at the steamboat landing.</p>

Legal Description	Settlement Type	Abstracts Concerning Settlement
		<p>This brings in an income from the hay of about \$560 a year, which, together with the garden, and the returns from stock which he grazes upon the remainder of his land and upon the Forest lands adjoining the homestead affords support for himself and family.</p> <p>The ranch on the north shore of Mirror Lake is being developed for strawberry culture. Returns of as high as \$300 an acre have been secured, but the market is unreliable, and labor cannot be depended upon, so that the high receipts do not furnish a substantial basis upon which to judge agricultural values . . .</p> <p>The homestead patent lands were mostly pre-creation claims taken up for their timber values. The Brown claim in Sec. 5 above Blacktail is typical of this type. The claimant after ten years has developed only a small log cabin and a garden hardly sufficient for his own needs. The June 11 claims are being developed as rapidly as possible, although the claimants are obliged to spend their time more in mining and lumbering in the neighborhood to gain a livelihood for themselves and families rather than in the development of their homesteads.</p>
T56N R2E	Marginally Agricultural	<p>The fact that the older homesteads within the Unit were taken up for their timber values instead of for the purpose of agricultural settlement, and that later settlement has been too recent to actually demonstrate what the soils within the Unit will produce renders it impossible to give other than comparative agricultural values . . .</p> <p>The lands alienated under homestead patent are mostly pre-creation claims, taken up for their timber. The timber has been removed and agricultural development is proceeding very slowly where at all. An exception, however, may be found in the Linsley ranch on Sec. 16, where there is a fifteen-cow dairy. The cream is shipped to the Pend Oreille Creamery in Sandpoint. Twenty acres of clover timothy hay furnishes winter feed for the fifteen cows, which are grazed outside during the summer.</p> <p>The June 11 homesteads are being developed as rapidly as finances will permit, which as a rule means a few acres of clover hay and a garden. The homesteaders are obliged to spend the greater part of their time in outside work, generally the making of cedar poles and posts, and are prevented both by lack of money and time from much development of their homesteads. The lower homestead on Lightning Creek is in its third year, and has one and a half acres cleared and in garden.</p>
T56N R3E	Marginally Agricultural	The agricultural values of homestead lands within the Unit have yet to be demonstrated. Most of the homestead patent

Legal Description	Settlement Type	Abstracts Concerning Settlement
		<p>land was taken up prior to the creation of the Forest, and for the timber rather than for any agricultural value the land might have. The agricultural development since the removal of the timber has been slow. The June 11 homesteaders are seriously handicapped by lack of funds. What little garden and clover crop they have been able to get in shows conclusively enough that the lower areas at least, are suitable for agriculture.</p>
T55N R1E & R1W	<p>Timber Homestead used for Nonagricultural Residence</p> <p>Marginally Agricultural</p>	<p>Any of the hardier crops, such as clover-timothy hay, potatoes, carrots, peas and strawberries, can be produced in abundance . . . Although areas listed under the present homestead laws have considerable value as summer resort property, yet, based on agricultural production, very little of the land will pay for the cost of clearing it . . . The homesteaders on Fall Creek have employment at the Fall Creek Mine, and develop their claims at odd times. Their progress is naturally slow. The soil is dry and although adapted to the growth of larch timber is not agriculturally of the best. At the time of examination (June, 1916), the gardens showed up well, but the new clover, which early in the spring should have been showing a very thrifty growth, was already beginning to turn yellow. The plowed areas showed considerable soil erosion, and there was everywhere evidence of rapid drying out of the soil . . .</p> <p>The homesteads on Kilroy Bay were pre-creation claims taken up for their values as summer homes. In the hands of parties of financial means they are being rapidly developed as country estates. The homestead patented lands on Granite Creek have been acquired by a capitalist who resides in Spokane, and who desires the place merely for a summer home. He intends to keep the lands in as near their wild state as is possible.</p>
T55N R2E	<p>Timber Homestead used for Nonagricultural Residence</p> <p>Timber Squatters</p> <p>Later Marginal</p>	<p>The squatter preceded the Forest administration upon the Unit. Early settlement, however, was directed not so much from an agricultural view point as for a location in regard to mining, lumbering, trapping, etc. After the reservation of the area as part of the national Forest, and the acceptance of the ensuing survey, many of the squatters established pre-creation claims, and proved up the agricultural areas with little or no cultivation of the land. Such cultivation as there was, mostly for gardens, demonstrated the patchy nature of the soil. This led to a report to which considerable credence was given about ten years ago, a sediment had been deposited from the old lake which while it permitted a luxuriant growth of trees was yet detrimental to the growth of farm crops. This theory has been largely exploded by the later June 11th settlers who have demonstrated that on the more fertile soils large yields of any of the hardier vegetables or fruits can be produced, although the poorer soils have to be built up through fertilizers and nurse crops . . . The area was early exploited by the home seeker, the miner and the timberman. A considerable body of timber had been cut over before the creation of the Forest, by logging companies</p>

Legal Description	Settlement Type	Abstracts Concerning Settlement
		<p>operating through land squatters who maintained their claim to the land only until the timber could be removed. A considerable number of these squatter claims existing at the time of the creation of the Forest were later recognized as having valid homestead rights, and homestead patents were allowed. The title to these lands usually passed directly to the lumber companies, and the areas after being cut over were abandoned . . . The agricultural development of lands embraced within the June 11th homesteads has not until lately been at all encouraging. The early homesteader cared apparently only for the timber, or for a garden and cabin from which he went out to his work in the neighborhood. He hunted, fished, trapped, and prospected, but did not farm. A class of settlers, which came later, had very little idea of the building up and conservation of soil fertility, and failed because they did not take into consideration the varying types of soils. The evidence of their failure is seen throughout the area in deserted cabins, and in fields grown over with brush where at one time were gardens and clover patches, and from which the silty soils have been washed away, leaving the coarse gravels exposed. A striking example of this is the Drake place in the northern part of the Unit; the original squatter sold out to a McInnery, who tried to improve the place and gave it up. He sold out to an O'Shaunnessy for \$700. The O'Shaunnessy's invested \$1500 in the place, and then sold out to the Drakes for \$800. The Drakes are practical farmers; they are developing the place along dairy lines, and will probably be successful . . .</p> <p>The Mills ranch, in the NW 1/4 of Sec. 21 is an example of what can be done in the region by intelligent farming. The place under the previous claimant was a pronounced failure. The present claimant, with practically no funds behind him, has cleared and stumped about ten acres. At the time of the examination in June, 1916, a season remarkable for backward crops throughout the country (the lower slopes of Little Blacktail Mountain were covered with two inches of snow during a storm on the night of June 19) he and several acres of clover hay which would cut three tons to the acre in July, had a very good showing of spring wheat, and was providing his neighbors with radishes, lettuce and other early garden produce. To bring his land under cultivation, and to provide the necessary improvements of house, barn, sheds, etc., he has had to work early and late: generally from eight to ten hours a day on the road, or in the ice house at Cocolalla, or clearing land for his neighbors, and from six to eight hours a day on his own place, in the early mornings and late in the evenings. His clearing has naturally been expensive, and the place is far from self-supporting even after five years, but he is satisfied with the results, which he has obtained.</p> <p>In striking contrast to this development is the deserted ranch to the east, which, five years ago, was just such a place as the</p>

Legal Description	Settlement Type	Abstracts Concerning Settlement
		<p>Mills Ranch, is today. Its fifteen acres under cultivation were producing good crops of clover-timothy hay, garden produce, and of the hardier vegetables and berries common to the region. The place was proved up, mortgaged, the mortgage foreclosed, and the place abandoned. The clover has died out. The once cultivated areas, now badly eroded, are covered with willow brush and wire grass.</p> <p>A large number of homesteads in this region have been mortgaged as soon as proved up and abandoned, which indicates the low agricultural value of the land.</p>
T55N R3E	<p>Timber Squatters</p> <p>Later Marginally Agricultural</p>	<p>Considerable of the ranch land in the vicinity has been in the process of agricultural development for a number of years-long enough to definitely ascertain what can be grown, but not long enough to definitely work out the problems of transportation, market, etc.</p>
T54N R1 & 2W	<p>Marginally Agricultural</p>	<p>The Unit will compare favorably with any on the Forest for the production of the hardier crops. Scientific agriculture for the production of the hardier crops. Scientific agriculture in the vicinity may be said to be still in its infancy, since the most of the attempts at farming have been only desultory. There have been numerous failures, due largely no doubt to the classification of all soils in the vicinity with a certain altitude and slope as agricultural. The greater part of the agricultural lands within the Unit are no naturally fertile for the production of agricultural crops . . . In fact, of several homesteads examined within the Unit none, even after periods of over five years, could be said to be self-supporting, nor except by the investment of several thousands of dollars in stock and equipment is there any prospect of their becoming so in the near future.</p>
R54N R1E & R1W	<p>Marginally Agricultural</p>	<p>Agricultural values are considerably affected by the proximity of the areas to Lake Pend Oreille. Few of the homesteads are producing what is actually needed for home consumption. Clover-timothy hay is the staple crop, averaging two tons per acre, worth \$16 per ton, baled, laid down at Sandpoint. Allowing a charge of \$2.50 per ton for baling, and of \$4.00 for freight, the hay in stack on the ranches is worth about \$10 a ton.</p> <p>The pre-creation claims were mostly taken up for the timber and sold to logging companies. The upper claim on Canyon Creek, sec. 13 illustrates the characteristic use being made of these areas. There is possibly an acre of clearing around the now deserted cabin; no sign of even an attempt at a residence. Wild timothy, waist high, almost hides the stumps. It is the best of natural hay land, even at an elevation of 3200 feet, but</p>

Legal Description	Settlement Type	Abstracts Concerning Settlement
		<p>its development is held up by private ownership of the timber.</p> <p>The upper claim on North Twin Creek, also a pre-creation claim taken up for its timber, has about five acres under cultivation at an altitude of 3200 feet. A timothy stand eight years old is still producing one and a half tons per acre. The claimant states that now the timber is removed he is remaining at this high altitude only because of other interests in the neighborhood, and expects to sell or else temporarily abandon the place in the near future.</p> <p>The Needham Ranch, a pre-creation claim at the mouth of Cedar Creek, has about thirty acres under cultivation. Settlement was made over twenty years ago. It is producing three tons of timothy hay per acre, which in the past has sold readily at \$18 per ton, baled, to neighbors less advantageously situated.</p> <p>The June 11 homesteads are being developed as fast as finances will permit, which is slowly. None of them are self-supporting, nor is there any prospect of their becoming so in the near future. The Nye place, on Canyon Creek, is typical of the newer homesteads in the region noted for its summer resort possibilities. The most of the place is on a fifteen to twenty per cent slope overlooking the Lake, with a rather poor sandy gravelly soil. The claimant is a traveling man; his wife prefers holding down the place to living in the city. Clearing and cultivation are costing about \$100 per acre, which is more than the land will produce, but she is clearing as much as the law requires, and expects to hold the place as a summer home.</p>
T54 & 55N R2E	Timber Squatters Later Marginally Agricultural	The homestead patents are old pre-creation claims which were taken up because of the timber. The most of this timber has been either logged or burned, and the agricultural areas on the claims are now being developed, although very slowly. None of them are self-supporting.
T54N R3E	Timber Squatters Later Marginally Agricultural	The lands taken up under pre-creation claims were settled for their timber values rather than agricultural. When the timber was burned of they were either sold or abandoned and there has been very little development on which to base agricultural values.
T53N R2W	Marginally Agricultural	<p>Homestead patents along the west border of the Forest were pre-creation claims taken up for their timber. The timber was logged off and the areas are now being put under agricultural development, but very slowly.</p> <p>The June 11th homesteads have passed through a succession of ownerships. The two joining Railroad Section 15 on the north</p>

Legal Description	Settlement Type	Abstracts Concerning Settlement
		and east have been abandoned.
T53N R1E& R1W	Marginally Agricultural	One of the lesser assets of the region, yet a value not to be ignored, is the possibility of recreational use.
T52N R2 & 3W	Agricultural	<p>The fertile lands within the Unit are undoubtedly of high agricultural value where sub-irrigated. Clover and timothy hay, strawberries, carrots, rutabagas, are produced in abundance. Oats and wheat so far have not been matured successfully . . .</p> <p>The only self-supporting homestead within the Unit and one of a very few within the Forest is the Benjamin place in Sec. 3. This was a pre-creation claim. The original claimant cleared about thirteen acres and planted an orchard. The present claimant during the last eight years has brought an additional seven acres under cultivation. At the time of the examination (June, 1916) the buildings were occupying about one acre, the garden and orchard another acre, wheat three acres and clover fifteen acres, of which about five acres was in new crop. The financial returns from this place were just barely sufficient to support the claimant and an elderly relative who lived with him. About three acres of clover which should have produced three tons to the acre had been smothered out during the heavy snow of the preceding winter, and had to be plowed up. On the ranch above, also patented, the claimants after seven years ad eight acres under cultivation, of which four acres had only been recently cleared. The homestead above that had been occupied for only one year. Two acres were under cultivation. Their garden the first summer had provided them with sufficient vegetables to last through the winter. They had even matured corn but had not been able to mature oats because of the wet season. The homestead above them on the bench at the head of Sage Creek was proved up in 1914. About seven acres had been under cultivation and there were several fruit trees on the place. The apple trees looked stunted and sickly caused probably by the exposure to wind at this altitude (3600 feet), and the clover, to which the cleared areas had at one time been planted, had died out, giving way to wire grass. The exposed soils of the steeper slopes had eroded considerably, and it would take years to repair the damage to the fertility done by the abandonment of the place.</p>

APPENDIX G

Abstracts from Intensive Land Classification Report,
Kaniksu National Forest.
T.57 N., R. 5 W., T. 58 N., R. 4 and 5 W., and T. 59 N., R. 5 W.
Harry G. Ade, 1922

“Settlement and cultivation in the Priest River valley have been slow. The cost of clearing, distances to outside market, lack of local market and the rather severe climatic conditions all tend to retard the agricultural development. During the past ten years, little progress has been made toward increasing the acreage under cultivation. Many of the homesteads have been abandoned and are lying idle. In the vicinity of Nordman, Idaho, this condition seems to be worse than anywhere else where the homesteads taken under the Act of June 11, 1906, are not being developed . . .

