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Report on Arkansas national forest

By D.D. Bronson, General inspector  
forest service.



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Pat. Jan. 21, 1908

**REPORT ON**  
**ARKANSAS NATIONAL FOREST**

WITH REFERENCE TO

**H. R. BILL No. 21894**

**“TO EXCLUDE FROM ARKANSAS NATIONAL FOREST  
ALL LANDS WITHIN THE COUNTY OF MONT-  
GOMERY AND RESTORE SAME TO  
PUBLIC DOMAIN”**

BY

**D. D. BRONSON**

GENERAL INSPECTOR, FOREST SERVICE

U.S.  
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MAY 7, 1910

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WASHINGTON

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DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D. C., May 10, 1910.

Hon. F. W. MONDELL,  
*House of Representatives.*

DEAR SIR: In further reference to your letter of March 18, requesting a report on the bill (H. R. 21894) to exclude from Arkansas National Forest all lands within the county of Montgomery and restore same to public domain, and my reply to it:

In reply I stated that a member of the Forest Service had made an extensive examination of the conditions existing in the Arkansas National Forest, and that he would prepare a report to be transmitted to you.

I inclose this report and indorse the recommendations contained therein. Referring to the recommendation at the close of paragraph (a), on page — of Mr. Bronson's report, proposed legislation has been submitted to the Secretary of the Interior for the relief of settlers whose entries were erroneously allowed subsequent to the withdrawal of the lands, and the Secretary of the Interior informs me that he approved of the measure, and I have requested him to submit it to Congress for such action as he may wish to take.

If any further information is desired at the time this bill is being considered Mr. Bronson is available, and can appear before the Committee on Public Lands upon request.

Very truly, yours,

W. M. HAYS,  
*Acting Secretary.*



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**REPORT ON ARKANSAS NATIONAL FOREST WITH REFERENCE  
TO H. R. 21894, "TO EXCLUDE FROM ARKANSAS NATIONAL  
FOREST ALL LANDS WITHIN THE COUNTY OF MONTGOMERY  
AND RESTORE SAME TO PUBLIC DOMAIN."**

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By D. D. BRONSON,  
*General Inspector, Forest Service.*

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INTRODUCTION.

The Associate Forester's letter (F-Supervision) of February 9, 1910, instructed me as follows:

In accordance with the request of the Secretary of Agriculture you will fully investigate all complaints which are made to you in reference to the administration of the national forests in the State of Arkansas, and prepare a report giving such facts as you are able to obtain and making recommendations for such action as appears necessary to properly adjust the matter.

In accordance with these instructions I made the required investigation, remaining in Arkansas from February 4 to March 11, the greater portion of this period being spent in Montgomery County. In the course of my investigation of complaints against the administration of the Arkansas National Forest I visited all parts of Montgomery County and became thoroughly acquainted with the topography and character of the portion of the county embraced in the forest.

As the question of elimination or retention of land now embraced within national forests is based primarily upon the character of the land the effect upon stream flow, continuous timber supply, the value of the land for purposes other than the production of timber, and per cent of alienations, I believe that these factors should be given the greatest consideration, as complaints against the administration of the forest can be readily adjusted if it appears that any injustice has been done.

AREA.

The total area of the Arkansas National Forest is 1,663,300 acres, having been established by presidential proclamations of December 18, 1907, and February 27, 1909. This acreage includes vacant land, pending entries, and patented land within the boundary of the forest. The forest embraces land within the counties of Scott, Yell, Perry, Saline, Garland, Pike, Polk, and Montgomery. The area of national forest land in Montgomery County is greater than in any of the other counties and includes approximately 500,380 acres. The total area of Montgomery County (General Land Office figures) is 577,500 acres. The average population of the county per square mile is about 10.

## TOPOGRAPHY.

The northern boundary of the county is a portion of the main ridge of the Fourche Mountain Range, having a maximum elevation of 2,300 feet. The steeper ridges and foothills from this range cause the northern tier of townships to be very broken. Just south of these foothills is the Ouachita River, flowing meanderingly eastward. This river drains a large per cent of the county and flows into Black River, which reaches the Mississippi through the Red River. As this mountain country is the source of one of the principal tributaries of the Red River it should be given all possible protection to regulate the stream flow and prevent rapid run-off.

Ouachita basin is about 30 miles long and from 5 to 8 miles wide, lying between the Crystal Mountains and the Fourche Range. At the western end of the Crystal Mountains is a small area known as the Caddo basin, in which the town of Black Springs is located. These two basins make up the principal agricultural land of the county. Even these valleys, however, are rather narrow or badly broken by hills and rocky outcrops. South of the Ouachita River and covering about two-thirds of the county is the Ouachita Range, of which the more important mountains are the Cossatot, Caddo, and Crystal. The Ouachita Range is made up of a large number of parallel ridges running in an easterly and westerly direction. In general these ridges are narrow, with steep slopes and sharp, straight, barren crests. The highest of these ridges are in the southwestern part, with an elevation of about 1,800 feet above sea level, with here and there prominent peaks mounting to over 2,000 feet above sea level, or over 1,000 feet above the streams at their bases. The steep slopes and crests are, in many cases, covered with a large amount of rocky debris, rendering climbing extremely slow and difficult. The entire portion of the county embraced in the forest is essentially mountainous land, with comparatively level bottom land along the principal streams.

