

MISSOULA, MONTANA, SUNDAY MORNING, FEBRUARY 28, 1909.

INSTALLING OUR CHIEF MAGISTRATE IN OFFICE

By WALDON FAWCETT



A Typical Inaugural Page



How the United States Capitol Appears During the Inauguration of a President



Gen. Bell, Grand Marshal of the Parade

THE American republic, as becomes a nation with supposedly democratic ideals, is not much given to that pomp and splendor which characterize the ceremonies at monarchical courts.

Furthermore, each successive inauguration surpasses its predecessors as a monster free show. This is right and natural, since the nation is constantly progressing; the population increasing and the prestige of the presidency growing.

As a matter of fact, the Washington subscribers to this expense fund invariably get their money back after the inauguration, for the thousands of people who pay \$5 each to attend that crowning glory, the inaugural ball, roll up a fund that not only defrays the expenses of the ball itself, but reimburses the contributors to the general fund.

of money on inauguration preparations begins months in advance. As a matter of fact, the prelude to this stupendous one-day show is found in more than two months of hard work on the part of a large number of unselfish men.

The one factor of organization in the inauguration is the chairman of the national campaign committee of the victorious party appoints a chairman of the inaugural committee, who is, in effect, the general manager of the whole spectacle.

For instance, there are committees on street decorations, on fireworks, on street illumination, on reviewing stands, on badges and on a dozen other branches of the subject. The result of this rather complex organization is to permit of a specialization that insures perfection of detail.

inaugurated the first time the streets were seas of mud and it was raw and cold when he took the oath of office for the second time. The temperature was near zero when Grant was inaugurated the second time; President Benjamin Harrison was inaugurated in a driving rain, and Grover Cleveland delivered his second inaugural address standing bareheaded in a blizzard.

It is because of this bugbear of uncertainty as regards the weather that windows overlooking the route of the great parade command a premium on the eventful day. Prospective spectators can secure seats on more or less pretentious reviewing stands at prices ranging all the way from 50 cents for a camp stool, perched on top of a store box, to \$5 for a parquet chair in the covered stand opposite the White House, and directly facing the president's reviewing stand.

There are four big events on the inaugural program—the exercises at the capitol, the monster parade, the display of fireworks in the evening and the inaugural ball. All save the last of these are free to every well-behaved citizen, providing the said citizen has patience and ingenuity enough in buffering crowds to get within sight of the memorable moving picture.

Following the precedent established on similar occasions in the past, the president-elect will be escorted to the capitol on inauguration day by the committee on arrangements and will enter the senate wing by the bronze door. He will go directly to the president's room, where he will remain until the same committee waits on him to admit the opening of the senate chamber.

brief interval for lunch, takes his place on the reviewing stand, facing Pennsylvania avenue, directly in front of the presidential mansion, to review the great parade. The retiring president rides with his successor to the capitol when the new ruler goes to take the oath of office, and heretofore it has also been customary for the man who has been suddenly transformed into an ex-president to journey back to the White House with his new tenant.

If the situation of four years ago is duplicated, perhaps 20,000 to 30,000 people will witness the administering of the oath of office to the new president on the east front of the capitol. The monster parade, being more dazzling as a spectacle and visible over a greater area, will attract a far more numerous throng.

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The military and naval features are always the climax of spectacular achievement, and this year they will surpass anything of the kind heretofore attempted. General Bell chief of staff of the United States army, who is the grand marshal of the parade, is one of the closest personal friends of William H. Taft, and he has spared no effort to have the military and naval show eclipse anything of the kind heretofore seen on this continent.

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The president's personal escort is always of great interest to inauguration spectators. Famous cavalry organizations, such as the First City Troop of Philadelphia, and Squadron A, of Cleveland, Ohio, the crack cavalry organization of the middle west, and which served in a similar capacity for Presidents Hayes, Garfield and McKinley—the other presidents of Buckeye birth, Col. Webb C. Hayes, son of the late ex-president who made arrangements for this year's escort service by the troop, plans to have 150 troopers in line, each mounted on a jet-black horse.

