

IF02

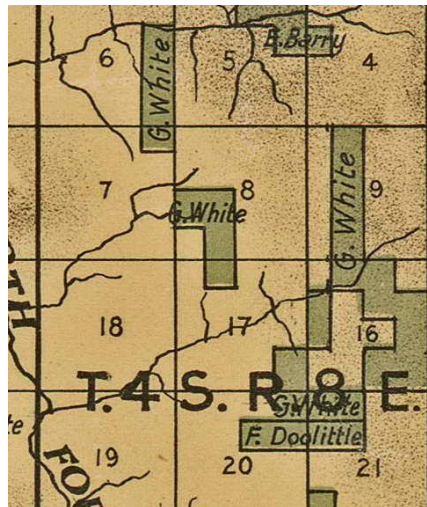
Rose Russ National Forest Indian Allotment

IF02 Map 4: T4S, R8E, S9

See HF08 for the Russ family history. See also May Berry file HF12. There are additional documents in the hard copy file.

This tract is plotted on the Base Map somewhat to the west of the description in the Ranger's report (below) due to the problems with the original GLO survey. See also the SRNF 1977 map (A2: 21b). Russ applied for 160 acres but only 100 acres were approved by the ranger in his report (see Appendix). The boundary designation of the parcel is based on letters from 1915 (see below and Appendix) that eventually found that Russ and his daughter qualified for the parcel. The final tract appears to have been 160 acres given the way the tract is plotted on the SRNF 1977 map—this however needs to be confirmed.

Note that Lowden's 1894 map shows this tract as being owned by George White. Both tracts are plotted on the Base Map but given the documents cited below the White tract is plotted with a dashed line since it is clear that the tract was eventually acquired by Russ.



Lowden's 1894 map Section 9.
(A2: 05)

The entry was eventually approved under the National Forest Indian Allotment Act of 1910 after a significant amount of effort, as discussed below, on the part of Russ and over strong objections to their Indian Allotment entry claim by the Forest Service (see Appendix below for additional documents concerning this issue).

As noted at entry HF08, the Augustus Russ family was unique as they were one of the few families that included African Americans living in southern Trinity County at this time. Refer to HF08 for a discussion of the Russ family ethnicity.

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In December of 1908, Russ applied for a 160 acre homestead entry directly south of the original Russ homestead (HA08) in Section 4. There is a large amount of correspondence on this matter in the hard copy file (HA08) --including a hard written letter date August 11, 1910 from Russ to: "The Forester" Washington D.C. (at that time Henry Graves). Eventually, Russ filed for this tract a second time under Indian Allotment Act in his daughter's name, Mabel Russ (age 7), and after strenuous objections by the Forest Service-- who question whether Russ qualified under the act as an "Indian' - it appears that all 160 acres were approved.

There is a significant amount of correspondence for this tract of land in the IF02 hard copy file. The most important and relevant of these documents are provided in the Appendix at the end of this section.

As noted above, Russ first applied for this tract in Section 9 under the FSHA of 1906, but later applied under the NFIAA of 1910 when his original homestead application was rejected. The file has a handwritten letter noting that A. Russ applied for a parcel of land for his daughter Mabel Russ who was eight years old. The memo notes that: "A. Russ father of the child is a half blood of the Redwood Indian tribe of northern Humboldt Co. Calif. Rose Russ mother of the child is mulatto." It was noted in one of the reports that Russ already owned 758 acres of inholdings within the TNF and his wife Rose held about 600 acres. Some of these tracts of land are probably outside the NFERW.

Despite the original denial by the Forest Service of this entry claim by Russ for his daughter Mabel, it appears after further communication with the Office of Indian Affairs (OIA) that Russ eventually acquired the 160 acre parcel in Section 9 under the Indian Allotment Act of 1910. This process took a number of years due to the fact that the Forest Service did not only not know how to proceed (under the new law) but felt that Russ did not qualify as an "Indian" stating in a letter from the TNF Forest Supervisor to the Region 5 District Forester of January 9, 1909 (in the hard copy file) shortly after he applied for the tract of land.

These people are entitled to all of the rights of citizenship and are living as the whites and it does not seem quite right that they should, in addition to their homestead rights, be granted Indian Allotment claims owing to the small part of Indian Blood.