## FOREST TYPES.

With the exception of land which has been cleared for agriculture, the entire area is covered with a mixture of hard woods and shortleaf pine, with some juniper (locally called cedar) occurring in the eastern part of the county upon locations having shallow dry soil. The hard woods consist mostly of black and white oak, with a little hickory, ash, and black gum. In logged-over areas where the surface fires have not been too severe there is a good stand of second growth. In the southern portion of the county which is tributary to the present terminus of the Gurdon and Fort Smith Railroad there is considerable logging upon private holdings, and several sales of government stumpage have also been made and others are contemplated. Throughout the accessible portions of the county choice pine and white-oak trees have been cut for shakes and stave bolts. In the northwestern part of the county near the survey of the proposed extension of the Gurdon and Fort Smith Railroad large tracts have been acquired by timber companies and will undoubtedly be logged when the railroad is extended. These tracts were acquired by purchase from homesteaders and locators under the timber and stone act, and by the locating of scrip before the creation of the forest.

In stand and quality throughout the county the timber is exceedingly "patchy." In general the pine timber is of better quality on the lower elevations, and on the steep ridges and higher elevations it becomes more scrubby. The oak is of poor quality and is almost invariably found to be hollow, which is probably due to the repeated fires which have occurred for many years over almost the entire territory. In board feet the stand will run from 2,000 to 10,000 feet per acre. It is probable if the fires could be kept out that a much heavier stand of timber and of better quality could be produced eventually.

#### AGRICULTURAL LANDS.

As Montgomery County has been settled for a great number of years, practically all the agricultural lands became alienated many years ago. The best of these lands occur along the river bottoms, although there is considerable clearing and agriculture practiced upon the upper benches at the base of the steeper ridges. These bottom lands are very fertile and good crops are raised. Throughout these bottom lands there are only a few vacant forties and these can be opened to entry under the act of June 11, 1906, upon application. The question of opening for entry lands on the upper benches is one which must be decided in each specific instance by a careful examination on the ground in order to determine if the tract applied for is fitted for agriculture. Considering the long settlement in Montgomery County, I believe I am conservative in stating that not over 5 per cent of the vacant forest land in the county is chiefly valuable for agriculture.

#### ALIENATIONS.

In the entire forest 32.2 per cent is alienated land, which includes pending homestead entries. In Montgomery County 54 per cent is patented, 20 per cent is covered by pending homestead entries, and 26 per cent is vacant land. The reason for the large per cent of alienated land in this county is on account of several townships where the alienations are exceptionally heavy. The public lands in the county have been open to entry for so long that not only has all the valuable agricultural land been taken, but also all the more valuable and easily accessible timber land. The vacant lands remaining are in the mountains where the land is rough and broken, and at present largely inaccessible, with the exception of scattered forties, eighties, and quarter sections occurring throughout the bottom and bench lands.

The recent building of the railroad into the county was the occasion of increased interest in timber lands which before had been considered valueless because of inaccessibility, and numerous timber entries have been made for the purpose of acquiring such timber, and many homesteaders upon acquiring patent sold their holdings to timber purchasers. This railroad will probably be extended entirely across the county within a year or two, and if the portion of the county in the forest were eliminated the remaining vacant timber land would soon be in the hands of timber speculators. The existence of the national forest does not interfere with the actual rights of bona fide settlers, and its continuance will enable the Government to administer the remaining vacant forest land, selling the mature

timber and retaining title to the land for the production of future timber crops upon land which can be classified as chiefly valuable for the production of timber.

#### PROBABLE REASONS FOR BILL.

As the result of my investigation, I believe that the reasons for the request of the constituents of Congressman Cravens to introduce H. R. 21894 were not based upon the opinion that the vacant government land within the portion of Montgomery County in the Arkansas national forest should be eliminated on account of its nonforest character, but on account of certain complaints against the administration of the forest and alleged irregularities by certain local forest officers.

All specific cases of complaint were thoroughly investigated and affidavits obtained in each case of any importance. These specific cases, with proper recommendations, will be fully discussed in my complete report on the subject. On account of the numerous cases looked into and the large amount of affidavits and other documentary evidence, it will be some time before I will be able to submit my report covering the complaints. However, if in connection with the consideration of this bill information is desired upon any specific case which may have been brought to Mr. Cravens's attention, I will be glad to make it the subject of a special report. This is mentioned at this time in this report, as I notice from the issue of the Montgomery Times of February 25, it is stated, "A large registered package containing resolutions, signatures, evidence, data, etc., was forwarded to Mr. Cravens on Monday afternoon." At Mount Ida, the county seat of Montgomery County, on February 5, occurred a homesteaders' meeting of protest against the administration of the forest. At that time a committee was appointed for the purpose of securing written evidence of alleged irregularity, and I presume that such evidence secured by this committee was sent to Mr. Cravens. This committee supplied me with copies of all such evidence and several complaints were sent to the editor of the Montgomery Times, and upon one occasion he made a trip to the eastern part of the county and secured several affidavits and written evidence, copies of which he furnished me. Therefore I was in possession of all documentary evidence secured prior to the time of my leaving Mount Ida. The editor of the Montgomery Times and the members of the committee gave me this evidence freely, and also furnished me with the names of persons who were supposed to have complaints against the administration of the national forest, and, as far as possible, I visited all these persons.

