

CHAPTER 98.

Memorial and Council Joint Resolution No. 14.

MEMORIAL and Joint Resolution of the Legislative Assembly of the Territory of Wyoming to the Congress of the United States, praying for Suitable Legislation in Reference to the Public Lands in Wyoming Territory, so as to enable the several Water Courses to be made Available for Agriculture.

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled.

Praying for suitable legislation in reference to the public lands in Wyoming Territory.

Your memorialists, the legislative assembly of the Territory of Wyoming, respectfully represent that the public lands in Wyoming are largely of a class unsuited to the successful prosecution of agriculture; but are peculiarly adapted to all pastoral purposes. In consequence of this fact, large portions of the Territory have already been occupied by persons engaged in stock raising in its various branches in which business a considerable amount of capital has been invested, yielding the most ample returns upon the investments. The very profitable nature of the stock raising business is constantly adding new accessions of capital to that industry, so that in a brief period the entire territory will be occupied by those engaged in that pursuit.

Your memorialists would further respectfully represent that the laws of the United States, in relation to the disposition of the public lands, are wholly unsuited to the requirements of a country such as this, and need such reasonable modification and amendment as will adapt them to the circumstances which are peculiar to our location and situation.

The arid character of the soil and climate in this region of country renders it indispensably necessary that all occupants of the public lands should have a legal right

of free access and approach to the water courses of the country.

The uplands and "divides" situate at a distance from the streams are covered with a luxuriant growth of rich and nutritious grasses but are comparatively worthless for any of the purposes of use and occupation unless the occupants can obtain some legal right to pass over adjacent lands to water courses.

The lands along the streams are being rapidly occupied and inclosed under present laws, whereby all access thereto is prevented. All this results in giving to those who have been fortunate to obtain prior rights to the lands along the streams, a monopoly of the use of the uplands and "divides" without the necessity of purchasing the same, and prevents that complete occupation of the country which is essential to its best and most successful development. The present state of affairs retards the growth of the Territory by effectually excluding settlement from the larger part of the public domain and renders it impossible for the United States to make any disposition of the greater part of its lands in this Territory.

The evil here adverted to, grows in magnitude in proportion as the lands adjacent to the water courses are occupied and enclosed under the present land policy of the government, and such occupancy and inclosure are daily becoming more extensive, so that it is but a question of a very short time, if a prompt remedy be not afforded by congress, when the whole Territory will be in the virtual possession and use of those few persons who have title to the small fractions of the land along the streams.

Your memorialists believe that congress, in its control over the public domain and the disposition thereof, has ample power to provide a remedy for the grievance which thus grows under the operation of existing laws, and that this power ought now to be exercised before vested rights have accrued.

We believe that the water courses of the country ought to be so controlled by proper legislation that they can be made available for the common and equal benefit, so far as possible, of all persons who may choose to occupy and improve any part of the public domain and that legislation which would secure such benefit to all alike, would be to the mutual advantage of the United States and of

the Territory of Wyoming; that such legislation would result in a large increase of our population and in the highest developments of the resources and capacities of this region of country at an early day.

Your memorialists, therefore, most respectfully and humbly pray your honorable bodies that the subject herein presented may receive your early and respectful consideration and attention and that such legislation as is herein suggested may be adopted at an early day. And as in duty bound your memorialists will ever pray.

Be it resolved, By the council of the legislative assembly of Wyoming Territory, (the house of representatives concurring) that the accompanying joint memorial be forwarded to Hon. S. W. Downey, our delegate in congress, and that he be requested to cause the same to be presented to the honorable senate and house of representatives of the United States for their consideration and action.

(Signed)

H. GARBANATI,
President of the Council.

H. MYRICK,
Speaker of the House.