This letter was followed by a letter (November 6, 1915: in the hard copy file) to the Washington Office from the Region 5 District (Regional) Forester also stating that:

It would appear from the Supervisor's (TNF) letter that neither Mr. Russ nor his daughter Mabel (mentioned in the original report) is entitled to an allotment under the Act of June 25, 1910.

Eventually, the Russ case (including a personal letter in hard copy file from Russ to "the Forester (Graves) in Washington D.C." went all the way to the Washington office. The TNF Forest Supervisor on November 3, 1922 (hard copy in file) indicated that:

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It is clear that neither Augustus Russ, his wife Rose Russ, or his minor daughter Mabel Russ, are entitled to an Indian Allotment within a National Forest. They do not come within the provisions of the Act of June 25, 1910, for the following reasons:

1. At the time he applied for the tract, A. Russ was the owner of more than 400 acres of patented land within the Trinity Forest. Trinity County's 1915 assessment shows him to be the owner of 758.24 acres of land as indicated by the attached plat.
2. His wife, Rose Russ, owns approximately 600 acres of land within Trinity Forest.
3. His daughter, Mabel, is under 18 years of age and resides with her parents on patented land owned by her father, A. Russ.
4. None of the three persons mentioned in 1, 2 and 3 above, have resided upon or have improvements upon. Government land, either before or after the Act of June 26, 1910, and are therefore not entitled to an Indian allotment under this Act.
5. Augustus Russ is a half-blood Indian, has severed his tribal relations, is living as the whites, has exercised his homestead rights and obtained patent to 160 acres of land upon which he is now living. He is married to a mulatto and his daughter Mabel, now 16 years of age is the issue.

The final decision to approve the tract of land as an Indian allotment—despite the objection of the TNF and District (Region 5) Forester—is quite likely the result of a letter to FS chief dated October 9, 1915 (in the Appendix), from OIA (Office of Indian Affairs) Chief C.F. Clark who indicated that Russ was indeed eligible under the NFIA Act of 1910 and whether his office could do "...anything...to assist Mr. Russ in acquiring title to the land occupied by him provided he is found to be entitled to make application under the act of June 25, 1910..."

Final Disposition

In a letter dated October 22, 1915 (see Appendix) to the District Forester (Region 5) from the Washington Office the Acting Forester he wrote that:

Mr. Hauke's letter indicates that so far as their records show, Mr Russ is entitled to secure an allotment."

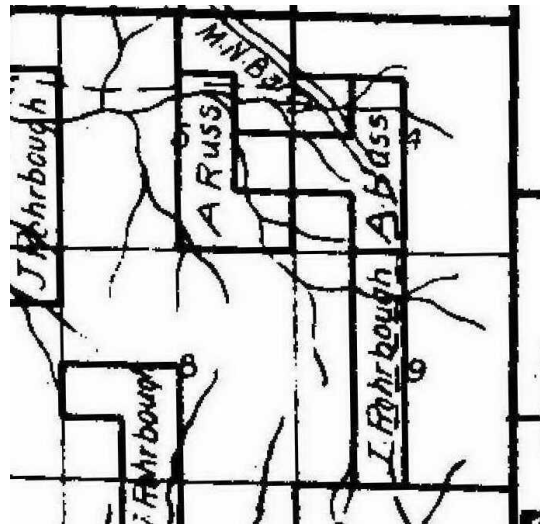
Given that the tract shows up as private on the 1977 SRNF map (A2:21b) it appears that eventually, despite the lack of documents in the file showing that the tract was patented, Russ took possession of this property.

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There are problems with this scenario, however, as the 1915 TNF map shows the tract in Section 9 in possession of J. Rohrbough (see entry). He acquired a number of tracks of land in this area after the George White/Frankie White divorce settlement (see entry).

The answer to who owned this property Russ or White will not be answered until the property records are reviewed at SRNF and in Weaverville.

In the 1980s this tract was owned by Larry Brown of the Flying Double A Ranch. See CRIR 05-10-472 the Brown Land Exchange for more information on this area.



1915 TNF Map
(A2: 28)

Appendix IF02

Document 1 four pages

Form 110

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

REPORT ON AGRICULTURAL HOMESTEAD APPLICATIONS.

Application No. 79 Trinity National Forest.

Land District Eureka Dec. 26 and 27, 1908.
(Date of examination.)

