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7-6-1868

Letter of the Secretary of the Interior, communicating, in compliance with a resolution of the 16th ultimo, information in relation to prohibiting Oneida Indians from cutting and removing timber from the common lands of the tribe.

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Recommended Citation

S. Exec. Doc. No. 72, 40th Cong., 2nd Sess. (1868)

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LETTER
OF
THE SECRETARY OF THE INTERIOR,

COMMUNICATING,

In compliance with a resolution of the 16th ultimo, information in relation to prohibiting Oneida Indians from cutting and removing timber from the common lands of the tribe.

JULY 6, 1868.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 6, 1868.

SIR: The enclosed copy of a report of the Commissioner of Indian Affairs, of the 2d instant, and accompanying papers marked A and B, are transmitted in answer to a resolution of the Senate, of the 16th ultimo, in the following words, viz:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether he has issued any order, or adopted any regulation, prohibiting the individuals of the Oneida tribe of Indians from cutting and removing timber from the common lands of the tribe; and if so, under what laws such prohibition is sanctioned, and what penalties are imposed for a violation of such rule. Also, if he has authorized the agent of said tribe to sell such timber and take pay therefor, and what security he has taken of such agent for the proper disposition of the proceeds of such sales.

I have the honor to be, very respectfully, your obedient servant,
O. H. BROWNING,
Secretary.

Hon. BENJAMIN F. WADE,
President pro tempore United States Senate.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., July 2, 1868.

SIR: I have the honor to acknowledge the receipt, by reference from you for report from this office, of Senate resolution, passed the 16th ultimo, relative to prohibiting Oneida Indians from cutting and removing timber from the common lands of the tribe; said resolution being in the words following, to wit:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether he has issued any order or adopted any regulation prohibiting the individuals of the Oneida tribe of Indians from cutting and removing timber from the common lands of the tribe; and if so, under what laws such prohibition is sanctioned; and what penalties are imposed for a violation of such rule. Also, if he has authorized the agent of said tribe to sell such timber and take pay therefor; and what security he has taken of such agent for the proper disposition of the proceeds of such sales.

In reporting on the foregoing resolution, I respectfully state that on the 12th March last Agent Martin was instructed to take measures to put an immediate

stop to the cutting of timber on the reservations within his agency, and to seize the logs already cut.

On the 23d of the same month Agent Martin reported his action to this office, and requested further directions; whereupon additional instructions were prepared April 7th and transmitted to him, of which the enclosed is a copy, marked A.

A letter having been received from the Hon. Senator Howe relative to contracts made by H. C. Foster with Oneida Indians for logs, the subject was submitted to you in a report bearing date the 25th of May last, copy enclosed, marked B.

Your reply to the above-named letter was received, dated the 1st ultimo, which contains the following language, viz:

Individual Indians have not the right, and cannot be permitted to cut and dispose of the common property for their individual uses and purposes.

The doctrines of the common law which regulate and control the relations and rights of tenants in common have no application to the Indians.

They are the wards of the government, and their common property must be managed and controlled in subordination to treaties and laws for the common benefit.

Timber held in common must not be disposed of except with the approval and under the supervision of the agent, and its value must be paid to him and carried into the general fund for the benefit of the entire tribe; your instructions to Agent Martin are therefore approved.

I am not aware that there are any penalties prescribed for violation of the regulations of the department by an agent, but presume in such case he would be liable to removal from office for disregard of instructions.

In the instructions to Agent Martin, of April 7, he is authorized and directed to allow the persons who have cut timber upon the reservations within his agency to remove the same upon the payment to him of \$2 per thousand feet, board measure, of the quantity cut, the amount so received to be carried into the general fund for the benefit of the entire tribe, agreeable to your directions above.

The security for the proper disposition of the proceeds of such sales by the agent is found in his official bond. The resolution is herewith returned.

Very respectfully, your obedient servant,

N. G. TAYLOR, *Commissioner.*

Hon. O. H. BROWNING,
Secretary of the Interior.

A.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
April, 7, 1868.

SIR: Your communication of the 23d ultimo, reporting your action on instructions from this office to seize all timber cut on Indian reservations within your agency by unauthorized parties, and making suggestions as to the future disposition of said timber, is received.

After considering the subject and availing myself of the views of the Hon. P. Sawyer, you are now directed to allow all the parties who have cut pine timber on the Indian reservations within your agency, during the past winter, to remove the logs cut by them, respectively, on their payment to you of the sum of two dollars (\$2) per thousand feet, board measure, for the quantity cut.

If any payments have been made by said parties to the Indians, in payment for said pine, or to you as agent, for the benefit of the Indians, such amount or amounts you will deduct from the whole amount ascertained to be due.

In case the parties are unable to pay the money down which is found to be

due from them, you are authorized to allow them to remove their logs to market, retaining the government lien thereon until they are sold and the money paid.

In prescribing the foregoing conditions of settlement it must not be construed as establishing a precedent in any future case.

It is the settled purpose of the department to put a stop to the like unauthorized cutting of timber from these reserves, and any person or persons hereafter committing such trespasses will, upon satisfactory information, be promptly brought to justice.

The foregoing does not apply to A. B. Knapp & Co., who have an authorized contract for the cutting of certain pine timber; nor to Messrs. J. Wybro, and A. Kinkapot, Stockbridge Indians, who have cut timber on the authority of a permit from the headmen of the tribe.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

M. L. MARTIN, Esq.,
United States Indian Agent, Green Bay, Wisconsin.

B.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
May 25, 1868.

SIR: I have the honor to state that, during the latter part of last winter and the early part of spring, sundry communications were received at this office from prominent Indians at Green Bay, Wisconsin, representing that white men, in connection with individual Indians, were engaged in cutting pine timber from their reservation, complaining of the same, and calling upon this office to have a stop put to it.

On the 12th of March last Agent Martin was instructed to have this practice effectually stopped, and, on behalf of the United States, to seize the logs already cut.

Shortly after the last-mentioned date, Senator Howe referred to this office a letter addressed to him by Wm. H. Norris, jr., relative to contracts made by H. C. Foster with Oneida Indians for logs, to which a reply was made to Senator Howe March 31, 1868, a copy of which is enclosed.

Senator Howe addressed a letter to this office bearing date April 1, 1868, in reply to office letter above, expressing dissent from the position taken in office letter to him of March 31, 1868, and asking a reconsideration of the case. Copy of letter enclosed.

Agent Martin, having carried out the instructions of March 12, 1868, and reported his action to this office, also asking further instructions, this office prepared additional instructions April 7, 1868, a copy of which is herewith sent.

Senator Howe has just called at this office and requested action on his letter of April 1, 1868.

These papers are respectfully submitted, showing what the action of the office has been in the case, and for such directions as you may think proper to give.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.