PLAN AND PURPOSE OF THE NATIONAL FORESTS

A thorough discussion of the legal status of the forests under the control of the United States government and a careful exposition of the manners in which citizens may become possessors of government land were contained in a lecture, "National Forests and Public Land Laws," delivered Thursday morning, before the students of the University of Montana by W. M. Aiken, district land officer for the forest service. He spoke as follows:

This clause gives congress full power to deal with the lands owned by the government in any manner it sees fit, and under the authority so granted a great mass of legislation has been enacted from time to time, pursuant to which practically all the lands owned by the United States, either have been, or may be disposed of. By far the greater part of this legislation provides for the acquisition of the public land by private persons; up to a comparatively recent date this was the sole object of all the general statutes relating to the subject. However, this legislation was, and is, applicable to only those lands which are not appropriated to public purposes, or otherwise disposed of.

laws regulating the administration of reserved lands are inapplicable to public lands, and many difficult questions concerning the adjustment of the rights of the public and the rights of private individuals arise whenever public land becomes reserved land. Although it is somewhat in the nature of a digression from my subject, I desire to point out another distinction between public land and reserved land. For instance, a short time ago there was a statement in the editorial column of one of the local papers that "The public lands are for the public." However, this statement may be viewed by the politician, economist, from a legal standpoint it is true in a very remote sense only. Taking into consideration the definition given above, and the fact that so long as public lands remain public lands, they are nontaxable, unproductive and undeveloped—yielding nothing, it is readily apparent that they are, therefore, of no benefit to the United States, the states, or the public, beyond their potentiality for future utilization. They are for the public only in the sense that they may be disposed of in such manner that the public will at some time subsequent to such disposal reap some benefit therefrom.

This disposal which will mediate immediately result in benefit to the public may take the form of a dedication for public or governmental purposes in which case the land at once becomes reserved land, or it may take the form of a grant to private lands and be developed by private interests before they become of any benefit to the public. Correctly speaking, therefore, reserved lands are for the public, and for all immediate, practical purposes public lands are primarily for the individual. Reserved lands are of various kinds, and there has never been a period in the history of our government when there was not a greater or less extent of reserved land in one form or another. At the present time the most important classes of reserved lands comprise national forests, military reservations, national parks, national monuments, game preserves, reclamation withdrawals, and Indian reservations. Most of these classes of reserved lands are administered in accordance with laws which have been enacted for the special purpose of accomplishing the particular end for which the reserve was established. So that there is a body of special legislation for each different class of reservation. For the purposes of this paper we are concerned only with those laws affecting national forests

which comprise only one of the classes of reserved lands mentioned. While some few of the national forests have been created by special acts of congress, most of them were created in accordance with the general acts of March 3, 1891, and June 4, 1897. By the former of these acts congress provided: "That the president of the United States may, from time to time, set apart and reserve in any state or territory having public land bearing forests, in any part of the public lands wholly or in part covered by timber or undergrowth, whether of commercial value or not, as public reservations, and the president shall, by public proclamation, declare the establishment of such reservation and the limits thereof."

Under these acts the president is authorized to set aside and reserve as national forests now existing and may set aside and declare new forests whenever in his opinion the public interests will be benefited thereby, except that in six states no new forest may be created except by special legislation. As to these states congress expressly provided by the act of March 4, 1897, that: "Hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created within the limits of the states of Oregon, Washington, Idaho, Montana, Colorado or Wyoming, except by act of congress."

vision were otherwise made, the setting aside of a national forest would cut off and destroy the privilege of completing or perfecting rights in or to the public land, which though initiated prior to the date of the proclamation were yet inchoate at the time of its taking effect. Clause of Exception. In order that this result may be avoided, the proclamation of the president have universally contained a clause for the purpose of excepting from its operation all kinds of claims or rights in or to the public lands which were in good faith asserted for a purpose provided for by law. In its present form this clause is designed to cover every kind of a claim which could be legally asserted to public land, and is the result of some decision holding that certain kinds of claims were not within the excepting clause of the earlier proclamations. The form used in the later proclamations is as follows: "Excepting from the force and effect of this proclamation all lands which are at this date embraced in any legal entry or covered by any lawful filing or selection duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law, if the statutory period within which to make entry or filing of record has not expired; and also excepting all lands which at this date are embraced within any withdrawal or reservation for any use or purpose with which this reservation for forest uses is inconsistent; provided, that these exceptions shall not continue to apply to any particular tract of land unless the entry, filing or settlement under which the land is embraced is in compliance with the law under which the entry, filing or settlement was made, or unless the reservation or withdrawal with which this reservation is inconsistent continues in force; not excepting from the force and effect of this proclamation, however, any part of the national forest hereby established which may have been withdrawn to protect the coal therein, but this proclamation does not vacate any such coal land withdrawal; and provided, that these exceptions shall not apply to any land embraced in any selection, entry, or filing, which may have been permitted to remain of record subject to the creation of a permanent reservation; and provided, that since the withdrawal made by this proclamation and any withdrawal heretofore made for national irrigation works are consistent both shall be effective upon the land withdrawn, but the withdrawal for national irrigation works shall

