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APPROVED
DEC 22 1974

ACTION

THE WHITE HOUSE Last Day: December 23
WASHINGTON

December 20, 1974

*POSTED in
colored
12/23*

*TO ARCHIVES
12/24*

MEMORANDUM FOR THE PRESIDENT
FROM: KEN COLE *(initials)*
SUBJECT: Enrolled Bill H.R. 8824 - Land Conveyance
to Mrs. Harriet La Pointe Vanderverter

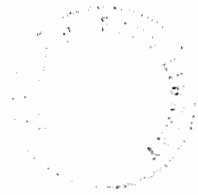
Attached for your consideration is H.R. 8824, sponsored by Representative Obey of Wisconsin, which provides for the conveyance of certain real property of the United States to Mrs. Harriet La Pointe Vanderverter.

OMB recommends approval and provides you with additional background information in its enrolled bill report (Tab A).

Bill Timmons and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign H.R. 8824 (Tab B).



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 16 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 8824 - Land conveyance to
Mrs. Harriet La Pointe Vanderventer
Sponsor - Rep. Obey (D) Wisconsin

Last Day for Action

December 23, 1974 - Monday

Purpose

Provides for the conveyance of certain real property of the United States to Mrs. Harriet La Pointe Vanderventer.

Agency Recommendations

Office of Management and Budget Approval

Department of the Interior Approval

Discussion

In 1895, under the terms of an 1854 Indian treaty, approximately 80 acres of reservation land were allotted to A. J. Vanderventer. Although the land was not held in trust, the title for the land contained certain restrictions which carried the same implications as for a trust allotment.

In 1916, Mr. Vanderventer died, and his will, which was later approved by President Harding, provided that his son, Joseph, should inherit the allotment.

Until 1913, Presidential approval of such wills served to remove any restrictions on lands transmitted by will. In that year, however, Congress changed the law to provide that Presidential approval of wills would not remove



restrictions on, or the trust status of, such allotments. This change in the law was not generally recognized until 1935, however, and not entirely clarified until the Interior Department Solicitor issued an opinion on the matter in 1944.

Under the mistaken assumption that Presidential approval of Mr. Vanderventer's will had removed the title restrictions on the allotment, local officials placed the land on the county tax rolls. When the taxes were unpaid, the county acquired the land by tax deed. Subsequently, the United States obtained the land in condemnation proceedings under the submarginal lands program of the 1930's. The land is currently under the jurisdiction of the Interior Department.

In both of the above transactions, the Interior Department, which also mistakenly believed that approval of the will had terminated its responsibility to the allottees, did not act to protect the Vanderventers' interest in the land. The enrolled bill would correct this error by restoring the land in question to Mrs. Harriet La Pointe Vanderventer, the wife and sole heir of Joseph Vanderventer. Conveyance of the land under the bill would be made without consideration and subject to the same restrictions as originally placed on the allotment.

Walter H. Rommel

Assistant Director for
Legislative Reference

Enclosures



THE WHITE HOUSE
WASHINGTON

Log 782

Bill Tennison signed

off & returned on

12/17

7:30 pm.



Joni Sedley

1741
THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 782

Date: December 16, 1974

Time: 6:30 p.m.

FOR ACTION: Mike Duval *oh*
Bill Timmons
Phil Areeda *oh*

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 19

Time: 3:00 p.m.

SUBJECT:

Enrolled Bill H.R. 8824 - Land conveyance to
Mrs. Harriet La Pointe Vanderverter

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 782

Date: December 16, 1974

Time: 6:30 p.m.

FOR ACTION: Mike Duval ✓
Bill Timmons
Phil Areeda

cc (for information) Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 19

Time: 3:00 p.m.

SUBJECT:

Enrolled Bill H.R. 8824 - Land conveyance to
Mrs. Harriet La Pointe Vanderverter

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

OK Mike Duval



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 782

Date: December 16, 1974

Time: 6:30 p.m.

FOR ACTION: Mike Duval
Bill Timmons
Phil Areeda ✓

cc (for information) Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 19

Time: 3:00 p.m.