1. Name and address of applicant Augustus Puss
(The county should always be given.)

Caution, Trinity Co., California.

2. Settlement Applicant is not living on the land.
(Is applicant living on land? Give date of settlement.)

3. Location W 1/2 NE 1/4, and W 1/2 SE 1/4, Sec. 9 T 4 S., R 9 E.,
(Legal subdivision, or by metes and bounds. Relation to highways, rivers, railroads, etc. Proximity and importance of towns, settlements, etc.)

H. M. A country settlement, six or seven families reside
in three miles distance of this land.

Covelo, Mendocino County is the nearest town of importance
being 30 miles distance by trail.

Caution (Post Office) 1-1/4 miles distance.

Nearest wagon road on Mad River 1/2 miles distance by trail

Nearest railroad point, Carlotta, 73 miles distance

North Fork Red river is 3 miles distance, the only important
stream.

4. Area Applied for 160 acres Recommended 100 acres
(Applied for, and recommended.)

5. Topography... The land is mountainous, being situated on a south and
(Topography of tract applied for, and relation to surrounding territory. Topography should be considered particularly in its bearing on agricultural

west slope of the dividing ridge between Mad River and the North
possibilities, altitude, slope, aspect, etc.)

Fork of Bel River at an altitude of from 3500 to 3800 ft. above sea
level. In the south and along the West portion of the tract, the
slope of the land is gradual, making it possible to cultivate the
soil. Along the upper or East portion of the tract, the land is steep
rough and broken. Cultivation being impossible.
Looking to the north, south and west an excellent view is obtained.

6. Formation... General character of the open area, a deep black soil, a
(Nature and extent of soil, rock, etc., paying particular attention to their influence on agricultural possibilities. Presence of water for irrigation

few loose rock out cropping. The timber covered area is a similar
and domestic use. Possibilities for developing water.)

soil but shows rock and along the north and East portion of the tract
30 to 35 acres of the land is extremely rocky, cultivation being im-
possible. I note 3 springs on the tract, which afford plenty of water
for domestic use and water sufficient to irrigate a small garden patch
No other water available for irrigating purposes.

7. Climate... Moderate.

(Precipitation, temperature, occurrence of killing frosts.)

Greatest summer heat 100° F. H.

Killing frosts occur about October 20

Average precipitation 70 inches

8. Cover... There is approx. 50 acres of open glad land, 10 acres scrub
(Nature and extent of cover, with estimate of amount and value. Accessibility and distance to market. Is cover needed for protective or seeding purposes?)

live oak timber, 40 acres Black Oak and White Oak timber and brush,
through which is fair pasture. 60 acres open stand red fir and yellow
pine. Over the greater part of this area a very good reproduction of
Fir and Yellow Pine is found. The Oak timber is of little val ue.
Red Fir and Yellow Pine occuring over the entire tract would prob-
ably be 360,000 ft B. M. and would be worth \$450. No market near
No transportation facilities at present. I believe that a portion
of this cover is needed for protective purposes.

9. Claims. No conflicting claims known to exist. No improvements of any kind on the land. No mineral known to exist. Augustus Russ made available information. Use in the past, and by what means. Existence of mining claims. Give any information available affecting qualifications of applicant to make a final proof on Homestead Entry No. 4911 at Eureka Land Office May 24, 1919
(Conflicting claims to land or existing improvements—by whom and on what grounds. Examiner is not to pass upon claims—merely to furnish all available information. Use in the past, and by what means. Existence of mining claims. Give any information available affecting qualifications of applicant to make a Homestead entry. Show what improvements have been made, and their present state of repair.)
 1907

10. Economic possibilities For reason of application see attached sheet.
(Reason for application, and opinion as to success of applicants' plans. State fully agricultural possibilities. Value, if any, to Forest Service for Rangers' Quarters or other administrative purposes. If withdrawal of tract for administrative use is desired, submit separate report on Form 271. Distance and market price per acre of near-by farms. Transportation facilities.)
Thirty-five to forty acres of the tract recommended can be successfully used for farming. The remaining portion is valuable for grazing purposes only. Similar land from 3 to 5 miles of this tract has sold for from \$3.50 to \$5.00 per acre. Small market for produce grown. No transportation facilities at present. I believe that a good home could be built upon this tract. The land is not needed for administrative purposes.

