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REPORT

OF THE

SECRETARY OF THE INTERIOR;

BEING PART OF

THE MESSAGE AND DOCUMENTS

COMMUNICATED TO THE

TWO HOUSES OF CONGRESS

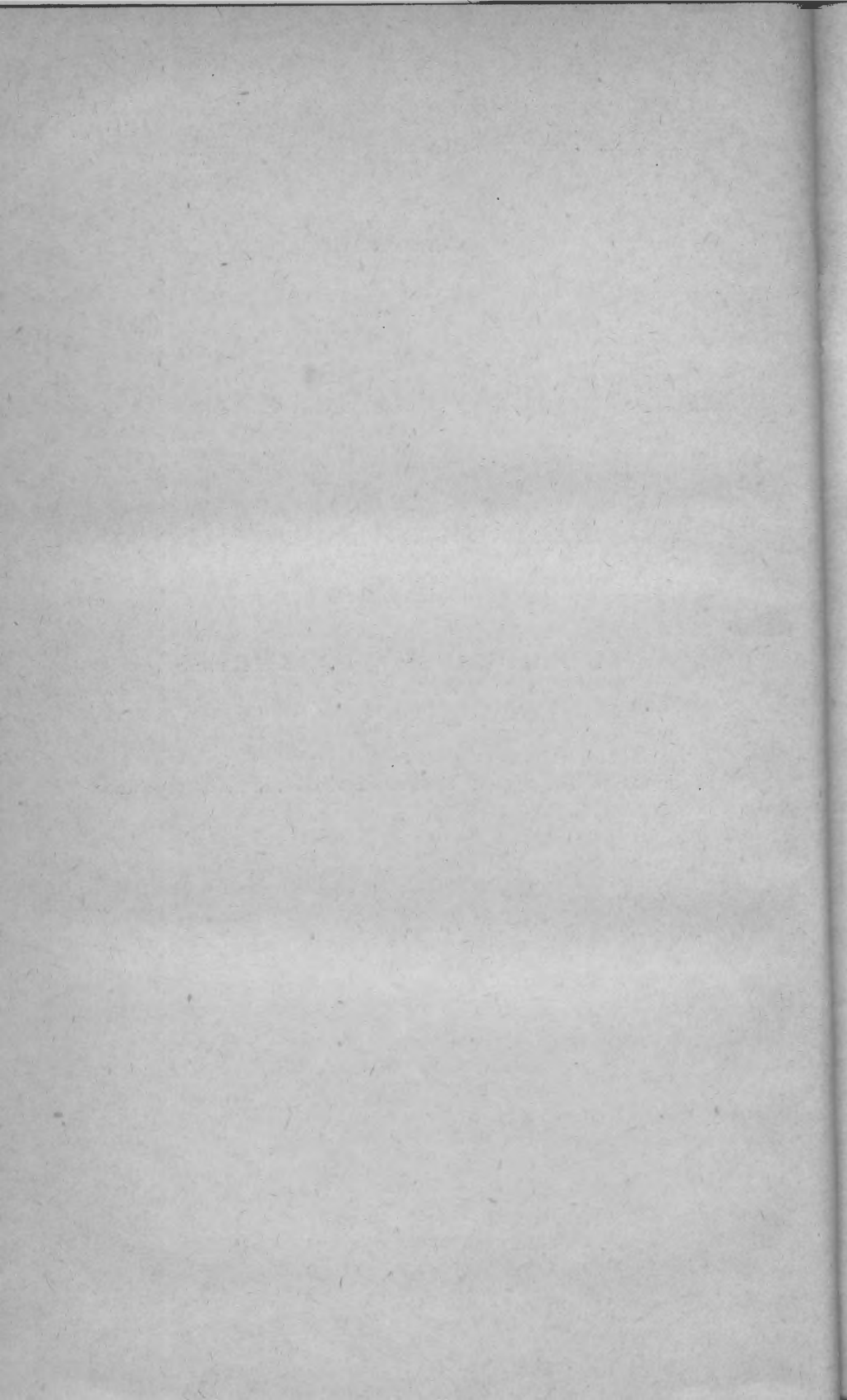
AT THE

BEGINNING OF THE SECOND SESSION OF THE FIFTY-FIRST CONGRESS.

IN FIVE VOLUMES.

VOLUME I.

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ANNUAL REPORT OF THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., November 1, 1890.

SIR: This report will summarize the work of the Department of the Interior for the past year and exhibit to some degree the great responsibility devolving upon the Secretary, and the almost incessant labor required in supervising and directing the varied national affairs submitted, under you, to his control.

It has been a year of much executive achievement in all the bureaus of this Department.

From the public domain a new Territory has been formed and organized; former Territories have advanced to States; four, admitted to the Union last year, have obtained full representation in both houses of Congress; and two more, admitted this year, have elected their State officers and are about to choose their national representatives. No small part of the satisfaction and good feeling of the people of the States of Washington, Montana, North Dakota, South Dakota, Idaho, and Wyoming, exhibited at their most recent elections, is known to be due to the liberal and just execution of the land laws, the pension laws, and the sympathetic interest of the officers of the General Government in the rights and welfare of the Western settlers.

As Territorial organizations have changed into permanent State governments, so "Oklahoma" has become a Territory by act of Congress approved May 7, 1890, and is shown by the census of 1890 to have over 56,000 inhabitants.

And again, while this Territory has been forming, great additions from the Indian reservations have been made to the public domain soon to be opened to settlement. The various Indian commissions have made agreements, now awaiting Congressional action, with different tribes for many millions of acres.

This formative period is one of intense interest not only to our law-makers and constitutional rulers but to our whole people as they view the present and prospective great increase of States over which the National Constitution continues to expand, and this period will hereafter, it is believed, be found to have been one during which the Republic's vitality and stability were very severely tested. The line of States is

now, however, continuous across the continent and from Canada to Mexico, and yet no weakness in government has been found to arise from the distance at which its power must be exercised; while the increase of the population over which it prevails tends only to make it stronger and more permanent.

There is presented in this report extended facts, comments, suggestions, and recommendations upon the subjects shown in the preceding table of contents of twenty-one separate bureaus, institutions, parks, etc., under control of the Secretary. This gives a bird's-eye view of the variety and importance of the affairs of the Department:

A table showing the force by which this work is done, under the supervision of the Secretary is annexed (Appendix A). It aggregates 16,120 persons.

The business of the different bureaus, institutions, Territories, and reservations are now to be dealt with in detail.

PUBLIC LANDS.

VACANT LANDS.

The vacant lands of the United States, exclusive of those in Alaska, at present extend over 586,216,861 acres, of which 282,772,439 are already surveyed.

Alaska contains 577,390 square miles, or 369,529,600 acres, of which not more than 1,000 acres have been entered. The aggregate reaches 955,746,461 acres. The following table exhibits this area by States and Territories, from official sources, as estimated:

Vacant lands in the public land of States and Territories.

State or Territory.	Surveyed land.	Unsurveyed land.	Total.	State or Territory.	Surveyed land.	Unsurveyed land.	Total.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>		<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Alabama ...	1, 105, 060	.....	1, 105, 060	Montana.....	9, 611, 315	55, 196, 312	64, 807, 627
Arizona ...	11, 983, 626	37, 715, 426	49, 699, 052	Nebraska....	11, 226, 584	.....	11, 226, 584
Arkansas ...	4, 902, 329	.....	4, 902, 329	Nevada.....	27, 816, 167	23, 488, 373	50, 804, 540
California...	38, 750, 564	16, 172, 154	53, 922, 718	New Mexico.	39, 660, 806	16, 699, 520	56, 360, 326
Colorado....	34, 354, 550	5, 639, 896	39, 994, 446	North Dakota	14, 318, 400	16, 179, 000	30, 497, 400
Florida.....	2, 283, 626	3, 340, 800	5, 624, 426	Oklahoma....	22, 053	*3, 672, 640	3, 694, 693
Idaho.....	3, 938, 277	43, 019, 013	46, 957, 290	Oregon.....	23, 378, 982	14, 894, 246	38, 273, 228
Iowa.....	2, 000	3, 000	5, 000	South Dakota	2, 043, 374	8, 198, 124	10, 241, 498
Kansas.....	755, 791	.....	755, 791	Utah.....	7, 029, 100	29, 176, 006	36, 205, 100
Louisiana...	1, 243, 460	115, 393	1, 358, 853	Washington.	4, 155, 171	15, 491, 145	19, 646, 316
Michigan...	832, 707	.....	832, 707	Wisconsin...	819, 320	.....	819, 320
Minnesota...	2, 902, 034	4, 011, 520	6, 913, 554	Wyoming....	37, 578, 200	11, 431, 860	49, 010, 060
Mississippi.	1, 407, 480	.....	1, 407, 480	Total.....	282, 772, 439	303, 444, 422	†586, 216, 861
Missouri....	1, 151, 463	.....	1, 151, 463				

* The unsurveyed lands in Oklahoma are in the Public Land Strip.

† This aggregate is exclusive of the Cherokee Strip, containing 8,644,644 acres, and all other lands owned or claimed by Indians in the Indian Territory west of the 96th degree of longitude, contemplated to be made a part of the public domain by the 14th section of the act of March 2, 1889 (25 Stat. 1005), and it is also exclusive of Alaska, of all lands in Indian reservations, and of all railroad land-grants.

This table was especially prepared so that some approximate estimate may be made by those seeking homes, not only of the general extent of unclaimed lands but also in what particular States and Territories there is presented the opportunity for selection. Our Government has been lavish in its bestowment of the public lands upon States, Territories, schools, colleges, railroads, and individuals, but there still remains this immense empire to be occupied by the growth of our free and industrious population.

The policy of the Government has so long been such as to derive its means of support from other sources, that it has been possible to dispose of the public lands freely for the benefit of the people. This policy has been deemed by some too free and regardless of the future, but had it been otherwise the restraint upon the increase of States, upon the progress of improvement, upon the establishment of millions on their own homesteads, and upon the support of education, would have been incalculable, and the loss in competency, independence, and patriotism would have far outweighed the money value of the lands granted. The Republic strengthens permanently its most substantial resources when it converts its wilds into homes, establishes upon the vacant national domain new Territories and maintains them until they come into the Union as prosperous States.

The policy of the Department has been continued, as the Secretary's last report shows it to have been begun, under the present administration, in giving a liberal interpretation to the land laws in favor of the settlers and by advancing, as far as can reasonably be done, the early decisions upon all entries made, contested or uncontested.

The following facts exhibit the success achieved in accomplishing these purposes:

It appears from the report of the Commissioner of the General Land Office that 19,000,000 acres of agricultural land were transferred to actual settlers during the past year, embracing those upon final and commuted homestead entries, pre-emption, timber culture, desert, private cash, town-site, and all other entries for strictly agriculture non-mineral lands.

The lands patented to States, for education, internal improvements, and public buildings have exceeded 300 per cent. over the previous year, amounting in 1890 to 539,779.84 acres.

The patents issued for the year ending June 30, 1890, numbered 117,247, as against 70,141 the preceding year, or an increase for the last year in patents of 47,106, and in land of 7,536,960 acres, the patents for 1890 covering 18,759,520 acres; those for 1889, 11,222,560.

In addition to these there was an increase of 494 in mineral and mill-site patents issued in 1890, those for 1890 being 1,407; for 1889, 913. The area of coal lands granted in 1890 nearly doubled that of the previous year. In 1890 there were 224 patents, covering 33,473 72 acres, and in 1889, 155 patents, covering 17,096.80,

The swamp land patents to States amounted to only 109,351.89, which is a decrease from preceding year of 150,369.56 acres.

The railroads have also received patents for 61,183.87 acres less than last year; 363,862.15 for 1890 against 425,046.02 in 1889, of which 261,773.01 acres were in Minnesota, and the remainder in Iowa, Louisiana, and Wisconsin.

Besides there were patents to Indians for lands in severalty, and miscellaneous claims for 109,056.02 acres.

On June 30, 1890, there were 208,064 final entries of all kinds pending, as against 276,751 on June 30, 1889, a decrease during the last year of 68,687 entries. The financial results have been quite satisfactory, the total receipts from public lands being \$7,470,370.31. On reference to the Commissioner's report it will be observed that over four times as many acres were sold under pre-emption entries as any other kind, amounting, indeed, to two-thirds of all the sales.

RAILROAD LAND GRANTS.

The following figures, taken from the Commissioner's report, show the lands claimed by the subsidized railroads and other corporations. There were certified or patented up to 1890:

	Acres.
For railroad purposes (1850 to 1890)	51,379,346.21
For wagon-road purposes (1824 to 1890).....	1,732,730.83
For canal purposes (1828 to 1890)	4,424,073.06
For river improvements (1828 to 1890).....	1,406,210.80
	58,992,360.90

But during the last fiscal year there were but 363,862.15 acres patented, and these were for railroads only.

Previous to June 30, 1890, the number of miles of such roads built was 18,070.71; but during the last year only 40 miles were completed, and but one map of location was filed, being that for Southern Pacific Railroad, for 20 miles west of Huron, in California.

The pending lists yet unacted upon are:

	Acres.
For railroads.....	29,471,709.09
For Oregon wagon-roads.....	305,246.67
Total	29,776,955.76

The cause of inaction upon these lists, as explained in the last annual report, was from doubt whether Congress would endeavor to forfeit the lands of those roads that were not built within the time provided in their respective grants.

The subject was presented to Congress in your first message, and Congress has acted upon it, to the extent of declaring a forfeiture of all those lands heretofore granted that are coterminous with any unconstructed portion of the route. The act is entitled, "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," and was approved September 29, 1890.

While this subject was under consideration by Congress, each branch thereof took action in relation thereto by resolutions addressed to the Secretary, and to which he gave, it is deemed, satisfactory replies, as no legislative action was taken to interfere with or defeat his announced purpose.