In 1920, within the Priest River valley, as far north as the southern extremity of Priest Lake, there was a total of 88 farms occupied or producing farm crops. Of the 11,429 acres embraced in these farms, 3691 acres consist of the brush bottom type of soil; 5772 of the terrace or heavy timbered type and 1966 of the non-agricultural hill slopes. The brush bottom then forms 32% of the total acreage in the farms; the heavy timber type 51%; and the hillsides 17%.

Of the total acreage of the different types of land in the farms, 1636 acres of brush bottom, 572 acres of heavy timber land, or a total of 2208 acres have been cleared and placed under cultivation . . . This cultivated area is 20% of the total and 24% of the agricultural area in the farms . . .

The average farm contains about 130 acres of which 42 are brush bottoms, 66 heavy timber type, and 22 slope type of land. The average clearing amounts to 25 acres made up of 19 acres of brush bottom and 6 acres of heavy timber land, and the average farm has 14 acres of cut-over land used as pasture. The average age of the 88 farms is about 15 years . . .

The economic conditions and particularly farm problems are reflected in the farming of lands in the Priest River valley. Over 400 acres in the forest are now owned by the county through tax foreclosure proceedings. Marginal lands apparently will not support a farmer during the period of low prices for farm produce. While it is true that many of the farms previously unoccupied are now in use, cultivation of additional land is not in keeping. Many families are using these places as temporary homes for the want of profitable employment.

From the foregoing discussion, the conclusion that the need for further listing of land in the Priest River valley is not consistent with a sound economic policy. Some of the land included in this report could be farmed under the more favorable conditions but with agriculture development progressing at its present rate and the amount of logged-off land now patented to individual settlers, the indications are that the listing of additional logged-off land would not improve the agricultural situation in Priest River valley. Therefore, it is recommended that no change be made in the classification of the lands covered by this report.

The Priest River country is generally rather sparsely settled. The greater part of the country is covered by heavy stands of saw timber and other marketable forest products.

The settlement prior to the creation of the Forest was confined principally to the heavy timbered choice agricultural areas. The major portion of the National Forest "meadow" and brush lands along the creeks where the areas were large enough to constitute farm units or natural parts of farms, as well as a number of tracts supporting largely noncommercial forest growth, have been opened to entry under the Forest Homestead Act of June 11, 1906. With the exception of the scattering of pre-creation settlers, this early settlement began shortly after the act of June 11 became effective.

Since the beginning of logging operations a number of cutover Forest areas have now been listed to entry. An appreciable settlement on logged-off lands is found near the south boundary of the Forest in T. 57 N., R. 4 W. The acreage in the aggregate, however, is small. A considerable acreage of the choicer State lieu and railroad grant lands has also been disposed of in small tracts to settlers. While some of this settlement is on logged-off areas, by far the greater percentage of such lands comprises low, natural meadows and brush bottoms along the stream courses.

Naturally, the first lands to be placed under cultivation were the meadow and brush land bottoms. This was logical, inasmuch as these lands involved comparatively small outlays for clearing, draining and otherwise preparing them for tillage. Furthermore, the soils represented are the most productive of any in the valley. Hay crops, consisting principally of mixed timothy and alsike, do well on these soils. The yields are variable, depending upon the methods of cultivation employed and the character of the soil material, moisture, etc. Yields as high as three tons per acre have been obtained. The average yield for hay is, however, considerably smaller, about 1.5 tons per acre . . .

On most of the farms the terrace lands that have been placed under cultivation are cropped to garden vegetables, roots, clover hay, and in a few places the small grains. The hardy vegetables and roots, such as carrots, rutabagas, turnips, radishes, beets, onions, cabbage, peas, and the like, do well. Potatoes when grown in the more protected situations give fair yields. Maximum yields of 200 bushels per acre have been obtained. As a general rule, considerable difficulty is experienced in maturing this crop. The frequency of heavy frosts, often until late in the spring and early in the fall, together with the occurrence of occasional killing frosts throughout the remainder of the growing season, often result in the potatoes being frozen down several times and no profitable crops are harvested. In a few very sheltered spots, cucumbers have been matured and green tomatoes have been obtained, but these are the extraordinary exception rather than the rule.

Practically no hay, garden, dairy or poultry products are marketed on the outside. This is due in a measure to the great distance to market points. Most of the hay raised is disposed of at the logging camps . . .

On a very few of the farms the hay raised is fed to livestock, principally beef cattle, and the stock marketed on the hoof. The raising of beef stock, however, could hardly be said to be an important feature of the present agricultural activity in the Priest river valley . . .

The long haul to outside markets and relatively low prices obtainable will operate to practically exclude the disposal of farm crops as such on the outside . . .

Settlement in the Priest River valley began about 1889, and the agricultural development may be said to date from that time, although during the earlier years the settlers did very little in the way of farming. In fact, it seems conclusive that in a number of cases at least the settler took up his land, not so much for the purpose of developing a farm home as for the financial gain he might derive from the heavy stands of merchantable timber which covered it. Of the total of 43 tracts of land taken up under the original homestead law, the majority after patent issued have been abandoned and the timber sold to the lumber companies . . .

It is economically unsound to assume that lands favored with a climatic condition adapted to the more hardy crops, nominal yields per acre, and where the clearing costs often cannot be at all reconciled with the market value of the land after cultivation or its actual value for the pursuit of agriculture even under the most careful methods of cultivation, and where improved lands can be purchased for much less than the cost of clearing, will be placed under cultivation rapidly under normal conditions. If this conclusion is

correct for the stump land areas in the more accessible zones, it is only reasonable to believe for cut-over lands in the Priest river valley representing a much greater degree of inaccessibility and subjected to a more severe climatic condition and consequently more limited crop production and yield, that the real need for this land for the purposes of agriculture for a great many years will be exceedingly small. If so, the estimated development of stump land farms at the rate of about .5 acre per year per farm for at least the next several decades seems liberal . . .

Investigations, however, shows that for the region as a whole from 60 to 75% of the homesteads in the National Forests are patented and abandoned, or sold to others at prices ranging from \$8 to \$15 per acre including the improvements, and that the real development, if any, is made, not by the original entryman but by the purchaser. In general, homesteads usually pass through at least three hands before much in the way of development is accomplished. This is especially true of lands in the timbered sections. Therefore, the fact that homesteads may be obtained free had practically no bearing on the degree of rapidity with which the lands will be put to permanent agricultural use.

APPENDIX H

Abstracts from Intensive Land Classification Report,
 Kaniksu National Forest.
 T.57 N., R. 5 W., T. 58 N., R. 4 and 5 W., and T. 59 N., R. 5 W.
 J. F. Forsythe, 1916

“In the past, all land within the Priest River Valley and other portions of the Forest where the practice of agriculture has been possible has been held for a very high speculative value. In many instances the owners have held partially developed 160 acre tracts for as high a price as \$100 per acre. This price is not unreasonable when compared with the cost of clearing and developing the land, but it is far in excess of the actual producing value of any area within this Forest. The average value of fully developed and improved land on any of the area within the boundaries of the extensive classification project will not exceed \$50 per acre. On some of the areas that have been classified as agricultural there is a light stand of timber at the present time and by marketing the different products which can be derived from this the settler will be able to secure sufficient returns to warrant the development of the area. The average homesteader who files on a claim does not take into consideration the value of his time in connection with the clearing of the land and, therefore, the cost of clearing can be compared only with the actual value of the land when fully developed rather than being used as a basis for a final decision in the determination of the agricultural value of any specific area . . .

Tracts of agricultural land occupied throughout the Forest, either under the Act of June 11, 1906, or by original homestead entry is as a general rule, being developed very slowly. This is due to the excessive first cost of clearing. The homesteader generally has but very limited means, and is unable to employ the more progressive methods for clearing the land, being compelled to depend for the most part upon hard labor. The land after being cleared and placed under the proper state of cultivation is very productive.

Legal Description	Settlement Type	Abstracts Concerning Settlement
T65N, R4 & 5W	Timber No Settlement	To the knowledge of the examiner, there has been only one attempt along agricultural lines within this area. A prospector cleared a quarter of an acre and planted potatoes. This experiment was not a success, owing to killing frosts immediately after the potatoes came up in the spring and also

Legal Description	Settlement Type	Abstracts Concerning Settlement
		early frosts before they matured. The short growing season exempts all but the hardiest of plants. The only tracts of land that are topographically adapted to agriculture are at present timbered and hence more valuable as timber land than agriculture.
T63N, R4 & 5W	Timber	Approximately 1,000 acres of the National Forest land in this area are topographically adapted to agriculture. There have been but two attempts at agriculture in this unit. C. J. Mitchell, prospector, has cleared about two or three acres on a southeast exposure at the head of the Upper Priest Lake and in this clearing has planted a small garden in which he claims to have raised the more hardy varieties of garden truck with mediocre success. Just below this place, in the bottomland at the head of the Upper Priest Lake, W. P. Schurr has a farm on which he raises the more hardy varieties of garden truck and hay. The partial success of the agricultural attempts in this locality is due, no doubt, to the fact that they were carried on close to the lake, which must serve as a regulator of the temperature. The only crop that is likely to be of commercial value in this area is hay, the growing season being so short that it stunts the other plants and in some cases would actually kill any but the most hardy of them. The land in this area, even though topographically suited to agriculture, are of little or no value for same since the cost of clearing would be so great as to be almost prohibitive, and even after the land was cleared it is problematical whether or not a living could be made on it.
T62N, R4 & 5W	Timber	There is approximately 420 acres of land, which is topographically adapted to agriculture. This excludes all the alienated land, which is also fairly level in character. There has not been any attempt at agriculture within the boundaries of this area. However, there are two ranches, which have been partially developed which join the Thouroughfare and the head of Priest Lake. Johnny Malcolm, who has a June 11 claim in Section 33, T. 63 North, Range 4 West, has had good success in raising the hardier of garden truck and also hay crops, both of timothy and clover. All varieties of flowers have also been raised successfully in a small flower garden between his residence and the Thoroughfare. Mr. S. T. Bayars, who has a ranch in Section 10, T. 62 North, Range 4 West, has had excellent success in raising potatoes, strawberries and all varieties of garden truck. So far he has not attempted to raise any hay but has cut sufficient wild hay from the open meadow land for his purposes. The success of both these attempts is partially attributed to the fact that the area lies so close to the lake that the temperature is somewhat regulated. Owing to transportation facilities, the only crop which will be of value will be hay.

