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Message from the President of the United States, transmitting a communication from the Secretary of the Interior, relative to timber depredations on the public reservations

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MESSAGE
FROM THE
PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, relative to timber depredations on the public reservations.

DECEMBER 21, 1885.—Read and referred to the Committee on Public Lands and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith a communication of 15th instant from the Secretary of the Interior, submitting, with accompanying papers upon the subject, a draft of a bill to amend section 5388 of the Revised Statutes of the United States relating to timber depredations upon lands reserved or purchased for military, Indian, or other purposes, &c.

This is an important subject, and is commended to the early attention of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION,
December 21, 1885.

DEPARTMENT OF THE INTERIOR,
Washington, December 15, 1885.

SIR: I have the honor to submit herewith copy of a report of the 3d instant from the Commissioner of Indian Affairs, presenting the draft of a bill to amend section 5388 of the Revised Statutes of the United States, in order to provide against timber depredations on lands reserved or purchased for military or other purposes, or upon lands belonging to or occupied by any tribe of Indians under authority of the United States.

The accompanying documents show that projected legislation on this subject has twice passed the Senate, the last time in the form herewith submitted, but it failed to become a law.

Concurring in the views and recommendations of the Commissioner of Indian Affairs, I respectfully recommend that the subject may be submitted for the consideration and favorable action of Congress.

I have the honor to be, very respectfully, your obedient servant,

L. Q. C. LAMAR,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 3, 1885.

SIR: I have the honor to submit herewith, in duplicate, the draft of a bill to amend section 5388 of the Revised Statutes of the United States in relation to timber depredations on the public lands, so as to include Indian lands; and respectfully recommend that the same be transmitted to the Congress for its consideration and action.

At the first session of the Forty-seventh Congress, Senate bill No. 1646 for this purpose was reported favorably by the Senate Committee on Indian Affairs, and, with a slight amendment, passed the Senate, but failed of action in the House, either at that or the concluding session. (See copy Senate Report No. 392, Forty-seventh Congress, first session; reprinted in House Ex. Doc. No. 14, Forty-eighth Congress, first session; copies herewith.)

At the first session of the Forty-eighth Congress, Senate bill No. 1544, for similar purposes, was reported from the Senate Committee on Indian Affairs, and passed the Senate April 23, 1884, but was again not reached in the House.

The importance of speedy legislation on this subject cannot be over-estimated, especially with reference to the lands of the five civilized tribes in the Indian Territory, on which for years past constant spoliation and theft of valuable timber has been going on, which this Department, notwithstanding the continued urgent appeals of those tribes for protection, is powerless to prevent, owing to the inefficiency of existing laws, or rather the want of law on the subject.

In his annual report for 1879 the Commissioner of Indian Affairs said:

The laws of the United States relative to intrusion and depredation on Indian lands have proved ineffectual to prevent citizens of the United States from cutting and destroying timber standing thereon. * * * Section 5388 makes it a penal offense for any person to unlawfully cut, or aid in cutting, or to wantonly destroy timber standing upon lands of the United States which in pursuance of law may be reserved for military or other purposes. This section and the act of March 3, 1875 (18 Stat., p. 481), which is somewhat similar in the provisions, were evidently adopted, the former for the single purpose of protecting timber on land which had been or might thereafter be purchased or reserved for the use of the military or any other branch of the Government, and the latter to prohibit the destruction of trees on land which had been purchased or reserved for public use. Neither the provisions of the section referred to nor the act are sufficiently comprehensive (especially in view of the rule of law which requires criminal statutes to be construed strictly) to extend to or include parties who had cut or destroyed timber on land within a large portion of the Indian reservations.

The United States district court for the western district of Arkansas, at the last May term thereof, decided that the lands within the Cherokee reservation in the Indian Territory were not lands of the United States in the sense of the language used in section 5388, and that there was no law to punish parties for committing depredations thereon. The reasoning of the court will apply with equal force to the lands of the Choctaws, Chickasaws, Creeks, Seminoles, and certain other Indians.

Most of the Indian reservations are now completely surrounded by a progressive and adventurous white population, which only by stringent laws can be restrained from taking possession of Indian lands, and hauling off or destroying the little timber left thereon. I deem it therefore of great importance that such a law be enacted as will prevent parties settling upon or cutting or wantonly destroying timber on the following classes of reservations. * * *

Ever since the above was written this office, in its annual reports, has not ceased to call the attention of Congress to the necessity of further legislation on this subject, but hitherto without avail. The Cherokees especially are constantly complaining of timber depredations on their lands by parties from Kansas, and calling on the Department for protection. As the law stands at present, the hands of the Department are tied, and the only thing that can be done is to request the aid of the

military in pursuing and expelling the timber thieves from the Territory; a temporary and futile expedient.

It is earnestly hoped that Congress will not allow another session to pass without providing this long deferred and very necessary legislation.

Very respectfully, your obedient servant,

J. D. C. ATKINS,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR:

[House Ex. Doc. No. 14, Forty-eighth Congress, first session.]

Message from the President of the United States, transmitting communication from the Secretary of the Interior relative to timber depredations on Indian reservations.

DECEMBER 11, 1883.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 3d instant, with accompanying papers, submitting draft of a bill to prevent timber depredations on Indian reservations.