A large part of the lands granted to railroad companies has passed into the hands of purchasers from the railroad company and are now inhabited and cultivated by them. The question as to these has practically ceased to be one between the Government and the railroad companies, and become one between the United States and its inhabitants, and should be dealt with accordingly.

The act of September 29, 1890, should be enforced, but the mineral lands reserved by the terms of the grant should be carefully identified and preserved as a part of the public domain for the benefit of the people.

PRIVATE LAND CLAIMS.

The subject of private land claims in Arizona, New Mexico, Colorado, Florida, and California is very fully and carefully presented in the Land Commissioner's report.

The surveyor-general of Arizona, in October, 1889, reported the claim of Don Miguel de Peralta for almost 5,000,000 acres to be a forgery and fraud. In February, 1890, the Commissioner of the General Land Office passed upon the validity of the claim, and concluding it to be invalid struck it from the docket. An appeal from this order having been taken to the Department, the legality of the action can not be discussed here. It may, however, be noted that this course has kept the vast area included in the claim open to settlement pending the controversy, subject, of course, to any possible decision in favor of the claimant. But if the claim is finally denounced the advantages to settlers of the present action will be very great. Had it been by the Commissioner merely adjudged unfounded, and reported to Congress under the act of 1854, none of the land could have been held open to entry, as it was therein provided that reports by the Commissioner should be laid before Congress, and until final action thereby all lands covered by the claim should be reserved from the sale or other disposal of the Government, and should not be subject to the donations granted by that act.

This is but an exemplification of the difficulties arising under the present condition of private land claims, and the great need of legislation of the character now pending before Congress. Reference is made to the bill entitled "A bill to establish a United States land court and to provide for the settlement of private land claims in certain States and Territories." (Senate 1042, as reported from committee.) This measure has been well-considered by the Secretary and is deemed most desirable.

In this connection another matter of great importance should be mentioned as worthy of immediate attention by Congress. It is discussed

in the report of the surveyor-general of New Mexico and referred to in that of the Land Commissioner. The facts taken from these reports may be thus summarized. The population of New Mexico when acquired by the United States was 80,000, and some of the wealthy held large tracts of land, but the people were, for the most part, very poor. From the days of Charles V of Spain to the annexation, wherever it was thought proper to found settlements, the viceroys and residents gave, in the name of the Emperor, lands, house-lots, and waters, in conformity with the disposition of the land. Under the Republic of Mexico the colonization laws and regulations became a very complete system, well adapted to the people and the country, and were intended to bestow upon each one without land a portion of the public domain. Because of the system of irrigation practiced, the lands cultivated, sloping down the hills, were of irregular shape and apt to be separated by divisions among heirs and subsequent union of ownership of separate parcels by marriage, without consolidation of the tracts themselves.

This prevents entries now of these tracts under the existing land laws of the United States, because the lands are not deemed to be according to our system of surveys and the claimants do not reside on many of the tracts cultivated. The surveyor-general continues as follows:

The owners of all the farm lots up and down the river live together about the plaza, in which they can quickly rally in case of an Indian attack, the regulations requiring every man to be supplied with arms and horses for the common defense. Unitedly they dig the acequia and do other work for the common good; unitedly they rear the village church and maintain its worship. Sometimes the settlement was established by a formal grant, which gave to it also the land for ten or twenty miles on either side of it. In such cases it is specified that this is for the common benefit of the settlers, by furnishing them pasture-land and woodland, and for those who should afterward join themselves to the new settlement.

The idea of the Mexican people always was that the large tract gave the settlement room to grow, and that any new comer or boy becoming of age who wanted a piece of land out of the common stock to cultivate could have it, and could go on to improve it by taking out a new ditch or otherwise.

In view of these facts I think that every one living in this community at the time that it was transferred to the United States had a certain interest in the outlying lands, and that they did not belong exclusively to the heirs or assigns of the one or more settlers mentioned in the original papers. I also think that every member of such a community, no matter how poor he may be, was included in the provisions of the treaty of Guadalupe Hidalgo, that Mexicans electing to become citizens of the United States "shall be protected in the free enjoyment of their liberty and property." In order to protect them in their property in land, and to avoid taking it away from them and throwing it into the mass of its own property, the public domain, it was necessary for the United States to determine what the property of each one was. This should have been done at once. As it was not done, and matters were allowed to drift along in the old way, I consider that the Mexican custom as to the rights of new comers who joined themselves to a community, continued to run, and that every person now holding land on a grant made under the colonization laws has an interest in the outlying lands of the grant.

The question as to what each man owns should be settled at once. The whole prosperity of New Mexico depends upon it. The gravest evils have already resulted.

Supposed interests in community grants have been bought up, and under them large tracts have been fenced and poor men have found themselves substantially shut up to their farm lots and thereby reduced to the greatest distress. While they could get a living from the farm lot, combined with the herd of goats and sheep living on the common pasture, and with the privilege of the common timber-lands, they can not get it from the farm lots alone. The result is widespread suffering, restlessness and trouble, which threatened the peace of the community.

I think the remedy for this is surveys, combined with authority given the land offices to issue patents to each man for what belongs to him. The deputy surveyor's going to such a community and telling the people that he has come to assist them in getting title to their homes, would be rendered every assistance. Let every farm lot of long occupancy be surveyed and shown on the township plat as belonging to its owner. Then if it be an unconfirmed community grant with outlying lands, assign to each one a wood lot, say of the same size as his farm lot, in payment for his inchoate right in these outlying lands. Lands that could be made very valuable can not be left as unfenced commons for the benefit of a few goats and cattle.

The system that was adapted to the old time and the needs of a sparsely settled community must now pass away and be replaced by the American plan of individual ownership and inclosed lots, and the sooner the Government makes the inevitable change, the better it will be for all concerned.

After the plat goes to the register, the indications of ownership thereon should be subject to contest by anyone claiming the same land, in the manner that entries are now.

But there would be but few contests. The ownership of lots in this country is well known, and universally acquiesced in, with rare exceptions. Long continued occupation, with the consent of the Government and all parties interested, constitutes as just a claim as property is held by anywhere. A settlement of these matters in accordance with justice will be a permanent settlement and will be the best for the Government, and best for all interests in New Mexico.

Certain title to the land is the foundation to all values. Enterprise in this Territory is greatly retarded because that foundation is so often found lacking.

These views are deemed wise and timely, and are earnestly recommended to your favorable consideration. The commotions in New Mexico have been somewhat serious already, and the subject needs careful treatment to avoid graver difficulties. Our laws should be so administered as to preserve to the inhabitants their just claims to small holdings, at least in so far as their ancestors enjoyed them under Spanish and Mexican rule.

In reply to the resolution of the Senate, the Secretary transmitted a list of the private land claims and other information in connection therewith.

SURVEYS OF PUBLIC LANDS.

The act of March 2, 1889, appropriated for the survey and resurvey of the public lands for the last fiscal year, \$200,000; but \$20,000 of this was authorized to be applied to the examination of surveys; \$10,000 for lands opened for settlement in Montana, under act of May 1, 1888, and \$5,000 for west boundary line of the White Mountains in the San Carlos Indian Reservation in Arizona. This left \$165,000 for apportionment among the twelve surveying districts. The statute expressly required that preference should be given in favor of surveying town-

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ships occupied in whole or in part by actual settlers, and that the surveys should be confined to lands adapted to agriculture and to lines of reservations. Special amounts out of the reserve were subsequently apportioned to Louisiana and Nevada. The surveys accepted during the year were for the following areas:

States and Territories.	Acres.	States and Territories.	Acres.
Arizona	597, 748. 27	Nebraska.....	23, 039. 51
California.....	162, 031. 41	Nevada.....	408, 857. 33
Colorado.....	473, 457. 72	New Mexico.....	237, 131. 78
Dakota	929, 992. 35	Oregon	84, 100. 46
Florida	2, 519. 33	Utah	576, 525. 50
Idaho	22, 148. 58	Washington	180, 122. 99
Minnesota	144, 855. 29		
Montana.....	620, 161. 42	Total	4, 462, 691. 94

PUBLIC SURVEY APPORTIONMENT FOR 1891.

The apportionment of the appropriation made by act of 1890, has been made as follows :

	Amount ap- portioned out of \$425,000 ap- propriated for surveys year ending June 30, 1891.		Amount ap- portioned out of \$425,000 ap- propriated for surveys year ending June 30, 1891.
Arizona.....	\$5, 000	New Mexico	\$10, 000
California	10, 000	North Dakota	40, 000
Colorado.....	15, 000	Oregon	20, 000
Florida		Utah	8, 000
Idaho	20, 000	Washington	85, 000
Louisiana.....		Wyoming.....	20, 000
Minnesota	10, 000	Reserve fund	27, 000
Montana.....	75, 000	Examinations.....	40, 000
South Dakota.....	40, 000		425, 000
Nevada			

An interesting summary of the chief recommendations made in their reports by the surveyors-general is presented by the Land Commissioner's report. Some of these are the same as were dwelt upon in the last report of the Secretary, particularly as to making by executive order the south boundary of the White Mountain Indian Reservation a straight east and west line, cutting off from the reservation the coal-fields, but on such terms as will secure for the Indians a fair compensation, and that in California and elsewhere the deposit system of surveys be conducted under the most careful supervision, and that the present suits for fraudulent surveys be prosecuted with the utmost vigor.

FLORIDA PHOSPHATES.

Florida has suddenly presented new claims for both a topographical and geological survey, because of the discovery of extensive beds of phosphate rock; and also that sugar farms may be successfully established upon lands reclaimed by drainage.

As is hereafter shown, the State makes claim to these wet lands, and is pressing for its adjustment independently of all previous allowances. The phosphate rock is, however, mineral, and comes under the general laws applicable to mineral lands. The surveyor-general remarks as to phosphates:

Great activity has prevailed for several months past in various counties in Florida in prospecting and staking valuable and extensive deposits of the mineral known as phosphate rock, and at certain places the work of mining and shipping the substance is being conducted on a large scale. It can hardly be doubted that the discovery of these deposits in Florida, exceeding in extent and thickness all such beds previously known in the world, is an event destined to produce great increase of value not only in the mineral lands of the State, but the agricultural also. In the general effort to find and secure phosphate lands many have decided to proceed in accordance with the law of United States mineral lands, and are awaiting action by your Department in the premises.

This remarkable discovery of unsuspected wealth within a few feet of the surface in scores of townships has caused large numbers of men to explore the country geologically with spades and boring apparatus. By such means other useful substances are said to have been found, such as marl, kaolin, fossil guano, slate rock, mica-schist, mica, zinc ore, and sulphur, and specimens thereof have been submitted to the tests of the State chemist; showing that Florida ought long ago to have received the benefit of a thorough geological survey.

As to sugar farming, he says:

A very recent important agricultural development in this State is the establishment of sugar farms upon lands reclaimed by drainage. These sugar lands previously were vast watery areas of saw-grass growing upon deposits of pure muck of unknown depth. Of the quality of this material an eminent official chemist wrote of a sample that "it seems to equal the best potting mold, and partakes more of the character of a manure than of a soil." When drained and cultivated it produces from 30 to 40 tons of cane stalks per acre of a quality equal to the best raised in Cuba.

The unsurveyed portions of this State are said to include large areas of such land; and as its prospective value, which in past years was considered nothing, is now shown to be considerable, it is respectfully suggested that this office be authorized to take advantage of any season of unusual dryness to extend the lines of survey in that region.

ARID LANDS AND IRRIGATION.

While thus in Florida the surveys are needed for lands to be reclaimed by drainage, other and vast areas of our country are absolute deserts, to be reclaimed only by irrigation. The report of the surveyor-general of Idaho particularly calls attention to the necessity of further legislation as to the arid lands and water supply; but the subject is of present and growing interest not only to Idaho, but to Wyo-

ming, Montana, Utah, Nevada, Colorado, Arizona, New Mexico, and the Dakotas, and to large parts of other States.

Great modifications have been made in the laws of the United States since the last annual report and a short statement of the facts as to the cause and extent of this change will lead naturally to the recommendations it is thought should now be made to Congress. The Act of October 2, 1888, provided an appropriation for investigating the extent of the arid region, the segregation of the irrigable lands therein, and the selection of sites for reservoirs and other hydraulic work necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows. The act then provided :

"And all lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes, and all lands made susceptible for irrigation by such reservoirs, ditches, or canals are from this time henceforth hereby reserved from sale as the property of the United States and shall not be subject after the passage of this act to entry, settlement, or occupation until further provided by law : *Provided*, That the President may at any time in his discretion, by proclamation, open any portion or all of the lands reserved by this provision to settlement under the homestead laws."

This law being in an appropriation act did not secure that general attention its great importance deserved, and was apparently unknown to the inhabitants of those regions most to be affected by it. Yet the Director of the Geological Survey was proceeding with his duties under the act and notifying the Secretary of the Interior of the selection of many sites for reservoir purposes, situated in many States and Territories. While this action was in progress the constitutional convention of Idaho sent resolutions to the present Secretary, asserting that certain parties were endeavoring in Idaho to divert the waters of Bear River from its channel for use in Utah. The Secretary replied, quoting the law of October 2, 1888, and had this reply widely published, that its very strong provisions might become generally known; and soon thereafter instructions, made in pursuance of the Secretary's direction, were sent to the registers and receivers of the local land offices in the arid-land regions, and they were ordered as the statute required,

"To cancel all filings made since October 2, 1888, on such sites for reservoirs, ditches, canals for irrigating purposes, and *all lands* that may be susceptible of irrigation by such reservoirs, ditches, or canal, whether made by individuals or corporations, and that they should thereafter receive no filings upon any such lands. (Annual Report, Secretary of the Interior, 1889; (Noble,) pp. 23, 24.)"

This report itself was dated November 14, 1889. These instructions were meant solely to bring the attention of the people to the statute, without qualification, that had passed by the previous Congress, and to enforce it so decidedly that if it were distasteful its repeal might be obtained.

