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Message from the President of the United States, transmitting letter of the Secretary of the Interior relative to the disposition of timber on certain Indian reservations

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S. Exec. Doc. No. 23, 51st Cong., 2nd Sess. (1890)

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING .

Letter of the Secretary of the Interior relative to the disposition of timber on certain Indian reservations.

DECEMBER 22, 1890.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith a letter of the 18th instant from the Secretary of the Interior in relation to the disposition of timber on certain Chippewa reservations in Wisconsin, together with copies of papers relating thereto.

The matter is presented for the action of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION,
December 22, 1890.

DEPARTMENT OF THE INTERIOR,
Washington, December 18, 1890.

The PRESIDENT:

I have the honor to submit herewith copy of a communication of 25th ultimo from the Commissioner of Indian Affairs, in relation to the disposition of timber on certain Chippewa reservations in Wisconsin.

With this communication is a draft of a bill (No. 1) prepared by the Commissioner of Indian Affairs, which embodies substantially the provisions of the three bills referred to in Senate Report No. 2710, Fiftieth Congress, second session, and a draft of a bill (No. 2) prepared by the Commissioner, which is similar to that enacted for the Menomonees (26 Stats., 146.)

The Commissioner expresses a preference for bill No. 2, for the reason the Chippewas are as capable of performing this work as the Menomonees, but says if Congress decides in favor of the other it will be acceptable to his office.

As some disposition of this matter seems necessary, I have the honor to recommend that these bills be transmitted to Congress with request that one of them receive favorable consideration.

I have the honor to be,

Very respectfully, your obedient servant,

JOHN W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 25, 1890.

SIB: During the Fiftieth Congress the Senate Committee on Indian Traders made a thorough investigation—

into the methods of allotting lands in severalty to Indians upon the Lac Court Oreilles, Lac du Flambeau, Bad River, Fond du Lac, and other Indian reservations in the northern portions of Wisconsin and Minnesota, and into the system under which Indians to whom lands have been allotted are allowed to sell the timber thereon.

On the 10th of August, 1888, the committee adopted the following resolutions:

(1) That no sale of pine timber from the Bad River, Fond du Lac, Court Oreille, or Flambeau Reservations should be allowed to be made by any Indian before his allotment of land in severalty has been formally approved by the President; and the allottee so notified; nor before such notice should any negotiations be allowed with any Indian for such sale.

(2) That no further sales of pine timber from allotted lands should be allowed until after rules and regulations, specifically and accurately defining and prescribing the terms and conditions of such sales and adequately protecting the Indians both during the making and the performance of the contracts and in the disposition of the money received from such contracts, have been adopted by the Secretary of the Interior and publicly promulgated.

(3) That the pine timber remaining on the reservations, upon lands not allotted to Indians in severalty, whenever it is expedient to sell the same, should, if it may lawfully be done, be sold by the Government under law or suitable regulation, and the proceeds held in trust for those members of the various tribes who have not received allotments in severalty of pine timber lands, or otherwise held and disposed of as may be legal or equitable.

(4) That no further allotments of lands in severalty should be made to the Indians except where the allottee desires and intends to make his home upon the land allotted to him, or to cultivate the same or use it for grazing purposes. (S. Report 2710, Fiftieth Congress, second session, page 47.)

Bills were introduced in the Senate, "regulating the purchase from Indians of timber upon certain Chippewa reservations in Minnesota," "to authorize the sale of timber on certain lands reserved for the use of the Chippewa bands of Indians in the States of Wisconsin and Minnesota," and "regulating the allotments of lands in severalty to Indians," which bills embodied substantially the views expressed in the foregoing resolutions.

The bills were reported to the Senate and placed upon the Calendar, but no further action appears to have been taken.

The matter has not been considered by either branch of the present Congress.

March 2, 1889, the President revoked the authority theretofore given for allotments on the Chippewa Reservations in Wisconsin, upon the recommendation of this office, made upon the grounds that said reservations were chiefly valuable for the pine timber thereon, the allotment of agricultural and grazing lands only being contemplated by the act of February 8, 1887 (24 Stats., 388).

June 21, 1889, report was made upon certain recommendations for the appointment of a special agent to make allotments on the reservations attached to the La Pointe Agency, in which the following opinion was expressed by the Acting Commissioner:

In my opinion some method for the disposition of the timber and the equitable distribution of the proceeds thereof among the Indians should be provided by Congress. But should it be deemed best to make the allotments, they should be made under the provisions of the treaty of September 30, 1854 (10 Stats., 1109), as has heretofore been

done on all the La Pointe reservations, except the Grand Portage and Bois Fort, to the end that the allottees may dispose of the timber under more stringent rules and regulations than have heretofore been enforced, rather than under the act of February 8, 1887, as under that act the allottees can not dispose of the timber.

The further opinion was expressed, however, that the whole matter should be left for the further consideration of Congress, since a committee of that body, after an exhaustive investigation, had submitted recommendations on the subject, which would thereafter doubtless receive attention and consideration.

During the summer of 1889 representations were made to this office by the agent in charge of the La Pointe Agency, and others, that the Indians were anxious to have their lands allotted, and to be allowed to dispose of their pine timber, and that unless they should be permitted to do so much suffering would ensue. This office accordingly, on August 13, 1889, recommended to the Department the adoption of certain rules and regulations under which allottees might be allowed to dispose of their pine timber.

These rules were framed, as far as practicable, in accordance with the views of the Senate committee, and were intended to protect "the Indian both during the making and the performance of the contracts, and in the disposition of the money received from such contracts."

These rules and regulations were laid before the President for his consideration, but were returned to the Department in March last without action.

September 23, 1889, you decided that the treaty of September 30, 1854, was not repealed, changed, or modified by the act of February 8, 1887.

July 26, 1890, Hon. Myron H. McCord addressed a communication to this office, in which he suggested that the interests of the Indians at the La Pointe Agency would be best promoted by allowing them to dispose of their remaining pine timber at public or private sale under such regulations as the Department might prescribe. He stated that fire and the elements were constantly destroying the timber, and expressed the opinion that the Indians should be allowed to utilize their property.

August 1, 1890, the attention of the Department was called to office report of August 13, 1889, with recommendation that the rules then submitted to the Department be again laid before the President.

On the same day the agent at the La Pointe Agency was instructed to prepare lists of all the selections, not theretofore reported, made on the Lac du Flambeau, Lac Court Oreilles, and Bad River Reservations, and forward the same to this office. Subsequently several petitions were received from the Indians asking for allotments and permission to sell their timber.

October 24, 1890, you informed this office that in the absence of any law authorizing the cutting of the green timber on the La Pointe reservations, you were unwilling to recommend to the Executive the cutting and disposal of such timber.

The timber on these reservations has doubtless reached its maturity and is subject to destruction by annual fires and other causes.