SUBJECT:

Enrolled Bill H.R. 8824 - Land conveyance to
Mrs. Harriet La Pointe Vanderventer

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

Sign
P Areeda



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

DEC 13 1974

Dear Mr. Ash:

This responds to your request for our views on the enrolled bill H.R. 8824, "To provide for the conveyance of certain real property of the United States to Mrs. Harriet La Pointe Vandeverter."

We recommend that the President approve the enrolled bill.

Enrolled bill H.R. 8824 provides that all right, title, and interest of the United States in and to Bad River Indian allotment numbered 15, containing 80 acres, more or less, would be conveyed to Mrs. Vanderverter subject to the same limitations, conditions, restrictions and reservations contained in the patent issued by the United States to the original allottee. The land is described as the east half of the southeast quarter, section 19, township 47 north, range 2 west, fourth principal meridian, Wisconsin.

On January 26, 1895, a restricted fee patent was issued to A.J. Vanderverter, Bad River Reservation allottee No. 15, under the provisions of the Chippewa Treaty of September 30, 1854 (10 Stat. 1109). The allottee died testate on February 18, 1916. The allotment passed under the allottee's will to his son, Joseph Vanderverter. The will was subsequently approved by President Harding in 1921. Presidential approval of wills of members of the Chippewa Tribe holding allotments under the 1854 Treaty originally operated to remove the restrictions against alienation. However, an Act of Congress dated June 25, 1910 (36 Stat. 855; 25 U.S.C. 372), curtailed the power of the President to remove restrictions on alienation of these allotments through approval of Chippewa Indian wills after that date. Although this Act became law in 1910, it was not generally recognized until 1935, and this fact was not completely clarified until the issuance of an opinion by the Solicitor of the Interior Department on February 11, 1944.

Because of the ignorance that existed concerning the Act of 1910, officials of Ashland County, Wisconsin, placed allotment numbered 15 on the tax rolls, because of their belief that Presidential approval



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of A.J. Vanderverter's will had removed the restriction on alienation and thus ended the trust status of the land. The County purported to acquire title to this land by two tax deeds dated June 16, 1931, and June 20, 1933. Subsequently, in 1940, the United States acquired the 80 acres in condemnation proceedings from Ashland County as submarginal land under authority of the Act of June 16, 1933, and subsequent relief acts. Jurisdiction over the lands was transferred by Executive order 7868, dated April 15, 1938, from the Department of Agriculture to the Department of the Interior for the use and benefit of the Indians, insofar as consistent with the conservation purposes for which lands were acquired.

The records of the Ashland County Treasurer's Office show that the county received \$2,304.58 from the United States District Court for the Western District of Wisconsin as payment involving 1,028.83 acres of land in Ashland County, including the 80 acres of allotment numbered 15. This amounts to approximately \$2.24 per acre, and \$180 for the 80 acres covered by the bill. Although Mr. Joseph Vanderverter and his wife were named as parties in the proceedings and served with appropriate papers, they apparently were not sufficiently knowledgeable to prove their case. This Department, under the mistaken belief that approval of the will had terminated its responsibility to the Vanderventers, did not proffer any assistance, and the Vanderventers did not receive any of the proceeds of the United States purchase. On March 17, 1954, Joseph Vanderverter died, and his Indian wife, Harriet La Pointe Vanderverter, was his sole heir.

The property to be conveyed is not used by the Bureau of Indian Affairs. Its best use is for the growth of timber; it is located within an area primarily dependent upon the harvest of forest products. The tract is completely forested, with forested tracts contiguous to all its boundaries. Timber cover on the tract is primarily a dense stand of mature aspen with some pine and balsam. Subject to easements of record the current fair market value of the tract is \$1,200.00, plus the value of mercantile timber.

There is no administrative or judicial procedure available to restore title to the land in Mrs. Vanderverter. Since the title vested in the United States as a result of the condemnation proceedings, legislative

action is the only remedy available to transfer title to the devisee of the former Indian owner. The Department believes that we failed to fulfill our trust responsibility to the Vanderventers. Therefore, we recommend that the President approve the enrolled bill.

