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OFFICE OF INDIAN AFFAIRS

REGULATIONS AND INSTRUCTIONS FOR OFFICERS
IN CHARGE OF
FORESTS ON INDIAN RESERVATIONS

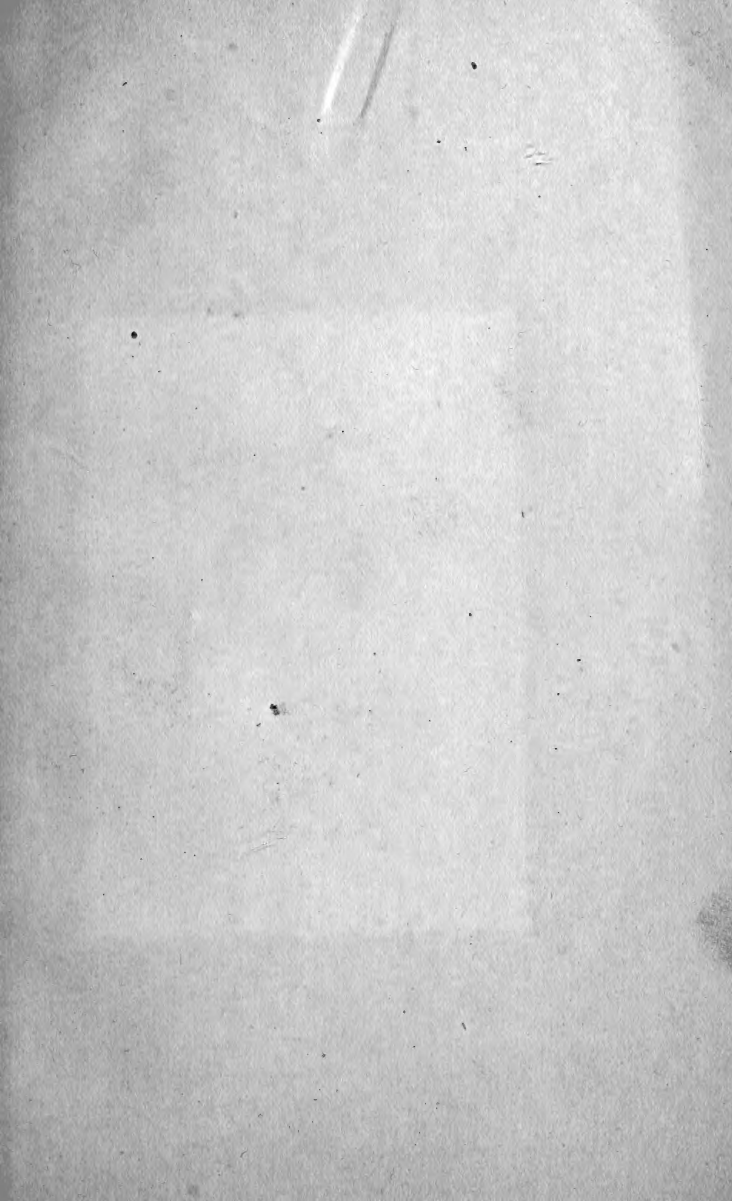
APPROVED JUNE 29, 1911

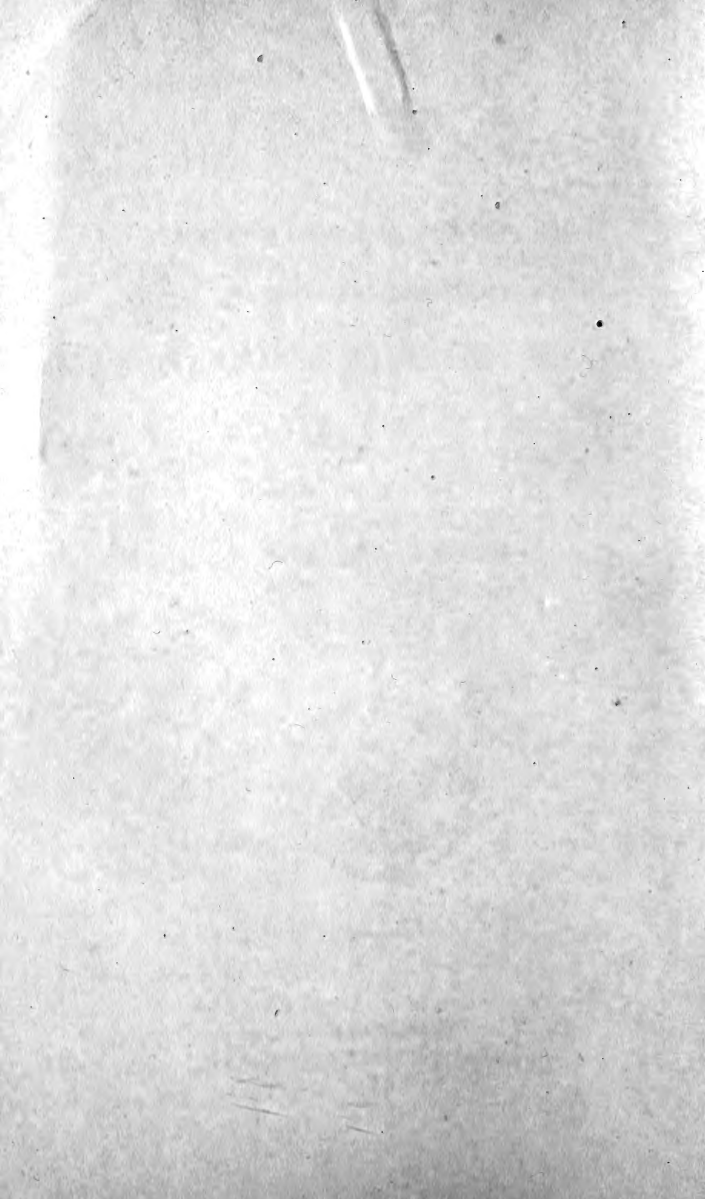


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1911





U.S.

OFFICE OF INDIAN AFFAIRS

REGULATIONS AND INSTRUCTIONS

FOR OFFICERS IN CHARGE OF

FORESTS ON INDIAN RESERVATIONS

APPROVED JUNE 29, 1911



WASHINGTON
GOVERNMENT PRINTING OFFICE
1911

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REGULATIONS AND EXEMPTIONS

FOR OFFICIALS OF THE

FORESTS ON INDIAN RESERVATIONS

APPROVED NOV 30 1911

U.S. GOVERNMENT



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REGULATIONS AND INSTRUCTIONS FOR OFFICERS IN CHARGE OF FORESTS ON INDIAN RESERVATIONS.

Section 1.—The superintendent of each reservation will be expected and required to do all in his power to secure a wise and advantageous use of forest resources. As the direct representative of the Commissioner of Indian Affairs upon the reservation, he must be held responsible for all forestry work thereon.

Section 2.—On reservations where a special officer is stationed the superintendent will delegate to him the direct supervision of the guards, forest and mill employees, and others engaged in forestry work. These officers will consult with the superintendents upon all important matters, and the superintendents will support them, under ordinary circumstances, in all acts of administration. They shall submit reports to the superintendent, as required by him, and to the Commissioner of Indian Affairs, through the superintendent, when requested. They shall thoroughly familiarize themselves with all phases of forestry work on the reservations to which they are assigned, including a knowledge of boundaries, of the number of acres of timber land, of the total stand of timber, of the

relative quantity, rapidity of growth, seeding qualities, character of reproduction, adaptability to location, etc., of the different species found. They must also acquaint themselves with the cost of logging and manufacture under different systems, local markets and the possibilities of developing the same, and all other practical and technical work which will aid the office in so managing the Indian forests as to obtain the greatest revenue for the Indians consistent with a proper protection and improvement of the forests.

Section 3. Forest guards shall perform their duties under the direction of the special forest officer stationed upon the reservation, or under the superintendent. They shall patrol their districts to prevent and report trespass, fires, violation of agreements by those conducting timber operations, the commission of waste by the Indians or others, and perform other duties as directed, among which may be work in the building of improvements of various kinds, such as telephone lines, roads, trails, and fire lines for the proper protection and administration of the forests. Under the direction of the forest officer in charge, or the superintendent, they shall perform the duties of line riders and stockmen in exercising a proper control of grazing. Wherever a forest officer is in charge the guards shall be selected by him with the advice and approval of the superintendent, and it shall be his duty to recommend the discharge of any inefficient guard.

Section 4.—It shall be the duty of the Indian police to prevent and suppress forest and grass fires as far as possible, and failure on their part to perform such

duties, or to report promptly any fire which they can not control, will constitute sufficient cause for dismissal. At times of unusual fire danger the superintendent should detail the police to special patrol for the prevention of fire.

TRESPASS ON INDIAN TIMBERLANDS.

Section 5.—The act of June 25, 1910 (36 Stat. L., 855-857), entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and the sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," provides:

SEC. 6. That section 50 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (35 U. S. Stat. L., p. 1098), is hereby amended so as to read:

"**SEC. 50.** Whoever shall unlawfully cut, or aid in unlawfully cutting, or shall wantonly injure or destroy, or procure to be wantonly injured or destroyed, any tree, growing, standing, or being upon any land of the United States, which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be fined not more than \$500, or imprisoned not more than one year, or both.

All forest officers shall report promptly in writing to the superintendent any violation of this law of which they learn. Superintendents shall seize all timber unlawfully cut from Indian land, mark the same, forbid its removal, and promptly report to the Commis-

sioner of Indian Affairs the name and post-office address of the trespasser. They should also report the names and post-office addresses of all witnesses of such depredations, so that if necessary the cases may be reported to the Department of Justice for the institution of a civil action for the recovery of damages, a criminal prosecution under the provisions of the act above cited, or the commencement of both civil and criminal actions. In investigating and reporting all cases of trespass an especial effort must be made to secure all evidence possible immediately after the discovery of the trespass. If the trespass appears to have been unintentionally committed the superintendent should ascertain what terms of settlement may be made and submit his report to the office for instructions.

FIRE LAW AND PENALTY.

Section 6. Section 6 of the act of June 25, 1910 (36 Stat. L., 855-857), also provides that section 53 of the act of March 4, 1909 (35 Stat. L., 1098), be amended so as to read:

Sec. 53. Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both.

Forest officers should use all diligence in the detection of parties guilty of a violation of this act. Each superintendent or forest officer in charge is responsible for the division of his Indian forest into patrol districts and the assignment of guards to each district. Guards must use every possible effort to extinguish every fire of which they have knowledge, and must immediately investigate every one of which they are informed. During dry and dangerous periods the selection of headquarters, camping places, and routes should be made with the single object of preventing and discovering fires. Fires caused by lightning are not rare, especially in dry mountain regions. After every electric storm a special effort should be made to locate and extinguish any such fires before they are well under way.

Section 7. Small fires extinguished without difficulty by the officer who discovers them may be reported to the superintendent at the end of the month. Large fires requiring help from other guards or Indians, or attendance for several days, should be reported immediately to the superintendent or forest officer in charge. If help is needed the superintendent should get it at once, and telegraph the Commissioner of Indian Affairs if any amount in excess of \$300 is required. He will also notify the Commissioner of Indian Affairs as soon as the total cost of any fire requiring extra help and expense is ascertained. Every superintendent is authorized, in person or through a subordinate, to hire temporary men, purchase tools and supplies, and pay for their transportation from place to place to extin-

guish a fire. No expense for fighting a fire outside a reservation must be incurred unless the fire threatens the reservation. Fire fighters should be paid by the hour, actual working time, at the current local rates. The time consumed in going to and from the fire may be included. While the Indian Office is doing its utmost to prevent and fight fires, only a limited amount of money is available for this purpose. Consequently it must be kept in mind that a fire which can not be controlled by from 20 to 40 men will run away from 100 or even more men, since heat and smoke in such cases make a direct fight impossible. Useless expense must not be incurred. On or before the fifth day of each month every superintendent will fill out and mail to the office his monthly fire report (Form No. 5-480). On or before January 1 of each year the superintendent will submit an annual report on fires (Form No. 5-483) covering the 12 months ending December 31. This report should be accompanied by a small scale map of the forest, showing the location of all areas burned over during the year.