The quantity of such timber is estimated as follows:

	Feet.
Lac Court Oreilles	55,000,000
Bad River	25,000,000
Lac du Flambeau	125,000,000
Total.....	205,000,000

It should be remarked that the disposition of the timber on the unallotted lands of the Fond du Lac Reservation in Minnesota is provided for in the act of January 14, 1889 (25 Stats., 642).

The value of this timber, standing, is some \$615,000. I deem it important that legislation should be had during the coming session of Congress that will authorize the disposition of this timber in such manner as to secure a fund for the benefit of the Indians.

I have accordingly prepared the draft of a bill, embodying substantially the provisions of the three bills referred to in the report of the Senate committee and favorably reported in that body.

The first section provides for the appraisement, by two or more appraisers, to be selected by the Secretary of the Interior, of the timber on the unallotted tracts in the Bad River, Lac Court Oreilles, and Lac du Flambeau Reservations in Wisconsin.

Section 2 provides for the sale of such appraised timber, after due advertisement, to the highest bidder, in lots not exceeding 80 acres, at not less than the appraised value.

Section 3 appropriates the sum of \$10,000 for the expenses of survey, appraisal, and sale of the timber, to be reimbursed to the United States out of the first proceeds of the sale of timber. It also provides that the net proceeds shall be funded in the United States Treasury, to bear interest at 5 per cent. per annum, such interest to be expended under the direction of the Secretary of the Interior for the benefit of the lands occupying the respective reservations from which the proceeds are derived, preference to be given to those Indians who have not received allotments of pine timber land. No part of the income is to be expended for the benefit of any Indian who may dispose of pine timber under sections 5 and 7 of the bill, or for the benefit of any Indian not actually residing on or having his home upon or a recognized right in and to one of said reservations at the date of the passage of the act.

Section 4 makes it unlawful for any person to contract for or to purchase from any Indian pine timber (except dead timber either standing or fallen) upon the Bad River, Lac Court Oreilles, or Lac du Flambeau Reservations in Wisconsin, or upon the Fond du Lac Reservation in Minnesota, until an allotment of the land upon which the timber is situated shall have been made in pursuance of some law or treaty and duly approved and the allottees notified thereof.

Section 5 directs the Secretary of the Interior to make and publish rules and regulations specifically defining and prescribing the terms and conditions upon which persons may contract for or purchase pine timber from Indians to whom lands have been allotted and makes it unlawful for any person to contract for or to purchase pine timber from allotted lands until such rules and regulations shall have been made and published.

Section 6 provides that any person contracting for or purchasing pine timber from any Indian contrary to the provisions of the bill shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding \$1,000, or by imprisonment in the penitentiary for a period not exceeding six months, or by such fine and imprisonment both.

Section 7 provides that if the Secretary of the Interior shall deem it advisable he may, with the written consent of any allottee, cause the timber on the lands of such allottee to be appraised and sold, as provided in sections 1 and 2, the proceeds to be deposited in the Treasury of the United States to the credit of "Indian allottees, La Pointe

Agency, Wisconsin," to be paid to or expended for the benefit of the respective allottees.

Section 8 provides that allotments in severalty may be made under existing laws or treaty of lands within the three Wisconsin reservations from which the pine has been cut, or which are not valuable as pine timber lands, and of such lands only.

Section 9 provides that sections 1, 2, and 3 shall remain inoperative until full and satisfactory evidence shall have been placed on file in the Indian Office that the sales of timber authorized in said sections have the sanction of each band interested.

This bill is intended to meet the views of the Senate committee with such modifications as are deemed essential to secure the objects desired.

I am of the opinion, however, that the Indians can receive greater benefits from the disposition of the timber under the method adopted in regard to the timber on the Menomonee Reservation, in Wisconsin, in the act of June 12, 1890 (26 Stats., 146), by which the Indians are themselves to cut and bank the timber, thereby receiving the proceeds of the labor necessary to prepare it for market as well as the value of the standing timber. As the cost of banking the timber is about equal, on the average, to its value when standing, the funds thus secured to the Indians will be nearly if not quite twice the amount that would be derived from the sale of the standing timber, less the pay of the necessary superintendents and foremen.

I do not know of any reason why the Chippewas are not as capable of performing this work as are the Menomonees. I have accordingly prepared the draft of a bill providing for the disposition of the timber on the bank, or ready for transportation.

The first section empowers the Secretary of the Interior to authorize the La Pointe agent to employ the Chippewa Indians, located on the Bad River, Lac Court Oreilles, and Lac du Flambeau Reservations, in Wisconsin, to cut all or any portion of the pine timber upon the unallotted lands within said reservations, into logs, and haul the same to the banks of the streams or other suitable places; said logs to be scaled, and, after due notice, to be sold to the highest bidder for cash, in such manner and at such times and places as the Secretary of the Interior may direct. The Secretary is authorized to appoint as many superintendents and assistants as he may deem necessary, not to exceed one each for each reservation, to superintend and direct the work of the Indians in their logging operations, who shall receive such compensation as the Secretary may determine.

Section 2 appropriates the sum of \$75,000 for the payment of the expenses of cutting, banking, etc., to be reimbursed from the first proceeds of the sales of timber: *Provided*, That after the first year's logging, and annually thereafter, the Secretary of the Treasury is authorized to advance a like amount, on the order of the Secretary of the Interior, out of any money in the Treasury belonging to said Indians, for the purpose of enabling them to carry on logging.

Section 3 provides that the net proceeds of the sale of said logs shall be funded in the Treasury of the United States, with interest at the rate of 5 per centum per annum, which interest, together with not exceeding 10 per centum of the principal, shall be annually expended for the benefit of the Indians in the same manner and with the same limitation as is provided in the bill first herein referred to.

The remaining sections of this bill are the same as in the latter.

I have the honor to recommend that these bills be transmitted to

Congress, with the earnest request that one of them receive favorable consideration.

As before indicated, the passage of the bill marked No. 2 is greatly preferred by this office, but if Congress shall decide in favor of the other it will be acceptable. Some disposition of this matter is, however, imperatively demanded.

I transmit copies of correspondence bearing upon the subject.

Very respectfully, your obedient servant,

R. V. BELT,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

No. 1.

A BILL to authorize the sale of timber on certain lands reserved for the use of the Chippewa Indians of Lake Superior, in the State of Wisconsin, to regulate the purchase of timber from Indian allottees on certain Chippewa Indian reservations in Wisconsin and Minnesota, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to cause to be appraised and sold the timber, or such portion thereof as in his judgment it is for the interest of the bands to have sold, upon the lands situate on the La Pointe or Bad River, Lac Court Oreilles, and Lac du Flambeau Reservations, in the State of Wisconsin, reserved for the Chippewa bands of Indians, except such lands as have heretofore been allotted to Indians in severalty. The said timber shall be appraised by two or more disinterested appraisers, to be selected and appointed by said Secretary, in eighty-acre lots, according to the public survey. Each appraisal shall state the quality, quantity, and value of the pine timber growing or being on each lot, and shall be returned at the appropriate land office and shall be subject to public inspection for at least sixty days before the day appointed for the sale of said timber as herein provided. One copy of each appraisal shall be made and returned to the said land office within six months from the taking effect of this act, or as soon thereafter as practicable, and a duplicate thereof to the Secretary of the Interior; and the persons appointed to make such appraisal shall receive such compensation for their services as may be fixed by the Secretary of the Interior.