Sincerely yours,

Assistant

Secretary of the Interior

Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C. 20503

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 16 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 8824 - Land conveyance to
Mrs. Harriet La Pointe Vanderverter
Sponsor - Rep. Obey (D) Wisconsin

Last Day for Action

December 23, 1974 - Monday

Purpose

Provides for the conveyance of certain real property of the United States to Mrs. Harriet La Pointe Vanderverter.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval

Discussion

In 1895, under the terms of an 1854 Indian treaty, approximately 80 acres of reservation land were allotted to A. J. Vanderverter. Although the land was not held in trust, the title for the land contained certain restrictions which carried the same implications as for a trust allotment.

In 1916, Mr. Vanderverter died, and his will, which was later approved by President Harding, provided that his son, Joseph, should inherit the allotment.

Until 1913, Presidential approval of such wills served to remove any restrictions on lands transmitted by will. In that year, however, Congress changed the law to provide that Presidential approval of wills would not remove



restrictions on, or the trust status of, such allotments. This change in the law was not generally recognized until 1935, however, and not entirely clarified until the Interior Department Solicitor issued an opinion on the matter in 1944.

Under the mistaken assumption that Presidential approval of Mr. Vanderventer's will had removed the title restrictions on the allotment, local officials placed the land on the county tax rolls. When the taxes were unpaid, the county acquired the land by tax deed. Subsequently, the United States obtained the land in condemnation proceedings under the submarginal lands program of the 1930's. The land is currently under the jurisdiction of the Interior Department.

In both of the above transactions, the Interior Department, which also mistakenly believed that approval of the will had terminated its responsibility to the allottees, did not act to protect the Vanderventers' interest in the land. The enrolled bill would correct this error by restoring the land in question to Mrs. Harriet La Pointe Vanderventer, the wife and sole heir of Joseph Vanderventer. Conveyance of the land under the bill would be made without consideration and subject to the same restrictions as originally placed on the allotment.

Walter H. Powell

Assistant Director for
Legislative Reference

Enclosures



PROVIDING FOR THE CONVEYANCE OF CERTAIN REAL
PROPERTY OF THE UNITED STATES TO MRS. HARRIET
LA POINTE VANDERVENTER

SEPTEMBER 17, 1974.—Committed to the Committee of the Whole House and
ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H.R. 8824]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 8824) To provide for the conveyance of certain real property of the United States to Mrs. Harriet La Pointe Vanderverter, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

H.R. 8824 by Representative Obey provides for the correction of an error of officials of the Bureau of Indian Affairs with respect to an allotment made on the Bad River Indian Reservation in Wisconsin. This allotment, numbered 15, containing 80 acres, more or less, would be conveyed to Mrs. Harriet La Pointe Vanderverter, descendant of A. J. Vanderverter. The land would be subject to the same limitations, conditions, restrictions and reservations contained in the patent issued by the United States to Mr. Vanderverter.

EXPLANATION

In 1895, approximately 80 acres of reservation land was allotted to one A. J. Vanderverter, a member of the Bad River Tribe, under provisions of an 1854 treaty. The allotment was patented to the allottee with a restriction against alienation rather than being held in trust by the United States for the allottee. The implications of the title, however, are the same as a trust allotment.



The original allottee died testate in 1916 and devised his allotment to his son, Joseph. His will was subsequently approved by President Harding in 1921.

Prior to 1913, Presidential or Secretarial approval of a will operated to remove any trust or restriction on lands devised by will. However, a 1913 Act of Congress changed this law to provide that such approval would not operate to remove such trust or restricted status.

Under a mistaken assumption that approval of the will and probate of the estate removed restrictions, local taxes were imposed on the subject lands and, when unpaid, the lands were taken by the county by tax deed. Officials of the Bureau of Indian Affairs, also under the mistaken assumption, made no effort to prevent this illegal tax sale. The heirs remained ignorant of the whole transaction.

These lands were later acquired by the United States through condemnation under the submarginal lands program of the 1930's. The Department of Justice in the condemnation overlooked the fact that the restrictions on the land had not been removed. Title to the lands is now in the United States.