Legal Description	Settlement Type	Abstracts Concerning Settlement
T61N, R4 & 5W	Marginally Agricultural	<p>In the classification of land there is about 4480 acres recommended for intensive examination. Agricultural pursuits have been carried on successfully in the Reeder Creek basin for the past ten years. The main crop that has been raised so far has been hay, which, as a general rule, has been cut from the open meadow land after it had been drained and cultivated. All the more hardy varieties of garden truck have been successfully grown ever since agricultural development started in this section. There has never been any large amount of any one crop, or even stock, raised by any of the ranchers, but the fact that over fifteen bona fide residents in the township at the present time makes it self-evident that some of the land is both topographically and climatically suitable for agricultural purposes. It is very doubtful, however, if the first settlers on the area will be the permanent residents in this community. On the stump claimants are very eager to sell out and buy smallest tracts of improved agricultural land elsewhere immediately after securing patent.</p> <p>4,160 acres has been alienated as homestead claims, and 2,840 acres patented to the Northern Pacific Railway company. The Railway Company is holding its land for the stumpage value of the present stand of timber. The 4,160 acres of homesteaded land is occupied by about twenty-five homesteaders. Some of the land has been patented but the majority are merely held as June 11 claims. The claimants are, however, living up to homestead requirements and very little trouble will be had in making final proof.</p>
T60N, R4 & 5W	Agricultural	<p>10,280 acres of the National Forest land in this township are classified as topographically adapted to agriculture. At the present time there are about 20 homestead settlers scattered throughout the area. Some of them have made final proof and others have done enough improvement work that they will have no trouble in securing patent to the land. Agricultural development has been carried on with more or less of success for the past ten years. The main crop that has been raised on any of the land is hay but all varieties of garden truck have been successfully grown over the entire area. The settlers in this community for the most part are not financially able to improve the land as rapidly as it seems necessary for conclusive proof that the land has a high value for agricultural purposes. However, the fact that people have been living here for the past several years and have been able to make a living is sufficient to warrant the statement that the land has agricultural possibilities. The highest value that the land will ever have will probably be for dairying and intensive stock raising. While the road facilities are very good, the distance from a shipping point makes it impracticable to raise a large amount of garden truck for vegetable crops. All the land which is topographically suitable for agriculture is also climatically adaptable to this development.</p>

APPENDIX I

Recorded Homestead Sites and Settler Graves on the Idaho Panhandle National Forests

Forest	Site No.	Dist No	Eligibility			Entry or Patent No.	Patentee or Current Ownership	Date of Entry Date of Patent	Improvements	Location
			?	NO	YES					
01040800197	10-BR-0069	8	X				Pete Clavadetscher (Private)	Patented 5/4/22	Log and frame house, log barn, log shed cellar, outhouse	T60N, R5W, Sec 26
01040800198	10-BR-0070	8		X		LS 6287 Deed and Relinquishment No. 1573	Michael and Lillian Kelley, relinquishment Possible later homestead claim	8/2/02	Pole frame structure and outhouse, appear to be of the 1930s vintage	T61N, R5W, Sec 12
01040800202	10-BR-0083	8	X			Unsuccessful			Destroyed	T62N, R5W, Sec 17
01040600205	10-BR-0086	6	X					Land donated to the FS in 1935	Destroyed	T55N, R5W, Sec 24
01040800215	10-BR-0132	8	X			11157	Edward B. Brown, FS acquired the land in 1984	3/10/20 3/3/24	Two log structure	T58N, R5W, Sec 32
01040800227	10-BR-0145	8	X				Forest Service acquired the land in 1982		Unknown	T58N, R4W, Sec 5
01040800235	10-BR-0153	8	X				Samuel Latterell (Private)	5/29/07 Relinquished 6/14/10	Remnants of log cabin, hen house, barn and privy.	T58N, R4W, Sec 11
01040800236	10-BR-0154	8	X			Entry 4723	Charles A. Patheal	Entered 5/4/1892 Filed 6/27/10 Patented 6/3/16	Log cabin and privy.	T58N, R4W, Sec 2
01040800237	10-BR-0155	8	X			Entry 4723	Charles A. Patheal	Entered 5/4/1892 Filed	Log cabin and collapsed	T58N, R4W, Sec 2

Forest	Site No.	Dist No	Eligibility		Entry or Patent No.	Patentee or Current Ownership	Date of Entry Date of Patent	Improvements	Location
			?	NO					
							6/27/10 Patented 6/3/16	structure	
01040800254	10-BR-0172	8	X		Entry 8626-1141137	Norman McIntyre Sold to logging company and then reconveyed to FS in 1940.	3/10/13 Patented 3/26/17	Log cabin	T59N, R5W, Sec 17
01040800263	10-BR-0181	8	X		Patent 404052 Entry no. 0709 and 09010	Arthur McAvoy patentee (Private)	5/28/07 9/20/13	18 structures, including some moved from a logging or BRC site.	T59N, R5W, Sec 20
01040600296	10-BR-0214	6	X			Donated to the FS in 1935		Destroyed	T55N, R3W, Sec 29
01040800308	10-BR-0238	8	X			Described as the Vern Nicols place		Log cabin and log barn	T56N, R5W, Sec 34
01040800328	10-BR-0263	8	X		Unsuccessful			Cabin remnants, cellar, and privy	T61N, R5W, Sec 10
01040801093	10-BR-0269	8	X					Two log remnants and cellar	T54N, R5W, Sec 35
010408011023	10-BR-0315	8	X			Donated to FS 3/25/1935		Destroyed	T56N, R5W, Sec 32
01040601141	10-BR-0334	6	X			Reconveyed to the FS in 7/6/1937		Log structure and cellar	T55N, R2E, Sec 36
01040601142	10-BR-0335	6	X			McMillian (1909) Donated to the FS in 1935.	1931	Log cabin (1911), barn and 2 sheds	T55N, R3W, Sec 3
01040601148	10-BR-0343	6		X	Unsuccessful			Log structure and cellar	T55N, R2E, Sec 36
01040801159	10-BR-0354	8	X		Patent 472416	Aldo C. Newcomb	5/12/1915	Log structure, barn, chicken house, cellar and shed remnants.	T58N, R5W, Sec 10
01040801160	10-BR-0355	8	X		Unsuccessful	NP 9/25/1900		Destroyed	T59N, R5W, Sec 35
01040601192	10-BR-0390	6	X		8096	Luther Oldt	1/16/12 8/30/18	Log cabin with frame additions, a frame structure	T53N, R1W, Sec 1

Forest	Site No.	Dist No	Eligibility		Entry or Patent No.	Patentee or Current Ownership	Date of Entry Date of Patent	Improvements	Location	
			?	NO						YES
								and remnants of frame structure.		
01040601193	10-BR-0391	6	X		Entry 9197 HES 517	R. B. Oldt Reconveyed to FS in 1983	7/1/14 10/1/21	Log cabin, well, and shed	T54N, R1E, Sec 31	
010406001197	10-BR-0395	6		X		Frank J. Smith Reconveyed to FS in 1984	Patented 1915	Frame dwelling, log root shed, frame garage/shop, well, and remnants of other structures.	T56N, R1E, Sec 12	
01040601358	10-BR-0405	6		X		Reconveyed to FS in 1983.		10 structures including a log cabin, log storage building, garage, shed chicken coop, firewood shelter, outhouse, cellar and hay shelter.	T54N, R1W, Sec 23	
01040801378	10-BR-0591	8		X	Unsuccessful	National Forest		Cabin, Cellar	T61N, R4W, Sec 20	
01040601415	10-BR-0636	6			X	9465	Rudolph Henricks	11/16/14 6/2/20	Pole and shake residence, log barn cellars cisterns and other structures	T55N, R1W, Sec 35
010406	10-BR-0638	6		X		8433 (adjacent)	Hagbart Martinius Moe may have incorrectly located the residence on FS land and not on adjacent homestead	8/29/12 1/31/27	Log cabin, shed, root cellar	T55N, R1W, Sec 35
01040601418	10-BR-0639	6		X				Prior to 1912	Cabin remnants	T55N, R1W, Sec 35
01040601431	10-BR-0773	6		X		4187	Mike O'Neil	7/20/04 11/21/12	Log structure remnants, sauna	T55N, R3E, Sec 32
01040601433	10-BR-0775	6		X		9753	James York	6/14/15 9/20/20	Log structure, frame	T54N, R1W, Sec 10

Forest	Site No.	Dist No	Eligibility		Entry or Patent No.	Patentee or Current Ownership	Date of Entry Date of Patent	Improvements	Location	
			?	NO						YES
								structure		
01040601434	10-BR-0776	6			X			Grave of William Hutchings (see 10-BR-0781)		
01040601439	10-BR-0781	6		X		2115	William Hutchings	12/9/07 4/22/13	Log structures, cellar	T54N, R1W, Sec 11
01040601856	10-BR-0799	6		X		Unsuccessful	"Hard Luck Davis"		Remnants of 3 log structures	T59N, R1E, Sec 21
01040601454	10-BR-0827	6			X		Donated to the FS in 1938		Remnants of 3 log structures	T57N, R1E, Sec 12
01040601822	10-BR-0834	6	X			5666	Bert O. Brown	11/1/07 6/6/10	Destroyed	T54N, R1W, Sec 23
01040601923	10-BR-0841	6		X		Unsuccessful			Destroyed	T54N, R2W, Sec 22
01040601882	10-BR-0849	6	X			Unsuccessful			Destroyed	T57N, R1E, Sec 15
01040601884	10-BR-0852	6			X		Melissa Middleton Bonner County	1911	Homestead Cemetery	T54N, R1W, Sec15
01040601885	10-BR-0853	6		X		1954	Ray Studebaker	8/23/06 12/4/11	Frame structure, log barn, outhouse	T56N, R1W, Sec 20
01040601886	10-BR-0854	6		X					Trash Dump related to the Homestead of Ray Studebaker (See 10-BR-853)	T56N, R1W, Sec 20
01040601977	10-BR-0863	6		X		Unsuccessful			Destroyed	T54N, R2W, Sec 30
01040602147	10-BR-0865	6	X							
01040602198	10-BR-0866	6			X	7823	Ernest H. Becker	8/8/11 2/8/12	Log residence with frame addition, cellar, log barn, outhouse	T55N, R2E, Sec 18
01040801456	10-BR-0880	8	X			6902	Asa Byrd	11/9/02 10/14/15	Log structures including barn, cabin,	T61N, R5W, Sec 14
01040801457	10-BR-0881	8	X				Thomas A. Simpson	Patent date 3/19/20	Log cabin, root cellar, smoke house	T61N, R5W, Sec 15
01040601464	10-BR-0920	6			X	HES 525 (1917)	Edward Soeteber	1915	Destroyed	T56N, R3E, Sec 32

Forest	Site No.	Dist No	Eligibility		Entry or Patent No.	Patentee or Current Ownership	Date of Entry Date of Patent	Improvements	Location
			?	NO					
01040700047	10-BY-0039	7		X		Donated 1939		Cabin, shed, fence	T61N, R1W, Sec 26
01040700048	10-BY-0040	7		X		Acquired by the FS in 1935		Log Cabin remnants and cellar	T63N, R2E Sec 30
01040700058	10-BY-0051	7	X		942, 1025	Leonard and Laura Wyatt, acquired by the Forest Service and exchanged to the State of Idaho	12/28/1914, 4/19/1916, 3/16/1925	4 structures including a log house, sheds and privy.	T60N, R1W, Sec 26
01040700131	10-BY-0131	7		X	3122, 4087, 11205	Mack C. Gentry	1/10/10, 8/5/20, 1/28/15, 7/28/21	Log Cabin	T65N, R2E, Sec 30
01040700153	10-BY-0161	7	X			"Stoner Homestead"	(Circa 1900)	Log Cabin	T65N, R2W, Sec 23
01040700162	10-BY-0170	7	X		Unsuccessful			Log cabin and cellar	T62N, R1E, Sec 4
01040700168	10-BY-0176	7		X	Unsuccessful			Log cabin and barn	T63N, R2E, Sec 14
01040701492	10-BY-0219	7	X			Joseph Vavera	7/3/11	Settler Grave	T65N, R2E, Sec. 29
01040701500	10-BY-0229	7	X		Unsuccessful			Structure remnant and cellar	T64N, R1E, Sec 3
01040701562	10-BY-0297	7		X	Unsuccessful			Structure remnants and cellar	T63N, R2E, Sec 13
1040701580	10-BY-0318	7		X	Unsuccessful			Log Cabin	T64N, R2E, Sec14
01040701588	10-BY-0326	7		X	Unsuccessful			Log Cabin remnants	T64N, R2E, Sec 25
01040701598	10-BY-0336	7		X		Charles Miller	1908	Settler Grave	T65N, R1E Sec 35
01040701602	10-BY-0341	7		X	Unsuccessful			Destroyed	T65N, R1E, Sec 34
01040701606	10-BY-0346	7	X					Dump on FS land associated with adjacent private homestead	T65N, R2E, Sec 35
01040701618	10-BY-0365	7		X	Unsuccessful			Log Barn	T65N, R1E, Sec 34
01040701628	10-BY-0378	7		X			Before 1913	Destroyed	T60N, R2W, Sec 28
01040701629	10-BY-0379	7		X		Alfred A. McManus	April 10, 1907	Destroyed	T60N, R2W, Sec 28
01040701639	10-BY-0392	7		X	9114, 10260	Doyne Wilson	7/18/14, 6/24/16, 6/4/23	Two log cabins and an outhouse	T65N, R2E, Sec 24
01040701642	10-BY-0395	7		X	8036	Gustav Bartels	12/11/11, 9/6/17	Destroyed	T64N, R2E, Sec 26