USE AND SALE OF TIMBER.

Section 8. The act of Congress approved June 25, 1910 (36 Stat. L., 855-857), further provides:

Sec. 7. That the mature living and dead and down timber on unallotted lands of any Indian reservation may be sold under regulations to be prescribed by the Secretary of the Interior and the proceeds from such sales shall be used for the benefit of the Indians of the reservation in such manner as he may direct: *Provided*, That this section shall not apply to the States of Minnesota and Wisconsin.

Sec. 8. That the timber on any Indian allotment held under a trust or other patent containing restrictions on alienations, may be sold by the allottee with the consent of the Secretary of the Interior, and the proceeds thereof shall be paid to the allottee or disposed of for his benefit under regulations to be prescribed by the Secretary of the Interior.

In all sales from either unallotted land or from allotments the approval by the superintendent, or by the Commissioner of Indian Affairs of any permit, proposal or contract made in accordance with the following regulations, shall operate as the specific consent of the Secretary of the Interior to the sale and removal of the timber covered thereby.

Section 9. Large sales of timber will be made from unallotted lands as occasions arise. Such sales will receive special consideration, and a regular contract will be executed, accompanied by a bond when necessary. However, small operations should be allowed in order to meet the needs of the Indians or to satisfy the requirements of white persons living upon reservations or of settlers living in the vicinity of the same. In some of these cases a charge should be made for the timber removed and in other instances no charge should be made. The course to be pursued will vary to some extent with the conditions on each reservation, and the circumstances of each individual case, but the general policy to be followed by the superintendent should accord with the following principles:

(a) No charge should be made to Indians for dead or living timber taken from unallotted lands for personal use. A stumpage charge, fixed with a view to

the encouragement of Indians in habits of thrift and improvement of the condition of the forest, should be made to Indians removing dead timber from unallotted lands for sale. The full stumpage value should be charged to Indians removing living timber from unallotted lands for sale.

(b) A small stumpage charge should be made to persons other than Indians for dead timber removed from unallotted land for personal use. The full stumpage value should be charged such persons for either living or dead timber removed from unallotted lands for sale.

Where the amount of timber available is no greater than is needed by the Indians, no sales should be made. All expenses connected with the sale of timber from unallotted lands may be paid from the proceeds of the sale, but the net proceeds shall be deposited as "Indian Moneys—Proceeds of Labor." The gross proceeds must be taken up in the superintendent's account as "Miscellaneous receipts, class 3."

Section 10.—Extensive timber operations upon allotments will be conducted only under special permission from the Commissioner of Indian Affairs or the Secretary of the Interior. Small sales may be made with the permission of the superintendent. Except as provided in section 11 all sales from allotments should be made through the superintendent, and a proper percentage of the proceeds may be deducted to cover the expenses connected with the sale. The net proceeds should be devoted to the improvement of the allotment or deposited to the credit of the allottee as "Individual

Indian money." The gross proceeds received from such sale shall be taken up and accounted for by the superintendent under the same caption. The net proceeds of such sales, not exceeding \$25 at any one time, nor \$100 in any one month, may be paid to the allottee in cash in the discretion of the superintendent. The property of minors must be jealously guarded during their minority. It will be the general policy of the office to permit the sale of timber from allotments of minors only to meet the necessities of life, to afford the means of an education, or to improve the productive value of the land for agricultural or timber crops. Upon allotments of both minors and adults woodlots must be reserved wherever practicable. Upon areas not adapted to agriculture, where because of the slope a forest covering is needed, where the leaving of a second crop of timber is desirable, where the permanent maintenance of a woodlot is essential, and where any other conditions demand it, the merchantable trees necessary to accomplish the end in view should be reserved from sale. Extensive clear cutting should be permitted only where the land will be utilized for agricultural purposes.

Section 11.—Superintendents will insist that all timber cutting, not done under a formal contract, upon either unallotted lands or allotments by Indians or others, shall be done under the regular permit (Form No. 5-924) and will impress upon permittees the importance of preserving the permit form as evidence of their right to cut and remove timber. It is advisable that separate permit books be used for operations on

unallotted lands and on allotments in order that data for the superintendent's quarterly timber report (Form No. 5-481) and annual report (Form No. 5-486) may be readily abstracted. On reservations of limited extent the permit should be issued from the agency office only. On large reservations permits may also be issued by subagents, or other officials, as may be found most convenient. Each quarterly and annual report by the superintendent must include the timber cut under all permits issued on the reservation. The same permit form will be used by the superintendent in allowing Indians to clear portions of their allotments for agricultural purposes. A complete record of such clearings must be kept in the permit book. Permit form (5-924) will be used only where the stumpage value of the timber to be removed from either unallotted lands or allotments is less than \$25. In the discretion of the superintendent the value of the timber, not exceeding \$25 in any one year, cut from an allotment under a permit, or permits, may be paid directly to the allottee by the purchaser and not be taken up in the superintendent's accounts. The permit form was devised as a convenience in meeting the requirements of Indians and other persons for limited quantities of timber for domestic, agricultural, and grazing purposes. It must not be used as a substitute for the regular timber contracts.

Section 12.—For sales of timber of a stumpage value greater than \$25 the regular contract forms (Form No. 5-487 for unallotted lands and Form No. 5-489 for allotments) must be used. No sale of timber from

either tribal lands or from an allotment of a stumpage value greater than \$25 shall be effected until an examination of the timber to be sold shall have been made and a written recommendation of the sale submitted by the examiner, including an appraisal of the value of the timber, an exact description of the proposed sale area, and if possible a map showing all essential or important information. In all sales in which the stumpage value of the timber is greater than \$250 the contracts must be forwarded to Washington for approval. In sales of timber of a stumpage value not exceeding \$250 the contracts may be made by the superintendent on unallotted lands or approved by him for sales from allotments, but two copies of each contract signed or approved by the superintendent must be mailed immediately to the Commissioner of Indian Affairs.

Section 13.—Open-market sales of timber not exceeding \$100 each in stumpage value may be made from unallotted lands by the superintendent, but the total stumpage value of timber thus sold to any one individual, firm, or corporation in any one year shall not exceed \$1,000.

Section 14.—Open-market sales of timber not exceeding a total of \$100 in stumpage value in any one year may be made from any Indian allotment with the approval of the superintendent having jurisdiction thereover.

Section 15.—All sales of timber of a stumpage value greater than \$100 shall be made only after due advertisement. If the stumpage value of the timber offered

does not exceed \$1,000 the advertisement may be made by posters and circular letters, and the sale may be made at auction or under sealed proposals. If the stumpage value exceeds \$1,000 the advertisement must be made in at least two newspapers of general circulation in the State where the timber is situated, and sealed proposals must be received if the value exceeds \$5,000. For sales in which the stumpage value of the timber does not exceed \$5,000 the advertisement shall be for not less than 30 days; for sales exceeding \$5,000 but not over \$50,000, not less than 60 days; and for all sales exceeding \$50,000, not less than 90 days.

Section 16.—Timber which has been duly advertised for sale at public auction or under sealed proposals may be sold in open market for not less than the appraised value at any time within one year from the date of the auction or the last day on which bids were to be received as defined in the advertisement.

Section 17.—Sales in which the stumpage value of the timber does not exceed \$50,000 may be made from unallotted land by the Commissioner of Indian Affairs or from allotments with his approval. Sales in which the stumpage value exceeds \$50,000 shall be made only with the express approval of the Secretary of the Interior.

Section 18.—A deposit of 10 per cent of the estimated value of the timber advertised shall be submitted with each proposal for timber not exceeding \$5,000 in value, and a deposit of 5 per cent with each proposal for timber of a stumpage value exceeding \$5,000 but not exceeding \$50,000. The amount of the deposit to be

required in sales exceeding \$50,000 shall be determined at the time of each advertisement. Every deposit in excess of \$500 must be in the form of a duly certified check on a solvent national bank, drawn payable to the order of the superintendent having jurisdiction over the timber. Smaller deposits may be in cash, or a duly certified check as required by the advertisement. A deposit of 10 per cent of the estimated value of the timber sold will be required of the successful bidder, at the time of the sale, when timber is sold at auction. These deposits are required as a guaranty of good faith, and when a bond is not executed the deposit of the successful bidder will be retained until the contract is completed. In the final settlement under the contract the deposit will be credited if the successful bidder has fully complied with the terms of his proposal and the contract, as a portion of the whole amount due for the timber purchased. If a bond is furnished and accepted, the deposit may be credited as a first installment in payment for the timber. The cash or certified checks deposited will be returned to depositors whose proposals are not accepted.

Section 19.—In all sales payments for timber will be required in advance of cutting, either as a single payment or in the form of installments. In sales of a stumpage value not exceeding \$100, the number of installments shall not exceed 4; in sales of a value exceeding \$100 but not over \$5,000, the number of installments shall not exceed 10; and in sales of a value greater than \$5,000, but not over \$50,000, the number of install-

ments shall not exceed 20. In sales in which the stumpage value exceeds \$50,000, the amount of the required deposits shall be determined at the time of each sale, but shall not be less than \$2,500 each.

Section 20.—In sales in which the stumpage value of the timber does not exceed \$5,000 no bond will be required; in sales in which the value exceeds \$5,000, but is not over \$50,000, a bond may be required in the discretion of the Commissioner of Indian Affairs and of an amount to be fixed by him; in sales in which the stumpage value exceeds \$50,000, a bond will be required in an amount to be fixed by the Secretary of the Interior.

Section 21.—In all sales of timber from either unallotted or allotted lands the amount deducted from the proceeds to meet the expenses connected with the sale should be sufficient to cover the cost of examination, supervision, scaling, collecting, caring for the brush and protecting from fire the timber and young growth left standing. The amount required for all such expenses must be determined to a large extent from experience, and may be a percentage of the receipts or a certain rate per thousand feet of timber cut.

Section 22.—The maximum periods which shall be allowed after the date of the contract for the cutting and removal of the timber purchased shall be as follows: For sales of \$1,000 stumpage value, or less, one year; for sales over \$1,000, but not exceeding \$5,000, two years; for sales over \$5,000, but not exceeding 50,000, five years; for sales exceeding \$50,000, the number of years fixed in the advertisement. However,

the cutting and removal of any amount shall not be so distributed over the allowed period as to render the cost of supervision unreasonably high.

Section 23.—The right of the superintendent, the Commissioner of Indian Affairs, or the Secretary of the Interior to waive technical defects in advertisements and proposals and to reject any and all proposals shall be reserved in all cases according as each has authority to make sales.

Section 24.—All contracts for the sale of timber from unallotted lands or from allotments must be executed in quadruplicate. If the sale is for timber of such a value that the contract can not be made or approved by the superintendent all copies must be forwarded to the Commissioner of Indian Affairs. If the contracts are approved by the Commissioner or by the Secretary of the Interior, one copy will be retained in the Indian Office, one copy filed in the auditor's office, and two copies returned to the superintendent. A copy must be kept in the agency file, and the fourth copy should be given to the contractor. If the contract is for the sale of timber from an allotment it should be executed in quintuplicate, in order that a copy may be available for presentation to the allottee upon request.

SALE OF TIMBER OF MINORS.

Section 25.—A contract for the sale of the timber on the allotment of a minor under the act of June 25, 1910, must be signed by the father, mother, superintendent, or other officer in charge of the agency, in the order

named. In timber sales from allotments the same precaution for the future interests of the minor should be observed as a court of chancery or guardianship would exercise in authorizing the conversion of the property of a minor into another form, or the use of the principal for necessities. Such sales will never be approved as a matter of course, but in all cases must be thoroughly considered and most carefully supervised.

SPECIAL REQUIREMENTS OF CONTRACTS.