11. Recommendations I recommend that 100 acres of the tract applied for and outlined in blue on the map be listed, As it is more valuable for agriculture and grazing than for the timber grown.
(Specific recommendation for or against listing of land, with summary of reasons for recommendation.)

12. Photographs
(Give numbers of negatives which go with this report. Photographs should be made in each case where unfavorable action is recommended.)

13. Personal
(Has applicant agreed to the findings of the examiner?)

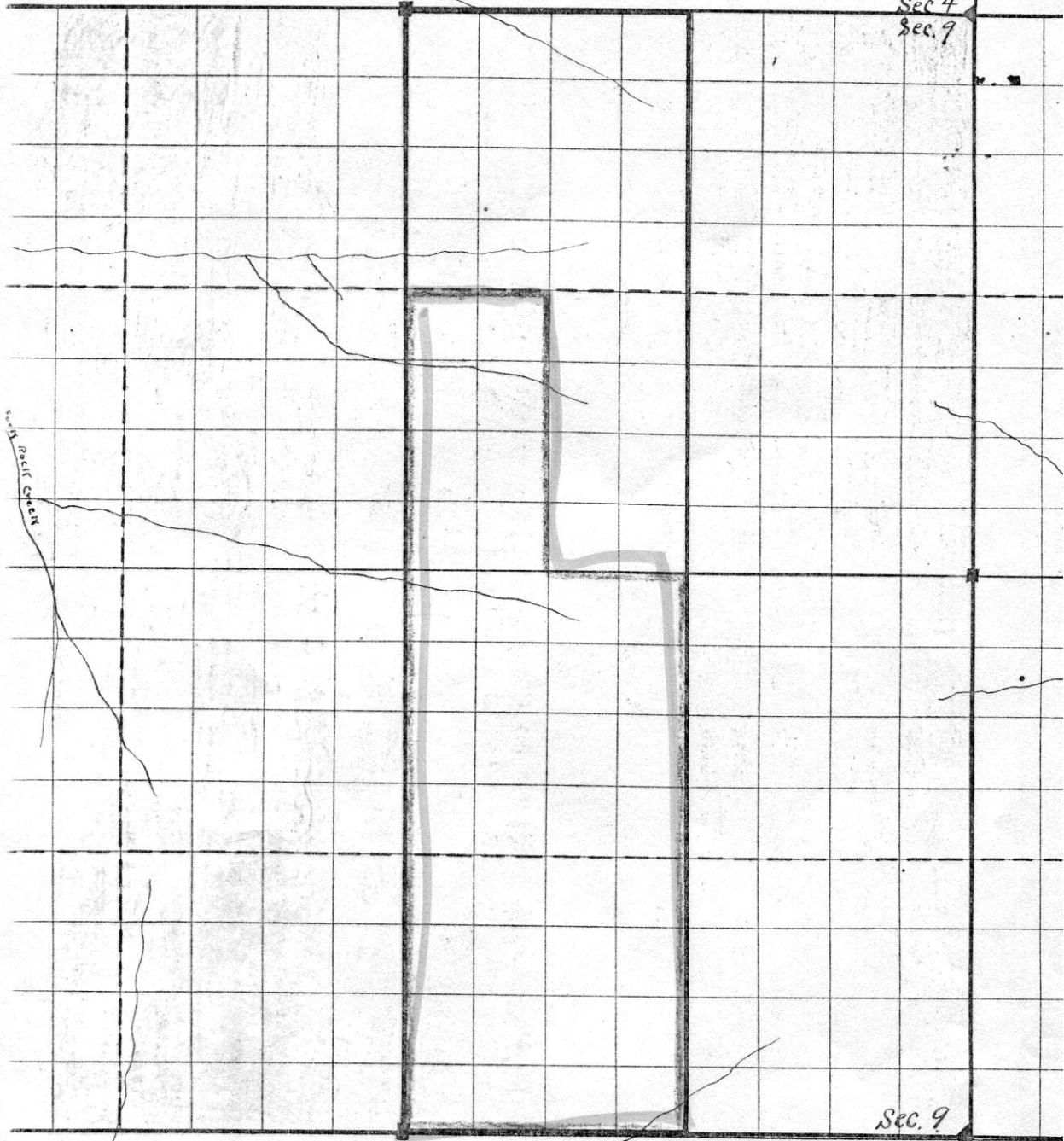
Referred sub-mitted Jan 9/09 WASH
 Approved _____, 190 .
(In charge, Examinations.)