SEC. 2. That the timber appraised as aforesaid shall be advertised for sale by notice of not less than one month, to be published in at least three newspapers published in the States of Wisconsin and Minnesota, and having general circulation in said States, and shall be sold to the highest bidder in lots of not exceeding eighty acres, but shall not be sold for less than the appraised value thereof. All of said timber remaining unsold at the expiration of one year after it shall have been offered as aforesaid may, if the Secretary of the Interior shall deem it for the best interests of the Indians, be again advertised and sold, in the same manner, at not less than the appraised value thereof, and shall in all cases be sold for cash only. The purchasers of said timber may have five years to remove the same.

SEC. 3. That the sum of ten thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the expenses of survey, appraisal, and sale of the timber herein authorized to be sold, which expenses shall be reimbursed to the Treasury of the United States from the first proceeds of the sale of timber as hereinbefore provided, and the residue of such proceeds shall be funded in the United States Treasury, bearing interest at the rate of five per centum per annum, which interest shall be expended under the direction of the Secretary of the Interior for the benefit of the bands occupying the respective reservations from which the proceeds are derived: *Provided*, That in such expenditure preference shall be given to those Indians who have not received allotments in severalty of pine-timber lands: *And provided further*, That no part of the income of said funds shall be expended for the benefit of any Indian who shall hereafter dispose of any timber under the provisions of sections five or seven of this act, or for the benefit of any Indian not actually residing or having his home upon or a recognized right in and to one of said reservations at the date of the passage of this act, subject to the decision of the Secretary of the Interior.

SEC. 4. That it shall be unlawful for any person to contract for or to purchase from any Indian pine timber, except dead timber either standing or fallen, upon the La Pointe or Bad River, Lac Court Oreilles, or Lac du Flambeau Reservations in Wis-

consin, or upon the Fond du Lac Reservation in Minnesota, until an allotment in severalty of the land upon which said timber is situated has, in pursuance of some treaty or law, been made to such Indian and formally approved by the President or the Secretary of the Interior, as may be required by such law or treaty, and the allottee has been notified of such approval.

SEC. 5. That the Secretary of the Interior is hereby directed to make and publish rules and regulations specifically defining and prescribing the terms and conditions upon which persons may contract for or purchase pine timber from Indians to whom lands within said reservation have been allotted in severalty, and adequately protecting the Indians both during the making and performance of any contracts for such timber and in the disposition of any money received upon such contracts. It shall be unlawful for any person to contract for or to purchase pine timber from any lands so allotted in severalty to Indians until after such rules and regulations shall have been made and published by the Secretary of the Interior.

SEC. 6. That any person contracting for, or purchasing pine timber from, any Indian contrary to the provisions of this act, shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding one thousand dollars, or by imprisonment in the penitentiary not exceeding six months, or by such fine and imprisonment both, at the discretion of the court.

SEC. 7. That if the Secretary of the Interior shall deem it advisable he may, with the written consent of any allottee, cause the timber upon the lands allotted to such allottee to be appraised and sold in the same manner as is provided in sections one and two of this act for the appraisement and sale of timber on unallotted lands. The proceeds of any timber sold under the provisions of this section shall be deposited in the Treasury of the United States to the credit of "Indian allottees, La Pointe Agency, Wisconsin," to be paid to, or expended for the benefit of, the respective allottees, according to their respective shares in such fund, in the discretion of the Secretary of the Interior.

SEC. 8. That allotments in severalty, under existing laws or treaty, of lands within the La Pointe or Bad River, Lac Court Oreilles, and Lac du Flambeau Reservations, in Wisconsin, from which the pine timber shall have been cut, under this act, or which are not valuable as pine-timber lands, and of such lands only, may be made in the discretion of the President.

SEC. 9. That sections one, two, and three of this act shall be and remain inoperative until full and satisfactory evidence shall have been placed on the files of the office of Commissioner of Indian Affairs that the sales of timber in said sections authorized have the sanction of each band interested, evidenced by orders or agreements taken in full council.

No. 2.

A BILL to authorize the sale of timber on certain lands reserved for the use of the Chippewa Indians of Lake Superior, in the State of Wisconsin, to regulate the purchase of timber from Indian allottees on certain Chippewa Indian reservations in Wisconsin and Minnesota, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby empowered to authorize the agent in charge of the La Pointe Indian Agency, in Wisconsin, to employ at a reasonable compensation the Chippewa Indians located respectively on the La Pointe or Bad River, the Lac Court Oreilles, and Lac du Flambeau Reservations, in said State, to cut all or any portion of the pine timber upon the lands within said reservations, except such lands as have heretofore been allotted to Indians in severalty, into logs and haul the same to the banks of the streams, lakes, or other suitable places; and said logs shall be scaled and advertised, and after due notice all or any part thereof sold to the highest bidder or bidders for cash, in such manner and at such times and places as the Secretary of the Interior may direct; no sale to be valid until approved by said Secretary. In case said logs can not be sold where banked, at what the Secretary of the Interior considers a reasonable price, he shall cause said logs to be run down the streams to market, to be sold in the manner he deems for the best interest of the Indians, employing Indians at all times when in his opinion practicable and for the benefit of the Indians doing such work; and the Secretary of the Interior is hereby authorized to appoint as many superintendents and assistant superintendents as he may deem necessary, not, however, to exceed one each for each reservation, who shall be men of experience as practical loggers, to superintend and direct the work of the Indians in their logging operations on the respective reservations, and who shall receive such compensation as the Secretary of the Interior shall fix and determine to be paid to them.

SEC. 2. That the sum of seventy-five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the

Treasury not otherwise appropriated, for the payment of the expense of cutting, banking, scaling, driving, advertising, and sale of timber as hereinbefore provided; which expenses shall be reimbursed to the Treasury of the United States from the first proceeds of the sales of timber: *Provided*, That after the first year's logging, and annually thereafter, the Secretary of the Treasury is authorized to advance a like amount as provided for in this act, on the order of the Secretary of the Interior, out of any money in the Treasury belonging to the said Indians for the purpose of enabling them to carry on logging as provided in this act.

SEC. 3. That the net proceeds of sales of said Chippewa logs shall be funded in the United States Treasury bearing interest at the rate of five per centum per annum, which interest, together with not exceeding ten per centum of the principal, shall be expended annually, under the direction of the Secretary of the Interior, for the benefit of the bands occupying the respective reservations from which the proceeds are derived: *Provided*, That in such expenditure preference shall be given to those Indians who have not received allotments in severalty of pine timber lands: *And provided further*, That no part of the income of said funds shall be expended for the benefit of any Indian who shall hereafter dispose of any timber under the provisions of sections five or seven of this act, or for the benefit of any Indian not actually residing on or having his home upon, or a recognized right in and to one of said reservations at the date of the passage of this act.