In making the investigation, my relations with the editor and other leaders in the movement against the Forest Service administration were very friendly and frank, and I am sure that some of the discussions resulted in clearing up certain points about which there seemed to have been some misunderstanding. The method which I followed in order to cover all complaints was to visit each town and settlement and secure from the storekeepers, postmasters, and other persons the names of all who had complaints. In this way I secured many more names than were furnished by the committee and the editor. In many cases, after traveling several miles, I found upon talking

with the homesteader that he had no complaint, but had made some statement at the store which would lead the storekeeper to believe that he was complaining against the service. While this consumed a good deal of time without the securing of any complaint or evidence of alleged irregularities, I do not think that it was time wasted, as it gave me an opportunity to explain the policy of the Forest Service and to correct false and exaggerated rumors which had been afloat throughout the community. In this connection I can not speak too highly of the hospitality of the residents of the mountain region of Arkansas. I believe that it is unequaled in any part of the United States. The reason given by the editor of the Montgomery Times for the present antiforest attitude of that paper is that several complaints came to his attention, and upon a preliminary investigation by him he decided that the homesteaders were being unfairly treated, and, therefore, that he took up their cause in his paper. It has been hinted to me that possibly the real reason was the timber interests, as if the forest should be abolished it would give certain timber companies a chance to secure more stumpage and consolidate their holdings. I have absolutely no evidence to show that any timber company was interested directly or indirectly in the present agitation, and will therefore assume that the position taken by the Montgomery Times is an honest endeavor to help the homesteaders, although many of the broad statements made in the several issues of the Montgomery Times are absolutely incorrect.

It has also been alleged that possibly the Garland Power Development Company of Little Rock are interested in securing the elimination of Montgomery County, since it is expected that their proposed dam on the Ouachita River east of the forest will back up the water so that about 20,000 acres of land inside the forest will be flooded. However, I have absolutely no evidence or reason to believe that this company is in any way interested in the present movement for the elimination of Montgomery County from the forest.

I believe that the present situation which resulted in the antiforest agitation of the Montgomery Times and the homesteaders' meeting was caused by a diversity of reasons, many of which were without real foundation and can be classed as follows:

- (a) Erroneous allowance of entries.
- (b) Relinquishments.
- (c) False and exaggerated rumors.
- (d) The overestimation of stumpage on homestead entries.
- (e) Confusion between homestead law and forest homestead law. (Act of June 11, 1906.)
- (f) Grazing permits.
- (g) Alleged retarding of settlement and railroad development in Montgomery County.
- (h) Stricter enforcement of homestead law following a looser enforcement.
- (i) Long delays in receiving final certificates.
- (j) Forest homestead policy and delays in examination.
- (k) Timber trespass cases.
- (l) Enforcement of fire law.
- (a) *Erroneous allowance of entries.*—A large part of the Arkansas forest was withdrawn from entry May 10, 1907, and subsequent with-

drawals of additional lands occurred June 17, 1907; November 23, 1908; and February 27, 1909. In numerous instances, after the date of these withdrawals, lands included in such withdrawals were allowed to be entered without classification and listing under the act of June 11, 1906, receiver's duplicate receipts were issued, and the entrymen moved on the claims, and, in many instances, expended considerable amounts in labor and money in building improvements, clearing, and cultivating. After several months, and in some instances after over a year, the entrymen were notified by the Land Office that their claims were held for cancellation, on account of having been erroneously allowed. This has wrought great hardship upon entrymen and, in most instances, while it is probable that the entry was not made for the timber, very little of the land could be listed under the provisions of the act of June 11, 1906. In most instances the entryman did not understand the reason for the action taken by the Land Office in holding the claims for cancellation and blamed the Forest Service and the local forest officers for such action. After examining carefully into several of these cases, I am strongly of the opinion that curative remedial legislation should be secured as soon as possible, in order to afford relief to these entrymen and to correct the great injustice which has been done. Throughout the portion of Montgomery County in which I carried on the investigation, I found it to be the universal opinion that these entries were canceled on account of the efforts of the forest officers, and the real reason of such cancellations seemed to be entirely lost sight of, viz, that the entries were invalid from the start on account of having been allowed on land withdrawn from entry, and the people were under the impression that these entrymen were driven from their claims through the efforts of officials of the Forest Service.