J. D. Gray
(Signature of examining officer.)
Deputy Forest Ranger
(Title.)

Approved _____, 190 .
 Chief, Office of Lands.

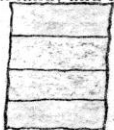
MAP SHEET.

Tp. 4 S. R. 8E H. M. Section 9 Quarter W²NE¹, W²SE⁴ Scale: 8 inches = 1 mile.



Sketch map, in colored pencil, of the area applied for on a scale of 8 inches to the mile, showing topography, cover, roads, trails, agricultural land, and improvements. A small amount of the surrounding country should be sketched in.

Legend



Open grass land.
 Black oak & White oak timber - through which is found, good growth of much grass.
 Land broken & rocky - cover, live oak timber and brush.
 6000 ft. B.M. Yellow Pine & Red Fir - with good reproduction of same.

Appendix 1
Additional Documents in the hard copy file

Letter of October 9, 1915 (2 pages)

Land-Allotments
104218-15
H V G

Indian allotment.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

lands
Oct. 9, 1915.

My dear Mr. Graves:

The Office is in receipt of a letter from Mr. Augustus Russ of Caution, California, regarding certain lands applied for by him in 1908 now included within the Trinity National Forest. With his letter Mr. Russ submits a letter from the Supervisor in Charge of the Indian School at Roseburg, Oregon, dated March 5, 1913, containing the information that the Supervisor in Charge of the Trinity Forest had held that Russ was not entitled to apply for an Indian allotment within a National Forest under Section 31 of the Act of June 25, 1910 (36 Stat. L. 855-863), for the reason that he already owned 440 acres of land within said Forest.

The records of this office show that the application of Mr. Russ was transmitted to the Forester by letter dated January 29, 1909, and by letter dated March 25, 1909, the Acting Forester advised that no action would be taken on the application pending the approval of a definite form of lease.

Attention is invited to the fact that at the time of submission of said application there was no law authorizing the allotment of lands to Indians within National Forests.

As the Office is not informed of the present status of the application or the extent of the rights of Mr. Russ to the lands applied for, it is requested that this Office be fully informed on those points (so far as the records of your Bureau will show) and whether there is anything it can do to assist Mr. Russ in acquiring title to the lands occupied by him, provided he is found to be entitled to make application under the Act of June 25, 1910, supra.

Mr. Russ has been advised of this action.

Very truly yours,

(Signed) C. P. HAUKE

Chief Clerk.

10-MDP-6

Hon. Henry S. Graves,

Forester.

Letter October 22, 1915 (2 pages)

should also report the kind, value, and improvements erected by the applicant. **October 22, 1915.**

Absence of evidence of settlement or improvement prior to

L
Trinity, Settlement,
Russ, Augustus,
I. A. is unnecessary. In this regard see

the Forester's letter of events regarding the proposed procedure to be followed in

District Forester, in this case

San Francisco, Cal.

Dear Sir: See Mr. Dwyer's letter

The enclosed copy of a letter received from

the Office of Indian Affairs, dated October 9, 1915, is

largely self-explanatory:

Please report whether this applicant is entitled to secure the land applied for as an Indian allotment under the Act of June 25, 1910, by reason of occupancy, settlement, or improvement antedating that Act and since maintained. If the applicant has so lived upon or improved a tract of National Forest land, please submit report (preferably in full, following the lines of a Form 110 report), with a definite statement regarding each 40 acre tract applied for, showing the amount of grazing land, irrigable agricultural land, non-irrigable agricultural land; and a definite statement for each 40 acre tract as to whether or not it is chiefly valuable for agriculture and grazing or for the timber thereon. You

Information of Supervisor.

D. F. -- San Francisco.

OCT 27 1910
A.P.M.

should also report the kind, value, and location of any improvements erected by the applicant. Of course, in the absence of evidence of settlement or improvement prior to June 25, 1910, a detailed report regarding the character of the land is unnecessary. In this connection please see the Forester's letter of even date herewith regarding the proposed procedure to be followed in handling Indian allotments. Of course, in this case you will not at this time ask the applicant to furnish a certificate from the Indian Office, since Mr. Hauke's letter indicates that, so far as their records show, Mr. Russ is entitled to secure an allotment.