SEC. 4. That it shall be unlawful for any person to contract for or to purchase from any Indian pine timber, except dead timber, either standing or fallen, upon the La Pointe or Bad River, Lac Court Oreilles, or Lac du Flambeau Reservations in Wisconsin, or upon the Fond du Lac Reservation, in Minnesota, until an allotment in severalty of the land upon which said timber is situated has, in pursuance of some treaty or law, been made to such Indian and formally approved by the President or the Secretary of the Interior as may be required by such law or treaty, and the allottee has been notified of such approval.

SEC. 5. That the Secretary of the Interior is hereby directed to make and publish rules and regulations specifically defining and prescribing the terms and conditions upon which persons may contract for or purchase pine timber from Indians, to whom lands within said reservation have been allotted in severalty, and adequately protecting the Indians both during the making and performance of any contracts for such timber, and in the disposition of any money received upon such contracts. It shall be unlawful for any person to contract for or purchase pine timber from any lands so allotted in severalty to Indians until after such rules and regulations shall have been made and published by the Secretary of the Interior.

SEC. 6. That any person contracting for or purchasing pine timber from any Indian contrary to the provisions of this act shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding one thousand dollars or by imprisonment in the penitentiary not exceeding six months, or by such fine and imprisonment both, at the discretion of the court.

SEC. 7. That if the Secretary of the Interior shall deem it advisable he may, with the written consent of any allottee, cause the timber upon the lands allotted to such allottee to be appraised and sold in the same manner as is provided in sections one and two of this act for the appraisement and sale of timber on unallotted lands. The proceeds of any timber sold under the provisions of this section shall be deposited in the Treasury of the United States to the credit of "Indian allottees, La Pointe Agency, Wisconsin," to be paid to or expended for the benefit of the respective allottees, according to their respective shares in such fund, in the discretion of the Secretary of the Interior.

SEC. 8. That allotments in severalty, under existing laws or treaty, of lands within the La Pointe or Bad River, Lac Court Oreilles, and Lac du Flambeau Reservations in Wisconsin, from which the pine timber shall have been cut, under this act, or which are not valuable as pine-timber lands, and of such lands only, may be made in the discretion of the President.

SEC. 9. That sections one, two, and three of this act shall be and remain inoperative until full and satisfactory evidence shall have been placed on the files of the office of Commissioner of Indian Affairs that the sales of timber in said sections authorized have the sanction of each band interested, evidenced by orders or agreements taken in full council.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, June 21, 1889.

SIR: I have the honor to acknowledge the receipt, by your reference, of a communication from Hon. M. H. McCard, dated June 11, 1889, in which he recommends the appointment of W. S. Reynolds, of Hurley, Wis., as a special agent to allot lands in severalty to the Indians of the La Pointe Agency, under the act of February 8, 1887

(24 Stats., 388), and states that he deems it best that these allotments be made at once, for the reason that the Indians desire it and the sooner each one knows what land he is to own the sooner he will settle down and become contented.

Hon. Philetus Sawyer indorses Mr. McCord's recommendation for the appointment of Mr. Reynolds.

The papers bear your indorsement, as follows:

"If this work is ready, and you know of no reason against this appointment, I will recommend it to the President, who, I suppose, is to make it."

In reply I have to state that under date of June 30, 1887, the President authorized allotments to be made on the several reservations attached to the La Pointe Agency.

No action was taken under this authority (except on the Fond du Lac Reservation), and on the 2d of February, 1889, the Commissioner recommended that said authority be revoked for the following reason:

"The reservations in Wisconsin, except the Oneida, are chiefly valuable for the pine timber thereon. In my opinion the act of Congress does not contemplate the allotment of lands unless they are chiefly valuable for agricultural or grazing purposes. The question of the disposition of the timber is now pending in Congress."

March 2, 1889, the President revoked the authority for making allotments on the La Pointe Reservations, with the exception of the Fond du Lac.

During February, 1888, 173 allotments under the act of 1887 were made on the Fond du Lac Reservation by Special Agent Wall. No action was taken on these allotments, but during the fall of 1888 allotments were completed on said reservation by Special Agent Conolly.

February 13, 1889, the schedules of these allotments were submitted to the Department, with the recommendation that they be not approved.

In submitting the schedules the Commissioner said:

"The lands upon this reservation are valuable for the pine and other timber growing thereon, and from unofficial information derived from Special Agent Conolly and others it is believed that these allotments are desired by the Indians chiefly that they may sell the pine timber and not for the purpose of engaging in agricultural pursuits. The severalty act contemplates the allotment of lands only that are valuable for agricultural purposes. The Attorney-General in a recent opinion (January 26, 1889) hold that an allottee under the severalty act does not possess the right to cut and sell merchantable timber, except such as it may be necessary to cut in clearing the land for agricultural or grazing purposes or to erect suitable buildings thereon, and that this disability continues so long as the land is held in trust by the United States. Under this ruling the object desired by the allottees can not be obtained."

These remarks will apply, though perhaps in a less degree, to the other La Pointe reservations.

This office has no information of the action taken upon the foregoing recommendation by the Department.

In his annual report for 1884 late Agent Durfee stated that the Lac Court Oreilles Reservation, like all under his charge, was heavily timbered, and much labor was required to clear the land for farming purposes, for which reason the amount of land under cultivation was limited, although a gradual increase was apparent from year to year.

The Lac du Flambeau Reservation he said was mostly heavily timbered.

According to the statistics furnished by him that year there was but 2,075 acres of tillable land in all the La Pointe reservations out of 537,836 acres, including the Grand Portage and Bois Fort Reservations.

According to the statistics furnished by late Agent Gregory in 1888 the quantity of tillable land in the several reservations is as follows:

Reservation.	Tillable land.	Total.
	Acres.	Acres.
Red Cliff	300	11,457
Bad River	12,000	97,688
Lac Court Oreilles	1,600	31,096
Fond du Lac	600	92,346
Lac du Flambeau	50	62,817
Total	14,550	295,384

This estimate is believed to be approximately correct.

It will be seen that with the exception of Bad River the several reservations are practically devoid of agricultural lands.

The act of February 8, 1887 (24 Stats., 388), authorizes the President to cause lands to be allotted to Indians "whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes."

It does not contemplate the allotment of lands not advantageous for these purposes.

According to a recent estimate submitted to this office the following quantities of timber remain on four of the La Pointe reservations:

	Feet.
Fond du Lac	25,000,000
Lac Court Oreilles	55,000,000
Bad River	25,000,000
Lac du Flambeau	125,000,000

Other estimates place the amount at considerably higher figures.