Upon inquiring at each little hamlet in Montgomery County for complaints against the administration of the Arkansas Forest, I was almost invariably informed by the storekeepers, postmasters, and other citizens that "The Forest Service is knocking out homesteaders;" and upon inquiring as to the names of homesteaders who had been "knocked out," the reply always contained the names of one or more entrymen whose entries had been erroneously allowed by the local land office upon land withdrawn from entry. I consider the erroneous allowance of these entries and the subsequent cancellation to be the principal cause of the present antiferest agitation and sentiment in Montgomery County. In many cases it appeared that the homestead application was made before the county clerk of Montgomery County some time before the withdrawal of the lands involved, but the entry succeeded the withdrawal by a considerable period. The county clerk informed me that it was his custom to transmit to the Camden land office the applications and fees promptly upon receiving them, and the delay in the date of entry appears to lie with the Camden land office. I believe that these mistakes on the part of the local land office which have resulted in the present situation should be rectified and the entries allowed to be validated and reinstated after the passage of the necessary legislation. It is my understanding that such remedial legislation is now contemplated, and it is to be hoped that such relief measure will be passed during the present session of Congress.

(b) *Relinquishments*.—A number of relinquishments were given forest officers, and afterward the entrymen regretted having relinquished and blamed the forest officers for accepting the relinquishments. A considerable number of such cases were investigated, and each specific case will be discussed in detail in my complete report upon complaints against the administration of the forest.

On June 2, 1908, the forest supervisor for the Arkansas National Forest issued the following order to all forest rangers under his jurisdiction:

FORT SMITH, ARK., June 2, 1908.

*To all forest officers, Arkansas National Forest.*

GENTLEMEN: In securing relinquishments great care should be exercised that there may be no misunderstanding nor grounds for complaint. The relinquishments should be given voluntarily, and at no time should there be the slightest appearance of coercion.

Very truly, yours,

SAMUEL J. RECORD,  
*Forest Supervisor.*

And on June 6, 1908, he issued the following order:

FORT SMITH, ARK., June 6, 1908.

*To all forest officers, Arkansas National Forest.*

GENTLEMEN: Hereafter whenever a relinquishment is obtained, it must be forwarded to the supervisor accompanied by full and detailed explanation of how and why such relinquishment was given. It is also desirable that a report on Form 655 accompany such relinquishment. Under no circumstances must the forest officer obtain a relinquishment by threats, coercion, or undue persuasion. This order must be strictly obeyed.

Very truly, yours,

SAMUEL J. RECORD,  
*Forest Supervisor.*

On September 3, 1908, general service order No. 22, signed by the Associate Forester, states—

In receiving relinquishments forest officers should carefully avoid making a peremptory demand or using any words which could be construed as a threat of proceedings in the courts. The administration of the laws affecting the relinquishment of lands in national forests remains with the Department of the Interior (Use Book, p. 218). The forest officer is only a medium of transmittal.

In my investigation of complaints resulting from the giving of relinquishments, I have failed to find any cases where forest officers have violated these instructions, but did find several cases in which the forest officer appeared to use considerable persistence in obtaining relinquishments of claims which he considered would fail to go to patent on account of noncompliance with the requirements of the homestead law. Relinquishments received under those conditions are greatly to be regretted, and the forest ranger is to be severely criticised for lack of judgment displayed in exhibiting such persistence in securing those relinquishments.

According to Land Decisions (4 L. D., 281; 8 L. D., 192; 25 L. D., 197) a relinquishment must be intentionally and voluntarily made; one obtained through misrepresentation, deceit, or duress is void. In my investigation I failed to find any case where it can be considered that the relinquishment was not voluntary and intentional, or where it was obtained through misrepresentation, deceit, or duress.

It is to be regretted that any relinquishments were received by forest officers on the Arkansas Forest, as it has been the cause of a great deal of misunderstanding, criticism, and sentiment adverse to the Forest Service.



This situation has already been rectified by the recent General Service Order No. 40, dated March 14, 1910:

Hereafter no forest officer shall under any circumstances request a homestead entryman to relinquish his claim or suggest for any reason whatsoever that such a course is desirable. If any homestead entryman voluntarily offers to relinquish his claim, the forest officer may suggest that the relinquishment be transmitted to the local land office, but should not encourage this to be done. Forest officers who receive by mail relinquishments from claimants must return the relinquishment with the suggestion that if the entryman desires to relinquish he should send it to the local land office. No forest officer should be a party to a compromise whereby any claims or trespass case is settled by requiring the claimant to relinquish to the Government.

H. S. GRAVES, *Forester.*

(c) *False and exaggerated rumors.*—As has already been noted, the portion of Montgomery County in the Arkansas Forest is well settled along the river bottom lands, and there are numerous small hamlets as well as the towns of Womble and Mount Ida within the forest boundary. The forest is still young, the portion created by presidential proclamation of December 18, 1907, having been put under administration in 1908, and the addition covered by presidential proclamation of February 27, 1909, having been put under administration a short time subsequent to that date. The settlers and residents in the forest were alarmed and did not understand the National Forest policy, so that many false and exaggerated rumors as to laws, rules, and regulations to be inaugurated were disseminated. I found during my investigation that many of these erroneous rumors were still believed by the homesteaders, and that such rumors have contributed materially to the antifest sentiment.