An early reply and report will be appreciated.
received:

Very truly yours,

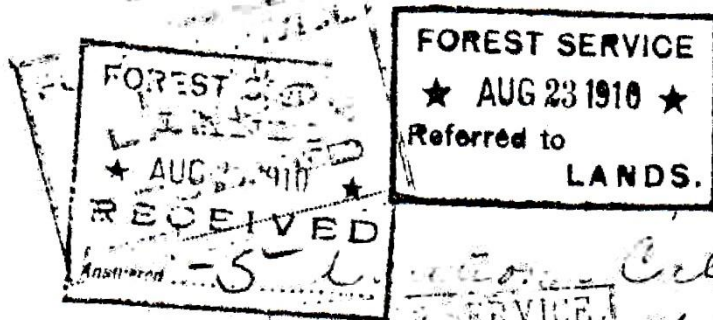
E. A. Sherman,

Assistant Forester.

Enclosure. Have the matter investigated and report at the earliest practicable date. As soon as his report is received I will be glad to advise you further.

Very truly yours,

Assistant Forester.



The Forester,

Washington

Sir

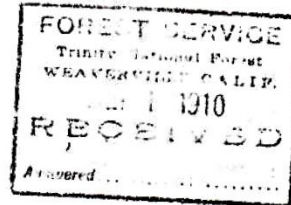
My husband's application and that of my minor child, Mabel, for an Indian allotment was made to you in the year 1908. I have been to quite a little expense on the application and should like to know why the Forest Service does not take some action thereon.

The Deputy Supervisor of the Trinity Forest has just told me that I should take up

this matter with the Indian agent at Round Valley. These applications are not on this Indian Reservation, but on the contrary are on the Trinity National Forest.

Mr. Hafley, rode through here and I wanted to talk to him in regard to this matter, but he didn't have time to stop, so didn't get to talk to him. We cannot comply with the regulations when we cannot get the desired information.

Please let me know if there is anything further I can do in the matter.
Yours Truly, Mrs. Rose Russ
Caution Cal



August 29, 1910.

L
Trinity Settlement,
Indian Allotment.

Mrs. Rose Russ,
Caution, California.

Dear Madam:

Your letter of August 11 is received.

No action toward listing the land was taken on your husband's application, since it was not believed that Indian Allotments could be legally accepted under the Act of June 11, 1906.

However, on June 25, 1910, Congress passed an Act authorizing the allotment of not to exceed 80 acres of agricultural land or 160 acres of grazing land to any Indian, occupying, living on, or having improvements on land included within a National Forest, provided such Indian was not entitled to an allotment on an Indian Reservation, or had not already been provided with an allotment. Applications for allotments under this Act must be made to Indian Agents, and not to the Forest Service.

In case your husband is qualified to make an allotment under this Act, I suggest that you apply to Mr. Charles

Supervisor's Copy.

Mrs. R. R.-

E. Kelsey, Special Agent for the California Indians, San Jose, California, for further information and advice in the matter. The Indian Agent at Round Valley may also be able to give you the desired information.

Very truly yours,

L. A. Barrett

Assistant District Forester.

IF02
IN OVERVIEW
Gray

L
Trinity Settlement
Russ, Augustus
I. A. November 3, 1915.

District Forester,
San Francisco, California.

Dear Sir:

Reference is made to your letter of October 29 and to the related correspondence-

Since no description of land is given, I am assuming that the Office of Indian Affairs refers to application No. 79 made by Mr. Russ under the Act of June 11, 1906 for the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of Sec. 9, fractional T 4 S, R 8 E, H. L., applied for and placed on record September 23, 1908.

Ranger J. T. Gray examined the land on December 26 and 27, 1908, and made his report on Form 110 which was forwarded to your office (unapproved), by Supervisor F. H. Haffley under date of January 9 and was accompanied by a personal letter giving his opinion in the case.

The following statement is quoted from Gray's report:

"The applicant, Augustus Russ, states that he desires the land applied for in this homestead application to be allotted, under the Indian Allotment Law to his minor child Label Russ. Age 8 years.