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December 10, 1883.*

DEPARTMENT OF THE INTERIOR,
Washington, December 3, 1883.

SIR: I have the honor to submit herewith a draft of a bill to amend section 5388 of the Revised Statutes of the United States, in relation to timber depredations on the public lands so as to include Indian lands; with copy of report from the Commissioner of Indian Affairs of November 23, 1883, in relation to the subject.

This matter was presented by you for the consideration of the Congress under date of January 20, 1882, and at the first session Forty-seventh Congress the Senate Committee on Indian Affairs reported a bill identical in its provisions with the amendment herewith; which bill, as I am informed, passed the Senate, but failed to become a law. I inclose copy of Senate report No. 392, Forty-seventh Congress, first session.

Concurring in the views of the Commissioner, I respectfully recommend that the subject may be transmitted for the consideration of the Congress.

I have the honor to be, sir, very respectfully, your obedient servant,

H. M. TELLER,
Secretary.

The PRESIDENT.

A BILL to amend section fifty-three hundred and eighty-eight of the Revised Statutes of the United States in relation to timber depredations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-three hundred and eighty-eight of the Revised Statutes of the United States be amended by inserting therein, after the word "purposes," the words "or upon any Indian reservation or lands belonging to or occupied by any tribe of Indians under authority of the United States."

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 23, 1883.

SIR: I have the honor to submit herewith for transmission to Congress the draft (in duplicate) of a bill extending the provisions of section 5388 Revised Statutes United States (relative to timber depredations) to Indian lands.

At the first session of the Forty-seventh Congress, Senate bill No. 1646 for this purpose was reported favorably by the Senate Committee on Indian Affairs, and on the 9th May, 1882, passed the Senate, with a slight amendment, but failed to receive action in the House, either at that or the concluding session.

The bill now submitted is a copy of that passed in the Senate.

I respectfully renew the recommendation heretofore made that Congress be requested to take early action in the matter, the necessity for which is shown in the correspondence set out in the report of the Senate Committee (No. 392, Forty-seventh Congress, first session), copies of which are herewith also inclosed.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The SECRETARY OF THE INTERIOR.

[Senate report No. 392, Forty-seventh Congress, first session.]

APRIL 5, 1882.—Ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Indian Affairs, submitted the following report, to accompany bill S. 1646:

The Committee on Indian Affairs, to whom was referred the message of the President of the United States communicating draft of a bill to prevent depredations on Indian reservations and the correspondence relating thereto, have considered the same, and report thereon as follows:

The following is a copy of the message of the President, also of the letters of the Secretary of the Interior and of the Commissioner of Indian Affairs:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, with a draft of a bill to prevent timber depredations on Indian reservations, and correspondence noted by the Secretary.

The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, February 3, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, January 20, 1882.

SIR: I have the honor to submit herewith for your consideration a draft of a bill prepared in the office of the Commissioner of Indian Affairs, extending the provisions of section 5388 of the Revised Statutes of the United States, for the protection and preservation of timber, over Indian lands, together with the letter of the Commissioner, of this date, recommending the adoption of the measure.

Concurring in the views of the Commissioner, I respectfully request that the subject may be transmitted for the consideration of Congress.

I have the honor to be, sir, very respectfully, your obedient servant,

S. J. KIRKWOOD,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 20, 1882.

SIR: In furtherance of the recommendation contained in my late annual report for the necessity of prompt legislation in order to put a stop to timber depredations upon Indian lands, I have the honor to transmit herewith the draft (in duplicate) of a bill for the purposes named, which I respectfully recommend for transmission to Congress.

I cannot too strongly urge upon the Department the importance of early action by Congress upon this subject. As stated in my report, in the Indian Territory especially, spoliation of valuable walnut timber has been for a long time past and still is being constantly carried on, and unless some stringent and effective measures are devised

to stop it, that whole section of country will be completely denuded of timber; moreover, it is apprehended by those competent to judge, that this wholesale stripping of timber will result in disastrous climatic effects.

The whole subject was fully presented by my predecessors in office, in annual reports for 1879 and 1880, and the inefficiency of existing laws pointed out, with recommendations for the enactment of such measures as would effectually prevent wanton cutting and destruction of timber upon Indian reservations. (See Annual Reports Commissioner of Indian Affairs for 1879, p. xlvi; 1880, p. xix.) In these recommendations I fully concur.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

Section 5388 of the Revised Statutes, which this bill proposes to amend, reads as follows, viz:

“Every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon the lands of the United States which, in pursuance of law, may be reserved or purchased for military or other purposes, shall pay a fine of not more than five hundred dollars, and be imprisoned not more than twelve months.”

Your committee are of the opinion that said bill, if it becomes a law, will tend to prevent the wanton cutting and destruction of timber upon Indian reservations, and we therefore recommend that the bill do pass.

A BILL to amend section fifty-three hundred and eighty-eight of the Revised Statutes of the United States, in relation to timber depredations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-three hundred and eighty-eight of the Revised Statutes of the United States be amended so as to read as follows:

“Every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon the lands of the United States which, in pursuance of law, may be reserved or purchased for military or other purposes, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under authority of the United States, shall pay a fine of not more than five hundred dollars or be imprisoned not more than twelve months, or both, in the discretion of the court.”

S. Ex. 13—2

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