As an illustration of these rumors, the following might be mentioned:

That the Forest Service was endeavoring to knock out all homesteads which had not gone to patent.

That a forest ranger received \$40 for every homestead he was able to knock out.

That at the time of final proof the timber land would be cut out from the claim and only the agricultural portion patented.

That the stumpage on homestead claims was purposely being overestimated in order to reduce the chances of the entrymen to obtain patent.

That an exorbitant fee would be charged for grazing stock in the forest.

That no dead wood or pine knots would be allowed to be taken for domestic use from government lands in the forest

That no vacant agricultural land would be open for entry.

That no patents were being issued for lands which had been entered and final proof offered.

These and many other rumors were given credence and succeeded in thoroughly alarming the residents, especially those who had not as yet proved up their claims.

The citizens are gradually finding that these rumors are without foundation, and when the policy of the Forest Service administration is better understood, and they become convinced that these rumors are utterly false, I am sure that there will be a much better feeling toward the forest administration. In several instances, while I was on the forest, homesteaders were receiving their patents, and this had a tendency to relieve the situation in the immediate locality of these patentees.

I believe that the forest supervisor and the forest rangers have conscientiously endeavored in every way possible to explain and controvert these rumors, and in a short time this matter will be fully understood by all residents of the forest.



(d) *The overestimation of stumpage on homestead entries.*—When the forest was first put under administration, for the purpose of a complete record the forest rangers were instructed to report on all pending homestead entries, and this report included an estimate of the timber on the claim. The reports were not intended to be very accurate on this point, as they were not expected to be transmitted to the General Land Office at the time of final proof, as when final proof was advertised a subsequent and more careful report was prepared for such transmission if necessary. Consequently these preliminary reports were very hurriedly made, and in many instances the amount of timber was overestimated, especially by one ranger who had had little experience in timber work prior to his appointment and included in his estimate all classes of timber, such as cordwood, poles, posts, etc., which he transferred to board feet. This materially increased the estimate and gave the appearance of willful overestimation. The stand of timber as given in such reports in some instances came to the knowledge of the entryman, and he became greatly alarmed, thinking that it would prejudice his chances of securing patent. This produced much adverse criticism and the charge that forest officers were deliberately attempting to injure the possibility of homestead entries going to patent.

The cause of this overestimation and the reason of these preliminary reports have been explained as widely as possible to the homesteaders, and there will be no further cause for complaint, as no more preliminary reports will be made, except in unusual instances, as in the future the forest officer will make only the one report at the time final proof notice is being advertised, and this report, under the present instructions, will be a statement of facts as he finds them on the ground, unaccompanied by recommendations of any kind.

(e) *Confusion between homestead law and forest homestead law (act of June 11, 1906).*—In explaining the provisions of the forest homestead law for entry of agricultural land within a national forest the forest officers stated that after application was made the land was examined by a Forest Service land examiner, and the portion found to be chiefly valuable for agriculture would be listed to the Department of the Interior and opened for homestead entry, and that all or any portion of land applied for under the forest homestead act which, if found upon examination to be chiefly valuable for timber, would not be listed under this act, and consequently would not be opened for entry.

As the people were unfamiliar with the forest homestead law and had previously only been used to the regular homestead laws in force on the public domain, confusion and misunderstanding occurred, and many of the entrymen who had filed under the regular homestead law prior to the withdrawal of the land for forest purposes and who had not as yet proved up received the impression that the land covered by their filing would be examined and the timber land eliminated. This idea contributed toward the antagonism against the Forest Service administration.

I believe that to a large extent this confusion between the two laws has been cleared up and that in general the people now have a good understanding of the difference between the two laws and now know that no bona fide homesteader whose entry was made prior to the

creation of the forest has anything to fear on account of the restrictions of the forest homestead law.

(f) *Grazing permits.*—I am very glad to state that under the wise provisions of the present grazing regulations upon Arkansas forests, whereby each owner is allowed to graze 25 head of cattle and horses, 50 head of swine, or 75 head of sheep and goats without fee or permit, there is now very little complaint or comment on account of such regulations, as only the few large owners are required to pay grazing fees.

Up to this year the grazing regulations have been one of the principal factors causing opposition to the national forests, as the rumor was freely circulated that a large fee would be required.