Section 26.—The allowable height of stumps should usually be fixed at 10, 12, 14, 16, or 18 inches and should never exceed the diameter of the tree at the top of the stump, unless the trees are excessively swell-butted or both badly and generally affected with shake. Where the trees are small the maximum stump height may be fixed at less than 18 inches. The maximum diameter of the base of tops should be fixed so as to utilize all timber which may be taken without loss by the use of methods of logging and utilization which are economical and feasible. Wherever the market conditions and the kind of timber being cut will permit, all trees should be utilized to a diameter of 6 inches in the tops. If still smaller timber is merchantable the purchaser should be required to take it and pay for it.

Section 27.—The general minimum diameter limits to which trees will be cut as stipulated in the contract will vary greatly with local conditions, but upon lands which are to be kept as timber lands should be such as to leave sufficient seed trees in all cases, and in most

instances such as to leave 20 to 30 per cent of the merchantable stand as a basis for future timber crops.

Section 28.—Ordinarily the brush should be piled at the time of cutting and burned either as piled or as soon thereafter as it can be conveniently done. A good time to burn brush which has accumulated during the summer or lain over from the previous winter's logging is directly after the first fall of snow in the autumn. Where there is a special danger of soil erosion, or where on a steep slope or in a dry locality a soil covering is needed to insure reproduction, the brush may be scattered. Occasionally the burning of brush will be impracticable because of the density of the stand of timber which is not cut. The piling and burning of the brush should be insisted upon in all cases where there is any substantial doubt as to the method of disposal which should be used. Superintendents and special forest officers in charge of timber operations are particularly cautioned that the careful consideration of such questions and the strictest supervision of brush disposal, to the end that fire danger is reduced to the minimum, will be required by the office.

MARKING.

Section 29.—When standing timber is marked for cutting, the letters "U. S." should be stamped low enough on the tree to appear clearly on the stump after the tree is cut. Where snow may conceal the marking from the cutters, each tree must also be marked at a point several feet from the ground. Witness trees or

any tree blazed to mark the line of any Government survey should never be marked or otherwise designated for cutting. (Act of June 10, 1896, 29 Stat. L., 321.) All mature and over-mature trees and merchantable trees of undesirable species should be marked. Unless needed for seed, all trees which show defects such as punk knots, spike tops, bad crooks, low forks, fire scars, cat-faces, or frost cracks, should be marked. The officer doing the marking should not be unreasonable in requiring purchasers to take defective trees, but as a general rule those which will yield one merchantable log should be marked. Poorly crowned or crowded trees of any usable size should be marked. Thrifty, young, rapidly growing trees of desirable species should not be marked even if they have a diameter larger than the minimum stated in the contract. Where the danger of windfall, or the need for protection of the soil from erosion is great, the number of trees marked for removal should be very limited. Each tree left should have its crown free enough for vigorous growth. As a rule trees left for seed should be young trees which will yield good lumber in the future. In mixed forests all seed trees should be of the more valuable species. If there is danger that fire will run over the cutting area, enough trees should be left to seed the ground fully even though reproduction is present at the time of the cutting. To give good results, seed trees of most species should not be farther apart than twice their height, and should be evenly distributed over the cutting area. On the edge of openings, such as old burns, seed trees should be left

on the side from which the prevailing winds blow. Isolated, thrifty trees of desirable species should be marked only when it is evident that this species will not grow well on that particular situation. The marker should first decide which trees are to be left and then mark the trees to be removed. Doubt whether a tree should be left for seed or protection should be resolved in favor of leaving, and a defective tree should be marked if there is doubt as to its being classed as merchantable. When dead timber is to be cut, the boundary of the cutting area may be marked and the marking of individual trees omitted. If for any reason trees within such an area are to be reserved from cutting they should be marked.

SCALING.

Section 30.—All saw timber should be scaled. Each log must be numbered with crayon. The number should be the same as that opposite which the scale of the log is recorded in the scale book. The logs in all skidways must be counted and the number in each checked with the entries in the scale book. Diameters of logs will be measured at the small end inside the bark and the scale recorded which corresponds with the nearest inch above or below the actual diameter. Logs which are not round should be scaled on the average diameter. Proper deductions should be made for defects in logs, but no deduction for curves or sweep should be made in scaling lengths which exceed 16 feet. Logs and other timber so defective as to be absolutely worthless should not be stamped. Unsound or crooked logs should be

scaled down to the actual contents of merchantable material. All partially unsound but merchantable timber must be scaled, whether removed or not, wherever the merchantable material in the same will pay for the sawing. The scale book is Form 5-925.

Section 31.—The purchasers may be required to skid logs, to mark the top ends, and place them even in the pile, and to skid logs of different lengths in separate piles as shall be necessary for convenient scaling. Log lengths should be accurately measured at frequent intervals to insure that they do not overrun the 3 extra inches allowed for trimming. Logs should be skidded for scaling if the cost of scaling will be materially decreased by this requirement.

Section 32.—The Scribner "Decimal C" log rule shall be used in scaling. This rule drops the units and gives the contents of a log in the nearest number of tens. Thus, the contents of a 16-foot log 12 inches in diameter, which is 79 board feet according to Scribner's computation, is evened off to 80 and given as 8; the 303 board feet in a 24-inch log 12 feet long are rounded off to 300 and appear as 30 in the table. The total scale of a log in board feet is obtained by multiplying by 10 the number read from the scale stick. The Scribner "Decimal C" log rule for logs from 6 to 16 feet in length and from 6 to 120 inches in diameter is as follows:

Scribner Log Rule.

[Decimal "C."]

Diameter.	LENGTH (FEET).						Diameter.
	6	8	10	12	14	16	
<i>Inches.</i>	<i>Bd.</i>	<i>Bd. ft.</i>	<i>Bd. ft.</i>	<i>Bd. ft.</i>	<i>Bd. ft.</i>	<i>Bd. ft.</i>	<i>Inches.</i>
6	0.5	0.5	1	1	1	2	6
7	0.5	1	1	2	2	3	7
8	1	1	2	2	2	3	8
9	1	2	3	3	3	4	9
10	2	3	3	3	4	6	10
11	2	3	4	4	5	7	11
12	3	4	5	6	7	8	12
13	4	5	6	7	8	10	13
14	4	6	7	9	10	11	14
15	5	7	9	11	12	14	15
16	6	8	10	12	14	16	16
17	7	9	12	14	16	18	17
18	8	11	13	16	19	21	18
19	9	12	15	18	21	24	19
20	11	14	17	21	24	28	20
21	12	15	19	23	27	30	21
22	13	17	21	25	29	33	22
23	14	19	23	28	33	38	23
24	15	21	25	30	35	40	24
25	17	23	29	34	40	46	25
26	19	25	31	37	44	50	26
27	21	27	34	41	48	55	27
28	22	29	36	44	51	58	28
29	23	31	38	46	53	61	29
30	25	33	41	49	57	66	30
31	27	36	44	53	62	71	31
32	28	37	46	55	64	74	32
33	29	39	49	59	69	78	33
34	30	40	50	60	70	80	34
35	33	44	55	66	77	88	35
36	35	46	58	69	81	92	36
37	39	51	64	77	90	103	37
38	40	54	67	80	93	107	38
39	42	56	70	84	98	112	39
40	45	60	75	90	105	120	40
41	48	64	79	95	111	127	41
42	50	67	84	101	117	134	42
43	52	70	87	105	122	140	43
44	56	74	93	111	129	148	44
45	57	76	95	114	133	152	45

Scribner Log Rule—Continued.

[Decimal "C."]

Diameter.	LENGTH (FEET).						Diameter.
	6	8	10	12	14	16	
<i>Inches.</i>	<i>Bd. ft.</i>	<i>Bd. ft.</i>	<i>Bd. ft.</i>	<i>Bd. ft.</i>	<i>Bd. ft.</i>	<i>Bd. ft.</i>	<i>Inches.</i>
46	59	79	99	119	139	159	46
47	62	83	104	124	145	166	47
48	65	86	108	130	151	173	48
49	67	90	112	135	157	180	49
50	70	94	117	140	164	187	50
51	73	97	122	146	170	195	51
52	76	101	127	152	177	202	52
53	79	105	132	158	184	210	53
54	82	109	137	164	191	218	54
55	85	113	142	170	198	227	55
56	88	118	147	176	206	235	56
57	91	122	152	183	213	244	57
58	95	126	158	189	221	252	58
59	98	131	163	196	229	261	59
60	101	135	169	203	237	270	60
61	105	140	175	210	245	280	61
62	108	145	181	217	253	289	62
63	112	149	187	224	261	299	63
64	116	154	193	232	270	309	64
65	119	159	199	239	279	319	65
66	123	164	206	247	288	329	66
67	127	170	212	254	297	339	67
68	131	175	219	262	306	350	68
69	135	180	226	271	316	361	69
70	139	186	232	279	325	372	70
71	144	192	240	287	335	383	71
72	148	197	247	296	345	395	72
73	152	203	254	305	356	406	73
74	157	209	261	314	366	418	74
75	161	215	269	323	377	430	75
76	166	221	277	332	387	443	76
77	171	228	285	341	398	455	77
78	176	234	293	351	410	468	78
79	180	240	301	361	421	481	79
80	185	247	309	371	432	494	80
81	190	254	317	381	444	508	81
82	196	261	326	391	456	521	82
83	201	268	335	401	468	535	83
84	206	275	343	412	481	549	84
85	210	281	351	421	491	561	85

Scribner Log Rule—Continued.

[Decimal "C."]

Diameter.	LENGTH (FEET).						Diameter.
	6	8	10	12	14	16	
<i>Inches.</i>	<i>Bd. ft.</i>	<i>Bd. ft.</i>	<i>Bd. ft.</i>	<i>Bd. ft.</i>	<i>Bd. ft.</i>	<i>Bd. ft.</i>	<i>Inches.</i>
86	215	287	359	431	503	575	86
87	221	295	368	442	516	589	87
88	226	301	377	452	527	603	88
89	231	308	385	462	539	616	89
90	236	315	393	472	551	629	90
91	241	322	402	483	563	644	91
92	246	329	411	493	575	657	92
93	251	335	419	503	587	671	93
94	257	343	428	514	600	685	94
95	262	350	437	525	612	700	95
96	268	357	446	536	625	715	96
97	273	364	455	546	637	728	97
98	278	371	464	557	650	743	98
99	284	379	473	568	663	757	99
100	289	386	482	579	675	772	100
101	295	393	492	590	688	787	101
102	301	401	502	602	702	803	102
103	307	409	512	614	716	819	103
104	313	417	522	626	730	835	104
105	319	425	532	638	744	851	105
106	325	433	542	650	758	867	106
107	331	442	553	663	773	884	107
108	337	450	563	675	788	900	108
109	344	459	573	688	803	917	109
110	350	467	583	700	817	933	110
111	356	475	594	713	832	951	111
112	362	483	604	725	846	967	112
113	369	492	615	738	861	984	113
114	375	501	626	751	876	1,001	114
115	382	509	637	764	891	1,019	115
116	389	519	648	778	908	1,037	116
117	396	528	660	792	924	1,056	117
118	403	537	672	806	940	1,075	118
119	410	547	683	820	957	1,093	119
120	417	556	695	834	973	1,112	120

Section 33.—In all ordinary sales the maximum scaling length of logs shall be 16 feet. No scaling lengths

in excess of 16 feet shall be allowed under any circumstances without the special permission of the Commissioner of Indian Affairs. If a log exceeds 16 feet in length it will be scaled as two or more logs, in lengths not less than 12 feet where practicable. The following table shows how the lengths should be divided in the scaling of logs 18 to 60 feet long. The number of inches to be added to the diameter, at the points of division made for scaling purposes from the top toward the butt of a long log to allow for taper, is placed under each length.