Mrs. Harriet La Pointe Vanderverter, heir of Joseph Vanderverter, attempted to secure an unrestricted fee patent on the lands in 1956 for sale purposes. BIA officials discovered that the lands had been illegally taken for taxes and that the heirs had no title.

The taxation by the local government and the transfer of the land by tax deed was illegal. The BIA should have acted to prevent it. This bill will correct the error by restoring the lands to Mrs. Vanderverter or her heirs under the same conditions as the original allotment.

COST

There are no Federal expenditures required by enactment of H.R. 8824.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, by a voice vote, recommends that the bill be enacted.

DEPARTMENTAL REPORT

The favorable report of the Department of the Interior, dated April 5, 1974, follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 5, 1974.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 8824, a bill "To provide for the conveyance of certain property of the United States to Mrs. Harriet La Pointe Vanderverter."

H.R. 8824 provides that all right, title, and interest of the United States in and to Bad River Indian allotment numbered 15, containing 80 acres, more or less, would be conveyed to Mrs. Vanderverter subject to the same limitations, conditions, restrictions and reservations contained in the patent issued by the United States to the original allottee. The land is described as the east half of the southeast quarter, section 19, township 47 north, range 2 west, fourth principal meridian, Wisconsin.

Under the provisions of the Chippewa Treaty of September 30, 1854 (10 Stat. 1109), a restricted fee patent was issued on January 26, 1895, to A. J. Vanderverter, Bad River allottee No. 15. The allottee died testate on February 18, 1916. The allotment passed to his son, Joseph Vanderverter under Mr. Vanderverter's will, which was approved by President Warren G. Harding on August 9, 1921. Presidential approval of wills made by members of the Chippewa Tribe holding allotments under the 1854 Treaty originally operated to remove the restrictions against alienation. The Act of June 25, 1910 (36 Stat. 855; U.S.C. 372), however, curtailed the power of the President, whose approval of wills made by Chippewa Indians dying after that date did not serve to remove restrictions. While this was true as a matter of law it was not generally recognized until 1935, and was not entirely clear until the issuance of an opinion by the Interior Department Solicitor on February 11, 1944.

Apparently under the mistaken belief that Presidential approval of A. J. Vanderverter's will had removed the restriction on alienation and thus the trust status of the land, officials of Ashland County, Wisconsin, placed the allotment on the tax rolls. The County purported to acquire title to this land by two tax deeds dated June 16, 1931, and June 20, 1933. Subsequently, in 1940, the United States acquired the 80 acres in condemnation proceedings from Ashland County as sub-marginal land under authority of the Act of June 16, 1933, and subsequent relief acts. Jurisdiction over the lands was transferred by Executive order 7868, dated April 15, 1938, from the Department of Agriculture to the Department of the Interior for the use and benefit of the Indians, insofar as consistent with the conservation purposes for which the lands were acquired.

The records of the Ashland County Treasurer's Office show that the county received \$2,304.58 from the United States District Court for the Western District of Wisconsin as payment involving 1,028.83 acres of land in Ashland County. This amounts to approximately \$2.24 per acre or about \$180 for the 80 acres covered by the bill. Although Mr. Joseph Vanderverter and his wife were named as parties in the proceedings and served with appropriate papers, they apparently were not sufficiently knowledgeable to prove their case. This Department, under the mistaken belief that approval of will had terminated its responsibility to the Vanderverters, did not proffer any assistance, and the Vanderverters did not receive any of the proceeds of the United States purchase. On March 17, 1954, Joseph Vanderverter died, and his Indian wife, Harriet La Pointe Vanderverter, was determined to be his sole heir.

The property to be conveyed is not used by the Bureau of Indian Affairs. Its highest and best use is for the growth of timber; it is located within an area primarily dependent on the harvest of forest products. The tract is completely forested, with forested tracts contiguous to all its boundaries. Timber cover on the tract is primarily a dense stand of mature aspen with some pine and balsam. Subject to easements of record the current fair market value of the tract is \$1,200.00, plus the value of merchantile timber.