(g) *Alleged retarding of settlement and railroad development in Montgomery County.*—In talking with many citizens in Montgomery County to determine their position on the national forest question, it was alleged by several that the creation of the forest had retarded and was retarding the settlement of Montgomery County. It is very true that if the forest had not been created much of the present vacant public land within the forest would have been entered under the timber-and-stone act or would have been scripped or homesteaded for the timber. For the time being this would bring additional people to Montgomery County, and until such homesteaders could receive patent either by commutation or five years' residence they would be compelled to live on their claims. I doubt, however, if it would mean a great many more permanent residents in the county. Additional logging operations are bound to occur in the different parts of the county, and while in progress will of course bring in a large number of employees; but the mature timber on the national forest lands will also be sold, and consequently the stand of timber on national forest lands can be considered as great an asset to the county as it would be if in private ownership.

It came to my attention that in the northwestern part of Montgomery County, where considerable land has been located under the timber and stone act and by scrip, numerous homesteaders have sold to a timber company very soon after final certificate was issued, and have moved away, leaving the fields which they had cleared and cultivated to grow up to weeds, and the houses and barns which they had erected to go to ruin. The timber company is not renting these cultivable lands, and is simply holding the claims purchased awaiting railroad development. In general, these homesteaders who sold out moved West, spent the money obtained for the land, and returned to Arkansas without means to buy more land, and are living on rented places. Most of these places were under cultivation for some time and would have made good permanent homes. It was stated to me on good authority that within 6 miles of the town of Oden in the northwestern part of the county, from 60 to 75 homestead claims have been patented in the past five years, and that not more than 15 per cent of the patentees are now residing on the places. A great many of these homesteaders have sold to timber companies.

About  $3\frac{1}{2}$  miles from Oden on the road to Waldron, and farther for a distance of 5 or 6 miles, there are 12 farms now vacant containing from 10 to 40 acres each which have been cultivated. The houses are falling in and the fields growing up to brush. Practically all of these patentees are now renting land or are chicken peddling, and do not own a foot of land, having sold out to timber buyers. It was

freely stated by prominent citizens of Oden that this condition would not have occurred if the forest had been created five or six years ago, and if the companies had been unable to secure large tracts by scripping and through timber and stone locators, these homesteaders would have remained on their farms, and then when nearby government timber was sold, they would have had an opportunity to sell their stumpage also.

In talking with other citizens of Montgomery County, they were favorable to the elimination of the forest, provided it would only be open to homestead entry, but when they found that if an elimination was made the public land would be open to disposal under any of the public-land laws, including the timber and stone act, they were of the opinion that the present situation was preferable, but hoped that the forest homestead laws would be somewhat broadened.

It was also argued that the presence of the national forest prevented railroad development in the county. I am sure that this is an erroneous impression, as the survey of the Gurdon and Fort Smith road is expected to give a through line from Fort Smith to the southeastern part of Arkansas and to be a part of a large railroad system. I was informed that the termination of construction, leaving the present terminal at Womble, was due to an unsatisfactory preliminary survey which called for a higher gradient than was desired by the promoters of the road. In the issue of the Montgomery Times of March 25 it is stated that the work of the extension of the railroad from Womble toward Fort Smith will be begun within six weeks from that date, and without doubt the road will be completed within a few years. I do not believe that it can be considered that the presence of the national forest will in any way delay the construction of this road.

(h) *Stricter enforcement of homestead law following a looser enforcement.*—As in other parts of the country, and owing largely to the limited number of special agents previously at the disposal of the Commissioner of the General Land Office, it has become customary to comply more or less fictitiously to the requirements of the homestead law. The advent of the national forest produced closer scrutiny of the entries at the time final proof was offered, on account of the report by the forest officer, and in some instances this close scrutiny was viewed with alarm by the entrymen and so produced some antagonism to the Forest Service. This antagonism was to be expected and was unpreventable. During the investigation, I heard considerable comment made by the bona fide homesteaders, who were complying strictly with the homestead law and had nothing to fear, expressing satisfaction that those who were not complying with the homestead law would have trouble in proving up. They seemed to think that it was only justice that those who had been unfaithful in complying with the law should not reap the same benefits as those who had fully complied.

As the claims go to final proof, this antagonism will diminish, and at the present time I do not consider it a very important factor in the present antiferrest agitation.

(i) *Long delays in receiving final certificates.*—These delays have occasioned a good deal of worry on the part of the entrymen, and the blame for such delays was attributed to the presence of the national forest. Many of the delays seem to have been caused by the inability

of the forest officers to make a report on the claim during the time of the publication of the notice of final proof. Consequently the copy of the notice of publication would be returned to the register and receiver with notation from the forest supervisor that a report would be submitted. The register would then notify the entryman that the Forest Service requested suspension of his proof pending an investigation and report. This alarmed the entryman and gave him the impression that the Forest Service was endeavoring to contest his proof. Meanwhile the papers were transmitted to the General Land Office by the register, and it would be several months before the forest officer's report could be taken up in connection with the final proof papers and final certificate issued.

Under the present and more recent procedure between the Forest Service and the General Land Office it is believed that these long delays will be obviated, especially as the number of entries going to proof will gradually diminish, so that the reports can be made and transmitted very soon after the first publication of the notice of the offering of final proof.

