

# TANGLE IS CLEARED

## Indian Bureau Given Entire Charge of Timber Lands

## FORESTERS MAY ASSIST

Divided Responsibility for Care of Wooded Lands Is Ended, and Dispute Lasting for Many Years Is Settled.

OREGONIAN NEWS BUREAU, Washington, Feb. 10.—When James R. Garfield was Secretary of the Interior a co-operative arrangement was entered into between the Interior Department and Forest Service, under which the latter bureau assumed full management of timber lands on Indian reservations. When Secretary Ballinger came into office he "busted" this arrangement, and restored the control and management of these lands to the Indian Bureau. The Forest Service and Senator LaFollette entered vigorous protests, but the course of Secretary Ballinger has been sustained by the legal branch of the Government, and the correctness of his action therefore is established.

This whole subject is reviewed in Attorney-General Wickersham's report to the President. In it he says:

"With respect to the co-operation between the Indian Bureau and the Bureau of Forestry Secretary Ballinger shows that on January 22, 1903, the Secretary of Agriculture entered into an arrangement for co-operation between the Indian Office and the Forest Service relating to the care, protection and use of timber on Indian reservations. The conditions on which the Forest Service undertook the work were:

### Indian Bureau to Pay.

"That the salaries and expenses of all men actually employed to carry out this co-operative agreement and all necessary expense for equipment and supplies shall be borne by the Indian Office.

"That all men so employed and all those already employed in forest work on Indian reservations shall constitute a part of the force of the Forest Service, responsible directly and only thereto.

"That in the employment of Indian labor, in keeping liquor away from the Indians and in other essential ways the Forest Service will apply in its administration of forest matters the policies of the Indian Office for the welfare of the Indians; but that work in the woods under policies agreed upon by the Indian Office and the For-

est Service shall be planned, initiated and conducted wholly by officers of the Forest Service."

At the time the co-operative arrangement was entered into there was no appropriation for the purpose, but the Forest Service voluntarily furnished men who acted as supervisors and rangers and who performed some work on the various Indian reservations; that these men were paid from the Forest Service appropriation and carried upon its rolls; but in most instances an adjustment was made later by the presentation of a claim by the Forest Service for expenses incurred and the payment of that claim by the Indian Office, Department of Interior.

Secretary Ballinger says that some time in the Spring Mr. Valentine, the Indian Commissioner, called his attention to the co-operative agreement and that he (Secretary Ballinger) stated to Mr. Valentine that where the Indian Office was acting under direct appropriations, co-operation would seem to him to be possible only where the Forest officers were taken over on the Indian Office rolls for this purpose, and that the provision of the agreement providing that all men so employed and all those already employed in forest work on Indian reservations shall constitute a part of the force of the Forest Service, responsible directly and only thereto, would be applicable only where the Forest Service was disbursing its own funds.

Transmitted with the papers is a

memorandum of opinion by Mr. Finney, law officer of the General Land Office, who points out that the appropriation made by act of Congress March 3, 1909, is clearly to be used, controlled and expended by the Interior Department, and expresses his doubt concerning the legality of using it to pay officers and men, who, though on the rolls of the Indian Office, would, under the co-operative arrangement, be wholly under the control of another department, reporting to and receiving orders from that department and not from the one charged with the care of the reservation or the disbursement of the appropriation.

An opinion of the Controller of the Treasury, rendered September 3, 1906, to the Secretary of the Interior, says:

"The detail of an employe from one department to another, with or without an agreement between the heads of the departments concerned, to perform duties which are not connected with the department from which detailed and the payment of his salary from appropriations for, or moneys under the control of, the department to which detailed, is unauthorized, unless express authority by statute is granted therefor, and I am not aware of any statute that either expressly or impliedly gives general authority to make such details between the Agricultural and Interior departments.

"For the above reason your question is answered that there is legal objection to