Total length.		Log lengths.				Total length.		Log lengths.			
Feet.	Butt log.	Second log.	Third log.	Top log.	Feet.	Butt log.	Second log.	Third log.	Top log.		
18.....	10'			8'	40.....	16'	12'		12'		
Increase..	1''			0''	Increase..	3''	1''		0''		
20.....	10'			10'	42.....	16'	14'		12'		
Increase..	1''			0''	Increase..	3''	1''		0''		
22.....	12'			10'	44.....	16'	16'		12'		
Increase..	1''			0''	Increase..	3''	1''		0''		
24.....	14'			10'	46.....	16'	16'		14'		
Increase..	1''			0''	Increase..	4''	2''		0''		
26.....	14'			12'	48.....	16'	16'		16'		
Increase..	1''			0''	Increase..	4''	2''		0''		
28.....	14'			14'	50.....	14'	12'	12'	12'		
Increase..	2''			0''	Increase..	4''	3''	1''	0''		
30.....	16'			14'	52.....	16'	12'	12'	12'		
Increase..	2''			0''	Increase..	4''	3''	1''	0''		
32.....	16'			16'	54.....	16'	14'	12'	12'		
Increase..	2''			0''	Increase..	5''	3''	1''	0''		
34.....	12'	12'		10'	56.....	16'	16'	12'	12'		
Increase..	3''	1''		0''	Increase..	5''	3''	1''	0''		
36.....	12'	12'		12'	58.....	16'	16'	14'	12'		
Increase..	3''	1''		0''	Increase..	5''	3''	2''	0''		
38.....	14'	12'		12'	60.....	16'	16'	14'	14'		
Increase..	3''	1''		0''	Increase..	5''	3''	2''	0''		

For example, a 42-foot log, 16 inches in diameter at the top, would be scaled as:

One 12-foot log with a diameter of 16 inches.

One 14-foot log with a diameter of 17 inches.

One 16-foot log with a diameter of 19 inches.

This table is intended only as a guide. The allowance for taper should be varied to conform to the actual taper.

Section 34.—When scaled each stick of saw logs, timbers, ties, posts, poles, piles, or stulls must be stamped "U. S." on at least one end. Cordwood must be stamped at both top and bottom of each pile and on at least 10 pieces in each cord. In the absence of a scale stick or where the position of the logs in piles makes the use of a scale stick difficult, the diameters and lengths of the logs or poles may be tallied and the contents figured from a scale table later. Ties may be actually scaled, or they may be counted and the number multiplied by the average contents. Ordinarily 8-foot standard face ties may be rated at $33\frac{1}{3}$ board-feet each, or 30 ties to the one thousand feet; 8-foot second-class ties and 6-foot standard-face ties may be rated at 25 board-feet each, or 40 ties to the thousand feet. Shake and shingle bolt material may be measured either by the cord or by the thousand-foot board measure. Poles, posts, piles, etc., may be scaled, sold by the linear foot or by the piece as circumstances make advisable. The equivalent in board-feet of a cord of wood will vary from 500 to 700. A cubic foot of round timber contains from 6 to 8 board feet of sawn lumber. Twelve board feet of lumber equal 1 cubic foot. An ordinary

fence post may be considered equivalent to 5 board feet or $1\frac{1}{2}$ cubic feet, and an ordinary telephone pole to 60 board feet, or 10 cubic feet. Five laths equal 1 board foot and 60 laths 1 cubic foot, while 10 shingles equal 1 board foot and 1,000 shingles about 9 cubic feet.

AGENCY SAWMILLS.

Section 35.—The agency sawmill has important possibilities as a means of training Indians in habits of work, as an incentive to improved housing conditions and other improvements on allotments, and as a source of revenue for the general uplift of the tribe. The gratuitous issue of lumber should be restricted to indigent Indians whose circumstances are such as to make it impossible for them to earn their own living. The cost of sawing timber, cut from allotments, should be paid by the Indians for whom the sawing is done, and both the stumpage value and the cost of sawing should be covered by the price at which lumber cut from tribal lands is sold to able-bodied Indians. In lieu of paying cash, such Indians may be allowed to perform work as an equivalent of the stumpage value and the cost of sawing for all lumber which they receive. No profit for the mill should be expected upon timber cut from allotments and brought to the mill by the allottee, nor upon lumber cut from tribal lands and sold to the Indians for their personal use. Upon timber cut from tribal land, manufactured at the mill and sold to persons other than Indians, or to Indians for sale to others, a profit for the benefit of the tribe should be realized. In many instances it will be found most convenient to

accept pay for sawing and for stumpage in the form of a toll of the lumber sawn. The percentage which should be deducted as a toll will depend upon the cost of sawing and the value of the sawn lumber at the particular mill. In general the cost of rough sawing at agency mills will be from one-fourth to one-third of the value of the product at the mill, and this cost will determine the proportion to be deducted. The amount of toll to be deducted for sawing, dressing, and matching will vary from one-third to two-fifths of the value of the product, and the toll should be fixed accordingly. If the timber is cut from unallotted lands, an additional toll should be taken to cover stumpage. If the Indians who bring in the logs aid in the sawing, an allowance should be made for their wages. However, the practice of requiring or allowing each Indian to aid in the sawing of the logs which he brings to the mill should be discouraged and a regular mill crew maintained as far as possible.

Section 36.—Superintendents are authorized to employ Indians or other persons to cut logs from tribal lands and deliver them to the mills. The cost of cutting and delivering logs to the mill yard will vary from \$3.50 to \$6.50 per thousand feet, according to local conditions, but the payment of more than \$5 for such work will seldom be justified. The use of portable mills so as to avoid long hauls will obviate the necessity for a high cost of logging. Every effort should be made to induce Indians to do all work in connection with logging and the manufacture of lumber, but they must be required to render services commensurate with the

wages which they receive. The economic and moral success of a mill should not be jeopardized by a policy of keeping indolent Indians in positions carrying good salaries or by the payment of too high wages. The necessary expenses connected with logging and milling operations conducted by the superintendent on unallotted lands may be paid from the proceeds of the lumber sold, but the net proceeds must be deposited to the credit of the tribe as "Indian moneys—proceeds of labor," and any profit which may accrue from the manufacture of timber cut by Indians from either unallotted or allotted lands shall be deposited under the same caption. The office will recognize to the fullest extent the moral, educational, and general social results obtained through the management of an agency sawmill, but superintendents are urged to bear in mind that the amount of the profit realized from the operation will be one test of the success of the mill. Prior to the 5th of each month a report covering the work of the previous month at the agency sawmill should be forwarded to the office and a duplicate of the same retained in the agency file. If there is more than one mill at an agency a separate report should be made for each. In these reports (Form 5-485) the term "issue" will be confined to gratuities.

Section 37.—The system of allowing private sawmills to take a toll of lumber sawn for Indians in payment for the sawing is open to grave abuses, and wherever it is necessary to follow this plan a strict supervision must be exercised in order that an inequitable amount, or too large a proportion of the better

quality, of the lumber is not retained as a toll. A reasonable profit in addition to the actual cost of manufacture should be allowed, but the proportion to be taken as a toll for rough sawing should in no case exceed two-fifths, and that for sawing, dressing, and matching should not exceed one-half. These maximums are too high for mills which are accessible to good markets, or which are large and well equipped.

GENERAL INFORMATION.

Section 38.—Timber upon unallotted lands of reservations situated within the States of Minnesota and Wisconsin, can not be sold under authority of the act of June 25, 1910, but dead and down timber may be sold under the act of February 16, 1889 (25 Stat. L., 673), which reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States may from year to year in his discretion, under such regulations as he may prescribe, authorize the Indians residing on reservations or allotments, the fee to which remains in the United States, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen, on such reservation or allotment for the sole benefit of such Indian or Indians. But whenever there is reasonable cause to believe that such timber has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this act, then, in that case, such authority shall not be granted.

Section 39.—The general act of June 25, 1910, does not repeal any provisions of precedent special acts applicable to particular reservations, and all requirements of special acts in conflict or at variance with the

terms or spirit of the general law must be complied with. However, the regulations formulated to cover sales under the general act will be applied and enforced in all cases where the provisions are not in conflict with the terms of special acts, and the regular contract forms (Form No. 5-487, for unallotted lands, and Form 5-489, for allotments) will be used. The mature living and dead and down timber may be sold under the act of June 25, 1910, from the unallotted lands of any reservation, with the exception of the Five Civilized Tribes, where the special act provides for the reservation of the timber, or timber lands, for the use of the Indians of that reservation; or where the special act authorizes the sale of timber or timber land and the use of the proceeds for the benefit of the Indians, unless there are special restrictions as to the manner in which the proceeds of the sale are to be administered.

SPECIAL ACTS APPLICABLE TO UNALLOTTED LANDS.

Section 40.—Special acts applicable to unallotted lands referred to in section 39 are given below:

BLACKFEET RESERVATION.

ACT OF MARCH 1, 1907 (34 STAT. L., 1017, 1035).

That lands classified and returned by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under sealed bids, to the highest bidder for cash, at not less than \$5 per acre, under such rules and regulations as he may prescribe: *Provided*, That the said timber lands shall be sold in tracts not exceeding 40 acres, with preference right of purchase to actual settlers, including Indian allottees residing in the vicinity, at the highest price bid.

COLVILLE RESERVATION.

ACT OF MARCH 22, 1906 (34 STAT. L., 80).

SEC. 5. That all of said lands returned and classified as timberlands shall be sold and disposed of by the Secretary of the Interior under sealed bids to the highest bidder for cash or at public auction, as the Secretary of the Interior may determine, and under such rules and regulations as he may prescribe.

FLATHEAD RESERVATION.

ACT OF APRIL 23, 1904 (33 STAT. L., 302).

SEC. 6. That said commission shall in their report of lands of the third class determine as nearly as possible the amount of standing saw timber on legal subdivisions thereof and fix a minimum price for the value thereof, * * *

SEC. 11. That all of said lands returned and classified by said commission as timberlands shall be sold and disposed of by the Secretary of the Interior under sealed bids to the highest bidder for cash or at public auction, as the Secretary of the Interior may determine, under such rules and regulations as he may prescribe.

AMENDMENT CONTAINED IN ACT OF MARCH 3, 1909 (35 STAT. L., 781, 796).

That section eleven of the Act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be amended to read as follows:

"SEC. 11. That all merchantable timber on said lands returned and classified by said commission as timberlands shall be sold and disposed of by the Secretary of the Interior, for cash, under sealed bids or at public auction, as the Secretary of the Interior

may determine, and under such regulations as he may prescribe: *Provided*, That after the sale and removal of the timber such of said lands as are valuable for agricultural purposes shall be sold and disposed of by the Secretary of the Interior in such manner and under such regulations as he may prescribe."

AMENDMENT CONTAINED IN ACT OF JUNE 25, 1910 (36 STAT L., 855-863).

SEC. 29. That the Secretary of the Interior be, and he is hereby, authorized to classify and appraise, under such rules and regulations as he may prescribe, all of the vacant, unallotted, and unreserved lands of the Flathead Indian Reservation, in the State of Montana, which have not been classified and appraised as provided for by the act of Congress approved April twenty-third, nineteen hundred and four, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," and the classification and appraisal made hereunder shall be of the same effect as provided for in said act; and the said Secretary is hereby authorized to dispose of all lands classified as "barren," "burned over," and "containing small timber," under such rules and regulations as he may prescribe, at not less than their appraised value.

FORT BERTHOLD RESERVATION.

ACT OF JUNE 1, 1910 (36 STAT. L., 455, 458).

SEC. 10. That the Secretary of the Interior is hereby authorized to set aside and reserve as a tribal forest reserve all timber lands, to be used by said Indians under the direction of the Commissioner of Indian Affairs.

FORT HALL RESERVATION.

ACT OF JUNE 6, 1900 (31 STAT. L., 672, 674).

ARTICLE IV. So long as any of the lands ceded, granted, and relinquished under this treaty remain part of the public domain, Indians belonging to the above-mentioned tribes, and living on

the reduced reservation, shall have the right, without any charge therefor, to cut timber for their own use, but not for sale, and to pasture their live stock on said public lands, and to hunt thereon and to fish in the streams thereof.

* * * * *

SEC. 5. That on the completion of the allotments and the preparation of the schedule provided for in the preceding section, and the classification of the lands as provided for herein, the residue of said ceded lands shall be opened to settlement by the proclamation of the President, and shall be subject to disposal under the homestead, town site, stone and timber, and mining laws of the United States only, excepting as to price.

