

L E T T E R

FROM THE

SECRETARY OF THE INTERIOR,

(TO THE HON. RICHARD COKE, CHAIRMAN COMMITTEE ON INDIAN AFFAIRS, UNITED STATES SENATE,)

TRANSMITTING

Report from the Commissioner of Indian Affairs relative to depredations on timber on Indian reservations, with amendments suggested to bill H. R. 6321.

JUNE 2, 1880.—Ordered to be printed.

[To accompany bill S. 1812.]

DEPARTMENT OF THE INTERIOR,
Washington, May 28, 1880.

SIR: I have the honor to transmit herewith a copy of a report of this date from the Commissioner of Indian Affairs upon the subject of the necessity for legislative action by Congress, in the matter of protecting Indian reservations and Indian lands from trespasses by squatters, and in cutting and removing timber therefrom; the subject having been more recently brought to the attention of the department by reference from the President of a communication addressed to him by P. P. Pitchlynn, Choctaw delegate, under date of the 24th instant, asking for protection for the Choctaw lands; a copy of which communication is herewith inclosed, together with the amended draft for legislation noted in the report of the Commissioner.

The views of the Indian Office have the concurrence of the department, and the subject is respectfully recommended to the early and favorable action of Congress.

Very respectfully,

C. SCHURZ, *Secretary.*

HON. RICHARD COKE,
Chairman Committee on Indian Affairs, United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 28, 1880.

SIR: I have the honor to acknowledge the receipt, by your reference for report, of a communication addressed to the President by P. P. Pitchlynn, Choctaw delagate, under date of the 24th instant, transmitting a petition of the chiefs and governors of the five civilized tribes in the Indian Territory, setting forth that a large quantity of timber is being cut and removed from the Territory by unauthorized citizens of the United States, against which there appears to be no statutory prohibitions, and asking the President to recommend to Congress the enactment of a law to prevent timber depredations in the Indian Territory.

In reference thereto, I have the honor to state that the matter complained of has for some time past engaged the serious attention of this office, and was specifically adverted to by my predecessor in his annual report for 1879, on pages 47 and 48 of which, after alluding to existing statutes relative to intrusion and depredation on Indian lands having proved ineffectual to prevent citizens of the United States from cutting and destroying timber thereon, also referring to the decisions of the United States district court for the western district of Arkansas, at the May term thereof in 1879, 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, Revised Statutes, and that there was no law to punish parties for committing depredations thereon, the honorable Commissioner (after adding that the reasoning of the court would apply with equal force to the lands of the Choctaws, Chickasaws, Creeks, Seminoles, and certain other Indians) recommended that such a law be enacted as will prevent parties settling upon or cutting or wantonly destroying timber on the several classes of reservations therein named. At the present session of Congress, House bill No. 6321, extending the provisions of section 5388, Revised Statutes, and of other laws of the United States for the protection and preservation of timber belonging to the United States, and for the punishment of offenders who cut, destroy, or take the same, so as to apply to the preservation of timber belonging to Indian tribes in the Indian Territory, and to the punishment of offenders committing depredations upon such timber, was introduced by Hon. J. G. Carlisle. I have the honor to recommend that said bill be amended by striking out in the title thereof the words "in the Indian Territory," and substituting therefor the words "upon Indian reservations;" also, by striking out all words following the word "timber" on the 8th line thereof, and in lieu thereof insert the following words: "On the following classes of Indian reservations, viz, lands to which the original Indian title has never been extinguished, but which have never been specially reserved by treaty, act of Congress, or otherwise for the use of Indians, or for other purposes, although the Indians' right of occupancy thereof has been tacitly recognized by the government; lands expressly reserved by treaty or act of Congress, or set apart for the use of the Indians by executive order of the President; lands allotted or patented to individual Indians who are not under the laws of any State or Territory; lands patented to Indian tribes, and lands which have been purchased by or ceded to the United States for the purpose of settling Indians thereon, but which are as yet unoccupied; and to the punishment of offenders committing depredations upon such timbers."

I inclose a copy of said bill with amendments suggested.

The letter of Mr. Pitchlynn to the President, and inclosure therein, are herewith returned, and a copy of this report inclosed.

Very respectfully, your obedient servant,

R. E. TROWBRIDGE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

INDIAN TERRITORY, May 10, 1880.

SIR: Your petitioners, chiefs and governors of the five civilized tribes of Indians occupying a portion of this Territory, would most respectfully represent unto your excellency that a large quantity of timber is being cut and removed from this Territory by unauthorized citizens of the United States, and that our information is there is no

statute of the United States to prohibit such cutting and removing of timber from Indian lands, nor to inflict punishment for the same.

Therefore your petitioners would most respectfully ask that your excellency recommend to Congress the enactment of a law prohibiting the cutting and removing of timber from Indian lands by citizens of the United States, with a severe penalty for its violation, except when done under proper and legal authority of the tribe occupying the reservation whereon the timber is cut.

Very respectfully,

J. F. McCURTAIN,
Acting Principal Chief Choctaw Nation.

To his excellency the PRESIDENT
of the United States.

WASHINGTON, May 24, 1880.

SIR: Herewith is presented a petition asking you to recommend the enactment of a law to prevent depredations upon timber belonging to Indians in the Indian Territory. It is signed by Col. J. F. McCurtain, principal chief of the Choctaws, and was prepared by him for the joint action of the chiefs of the five leading tribes in the Territory. The counterparts sent to the other chiefs for signature have not arrived. I have thought it best not to wait for them, but to solicit action on Colonel McCurtain's request, as the Choctaws are more deeply interested in the desired legislation than any other tribe. The country they own jointly with the Chickasaws borders on the white settlements in Arkansas and Texas for 300 miles along their eastern and southern lines, which run through a heavily-timbered region, and constitute a full third of the entire boundary of the Indian Territory.

The absence of any law to punish depredations upon Indian timber has only recently been made known by a decision of the United States district court at Fort Smith. The Commissioner of Indian Affairs called attention to that decision in his last annual report, and recommended the passage of just such a law as Colonel McCurtain indicates. The fact that depredations of that kind can be committed with impunity has increased them of late to such an extent as to cause considerable excitement among our people. If the President would call the attention of Congress to the subject during the present session, in a special message recommending suitable enactments, such a message would have a tendency to allay the excitement, by showing our people that the Executive is disposed to listen to their representations and to do all in his power to protect their rights.

With the highest respect,

P. P. FITCHLYNN,
Choctaw Delegate.

To the PRESIDENT