(j) *Forest homestead policy and delays in examination.*—In some instances there have been long delays in examination of land applied for under the forest homestead act of June 11, 1906. These delays were due in some cases to mining-claim complications and in other cases to the fact that the land examiners could only visit the forest periodically, and applications received shortly after the land examiner's work on the forest had been completed would not be examined until enough other applications had been received on the forest to warrant the expense of the long trip from Albuquerque, N. Mex., the headquarters of the district, to cover the applications which had accumulated subsequently to the former visit. In some cases the period between the application and examination was several months.

It has been held that the forest homestead policy on the Arkansas forest has been too strict and that some of the land applied for which was rejected should have been listed as being chiefly valuable for agriculture. This is a debatable question as, almost without exception, the land applied for is covered with a timber growth, although in many instances the stand is second growth and represents very little merchantable timber at the present time. It is also contended that the steeper slopes which would be unsuitable for the ordinary agricultural crops could be successfully used for orchard and vineyard purposes. This also is a debatable question. The country has been long settled, but there has been almost a complete absence of successful orchards on any of the farms, and before the land should be listed for horticultural purposes, I believe that it should be demonstrated that fruit growing can be profitably pursued on these slopes. There are thousands of acres of alienated lands embracing slopes such as are applied for under the act of June 11, 1906, but none of the owners are using those slopes for orchard or vineyard purposes. At the present time it appears that the land examiners are correct in recommending against the listing of such lands, as those slopes carry a fair stand of timber and are undoubtedly more valuable for timber crops than for agriculture or horticulture. The residents have conflicting views upon the question of successful apple raising in these mountains. It is held by some that the soil does not contain a sufficient quantity of lime and that therefore no one has been successful

in apple raising. It has also been claimed that the trees die very quickly on account of the shallowness of the soil on the slopes and some of the bench lands.

The listing of land on the bench lands above the bottom lands of the river is also a question calling for careful consideration, especially in cases where the stand of timber is mostly second growth and young reproduction. These so-called bench lands are rolling and in places quite broken, and it is doubtful if much of the land which has not already been entered can be considered as more valuable for agriculture than for timber, considering the cost of clearing and the amount of timber already on the land.

It is possible that the land examiners have been too strict in their application of the forest homestead law on this forest, and I am glad to know that during the present summer this question will be thoroughly investigated by Prof. George L. Clothier, who is connected with the Agricultural College of the University of Mississippi. He is probably the most able and competent man to make this investigation, as he has a thorough knowledge of agriculture, soil, and also of different phases of forestry. It is expected that Professor Clothier, from his field investigation this summer, will be able to formulate a forest homestead policy which will settle these debatable questions.

(k) *Timber trespass cases.*—There have been comparatively few timber trespass cases in Montgomery County since the establishment of the forest, but in the treatment of trespass cases on pending homesteads the settlement of such cases has naturally aroused antagonism on the part of the trespassers. I find that the cases were thoroughly investigated prior to final action, and were in accordance with authoritative court decisions.

As the citizens of Montgomery County are law abiding, little sympathy is expressed for a trespasser if it believed that he was violating the law, and I do not consider these few timber trespass cases as having a material bearing on the cause of the antiprimitive sentiment.

(l) *Enforcement of fire law.*—It has been customary for a good many years to burn the woods in the mountains of Arkansas. The alleged beneficial result from this annual burning is warmly indorsed by many of the citizens. It is claimed by them that the burning of the woods encourages the growth of forest grasses and destroys ticks. I found, however, that there were many citizens of Montgomery County, some of them elderly men who had lived in the county for many years, who were opposed to the burning of the woods, maintaining that in the long run it was very damaging to the timber, the soil, and the range. Old residents of the mountain region acknowledge that the grazing in early days was much better than at the present time after years of burning. They also acknowledge that in the early days the woods were much more open than at the present time. Fires kill back young trees and cause a great increase in the number of sprouts from the base of the stems. After the sprouting has once started it takes repeated fires to keep the woods open. If fires are kept out, the woods will, of course, be dense for a comparatively short time, but after a few years will be open as in the early days. Even though the woods are burned over annually, and the amount of litter and débris which accumulates is very small, the slight fires which

occur scar the butts of even the large trees, rots enter, and the trees become defective. An examination of areas burned over repeatedly shows that such areas contain extremely defective timber. Lumbermen acknowledge this fact and in general are opposed to burning the woods. I believe it is also an acknowledged fact that repeated burning damages the roots of the grass and causes a deterioration of the soil. I noticed instances where slopes had been burned over, and succeeding rainfalls had washed nearly all the soil from the slopes.

It is evident that in the long run fires are detrimental to both the timber and the range, and it is to be hoped that eventually the custom of burning the woods will be abolished.

As long as the national forest is maintained, it should be the endeavor of the forest officers to prevent fires from burning on the government land or spreading to them. I believe, considering the per cent of citizens in Montgomery County who are already opposed to the burning of the woods, that it will not be many years before the sentiment will have changed on this point. When the residents come to the conclusion that burning is inadvisable, it will be an easy matter to prevent and suppress forest fires.