The matter of the disposition of this timber, as well as of the manner of conducting timber operations upon these reservations in the past, was the subject of an extended investigation by a committee of the Senate during the last Congress.

Among the conclusions reached by the committee were the following:

"(4) That the pine timber remaining on the reservations upon lands not allotted to Indians in severalty, whenever it is expended to sell the same, should, if it may be lawfully done, be sold by the Government under law or suitable regulation, and the proceeds held in trust for those members of the various tribes who have not received allotments in severalty of pine timber lands, or otherwise held or disposed of as may be legal or equitable.

"(5) That no further allotments of land in severalty should be made to the Indians except where the allottee desires and intends to make his home upon the land allotted to him, or to cultivate the same or use it for grazing purposes."

Bills were introduced in the Senate embodying these views, but no final action was taken thereon.

In view of the character of the reservations, the foregoing views of the Senate committee, and the fact that if the lands are allotted under the act of 1887 the allottees can derive no benefit from the sale of the timber for at least twenty-five years, it would not seem wise to make the allotments under said act.

Most of the timber on these reservations has no doubt reached its maturity and is deteriorating in quality.

In my opinion some method for the disposition of the timber and the equitable distribution of the proceeds thereof among the Indians should be provided by Congress.

But should it be deemed best to make the allotments they should be made under the provisions of the treaty of September 30, 1854 (10 Stats., 1109), as has heretofore been done on all the La Pointe reservations except the Grand Portage and Bois Fort, to the end that the allottees may dispose of the timber, under more stringent rules and regulations than have heretofore been enforced, rather than under the act of February 8, 1887, as under that act the allottees can not dispose of the timber. (Under the treaty of 1854 the President is authorized to issue patents with such restrictions as to the power of alienation as he may see fit to impose. All patents heretofore issued under the treaty have contained a proviso that the patentee and his heirs shall not sell, lease, or in any manner alienate the land without the consent of the President of the United States.)

However, I deem it proper to state in this connection that in most cases where lands, chiefly valuable for timber, have been allotted to Indians, experience has shown that after the timber has been removed, the lands not being adapted to agriculture, the Indians have become a charge upon the generosity of the Government.

The same remark is true as to agricultural lands allotted with the power of alienation, and to some extent where restricted power of alienation is prescribed, as in the treaty of 1854, above referred to. Hence, I think the whole matter should be left for the further consideration of Congress, since a committee of that body, after an exhaustive investigation, has submitted recommendations on the subject, which will no doubt hereafter receive attention and consideration.

If, however, it should be decided, notwithstanding the foregoing, to make allotments under the act of 1887, I do not know of any objections to the appointment of Mr. Reynolds, concerning whom I know nothing beyond what is contained in the inclosed papers, which indicates that he is competent to do the work.

I, however, doubt the policy of selecting agents to make allotments of lands to Indians from the immediate vicinity of the reservation to be allotted.

However upright a man may be, and however sterling his integrity, he is necessarily influenced to a greater or less extent by his surroundings and associates.

The agent who may make allotments to the Indians on the Chippewa reservations should especially be free from such influences.

Since writing the foregoing ex-Governor T. C. Pound and Hon. M. H. McCord have informed me that it is a mistake to suppose that all the pine lands in these res-

ervations are not adapted to agricultural purposes, and suggests that as the allotments have proceeded so far, it might be well to complete them.

Very respectfully, your obedient servant,

R. V. BELT,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, August 13, 1889.

SIR: I am in receipt of a communication from Agent Leahy, of the La Pointe Agency, Wis., dated July 24, 1887, in which he transmits a petition from the chiefs and principal men of the Bad River Indians, asking permission to sell their pine timber, no white men to be allowed to work on the reservation, except as they may desire.

Also a petition of applicants for 80-acre allotments, asking that their applications be granted and an allotting agent sent at an early day. Agent Leahy states that the importance of having these matters settled at once is obvious, and says:

"Heretofore contracts for the sale of timber have been executed, advances made by the contractors to the Indians, and logging operations actually begun before either the allotment or contract had received the approval of the Indian Office. From the experience of last winter the loggers and jobbers have learned that this course will no longer be permitted by the Indian Department.

"Desirous of avoiding the complications growing out of the irregular methods pursued heretofore in the prosecution of lumbering enterprises on the Indian reservations, the contractors will have nothing to do with Indian contracts for the sale of logs or stumpage until all the prerequisites of the Indian Office have been fulfilled.

"Heretofore the Indian has obtained at this season of the year a large share of his subsistence from the contractors in the way of advances on contracts for the sale of timber, to be cut and hauled during the coming fall and winter.

"The contractors, apprehensive of the future, will make no more advances to the Indian unless his contract has been ratified by the Indian Office.

"Logging operations begin in this region in September, and in order to enter upon the work with a reasonable prospect of success the necessary arrangements for the winter's operations should not be postponed beyond the 15th of September.

"All contracts for the sale of Indian timber should be approved prior to this date; those approved later will not be available for next winter's work.

"The Indian is proverbially improvident, thinking only of the present, and pays no heed to the morrow. Those residing on reservations on which logging enterprises have been carried on for a number of years have lived abundantly, even sumptuously, on the proceeds of pine timber sold and the liberal wages paid to them in the logging camps. Many of the Indians, their money spent and advances by the contractors refused, find themselves destitute and their families suffering for the bare necessities of life. Under this pressure they find their way to this office, and with an eloquence that would grace a higher forum they urge upon the agent the necessity of having allotments made and contracts approved in season for next winter's operations. They say that if the cutting and sale of timber on the reservations be suspended they will have nothing to do next winter and many of them must suffer for food and clothing; that several of them have secured at great expense horses and oxen to work in the woods during the winter, and that they will not be able to feed these animals unless they are engaged in the work of lumbering; that in the absence of work these animals will be sold at a fraction of their cost, their value depending chiefly upon the work of hauling the product of the forest to the landings whence they are shipped by rail and water to distant parts. I have no reason to doubt the correctness of these statements. It is clear that unless these Indians are able to obtain employment during the coming winter, as they have been accustomed for several years, many of them must be supported by the Government or they will perish for the want of food."

These representations are doubtless correct.

The question of making further allotments on the Chippewa reservations attached to the La Pointe Agency was considered in office report of June 21, 1889, and is now before the Department.

The timber operations upon these reservations were the subject of extensive investigation during the last Congress by the Senate Committee on Indian Affairs. (See Senate Report 2710, Fiftieth Congress, second session).

On the 10th of August, 1888, the committee adopted certain resolutions relative to the sale of pine timber and the allotment of lands, the second resolution being as follows:

"That no further sales of pine timber from allotted lands should be made until

after the rules and regulations, specifically and accurately defining and prescribing the terms and conditions of such sales and adequately protecting the Indians both during the making and performance of the contracts, and in the disposition of the money received from such contracts, have been adopted by the Secretary of the Interior and publicly promulgated." (Senate Report, page XLVII.)

