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TUTELAGE OF THE INDIAN

The past year has been marked by much legislation important to the Indian in his period of tutelage. The Federal Government's guardianship of its wards has been strengthened so that the Indian Office is enabled to manage the affairs of the helpless class of Indians with undisputed authority, while it has power at the same time to remove from the roll of wards and dependents the large and ever-increasing number of Indians who no longer need supervision from a Bureau in Washington. This is the particular purpose of the Burke Law which was passed by Congress last May. The Burke Law has modified the allotment act so that the Indian does not now receive citizenship with his allotment and trust patent. He must wait for it until his patent in fee is issued, the interval being considered his period of tutelage. In this period of tutelage it is assumed that the Government will teach him how to use his citizenship. This period may cover twenty-five years, but on the other hand—and this is one of the most important features of the modified law—the authority is given to the

Secretary of the Interior to determine when the Indian is fit to own his land in fee and then to give it to him, and with it his full citizenship.

In making this decision an administrative function rather than a matter for congressional action much possibility of wrong to individual Indians through sweeping legislation that ignores the individual, is done away with. Now the Secretary of the Interior decides when the patent in fee should be issued. And not only may the period of tutelage be shortened in this way, but in case of aged Indians or others unable to manage their affairs authority is given to the President to extend these trust periods at will when he considers it desirable for the protection of the Indian.

Another important change wrought by this law is in regard to the disposal of an Indian's estate. Heretofore when an allottee died during the period of the trust patent his heirs would go into the probate court and prove their claim to the estate. Now the Secretary of the Interior is practically made probate judge.

One of the worst difficulties to be dealt with in the case of the allotted Indian has always been the liquor traffic. But