Forest	Site No.	Dist No	Eligibility		Entry or Patent No.	Patentee or Current Ownership	Date of Entry Date of Patent	Improvements	Location
			?	NO					
01040701644	10-BY-0397	7		X					T64N, R2E, Sec 3
01040701649	10-BY-0402	7	X		1183	Christopher Knoblock	12/16/08 8/8/12	Log cabin remnants	T64N, R2E, Sec 26
01040701650	10-BY-0403	7	X		2666	Emil Kriesel	8/13/09 6/1/16	6 structures remnants	T64N, R2E, Sec 26
01040701651	10-BY-0404	7		X	1181	Engelbert Beck	12/11/08 5/22/13	Destroyed	T64N, R2E, Sec 35
01040701930	10-BY-0430	7		X	Unsuccessful			Log cabin remnants	T63N, R2E, Sec 13
10040701929	10-BY-0431	7		X	Unsuccessful			Destroyed	T63N, R2E, Sec 24
01040701887	10-BY-0437	7	X		Unsuccessful	M. E. Pearson homestead before 1903 and then it was taken up with a T & S claim prior to 1907 by different claimant, later acquired by National		Destroyed	T60N, R2W, Sec 14
01040701888	10-BY-0438	7	X		Unsuccessful	W. H. Evett homestead before 1903 and then it was taken up with a T & S claim prior to 1907 by different claimant, acquired by National Forest from county 1935		Destroyed	T60N, R2W, Sec 14
01040300378	10-KA-0074	3	X		Richard J. Rowe is the first listed entry #9194 on 4/23/14 and relinquished 3/12/18, Frank Johnson then made and entry on 3/12/18 which was relinquished on 3/12/23, then Hans M. Hanson made entry on 6/4/23	Originally part of the Cox Cabin Ranger Station withdrawal, released in circa 1911, subsequent applicants included Gust Haynes, J. T. Chambers, W. E. Sanders, Frank Davis, Richard Rowe, Frank Johnson, Haus M. Hansen.	1909 & 9/29/12 1909 & 9/31/1912 8/20/12 7/25/12 4/23/14 3/12/18 5/4/23	Destroyed	T51N, R1W, Sec 21
01040300396	10-KA-0105	3		X	Unsuccessful			Cabin remnants	T49N, R2W, Sec 27
01040301655	10-KA-0192	3		X	333827	Anton	1913	Destroyed	T50N, R3W,

Forest	Site No.	Dist No	Eligibility		Entry or Patent No.	Patentee or Current Ownership	Date of Entry Date of Patent	Improvements	Location	
			?	NO						YES
						Brueher			Sec 2	
01040301679	10-KA-0223	3	X		Entry No. 2182 Patent No. 5533	Artamus H. Nourse	9/25/07 6/12/12	Cabin remnants	T50N, R1E, Sec 30	
01040301680	10-KA-0224	3		X	Entry No. 2082 Patent No. 5350	Paul Elder Jean C. Murray	9/25/07 6/12/12	Destroyed	T50N, R1E, Sec 30	
01040301685	10-KA-0229	3		X	5523	John S. Brandon	1/22/08	Destroyed	T50N, R1E, Sec 7	
10040301686	10-KA-0230	3		X	2945	James Jarvis	8/12/13 5/28/14	Destroyed	T50N, R1E, Sec 6	
01040301703	10-KA-0247	3	X		Unsuccessful			Cabin remnants	T51N, R2W, Sec 5	
01040301711	10-KA-0256	3		X						
01040301968	10-KA-0306	3			X	Entry No. 7436	Josiah Pemberton	12/15/13 3/13/14	Destroyed	T51N, R1W, Sec 18
01040400542	10-SE-0061	4	X					Homesteader Grave, may be the same as 10-SE-0157	T44N, R3E, Sec 18	
01040400601	10-SE-0120	4	X					Homesteader Grave	T44N, R3E, Sec 24	
01040400637	10-SE-0157	4			X	1322	Lawrence Jack Simpkins accused in murders in Marble Creek and that of former Governor Steunenburg	Rejected 3/18/12	The grave of one of the murdered claim jumpers [Edward Boule is on his claim]	T44N, R3E, Sec 18
01040100765	10-SE-0316	1	X			6570	Allen B. Sisson	3/7/11 7/12/17	Log structure remnants	T51N, R3E, Sec 25
01040400827	10-SE-0381	4	X				Owned by Bunker Hill until 1976		Cabin	T47N, R3E, Sec 28
01040400828	10-SE-0382	4	X						Log Cabin remnants	T44N, R3E, Sec 17
01040400829	10-SE-0384	4			X		Reacquired by FS in 1935		Log Cabin	T44N, R2E, Sec 22
01040400832	10-SE-0387	4	X						Log cabin, cellar and privy	T45N, R3E, Sec 24
01040400834	10-SE-0389	4			X				Collapsed log cabin	T44N, R2E, Sec 23
01040100845	10-SE-0400	1	X			10803 and 12063 7682	John Taylor and Lucinus Harper	6/28/11, 5/22/18, 6/6/25 4/11/12, 4,18,25	8 structures main house with 6 rooms and out buildings all have been removed by FS	T50N, R4E, Sec 15
01040200848	10-SE-0403	2			X	9356	Thomas L.	9/24/14	5 structures	T46N, R6E,

Forest	Site No.	Dist No	Eligibility		Entry or Patent No.	Patentee or Current Ownership	Date of Entry Date of Patent	Improvements	Location	
			?	NO						YES
						Fenlon, George L. Lamb	11/9/20	including cabin, outbuildings "Falcon Homestead"	Sec 10	
01040100904	10-SE-0470	3			X	1837	Later acquired by the Forest Service for use as part of the Magee R.S.	9/29/05 1/6/13	Charles Magee had five log buildings on the claim by 1908, all were burned after the homestead was acquired by the Forest Service	T52N, R2E, Sec 17
01040100919	10-SE-0493	1		X			George Nelson acquired by Forest Service	5/9/07 1/18/09	Eight structures house, shed barn coops and shelter, all removed by Forest Service	T50N, R3E, Sec 29
01040300938	10-SE-0514	3	X			8578	Homer Halsey reconveyed to the Forest Service	1/20/13 1/14/22	Log cabin--the site was latter used as a saw mill site remnants of the mill structures survive	T52N, R1E, Sec 25
01040400944	10-SE-0520	4	X			Unsuccessful			Log cabin remnants	T47N, R4E, Sec 36
01040400968	10-SE-0553	4	X			Unsuccessful			Log cabin remnants and a cellar	T45N, R4E, Sec 6
01040401060	10-SE-0649	4			X	Unsuccessful			Log cabin and shed	T44N, R3E, Sec 25
01040401061	10-SE-0650	4	X			Unsuccessful			Destroyed	T42N, R3E, Sec 16
01040401254	10-SE-0778	4		X		Obtained under a cash entry in 1908	Donated to the Forest Service in 1934		A collection of small collapsed frame structures, a cellar and a concrete dam	T45N, R3E, Sec 12
01040401260	10-SE-0792	4	X				G. W. Swisher	Older than 1906	Unknown, Homestead later	T43N, R3E, Sec 3

Forest	Site No.	Dist No	Eligibility			Entry or Patent No.	Patentee or Current Ownership	Date of Entry Date of Patent	Improvements	Location
			?	NO	YES					
								occupied by logging camp.		
01040201824	10-SE-0861	2		X		Unsuccessful	Forest Service		Remnant of Cabin	T43N, R5E, Sec 4
01040401313	10-SE-0864	4	X			Patented claim later acquired by Rutledge Lumber Co.	C. F. Hubble Forest Service obtained from Rutledge Lumber Co.	1917	Log Cabin and outbuilding	T44N, R3E, Sec 33
010404013	10-SE-0865	4	X			Patented claim later acquired by Rutledge Lumber Co.	Forest Service obtained from Rutledge Lumber Co.		Collapsed Log Cabin	T44N, R3E, Sec 32
01040102061	10-SE-0954	1	X					USFS accepted title in 1929 from Cameron Lumber Co.	A number of collapsed log structures	T50N., R3E, Sec. 33
01040102064	10-SE-0955	1	X			Apparently a squatter claim on a RR selection	Forest Service		Two log and timber structures	T50N, R3E, Sec 27
01040102062	10-SE-0957	1	X			8669	Charles Bushow, reconveyed to the Forest Service in June 1981.	7/9/14 10/31/15	Two log cabin remnants	T49N, R3E, Sec 4
01040800463	45-PO-0002	8			X	1819	Roderick B. Cunningham (Private)	1/18/09 8/11/15	Sixteen structures including cabins, sheds barns, privy	T33N, R45E, Sec 14

APPENDIX J

Marble Creek Land Frauds

January 15, 1915

Roscoe Haines, Claims Examiner
United States Department of Agriculture
Forest Service

Introduction Compared with Oregon Cases

From 1904 to 1906 the Government indicated, prosecuted and convicted a great number of persons in Oregon for land fraud so alarming in proportions that it was almost unbelievable. These frauds were commenced in 1900. The attraction in the Oregon cases was in each instance the timber. These cases are a matter of court record.

During the same period that these gigantic frauds were being carried on in Oregon, precisely the same thing was being done in North Idaho by practically the same methods and by some of the identically same interests, which prompted the Oregon frauds. The particularly valuable white pine timber was the attraction. (See statement of O. C. Rice, appendix F, page 34) In North Idaho no one has ever been convicted of land fraud.

Marble Creek of North Idaho contains perhaps the largest and most valuable single compact body of white pine timber in the world. Title has passed; and is passing to these lands where the merest pretense of compliance with public land laws has been made. (Appendix K) The attraction here is greater than in Oregon; the unit timber values are much greater; and on the whole the Marble Creek situation, if it is possible, rivals in many ways the Oregon land fraud cases.

The Marble Creek drainage includes 81,520 acres of land, containing approximately 600,000,000 feet of white pine timber and 600,000,000 feet of cedar, tamarack, fir and other timber, valued at \$3,500,000, of which about one third is within the boundaries of the St. Joe National Forest. (See maps, appendix A)

Title to much of this valuable timber has already passed, and is now vested in the large timber corporations, subsidiaries of the Weyerhaeuser Syndicate which controls practically all of the stumpage of North Idaho outside of the national Forest. The companies who own land in Marble Creek are the Rutledge Timber Company, a Weyerhaeuser interest; The Milwaukee land Company, a Rockefeller institution; The Blackwell Lumber Company, associated with the Menasha woodenware company; The Milwaukee Lumber company, who only recently have secured holdings in Marble Creek; the Stack-Gibbs Lumber Company, a Shevlin-Clarke subsidiary; The McGoldrick Lumber company interests, who have extensive holdings in Oregon, British Columbia, Minnesota and Idaho; and the Diamond Match Company interests.

Men have risked their lives and liberty to wrongfully acquire these lands. Murders have been committed and no one punished for the crime. (See Testimony in Steve Adams case. Appendix "N") A so-called Homestead Jumpers Killers association was organized, and in an open meeting discussed ways and means of ridding the community of persons who legally had as much right to the lands which they had jumped as those who were claiming them. Every political agency has been brought to bear to pass title to these valuable white pine timber lands. (Showalter's report. Appendix "E" (Petition of settlers. Appendix "F", pages 37-67) The "settlers on these lands may have undergone hardships; it was not, however, to make a home; but of a grubstake character to secure a timber claim of 160 acres, worth from \$10,000 to \$25,000, the price which can be obtained from the lumber companies having holdings in this region. This is shown by the fact that 76% of the 48,760 acres of the entire watershed, title to which can be given, or which have passed to patent through pretense of compliance with the public land laws, is now in the hands of large stumpage holdings concerns, and none of it being developed agriculturally. (See maps. Appendix "A")

The intent of the homestead laws is clearly defeated. As a matter of sound public policy, such heavily timbered lands as are found in Marble Creek should never have been subject to the provisions of the general homestead laws.