It will be observed that the committee contemplate the sale of pine timber from allotted lands under certain conditions, although in their report (page XXI) they state that all stumpage contracts are illegal and void, and that while an Indian having received his patent might undoubtedly cut his own timber, thus converting it into personal estate, and haul it off and sell it, he could not make a valid contract to sell the growing timber for a stumpage price.

In my opinion the distinction drawn by the committee between the cutting of timber by the Indian owner and its sale, while standing, is perfectly clear and legally correct, as is the statement that the Indian patentee can not (of himself alone) make a valid contract for the sale of such growing timber.

But undoubtedly the patentee can make a valid contract for the sale of the land itself, *with the consent of the President of the United States*, the patents providing that the patentee or his heirs shall not alien the land without such consent. Consequently the patentee may sell the timber, which is part of the fee wholly vested in him with the same consent.

It is this clause in the patents which gives the Department authority to regulate the sale of timber by these patentees, and the approval of this office, under regulations of the Department, the act of the Secretary being the act of the President (1 How., 290, and 17 Pet., 144), gives validity to the contract.

I am, therefore, of the opinion that the sale of pine timber may be allowed from lands patented, or the allotment of which has been approved by the President, under "rules and regulations specifically and accurately defining the terms and conditions of such sales and adequately protecting the Indians, both during the making and performance of the contracts and in the disposition of the money received from such contracts."

While the patented lands have been so fully cut over that it is not probable that any extensive operations can be conducted on such lands during the coming season, some measure of relief would doubtless be afforded by allowing the owners to dispose of their remaining timber.

The form of contract in use last season (Senate report, page 1167) provides for the payment of a fixed sum per 1,000 feet according to the bank scale, the object being to provide a clean sum to the Indian for the value of his timber standing, so as not to subject him to any of the risks of loss in any of the logging or banking operations, the stumpage value being more easily estimated. While a few of the Indians are doubtless competent to bank their own timber, most of them are unable to do so with any profit to themselves.

The operations incident to banking logs require much experience and careful management to keep the expense within a profitable limit.

Whenever an Indian is competent and has the means to do the work he might be allowed to make a separate contract to do the work for the contractor who purchases his pine, but it would hardly be to the interest of any Indian to purchase an outfit to bank a few hundred thousand feet of timber, and be compelled at the end of the season to dispose of such outfit at more or less of a sacrifice.

As to the employment of Indian labor exclusively, it is remarked that the form of contract provides for such employment in the cutting and removal of timber, in preference to other labor on equal terms whenever suitable.

Experience has shown that this is all than can be insisted upon with safety.

On some reservations sufficient Indian labor can not be obtained, and on all white men are needed as foremen and cooks.

If only Indian labor is permitted they take advantage of this fact to increase their wages beyond a reasonable rate.

If the condition in the contract is faithfully performed (and the agent should see that it is), all Indians who desire to work will have a chance to do so, if the operations are anywhere near as extensive as heretofore.

With these remarks I have the honor to submit the following rules and regulations for your approval:

(1) Any Indian holding a patent for land, or whose allotment has been approved by the President, may sell the pine timber on such land, and any responsible contractor may purchase the same, the price per 1,000 feet to be mutually agreed upon, to be satisfactory to the United States Indian agent and the Commissioner of Indian Affairs, and to be paid in cash.

(2) All contracts must be properly executed, and accompanied by a good and sufficient bond, with two or more approved sureties, be filed with the Indian agent in time for their receipt in the Indian Office on or before September 15, 1889.

(3) No operations of any kind will be allowed as to any tract until the contractor

is notified that the contract for the sale of timber on such tract has been approved by the Commissioner of Indian Affairs.

(4) Any cutting of timber on lands not covered by approved contracts will be regarded as willful trespass and the offender prosecuted under section 15388 of the Revised Statutes.

(5) In the final settlement under the contracts no allowance will be made for advances to any Indian, unless such advances are made with the written approval of the farmer in charge of the reservation to which the Indian belongs.

(6) In case the amount due any Indian at the close of the logging season exceeds the sum of \$300, the contractor will be required to pay the amount so due to the United States Indian agent for deposit in some national bank to the credit of the Indian to whom it is due, with condition that the money is to be drawn out only upon checks signed by such Indian and countersigned by the United States Indian agent, unless special exception be made by the Indian Office.

(7) All contracts must be in form as prescribed by the Indian Office, and all provisions thereof, including that which requires the employment of Indian labor on equal terms whenever suitable, will be strictly enforced.

(8) Approval of any contract will be subject to the foregoing rules and regulations. If approved by you these rules and regulations will be transmitted to Agent Leahy, with instructions to have them read and explained to the Indians in council on each of the reservations, and to have them disseminated among the contractors.

Authority should be given to Agent Leahy to have 250 copies printed for distribution, and this authority is hereby requested, in the event of your approval.

The agent will also be instructed to look after and protect the interests of the Indians in the making of the contracts, to see that the price agreed upon is fair and reasonable, that proper competition is allowed, and to exercise a vigilant supervision over the whole matter.

As the time intervening between this and the 15th proximo is short, it is suggested that early action be had.

I submit a separate paper embodying the foregoing rules and regulations.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, August 1, 1890.

SIR: On the 13th of August, 1889, report was made to the Department upon a petition from the chiefs and principal men of the Bad River Band of Chippewa Indians, La Pointe Agency, Wis., asking permission to sell their pine timber, in which I expressed the opinion that the sale of such timber might be allowed from lands patented or the allotment of which had been approved by the President, under "rules and regulations specifically and accurately defining the terms and conditions of such sales and adequately protecting the Indians both during the making and the performance of the contracts and in the disposition of the money received from such contracts." I also submitted a draft of such rules and regulations. With said report was also transmitted a petition from applicants for 80-acre allotments, asking that their applications be granted.

I am informally advised that the matter of the disposition of timber was submitted to the President in August last, and that the papers were returned to the Department by him in March last, without action.

I am not advised whether his failure to act arose from want of time to consider the question before the 15th of September (the time suggested after which contracts should not be received), or from indisposition to sanction the rules and regulations.

I am now in receipt of a communication from Hon. Myron H. McCord, dated July 26, 1890, in which he suggests that the interests of the Indians at the La Pointe Agency would be best protected by allowing them to dispose of their remaining pine timber at public or private sale, under such regulations as the Department may prescribe. He states that the fires and elements are constantly destroying the timber, and thinks the Indians should be allowed to utilize their property.

I can see no valid objection to allowing the Indian allottees to dispose of their timber in the manner indicated, provided the rules and regulations are sufficiently stringent to obtain the results desired in guarding the Indians from imposition and in securing to them a permanent advantage from the proceeds.

It is believed that the scandals arising from timber operations at the La Pointe Agency heretofore are attributable, in great measure at least, to the fact that operations were allowed to be commenced before contracts had been submitted to this

office and approved, and in part to the negligence (to use no harsher term) of the officials at the agency. By confining all operations to duly approved contracts and maintaining strict supervision through competent and efficient officers, I see no reason why the Indians can not dispose of the timber belonging to them to their permanent advantage and without scandal to the Indian service.