There was an effort made by some to maintain that the statute did not withdraw the irrigable portions of the arid lands from private entry; but upon the question being referred to the Assistant Attorney-

General assigned to the Interior Department and the Attorney-General also, they gave written opinions fully supporting the Secretary. These opinions are to be found in this year's report of the Commissioner of the General Land Office, pages 59-78. The opinion of the Assistant Attorney-General bore date May 24, 1890 (*ibid.*, p. 66), and that from the Attorney General's Office the same day. (*Ibid.*, p. 62.) The advice of the officers of the Department of Justice had been asked because of the resolution of the Senate quoted below, and in order that the Secretary might be quite sure he was correct in his construction. The opinions were received in time to be presented to the Senate, in reply to that resolution passed May 3, 1890, which was as follows:

"Resolved, That the Secretary of the Interior be requested to inform the Senate what construction is placed by his Department upon the scope and effect of the reservation from sale and disposal of the arid lands under the provisions of the act above cited, and what instruction or orders, if any, have been issued or made thereunder (whether general or special) with respect to the suspension of the arid lands from entry under the public land laws, or the suspension of entries thereof heretofore made, or affecting the rights of citizens to construct canals and ditches for irrigating purposes on the public domain.

Besides expressing the construction found in the instructions already set forth and presenting the opinions of the law officers as specified, the reply further states:

This has been the construction held since, and under it large portions of the public survey have been designated by the Director of the Geological Survey and set apart for reservoirs, ditches, etc., amounting to many thousand acres.

The reply concluded as follows:

"The Secretary is not called upon to express his views further than upon the construction he has placed upon this act; but he asks the privilege to say that he deems that this matter is one of such magnitude and of such vital interest to the people inhabiting or who may hereafter inhabit these vast regions, that if the Senate and House of Representatives do not as a body fully concur in the purpose of this law they should take the business in hand without delay, to so modify it as they may deem the public interests require, as otherwise there may be the greatest losses on the one hand to persons who, ignorant of the law or disregarding the same, settle upon these lands, or upon the other vast and valuable properties that should be controlled by the Government for reservoirs, ditches, etc.

"In this connection I beg leave to refer the Senate to the report recently made by the Committee on Arid Lands and Irrigation, and especially to so much thereof as is set forth in the minority report in relation to this subject, which has been submitted to the Director of the Geological Survey, and I believe meets with his approval."

But in reply dated July 30, 1890, to the resolution of the Senate dated July 10, 1890, in relation to the selection of sites for reservoirs (Fifty-first Congress, first session, Senate Ex. Doc., No. 199), the Secretary, in conclusion (page 2), stated that the general purpose and plan of the Department under the law (of October 2, 1888) was—

"To do no more than to recognize the effect of the statute that imperatively reserves the reservoirs, ditches, and lands therein expressly named; and by appropriate executive action to let it operate distinctively upon the vast Territories to which it applies

by its own terms; preserving now as rapidly as possible the sources of water supply from the possession or appropriation by individuals or corporations that could thereby dominate all the people dependent for the fertility of their farms and the preservation of their homes upon the element of water. It is believed to be the duty of this Department so long as this statute remains to enforce it, that its fruits, at least in the preservation of the sources and reservoirs of water, may be kept under either National or State governmental control."

Congress did take the business in hand with great interest, and after much discussion the following provision was inserted in the appropriation act of August 30, 1890:

For topographic surveys in various portions of the United States, three hundred and twenty-five thousand dollars, one-half of which sum shall be expended west of the one hundredth meridian; and so much of the act of October second, eighteen hundred and eighty-eight, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes," as provides for the withdrawal of the public lands from entry, occupation, and settlement, is hereby repealed, and all entries made or claims initiated in good faith and valid but for said act shall be recognized and may be perfected in the same manner as if said law had not been enacted, *except that reservoir sites heretofore located or selected shall remain segregated and reserved from entry or settlement, as provided by said act, until otherwise provided by law, and reservoir sites hereafter located or selected on public lands shall in like manner be reserved from the date of the location or selection thereof.*

No person who shall, after the passage of this act, enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws, shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all of said laws; but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry, or settlement, is validated by this act: *Provided*, That in all patents for lands hereafter taken up under any of the land laws of the United States, or on entries or claims validated by this act, west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described a right of way thereon for ditches or canals constructed by the authority of the United States.

The location and selection on the public lands of reservoir sites is proceeding with very decided energy under this law of August 30, 1890, and the present existence of the sites, their continued multiplication, and their future use now demand from the people and the Government the most serious consideration; for it must be determined what shall be done with them, and upon the proper answer to this question depends in great part the prosperity of the Territories or States in which they are located.

The act, it will be perceived, reserves from all lands west of the one hundredth meridian a right of way thereon for ditches or canals constructed by authority of the United States.

It needs but a moment's reflection to recognize that these reservoir sites must be upon very high ground for the most part to gain those natural depressions in the mountains or foot-hills where the water can be garnered in vast volume; that this water will be gathered in the season when the streams are full and overflowing, so that the amount caught in the reservoirs will not deprive any one of his own abundant

supply at that time, and were it not so reserved this overflow would go to waste; that both to conduct the water to the reservoir in the flood season, and thence back into the bed of the stream in the dry season, ditches must exist under the same control as that which commands the reservoirs.

In this connection it is also to be recognized that when these reservoirs exist they will be, with the water they contain, the absolute property of the United States on its own soil and not in any degree dependent upon the stream, which they are rather to supply than to exhaust.

Many of the streams also upon which these reservoirs will be, will run not only between States or between Territories or between Territories and States, but one or more also between Mexico and the United States; and thus the rapid expansion of the system of irrigation now already in progress and to be greatly increased both in extent and completeness, will be apt to exhaust the small supply of the summer stream and leave its bed quite dry before it reaches its ordinary mouth, and even at points near the reservoir, as well as at a distance, the tillers of these arid lands will be dependent for water upon these basins. Whatever authority, therefore, commands this water, the time of accumulation, of its supply and its use, will have control not only of the prosperity, peace, and even liberty of the people there, but possibly of the friendship of neighboring States and Territories, and also that between ourselves and the Republic south of us.

It will be an immense expense to make dams of such solidity and skillful construction as will assure safety to valleys and lands below, and appropriate ditches to and from the basins, or through lands, and Congress may not deem it best to build them, but may consider that the use of the lands segregated for reservoirs should be placed under local control for proper use in irrigation.

Therefore, in view of the facts and ideas already mentioned, the Secretary would urge that Congress should without delay enact comprehensive laws, determining the national policy in this business, and, if the reservoirs are subject to local control, particularly guarding against such misuse of the powers granted as would either allow the upper lands to absorb the water continuously through the dry season, or the authorities to require any but the cheapest and most liberal terms for its transportation to the inhabitants and farmers.

The act should sanction its provisions and reservations to these ends by the most severe penalties of forfeiture of the privileges conferred, and of all improvements, with absolute and immediate resumption by national control to preserve and effect its original purposes.

It is believed that if this is done there will never be any occasion for the exercise of the reserved powers, but that with less than this the national Government will abdicate its authority in a matter of vast importance to great areas of its lands and millions of its people, and find itself impotent to legitimately control affairs in emergencies that by foresight and wise legislation may now be prevented.

The Director of the Geological Survey has in his report dwelt upon the details of this subject, and here only its general outlines are brought before you. But with this presentation of the matter it is strongly recommended that attention be invited to the subject. It is a matter that should be taken out of the general appropriation bills and given its proper and separate place in legislation.

SWAMP LANDS.

The operations of the General Land Office as to swamp lands have embraced the claims under the State grants of September 28, 1850, and March 12, 1860, and the indemnity acts of March 2, 1855, and March 3, 1857. Under the former there were claimed and reported 19,216.53 acres, making, with all previous claims reported, 80,218,419.21 acres. Of this area there have been patented under the above-designated acts and that of March 2, 1849, 57,209,324.43. Under the indemnity acts of March 2, 1855, and March 3, 1857, there have been adjusted and allowed to this time 1,566,011.41 acres for cash entries of swamp lands, and 588,126.23 acres patented in lieu of swamp lands located with military bounty land-warrants and scrip.

During the past year cash indemnity accounts were allowed to the amount of \$32,472.83, and 7,906.63 acres patented to the several States.

The State of Florida has become quite urgent that more patents should be issued to it. In the last annual report mention was made of the claim of this State, which has been recently supported by a letter to the secretary by the governor and *ex officio* president of the board of trustees of the internal improvement fund of the State of Florida, replying to the last annual report of the Acting Commissioner of the General Land Office.

Of the 37,931,520 acres constituting the entire area of Florida, lists have been filed by the State for over 22,221,469 acres as swamp lands, the patents for 16,061,129.98 acres of which have already been issued. The law grants all legal subdivisions the greater part of which is "wet and unfit for cultivation." These lands are selected by State agents in the first place and lists filed, with report of the surveyor-general, in the General Land Office. Special agents then make actual examination of the lands themselves, and, upon favorable report, these are ordinarily patented. But Congress, by the act of March 3, 1857 (11 Stat., 251), confirmed lists to the States not then thus examined, and, among others, confirmed to Florida, of the above swamp lands, 11,630,271.51 acres. This act it is now claimed is an absolute grant of the lands listed at its date, whether in fact swamp or not, under decision of the United States Supreme Court in *Martin vs. Marks* (97 S. C. R., 345). The letter of the governor ends as follows:

In conclusion, Mr. Secretary, no matter what proportion of the lands heretofore patented to the State may be high and dry, or whether frauds have heretofore been perpetrated by Government or State agents, it can in no manner affect the right of

the State to the unpatented selections which come within the terms of the grant. Is it unreasonable that I should ask, now that nearly forty years have elapsed since the passage of the act, that with as little further delay as is consistent with due care, you make accurate lists and plats of such lands and transmit the same to the governor, and on his request to cause patents to issue to the State therefor.

To say nothing of lands of this class elsewhere, there are over 4,000,000 acres of unpatented selections within the Everglade region, which, to anyone familiar with the topography of Florida, are as certainly known to be "wet and unfit for cultivation" as that the east coast of the State is washed by the waves of the Atlantic.

This is a subject of grave importance, and will require further consideration.

In this connection it may be mentioned that, owing to the large beds of phosphate recently found in Florida, a great increase of entries has been made there. Since these phosphates fall under the head of minerals the lands are brought within the scope of the laws applicable to mineral lands, and to remedy some of the hardships growing out of the recent discoveries, Congress discussed the subject during its recent session, and passed the act entitled:

An act for the protection of actual settlers who have made homesteads or pre-emption entries upon the public lands of the United States in the State of Florida upon which deposits of phosphate have been discovered since such entries were made.

The Commissioner's suggestion therefore that some law should be passed for the relief of settlers upon whose claims valuable deposits of mineral may be found after settlement, has been anticipated in large part. But this act relates merely to Florida, and it will be perceived that the suggestion is for a similar law of general application. In the Secretary's judgment, however, the general statutes should be allowed to stand as they are, and if cases arise where they must be changed it will be time enough to act as each case may require attention.

TIMBER TRESPASS.

In the protection of the public timber lands during the year fifty-five agents were employed.

There were reported three hundred and ten cases of trespass, involving \$3,067,151.66. The sums recovered during the fiscal year by the Government from such suits amounted to \$100,940.32.

There were pending on July 1, 1890, as far as reported, two hundred and eighty-two civil suits for the recovery of \$14,794,286.55 for timber reported as having been unlawfully cut from the public lands, and three hundred and six criminal prosecutions for violations of timber laws.

It will be perceived from this exhibit that the special agents performed a great amount of hard work with very immediate profit to the Government. But it must not be forgotten that far greater benefits are realized from the knowledge on the part of those evilly-disposed that they can not commit fraud and robbery on the public domain with impunity. Were this force withdrawn, there can be no doubt that depredations would greatly increase, and for the most part escape punishment or detection.

FORESTS.

* The Commissioner states that from an examination of the annual reports of his Office for the past eight years he finds that the most valuable timber on the public lands is being rapidly exhausted, and that the several laws now in force are wholly inadequate to prevent the public forests from illegal appropriation, or to protect the interests of the settlers who may need to use them in the development of the country.

Perhaps the most flagrant instances of lawless invasion of the public domain have been found in the neighborhood of the Rainy River, forming part of our northern boundary line. The people of Canada have made great roads into our forests, and the timber is taken out on the river, where many steamers are engaged in this illicit business. There has been sent to those regions an expedition, fitted for a winter campaign, to detect and arrest these depredators. The force is from the Bureau of the General Land Office, and its report will be placed before Congress. It is anticipated that this commerce, so profitable to others at our expense, will be soon brought to an end.

Attention is called to the several acts of Congress granting the use of public timber to aid in the construction of railroads, and also the act of June 3, 1878, authorizing certain persons "to fell and remove timber on the public domain for mining and domestic purposes," which, in the opinion of the Commissioner, have "opened a door to unlicensed waste and destruction."

The Commissioner recommends the enactment of a law repealing statutes that prohibit the entry of rugged, stony, or other timber lands unfit for cultivation, except under the mining or town-site laws, and allowing the settlers to use the timber on such lands which they may actually need in developing the country; and that the several States and Territories be invited to enact concurrent legislation prohibiting the destruction of the timber on the public lands, and prevent it from being removed or passed into the hands of a monopoly for only speculative purposes.

The Commissioner also submits his report on Senate bill No. 1394, dated March 10, 1890, giving in detail his views upon the timber question. In this he refers to the encouragement given by law to citizens to settle upon the public domain, and also to the prohibition contained in section 2461 of the Revised Statutes against the use of timber from the public lands by such settlers in the development of the country.