Chapter 1 Description of the Region and its Possibilities

Marble Creek, as considered in this report, covers an area of 81,520 acres of land drained by that stream in T. 43 N., Rs. 2, 3, and 4 E., T. 44 N., Rs. 2, 3, and 4 E., and T. 45 N., Rs. 3 and 4 E., widely advertised by the timber interests in the past as containing the largest body of standing white pine timber in the world. This stream flows north, and empties into the St. Joe River in T. 45 N., R. 3 E. The Coeur d'Alene Lake drainage, of which the St. Joe River is the main stream, forms the nucleus of the principal industry of North Idaho—the manufacture of white pine lumber. (See maps, appendix "A", and record of ownerships, appendix "K")

The whole Marble Creek drainage may be considered rugged, although there are limited areas which might, after the present stand of timber is removed, be cultivated; not, however, without a greater expense than would be justified. It has an elevation of from 2500 to 4500 feet, and it located in a region of extremely heavy snowfall, which usually comes in October and remains on much of the area until the middle of June. (Photographs are found, Appendix "B", showing snow on June 1, and in October) It is impossible, ordinarily, to reach all of this Marble Creek country by pack horses until the middle of June, and there remains on some of these Marble Creek homesteads five feet of snow as late as June 1. (Photo on Franklin Theriault claim. Appendix "B", page 72) It is cut up in many places by narrow, rocky canyons, with slopes so steep that hand logging is the only method which can be employed in getting the timber off this mountainside—too steep in places for horse logging. In the summer time the nights are cold, and while the hardier vegetable have been grown, it cannot be considered a region where the greatest value would be for agricultural purposes.

For the present stand of timber, the value of the land for growing timber and for the protection of the headwaters of navigable streams, this region is most valuable. Instances can be cited where single quarter section homestead claims in this drainage have been sold for from \$16,000 to \$25,000. In these cases, the compliance with the homestead law as to improvements, residence and cultivation is the merest pretense, greatest care being taken to "cultivate" the excellent growth of white pine on their clearings. A notable instance is the case of James Able, a photograph of whose clearing and cultivation area is found in appendix "B" 1 and 9. The cultivation in the Able case is far better than the average on Marble Creek. The agricultural value of Marble Creek lands has never been demonstrated. The attraction in Marble Creek is not now, and has never been, its agricultural, but rather its timber, value. The fact that both inside and outside of the National Forest, where the land contains no valuable timber, although the soil is of the same character as the other, there are no homestead claims, leads inevitably to this conclusion. (Maps, Appendix "A", where no claims are located, indicate that the land is burned. Secs. 23-24, T. 44N., R. 3 E.) Marble Creek farms are timber homesteads and never were taken for their agricultural value. There is not a church, or a school, or a post office in marble Creek, and no effort has ever been made by these temporary settlers to secure these conveniences. There is not a wagon road leading into Marble Creek, and the trails, though built by the settlers, were constructed primarily for reaching their timber claims. The only telephone lines in the region are those constructed by the Coeur d'Alene Timber Protective Association for the proper protection of their timber. Invariably the settler, as soon as he secures title to his land, moves away to some more favorable location for farming, if he is a farmer at all. By far the greater numbers, however, usually retire to some of the towns and engage in other business.

Chapter 2.

The Scramble for Timber.

History of the Lumber Industry and Saw Mills.

History of Homesteading Timber lands in Marble Creek.

Scrip and State Selections and Conflicts, and Process of settlement.

National Forest withdrawals.

Politics. Common Practice as to acquiring Timber Lands.

The history of the lumber industry in North Idaho begins at the time of the construction of the Northern Pacific railroad. Locally, on Coeur d'Alene Lake, the first demand, with the exception of the small demands made by the squatter settlers, was when the discovery of valuable minerals was made in the Coeur d'Alene Mining District. It was common practice at that time for everyone who needed timber to help themselves from any of the public lands. Much timber was cut and sold to the mining companies in the Coeur d'Alene District before any of the lands were withdrawn for Forest purposes. Prior to 1892, there was no lumber manufactured for other than the limited needs of the local settlers. About this time small mills were located around Coeur d'Alene Lake. At that time it was not considered valuable, and while considerable timber was thus disposed of, it was the universal idea that timber from the public lands was for anyone who cared to remove it.

About 1896, settlement began around Coeur d'Alene Lake, outside of the Coeur d'Alene Indian Reservation, and along the St. Maries River and the St. Joe River from Ferrell to St. Maries. The first rush for timber came when the Mt. Ranier scrip became available, and much of the land in the St. Maries River drainage and the St. Joe River drainage below Ferrell was taken up by scrip and timber and stone claims, with a few homesteads along the narrow river bottoms. From 1898 to 1901, the people of North Idaho began to realize that the timber had a value. This was brought about mostly by the fact that the Minnesota, Michigan and Wisconsin lumbermen were beginning to come into this region and were discovering immense bodies of valuable white pine timber equal to that which they had then almost finished removing in the states mentioned. (Statement of prominent lumberman. Appendix "F", page 17)

Marble Creek, however, being somewhat more inaccessible than the St. Maries and St. Joe river country below Ferrell, escaped the attention of most of the earlier settlers, and the lumbermen as well, until the winter of 1900. The first activities in Marble Creek seem to have been in the fall of 1900, when a party of cruisers employed by the Howard Lumber Company, which was then represented by F. A. Blackwell, now President of the Blackwell Lumber Company at Coeur d'Alene, the old Coeur d'Alene Lumber which was then owned by William Dollar, and men by the names of Edwards, Romer and Swankee, and the Menasha Woodenware Company, formed an expedition to determine the amount and character of timber tributary to Coeur d'Alene Lake. This party worked under the direction of James Russell, and was composed of Russell, Adams, August W. Yeager, and a man by the name of Ziegler. Although it was unknown to this cruising party at the time the purpose of this trip, it was later determined that it was for the purpose of locating valuable areas of timber which could be scripped.

The following spring, Mr. Yeager located the first squatters on Marble Creek. It was the intention of these squatters to hold the land by this method until the plats of survey were filed, and then file timber and stone entries for the land. By this time, everyone was looking for a tract of timber. Thousands of people from Minnesota, Michigan and Wisconsin came to North Idaho in search of timber, not a tract of land, which could be farmed. Many of these people took timber and stone claims and also homesteads. (The records of U. S. Land Offices in North Idaho will verify this statement.) It will be observed that in the Marble Creek region a great many people were located from the vicinity of Troy, Moscow and Kendrick, Idaho. Their attention was first called to the value of these timberlands by the operations of C. O. Brow, in the settlement and purchase of lands in the Potlatch country. He at first probably worked in his

own behalf in getting squatters to settle on the land, and in a number of instances induced settlers to come West from the timber districts of Wisconsin and Michigan to settle on the heavily timbered lands in the immediate vicinity of what is now Bovill, Idaho.

As soon as these lands were patented, or Receiver's receipt issued, they were bought by John Pearson, representing the Northland Pine Company, and E. L. Marvin and a man by the name of McCormick, representing the Wisconsin Log and Lumber Company. The prices attained averaged about \$3000 per claim, which allowed the settlers from \$.50 to \$1.00 per M for their white pine. The Northland Pine Company was organized by Henry Turish, of Duluth, Minnesota, and upon the formation of the Potlatch Lumber Company, of which Charles A. Weyerhaeuser is now President, and Henry Turish Vice President. (Statement of C. A. Fisher, former State Land Agent, who made an investigation of Marble Creek in 1905. Appendix "F", page 22)

At the same time that C. O. Brown commenced timber operations in the Clearwater and Potlatch countries, the Humbird Lumber Company and other subsidiary concerns of the Weyerhaeuser interests commenced placing scrip on the unsurveyed timber lands of North Idaho. The first scrip which was placed in Marble Creek was in 1901 at the instance of the Rutledge Timber Company, under the instructions and supervision of F. J. Davies, Manager. This same class of operation was conducted farther north in Kootenai and Bonner Counties, Idaho, by the Humbird Lumber Company; in the Potlatch and Clearwater countries by C. O. and E. N. Brown; and farther east in North Idaho and Northwestern Montana by the Bonners Ferry Lumber Company. It appears that John A. Humbird, Frederick Weyerhaeuser, Sr., with his four sons, J. N. Glover, Edward Rutledge, Henry Turish and other wealthy Minnesota, Michigan and Wisconsin lumbermen, had secured an immense amount of Mt. Ranier scrip from the Northern Pacific Railway Company. In Marble Creek the Rutledge Timber Company were given the sole option by the Northern Pacific Railway Company to file scrip in that drainage. Davies and Marvin had both been previously employed in the land department of the Northern Pacific Railway Company, and readily knew the value of these timberlands.

In the summer of 1901 there were several professional locating parties working in the Marble Creek region, some independent, and some it is said worked directly in the interests of the different lumber companies. It was commonly reported at the time that Grant Miles, George Preston and Art Switser were locating persons, under contract, on lands in Marble Creek for William Dollar, who was at that time manager of the Coeur d'Alene Lumber Company, but since has disposed of that interest and is now President of the Stack-Gibbs Lumber Company. William and Frank Theriault were also locators working independently. Two other men, whose names I have been unable to secure, were locating for the company known as the White Pine Land, Log and Lumber Company. C. O. and E. N. Brown also made a few locations in this region. Ole Maddison and two others whose names I have not secured, made the representation that they were locating for the Howard Lumber company, a Pennsylvania concern then represented locally by F. A. Blackwell, and whose interests have since been taken over by the Coeur d'Alene Lumber Company at a time when Dollar was Manager.

The old Coeur d'Alene Lumber Company's interests were sold in 1902 to the Largey Estate, of Butte, Montana, and they continue to operate under the name of the Coeur d'Alene Lumber Company. Preston was Dollar's nephew and, as will be later shown in this report, was the means by which information was secured which led to the indictment of Mr. Dollar by the Federal grand Jury at Moscow, Idaho, for his connection with an attempt to secure public lands by fraud.

By the time the plats of survey were filed in the local Land Office in July, 1905, hundreds of settlements had been made in Marble Creek for no other purpose than securing the valuable timber which they intended to sell to the lumber company paying the highest price, if they had not already made an agreement prior to entry for the disposition of the claim, which I believe was done in certain instances, but have no facts in this particular region to substantiate this conclusion. Here was a region of 75,000 acres, with almost 500 people claiming it as their home, yet today it is doubtful if, in the whole region, 25 people can be found making their home. The most of these so-called settlers have left with the stake which they obtained from selling their land, and are now engaged elsewhere in other vocations.

Mention is heretofore made as to the indictment by the Federal Grand Jury against William Dollar. About 1901, George Preston and Art Switser located a large number of persons in T. 43 N., R. 2 E., Boise Meridian. It was reported that these locations were made under a direct contract with William Dollar whereby the settler was to get a stated amount for the claim when he proved up and transferred the land to Mr. Dollar. Preston, of course, was to have an interest in these claims. However, Dollar and Preston had some difficulty concerning it, and Preston reported the case to the Federal grand Jury at Moscow, Idaho, and Dollar was indicted, tried, and acquitted. It was variously reported that Dollar's acquittal cost him from \$12,000 to \$25,000, in what manner I am unable to say, and I have not had access to the testimony in that case, which should be found in the records of the United States District Courts for Idaho.

At the time that this scrip was being placed in Marble Creek, it appeared that the Northern Pacific Railway Company, through their representative timber companies, were especially anxious to get this scrip located and clearlisted, before any adverse action could be taken by the State of Idaho to satisfy their enabling act grants, and it can be shown that a great amount of scrip was placed and clearlisted on lands on which the State of Idaho had a prior right of selection by virtue of its application for the survey of the land as. As an instance: in T. 43 N., R. 2 E., the survey by the state of Idaho was applied for by Gov. Steunenberg in 1898, and subsequently by Gov. Hunt in 1900, and it is an unquestioned fact that, upon the completion of the survey and acceptance of the plats of survey at the Coeur d'Alene Land Office in July 1903, the State of Idaho did not select one acre of land in this township, although it was known to Gov. Morrison and other State officials that they could perfect a prior right in there over many settlers and the rights of the Northern Pacific Railway Company, which had sold its selection rights to the Rutledge Timber Company.