In the issue of the Montgomery Times of March 11 an editorial occurs openly advocating the burning, although, I believe, aside from the federal law, there is a state law against burning the woods without certain notification to the neighboring farmers and making violation of the law a misdemeanor. It appears that there were many fires this season and considerable damage was done, and in the issue of the Montgomery Times of April 15 a notice is given to all homesteaders or residents who suffered any loss on account of damage to fences, buildings, or other improvements, to submit bills for such loss, to be presented to the Government on the ground that the forest officers should have been able to suppress the fire.

The position taken by the Montgomery Times on this subject seems to be untenable, as it first advocates the burning of the woods in defiance of the state and federal law, and then, after the burning occurs, demands that the Government should pay for damage sustained.

#### SENTIMENT.

From the issues of the Montgomery Times the impression is given that the sentiment against the national forest is practically unanimous. I found that this was not the case, although very likely if the question were put to a vote, a majority of the residents would vote for the elimination. In the largest town in the county, viz, Womble, the preponderance of opinion on the subject is decidedly proforest. I found that the leading citizens of that town were in sympathy with the Forest Service policy, and deplored the Mount Ida antiforest agitation. On the other hand, at Mount Ida, the county seat, the feeling is decidedly antiforest. In the town of Oden I found that nearly all the prominent citizens were proforest, and one who, I believe, is the largest individual landowner in the county, expressed himself as thoroughly in favor of the national forest. At the smaller hamlets, and among the farmers, settlers, and homesteaders the sentiment is divided, and by no means are all opposed to the national forest.

Last year a wagon road crossing two mountains at a good grade was constructed by the forest service in cooperation with the settlers,

and I found that this road was being largely used and had received much favorable comment and decreased the distance to the railroad for a large number of settlers by about 9 or 10 miles. Realizing the value of the work done, these settlers are very favorable to the Forest Service administration.

*Effect of proposed elimination of Montgomery County.*—To eliminate Montgomery County from the Arkansas National Forest would carve out a large block of the very roughest land in the entire State. Most of the vacant government land affected is worthless for agriculture, but if properly cared for is capable of producing timber crops.

The elimination of Montgomery County would seriously interfere with the administration of the Arkansas National Forest. Ranger districts have been made, ranger headquarters established, and several important government timber sales are in progress in the county. The reason for including the addition covered by the proclamation of February 27, 1909, was to facilitate administration by straightening the boundaries, preventing fire which threatened the forest, and preventing timber trespass and the fraudulent acquiring of title. Approximately 15,800 acres of land within Montgomery County have been restored to the Government since the creation of the forest because of failure on the part of the claimants to comply with the public-land laws.

The existence of the national forest does not interfere in any way with the actual rights of bona fide settlers, and since nearly all of the claims cases have been settled, there is little or no occasion for dissatisfaction in the future. It is probable, however, that certain portions of Montgomery County should be eliminated in the future, on account of the large per cent of alienated lands which occurs in some of the townships, notably T. 2 S., R. 27 W.; T. 2 S., R. 26 W.; T. 1 S., R. 26 W.; T. 1 S., R. 25 W.; T. 2 S., R. 24 W.; T. 1 S., R. 24 W.; T. 2 S., R. 25 W. But before any elimination should be made the result of the timber estimate and topographic map, which is now being made by a field party in charge of Lumberman Adams, should be known. Also more definite information should be obtained as to the number of pending homestead entries now of record which have been abandoned and will subsequently be canceled on account of such abandonment. This information will be obtained during the present summer, and together with the result of Professor Clothier's investigation will give the necessary factors upon which to base a recommendation for the elimination of portions of the Arkansas forest which are so heavily alienated as to prevent economical administration of the remaining scattering government lands in such areas.

If such eliminations are made, careful consideration must be given to the boundary of the reduced forest in order to facilitate economical administration. The information desired will be obtained by the coming fall, and at that time the question should be carefully considered and advisable eliminations recommended for a presidential proclamation to reduce the forest accordingly.

Attached to this report is a map showing the portion of Montgomery County within the forest and indicating in color the vacant Government land and the pending homesteads. As all pending homesteads of record are shown on this map, it is impossible at this time to give an approximation of the number which have been abandoned or which will fail to go to patent.

## RECOMMENDATIONS.

For the reasons given in the above discussion, it is recommended that Montgomery County be not eliminated, but when the information is obtained during the coming summer as to the approximate acreage of pending homestead entries which have been abandoned, and the amount of timber, second growth, and reproduction on government land, and the correct forest homestead policy to be pursued, the question be carefully considered of the advisability of eliminating by proclamation certain of the more heavily alienated portions of Montgomery County, and other parts of the Arkansas National Forest.

It is believed that all legitimate complaints have been or can speedily be remedied as outlined in the above discussion under the heading "Probable reasons for bill."

Respectfully submitted.

D. D. BRONSON,  
*General Inspector, Forest Service.*

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