In a report dated June 21, 1859, the position was taken that the lands on the La Pointe reservations should not be allotted under the act of February 8, 1837 (24 Stats., 388), being mainly valuable for timber, which the allottees could not dispose of for twenty-five years, but that Congress should make some provision for the disposition of the timber and equitable distribution of the proceeds. The Acting Commissioner remarked, however, that if it should be deemed best to make the allotments, they should be made under the treaty of September 30, 1854 (10 Stats., 1109), as had been done before.

No action has been taken in the matter of allotments by this office since the date of said report, as no decision thereon has been communicated to it. During the present Congress no bills have been introduced, so far as I am aware, in regard to this matter, and there is no probability that any action will or can be taken at either the present or next session. In the meantime the Indians are asking that their selections be approved and allotted.

In an opinion rendered in response to a request from the Department, made September 23, 1889 (9 L. D., 392), the Assistant Attorney-General clearly indicates that the treaty of 1854 with the Chippewa Indians is still in force, and that allotments may be made thereunder as before the passage of the act of 1887.

As authority for making allotments on these reservations under the act of 1887 was revoked by the President March 2, 1889, upon recommendation of the Department, which held that the lands were not subject to allotment under that act, I think the Indians should be allowed to exercise their right of selection under the treaty.

I have therefore directed the agent to submit to this office schedules of such selections as have been made on the several reservations, except the Fond du Lac, which is included in the Chippewa agreements, that they may be laid before the Department in the usual manner.

I also have the honor to recommend that the rules submitted to the Department on August 13th last be again laid before the President for his action.

The matter should be determined at as early a day as possible.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

MEMORANDUM.

OCTOBER 14, 1890.

SIR: I have looked over the papers and reports made by the Indian Office submitting to you regulations recommended for adoption, for the cutting and sale of green timber from the allotted lands of the Indians on the Bad River, Lac Court Oreille, and Lac du Flambeau Reservations in Wisconsin. I find upon examination of the rules suggested, that it is provided therein that all contracts should be filed with the Indian agent in time for their receipt in this office on or before the 15th of September.

It is now near the middle of October, and I think it is too late for the Indians to enter upon this business of contracting for the sale of their green pine timber from their allotted lands during the present season so as to have it conducted in a manner satisfactory to this office, and as to results for the Indians, and I hardly think it would be wise to proceed at this late date on the plans proposed, even if they were entirely free from objection otherwise.

I have great delicacy in submitting any objections to the rules and regulations prepared by the Commissioner of Indian Affairs, who has given this matter very careful consideration, but I am impressed with the belief that it will not be safe or for the best interests of the Indians to allow them to enter into contracts with lumbermen for the sale of their green timber from their allotted lands in the manner proposed.

It is true the regulations prescribe that the price to be agreed upon shall be satisfactory to the Indians and the Indian Office, but there is no certain means of ascertaining whether such price is the just and fair value of the timber which may be covered by such contracts, unless its quantity, quality, and location as to nearness and access to railroads or driving streams and estimated valuation are first ascertained.

The proper method of doing this, it seems to me, would be as suggested by your predecessor, Mr. Vilas, in his annual report for 1888, in the following suggestions:

"First. The amount of timber to be cut on any reservation during a single season

should be first determined from a consideration of the entire amount estimated to remain upon it, the number of Indians likely to work at the business if opportunity be afforded at fair prices, and the economic circumstances affecting the operation of logging, especially the location of the timber with reference to its being taken to market.

"Second. A competent estimator should be employed to estimate the quantity and quality of timber on each allotment, and its situation and quantity in groups suitable for proper working together, and a report of this should be laid before the Indian Commissioner. This might be done once for all.

"Third. The amount and general location of the timber to be cut having been determined, and this should in no case be later than the 1st of July preceding the winter's operations, the Commissioner of Indian Affairs should instruct the agent by order, at least as early as the 1st of August, upon what allotments and to what Indians contracts would be permitted, accompanied by the estimated quantity of timber to be cut on each respectively.

"Fourth. Sealed proposals from loggers should be invited, under suitable specifications to protect the rights of the Indian, for the timber to be cut, arranged in groups or quantities with reference to its situation upon the ground, and the ways for the removal of the logs, so that the logging operations could be most advantageously carried on. The contractor should in all cases be required to cut all the merchantable timber upon the allotment or within that convenient body set apart for cutting, including all logs that will scale one-third merchantable timber or will measure 10 inches or more in diameter at the small end, also to give preference to Indian labor on equal terms. Various provisions require to be inserted with reference to the logging laws of the States wherein work may be done, to govern the scaling, the marking, and securing the logs from liens and the owner from loss, and to protect all the rights of the Indian in many minor particulars. All contracts ought to be let and approved before the 1st of October, in order that the contractor may have the most advantageous methods of establishing his camps, arranging for the winter's work, and providing supplies, upon all which circumstances depends the price which he can pay the Indian owner for his logs. Finally, suitable provision should be made to secure to the Indian the proceeds of the contract, to guard him from waste or the wiles of bad men who may seek to deprive him of his money, and to assist him in its most advantageous expenditure for his own good."

Mr. Vilas lives in a lumber country and has had a great deal of practical experience and business transactions with lumber people in his State, and his suggestions seem to prescribe a method for the management of this business which would accomplish satisfactory results to the Indians without the possibility of another scandal growing out of their lumber business.

A most important matter to be considered in this connection is the relations of these Indians to the Government and this office. Having received their allotments, they have thereby become citizens of the United States as prescribed by section 6 of the general allotment act of February 8, 1887 (24 Stats., 388), which reads as follows:

"That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the Territorial limits of the United States to whom allotment shall have been made, under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the Territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property."

The allotments made to these Indians are inalienable without the consent of the President. The treaty of 1854 provides as follows: "And the President may, from time to time, at his discretion, cause the whole to be surveyed, and may assign to each head of a family, or single person over 21 years of age, eighty acres of land for his or their separate use; and he may at his discretion, as fast as the occupants become capable of transacting their own affairs, issue patents therefor to such occupants, with such restrictions of the power of alienation as he may see fit to impose," and the patent issued therefor contains the stipulation that "said [name of patentee] and his heirs shall not sell, lease, or in any manner alienate said tract without the consent of the President of the United States."

I think, therefore, the status of these lands is such that the Indian citizens who have received patents or whose allotments have been approved by the President are

still under the supervision guardianship of this office as to everything that pertains to their realty until the restriction as to alienation has been removed, and I think, therefore, it is competent for this office to make the necessary examination as to the condition of the timber upon their allotments, and to advertise for its sale if such shall be found to be for the best interests of these allottees, and to devote the proceeds of the sale of such timber to such use as shall be found most beneficial for the allottees. In order, however, that no mistake be made, it would perhaps be wise to secure the consent of the individual allottees to the disposition of the timber on their allotments, under the management of the Indian Office.