The inference here is that there was some agreement between the scrip owners and officials of the State of Idaho, whereby the State of Idaho would fail to exercise its prior right in this township, thus giving the scrip and the settlers an opportunity to become attached. What political trading may have been done to effect this can only be surmised. The scrip, having been first located, generally defeated the homesteader. Further than this, it is known that in many instances the scrip interests protested through the Northern Pacific Railway Company to the Secretary of the Interior against the application of the State for the survey of certain lands, on the grounds that the State had withdrawn many millions of acres of land, and that its quantity grants required but a few hundred thousand acres to

fill them, this gave the scrip a prior right of selection. This protest evidently had some effect in certain instances, as in T. 44 N., and Rs. 2 and 3 E., the then Commissioner of the General Land Office, Binger Herman, refused to recognize the right of the State to select until certain requirements were made. (Letter "E" J.S.W., July 19, 1901)

By the summer of 1902, and continuing from that time until 1906, the business of locating timber claims, either under the timber and stone law, or the homestead law, was at its height. It was common practice at that time for claimants to squat on unsurveyed land, await the extension of the public land survey, and when the tract became subject to entry file a timber and stone claim, and in many instances also a homestead claim on an additional quarter section, very often the claimant holding both under squatters rights prior to survey. This was accomplished by the use of fictitious names in holding more than one claim under the squatters rights, and it was a sort of unwritten law among locators not to locate a person on a quarter section which was so held. There was also an understanding between locators as to the region in which each had the sole right of locating. As instances of more than one quarter section being held by one person, I would cite the cases of Lyn Lundquist, who held four different claims at one time in the Marble Creek region, of E. P. Brennan, James Russell, William McCarter, Franklin Theriault and John W. Goddard.

As evidence in the Lundquist case, letters written by him are conclusive. (Appendix "D", #52 b) (The original letters are on file in the office of the District Forester, Missoula, Montana.)

In the spring of 1901, August W. Yeager located James Boule on the claim in Mica Creek, outside of the National Forest. This claim Boule later sold to E. P. Brennan in 1902, but it was jumped by J. B. Foreman when he learned from Yeager that Brennan had two squatter claims in the same township. Brennan held the other claim, on which he is now living, under his own name, and on the Boule claim he placed a Swede, whose name I have been unable to obtain, and whom Brennan hired to live on the place. It was Brennan's intention to hold this claim in this manner until the plats of survey were filed and then file a timber and stone claim. At his same time it is said that he claimed still another location on Cougar Creek near Coeur d'Alene city. During all of this period, Brennan made no pretense of living on either of these claims, but actually resided in Coeur d'Alene City where he owned and conducted a real estate business, and from where he made a trip once or twice a year to the claim he was holding under his own name. These trips, however, lasted only a few days. It was the common practice for everyone to recognize claims of this character, where the claimant spent only a night once in every six months.

In the case of William McCarter, who also held two claims in marble Creek, one was held under a fictitious name and the other under his own. The one which he held under his own name is still of record in the United States Land Office at Coeur d'Alene, Idaho. (McCarter gave C. A. Fisher this information) He has ever resided on the land, and his improvements and cultivation are not such as would lead to the conclusion of good faith, since at all times he had resided in St. Maries where, for a number of years he has conducted a hotel and saloon.

In the case of Franklin Theriault: he filed at Wallace, Idaho, a possessory right affidavit, alleging settlement on June 15, 1904, on the NE $\frac{1}{4}$ Sec. 3 T. 42N., R. 3 E., B.M. (Appendix "H", page 33) At the same time he was claiming the W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, T. 44 N., R. 3E., B.M., alleging settlement on the 24th day of July, 1901, and on which claim he filed a homestead application in the United States Land Office at Coeur d'Alene, Idaho, on July 17, 1905, but which he relinquished, on account of a conflict with scrip, on May 13, 1914. (Appendix "K", page 89) The circumstances of this relinquishment will be hereafter related in this report. He held still another claim on the west Fork of big Creek in T. 46 or 47 N., R. 2 E., B. M., under squatters rights prior to the survey, and which right he sold, prior to the date of filing, to a J. Showalter for \$1000. Showalter, if called upon, will produce the check given Theriault in payment for his alleged rights to this claim. (Showalter's conversation with Roscoe Haines)

John W. Goddard, while holding a claim on Davis Creek, in approximately Sec. 14, T. 44 N., R. 1 W., B.M. also held a squatter claim in T. 44 N., R. 4 E., on which he filed an application for entry in the United States Land Office at Coeur d'Alene, Idaho, and which, owing to the withdrawal for National Forest purposes and his utter lack of the merest pretense of residence, cultivation, or improvements, he has been unable to perfect. The squatters rights to the claim which he held on Davis Creek he sold to a man by the name of Rhoades, who has since perfected his right, patented the claim, sold the timber, and now is living on his timber grub stake.

In the case of the State of Idaho vs. Steve Adams for the murder of Tyler, Archie Phillips testified that James Russell held five claims in Marble Creek. (Extracts from testimony in Steve Adams case, Appendix "N")

These citations go to show what was the general practice in North Idaho in regard to the acquiring of timberlands. Scotty McGillvray, of Wallace, Idaho, in a conversation with me about the 1st of November 1914, stated that he had held at different times 16 or more claims in 20 years, which he sold or left after removing a quantity of timber from them. His claims, however, were on the Coeur d'Alene River.

As soon as the lumber industry promised to assume considerable proportions in the Coeur d'Alene Lake region, all that was necessary for the timber interests to do to secure the settlement of vast areas of valuable timber land was to let it become known that they might desire to purchase lands from a certain region, when the professional locators would soon have it all covered by squatter locations, if the lumber company had not already scripped it. It is also alleged that the lumber interests kept the locators advised as to the areas, which they desired. It was the practice of these locators to cruise out, in the most advantageous 160 acre tracts, the valuable timber on unsurveyed lands, build shacks on these timber claims, and then search for persons to place upon them. (Statements of Showalter and Fisher) This was not difficult, on account of the attractive speculative timber value. It was unquestionably the intent of the claimants in most instances to file timber and stone entries when the land became subject to filing, and the only cases wherein they were prevented from doing this was where the national Forest withdrawal intervened, or where there was a conflict between the settler and the scrip or the state, or when the claimant had already exercised his timber and stone rights.

Under the Act of August 18, 1894, the Governor of the State of Idaho in 1894, the Governor of the State of Idaho in 1998 made an application for the survey of 18 townships of land for State selection. The lands in Marble Creek were included in this application,

which failed for the fact that the State failed to publish the notice of such application, as required by law. On July 4, 1901, a second application for the survey of this township was made by the Governor. On July 19, 1901, Binger Herman, then Commissioner of the General Land Office, by letter "E" wrote to the surveyor General of the State of Idaho requiring a further report as to the amount of land withdrawn by the State of Idaho to fulfill its enabling act grants, since it had already withdrawn approximately 206 townships, which the Commissioner indicated would be sufficient to fulfill all the obligations to the State. (Appendix "E", pages 105-106-107)

It can be shown that the Weyerhaeuser interests, through the Northern Pacific Railway Company, protested to the Commissioner of the General Land Office against the application of the State for the withdrawal of these townships, since the Weyerhaeuser people had already placed, and were then placing, large amounts of Mt. Ranier scrip in Marble Creek. If they could thus prevent or delay action by the state in securing any prior rights in this township, they would be given a further opportunity to place their scrip. Pending the receipt of a report from the Surveyor General of Idaho by the Governor, as to the amount of land to which the State was entitled under its enabling act grant, the Commissioner of the General Land Office failed to advise either the Coeur d'Alene or the Lewiston Land Office of the application of the State for the survey and withdrawal of the Marble Creek section for the purpose of selection by the State. It will thus be seen that the records of the Coeur d'Alene Land Office would not show any preference right of the State to select in the Marble Creek country.

During this delay, the timber company was busy making additional scrip selections. At this time a Mr. Budlong was Registrar of the Coeur d'Alene Land Office, and Maj. C. D. Warner was Receiver. It is perhaps true that many of the Marble Creek settlers made inquiries at the local Land Office at the time they located on the lands now claimed by them, and were of course advised that there was no record of any application by the State for this land.

There was at this time, however, a record of the scrip locations. It is believed that some of these unscrupulous locators placed squatters on lands which they knew to have been selected by the scrip claimants and, indeed, some may have known of the applications of the State for survey, which would give the State the preference right of selection. All this has resulted in a three-cornered conflict between the settlers and the scrip, the settlers and the state, and the State and the scrip, so that the while Marble Creek country has been in constant litigation since the date of the filing of the plats of survey in the local Land Office, on July 5 and July 17, 1905.

Prior to the date of filing, it was the custom of these squatters to do just as little improvement, just as little cultivation, and remain on the land just as short a time each year as possible in order to secure title to the land. (Showalter's statement. Appendix "E", pages 8-9) These squatters, being acquainted with the lax enforcement of the public land laws, took advantage of the general practice as to residence, improvements and cultivation, so that prior to the survey the character of the compliance was such that hardly a single claimant in Marble Creek can be said to have complied with the requirements of the law as to either residence, cultivation, or improvements. As to good faith in taking the land for a home, there was none.

About the years 1903 and 1904, the available public lands subject to homestead and time and stone entry were becoming scarcer, and people began to scour the country for such tracts as were left. The lumber companies were even then busy securing additional holdings, with the effect that possibly in some instances unfair means were adopted by these lumbermen in securing these valuable timber lands.

About this time it is claimed that B. R. Lewis Lumber Company, of Coeur d'Alene, Idaho, employed a man by the name of Boule to locate people on some of these lands in Marble Creek, which had been previously located by squatters. Lewis's general plan, if correct, was as follows: He agreed to pay Boule \$50 for every man he located on these Marble Creek lands, with an additional \$50 to be paid to him when title passed, Lewis furnishing the money for Boule to carry on his operations. It is believed that there were agreements between those who were located and Lewis to turn over the land to Lewis when title was obtained. In any event, Boule located a number of persons in Marble Creek on claims previously held by squatters. These men were known as jumpers, and received their supplies from a common commissary established in Marble Creek by Boule. Having jumped lands claimed by others, these jumpers incurred the enmity of all the other Marble Creek settlers, who it seems held a public meeting in Marble Creek and discussed ways and means of ridding the community of these so-called jumpers. (Archie Phillips testimony in case of Steve Adams. Appendix "N")

Injunctions were secured in the District Court of Wallace, Idaho, against three of these jumpers, and they were restrained from interfering with the previous locations with which they conflicted. This association of early settlers in Marble Creek has been called the Homestead Jumpers Killers association, which had as its purpose the elimination of these jumpers. On or about August 10, 1904, Tyler, one of the men who had been located by Boule, disappeared. His body was found in the woods about a quarter of a mile from Jack Simpkins cabin about one year later.

Stephen Adams was twice tried for the murder of Tyler, and in each instance the result was a disagreed jury. It seems that Stephen Adams, who was a member of the Western Federation of Miners, may have been an instrument of this association in various misdeeds in Colorado and Idaho. Jack Simpkins was a claimant for lands in Marble Creek. Simpkins was an officer of the Western Federation of Miners, and learning that jumpers were prevalent in Marble Creek decided to use Adams as a means of getting rid of them. Boule, his horse and his dog, were killed in Marble Creek on or about August 20, 1904, with the result that the so-called jumpers abandoned their claims and left that part of the country, all having received warnings that their fate might be the fate of Boule.

F. J. Davies, the man instrumental in placing the scrip in Marble Creek, some of which conflicted with the settlers, was warned to keep out of marble creek, lest his fate be the fate of Boule. Charles A. Fisher, now Forest Supervisor of the Clearwater national Forest, and who was state Land Agent in 1905, received a similar warning. As late as 1911, owing to his activities in his investigation of the Big Creek group of homestead claims, W. G. Weigle, then Forest Supervisor of the Coeur d'Alene National Forest, received a warning to keep out of Marble Creek and Big Creek. (Exhibit "F", page 143 is a photograph of one warning received by W. G. Weigle) T. C. Spaulding, then Forest Supervisor of the St. Joe National Forest, received similar warning in 1912. B. R. Lewis, who was supposed to

have been instrumental in placing the jumpers in Marble Creek, received numerous threats of this character and was, on two different occasions in other regions tributary to Coeur d'Alene Lake, actually driven out from certain regions with threats against his life, and in one instance was removed bodily.

So prevalent was the custom of entering into contracts for the disposal of their claims upon issuance of final certificate, that it was generally known throughout North Idaho that such arrangements could be entered into to the advantage of any person still having a homestead or timber and stone right; that he would be benefited thereby to the extent of from \$400 to \$1000. Oren Omstead, who was one of the cruisers who were in Marble Creek in 1901 for the timber interests, located a great number of persons in the St. Maries and St. Joe river watersheds, promising them under a definite agreement that he would give them amounts ranging from \$500 to \$700 upon their transfer of the claims to him. A. C. Harvey, then a well-known timber cruiser for the Howard Lumber Company, bought these claims from Omstead on final proof, at prices ranging from \$2000 to \$3000 per claim. Omstead, in each instance where he located persons under contract, paid the necessary expenses in securing the title, and after transferring to the Howard Lumber company, through Harvey, Harvey would divide the profits with Omstead. In this manner each of these parties, it is said, realized as their profits from \$35,000 to \$40,000. The following specific instances are cited, but have not been investigated:

Fred Wilson, Coeur d'Alene, received \$700.