The protection of the timber upon the public domain is of the first importance. The great commercial value of this product, the ease with which it may be illegally appropriated, the difficulty of protecting the large forests from ravages by fire, which destroys annually a very much larger amount of wood on the public lands than all other causes combined, seem to require additional legislation by Congress.

In the Secretary's last annual report (pages 36, 37) it was earnestly

recommended "that Congress appoint a commission to take into consideration the subject of the public timber lands, with a view of ascertaining the best method for their treatment, management, preservation, or of their disposal." The reasons are still in full force why such a commission should be provided for by Congress, and the recommendation is therefore renewed and emphasized.

DECISIONS ON IMPORTANT CASES OF CONTEST.

Since the last annual report a number of important questions involving the disposition of public lands have come before the Department for final determination, and it seems proper to submit herewith memoranda of a few of these cases, as indicative of their character and importance and the Departmental conclusions reached therein.

FRANK BURNS, (10 L. D., 365):

The control of unsurveyed lands, within the territories, lying below high-water mark, and above low-water mark ("tide lands") was involved in the case arising on the application of Frank Burns to locate Valentine scrip on lands of this character at Seattle, Wash. The application was made prior to the admission of the Territory into the Union; but while such application was pending on appeal, the enabling act was passed, and the State was duly admitted. The Department denied the application of Burns, holding that the lands in question were not "public lands," and hence not subject to appropriation by Valentine scrip, and that on the admission of a State into the Union it acquires by virtue of its inherent sovereignty absolute title to all tide-lands on its borders to the exclusion of any pending unadjusted scrip locations for such lands.

GAMBLE V. SAULT STE. MARIE, (10 L. D., 375).

An important case, involving the authority of the Government to dedicate public land to municipal uses, and the effect of such dedication, came up on an application to locate Porterfield scrip on a small tract of land in the village of Sault Ste. Marie. This village grew up about the old military post known as "Fort Brady," and, prior to September 26, 1850, had attained a considerable size. As it occupied public land, Congress, as of the date above, authorized proceedings to ascertain the rights of individual lot claimants, the position and extent of land required for military purposes, and directed the survey of the village into town lots, streets, and public squares, and the preparation of a plat showing the squares, individual lots, and public lots, and lots reserved for military and other public purposes. This plat as approved showed a tract of about three acres reserved as a village cemetery.

The village was incorporated in 1874, and subsequently, for sanitary reasons, the use of the land for cemetery purposes was discontinued, and thereafter an application to locate said scrip on such land was

made. This application was denied by the Department on the ground that the proceedings under said act of Congress, and in conformity therewith, constituted a statutory dedication to the village of Sault Ste. Marie of the land set apart for cemetery purposes, whereby the title passed from the United States, and upon the incorporation of the village, vested in the municipal authorities thereof, and that said land was not thereafter subject to appropriation as "public" land of the United States. (*Gamble v. Sault Ste. Marie*, 10 L. D., 375.)

INSTRUCTIONS TO THE GENERAL LAND OFFICE.

In the administration of the timber-culture law a question of serious importance arose, involving former Departmental regulations with respect to the period of cultivation required of the claimant. It was held by the Department for many years that the time allowed by the statute for the preparation of the land and the planting of the trees might be computed as a part of the requisite eight years of cultivation. Under this construction of the law final proofs were submitted on some twenty-five hundred entries. But on June 27, 1887, the Department issued a circular regulation to the effect that the period of cultivation must be computed from the time the full acreage of trees, seeds, or cuttings was planted. Under the later regulations these final proofs were insufficient to warrant the issuance of patents. But recognizing the right of parties to protection who had acted under the Departmental construction of a statute, and following the rule that such a construction, while unrevoked, has all the force and effect of law, it was held (9 L. D., 86) that the proofs thus submitted should be accepted if otherwise satisfactory, though adhering to the later construction of the law in case of entries made subsequently thereto.

CHILDS *v.* SOUTHERN PACIFIC RAILROAD COMPANY.

The status of lands embraced within the limits of railroad grants, and alleged to be excepted from the operation of the grant by reason of being within the claimed boundaries of a private claim at the date when the grant took effect, has been many times before the Department for consideration, and the rulings thereon have in substance sustained the exception. But in the case of *Samuel R. Childs v. The Southern Pacific Railroad Company* (9 L. D., 471), the private claim was one of quantity within larger outboundaries, and it was held, following the recent decisions of the United States Supreme Court in the cases of the *United States v. M. Laughlin* (127 U. S., 428) and *Doolan v. Carr* (125 U. S., 618), that only so much of the larger tract was reserved for the adjustment of the claim as was required for the satisfaction thereof, and that lands thus within the larger outboundaries of an unlocated private claim of this character are subject to the operation of a railroad grant at the date when it becomes effective, except as to the quantity actually required to satisfy the claim.

NORTHERN PACIFIC RAILROAD COMPANY *v.* STOVENOUR.

The status of lands within the limits of a railroad grant at the date when it becomes effective was also considered in the case of the Northern Pacific Railroad Company *v.* Stovenour (10 L. D., 645), and it was held in that case, following previous rulings, that a prima facie valid pre-emption filing of record, at the date when the grant becomes effective, excepts the land covered thereby from the operation of the grant, on the ground that such a filing raises a presumption of settlement as alleged, and of the actual existence of the pre-emption claim, that is conclusive as against a grant which excepts from its operation lands covered by "pre-emption claims." It was, however, held in the same case that where the statutory period for making final proof and payment under such filing has expired, without such proof and payment having been made, no such presumption as to the validity of the claim as against the grant exists, but that it must then be presumed that the claim under such filing has been abandoned, though proof to the contrary may be submitted by any one asserting a right to the land.

CENTRAL PACIFIC RAILROAD COMPANY *v.* VALENTINE.

The grant of lands to aid in the construction of the Central Pacific Railroad, by the acts of Congress approved July 1, 1862 (12 Stat., 489), and July 2, 1864 (13 Stat., 356), provides that "all mineral lands" shall be excepted from the operation of the grant. In the case before the Department of said company against Valentine (11 L. D., 238) it was urged that the rights of the company attached at the date when the line of its road was definitely fixed, and that lands that were not then known to be mineral lands would pass under the grant, but it was held by the Department that the discovery of the mineral character of land at any time prior to the issuance of patent therefor effectually excludes such land from a railroad grant which contains a provision excepting all mineral lands therefrom (10 L. D., 365).

TOWN-SITE OF KINGFISHER *v.* WOOD ET AL.

The opening of Oklahoma to settlement and entry has brought before the Department a number of interesting and serious questions for determination, and among the most important is that presented by the case of the Town-site of Kingfisher *v.* Wood *et al.* (11 L. D., 330). The provisions of the act (March 2, 1889) opening these lands to settlement and entry prohibited in express terms any one from entering said Territory prior to the hour fixed by the President's proclamation with the intention of settlement on any part thereof, and provided that a violation of this restriction should forfeit the right to acquire title to any of said lands.

In the case referred to it was held, as against one of the parties alleging a settlement right, that no permission or license to be within said

Territory, by virtue of special employment therein, could be granted as against the express terms of the statute, or used to defeat the equal operation thereof and the rights of others thereunder; and that one who thus is permissibly within said territory prior to the opening thereof, and seeks to take advantage of his presence therein, "enters and occupies" the same in violation of the statute, and is accordingly disqualified to enter any of said lands or acquire any right thereto.

From these examples of the many important cases coming before the Secretary for adjudication it will be perceived that his daily duties as a judge are among the most difficult and laborious he has to perform. It is true he has the valuable aid of the assistant attorney-general assigned to the Department and of the first assistant secretary on these appeals, each of whom now in office have brought to the task eminent ability and the greatest industry; but, nevertheless, the case must always be studied, the opinion approved in substance and expression, and the judgment corrected or altered if found necessary, and, not infrequently, the whole labor of hearing, digesting, deciding, and writing falls upon the Secretary alone.

ABANDONED MILITARY RESERVATIONS.

Particular attention is called to the following extract from the Commissioner's report, and the appropriation requested is strongly recommended:

The appropriation of \$20,000 for the survey, appraisal, and sale of abandoned military reservations by the act of March 3, 1885, was exhausted in the execution of the surveys under the instructions of departmental letter of January 20, 1887.

No further instructions authorizing surveys of these reservations have been received since that date. Lack of funds has prevented a further compliance with the provisions of the act of July 5, 1884, authorizing the survey, appraisal, and sale of these reservations, and it is urged that an appropriation of \$20,000 will be necessary to complete their survey.

An official list of these reservations, seventy-five in number, and their acreage and present condition, will be found in Appendix C to the report.

LAND CONTESTS.

The following table, taken from the Report of the Commissioner of the General Land Office, shows the present condition of the contests now pending in his Bureau:

	Cases.
Contests on hand July 1, 1889	8, 185
Received during the year	7, 631
Total	15, 816
Cases finally disposed of	8, 470
Leaving pending July 1, 1890	7, 346

Involved in these pending 7,346 cases is embraced an acreage of 1,175,360 acres.

Of cases where no appeal was taken from the local land officers,

counting those on hand July 1, 1889, and those received after, there were 11,560, of which 7,374 were disposed of during the year.

All the special force now authorized is still required to detect and defeat, and in many instances to punish the mistakes and frauds injurious to the just administration of the national land system. During the past year there have been six special agents in the field making personal examination of land claimed under the swamp land grant and attending to taking of testimony offered by the several states, showing the character of the lands claimed. There have been also sixty-one agents employed in investigating fraudulent land entries and protecting the public lands from illegal appropriation during the year. From them have been received during this time, 2,027 reports, which, with 273 pending July 30, 1889, made for the year 2,300; 1,785 of them have been acted on, leaving 515 pending June 30, 1890.

The Commissioner's report exhibits in detail the results of the work depending upon the sufficiency and intelligence of the special agents appointed for the investigation of fraudulent land claims and also of those for public timber depredations. (Pages 79, 80.)

OKLAHOMA CONTESTS.

Oklahoma was created a Territory by act of Congress approved May 2, 1890, and there was approved, on the 14th of the same month, the act entitled "An act to provide for town-site entries of lands in what is known as 'Oklahoma,' and for other purposes." As required by this last-named act, the Secretary created boards of trustees and made regulations for their control. These are hereto annexed (Appendix B). The boards have proceeded with their duties at the following-named town sites: Guthrie, Oklahoma, Kingfisher, Norman. The situation has been most anomalous, and the utmost patience and care have been required to meet justly the multiplied and often conflicting interests involved. The expense of the several boards has been necessarily large, but no more so than the circumstances demanded. The most severe feature of the case is that which requires that all appropriations expended shall be collected off the contestants and refunded to the Treasury from assessments made, the rule having been adopted requiring a deposit each day, sufficient to meet expenses, from the several contestants the deposit of the successful party being returned to him. The property of the whole town site according to its value was assessed for those expenses that were general and outside those that would be particularly caused by the contests over particular lots. An important opinion was rendered in the case hereinbefore set forth in brief (Townsite of Kingfisher *vs.* Wood), which construed the rights of those who were in the Territory before noon of April 22, 1889, if they had the purpose at that time of settling upon lands there.

The work has not yet been completed, and there have been no recent

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complaints. There are some town sites that may not be able to bear the attendant expense, and there may be need of further legislation for their relief.

SALARIES OF ASSISTANT SECRETARIES.

It is a part of the work of both the First Assistant Secretary and the Assistant Secretary to pass upon many cases of importance that do not reach the Secretary, and the First Assistant has also, with the Assistant Attorney-General, to hear and prepare opinions to be recommended and signed by the Secretary. The Assistant Secretary presides over the Board of Pension Appeals, and all pension departmental opinions are made by him under the Secretary. These officers do great labor and of the most important kind, and it is strongly recommended that their salaries be increased to \$5,000 each.

RECEIVERS OF PUBLIC MONEYS.

Soon after the present administration was inaugurated it was discovered that many of the local land offices throughout the country were not complying strictly with the law in making deposits of the public moneys they received from day to day and week to week, where the offices were distant from a proper place of deposit, and a number of them were reported as defaulters. Some of them were actually so, but on further examination it was found that the charge was not sustained as against a few who, although they had not strictly complied with the law, had done so substantially; and the cause of their being apparently derelict arose from the fact that notices of their deposits were sent only to the Treasury Department, and the information did not reach the Land Office before the account was there made up.

This has been corrected by the Secretary of the Treasury requiring receivers of the public moneys to send when required duplicate receipts for any deposits made by them at the depositories to the General Land Office, as well as to the Treasury Department. By this means the credit appears at once in the Land Office as well as in the Treasury, and the account as made up in either place will be the same. This very slight change, it is thought, will prevent the loss of vast sums of money to the Government. The loss through receivers, appointed by the previous administration, amounted to over \$25,641.17. Prosecutions have been instituted, and it is hoped that the greater part will be recovered.

A GREATER FORCE AND MORE ROOM NEEDED FOR THE WORK OF THE GENERAL LAND OFFICE.

Notwithstanding all the labor that has been done, as shown in the previous statements, the work of the General Land Office is yet largely in arrears. The result of this in loss and inconvenience to the people is very great. The settlers are among our very best people, intelligent

and industrious, seeking to make homes for their families where they may enjoy a competency and independence. The whole public land system has for its aim to bestow the lands upon them under the most favorable conditions, so that they may be encouraged to develop the resources of our country, but this benign purpose is in a very great degree defeated by the want of sufficient appropriations for the employment of clerks in the Land Office, and by not giving that office such space to work in that it may be done correctly and expeditiously.

The settler commits himself in trusting confidence to the promises of the Government; but years after he is entitled to his patent, he finds himself without this evidence of his right. Unacquainted with the vast demands similar to his own pressing for attention, he blames the General Land Office for what is to him an inexplicable delinquency. This delay and the criticism it engenders is unjust and needless. With the vast resources at its command, and the money receipts obtained from the public lands themselves, it is unreasonable for the national legislature to withhold the means of giving the owner, within a reasonable time, the evidence of his right to the land.