be the dominant one and may, when necessary, be changed to a withdrawal for irrigation from such works." In other words, the lands excepted by this clause are, first, those embraced in a legal entry; second, those covered by a lawful filing or selection duly of record in the proper United States land office, third, those upon which a valid settlement has been made pursuant to law, provided the statutory period within which to make entry or filing of record has not expired; fourth, withdrawals or reservations for public purposes with which national forests are inconsistent. It is believed that these four classes, cover all the claims which might otherwise be cut off or destroyed by the setting aside of the national forest.

inclusion in a national forest under the saving clause of the proclamation. Mineral locations and mining claims are subject first in order of importance, if there were nothing else on the subject they would be excepted by the above clause. However, as it happens, there is a special provision of law concerning mines and mineral lands within national forests and they will be considered hereafter. The next in order are claims under the homestead laws. Such claims may be initiated by a settlement on surveyed or unsurveyed public lands, by the filing of a soldier's or sailor's declaratory statement, or by an entry of surveyed lands. The settlement or entry referred to may be made by any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or has filed his declaration of intention to become such as required by the naturalization laws. Under some circumstances however, a married woman cannot make a homestead entry, nor can persons who have already made homestead entry make a second entry, except under special laws. Persons who are the owners of more than 160 acres of land in the United States, and persons who have acquired title to or are claiming under any of the agricultural public land laws, through settlement or entry made since August 30, 1890, any other lands, with the lands last applied for, would amount in the aggregate to more than 320 acres, are also prohibited from making a homestead entry. The terms settlement and entry are technical and have acquired well defined meanings under the rulings of the interior department and the decisions of the courts. The supreme court of the United States holds that under the homestead laws three things are needed to be done in order to constitute an entry on public lands. First, the applicant must make affidavit setting forth the facts which entitle him to make such an entry; second, he must make a formal application; and third, he must make payment of the money required. When these three requisites are complied with, and the certificate of entry is executed and delivered to him the entry is made—the land is entered. A settlement has been defined by the courts as the act of "one who goes upon the public land with the intention of making it his home under the public land laws, and does some act in execution of such intention sufficient to give notice thereof to the public." An analysis of this definition shows that there are four things requisite to a valid settlement.

First, the land settled upon must, at the time of the attempted establishment of such settlement be capable of being claimed under the public land law; that is, it must be land which would be settled under existing law in the ordinary course of events; second, the would-be settler must actually go upon and improve the land; third, he must intend to make the land his home under the public land law; and, fourth, his acts establishing residence and making improvements must be such as will give notice of his intention to the public. As stated above a homestead right may be initiated by either settlement or entry. A settlement may be made on either surveyed or unsurveyed land, but the land must be surveyed before it can be entered, and the claimant must make an entry before he can acquire title. If the claimant initiates his right by settlement upon surveyed land he must make his entry within three months of the date of settlement. If he makes his settlement upon unsurveyed lands he must make his entry within three months of the filing of the plat of the survey in the United States land office. Protected by Clauses. Any person who has initiated a homestead claim in the manner just pointed out is protected by the saving clauses of the proclamation hereafter setting aside any national forest in which his claim may be included, and may proceed to perfect his entry or settlement regardless of the existence of the forest so long as he continues to comply with the homestead law. The requirements of the law which the homestead claimant must continue to comply with, after the initiation of his claim are residence, cultivation and improvement for a period of five years from the date of entry or settlement as the case may be. The residence required, is a continuous maintenance of an actual home on the land entered. The law does not specify any particular amount of cultivation and improvement, but there must be such improvement as will show the good faith of the claimant, and a reasonable amount of cultivation. What will be considered a reasonable amount of cultivation, may depend to a certain extent on circumstances, and it is difficult to lay down a rule by which all cases can be measured, because the legal standard for determining what is reasonable is an ideal one. Perhaps as accurate a statement as any is that a reasonable amount of cultivation is such an amount as would be done un-

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