John McCaffrey, St. Maries, now a homestead claimant on Marble Creek, \$600 or \$700 for the timber and stone claim.

Gus Manville, Kalispell, Montana, \$400.

Tom Hay, at present a logger on the St. Maries River for the Milwaukee land company, located a large number of persons on the St. Maries and St. Joe Rivers, but principally on Emerald Creek of the St. Maries River. One specific instance has been related to me where he located whole family of four, by the name of Roberts, on timber and stone claims, with a definite agreement with each of them to sell to him when title was secured. These four claims were later transferred to Hay, and he afterward sold them to the Backwell Lumber Company, or to the Milwaukee Land Company, for a sum in excess of \$30,000, having cost him approximately \$1000 per claim. (Statements of August W. Yeager, of Coeur d'Alene, Idaho).

Maj. Frank A. Fenn, now Supervisor of the Selway National Forest, is authority for another abuse of the public land laws, and relates the following circumstance:

About the same time that timber settlement in marble Creek was at its height, two carloads of men, whom he believes were employed by the Weyerhaeuser Syndicate at Merrill, Wisconsin, were brought to Lewiston, Idaho, by representatives of the Weyerhaeuser Syndicate. They were met there by a cruiser for the Weyerhaeuser interests, who had already looked over the lands which they desired to secure. These men were taken to the woods by the cruiser, and upon finding a section corner, the cruiser would pick out four men, determine their names, and instruct each to proceed a few feet, indicating a certain quarter section of land, one for each quarter around the section corner, stating to them that it was necessary for them to swear that they had been upon the land on which they intended to offer filing. The cars in which these men came to Lewiston remained there during the time these men were in the woods, and after they had returned from the woods and filed their declaratory statements for timber and stone claims, the fees being paid in person by the cruiser, they lived during the period of publication in the cars at Lewiston, being held there at the expense of the Weyerhaeuser interests, and it was understood drawing pay at the same rate they were receiving in Wisconsin, their expenses also being paid by the Weyerhaeuser interests. The period of publication having expired, all proceeded to the Land Office in company with the cruiser and offered final proof, and final receipts issued. The money in each case was paid by the representative of the Weyerhaeuser interests to the Receiver of the United States Land Office at Lewiston, Idaho. Immediately after the issuance of the final receipt, every man stepped across the hall into the office of Thomas Mullen, where he executed a deed in blank to the Weyerhaeuser interests. J. B. West, a prominent attorney of Lewiston, Idaho, was at that time Register. Thomas Mullen was very recently tried for disbarment before the United States Land Office at Coeur d'Alene, Idaho. He is now located at Priest River, Idaho, where he is making a profession of representing claimants under the Act of June 11, 1906, before the Forest Service.

O. C. Rice, of Spokane, Washington, was at the time that the Marble Creek country was being settled, the Western representative for C. R. Smith of the Menasha Woodenware Company. He relates the following incident:

William Dollar and George Preston had located a number of persons under contract on various lands in T. 43 N., R. 2 E., B.M., in what is known as the Elk Basin country near Clarkia, Idaho. Thinking that they would dispose of these lands to larger timber interests to good advantage, they had Fred a. Kribs, of Oregon land fraud fame, and who represented C. A. Smith, the Minneapolis millionaire lumberman; make a trip into Marble Creek to look over these lands with a view of making a report to C. A. Smith for the purchase of these claims. Owing to the fact that the Government about this time began prosecuting Dollar for his alleged connection with these locations, the deal with Kribs was not completed, and Kribs, acting for the interests of C. A. Smith, withdrew, and the deal which promised to be highly profitable to Mr. Dollar did not materialize. Mr. Rice stated to me, however, that several deals of this same character were pulled off by Smith and Kribs in the Pack River and Priest River regions in North Idaho, but did not give me the facts concerning them. This was at the same time that Kribs was very busy with his Oregon cases. (Appendix "F", page 34)

The Marble Creek situation has long been the political football of North Idaho. At the time that the application of the State was made for the survey of these lands, the lumber interests, through their political influence, caused the State to refrain from making selections in T. 43 N., R. 2 E., much to the benefit of the lumber interests and to the detriment of the interests of the State of Idaho. At the same time of the withdrawal of portions of Marble Creek for National Forest purposes, so great was the pressure brought by the lumber interests through their political agencies that T. 43 N., Rs. 3 and 4 E. were not included in the withdrawal for national Forest purposes, to all appearances in order to give the state the privilege of perfecting its right to make selections toward fulfilling its quantity grants under the enabling act. (A matter of record in Forest Service files at Missoula, Montana) In the election of 1904, the Marble Creek controversy was not prominent, from the fact that the settlers had no intimation at that time of the supposed rights of the State, or of

the proposed withdrawal for Forest purposes. In 1906 there was much political trading done to secure action favorable to the Marble Creek claimants, looking towards the withdrawal of the application of the State to select lands in this township. The only effect of these political maneuvers, however, seems to have been to excite the settlers who had thus far been unable to secure any remedial legislation.

Beginning in 1907, and continuing until 1908, decisions were rendered in the cases where there was a conflict between the State and the settlers, favorable to the State of Idaho. These settlers had employed attorneys to defend their rights against the State and, having lost before the Interior Department, decided to adopt other means to present their cases, having failed to have them reopened in the Interior Department. With this end in view, a meeting was called at Coeur d'Alene, Idaho, in the summer of 1908, for the purpose of determining what plans should be followed in further prosecuting their cases. A great number of Marble Creek claimants who were in conflict with the State attended this meeting. A. J. Showalter, a brother of one of the claimants in Marble Creek, was present, and having been called upon to give his advice, and being more or less familiar with the entire controversy, he suggested that some plan looking forward to having the State withdraw its application for approval of the selections which it has already made in Marble Creek, and which were in conflict with the settlers, should be formed. He was informed that such action had already been taken without success, and that the settlers had little faith in securing any favorable action from the State authorities. It appeared that under the laws of the State of Idaho there was no way to dispose of the public lands except by advertisement and sale. It was then suggested that the matter be presented to the Legislature, and as a means toward that end, Mr. Showalter suggested that the settlers and their friends secure the adoption of a plank in the democratic and Republican platforms, pledging the representatives of their party, if elected, to pass a measure or law giving relief to these settlers. This plan was carried out, and a plank in each of the great state party platforms of 1908 pledged their representatives to pass some measure of relief for the Marble Creek settlers. With this end in view, it was felt that the case of the settlers would be strengthened by having one of their number and their friends in the Legislature, with the result that George C. Morebeck of Marble Creek was elected to the Idaho legislature of 1908.

About this time Showalter entered into agreements with 68 of the settlers in Marble Creek, wherein each was to pay him the sum of \$750 when the State had relinquished its rights to these lands and the settler entitled to make final proof, Showalter to pay all the costs of securing the planks in the party platforms, the adoption and passage of the proper legislation, to present the case before any commission that was authorized to take evidence, and to represent them in every way necessary to secure title. A copy of the form of contract with Showalter forms a part of this report (Appendix "F", page 13). It was commonly reported in North Idaho that some of the lumber companies contributed the funds to Showalter in maintaining his lobby at Boise during the Legislature, and, while I have endeavored to secure reliable information concerning this, I have found nothing that would indicate that any of the lumber companies might have been interested.

On February 19, 1909, Hose Joint Legislation No. 10, (Appendix "F", page 81) relating to the claims of certain settlers in Marble Creek, was passed and submitted to the Senate and passed March 2, 1909, after much lobbying and trading. This bill provided for the Legislative Homestead Commission, which consisted of Hon. George A. Day, State Land Commissioner, Hon. A. L. Freehafer, senator from Washington County, and Hon. E. M. Harris, Representative from Fremont County. This Commission met in Boise on August 3, 1909, and after some preliminary work proceeded to Ferrell, Idaho, the nearest town to Marble Creek, and there heard the testimony of 105 claimants and their witnesses, after which they proceeded to make a personal investigation of the lands, improvements and cultivation in each case. A copy of the testimony in each of the 105 cases is submitted herewith (Appendix "D"). This Commission also had access to a former report in each case made by Charles A. Fisher about the time that filings were offered. Copies of Mr. Fisher's reports in each of the cases which he investigated are attached. (Appendix "C") With all of this data, and notes made from their personal observations, they submitted a report to the State Land Board, making various recommendations with which I cannot, however, entirely agree, since some are not consistent with the facts. If these settlers are entitled to any consideration at all, as against a claim of the State, they are entitled to the full amount of land claimed under their homestead applications.

Shortly after passing this legislation, a suit was brought against the State Land Board, wherein it was sought to restrain the State from relinquishing any of the lands selected in Marble Creek to the settlers. (Appendix "F", page 106) This case is known as Balderson vs. the State of Idaho. Balderson secured an injunction against the State Land Board from proceeding to dispose of the land as it had been planned. As a result of Balderson's efforts, an attempt was made through the Idaho legislative Delegation to secure a measure through the Federal Congress to grant relief to the State of Idaho, by giving it the privilege of selecting other lands within one of the National Forests of Idaho, in lieu of the lands which it proposed to relinquish to these settlers. This legislation is now pending, and doubtless some measure of relief will be given the State, as it has already relinquished its rights in Marble Creek to the settlers, and patent has issued in the most of the cases to the Marble Creek settlers, many of whom have never, and in all probability never will comply with the requirements of the public land laws. In one particular instance, that of Clarence E. Stoddard, where patent has but recently issued for lands outside of the National Forest, it is clear that he never did reside on the land any considerable length of time; that he is now, and has been for a long time past, a resident of Coeur d'Alene, Idaho, where he conducts a barber shop. Cases of this character are so numerous that it is quite unnecessary to name them all here. (See Showalter's recommendations. Appendix "E", pages 48 to 70).

After it became known that the State would exercise its right of selection in the Marble Creek region, petitions from Wallace, Burke, Moscow, St. Joe, Harrison, Santa, St. Maries and Coeur d'Alene, were forwarded to the Governor of the State of Idaho, petitioning the State to relinquish its claim to the lands selected in Marble Creek which were in conflict with the settlers. (Copies of these petitions appendix "F", pages 37-67) It is observed that these petitions were circulated in the vicinity of the regions where the settlers could usually be found, and on each of the petitions will be found the names of settlers who made that particular region their residence, rather than on the homestead.

In the winter of 1908-9 there was considerable interest taken in appointing a successor for George A. Day, the State Land Commissioner. It is heretofore shown that this was at a time when Showalter was appearing before the legislature in his efforts to secure the adoption of the legislation heretofore mentioned. George A. Day and J. A. Spaulding, of Coeur d'Alene, Idaho, were contestants for this position, and Spaulding, being familiar with the Marble Creek situation, and knowing of Showalter's contracts with the settlers, and knowing of Showalter's contracts with the settlers, approached Mr. Showalter with a proposition of this

character: that if Showalter would assist in securing the appointment of him as State Land Commissioner and give him one half of the fee which Showalter expected to earn in the event that the legislation passed and the State relinquished its rights, he would use his influence in the event of his appointment as State Land Commissioner to bring about the withdrawal of the application of the State to perfect its selections in Marble Creek. Mr. Day was later appointed State Land Commissioner to succeed himself.

On November 10, 1914, while enroute from Missoula, Montana, to Boise Idaho, I met A. J. Showalter in Pocatello and made arrangements with him for a conference relative to his knowledge of the Marble creek situation, explaining to him that I was attempting to determine the facts, and later I submitted to him a list of questions which I desired to have him answer. Mr. Showalter's view of the entire Marble Creek controversy is attached. (Appendix "E").

At the time that the Rutledge Timber Company placed their scrip in Marble Creek, other lands were being taken up under squatter's rights, which has resulted in a number of instances in conflicts between the scrip and the settler. The Rutledge Timber Company ordinarily has been content to await the determination of these conflicts before the Interior Department, with the result in most instances that they have won the decision on the grounds of priority of location. In a number of cases, however, they have followed a different plan, where presumably their rights were not so clearly defined as in the cases which have proceeded to decision by the Interior Department. In this class of cases their plans seem to have been to settle the controversy outside of the land office court by paying the settler an amount to withdraw or relinquish his application for entry. The following cases of this class are noted:

William Theriault, \$7000, for relinquishment

Franklin Theriault, amount not known

William Root, amount not known

George Root, \$8000

Homer R. Estes, amount not known

Homer E. Estes, amount not known

Jesse G. Estes, amount not known

William Stoddard, amount not known

Thomas Davis, amount not known

William Sheave, amount not known

Fred Engstrom, amount not known

Peter Johnson, amount not known

William Rushing, amount not known

F. A. David, amount not known

Mr. Davies, the manager of the Rutledge Timber Company, had no hesitancy in stating to me that this plan was followed. There are perhaps other instances where the claimant was paid a consideration for his relinquishment, thus leaving the scrip free to pass to patent.

