The Study of Public Land Law in the Western Law Schools

IT IS true the curricula of our law schools are over-crowded both for the student and the teacher. Eleven to fourteen hours work each semester seems to be the maximum permitted the student in most law schools. In this must be taken the fundamentals, such as Contracts, Torts, Property, etc. In three years it is found the student must omit many courses which he would like to take, and some which it is necessary for him to study if he be assured that he pass the goal of each law student's immediate ambition—the bar examination. Three years is too short a time for any student to complete his fundamental courses, much less to rove in legal classic and delve into those collections of juristic wealth which broaden the vision and extend the horizon of the legal profession. This causes the omission of some purely practical subjects, which may be classed as "bread and butter" courses.

A study of legal classics should be presented in every law school so far as possible. The practitioner should be halted in his chase after the dollar, and caused to pursue more of that purely cultural legal reading, which will make him a better citizen, and teach him more fully the high ideals of his profession. Also there are certain subjects of a practical nature, a knowledge of which is necessary in order to make a successful practitioner in some portions of the country. For instance, a knowledge of admiralty law might be essential to one practicing in coast cities, but would be very seldom used by one located in an inland state with no navigable waters near. The subject of public land law is one which is important for the practitioner in the states of the West. Many law schools of the East, and all of the West, have courses in mining and irrigation law, but the study of laws pertaining to homesteads, forest reservations, Carey Act lands, and the general administration of our public lands is largely neglected, even in western law schools. The importance of a knowledge of this gen-

eral subject of law, and the practice before the departments of the government, may be seen when consideration is given to the vast area of public lands belonging to the federal government. Take the following public land states in which are located law schools belonging to the Association of American Law Schools: California has approximately forty-six per cent of its entire area belonging to the federal government, either in unappropriated public land or national forests; Colorado, fifty per cent; Idaho, sixty-six per cent; Montana, forty-three per cent; Utah, seventy-six per cent; Washington, thirty per cent. These figures do not take into account bird reservations, national parks, reclamation withdrawals, etc. Of the states above mentioned, from four to forty-four per cent of each has never been surveyed. This means that the public lands will remain unappropriated for many years, presenting legal as well as economic problems.

It is not contended that a study of our public land laws is one to be placed among the classics, though from the beginning of our government the federal lands have provoked violent discussion, and have given the subject for some of the finest oratory that has been produced. At present, however, this subject is one of vital concern to the western states, and one on which a lawyer intending to practice in any of the public land states should be informed. Outside of collections, and an occasional would-be divorcee, the young western lawyer will probably be consulted as quickly by a client with a land contest, or a question involving federal land statutes, as any other. The largest local question touching the western states appertains to its public lands. The lawyer, who should be, and usually is, the moulder of public opinion in his locality, should be informed somewhat concerning the history of the lands belonging to the Federal government, as well as the existing laws governing their control and disposition.

The writer has experimented during the past year by giving this subject as an elective. It is found that most of the law students elect it, as well as many from other departments. The subject has been handled largely by lecture, with the citation of statutes, regulations, and some decisions. No case book has been prepared on this subject, and indeed it would doubtless be unprofitable for an author to undertake it at this time because of the necessarly limited use. In fact, the texts relating to the subject do not number more than two or three. Most of the material must be culled from the achives of the government, decisions of

the courts and land department, and departmental regulations. Two hours or more can be devoted to this subject for one semester, and this will familiarize the student with this purely statutory branch of law, and will enable him to advise clients intelligently. In this way the young lawyer may secure many small fees, which, without this instruction, might necessitate him to put the landlord off until a more convenient season.

Aside from this purely financial reason, the altruistic good of such a course will be to acquaint the people with the laws governing large areas of our western states. They can apply their knowledge of the actual laws and regulations to working out this great problem. Many reformers seeking office rave pro and con with our public land laws as the subject. The people, many of whom are uninformed, are fanned into a flame one way or another by the ravings of any reformer. It is believed that the dissemination of such information by our law schools will give the people access to the real facts, and when all the facts are once at hand, a solution of any problem is not so difficult.

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