These remarks apply with equal force to that portion of the work that must be spent upon contested claims. In every contest, he who has the actual right to the land is doubly interested in securing a patent at as early a day as possible. First, as one desiring to have the evidence of title to his land; and again, and more particularly, because it has been brought into question. So long as it is questioned, and judgment deferred, the occupant is deterred from making improvements, is deprived of credit, and suffers greatly in anxiety as to the result.

It is conspicuous in every bureau of this Department that the work essential to an efficient public service is increasing with the population and the spread of settlement to a degree that does not seem to be comprehended by the law-makers. The effort to fit upon the present state of affairs the measures that were suitable to the last decade is made in vain. Neither the buildings nor the force that occupies them are commensurate with the public demands. No true statesman will attempt to save a small portion of the public revenue either by exacting immoderate toil from its employes, or by delaying the people in the enjoyment of their fairly-earned titles to land and defeating their just expectations.

INDIAN AFFAIRS.

In reviewing the past year's work of the Department in regard to Indians, it is seen that there has been steady progress made in engaging them in peaceful ways and industrial pursuits. A stronger desire is manifested among many for the education of their children, for the individual ownership of land, and generally for the comforts of civilization.

But it needs to be said that a much larger area of land than is nec-

essary is held for Indian occupancy. There are not more than 250,000 Indians within the borders of the United States (excluding Alaska). The greater part of these reside upon or have some interest in the existing reservations, the others living upon a portion of the public domain. The aggregate area of the Indian reservations was, at the last report, about 116,000,000 acres, or 181,250 square miles, which is, as calculated by the Indian Commissioner, "greater than that of the New England and Middle States combined, greater than the aggregate area of the States of Ohio, Indiana, Illinois, and Kentucky, and nearly equal to the combined area of the two Dakotas and Montana; or, to carry the comparison further, it is larger by half than the United Kingdom of Great Britain and Ireland, larger than Sweden or Norway, and nearly as large as either France or Spain."

There has been a reduction during the fiscal year by cession of Indian title to reservations under ratified agreements to the extent of about 13,000,000 acres of lands heretofore held by them, leaving the aggregate area of reserved land at this time over 103,000,000 acres. This is sufficient to give each of the occupying Indians, or those having rights thereon, over 750 acres. If all were given allotments as provided in existing laws and treaties, each Indian would receive not more than an average of 80 acres of agricultural land, or 160 acres of grazing land. The surplus held in reservation appears therefore to be unreasonably large. A large portion of it is lying idle, and is a bar to the Indians' progress, and our country's development. To restore this to the public domain will work no hardship to the Indians, if the cessions are made upon terms as fair as have characterized the agreements recently negotiated. Those Indians especially who are supported by the Government, not because of treaty obligations, but in order to save them from starvation, should not continue to hold these large tracts without actual occupancy or use. It would be better for each tribe to part with its claim for a money consideration that would create a fund to be securely held by the United States, and upon which it could depend for the support of its members until, by proper use of individual homesteads, they may support themselves.

INDIAN CESSIONS.

The cessions made by various tribes should be more particularly set forth, as there were serious obligations imposed on the United States thereby that have not yet been performed.

THE GREAT SIOUX IN NORTH AND SOUTH DAKOTA.

Under the provisions of acts of Congress approved March 2, 1889 (25 Stats., 888), and also a clause in the Indian appropriation act, approved the same day (25 Stats., 1002), a commission was appointed by the President on April 19, 1889, and negotiations with the Indians were

begun in the early part of June. In the Secretary's last annual report the authority and organization of this commission were set forth at length, but it had not then made its report. This was done under date of December 24, 1889, and with it was presented satisfactory proof of acceptance and consent of the act by more than three-fourths of the whole number of male adults occupying or interested in the Great Sioux Reservation. A number of recommendations, promised to the Indians by the commissioners, pertaining to matters not embraced in the act, were embodied in the report.

The President, by proclamation dated February 10, 1890, made known the acceptance of said act, and declared it to be in full force and effect, and on the same day there were transmitted to the Senate and House of Representatives the report of the commission and accompanying documents, together with a communication from this Department, dated January 30, 1890, submitting a draught of a bill embodying the several recommendations of the commission, and the necessary provisions of legislation to carry them into effect. (See Senate Ex. Doc. No. 51, Fifty-first Congress, first session.)

The appropriations made or found available have been such as to enable the Department to perform only partially the requirements of the act. No funds were appropriated and no legislation enacted to fulfill the recommendations made by the commission to the Indians, in the following particulars:

(1) For payment to the Indians of the Standing Rock and Cheyenne River agencies for value of ponies taken from them in 1876, for which \$20,000 was estimated.

(2) For compensating the Indians of the Crow Creek Reservation for losses sustained by them in receiving in their diminished reservation less land per capita than was secured by other Indians. For this purpose \$187,039 was estimated.

(3) For purchase of land for those Santee Sioux Indians in Nebraska who had received no lands in severalty on their reservation by reason of restoration of all the unallotted lands to the public domain. For this the estimate made was \$32,000.

(4) For a division and apportionment of the permanent fund provided for under section 17 of the Sioux act of March 2, 1889, so as to have a separate fund for each of the diminished reservations placed to the credit of the Indians occupying them. The Commission promised the Indians when obtaining their consent that these things should be accomplished. Recommendations to this effect have been made, and still, in *good faith*, demand recognition.

The attention of Congress should also be again called to the fact that no provision was made in this act or otherwise for the expenses of the surveys rendered necessary to carry out its provisions, nor for the expenses of making allotments to the Indians. Items of appropriation were submitted by this Department, but were not provided for by

Congress. (See House Ex. Doc. 234, Fifty-first Congress, First Session.) There were 9,000,000 acres ceded to the United States under this agreement.

THE CHIPPEWAS IN MINNESOTA.

In the last annual report attention was invited to the work of the commission appointed to conduct negotiations with the Chippewa Indians in Minnesota, as provided in the act of Congress approved January 14, 1889, (25 Stats., 642). A final report, dated December 26, 1889, was submitted by the commission with an agreement (in ten parts) executed by the various bands or tribes of said Indians, accepting all of the provisions of the act. There were also submitted the proceedings of the several councils held and a census of the Indians, taken as required by the act, the number of male adults of each of the separate bands being given and the number of such persons assenting to the act, a summary of which shows that 1,884 signed the acceptance of the act, being over 86 per cent.; more than the requisite two-thirds specified on each of the several reservations, and more than two-thirds of such adults of all the Chippewa Indians in Minnesota, as required in the case of the Red Lake Reservation. (See Section 1.)

On March 4, 1890, the President gave his requisite approval to the agreement and transmitted to Congress a copy of the report of the commission and all necessary papers, together with a draught of a bill providing for the means to carry out the provisions of the act. The documents can be found in House Ex. Doc. 247, Fifty-first Congress, first session.

The commissioners having reported that the Indians generally had indicated to them their desire and intention to take their individual allotments on the reservations where they were residing when the negotiations were conducted, and it being manifestly impossible to ascertain and determine as to what particular portions and how much of the land within the several reservations (except Red Lake and White Earth Reservations) would be subject to appraisal and sale under sections 4 and 5, or to settlement and sale under section 6 of the act, until the Indians had had an opportunity to select their allotments, public notice was given by the Secretary, March 5, 1890, to the effect that none of said land, whether "pine lands" or "agricultural lands" within said reservations, were open or would be open to sale or to settlement by citizens of the United States, until advertisement to that effect should be given, and then only as provided in such act. All persons were therein warned to refrain from going upon any of the lands within the limits of said reservations for any purpose or with any intent whatsoever; that no settlement or other right could until then be secured upon said lands, and that all persons found unlawfully thereon would be dealt with as trespassers and intruders.

The balance of the appropriation of \$150,000, made by section 8 of the act, after deducting \$90,000 for payment of interest, as required

thereby and about \$30,000 for the expenses of the commission, was so small as to render it impossible to do much toward carrying out the further provisions of the act, until additional appropriations were made by Congress.

However, orders were given for the survey and marking of the out-boundaries of the Red Lake diminished reservation, and for the subdivision of the same, and also for the extension of the public surveys over portions of the ceded lands, beginning with the land south and east of the diminished reservation.

The task has proven a delicate one, from the legal questions involved on the one hand and the possible conflicts that may arise on the other. But under the negotiations now in progress it is believed the business will soon be brought to a conclusion satisfactory to all concerned.

Congress at its last session appropriated the sum of \$200,000 for carrying out the further provisions of the act, one-half of which is to be applied to the surveys, appraisals, removals, and allotments.

The chairman of the commission, Mr. Rice, is now in the field actively engaged in instructing and assisting the Indians under the new order of things, and it is the Secretary's purpose to prosecute the work of removal, allotting lands, and surveying the ceded lands not required for allotments and disposing of them as rapidly as the circumstances will warrant and the means provided admit.

OTHER CESSIONS MADE.

There are pending in Congress agreements as follows: For the cession of about 1,600,000 acres of the Fort Berthold Agency Reservation in North Dakota, negotiated under provisions of the act of May 15, 1886 (24 Stats., 44); for about 184,960 acres of the Cœur d'Alene Reservation in Idaho, negotiated under the act of March 2, 1889 (25 Stats., 1003); for about 600,000 acres of the Lake Traverse Reservation in South Dakota, negotiated under the provisions of section 5 of the general allotment act of February 8, 1887 (24 Stats., 388); for about 1,095,000 acres of the Southern Ute Reservation in Colorado, negotiated under the fourth section of the act of May 1, 1888 (25 Stats., 133), and for about 7,871 acres of the Flathead Indians in Bitter Root Valley, Montana, negotiated under the provisions of the act of March 2, 1889 (25 Stats., 871). These should all have early attention by Congress.

CESSIONS BY VARIOUS TRIBES THROUGH THE CHEROKEE COMMISSION.

Early in April of this year the commission appointed under the provisions of section 14 of the Indian appropriation act, approved March 2, 1889 (25 Stats., 1005), was returned to the field (under the chairmanship of Hon. David H. Jerome, of Michigan), and proceeded to the Indian Territory.

The commission undertook negotiations with tribes occupying lands

west of the 96° of longitude within the Territory of Oklahoma as constituted by the act of May 2, 1890, and met with almost immediate success.

Agreements have been concluded with the following Indians, subject to ratifications by Congress, whereby they will take allotments in severalty and relinquish their surplus lands to the United States, viz :

The Sacs and Foxes of the Mississippi.—This reservation contains 479,668 acres. It is estimated that 155,000 acres will be required for allotments, leaving a surplus of some 325,000 acres, for which the sum of \$485,000, or about \$1.49 per acre, is to be paid.

The Iowas.—This reservation contains 228,418 acres. 12,418 acres will be required for allotments, leaving a surplus of some 216,000 acres, for which the sum of \$84,350, or about 39 cents per acre, is to be paid.

The Absentee Shawnees and Citizen Pottawatomies.—This tract of land contains 575,877 acres, of which 175,877 acres will be required for allotments, leaving a surplus of some 400,000 acres, for which the sum of \$225,000, or 56½ cents per acre, is to be paid.

These agreements were submitted by the President to Congress where they are now pending. (See Senate Ex. Docs. Nos. 171, 172, and 186, Fifty-first Congress, first session.) When ratified, they will result in opening to homestead settlement some 941,000 acres of land, the aggregate amount to be paid therefor being \$794,350, an average price of 84.4 cents per acre.

By a clause in the act of August 19, 1890 (Public No. 235, p. 23), the sum of \$20,000 is appropriated to enable the Secretary of the Interior to continue the commission, and it is now in the Territory of Oklahoma, engaged in negotiations with the Cheyennes and Arapahoes, which, at the latest account, promise to be successful.

OTHER COMMISSIONS TO NEGOTIATE CESSIONS.

The appointment of the following commissions was also authorized during the last session of Congress :

NORTHERN BAND OF CHEYENNES.

(1) To negotiate with the northern band of Cheyenne Indians on Tongue River Reservation and its vicinity in Montana, and with the band of Northern Cheyenne Indians on the Pine Ridge Reservation in South Dakota, for such modification of their treaty and other rights as may be deemed desirable by these Indians and the President, and for their removal and permanent settlement upon any existing reservation; and if necessary to negotiate with any other tribe or band of Indians for such portion of their reservation as may be required for the permanent settlement of the Northern Cheyennes.

PUYALLUP INDIANS.

(2) To visit the Puyallup Reservation in Washington, and to make full inquiry and investigation as to the nature of the title to, and

value of, the lands allotted in severalty; whether there are any common lands, and if so the value of the same, and the interest of the Indians therein; whether any restrictions now existing upon the power of alienation by the Indians of their patented lands should be removed in whole or in part; as to the manner in which lands shall be disposed of when the Indians shall be invested with power to dispose of their individual tracts; and as to other various matters regarding the status of the lands, rights of way for railroads, welfare of the Indians, etc.

TURTLE MOUNTAIN BAND.

(3) To negotiate with the Turtle Mountain band of Chippewa Indians, in North Dakota, for the cession and relinquishment to the United States of whatever right or interest they may have in or to any and all land in said State to which they claim title, and for their removal to the White Earth Reservation in Minnesota; also to obtain the consent of the Chippewa Indians in Minnesota for the settlement of said Turtle Mountain Chippewas on the reservation lands of the former.

WARM SPRINGS INDIANS.

(4) To visit and thoroughly investigate and determine as to the correct location of the northern line of Warm Springs Indian Reservation in Oregon, and to negotiate with the Indians located on the Colville Reservation in Washington for the cession of such portion of the reservation as the Indians are willing to dispose of, that the same may be opened to settlement.

Each of the foregoing commissions provided for in the Indian appropriation act approved August 19, 1890, has been appointed by the President, has been instructed as to its duties, and is now engaged in the work of which the respective laws approved.