There is no administrative or judicial procedure available to restore title to the land in Mrs. Vanderverter. Since the title vested in the United States as a result of the condemnation proceedings, legislative action is the only remedy available to transfer title to the devisee of the former Indian owner. We in the Department of the Interior feel we did not fulfill our trust responsibility to these people. Therefore, we recommend enactment of this bill.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

○

PROVIDING FOR THE CONVEYANCE OF CERTAIN REAL PROPERTY OF THE UNITED STATES TO MRS. HARRIET LA POINTE VANDERVENTER

DECEMBER 4, 1974.—Ordered to be printed

Mr. NELSON, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H.R. 8824]

The Committee on Interior and Insular Affairs, to which was referred the bill (H.R. 8824) to provide for the conveyance of certain real property of the United States to Mrs. Harriet La Pointe Vanderverter, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF BILL

H.R. 8824 provides for the correction of an error of officials of the Bureau of Indian Affairs with respect to an allotment made on the Bad River Indian Reservation in Wisconsin. This allotment, numbered 15, containing 80 acres, more or less, would be conveyed to Mrs. Harriet La Pointe Vanderverter, descendant of A. J. Vanderverter. The land would be subject to the same limitations, conditions, restrictions and reservations contained in the patent issued by the United States to Mr. Vanderverter.

EXPLANATION

In 1895, approximately 80 acres of reservation land was allotted to one A. J. Vanderverter, a member of the Bad River Tribe, under provisions of an 1854 treaty. The allotment was patented to the allottee with a restriction against alienation rather than being held in trust by the United States for the allottee. The implications of the title, however, are the same as a trust allotment.



The original allottee died testate in 1916 and devised his allotment to his son, Joseph. His will was subsequently approved by President Harding in 1921.

Prior to 1913, Presidential or Secretarial approval of a will operated to remove any trust or restriction on lands devised by will. However, a 1913 Act of Congress changed this law to provide that such approval would not operate to remove such trust or restricted status.

Under a mistaken assumption that approval of the will and probate of the estate removed restrictions, local taxes were imposed on the subject lands and, when unpaid, the lands were taken by the county by tax deed. Officials of the Bureau of Indian Affairs, also under the mistaken assumption, made no effort to prevent this illegal tax sale. The heirs remained ignorant of the whole transaction.

These lands were later acquired by the United States through condemnation under the submarginal lands program of the 1930's. The Department of Justice in the condemnation overlooked the fact that the restrictions on the land had not been removed. Title to the lands is now in the United States.

Mrs. Harriet La Pointe Vanderventer, heir of Joseph Vanderventer, attempted to secure an unrestricted fee patent on the lands in 1956 for sale purposes. BIA officials discovered that the lands had been illegally taken for taxes and that the heirs had no title.

The taxation by the local government and the transfer of the land by tax deed was illegal. The BIA should have acted to prevent it. This bill will correct the error by restoring the lands to Mrs. Vanderventer or her heirs under the same conditions as the original allotment.

COST

There are no Federal expenditures required by enactment of H.R. 8824.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, by a voice vote, recommends that the bill be enacted.

DEPARTMENTAL REPORT

The favorable report of the Department of the Interior to the Chairman of the House Committee on Interior and Insular Affairs, dated April 5, 1974, follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 5, 1974.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 8824, a bill "To provide for the conveyance of certain property of the United States to Mrs. Harriet La Pointe Vanderventer."

H.R. 8824 provides that all right, title, and interest of the United States in and to Bad River Indian allotment numbered 15, containing 80 acres, more or less, would be conveyed to Mrs. Vanderverter subject to the same limitations, conditions, restrictions and reservations contained in the patent issued by the United States to the original allottee. The land is described as the east half of the southeast quarter, section 19, township 47 north, range 2 west, fourth principal meridian, Wisconsin.