ACT OF MARCH 3, 1911 (36 STAT. L., 1058-1064).

That the Secretary of the Interior is hereby authorized to set aside and reserve so much of the timber land of the Fort Hall Reservation as he may deem necessary to provide timber for the domestic use of the Indians, not exceeding in aggregate two townships of land.

JICARILLA RESERVATION.

ACT OF MARCH 4, 1907 (34 STAT. L., 1413).

That the Secretary of the Interior may dispose of all merchantable timber on allotments herein authorized during the term these are held in trust and on the surplus lands for twenty-five years, the proceeds therefor to be expended under his direction for purposes beneficial to the individual allottees hereunder and their heirs, or for families, as he may deem best, and no part of such proceeds shall be expended for community or common benefits other than irrigation, but shall be equitably apportioned as near as may be among the Indians entitled.

MENOMINEE RESERVATION.

ACT OF MARCH 23, 1908 (35 STAT. L., 51).

That the Secretary of the Interior be, and he is hereby, authorized and directed, under such rules and regulations as

he may prescribe in executing the intent and purposes of this act, to cause to be cut and manufactured into lumber the dead and down timber, and such fully matured and ripened green timber as the forestry service shall designate upon the Menominee Indian Reservation in the State of Wisconsin: *Provided*, That not more than twenty million feet of timber shall be cut in any one year: *And provided further*, That this limitation shall not include the dead and down timber on the north half of township numbered twenty-nine, range numbered thirteen east; the north half of township numbered twenty-nine, range numbered fourteen east, and the south half of township numbered thirty, range numbered thirteen east, on the Menominee Reservation in Wisconsin.

SEC. 2. * * *

SEC. 3. That the lumber, lath, shingles, poles, posts, bolts, and pulp wood, and other marketable materials so manufactured from the timber cut upon such reservations shall be sold to the highest and best bidder for cash, after due advertisement inviting proposals and bids, under such rules and regulations as the Secretary of the Interior may prescribe. * * *

ACT OF MARCH 3, 1911 (36 STAT. L., 1058-1076).

SEC. 26. That upon the passage of this act the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be cut and manufactured into lumber the dead and down timber now upon the Menominee Indian Reservation in the State of Wisconsin together with such green timber as may be necessary to cut in order to economically log the dead and down timber, such green timber to be designated and marked by the Forestry Service. For the cutting of such dead and down timber the Secretary of the Interior shall prescribe rules and regulations in conformity with the intent and purpose of the act of March twenty-eighth, nineteen hundred and eight, entitled "An Act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests upon the Menominee Indian Reservation in the State of Wis-

consin." The amount of dead and down timber authorized to be cut under this section shall be in addition to the amount of green timber authorized to be cut, in any one year, under the provisions of said act of March twenty-eighth, nineteen hundred and eight. The green timber authorized to be cut under this section to facilitate the logging of dead and down timber, and which shall be cut in any one year, shall be deducted from the amount of green timber authorized to be cut in that year under the provisions of said act of March twenty-eighth, nineteen hundred and eight. The total amount of green and dead and down timber which shall be logged under the provisions of this section and the provisions of said act of March twenty-eighth, nineteen hundred and eight, shall not exceed forty million feet unless the Forestry Service shall certify to the Secretary of the Interior that it is necessary, to save waste and loss on dead and down timber, that a greater amount of such dead and down timber shall be cut; in making such certification the Forestry Service shall designate the additional dead and down timber it deems necessary to cut and such designated timber shall be logged as expeditiously as possible. In the logging operations authorized under this section the Secretary of the Interior may cause to be constructed such roads or logging railways as may be necessary to bring the logs to the mill with expedition and economy. The expense of the logging operations authorized under this section shall be paid in the manner provided in said act of March twenty-eighth, nineteen hundred and eight, authorizing the cutting of timber and the manufacture of lumber upon the Menominee Indian Reservation in the State of Wisconsin.

NEZ PERCÉ [FORT LAPWAI] RESERVATION.

ACT OF AUGUST 15, 1894 (28 STAT. L., 327 AND 330).

ARTICLE I. The said Nez Percé Indians hereby cede, sell, relinquish, and convey to the United States all their claim, right,

title, and interest in and to all the unallotted lands within the limits of said reservation, saving and excepting the following-described tracts of land, which are hereby retained by the said Indians, viz: * * * Total, 32,020 acres.

ARTICLE IV. It is further stipulated and agreed that the United States will purchase for the use of said Nez Percé Indians two portable steam saw mills, at a cost not exceeding \$10,000, and will provide for said Indians, for a period not exceeding two years, and at a cost not exceeding \$2,400, a competent surveyer, for the purpose of fully informing said Indians as to the correct locations of their allotments and the corners and lines thereof.

PINE RIDGE RESERVATION.

ACT OF MAY 27, 1910 (36 STAT. L., 440, 442).

* * * In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, if any, but the mineral and timber lands shall not be appraised: *Provided*, That timber lands shall be classified without regard to acreage: *And provided further*, That all lands classified as timber lands shall be reserved for the use of the Pine Ridge Indians.

ROSEBUD RESERVATION.

ACT OF MAY 30, 1910 (36 STAT. L., 448).

* * * In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, if any, but the mineral and timber lands

shall not be appraised: *Provided*, That timber lands may be classified without regard to acreage: *And provided further*, That all lands classified as timber lands shall be reserved for the use of the Rosebud Indians.

SILETZ RESERVATION.

ACT OF AUGUST 15, 1894 (28 STAT. L., 323-325).

ARTICLE I. It is further stipulated and agreed that section nine in township nine south, range eleven west of the Willamette meridian, and the west half of the west half of section five, and the east half of section six and the east half of the west half of section six, township ten south, range ten west, Willamette meridian, and the south half of section eight and the north half of section seventeen, and section sixteen in township nine south, range nine, west of the Willamette meridian, and the east half of the northeast quarter, and lot three, section twenty, and south half and south half of north half of section twenty-one, township eight, range ten west, Willamette meridian, are hereby reserved from sale, and that the timber on said five sections of land may be cut and manufactured by the Indians of said Siletz Reservation, for their own use and for sale, under such rules as the Secretary of the Interior shall from time to time prescribe, regulating the cutting of timber, so as to secure an equality of benefits to the Indians, employment for them, and judicious aid to them in becoming self-supporting.

ACT OF MAY 13, 1910 (36 STAT. L., 367).

* * * That the Secretary of the Interior be, and he is hereby, authorized to dispose of the lands reserved under the provisions of article four of the agreement concluded with the Indians of the Siletz Reservation on October thirty-first, eighteen hundred and ninety-two, and ratified by the act of Congress approved August fifteenth, eighteen hundred and ninety-

four (Twenty-eighth Statutes at Large, page three hundred and twenty-five), at public auction, in such areas and on such terms and conditions as he may prescribe.

SPOKANE RESERVATION.

ACT OF MAY 29, 1908 (35 STAT. L., 458).

SEC. 5. That the lands so classified as timberlands shall remain Indian lands subject to the supervision of the Secretary of the Interior until further action by Congress, and no provision authorizing the sale of timber upon Indian lands shall apply to said lands unless they be specially designated: *Provided*, That until further legislation the Indians and the officials and employees in the Indian Service on said reservation shall, without cost to them, have the right, under such regulations as the Secretary of the Interior may prescribe, to go upon said timberlands and cut and take therefrom all timber necessary for fuel, or for lumber for the erection of buildings, fences, or other domestic purposes upon their allotments; and for said period the said Indians shall have the privilege of pasturing their cattle, horses, and sheep on said timberlands, subject to such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That the Secretary of the Interior is hereby authorized to sell and dispose of for the benefit of the Indians such timber upon said timberlands as in his judgment has reached maturity and is deteriorating and which, in his judgment, would be for the best interests of the Indians to sell, the purpose being to as far as possible protect, conserve, and promote the growth of timber upon said timberlands. The Secretary of the Interior shall deduct from the money received from the sale of such timber the actual expense of making such sale and place the balance to the credit of said Indians, and he is authorized to prescribe such rules and regulations for the sale and removal of such timber so sold as he may deem advisable.

STANDING ROCK AND CHEYENNE RIVER RESERVATION.

ACT OF MARCH 29, 1908 (35 STAT. L., 4600).

That said commissioners shall then proceed to personally inspect, classify, and appraise, in one hundred and sixty acre tracts each, all of the remaining lands embraced within each reservation as described in section one of this act. In making such classification and appraisal said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, if any, the mineral land not to be appraised. * * *

SEC. 2. That the lands shall be disposed of by proclamation under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which the lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation: * * * *Provided*, That Indians residing upon their allotments in townships sixteen north of ranges twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, and thirty-one east shall have the right to use timber in said townships, except on sections sixteen and thirty-six for domestic purposes only as long as the lands remain part of the public domain.

UMATILLA RESERVATION.

ACT OF MARCH 3, 1885 (23 STAT. L., 340, 341).

* * * In addition to the allotments of agricultural lands to said Indians in severalty as herein provided, there shall be reserved a reasonable amount of pasture and timber lands for their use, to be used by said Indians in common.

UINTAH RESERVATION.

ACT OF MARCH 3, 1905 (33 STAT. L., 1069).

That before the opening of the Uintah Indian Reservation the President is hereby authorized to set apart and reserve as an addition to the Uintah Forest Reserve, subject to the laws, rules, and regulations governing forest reserves, and subject to the mineral rights granted by the act of Congress of May twenty-seventh, nineteen hundred and two, such portion of the lands within the Uintah Indian Reservation as he considers necessary, and he may also set apart and reserve any reservoir site or other lands necessary to conserve and protect the water supply for the Indians or for general agricultural development, and may confirm such rights to water thereon as have already accrued: *Provided*, That the proceeds from any timber on such addition as may with safety be sold prior to June thirtieth, nineteen hundred and twenty, shall be paid to said Indians in accordance with the provisions of the act opening the reservation.

ACT OF JUNE 21, 1906 (34 STAT. L., 325, 376).

That the Secretary of the Interior may authorize the Indians of the former Uintah Reservation, in the State of Utah, to cut and sell cedar and pine timber for posts or fuel from the tracts reserved for grazing purposes for said Indians under joint resolution of June nineteenth, nineteen hundred and two, in such quantities and upon such terms and under such rules and regulations as the said Secretary of the Interior may prescribe.

YAKIMA RESERVATION.

ACT OF DECEMBER 21, 1904 (33 STAT. L., 595, 596, 597).

* * * The Secretary of the Interior is also authorized to reserve * * * such tract or tracts of grazing and timberlands as may be deemed expedient for the use and benefit of the Indians of said reservation in common: *Provided*, That such

reserved lands, or any portion thereof, may be classified, appraised, and disposed of from time to time under the terms and provisions of this act.

* * * * *
* * * The timber on lands classified as timberlands shall be sold at not less than its appraised value, under sealed proposals, in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

FIVE CIVILIZED TRIBES.

The following acts provide for the sale of timber from the unallotted lands of the Five Civilized Tribes:

ACT OF JANUARY 21, 1903 (32 STAT. L., 774).

That the Secretary of the Interior is authorized to prescribe rules and regulations for the procurement of timber and stone for domestic and industrial purposes, including the construction, maintenance, and repairs of railroads and other highways to be used only in the Indian Territory, or upon any railroad outside of the said Territory which is part of any continuous line of railroad extending into the said Territory, from lands belonging to either of the Five Civilized Tribes, and to fix the full value thereof to be paid therefor and collect the same for the benefit of said tribes.

ACT OF APRIL 26, 1906 (34 STAT. L., 137).

