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Timbered Allotments

boundaries of individual allotments, sealing timber by specific al-
lots. Last year receipts from timber sales at Yakima amounted to \$2,167,528.
Nearly one-half of this (\$1,035,164) was from individual trust allotments
and was paid to the individuals having interests in the allotments from
which the timber was cut.

1. Individual Indian trust allotments represent a status of land,
and a management problem, unique to the Bureau of Indian Affairs.

- A. The genesis of allotments is the Allotment Act of
February 8, 1887. This provided for issuance of
trust patents to members of individual tribes, un-
restricted as to age, of 80 acres of agricultural
or 160 acres of other land. Interest in an allotment.
- B. It was then believed that this represented a solution
to the Indian problem, that the individual so allotted
would live on the land, become a farmer, and would
thereby become competent to handle his own affairs,
at which time he would be issued a fee patent. payment.
- C. The 1887 Act provided a 25 year trust period. This
has been continuously extended--in late years the
extension has been on an annual basis. The latest to
extension, recently made, was for five years however.

2. The Forestry Branch of the Indian Bureau is assigned responsi-
bility for management and protection of Indian forest lands. This gains
in girth.

requires that separate records must be maintained as between tribal and allotted lands and between individual allotments. The physical aspects of this in the field are the relatively simple one of marking out the boundaries of individual allotments, scaling timber by specific allotments on sales, and keeping individual records of scale. The total problem is more complex.

A. First, consent of the individual allottee must be obtained before a sale can be made. This is complicated by the fact that there are few individual allottees—most allotments are fractionated through heirship. Yet, under law, consent of all heirs must be obtained.

a. Forestry must therefore:

1. Determine the names, addresses, and per cent of inherited interest in an allotment.
2. Obtain consent of each individual to sale of timber.
3. In distribution of monies collected, prepare a schedule of individuals to whom the money is to be paid, and the amount of each payment. (In preparing any disbursement schedule it is necessary to determine whether any change in ownership status has occurred subsequent to any earlier determination).

3. Changes in ownership status are interesting and fearsome. They are gaining in momentum as a snowball rolling down a mountain slope gains in girth.

A. Allotting began at Yakima in 1891 but developed slowly.

When allotting ended June 30, 1914, a total of 4,506 individuals had been granted allotments. Fortunately, not all of these, or even the majority were in the forest. Forested allotments vary from 40 to 160 acres generally, although with a few 5 and 10 acre tracts.

B. As early as 1902 cases arose calling for determination of heirs

A look at one of these early cases well illustrates present magnitude. It is the case of Sampson Sillilponee. Sampson died in 1898, aged 51 years, married at time of decease, with issue, leaving as his only heirs:

Wastu Sillilponee - widow

Kahanawit - son

Auswan - son

C. Under inheritance law the surviving spouse, if there are no children, inherits all. If there is one child, the child inherits one-half. If there are two or more children, the surviving spouse receives one-third and the remaining two-thirds are divided among the children. Thus the estate of Sampson Sillilponee was evenly divided, one-third each to the widow and the two sons. What may happen from then on can be involved because we next find three different heirs have entered the case, each with a two-ninths interest. The simple language of the probate record shows as follows the lineage that brought this about:

"Billy Albert, or Muy-yuk, or Mi-ach, son of subsequently deceased brother of predeceased grandfather (next of kin) of subsequently deceased son of subsequently deceased father, and

of subsequently deceased son, and of subsequently deceased minor unmarried brother of the half blood of subsequently deceased son."

D. This was brought about by the following events:

- a. Auswan, son of Sampson Lillilponee died in 1899 aged one year.
- b. Auswan's brother, Kahanawit, was Auswan's heir and now had a two-thirds interest.
- c. In 1903 Kahanawit died "unmarried, without issue, or father, or mother, or brother, or sister living, and leaving surviving as his sole heir at law a great uncle, Lawahulbut, being the brother of his pre-deceased grandfather, Amtechuk." Thus the great uncle Lawahulbut comes into the picture with a two-thirds interest.
- d. In 1906 Lawahulbut passed away, leaving as his only heirs "a widow, Tsawack, and two sons, Billy Albert and Johnson Albert, each entitled to inherit one-third of his estate." Since his estate was two-thirds of (or six-ninths) of the Sampson Sillilponee allotment, the ownership now became:
Wastu Sillilponee - $\frac{1}{3}$
Johnson Albert - $\frac{2}{9}$
Billy Albert - $\frac{2}{9}$
Tsawack - $\frac{2}{9}$

Your imagination will suffice to carry you
from 1906 to the present date.

E. With this background you can easily follow the simpler case I will now hand out as an example of how we record inherited interests for checking and proving:

- a. This allotment first necessitated probate in 1919. Eight children each received one-eighth, and these are listed in the first column.
- b. One of these children, Alice Allen, died and her interest of $1/8$ as shown in column 2 went to Henry Allen in 1923.
- c. Another child, Abraham, died and his one-eighth also went to Henry Allen in 1930 as shown in column 3.
- d. The interest of the third child to die, Daniel, went to a granddaughter, Alice, in 1935 as shown in column 4.
- e. The interest of the fourth original heir to die was divided among four heirs as shown in column 5. This was 1948.
- f. The last probate was in 1957 of the interest of Henry Allen. This, you will note brought in new names.
- g. The last column shows the lowest common denominator interests of all present heirs.

Summary

You will note from this example how fractionated the interests in an allotment can become, and how complicated with introduction even of non-Indian interests. Even a vivid imagination is not likely to conjure up a picture that will be more complicated than reality some years hence.