Under the provisions of the Chippewa Treaty of September 30, 1854 (10 Stat. 1109), a restricted fee patent was issued on January 26, 1895, to A. J. Vanderverter, Bad River allottee No. 15. The allottee died testate on February 18, 1916. The allotment passed to his son, Joseph Vanderverter under Mr. Vanderverter's will, which was approved by President Warren G. Harding on August 9, 1921. Presidential approval of wills made by members of the Chippewa Tribe holding allotments under the 1854 Treaty originally operated to remove the restrictions against alienation. The Act of June 25, 1910 (36 Stat. 855; U.S.C. 372), however, curtailed the power of the President, whose approval of wills made by Chippewa Indians dying after that date did not serve to remove restrictions. While this was true as a matter of law it was not generally recognized until 1935, and was not entirely clear until the issuance of an opinion by the Interior Department Solicitor on February 11, 1944.

Apparently under the mistaken belief that Presidential approval of A. J. Vanderverter's will had removed the restriction on alienation and thus the trust status of the land, officials of Ashland County, Wisconsin, placed the allotment on the tax rolls. The County purported to acquire title to this land by two tax deeds dated June 16, 1931, and June 20, 1933. Subsequently, in 1940, the United States acquired the 80 acres in condemnation proceedings from Ashland County as sub-marginal land under authority of the Act of June 16, 1933, and subsequent relief acts. Jurisdiction over the lands was transferred by Executive order 7868, dated April 15, 1938, from the Department of Agriculture to the Department of the Interior for the use and benefit of the Indians, insofar as consistent with the conservation purposes for which the lands were acquired.

The records of the Ashland County Treasurer's Office show that the county received \$2,304.58 from the United States District Court for the Western District of Wisconsin as payment involving 1,028.83 acres of land in Ashland County. This amounts to approximately \$2.24 per acre or about \$180 for the 80 acres covered by the bill. Although Mr. Joseph Vanderverter and his wife were named as parties in the proceedings and served with appropriate papers, they apparently were not sufficiently knowledgeable to prove their case. This Department, under the mistaken belief that approval of will had terminated its responsibility to the Vanderventers, did not proffer any assistance, and the Vanderventers did not receive any of the proceeds of the United States purchase. On March 17, 1954, Joseph Vanderverter died, and his Indian wife, Harriet La Pointe Vanderverter, was determined to be his sole heir.

The property to be conveyed is not used by the Bureau of Indian Affairs. Its highest and best use is for the growth of timber; it is

located within an area primarily dependent on the harvest of forest products. The tract is completely forested, with forested tracts contiguous to all its boundaries. Timber cover on the tract is primarily a dense stand of mature aspen with some pine and balsam. Subject to easements of record the current fair market value of the tract is \$1,200.00, plus the value of merchantile timber.

There is no administrative or judicial procedure available to restore title to the land in Mrs. Vanderverter. Since the title vested in the United States as a result of the condemnation proceedings, legislative action is the only remedy available to transfer title to the devisee of the former Indian owner. We in the Department of the Interior feel we did not fulfill our trust responsibility to these people. Therefore, we recommend enactment of this bill.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

○

H. R. 8824

Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

To provide for the conveyance of certain real property of the United States to
Mrs. Harriet La Pointe Vanderverter.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That, subject to the
provisions of section 2 of this Act, the Secretary of the Interior shall
convey, without consideration therefor, to Mrs. Harriet La Pointe
Vanderverter, Ashland, Wisconsin, or her heirs, all right, title, and
interest of the United States in and to the Bad River Indian allotment
numbered 15, more particularly described as the east half of the south-
east quarter, section 19, township 47 north, range 2 west, fourth
principal meridian, Wisconsin, containing eighty acres, more or less.*

SEC. 2. The conveyance referred to in the first section of this Act
shall be subject to the same limitations, conditions, restrictions, and
reservations contained in the patent issued by the United States to
the original allottee of the Bad River Indian allotment numbered 15,
which allotment is more particularly described in such first section.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

December 11, 1974

Dear Mr. Director:

The following bills were received at the White House on December 11th:

S. 2193 ✓	H.R. 7730 ✓
S. 2363 ✓	H.R. 8352 ✓
S. 3906 ✓	H.R. 8824 ✓
S. 4040 ✓	H.R. 11929
H.R. 6274 ✓	H.R. 14214
H.R. 6925 ✓	H.R. 17026 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D.C.