SEC. 7. That the Secretary of the Interior shall, by written order, within ninety days from the passage of this act, segregate and reserve from allotment sections one, two, three, four, five, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, the east half of section sixteen, and the northeast quarter of section six, in township nine south, range twenty-six east, and sections five, six, seven, eight, seventeen, eighteen, and the west half of section sixteen, in township nine south, range twenty-seven east, Choctaw Nation, Indian Territory, except such portions of said lands upon which substantial, permanent, and valuable improvements were erected and placed prior to the

passage of this act and not for speculation, but by members and freedmen of the tribes actually themselves and for themselves for allotment purposes, and where such identical members or freedmen of said tribes now desire to select same as portions of their allotments, and the action of the Secretary of the Interior in making such segregation shall be conclusive. The Secretary of the Interior shall also cause to be estimated and appraised the standing pine timber on all of said land, and the land segregated shall not be allotted, except as hereinbefore provided, to any member or freedman of the Choctaw and Chickasaw tribes. Said segregated land and the pine timber thereon shall be sold and disposed of at public auction, or by sealed bids for cash, under the direction of the Secretary of the Interior.

SEC. 16. * * * The Secretary of the Interior is hereby authorized to sell, whenever in his judgment it may be desirable, any of the unallotted land in the Choctaw and Chickashaw nations, which is not principally valuable for mining, agricultural, or timber purposes, in tracts of not exceeding six hundred and forty acres to any one person, for a fair and reasonable price, not less than the present appraised value. Conveyances of lands sold under the provisions of this section shall be executed, recorded, and delivered in like manner and with like effect as herein provided for other conveyances: *Provided further*, That agricultural lands shall be sold in tracts of not exceeding one hundred and sixty acres to any one person.

SALE OF TIMBER ON ALLOTTED LANDS.

Section 41.—Timber upon allotments in any State, with the exception of allotments to members of the Five Civilized Tribes, and to the Osages either within a reservation or outside of one may be sold under the provisions of section 8 of the act of June 25, 1910. Timber on certain allotments may also be sold under the special acts given below:

LAKE SUPERIOR AND MISSISSIPPI CHIPPEWA INDIANS.

TREATY OF SEPTEMBER 30, 1854 (10 STAT. L., 1109).

Seventh. Each head of a family or single person over twenty-one years of age at the present time of the mixed bloods, belonging to the Chippewas of Lake Superior, shall be entitled to eighty acres of land, to be selected by them under the direction of the President, and which shall be secured to them by patent in the usual form.

ARTICLE 3. The United States will define the boundaries of the reserved tracts, whenever it may be necessary, by actual survey, 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 twenty-one 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. * * *

THE LAC COURTE OREILLE AND LAC DU FLAMBEAU RESERVATIONS.

ACT OF FEBRUARY 3, 1903 (32 STAT. L., 795).

SECTION 1. That with the consent of the Chippewa Indians of Lake Superior, located on the Lac Courte Oreille Reservation in the State of Wisconsin, to be obtained in such manner as the Secretary of the Interior may direct, the President may allot to each Indian now living and residing on said reservation and entitled to so reside, and who has not heretofore received an allotment not exceeding eighty acres of land, such allotments to be subject in all respects, except as to the age and condition of the allottee, to the provisions of the third article of the treaty with the Chippewas of Lake Superior and the Mississippi, concluded September thirtieth, eighteen hundred and fifty-four.

SEC. 2. That the provisions of section one of this act shall also under same terms and conditions apply to the Chippewa Indians of Lake Superior located on the Lac du Flambeau Reservation in the State of Wisconsin.

CHIPPEWAS OF MINNESOTA.

ACT OF APRIL 21, 1904 (33 STAT. L., 189, 209).

The Chippewa Indians of the State of Minnesota to whom allotments have been or shall hereafter be made, and trust or other patents, containing restrictions upon alienation issued or which shall hereafter be issued therefor, are, with the consent of the Secretary of the Interior and under such rules and regulations as he may prescribe, hereby authorized to dispose of the timber on their respective allotments. Timber on the allotments of minors may likewise be so sold by the father, mother, or Indian agent or other officer in charge, in the order named, and the Secretary of the Interior shall make such regulations for the disposition of the proceeds of said sales as may be necessary to protect the interest of said Indians, including such minors.

JICARILLA INDIANS OF NEW MEXICO.

ACT OF MARCH 4, 1907 (34 STAT. L., 1413).

* * * That the Secretary of the Interior may dispose of all merchantable timber on allotments herein authorized during the term these are held in trust and on the surplus lands for twenty-five years, the proceeds therefor to be expended under his direction for purposes beneficial to the individual allottees hereunder and their heirs, or for families, as he may deem best, and no part of such proceeds shall be expended for community or common benefits other than irrigation, but shall be equitably apportioned as near as may be among the Indians entitled.

FIVE CIVILIZED TRIBES.

SEC. 16 OF THE ACT OF JUNE 28, 1898 (30 STAT. L., 495, 501).

* * * *Provided further*, That nothing herein contained shall impair the rights of any member of a tribe to dispose of any timber contained on his, her, or their allotment.

ACT OF JANUARY 21, 1903 (32 STAT. L., 774).

That the Secretary of the Interior is authorized to prescribe rules and regulations for the procurement of timber and stone for domestic and industrial purposes, including the construction, maintenance, and repairs of railroads and other highways, to be used only in the Indian Territory, or upon any railroad outside of the said Territory which is part of any continuous line of railroad extending into the said Territory, from lands belonging to either of the Five Civilized Tribes, and to fix the full value thereof to be paid therefor and collect the same for the benefit of said tribes: *Provided, however*, That nothing herein contained shall be construed to prevent allottees from disposing of timber and stone on their allotments, as provided in section sixteen of an act entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," approved June twenty-eighth, eighteen hundred and ninety-eight, from and after the allotment by the Commission to the Five Civilized Tribes.

SEC. 2. That every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon the lands of either of said tribes contrary to the provisions of this act and the regulations prescribed thereunder by the Secretary of the Interior, shall pay a fine of not more than five hundred dollars, or be imprisoned not more than twelve months, or both, in the discretion of the court trying the same.

MISCELLANEOUS.

Section 42.—By Executive proclamations of March 2, 1909, officers of the Forest Service of the Department of Agriculture are given certain jurisdiction upon specified forest areas of the following reservations: Hoopa Valley, Tule River, Mescalero, Jicarilla, Navajo, Zuni, White Mountain, and San Carlos.

Section 43.—Pine timber is sold from ceded Chippewa lands in Minnesota under the acts of January 14, 1889 (25 Stat. L., 642), June 27, 1902 (32 Stat. L., 400), and May 23, 1908 (35 Stat. L., 268).

Section 44.—Attention is directed to the following important decisions:

U. S. *v.* Cook (86 U. S., 591).

Pine River Logging Co. *v.* U. S. (186 U. S., 279).

U. S. *v.* Paine Lumber Co. (206 U. S., 467).

Starr *v.* Campbell (208 U. S., 527).

Opinion of Attorney General, volume 19, page 232.

ROBERT G. VALENTINE,
Commissioner of Indian Affairs.

Approved, June 29, 1911.

SAMUEL ADAMS,
Acting Secretary of the Interior.

APPENDIX.

Section 114 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States" (35 Stat L., 1088-1109) is as follows:

Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy in whole or in part, any contract or agreement, made or entered into in behalf of the United States by any officer or person authorized to make contracts on its behalf, shall be fined not more than three thousand dollars. All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced by the United States, in consideration of any such contract or agreement, it shall forthwith be repaid; and in case of failure or refusal to repay the same when demanded by the proper officer of the department under whose authority such contract or agreement shall have been made or entered into, suit shall at once be brought against the person so failing or refusing, and his sureties, for the recovery of the money so advanced.

SUGGESTED FORM OF ADVERTISEMENT.

FLATHEAD INDIAN SCHOOL, *Jocko, Mont., May 6, 1910.*—Sealed proposals, each envelope marked "Proposal for timber, Evaro District, Flathead Reservation," and directed to Superintendent

Flathead Indian School, Jocko, Mont., will be received until 12 o'clock noon, mountain time, Wednesday, September 28, 1910, for purchase of merchantable standing and down timber upon unallotted lands within the Flathead Indian Reservation, Mont., and comprising portions of townships 15 north, ranges 10 and 20 west, and 14 north, range 19 west, Montana principal meridian. About 20 per cent of standing timber will be reserved at this time for protection of the slopes and maintenance of forest cover. Estimated amount of timber to be sold from this tract is about 60,000,000 board feet. Timber is chiefly yellow pine, red fir, tamarack, and spruce. This timber will not be sold for less than _____ dollars per thousand feet, and must be cut and removed in accordance with regulations prescribed by Secretary of the Interior. Proposals will be received for entire amount or for any one or more of five separate schedules. The right to waive technical defects in advertisement and bids and to reject any and all bids is reserved. Blank copies of proposals, including printed regulations, and full information regarding separate schedules, amount of deposits required, and special requirements as to contract and bond will be furnished upon request. _____, Superintendent Flathead Indian School, Jocko, Mont.

PROPOSAL FOR SALE OF TIMBER (UNALLOTTED LANDS).

(Form 5-487.)

_____ Indian Reservation, State of _____, _____, 191____,
 _____ (I or we) and _____, the undersigned, partners doing
 business under the firm name of _____ (cancel the words not
 applicable), a corporation organized and existing under the
 laws of the State of _____, having an office and principal place
 of business at _____ in the State of _____, hereby apply to
 purchase and remove all _____ (the merchantable dead timber
 standing or fallen; the live timber marked for cutting by the
 proper officer of the Indian Service, etc.) located on an area to
 be definitely designated by said officer of the Indian Service be-
 fore cutting begins, which area consists of _____ (give legal
 subdivisions if surveyed, and approximate legal subdivisions
 if unsurveyed, with such description in relation to some land-
 mark, stream, or other well-known object as to define the area
 clearly), estimated to be _____ (give quantity, quality,

species, kind of material, etc.), more or less, in accordance with an offer of sale duly made by an advertisement in the -----, a newspaper of general circulation in the State of -----, published at (cancel the words not applicable), ----- by means of circular letters -----, (or, and) posters, a copy of which is attached hereto by the superintendent in charge of the ----- Indian school without public notice; for which timber ----- (I or we) hereby propose to pay ----- dollars (\$-----) per ----- (M feet b. m. decimal C scale, cord, cubic foot, linear foot, or piece), and I promise and agree that if this proposal is accepted by the ----- (name of the proper United States officer) ----- (I or we) will, in consideration of such acceptance, pay to the superintendent of the ----- Indian school at -----, in the State of -----, for the use and benefit of the ----- Indians, ----- dollars (\$-----), more or less, as may be determined by the actual ----- (scale, measurement, or count) of the timber taken, said payments to be made in installments of not less than ----- dollars (\$-----) each, in advance of the cutting of the timber to be covered by each installment, as such installments shall be called for by the superintendent of the ----- Indian school; it being understood that a refund will be made of all sums deposited in excess of the value of the timber cut and of all other sums due under the terms of the contract, provided that ----- (I or we) comply with each and all of the terms of the contract, and it being further understood that in case of ----- (my or our) default refunds shall be made only in the discretion of the ----- (name of proper United States officer) and ----- (I or we) herewith deposit with the superintendent of the ----- Indian school cash, a duly certified check (cancel word or words not applicable) drawn in favor of said superintendent on the ----- National Bank, a solvent bank of the State of -----, located at -----, in the amount of ----- dollars (\$-----), which deposit is made as a guaranty of good faith, and ----- (I or we) agree that if this proposal is duly signed and accepted by ----- (name of the proper United States officer) it shall become at once effective and operate as a contract for the sale of the timber herein described, which contract shall be binding upon ----- (he or us), ----- (my or our) heirs, executors, administrators, successors, and assigns; and if ----- (I or we) shall fail, neglect, or refuse to furnish, within 60 days from the acceptance of this proposal by ----- (name of proper United States officer), a good and sufficient joint and several, bond as prescribed by the ----- (name

of proper United States officer), conditioned upon ----- (my or our) faithful performance of the contract, or shall otherwise fail, neglect, or refuse to perform the obligations assumed hereby, this deposit shall become and remain the property of the United States in trust for the benefit of the ----- Indians, it being understood that this deposit will be retained and credited as a partial payment for the timber purchased if the proposal is accepted, a bond executed (if required), and the contract fulfilled, and that the deposit shall be returned to ----- (me or us) if this proposal is rejected.