ROUND VALLEY INDIANS.

(6) The act of October 1, 1890, entitled "An act to provide for the reduction of the Round Valley Indian Reservation, in the State of California, and for other purposes," provides for a commission of three disinterested persons, to be selected by the President, to select grazing and timber lands within the Round Valley Reservation in California to be retained by the Indians, and to appraise the value of any and all agricultural lands within said reservation, with the improvements thereon, which have become the property of individuals by purchase from the State of California, and also to appraise the value of all improvements made by private persons or firms before the 3d day of March, 1873, upon any of the other lands of the reservation included within the lands selected and retained for the Indians. The act also provides for a similar commission to be appointed by the President to appraise the remainder of the grazing and timber lands of the reservation and the improvements placed thereon before the 3d of March, 1873.

CROW INDIANS.

The act of September 25, 1890, entitled "An act to authorize the Secretary of the Interior to procure and submit to Congress a proposal for the sale to the United States of the western part of the Crow Indian Reservation in Montana," provides for a commission of three persons, to be appointed by the Secretary of the Interior, to negotiate with the Crow Indians for a surrender to the United States of all that portion of their reservation in Montana, or so much thereof as they will consent to surrender, which is situated south of the Yellowstone River and west of the divide between Pryor Creek and Clark's Fork, in said State.

None of the agreements that may be made by these commissions are to be valid until ratified by Congress.

PRAIRIE BAND OF POTTAWATOMIES AND KICKAPOOS.

The commission appointed under the act of March 2, 1889, to treat with the Prairie band of Pottawatomies and the Kickapoo Indians in Kansas, is continued by a clause in the Indian appropriation act, and will proceed again with its efforts to complete the agreement it failed to secure during the past year.

CENSUS OF SIOUX NATION OF INDIANS.

By the Indian appropriation act of March 21, 1889 (25 Stats., 992), provision is made requiring—

That the Secretary of the Interior shall cause a census of the Sioux tribe of Indians to be carefully taken by a special agent to be appointed for such purposes, with a view of ascertaining how many of them are able to support themselves, and, in ascertaining this fact, their physical capacity to work, the land owned or occupied by them, either individually or collectively; the value of the land, its nearness to market, and general productiveness shall be considered, and such other facts and circumstances as will aid Congress in determining how many of such Indians are capable of support.

For this duty a special agent was appointed under date of June 24, 1889. He has not as yet finished his work, nor filed any statistical or complete reports of it; but from his bulletins of progress made each week sufficient data has been obtained to show that the number of Indians of Rosebud Agency was greatly overestimated and that issues of rations were being made to the chiefs and head men for over two thousand more Indians than were actually present on the Rosebud Agency Reservation. Immediately upon receipt of this information, action was taken by the Indian Office to reduce the quantities of food for the delivery of which contract arrangements for the fiscal year had been made.

Knowledge of the extent of the ability of these Indians to support themselves, when procured in accordance with the provisions of the act, will be of great value in assisting the Department to carry out the provisions of article 5 of the agreement approved February 28, 1877,

19 Stats., 256, which among other things provides that "such rations, or so much thereof as may be necessary shall be continued until the Indians are able to support themselves." This provision of the agreement while imposing upon the Government the obligation to sustain the Indians until they are able to support themselves, imposes upon them no less the obligation and duty to address themselves to the task of becoming self-supporting.

If the terms of the recent agreement made with them are speedily provided for and enforced it is believed that this tribe will presently be distinguished for its rapid progress toward civilization as it has heretofore been for bravery and intelligence in savage warfare. Fair and generous treatment by the Government is the best means to bring about this desirable condition.

APACHE INDIANS IN ARIZONA.

A portion of the Indians belonging on the San Carlos Reservation, in Arizona, continue to give some apprehension of outbreak among them. The overt acts of violence and the disturbances created are caused mainly by a few renegade Indians. In order to maintain greater security of life and the preservation of peace in the Territory it was determined by the military authorities commanding them to be necessary to remove the turbulently disposed Indians to some place where they could be more securely restrained. The military post of Fort Union, in New Mexico, was selected as the best place for that purpose, and to it sixty-eight of the dangerous class of the Apaches of San Carlos were removed in March, 1890, where they are now detained under military control. The rations furnished them by the War Department should have been paid for out of the appropriations made to the Department of the Interior, "to subsist and properly care for the Apache and other Indians in New Mexico or Arizona," but the accounting officers of the Treasury Department have refused to allow this money to be so applied. It is hoped, however, that some adjustment of this fair demand may yet be made; for otherwise these now held for the sake of peace will have to be restored to the camps and new disorders will be apt to arise.

At the same time Major-General Nelson Miles, then commanding the Division of the Pacific, urged again upon this Department, through the War Department, his views for removing from the San Carlos Reservation the more peaceably disposed Tontos and Mojaves to the Camp Verde and Fort McDowell military reservations, in order to separate them from those who were disposed to be troublesome at San Carlos, and because the Indians desired to go to those localities, from which they had been formerly removed. This proposition had been fully discussed and considered by Mr. Secretary Lamar and Mr. Secretary Vilas, both of whom declined to favor it. Notwithstanding this, the importance of the subject caused it to be taken under consideration by the present Secretary, and a report thereon was received from Capt. J. L. Bullis, of

the United States Army, the acting agent at San Carlos, which is substantially as follows :

(1) That the Indians on San Carlos Reservation do not at present manifest any turbulence. There are eight renegades and murderers at large ; five from San Carlos who were in the hands of the civil authorities, but escaped.

(2) In 1875, the Mojaves, Yumas, and Tonto-Apaches were removed from the Verde Valley to this reservation. Most of the Yumas and Mojaves, who number in all about eight hundred, and some of the Tontos, who number in all about six hundred, are desirous of returning. They might be divided between Fort Verde and Fort McDowell, both located in Verde Valley about 90 miles apart.

(3) Should the fourteen hundred Yumas, Mojaves, and Tontos be removed, a reduction of two-fifths of the annuity goods, supplies, etc., for San Carlos might be made, but all the employés would still be necessary.

(4) The said Indians could not be cared for at Forts McDowell and Verde without the establishment of an agency at each point. They would have much less country than they have now, would be much more closely surrounded by whites, and would therefore be more liable to get into trouble.

The area of the Fort Verde Reservation is 9,000 acres; that of Fort McDowell, 27,750 acres. The greater part of the latter is reported to be rough and broken. Only a small portion of the two reservations is suitable for agricultural purposes.

From a military point of view, great weight is attached to General Miles's views in regard to what is best to be done to accomplish the military duty required in that locality; but to carry out his suggestions, it appears that there would be required the establishment and maintenance of two additional agencies for the management of Indians in Arizona, and appropriations for these would have to be secured from Congress. Protests, moreover, have already been received from the governor of Arizona, and from other sources, against the removal of Indians from the San Carlos Reservation to the Verde Valley.

Under all the circumstances, and in view of the information furnished by the acting agent at San Carlos, an officer of the Army, it is not deemed that the condition of affairs would be so improved, if improved at all, as to warrant an order again scattering the Indians from the San Carlos Reservation over the localities from which they have been heretofore gathered.

MISSION INDIANS IN CALIFORNIA.

The Mission Indians, whose rights were fully recognized and respected by both the Spanish and Mexican Governments, have suffered such wrongs under our Government that they have formed the subject of numerous official reports during the last twenty years. The Executive Departments have done all that was possible to protect them in the possession of their ancient homes and villages, and to repress the encroachments constantly attempted upon their lands, but through the failure of legislative action their situation has grown worse from year to year. Innocent settlers have also doubtless been deprived of just

rights and made to suffer undeserved losses through the inability of the Department to properly discriminate between them and willful trespassers.

A bill for the relief of these Indians, under which it is hoped the rights of both Indians and settlers can be ascertained, defined, and protected, passed the Senate during the Forty-eighth, Forty-ninth, and Fiftieth Congresses, failing each time in the House of Representatives. It was again passed by the Senate during the recent session and was under consideration in the House, but failed to pass from want of time. The necessity for this legislation has been repeatedly shown. The last session of Congress enacted long-delayed legislation looking to adjustment of serious embarrassments surrounding the Round Valley Reservation Indians in California, the Northern Cheyenne Indians in Montana and South Dakota, the Turtle Mountain Chippewas in North Dakota, the Puyallup Reservation Indians in Washington, the Menominee Indians in Wisconsin, and other Indians, and it is earnestly hoped that the measure for the Mission Indians may become a law during the approaching session.

NORTHERN CHEYENNE INDIANS.

Since the last annual report two white men, Ferguson and Boyle, have been killed on the reservation of the Northern Cheyenne Indians of the Tongue River Agency, in Montana. The settlers in the vicinity feel that they have some cause for alarm, and several companies of United States troops have had to be placed on the reservation at different times and places to preserve the peace. The appropriations made by Congress have not been heretofore sufficient to enable the Indian Office to furnish food in such quantities as to prevent hunger among the Indians, and they are charged with depredating upon the cattle of neighboring ranchmen. On the other hand, the Indians themselves have complained of the trespassing of the cattlemen upon their reservation. The investigations made have shown that neither the Indians nor white men have been wholly without fault.

The murders mentioned have, however, produced a strong public opinion among the white people against the whole body of the Tongue River Cheyennes, and it is believed that unless removed from their present location there will be much trouble for them there.

The Northern Cheyenne Indians at this agency, and those located among the Sioux at the Pine Ridge Agency in South Dakota, numbering in all 1,424, are of one tribe and desire to be united. While separated they have been disposed to visit back and forth between the two agencies, neglecting proper efforts for self-support. A survey of the land on the Tongue and Rosebud Rivers in Montana, selected for allotment to these Indians, has shown that there is not sufficient suitable land to make allotments of the areas required by the general allotment act to the Indians already at the Tongue River Agency, to say nothing of

those who are now at Pine Ridge and desirous of going to Tongue River.

For these and other reasons presented to Congress that body has provided by law for negotiations for the consolidation of these Northern Cheyenne Indians and for securing them a suitable reservation on some one of the existing Indian reservations. A commission to conduct the negotiations with these Indians has been appointed by the President, and it is hoped that a suitable home will soon be found for them where they can be permanently located and the work of their civilization begun. In the mean time, and until this is accomplished, an appropriation made by Congress for the purpose at its last session will enable the Department to supply better rations.

INDIAN CONTRACTS WITH ATTORNEYS.

It is appropriate in connection with the foregoing cessions to speak of those contracts made by Indian tribes with lawyers and often unprofessional men to secure their services in obtaining the allowance of certain claims, or to aid in certain negotiations, the fee or compensation being usually contingent upon success. This compensation is in most cases measured by a percentage upon the sum realized, and would often, in case of success, amount to a large sum. All such contracts must now be approved by both the Commissioner of Indian Affairs and the Secretary of the Interior in accordance with the provisions of law relating thereto (Rev. Stats. U. S., sec. 2103, *et seq.*).

These contracts have had for their aim either, on the one hand, to negotiate some demand made by the Indians which would require legal action such as the Indians themselves are incapable of undertaking or even understanding with the advice and assistance of experienced persons, or, on the other hand, to aid apparently in securing for the Indians a fair price for lands in negotiations with commissioners appointed under authority of Congress.

The practice of allowing such contracts has existed for many years, and the compensation paid has been very large at times, although only seemingly small percentage on the sums paid to the principals. But mature reflection and experience have convinced both the Secretary and the Commissioner that such contracts are to be discountenanced. Certainly no more will be allowed with attorneys for any supposed assistance they can give at any negotiations with commissioners for the cession of lands. Ordinarily there is nothing to be discussed between those in possession and the agents of the United States except the price, and on this point the Indian is found quite as apt to know his interest as any one he might employ; on the other hand, the commissioners, as representatives, are not instructed or expected to offer less than the Indian should fairly have. It is not a case of barter between independent parties dealing at arm's length, but an affair between the guardian and the ward—frequently, indeed, the offer by the United

States of a very large sum of money for land the Indians' title to which is wholly dependent upon the will of the Executive. The commissioners are selected for their worth and intelligence, with only such compensation as will meet their expenses, so that their sole motive is to do justice to the Indians as well as to the nation. Moreover, their agreements when secured are subject to either approval by the President or ratification by Congress. There seems small reason to allow any considerable sum for services by attorneys in such cases.

There is, however, reason why contracts in the other class of cases should be approved, at least when the amount to be realized as a fee is graded reasonably according to the talent, experience, and labor involved. Many claims would be lost to the Indians without such assistance. The distinction between the classes is easily perceived.

The Commissioner has expressed himself in harmony with these views in his report, and has further requested that that office may have an appropriation for a solicitor. However, the law force supplied the Department, the Assistant Attorney-General and his clerks, is probably enough to determine any difficult questions of law that may arise when the Commissioner has digested and reported the facts. The Commissioner has a free opportunity to apply to the Assistant Attorney-General through the Secretary for an opinion in any case he may deem proper.

ALLOTMENTS OF LANDS TO INDIANS.

Since the last annual report satisfactory progress has been made in work of allotting lands in severalty.

Under the authority contained in the fifth section of the general allotment law (24 Stats., 388) successful negotiations were conducted with the Sisseton Indians in South Dakota for the cession of their surplus lands, and the agreement entered into for this purpose, which was submitted to Congress early in the session, passed the Senate, but failed to receive favorable consideration in the House of Representatives. The failure to ratify this agreement is a matter to be greatly regretted, as many of the Indians are in a destitute condition, owing to repeated crop failures, due to successive droughts, and are likely to suffer from want during the coming winter. The payment of annuities, long unjustly withheld from them, as provided in the agreement, would have relieved their immediate necessities and secured them against further immediate sufferings.

The field work of making allotments has been entirely completed during the year on the Yankton Reservation in South Dakota, the Grande Ronde Reservation in Oregon, the Modoc, Ottawa, Seneca, and Shawnee Reservations in the Indian Territory, and such work will be finished upon several other reservations at an early day.