'A. Russ, father of the child is a half blood of the Redwood Indian tribe of northern Humboldt County, California.

'Rose Russ, mother of the child, is a mulatto.

'Russ and wife own 640 acres of grazing land in this locality and wish to use this land if allotted, for grazing purposes.'

It is clear that neither Augustus Russ, his wife Rose Russ, or his minor daughter Mabel Russ, are entitled to an Indian allotment within a National Forest.

They do not come within the provisions of the Act of June 25, 1910, for the following reasons:

1. At the time he applied for the tract, A. Russ was the owner of more than 400 acres of patented land within the Trinity Forest. Trinity County's 1915 assessment shows him to be the owner of 758.24 acres of land as indicated by the attached plat.
2. His wife, Rose Russ, owns approximately 600 acres of land within the Trinity Forest.
3. His daughter, Mable, is under 18 years of age and resides with her parents on patented land owned by her father, A. Russ.
4. None of the three persons mentioned in 1, 2 and 3 above, have resided upon or have improvements upon Government land, either before or after the Act of June 25, 1910, and are therefore not entitled to an Indian allotment under this Act.
5. Augustus Russ is a half blood Indian, has severed his tribal relations, is living as the whites, has exercised his homestead rights and obtained patent to 160 acres of land upon which he is now living. He is married to a mulatto and his daughter Mabel, now 16 years of age, is the issue.

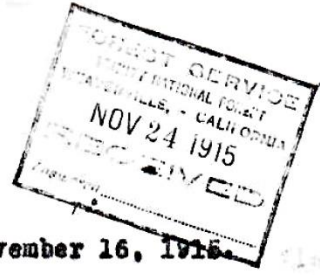
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to
IF02

Very truly yours,

W. A. Haestis.

Forest Supervisor.

Inclosure.



U. S. of A.

November 16, 1915

pending the approval of a definite plan in cooperation with your office.

**Trinity-Settlement
Russ, Augustus**

proposed, providing by location of the land certain conditions which should be met.

The Commissioner of Indian Affairs.

Sir:

Reference is made to the letter of your Bureau dated October 9 (Land-Allotments, 104218-15 H. V. C. Indian Allotment).

This office is now in receipt of a report from the Acting District Forester at San Francisco, California, covering the case of Mr. Russ. It appears that originally he made application in December, 1908, for land - $W\frac{1}{2}$ of $E\frac{1}{2}$ of Section 9, fractional T 4 S., R. 8 E., H. M. - under the Forest Homestead Act of June 11, 1906, in which the applicant stated he desired the land applied for "in this homestead application to be allotted under the Indian allotment law to his minor child Mabel Russ age 8 years." It being held that the Act of June 11, 1906, did not contemplate any such listing of land, the leasing of the land to Mr. Russ was then considered, but action was held in abeyance.

IF02

Information of Supervisor.

G. of I. A. -

pending the approval of a definite form of lease by this office in cooperation with your Bureau.

In the meantime the Act of June 25, 1910, was passed, providing by Section 31 for Indian allotments under certain conditions within National Forests.

The report further shows that A. Russ, father of the child, is a half blood of the Redwood Tribe of northern Humboldt County, California; that Rose Russ, mother of the child, is a mulatto; that Russ and wife own 640 acres of grazing land in the locality and wish to use the land applied for, if allotted, for grazing purposes. Further, that at the time Russ applied for the tract he was the owner of more than 400 acres of patented land within the Trinity National Forest; that Trinity County's 1915 assessment shows him to be the owner of 758.24 acres of land, adjoining and in the vicinity of the area now applied for; that his wife, Rose Russ, owns approximately 600 acres of land within the Trinity National Forest; that his daughter, Mable, is under 18 years of age and resides with her parents on patented land owned by her father, A. Russ; that none of the three persons named have resided upon or have any improvements upon public land either before or after the Act of June 25, 1910; that Augustus Russ has severed his tribal relations,

RECEIVED

I. A. -

is living as do the whites, and has exercised his homestead rights and obtained patent to 160 acres of land, upon which he is now living with his wife (a mulatto) and his daughter Mable.

From the facts reported, as above, it would appear that none of the three persons named is entitled to an allotment under the Act of June 25, 1910 (36 Stat., L. 855-863).

Very respectfully,

A. F. PULLER

Acting Forester.