And ----- (I or we) further promise and agree that if this proposal is accepted by ----- (name of proper United States officer) ----- (I or we) will, in consideration of such acceptance, cut and remove said timber in strict accordance with the following and all other general regulations which are prescribed by the Department of the Interior as to the sale of timber from Indian lands:

1. The term "officer in charge" whenever used in these regulations signifies the superintendent of the ----- Indian school, or any other officer specially designated by the Commissioner of Indian Affairs to supervise timber operations on the -----.

2. No timber shall be cut from any areas except those designated by the officer in charge. Unless expressly stipulated to the contrary in the contract, each sale shall include all dead timber, standing or fallen, which is sound enough for lumber of any merchantable grade or for timbers or cordwood, and all green timber marked or otherwise designated for cutting upon the specified sale area. No living trees except those which are designated for cutting by the officer in charge shall be cut. No timber shall be removed from the sale area, nor shall the title thereto pass to the purchaser, until it has been scaled, measured, or counted, stamped by the officer in charge, and paid for.

3. Sawmills, camps, chutes, logging railways, and such other improvements as are necessary for conducting lumber operations may be constructed under the supervision of the officer in charge, subject to such conditions as he may prescribe for the protection and improvement of the surrounding forest and for the best interests of the Indians. All merchantable timber used in their construction and in skidways, bridges, roads, or other improvements shall be paid for at the contract price. The officer in charge shall reasonably restrict the use of young growth for such purposes.

4. All cutting shall be done with a saw when possible, and no unnecessary damage shall be done to young growth and trees left standing. Undesignated or unmarked living trees which are cut, marked trees or merchantable dead timber left uncut, timber wasted in tops, stumps, and partially sound logs, trees left lodged in process of felling, standing trees badly injured during the lumbering operations, and any merchantable timber covered by the terms of these regulations and the contract, which is not removed from any part of the cutting area when logging on that part is completed, or is left on the sale area after the expiration of the contract, shall be scaled and paid for at the contract rate.

5. Stumps shall not be cut higher than _____ inches, lower when possible, so as to cause the least waste, and all trees shall be utilized to a diameter of _____ inches in the tops when merchantable to that diameter. The log lengths shall be so varied as to make such utilization possible.

6. The approximate minimum diameter limit at a point $4\frac{1}{2}$ feet from the ground to which living trees are to be cut is _____ (limits for all species involved), but trees above these diameters may be reserved for seed or protection, and merchantable trees below these diameters may be marked in the discretion of the officer in charge.

7. Logging operations shall be concentrated as far as possible, and so conducted as to completely log and clean up designated units of the sale area successively as agreed with the officer in charge. Tops shall be lopped and all brush and tops piled compactly at a safe distance from young growth and standing trees at the time of felling, or otherwise disposed of as required by the officer in charge. In the discretion of the officer in charge, brush shall be burned by the purchaser under such precautions as to prevent the spread of fire.

8. During the time that any contract remains in force the contractor shall, without charge or expense to the United States or the Indians, do all in his power to prevent and suppress forest fires upon the area covered by the contract or adjacent areas, shall comply with all regulations relative to the maintenance of order on Indian reservations, and shall employ Indian labor in the cutting and removal of the timber and in the disposal of the brush whenever the use of such labor is practicable.

9. Timber will be scaled, measured, or counted by officers selected by _____. The cost of scaling and of supervision by the United States officers shall be paid from the proceeds of the sale of the timber. Timber will be scaled by the Scribner Rule

Decimal C, and if required by the officer in charge, shall be piled or skidded for convenient scaling. The maximum scaling length of all logs will be ----- feet. Logs over ----- feet in length will be scaled as two or more logs, in lengths not less than ----- feet when practicable, and with the proper allowance for the increase in diameter at the points of division. Upon all logs 3 inches additional will be allowed for trimming. Logs overrunning this allowance will be scaled as though 2 feet longer. Diameters will be measured inside the bark at the small end of the log and recorded at the nearest inch above or below the actual diameter. Proper deductions will be made for defects in logs.

10. Unless extension of time is granted, all timber will be cut and removed on or before and none later than -----, and at least ----- (feet B. M., cords, etc.) will be paid for, cut, and removed on or before -----, 191—, and at least ----- of the remainder of the estimated amount during each ----- of the remaining period. The purchaser will be required to cut and remove the timber at such times, in such places, and in such quantities as to prevent, so far as possible, deterioration as a result of fire or windstorm.

11. No Member of or Delegate to Congress shall be admitted to any share, part, or interest in any contract, or to any benefit derived therefrom (see sections 114 and 116, act of Mar. 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," 35 Stat., 1088, 1109), and no person undergoing a sentence of imprisonment at hard labor shall be employed in carrying out any contract (see Executive Order of May 18, 1905). The cutting or removal of timber from Indian lands in breach of the terms of any contract, and without other lawful authority, or the leaving of fires unextinguished, will render the contractor liable to the penalties prescribed by section 6 of the act of June 25, 1910 (36 Stat. L., 855, 857).

12. Work may be suspended by the officer in charge if the regulations are disregarded, and the violation of any one of the regulations, if persisted in, shall be sufficient cause for the ----- to revoke a contract and to cancel all permits for other privileges. The decision of the ----- shall be final as to the interpretation of any of the foregoing regulations or as to the faithful execution of the terms of any contract.

It is understood and agreed that the right to waive technical defects in advertisements and proposals and to reject any and all proposals is reserved by the -----.

Signed and sealed in _____ (quadruplicate, quintuplicate)
 this _____ day of _____, 191—.

Corporate seal, if corporation.

 (Signature of president if purchaser is a corporation;
 name of firm if purchaser is a partnership.)

Attest:

_____,
Secretary.

Witnesses:

(Two witnesses to each signature are required. Actual seals
 of some character must be affixed.)

-----	}	----- [SEAL.]
(P. O. address.)		(Signature of purchaser.)
-----	}	(See note.)
(P. O. address.)		-----
-----	}	(P. O. address.)

-----	}	----- [SEAL.]
(P. O. address.)		(Signature of purchaser.)
-----	}	-----
(P. O. address.)		(P. O. address.)

The above proposal is accepted this _____ day of _____,
 191—, under the conditions stated therein.

 (Signature of accepting officer.)

 (Title.)

Note.—If the proposal is made by individuals acting neither
 as a firm nor as a corporation, each must sign.

If the proposal is made by a copartnership, the signature
 must consist of the name of the firm, followed by the signature
 of each of the members of the firm.

If the proposal is made by a corporation, the signature should
 consist of the name of the corporation, followed by the name of
 the proper officer or officers, as required by the by-laws of the
 corporation.

In all cases where an officer signs for a corporation, either as
 principal or as a surety, there must be attached to the pro-
 posal either an original resolution of the board of directors
 granting the signing officer, or officers, authority to sign the pro-

posal for and in behalf of the corporation; or a copy of a resolution of the board of directors granting a general authority of this character to the signing officer or officers, certified by the president and secretary of the corporation, under the corporate seal, as a true and correct transcript of the original resolution.

Unless more than four copies are required for some special reason, all contracts for the sale of tribal timber will be executed in quadruplicate.

TIMBER CONTRACT.

(Form 5—489.)

Allotment No. _____

This agreement, made and entered into at the _____ Indian School, _____, State of _____, this _____ day of _____, 191____, under authority of the act of Congress of June 25, 1910 (36 Stat. L., 855, 857), (cancel if inapplicable), or _____ (cite act applicable) between _____ an Indian under the jurisdiction of the superintendent of the _____ Indian school, part__ of the first part, and _____, part__ of the second part.

Witnesseth, That the part__ of the first part agree__ to sell to the part__ of the second part, upon the terms and conditions hereinafter stated, _____ (all the dead timber, standing or fallen, all the living timber marked for cutting by the proper officer, all the dead and living timber, etc.), estimated to be _____ (give quantity, quality, species, kind of material, etc.), more or less, on the following-described lands, to wit: _____ within the limits of the _____ (cancel words not applicable) Indian Reservation, situated in the county of _____, State of _____, the same being lands which have been allotted to _____ (name of party or parties of the first part, or name of original allottee and statement of relationship of this allottee to the party or parties of the first part) under the provisions of the act of _____ (cite act applicable).

For and in consideration of the foregoing the part__ of the second part agree__ to pay to the superintendent of the _____ Indian school, _____, State of _____, the sum of _____ dollars (\$_____), more or less, as shall be determined by the actual scale, measurement, or count (cancel if not applicable), for the said timber at the rate of _____ dollars (\$_____) per _____ (M feet B. M. decimal C scale, cord, cubic foot, linear foot, or piece), in trust for said part__ of the first part.

The part__ of the second part further undertake__ and agree__ to pay ten per cent (10%) of the ----- (estimated value, purchase price) of the timber sold within 30 days from the date of the approval of this contract by the -----, to pay one-half of the said sum before any cutting of timber upon said land, and to pay the total purchase price before any timber is removed from the said land.

The part__ of the second part further undertake__ and agree__ that ----- (he or they) will cut and remove the said timber in strict accordance with the following and all other general regulations which are prescribed by the Department of the Interior as to the sale of timber from Indian lands:

1. The term "officer in charge" whenever used in these regulations signifies the superintendent of the ----- Indian school, or any other officer specially designated by the Commissioner of Indian Affairs to supervise timber operations on the -----.

2. No timber shall be cut from any areas except those designated by the officer in charge. Unless expressly stipulated to the contrary in the contract, each sale shall include all dead timber, standing or fallen, which is sound enough for lumber of any merchantable grade or for timbers or cordwood, and all green timber marked or otherwise designated for cutting upon the specified sale area. No living trees except those which are designated for cutting by the officer in charge shall be cut. No timber shall be removed from the sale area, nor shall the title thereto pass to the purchaser, until it has been scaled, measured or counted, stamped by the officer in charge, and paid for.

3. Sawmills, camps, chutes, logging railways, and such other improvements as are necessary for conducting lumber operations may be constructed under the supervision of the officer in charge, subject to such conditions as he may prescribe for the protection and improvement of the surrounding forest and for the best interests of the Indians. All merchantable timber used in their construction and in skidways, bridges, roads, or other improvements shall be paid for at the contract price. The officer in charge shall reasonably restrict the use of young growth for such purposes.

4. All cutting shall be done with a saw when possible, and no unnecessary damage shall be done to young growth and trees left standing. Undesignated or unmarked living trees which are cut, marked trees or merchantable dead timber left uncut, timber wasted in tops, stumps, and partially sound logs, trees left lodged in process of felling, standing trees badly in-

jured during the lumbering operations, and any merchantable timber covered by the terms of these regulations and the contract, which is not removed from any part of the cutting area when logging on that part is completed, or is left on the sale area after the expiration of the contract, shall be scaled and paid for at the contract rate.

5. Stumps shall not be cut higher than ----- inches, lower when possible, so as to cause the least waste, and all trees shall be utilized to a diameter of ----- inches in the tops when merchantable to that diameter. The log lengths shall be so varied as to make such utilization possible.

6. The approximate minimum diameter limit at a point $4\frac{1}{2}$ feet from the ground to which living trees are to be cut is ----- (Limits for all species involved), but trees above these diameters may be reserved for seed or protection, and merchantable trees below these diameters may be marked, in the discretion of the officer in charge.

7. Logging operations shall be concentrated as far as possible, and so conducted as to completely log and clean up designated units of the sale area successively as agreed with the officer in charge. Tops shall be lopped and all brush and tops piled compactly at a safe distance from young growth and standing trees at the time of felling, or otherwise disposed of as required by the officer in charge. In the discretion of the officer in charge brush shall be burned by the purchaser under such precautions as to prevent the spread of fire.

8. During the time that any contract remains in force the contractor shall, without charge or expense to the United States or the Indians, do all in his power to prevent and suppress forest fires upon the area covered by the contract or adjacent areas. shall comply with all regulations relative to the maintenance of order on Indian reservations, and shall employ Indian labor in the cutting and removal of the timber and in the disposal of the brush whenever the use of such labor is practicable.