An appropriation of \$5,000, made on August 19, 1890, is now available for conducting the negotiation with Indians for cession of their surplus as authorized by the fifth section of the allotment act, and such

negotiations will be entered on as soon as trust patents are delivered and the quality of the the surplus land and the condition of the Indians may warrant it.

A bill to amend the general allotment law, so as to remove the inequality in the quantity of land allowed different classes of Indians, passed both houses of Congress at the last session, but in different form, and therefore failed to become a law. The Senate bill provides for an allotment to married women, leaving the quantity of land allowed minor children and single adults unchanged, while the House bill provides for an allotment of eighty acres to each member of the tribe. In the Secretary's opinion, the latter bill is much more just and will give more general satisfaction to the Indians than the former, each member of the tribe having an equal interest in its common property.

It is hoped that early disposition of the matter may be made, as either measure will require re-allotments and re-adjustment of allotments on reservations where allotments have been completed.

It is also worthy of consideration whether the period now allowed the tribe to determine whether it will receive allotments should not be put under control of the President, so that if he deems it proper in any particular case he may shorten the time for exercising the choice, for as the law stands many tribes give no attention to the subject and delay unreasonably all negotiations.

CATTLE GRAZING ON INDIAN LANDS IN THE INDIAN TERRITORY AND OKLAHOMA.

In the Secretary's last annual report reference was made to the fact that a corporation, established under a State law, was seeking to lease for long periods and at egregiously large prices and for merely grazing purposes certain lands, for the cession of which to the United States a commission appointed under section 14 of the Indian appropriation act of March 2, 1889 (25 Stats., 1005), had been authorized to negotiate, and attention was called to the fact that all such leases, in the then Indian Territory, were illegal and void. On February 17, 1890, a proclamation was issued directing that no more cattle or live-stock should thereafter be brought upon the Cherokee Outlet, and that all cattle or live-stock then on said lands must be removed therefrom not later than October 1, 1890.

In accordance with the Secretary's instructions, the Commissioner of Indian Affairs, on March 29, 1890, issued a notice that all cattle and other live-stock, held on any Indian lands in the Indian Territory under any pretended lease, contract, or other arrangement with Indians for the use of any part or portion of any Indian lands for grazing purposes, must be removed therefrom not later than October 1, 1890.

By proclamation of September 19, 1890, the time for removal of stock from the Outlet was extended to November 1, 1890, as to one-half, and to December 1, 1890, as to the other half, the owners having sub-

mitted a proposition, in writing, agreeing to so remove their stock and abandon all claims to the Outlet.

In harmony with this a similar modification was made in the order for the removal of cattle from the other Indian lands in the Indian and Oklahoma Territories. This policy of exclusion is still deemed the best for all interests involved. It will be in vain to attempt to open the vast regions of the Indian reservations at any reasonable compensation to the Indians if they are allowed to let them to white men for grazing cattle. Although the money received is small compared to that the United States would pay annually as interest for the trust fund derived from the lands, the Indians will prefer the cash which can be lost or spent in a few days each year without the careful control the Government would give. The results are complete bars to advance and the Indian policy is defeated. In many instances there is good reason to believe that the money realized is appropriated by a few among the more designing of the Indians and does not reach the majority of the tribe at all or in but small sums. Moreover these cattle that are pastured are not themselves taxed, and come into the market in competition with the beeves of farmers who pay taxes both on their lands and cattle. Their number and their cheapness are the results of an illegal traffic, and their owners should be allowed no such unjust advantage.

CUTTING AND SALE OF DEAD AND FALLEN TIMBER BY INDIANS.

The Menomonee Indians of Green Bay Agency, Wis., and several of the bands of Chippewa Indians of White Earth Agency in Minnesota early in the fall of 1889 applied for permission from the Department to engage during the winter in cutting and preparing for market dead and down timber on their several reservations. By the act of February 16, 1889 (25 Stats., 673), it was provided that "Whenever there is reasonable cause to believe that such timber has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale, under this act, then in that case such authority shall not be granted." But the reports from the agents gave no grounds for withholding the authority, and it was granted and appropriate regulations to govern the work were prescribed.

The Menomonees, having moderate means and some experience in the work, succeeded during the season in cutting and banking for sale nearly 25,500,000 feet of pine and about 1,000,000 feet of other timber, which, when sold, netted them nearly \$218,000, \$196,000 of which was paid in cash to those engaged in the work, and \$22,000 was deposited in the United States Treasury as a stumpage fund, to be used as required for the support of the poor, sick, and helpless of the tribe, and for the maintenance of a hospital for them.

The Indians connected with White Earth Agency, Minn., were also moderately successful with the season's work, banking about 15,500,000

feet, on which they realized however only \$84,000, not obtaining as good prices as the Menomonees did.

The act of June 12, 1890 (public, No. 153), under which the Menomonees may systematically engage in marketing all their timber, and the main part of the proceeds may be permanently funded for the benefit of the tribe, will be very beneficial to them. Their assent has been given and operations will be carried on this winter.

The law applicable to the right of the Indians in the timber on their reservation is succinctly stated in the Commissioner's report as follows, based upon the opinion of the United States Supreme Court therein cited:

Prior to the decision of the Supreme Court, 1873, in the George Cook case, sundry contracts were made with individuals for the sale of surplus timber on several reservations in Minnesota, the funds being applied to the use and benefit of the Indians occupying them.

By that decision it was held that if the lands were desired for the purpose of agriculture they might be cleared of their timber to a reasonable extent. The timber taken off by the Indians in such clearing might be sold, but to justify its cutting, except for use upon the premises, as timber or its product, it must be done in good faith for the improvement of the land. The improvement must be the principal thing, and the cutting of the timber only the incident. Any cutting beyond this would be waste and unauthorized.

The court further held that:

"The timber while standing is a part of the realty, and it can only be sold as the land could be. The land can not be sold by the Indians, and consequently the timber, until rightfully severed, can not be. It can be rightfully severed for the purpose of improving the land, or the better adapting it to convenient occupation, but for no other purpose. When rightfully severed it is no longer a part of the land, and there is no longer a restriction upon its sale.

"Its severance under such circumstances is, in effect, only a legitimate use of the land. In theory, at least, the land is better and more valuable with the timber off than with it on. It has been improved by the removal. If the timber should be severed for the purposes of sale alone—in other words, if the cutting of the timber was the principal thing and not the incident—then the cutting would be wrongful, and the timber, when cut, become the absolute property of the United States.

"These are familiar principles in this country and well settled as applicable to tenants for life and remainder-men. But a tenant for life has all the rights of occupancy in the lands of a remainder-man. The Indians have the same rights in the lands of their reservations. What a tenant for life may do upon the lands of a remainder-man the Indians may do upon their reservations, but no more." (*United States v. Cook*, 19 Wallace, 591.)

NON-RESERVATION INDIANS.

There are scattered throughout the country many Indians who are not located upon any of the existing reservations. Some of them belong to tribes having none; others belong to tribes that have had reservations set apart for them, but have never removed to and settled thereon; and there are others still who have voluntarily abandoned their tribal relations and settled upon the public domain.

Many of these non-reservation Indians are upon lands long in the peaceful, undisturbed possession of their fathers, and but for the rapid

settlement of the country by our own people they might perhaps have continued to remain unmolested for years to come. Of late, however, they have been unable to resist the advancing settlements encircling them, and many have been forced from their homes and dispossessed of the improvements made by them. The number of non-reservation Indians can not be accurately stated, but from information at hand it is reasonable to estimate the same at nearly 20,000, and more than half of these have no interest in any existing reservation. These Indians may also avail themselves of the homestead laws, without fees; but the homestead can not be disposed of to any degree and can not be commuted. The patent merely declares that the United States holds the lands for twenty-five years in trust for the use of the Indian and his widow and heirs, under the laws of the particular State or Territory where it may be, and that at the end of the period named the land will be conveyed, discharged of trust and free, to the party in interest (23 Stats.,—act July 4, 1884).

By the provisions also of the fourth section of the general allotment act any Indian not residing upon a reservation or for whose tribe no reservation has been provided by treaty, act of Congress, or Executive order, may make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, and he or she will be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her and to his or her children, in quantities and manner as provided in the said act for Indians residing upon reservations. Unfamiliar as these Indians are with the land laws of the country, and ignorant of the methods of procedure in acquiring title to the public lands, their homes are often lost, whereas if they understood their rights and knew how to take advantage of them they would be able to protect themselves against all such wrongs.

The registers and receivers are everywhere enjoined and commanded to permit no entries upon lands in the possession, occupation, and use of Indian inhabitants, or covered by their homes and improvements, and to exercise every care and precaution to prevent such entries, if made, from being perfected. They are also instructed to ascertain the lands in the Indian possession and occupancy in their respective districts, and in order to do so to avail themselves of any information furnished them by the officers of the Indian service; that where the fact of Indian occupancy is denied or doubtful, to order proper investigation of the matter prior to the allowance of adverse claims, and when lands are unsurveyed to allow no appropriation of the same within the region of Indian settlements until surveys thereof shall have been made and the lands occupied by Indians is ascertained and defined.

But experience shows it is necessary to have some one to visit, instruct, and assist this class of Indians in making applications for allotments under the section referred to, so that they may secure titles to

their homes. This Department is without the necessary appropriation for this work, and therefore the subject should be brought before Congress, and an appropriation requested for the salary and expenses of a special agent or agents to be charged with the duty of securing lands to Indians under said statutes.

INTRUDERS INTO INDIAN TRIBES.

Attention is drawn by the Commissioner to the question of the rights of persons of mixed blood in the tribes. This question increases in interest with the advancing values of the Indian possessions. Some tribes own enough in land and money to confer on every member a home and a competency for life. The claimants to membership are of every degree of blood, and some who are white point to some far distant ancestor as the source of their right. The question has been mooted most in regard to the alleged intruders in the countries of the Cherokees and Choctaws. Those among the Cherokees remain because of differences as to the rules of law and practice applicable to the subject. The Department is at present disposed, however, to relieve the Cherokees of many who claim to have rights of possession in the Territory, and it is thought some solution may soon be arrived at by mutual agreement.

The number of intruders among the Choctaws is deemed to be not less than five hundred out of the twenty thousand non citizens now in that country. Serious commotions arose last summer in this nation at election time as to the rights of adopted citizens to vote, and it was feared there might have to be some interference to keep the peace. But the Choctaws and those among them showed such excellent control of their passions and great regard for the public welfare, that the law was preserved, and it was determined to resort only to civil remedies for any grievances believed to exist.

It will, however, soon be necessary to dispose of the question among the Choctaws, as well as among the Cherokees.

If the adjoining territories now negotiated for with the Iowa, the Sac and Fox Indians, and others, could be quickly opened to settlement, it would relieve the situation of its most embarrassing feature, in case decision should be made against large numbers as intruders and they should have to depart to other homes.

INDIAN EDUCATION.

The educational branch of the Indian service has received throughout the year the special attention which its importance demands. The effort has been to extend and improve the system already existing, to enlarge the school facilities, to increase the attendance, to make more uniform the course of study and instruction and to secure teachers of the best qualifications.

The Indian children, with the habits and prejudices of savages and the isolation of each tribe by its own separate language, require a proc-

ess of training and education especially suited to their peculiar conditions. They must necessarily be taught English, and by English-speaking persons, so that at the very outset the teacher in the Indian school has to accomplish an immense task not met in our other public schools, viz, instruction in a tongue foreign to that of the people.

The industrial training schools and reservation boarding schools have been found from experience to be those best adapted to the end in view. Here the pupils are brought under a kindly but strict discipline. They acquire a familiarity with the language, thoughts, customs, and occupations of our civilization and a moral and manual training conducive to habits of industry that will fit them for self support in after years. The boy whose mother was the hewer of wood and drawer of water, the weary burden-bearer for his idle father, now works by the side of his sister and learns that there is no dishonor in labor, but a dignity far beyond that his ancestors ever knew.

The day schools located on the reservations are attempted to be managed so as to be eventually merged into the public-school system if opportunity offers. In them, however, there is little parental authority exerted to keep the unwilling children in attendance, and each day's teaching at the school is almost canceled by each day's return to the camp and its influences. There is some improvement both in the school children and in the disposition of the parents to have them taught; but nothing but compulsion will efficiently fill these schools with pupils, and nothing but constant superintendence between school hours will protect them from recurrence to the bad habits of their homes.

In the last annual report the views of the present Secretary upon Indian education were expressed at length and it is not deemed necessary to repeat them. Upon the lines recommended fair progress has been made. The suggestion of your first message has been acted upon, by placing pupils in the public schools wherever possible.

An attempt to organize into a system the various Government Indian schools has been initiated by adopting a uniform course of study therein and formulating rules for their conduct. This will be followed by the use of the same text-books in all the schools of like grade. Augmented efficiency must surely result from this methodical action. Pursuing the same general course of study, working together by similar methods to the same end, with lower grade schools made systematically tributary to those of higher grade, there will not be that constant loss of previous acquisition now attendant upon each change not only in schools, but even in teachers, as each one has been controlled by almost individual choice.

The teachers and employés are now selected for high personal character and must be thoroughly equipped for their task. Fortunately many such are willing to undergo the privations and sacrifices incident to frontier life among these people. The evil wrought by an unprincipled or unsuitable employé in an Indian school is much greater than it

would be elsewhere. These pupils are keenly observant and quick to respond to evil as they would be to good. A single bad teacher may destroy the whole year's work and make the labor of all worse than wasted, so that the precautions must be as searching as the evils resulting from negligence are great. It is gratifying to believe the present employes as a body are worthy, competent, and efficient, and are under the supervision of Indian agents who are sympathetic to the cause of education and good morals.