These suggestions, however, unless others are made, will leave you as much embarrassed as ever, as they practically provide for no present relief to these Indians, who are said to be needing work of this kind in their logging business to prevent starvation among them during the coming winter.

As a measure of relief for them I would suggest that as every allotment has, it is presumed, a considerable quantity of dead and down timber upon it, the Indian allottee should be informed that he is permitted to cut all such dead and down timber and to prepare it and put it upon the market himself by his own labor, or with the assistance of other Indians.

The agent, in his report of July 24, 1889, urging the establishment of rules for last year, states that several of them have secured, at great expense, horses and oxen to be used in the work during the winter, and that they will not be able to pay for them unless they are kept in the work of lumbering, etc.

If an Indian allottee is the owner of a logging outfit of the character indicated he will no doubt be able to get ready for market all of the dead and down timber upon his allotment, and those so equipped can make arrangements with every Indian allottee not so equipped to put upon the market at a reasonable rate all the dead and down timber upon their allotments. In this way some employment and business operations will be provided and much suffering may be avoided. If, however, this does not avoid the suffering and distress entirely, the appropriation of \$75,000 made last year, and which they refused to take as a lien upon the timber, is still available, and it is believed that if the matter is properly and intelligently represented to them they will be willing to accept this loan of the Government to meet their present needs until their timber can be properly sold for them. Even if they should refuse to accept relief in this way, this office still has the direction of the Secretary of the Interior to apply it in this manner regardless of what they wish in the premises, as "undoubtedly they must not be allowed to starve."

If these suggestions are adopted to meet present necessities, I would recommend that measures be at once taken looking to putting into operation the methods suggested for the disposition of the green timber during the winter of 1891-'92. This will require the employment of a competent estimator or expert woodsman to ascertain the quantity, quality, value, etc., of the timber in order that it may be properly advertised for bids, contracts, and sale. I know of no appropriation available out of which this service can be paid, but an estimate should be submitted to Congress at its session which is soon to convene for an appropriation for the payment thereof. If this is granted the whole business should be put in shape, so that advertisements may be made by July 1st next, and the contracts completed before the middle of September, in order that the people who shall contract for the timber may make all necessary arrangements for the winter's operations.

In this connection it is proper that I should call your attention to the fourth resolution, adopted August 10, 1888, by the Senate Committee on Indian Affairs, pending their investigation of the timber operations at the La Pointe Agency, "that no further allotments of lands in severalty should be made to the Indians except *where the allottee desires and intends to make his home upon the land allotted to him, or to cultivate the same, or use it for grazing purposes.*" And, also, to the bill reported from said committee October 4, 1888, providing "that no allotments of lands in severalty to Indians in pursuance of the severalty act, approved February 8, 1887, or of the appropriation act, approved June 29, 1888, shall be made or approved unless the allottee desires and intends to make his home upon the land allotted to him, to cultivate the same, or to use it for grazing purposes."

At the time this action was taken by the committee this office was proceeding under the act of February 8, 1887, deeming the provisions of that act more liberal to the Indians than the provisions of the treaty of 1854. The bill reported by the committee, taken in connection with the resolution quoted, seems to indicate that they supposed that allotments were contemplated for these reservations under the act of 1887 only.

While no action appears to have been taken in Congress concerning the matter, yet that taken by the committee indicates the views held by them after a thorough investigation of the matter.

In office report of June 1, 1889, I expressed the opinion that if it was deemed best to make allotments on these reservations they ought to be made under the treaty of

1854, but that I thought the whole matter should be left for further consideration by Congress, since a committee of that body had, after exhaustive investigation, submitted recommendations on the subject, which I had no doubt would thereafter receive attention and consideration.

In his report of August 1, 1890, the Commissioner states that he has directed the agent to submit to this office schedules of such selections as have been made on the several reservations (except the Fond du Lac) that they might be laid before the Department in the usual manner.

I have made this statement in order that you may be duly advised of what has been done regarding this matter of allotments on the Chippewa reservations. If the office instructions to the agent of August 1, 1890, are inconsistent with the recommendations of the committee, perhaps the Department may not desire to have the agent submit any further schedules of selections unless the Indian making the selections desires and intends to make his home upon the land selected or to cultivate the same or to use it for grazing purposes.

If the suggestions herein made meet your approval, and you so desire, a bill will be drafted, to be submitted to Congress at its next session, providing for the sale of green timber on the unallotted lands of these reservations, as well as for the payment of persons to estimate the timber on allotted lands, etc. I append a statement showing the quantity of land allotted on each reservation and of that remaining unallotted,

Reservation.	Land allotted.	Land unallotted.	Swamp land.	Unallotted available.	Estimated quantity of timber remaining.
					<i>Feet.</i>
Lac Court, Oreilles.....	42,884.80	26,251.20		26,251.20	55,000,000
Bad River.....	27,381.44	96,951.78	10,348.45	86,603.33	25,000,000
Lac du Flambeau.....	7,039.92	62,085.80	20,341.09	41,744.71	125,000,00

The lands designated as swamp lands are claimed by the State of Wisconsin under the act of Congress approved September 28, 1850 (9 Stats., 519) and under the decision of the courts the growing timber on said lands is also claimed as the property of the State.

I inclose herewith Senate Report No. 2710, Fiftieth Congress, second session, in which upon pages XLVII, XLVIII, and XLIX will be seen the conclusions of the Senate committee upon this matter, reference to which is made in this memorandum.

Respectfully submitted.

R. V. BELT,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, October 24, 1890.

SIR: I return herewith the communication of Agent Leahy and accompanying petition of the Lac du Flambeau Indians, asking for an allotment of their lands the present year and to be allowed to sell their green timber, which accompanied your letter of the 6th ultimo.

For the reasons given in Department letter of this date, on a similar request of the Indians of the Lac Court Oreilles Reservation, the request is denied.

Very respectfully,

GEORGE W. CHANDLER,
Acting Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
Washington, October 24, 1890.

SIR: I acknowledge the receipt of your letter of August 1 last and the accompanying communication from Hon. M. H. McCord, in relation to the cutting and sale of the green pine timber on the reservations attached to the La Pointe Agency, except those in Minnesota, which are included in the Chippewa agreements, and in which you recommend that the rules governing the disposition of this timber, which

were submitted to the President in August, 1889, and returned by the Executive without action, be again laid before the President.

Authority of the President having been had for the logging of the dead and down timber on the Bad River, Lac Court d' Oreilles, and Lac du Flambeau Reservations attached to the La Pointe Agency, under the law providing for the same, the cutting and disposal of this class of timber is deemed sufficient to provide for the temporal and immediate wants and necessities of these Indians, and in the absence of any provision of law authorizing the cutting of the green timber, the Department is unwilling to recommend to the Executive the cutting and disposal of such timber.

Mr. McCord's letter is herewith returned.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

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