9. Timber will be scaled, measured, or counted by officers selected by ----- . The cost of scaling and of supervision by the United States officers shall be paid from the proceeds of the sale of the timber. Timber will be scaled by the Scribner rule decimal C, and if required by the officer in charge, shall be piled or skidded for convenient scaling. The maximum scaling length of all logs will be ----- feet. Logs over ----- feet in length will be scaled as two or more logs, in lengths not less than ----- feet when practicable, and with the proper allowance for the increase in diameter at the points of division. Upon

all logs 3 inches additional will be allowed for trimming. Logs overrunning this allowance will be scaled as though 2 feet longer. Diameters will be measured inside the bark at the small end of the log and recorded at the nearest inch above or below the actual diameter. Proper deductions will be made for defects in logs.

10. Unless extension of time is granted, all timber will be cut and removed on or before and none later than _____, and at least _____ (feet b. m., cords, etc.) will be paid for, cut, and removed on or before _____, 191____, and at least _____ of the remainder of the estimated amount during each year of the remaining period. The purchaser will be required to cut and remove the timber at such times, in such places, and in such quantities as to prevent, so far as possible, deterioration as a result of fire or windstorm.

11. No Member of or Delegate to Congress shall be admitted to any share, part, or interest in any contract, or to any benefit derived therefrom (see secs. 114 and 116, act of Mar. 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," 35 Stat., 1088, 1109), and no person undergoing a sentence of imprisonment at hard labor shall be employed in carrying out any contract (see Executive order of May 18, 1905). The cutting or removal of timber from Indian lands in breach of the terms of any contract, and without other lawful authority, or the leaving of fires unextinguished, will render the contractor liable to the penalties prescribed by section 6 of the act of June 25, 1910 (36 Stat. L., 85, 857).

12. Work may be suspended by the officer in charge if the regulations are disregarded, and the violation of any one of the regulations, if persisted in, shall be sufficient cause for the _____ to revoke a contract and to cancel all permits for other privileges. The decision of the _____ shall be final as to the interpretation of any of the foregoing regulations or as to the faithful execution of the terms of any contract.

It is further understood and agreed that this contract shall be void and of no effect until approved by the the _____.

Signed and sealed in _____ (quadruplicate, quintuplicate) this _____ day of _____, 191____.

Corporate seal, if corporation.

(Signature of president if purchaser is a corporation ;
name of firm if purchaser is a partnership.)

Attest:

'Secretary.

Witnesses:

(Two witnesses to each signature are required. Actual seals of some character must be affixed.)

----- ----- (P. O. address.)	}	----- [SEAL.] (Signature of purchaser.) (See note.)
----- ----- (P. O. address.)		----- (P. O. address.)
----- ----- (P. O. address.)	}	----- [SEAL.] (Signature of purchaser.)
----- ----- (P. O. address.)		----- (P. O. address.)
----- ----- (P. O. address.)	}	----- [SEAL.] (Signature of allottee or party signing for him.)
----- ----- (P. O. address.)		----- (P. O. address.)

The above contract is approved this the ----- day of -----, 191--., under the conditions stated therein.

(Signature of approving officer.)

(Title.)

NOTE.—If the proposal is made by individuals acting neither as a firm nor as a corporation each must sign.

If the proposal is made by a copartnership the signature must consist of the name of the firm, followed by the signature of each of the members of the firm.

If the proposal is made by a corporation the signature should consist of the name of the corporation, followed by the name of the proper officer or officers, as required by the by-laws of the corporation.

In all cases where an officer signs for a corporation, either as principal or as a surety, there must be attached to the contract either an original resolution of the board of directors granting the signing officer or officers authority to sign the contract for and in behalf of the corporation; or a copy of a resolution of the board of directors granting a general authority of this character to the signing officer or officers, certified by the president and secretary of the corporation, under the corporate seal, as a true and correct transcript of the original resolution.

Unless special authority has been given for the execution of a fewer number, all contracts for allotment timber will be executed in quintuplicate.

If the contract is made on behalf of a minor by the father, mother, Indian agent, or other officer in charge, the party of the first part should be described as "A. B. (father, mother, Indian agent, or other officer in charge, as the case may be) for and on behalf of C. D., a minor," and the same should be used in the signature.

BOND.

(Form 5-488, to be executed in triplicate.)

Know all men by these presents, that _____ (I or we) _____ of _____, State of _____, and _____, of _____, State of _____, partners doing business under the firm name of (cancel the words not applicable) _____, a corporation organized and existing under the laws of the State of _____, having an office and principal place of business at _____ in the State of _____, as principal, and _____ of _____, State of _____ and _____, of _____ State of _____ (or _____ (name of corporation) a corporation organized and existing under the laws of the State of (cancel if individual sureties are given) _____, having its principal office in the State of _____), as sureties, are held and firmly bound unto the United States of America in the penal sum of _____ dollars (\$_____), lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, each of us, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated this the _____ day of _____, 191__.

The condition of this obligation is such that—

Whereas, _____, principal herein, did on the _____ day of _____, 191__, propose to purchase, at the rate of _____ dollars (\$_____), per _____ (M ft. B. M. Decimal C scale, cubic foot, linear foot, or piece). (The merchantable dead timber standing or fallen; the live timber marked for cutting by the proper officer of the Indian Service, etc.) on certain lands within the _____ Indian Reservation in _____, described as follows, to wit: _____ and did stipulate and agree that if the said proposal was accepted by the _____ the proposal and its acceptance should constitute a binding contract for the sale of said timber, and that said principal would cut, fell, remove, and pay for said timber in accordance with the regulations accompanying the proposal; and

Whereas, said _____ did on the _____ day of _____, 191____, duly accept said proposal, and the proposal thereupon became a binding contract.

Now, therefore, if the above-bounden _____, _____ heirs, executors, administrators, successors, and assigns shall faithfully conform to and observe all the laws and regulations made and which shall be hereafter made for the governing of trade and intercourse with the Indians, and in no respect violate the same, and conduct all timber operations in accordance with said regulations, and all provisions of the contract entered into with the said _____ and in no respect violate said regulations or contract, or either of them, then, and in that event, this obligation shall be null and void; otherwise it shall remain in full force and effect.

In witness whereof, we hereunto set our hands and seals this the _____ day of _____, 191____.

Corporate seal of principal if corporation.

Attest:

Secretary. (Signature of President if principal is corporation.)

Two witnesses required to signature of each principal and surety. Principals and sureties sign and affix seals.

Witnesses:

----- ----- (P. O. address.)	}	----- [SEAL.] (Signature of purchaser.) (See note.)
----- ----- (P. O. address.)		----- (P. O. address.)
----- ----- (P. O. address.)	}	----- [SEAL.] (Signature of purchaser.)
----- ----- (P. O. address.)		----- (P. O. address.)
----- ----- (P. O. address.)	}	----- [SEAL.] (Signature of purchaser.)
----- ----- (P. O. address.)		----- (P. O. address.)

Corporate seal of surety, if corporation.

Attest:

(Signature of president of corporation acting as surety.)

Secretary.

(Not required of corporate sureties.)

State of _____ }
 County of _____ } ss:

On this, the _____ day of _____, 191____, before me, _____, a notary in and for the said county, personally came _____ and _____ who signed the foregoing obligation, each to me known, who being by me duly sworn, did each for himself depose and say that he was more than 21 years of age and in all respects fully competent to make and enter into contract, and that they owned and possessed property not exempt by law from execution over and above their debts and liabilities and free from incumbrances, _____ (name of one of sureties), to the amount of _____ dollars (\$_____), and _____ (name of second surety), to the amount of _____ (\$_____).

(Sureties signed.)

(Signature of notary), _____

[SEAL.]

My commission expires _____

If the bond is executed in the District of Columbia, the following certificate must be signed by a United States officer other than a notary public. If executed elsewhere, by a judge of the United States court, a United States district attorney, a United States postmaster (or such other officer of the United States as may be acceptable to the Secretary of the Interior), residing in the district where the bond is executed.

_____ District _____, 191____

(Not required of corporate sureties.)

I hereby certify that _____, the sureties who have signed the foregoing bond, are known to me as residents of _____, and citizens of the United States, and that I believe them to be amply sufficient security for the amount thereof, and that the bond is good.

Department of the Interior,

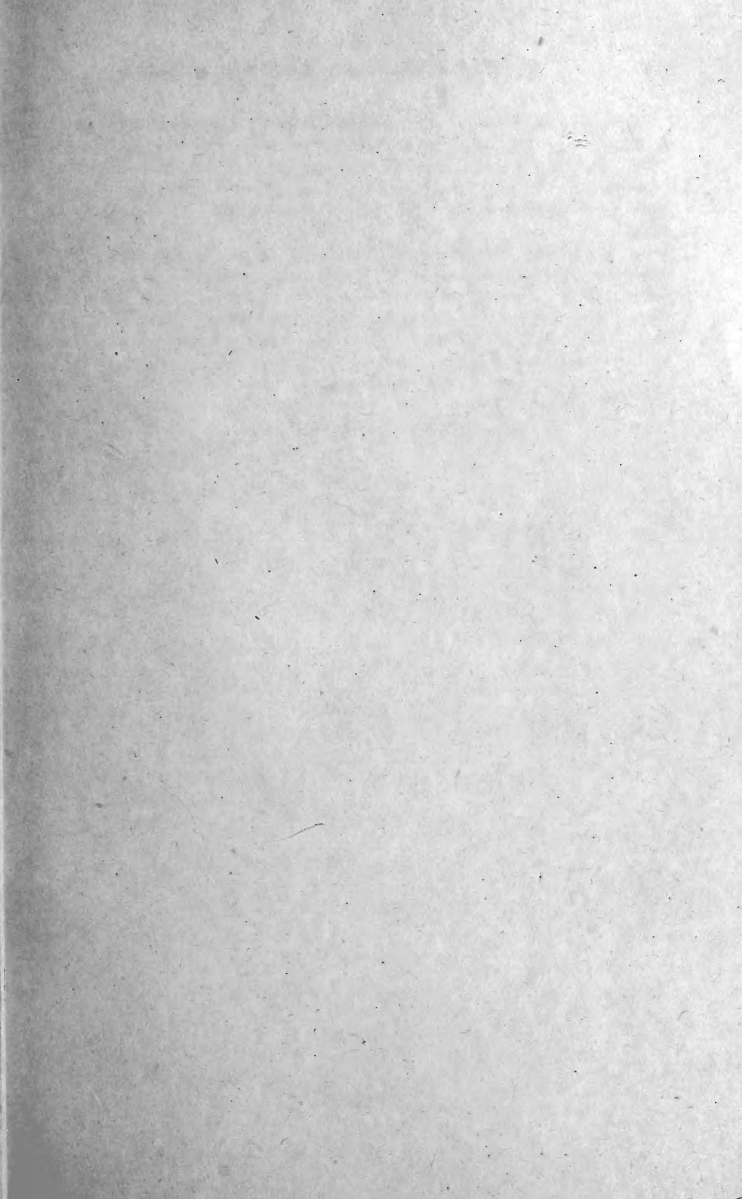
_____, 191____

Approved:

Secretary.

Note.—Two individual sureties are required. A corporate surety duly qualified under the act of Congress of August 13, 1894, may be accepted as a sole surety. Corporate sureties are preferred. The sureties must justify in amounts, the aggregate of which will be equal to at least twice the penalty of the bond.

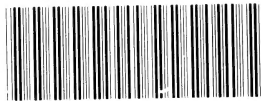
In all cases where an officer signs for a corporation, either as principal or surety, there must be attached to the bond either an original certification, signed by the board of directors, of the authority of the signing officer, or officers, to sign for and in behalf of corporations; or a copy of a resolution of the board of directors granting a general authority of this character to the signing officer or officers, certified by the president and secretary of the corporation, under the corporate seal, as a true and accurate transcript of the resolution.







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