Another method by which lands have passed to the lumber companies is best illustrated by the records in the case of Anna L. Baltheis. In her possessory right notice she alleges settlement on May 10, 1904, on the E ½SW¼, W½SE¼ Sec. 19, T. 44 N., R. 2 E., B. M., and the names of John J. Conley and C. A. Baltheis are given as witnesses to the location. Presumably she was located by Conley. This application for entry was in conflict with a State selection, and when it appeared from the action of the Legislature that there might be a possibility of the claim reverting to the homesteader, on November 23, 1911, Joseph J. Kroetch of Harrison, Idaho, filed a contest against the Baltheis application, which was suspended pending the final decision between the settlers and the State. On May 19, 1913, by letter "G" the State selection was held for rejection, which was approved by Departmental decision, letter "G" of May 6, 1914. On July 31, 1914, Kroetch withdrew his contest, and the claimant, Anna L. Baltheis relinquished. On the same date the Northern Pacific Railway Company, by Thomas Cooper as attorney-in-fact, filed selection list #243 for this same land, which filing was allowed.

Skuse and Morrill were the attorneys representing the Northern Pacific Railway Company in this application. Skuse and Morrill are the attorneys for the Rutledge Timber company, and this scrip, although filled in the name of the Northern Pacific Railway Company, was in fact filed by Frank J. Davies, General Manager of the Rutledge Timber company. I do not know what consideration may have been given to Anna L. Baltheis for this relinquishment, neither do I know what relation exists between Joseph J. Kroetch and the Rutledge Timber Company. Joseph J. Kroetch is a member of the firm of Conley and Kroetch, of which firm John J. Conley is also a member.

Miss Baltheis' residence has been the merest pretense, and although she claimed location on May 10, 1904, her residence to October 25, 1905, consisted of two weeks at the date of location, two months beginning July 15, 1904, one month beginning June 15, 1905,

and two weeks in August 1905. She lived at that time at 821 Mallon Ave., Spokane, Washington. (Fisher's Report, Exhibit "C", page 17) There was no clearing, and her cabin on October 25, 1905, was not in a habitable condition. During the years of 1906-7-8 she was there only once each year. In 1909 she was there a short time in July. I have no record of here residence thereafter. She had a timber and stone claim of 60 acres adjoining her homestead. This timber and stone claim she sold to John J. Conley.

There are a number of other cases similar to this, where the Conley interests have instituted contests and later the one contested has relinquished, at which time scrip was immediately filed, and there are now pending in the Land Office at Coeur d'Alene contests by the Conley interest against the claims of Joseph J. Russell and Agnes Russell. The claim of Charles R. Austin, a brother-in-law of Miss Baltheis, was contested by John E. McBurney, formerly a partner in the Conley and Kroetch interests. Prior to the date set for hearing, the contestant relinquished, on which date Lawrence F. Kroetch, also a member of Conley and Kroetch, filed a timber and stone claim, which was patented on May 20, 1907. In one or two other instances, the Conley brothers have contested the claims in Marble Creek, and the claimants have either relinquished or the Conleys have won out in the contest, at which time George Ford, formerly a saloon keeper at Coeur d'Alene, Idaho, acting on behalf of the Conley brothers, filed scrip which has now been patented and transferred to the Conley interests.

On March 21, 1905, T. 43N., Rs. 3 and 4 E., were temporarily withdrawn for the proposed Shoshone Forest Reserve. The withdrawal of the lands in Marble Creek in T. 44 N., Rs. 3 and 4 E. was made on November 6, 1906. The former mentioned townships were not included in that withdrawal, owing to the protest of the State of Idaho. The State of Idaho had previously made application to the Surveyor General for the survey of these townships, thus giving the State the preference right of selection therein to fulfill its land grants. Had these two townships been included within the National Forest at that time, as the land was then unsurveyed, the rights of the State to make these selections would have been defeated. It was the intent at the time that this exception was made to include the remainder of these townships within the National Forest as soon as the plats were filed and the State had made its selections. (A matter of record in Forest Service files at Missoula, Montana)

At different times since the withdrawal of T. 44 N., Rs. 3 and 4 E., there have been attempts made to eliminate this valuable body of timber from the National Forest. Various petitions by the settlers and others have been presented through their Congressmen and senators the petitioners having in mind perhaps that it would be easier to secure title to the lands not within a national Forest, or perhaps with a view of perfecting their title under laws which would not permit the passing of title within the National Forests.

The following statistics are taken from the testimony offered by the claimants before the Idaho Legislative Homestead Commission in 1909:

In 103 cases, the area involved is 16,275 acres, on which there is a total stand of 344,000,000 feet of timber, averaging 3,340,000 feet to the quarter section, with an average value of \$10,000 per claim.

A summary of the testimony in 103 cases shows 204½ acres, or 1¼% alleged cleared during an average period of 6 years, 7 months, and 25 days from the date of settlement. Given these same conditions, and assuming that the land was taken for agricultural purposes and the claimants continued to clear the land as they have done during this period, it would take 520 years to clear each quarter section of land. This cannot be assumed, however, since as soon as title passes, residence and cultivation will doubtless cease and the lands will be transferred to the timber interests.

The figures given above are taken from the sworn testimony of the claimants and their witnesses, and are inclined to show a reduced amount of timber and an exaggerate amount of so-called clearing. The cultivated area in almost every case is less than 50% of the so-called cleared area.

As indicating the rapidity with which the lands in the Marble Creek country are passing into the hands of the lumber interests, the following statistics for that portion of T. 44 N., R. 3E., B. M., within the St. Joe National Forest, are of more than passing interest.

Column No. 1 represents the acreage of that township within the Forest.

Column No. 2 represents the percentage of land within the township.

Column No. 3 represents the percentage of lands in that area taken under the public land laws, regardless of the present status of any unperfected claims.

Column No. 4 shows the percentage of lands, which have passed to final certificate or patent, and claims, which are not in conflict with any other selection or entry. This column includes the unperfected scrip owned by the Rutledge Timber Company.

Column No. 5 shows the percentage of lands patented within the area.

Of all the lands in these 24 sections, 48½% is owned by the six lumber companies having holdings, and 40% is owned by a single company.

Of all the lands initiated under any claim under the public land laws, 64% is owned by these companies, and 53½% by the Rutledge Timber Company.

Of all the lands, title to which has been sufficiently perfected under the public land laws as to possess the claimant of sufficient title to transfer, 84% is in the hands of these same companies, and 70% owned by the one company.

Of the patented lands in this area, 80% is now owned by these six lumber companies, and 62½ % by the one lumber company.

Only 12% of all the land within this area, taken up under any of the public land laws, still remains in the hands of the original claimants.

Land Ownership Statistics Concerning Portions of T. 44 N., R. 3 E., BM.

	No. 1	No. 2	No. 3	No. 4	No. 5
Patented Lands of Rutledge Timber Company	4480	29%	39%	51%	62½%
Scrip Selections of Rutledge Timber Company	1680	11	14½	19	
Milwaukee Lumber Company	480	3	4½	5½	7
Idaho Timber Company	160	1	1	2	2½
Milwaukee Land Company	240	2	2	2½	2½
McGoldrick Lumber Company	80	½	1	1	1
Stack-Gibbs Lumber Company	280	2	2	3	3½
Totals	7400	48½%	64%	84%	80%

Ownership of Land Taken Under Public Land Laws in T. 44 N., R. 3 E., BM.

	No. 1	No. 2	No. 3	No. 4	No. 5
State of Idaho	80	½	1	1	1
Original Homestead Claimants	1120	7	10	12 ½	15 ½
Original Timber and Stone Claimants	240	2	2	2 ½	3 ½
Lands Which Are Not Subject To Sale	2680	17	23		
National Forest Lands	3480	25			
Totals	15360	100%	100%	100%	100%

Column No. 1—Acreage of T.44 N., R. 3 E., within the Forest.

Column No. 2—Percentage of ownership of same area.

Column No. 3—Percentage of ownership of lands taken under public land laws.

Column No. 4—Percentage of ownership of lands subject to transfer of title.

Column No. 5—Percentage of ownership of patented lands.

In considering the acreage of Marble Creek, the Freezeout Creek drainage in the eastern part of T. 43 N., R. 3 E., and the western portion of T. 43 N., R. 4 E., has not been considered, since the area is largely burned, and there are few alienations.

Considering the entire drainage of Marble Creek, with the exception of Freezeout Creek drainage, the lumber companies now actually control 76% of all the lands, title to which can be given. This includes the unperfected scrip and the Northern Pacific selections, the option to purchase, which has been given to the Rutledge Timber Company. Excluding the unperfected scrip and the Northern Pacific selections which have not as yet passed to patent, the lumber companies now own 50%, and the original homestead and timber and stone claimants still retain 16%.

The lumber companies also control 65 ½ % of all the land in Marble Creek taken up under any of the public land laws, and title to only 14 ½ % now remains with the original claimants. These figures include the unperfected, as well as the perfected, claims.

Of all the land in the Marble Creek drainage, including the vacant land outside of the Forest, and all national Forest lands, the lumber companies own or control 40%. 20 ½ % is National Forest land, and 10 ½ % is vacant land outside the National Forest, and is largely burned.

The following tabulation will show that title to these lands is passing to the lumber companies soon after patent is issued by the Government, since none of the claims in this region under the public land laws passed to entry until 1903 and 1905.

Column No. 1 indicates the entire acreage of Marble Creek as considered in this report.

Column No. 2 indicates the percentage of ownership of all Marble Creek lands considered.

Column No. 3 indicates the percentage of ownership of lands taken under any of the public land laws, including the unperfected as well as the perfected claims.

Column No. 4 indicates the land to which title has passed, and which the claimant can legitimately transfer. It does not include the unperfected claims, a clear title to which cannot for this reason be given, but includes the Northern Pacific selections and the unperfected scrip which are owned or controlled by the timber interests.

Title to Lands is Passing to Lumber Companies in T. 44 N., R. 3 E., BM.

	No. 1	No. 2	No. 3	No. 4
Title Now in Lumber Companies	24320	30%	42½%	50%
Unperfected Scrip Owned by Lumber Companies	3720	4 ½	7	8
Northern Pacific Selections Controlled by Lumber Companies	9080	11 ½	16	16
SUBTOTAL	37120	46%	65½%	76%
State Lands	3720	4 ½	7	8
Original T&S and Homestead Claimants Still Retaining Title	7920	9 ½	14 ½	16
Unperfected Titles Not Subject to Sale	7000	9	13	
Vacant Lands Outside Forest	9200	10 ½		
National Forest Land	16560	20 ½		
GRAND TOTAL	81520	100%	100%	100%

Column No. 1—Acreage of Marble Creek Lands.

Column No. 2—Percentage of Ownership of all Marble Creek lands.

Column No. 3—Percentage of Ownership of all Lands Taken Under Public Land Laws.

Column No. 4—Percentage of Ownership of all Lands, Title Can Now be Given.

Total Acreage of Marble Creek	81520 acres
Area of Marble Creek within the St. Joe National Forest	29840 acres
Marble Creek Lands outside of he St. Joe National Forest	52680 acres
Area covered by claims initiated under public land laws	56760 acres
Lands patented under the public land laws	32240 acres
Acreage of unpatented homesteads within the St. Joe National Forest	2880 acres
Unpatented scrip selections within the St. Joe National Forest	1720 acres
Unpatented scrip selections outside the St. Joe National Forest	8440 acres
Patented homestead lands within the St. Joe National Forest	4880 acres
Patented timber and stone lands outside the St. Joe National Forest	6560 acres
Patented timber and stone lands within the St. Joe National Forest	760 acres

The figures given in the above statistics are taken from the best information available, secured from the county records at Wallace, Idaho, and from the United States Land Office at Coeur d'Alene, Idaho, and such other data as it has been possible to obtain. While the figures may be slightly in error, they are approximately correct, and I believe well show the manner in which these claims initiated under the pubic land laws are passing into the hands of the lumber interests.

Respectfully submitted,

Roscoe Haines /s/
Claims Examiner.

Missoula, Montana
January 15, 1915.