The national school system is being advanced with extraordinary vigor, and it will now require some conservatism to prevent too great a separation from those denominational schools that have heretofore been encouraged by contracts and whose influences upon the Indians have been beneficial. In your last message you approved the suggestion that while the national school should be supported in case of conflict with these contract schools, nevertheless the church-mission schools are essential in extending education to all the Indian children. They should be welcomed as co-workers in this benevolent cause and treated fairly and generously. Congress has recognized this recently by making several appropriations for contract schools especially named.

The Commissioner furnishes the following:

Table showing the amounts set apart for the various religious bodies for Indian education for each of the fiscal years 1889 to 1891, inclusive.

	1889.	1890.	1891.
Roman Catholics.....	\$347, 672	\$356, 957	\$347, 689
Presbyterians.....	41, 825	47, 650	44, 850
Congregational.....	29, 310	28 459	27, 271
Martinsburgh, Pa.....	Dropped.		
Alaska Training School.....	Dropped.		
Episcopal.....	18, 700	24, 726	29, 910
Friends.....	23, 383	23, 383	24, 743
Mennonite.....	3, 125	4, 375	4, 375
Middletown, Colo.....	Dropped.		
Unitarian.....	5, 400	5, 400	5, 400
Lutheran, Wittenberg, Wis.....	4, 050	7, 560	9, 180
Methodist.....	2, 725	9, 400	6, 700
Miss Howard.....	275	600	1, 000
Appropriation for Lincoln Institution.....	33, 400	33, 400	33, 400
Appropriation for Hampton.....	20, 040	20, 040	20, 040
Total.....	529, 905	561, 950	554, 558

There are now existing one hundred and fifty-two Government schools and ninety-four contract schools, and the average attendance at the former is 7,424 and at the latter 4,808.

In the Commissioner's judgment the limit heretofore placed by law upon the cost of the buildings—\$10,000—has been so low that it has been impossible to provide proper accommodations. To establish a

boarding-school involves making provision not only for school-rooms proper, but for dormitories, kitchen, laundry, bath-rooms, hospital, and other necessary rooms for pupils, and also of suitable quarters for all the employés, superintendent, teachers, matron, cook, laundress, seamstress, etc. The original cost of the plant is a comparatively small part of the outlay. It is a poor economy to put up inferior buildings and fail to make proper provision for the work expected, which can not be satisfactorily done with such poor facilities. The limit of cost now fixed is \$12,000, which is still too low.

It is deemed, however, by the Secretary that the limit should not be passed except upon a careful examination and approval in any particular case by him.

Additional buildings have been erected at the Albuquerque, Chillico, Genoa, and Carlisle training schools. New training schools at Pierre, S. Dak., Santa Fé, N. Mex., and Carson, Nev., have been completed and put in readiness for operation during the current fiscal year. New buildings have been completed for schools on the Fort Hall Reservation in Idaho, the Wichita Reservation in Oklahoma, the Navajo Reservation in New Mexico, the Pima Reservation in Arizona, the Turtle Mountain Reservation in North Dakota, and the Yankton Reservations in South Dakota, and others are now in course of erection on the Fort Belknap, Kiowa, Umatilla, Uintah, and Yakama Reservations. The abandoned barracks of the three military posts of Fort Totten, N. Dak., and Forts McDowell and Mojave in Arizona, constructed and long garrisoned for the protection of the frontier settlers against hostiles, are being put in condition to be used as school-houses for training Indian youth to industry and citizenship. No longer needing these material sanctions of its power, the nation's moral forces are now beating the soldiers' swords into ploughshares and the spears of the savages into pruning-hooks. May they indeed learn war no more!

The Commissioner states that on all Government schools the American flag has been displayed, national holidays have been duly celebrated, the pupils are learning patriotic songs and recitations, being taught to love the great nation of which they are a part, and to feel that the people of the United States are their friends and not their enemies.

The Commissioner also refers to the earnest and unremitting labors of the superintendent of Indian schools, Dr. D. Dorchester, upon whom the duty of personal supervision of the Indian school work is devolved by law. The two hundred and forty-six Indian schools are scattered over a vast area of the United States, and many of them are in localities difficult of access. It is a physical impossibility for one man within the year to do the work assigned him. This is not confined to schools existing, but extends to inquiring into the need of schools where none or too few exist. He has been almost constantly in the field during the

year, going from reservation to reservation and from school to school, with the greatest advantage to the service. He has been accompanied, at the earnest request of the Secretary, by his wife, as a clerk. It was considered that many of the peculiar evils that had marked the schools, particularly among the girls, would be sooner and more completely seen and comprehended by a matron than by another, and that methods of correction would be by her more easily suggested and applied. In this there has been no mistake. The labor has been severe and often most disagreeable for a woman of refinement, but good results have become visible as her visits extended from point to point. The valuable service of the superintendent has been largely supplemented by that of Mrs. Dorchester.

The faithful men and women who do true missionary work by teaching in the Indian schools, leading pure lives of unselfish devotion to this work, have largely contributed to the improvement of the service, and are worthy of most grateful recognition.

INDIAN FARMING.

The purpose of aiding the Indians to become self-supporting by farming, and thereby add to their civilization and general advancement and comfort, has been kept constantly in view during the year, and Indian agents have been repeatedly directed and urged to give their special attention to this duty.

Indian farming is under the supervision of certain farmers employed by the Government for this service. These persons are required to make monthly reports of their work, and are required not only to teach the Indians endeavoring to cultivate the soil, but to induce all of them to turn to this means of comfort and advancement. The Commissioner wishes these agents, or "Indian farmers," to give the Indians somewhat more practical lessons in tilling the soil by example as well as precept. Such "object-lessons," it is believed, will have a beneficial effect upon all concerned.

During the nine months ending June 30, 1890, thirty-five thousand Indians have been instructed and assisted in farming. Nearly twelve hundred who never farmed before have been induced to make a commencement, and some forty-six thousand acres of land have been plowed by them. The results would have been even more satisfactory but for the very severe winter on the western coast and drought on many of the Indian reservations.

A number of the reservations are well adapted for grazing cattle and stock raising may there be made profitable. This industry, wherever the reservations are suitable, should be encouraged, but even this will require constant supervision and instruction before the Indian will be capable of properly caring for the horses and cattle given him.

PURCHASE OF SUPPLIES.

The supplies required for the Indians embrace almost every kind of ordinary merchandise and produce. They are enumerated as follows by the Commissioner:

Beef, bacon, coffee, sugar, lard, hominy, rice, corn and oat meal, salt, hard bread, pork, etc., the annuity goods, agricultural implements, etc., are divided into seventeen classes, as follows:

- | | |
|------------------------|--|
| 1. Blankets. | 10. Furniture and wooden-ware. |
| 2. Cotton goods. | 11. Harness, leather, etc. |
| 3. Woolen goods. | 12. Agricultural implements. |
| 4. Clothing. | 13. Wagons and wagon fixtures. |
| 5. Boots and shoes. | 14. Paints and oils. |
| 6. Hats and caps. | 15. Brass and iron kettles, tin and tinware. |
| 7. Notions. | 16. Stoves, hollow ware, pipe, etc. |
| 8. Groceries. | 17. Hardware. |
| 9. Crockery and lamps. | |

In addition there is also purchased a large number of articles of medicine, surgical instruments, books, and school supplies, numbering in all over 2,500 articles. Over 50,000 samples were submitted, examined, and passed upon.

The total number of bids received last year was 558, and 244 contracts were awarded.

It is not deemed that in every instance the lowest bid should be accepted, as often the quality of the goods offered at a low price would be dearer than better at a higher price.

There has been the greatest care taken to prevent fraud in these contracts or in the delivery of the goods. Besides the Commissioner and the Indian commissioners, some of whom usually attend at the bidding, the Assistant Secretary of this Department has been present as well as at the delivery. The inspectors selected have been the very best and most reputable that could be secured; the contract is accompanied by a bond for 50 per cent. of its amount, and upon shipment the invoices are made out in quadruplicate, the original for the Treasury, one for the Bureau, one to the agent or school superintendent, and the other to accompany the bill of lading when payment is made for the transportation for purpose of identification. Last year there were 50,000 invoices thus required.

Formerly the struggle was constant to deceive and cheat the Government both in the sample at bidding and in the goods at delivery. It had gone to such an extent that honest merchants were largely driven from this market. But it is gratifying to state that by constant watchfulness and firmness these evils have been almost entirely destroyed. The market at the warehouse in New York is so far redeemed that it stands high in that commercial center for fairness in judgment and treatment, and the contracts recently made have been of a most satisfactory character and the deliveries acceptable.

It has cost more effort than was anticipated to bring about this reform; but to the Secretary's determination has been added the zeal and

intelligence of the other officers named participating in the actual transactions. It is thought that the education of the savage must commence in New York City, for it is there his physical comfort must be secured and the foundation laid for his confidence in the honesty of the white man. Without these the school teacher's task will be made much more difficult. Besides, it seems the greatest of indignities to offer the Government for a dishonest man to strive to cheat, when the people's money is being spent for the protection of the frontiers from the passions of savages aroused by their hunger and all manner of physical discomfort, joined to their sense of wrong in being refused what has been promised and what would be delivered but for the fraud of the contractor. It is hoped that the field for illegal speculation will no longer be found in this quarter.

IMPROVED METHODS OF DISTRIBUTING SUPPLIES.

A plan of issuing rations at sub-stations upon many of the large reservations has been adopted and begun to be practiced. Many Indians reside at a distance from the agency, and, having but little restraint upon their appetites, when they receive their rations from the agent they consume them with great voracity on their return journey, so that they vibrate in almost constant motion between their camps and their depot of supplies. The distances are often 50 or even 75 miles, and the persistent migration utterly neutralizes all efforts to teach them farming or otherwise permanently improve their condition. Hereafter it is intended to have the rations nearer at hand, and to give the Indian such regularity of food as will enable him to devote the time now used in either a struggle with hunger or sacrificed to the indolence produced by overeating to cultivation of the soil, industrial pursuits, home life, and education.

A reform has also been inaugurated in distributing beef. Heretofore the live cattle have been started one, two, or three at a time from the corral with a lash and a cry, out to the expectant Indians upon the adjoining prairies or open ground. These, mounted and armed with repeating rifles, set upon the already frightened animals with whoop and random firing to drive them nearer the camps before actually killing the victims. Here and there, near and far, the mimic buffalo hunt is seen in progress, until, as the destined points are reached, the fatal shot is given, and as the animal falls it is surrounded by the squaws and men and children, and often eaten in large part before fairly cold. It is amazing the practice has been allowed so long, wasteful and barbarous as it is. The Commissioner has now ordered all this to cease, and that slaughter-houses be built and used under supervision of proper employes, and there is no doubt but that the benefits of this more civilized method will be very great to the Indians. Among other things there will be a better opportunity to inspect the beeves under the new

system than has probably existed in the rather rapid delivery to the consumer heretofore in vogue.

Further improvements conducive to the protection of the Indian from the fraud and imposition that have been so greatly practiced upon him, are already in operation, and will be advanced until the Indian service shall be what it should be, the most just, the most honest, the most progressive, and the most humanizing under the Government's control. It is very gratifying to the Secretary to be able to say that, by the aid of his Assistant Secretaries and of the Commissioner and Assistant Commissioner of Indian Affairs, the morals, tone, and efficiency of this service has been greatly improved, and the outlook for the Indian is becoming brighter every day.

"WILD WEST" SHOWS.

When the present administration began there was little or no restraint upon any seeking to take Indians off the reservations for exhibition in this or other countries. The first act done by the present Secretary was to require a bond of any person asking such privilege, conditioned on the fair payment and treatment of the Indians and their return to their homes, and for the employment of a white man to be selected to go along with the Indians and look to their rights and welfare. This, it is thought, did much good in some cases; but experience has shown since that in other cases the Indian has greatly lost by such employment. He is taken into strange and most exciting surroundings, he is taught to renew the wildest and most savage scenes of Indian warfare, and too often tempted to recur in practice to the lowest vices. When misfortune overtakes him in any form of disease or accident, or bankruptcy breaks up the show of his employer, his condition on return home is not a good object-lesson of the benefits of civilized life as found by him in the capitals of our own or other enlightened lands. The results are, in fact, deplorable, and it has been ordered that no more such licenses or contracts shall be made or approved, and that all Indian agents shall exert themselves to prevent and defeat any attempts in future to take Indians from the reservations or elsewhere for such purposes.

If some act of Congress were passed forbidding any person or corporation to take into employment or under control any American Indian, it would be of much assistance to the Department in enforcing this policy.

INTEMPERANCE.

Further legislation is also needed to enable the Commissioner to contend successfully with the great evil of intemperance, as he sets forth in his report. The international feature, as well as the constitutional question connected with the subject are by him so fully detailed that it is not deemed necessary to do more than refer to them here.

XLVIII REPORT OF THE SECRETARY OF THE INTERIOR.

His suggestions are heartily recommended to your favorable consideration.

FUNDS.

The Indian funds continue in good condition, as shown by the following tables, computed in the Indian Office:

Trust funds of the five civilized tribes.

Of the \$21,244,818.39, principal held in trust, the sum of \$7,984,132.76 belongs to the five civilized tribes in the following proportions:

Tribes.	Amount of principal.	Annual interest.
Cherokees	\$2,625,842.37	\$137,469.33
Chickasaws	1,808,695.65	68,404.95
Choctaws	549,594.74	32,344.73
Creeks	2,000,000.00	100,000.00
Seminoles	1,500,000.00	75,000.00
Total	7,984,132.76	413,219.01

The interest on the principal of these funds is placed semi-annually with the United States assistant treasurer at St. Louis, Mo.; to the credit of the treasurer of each nation, and the expenditure of these funds is entirely under the control of the nation and its council. This office has no control whatever over these expenditures.

TRUST FUNDS OF OTHER TRIBES.

The balance of the sum of \$21,244,818.39, amounting to \$13,260,685.63, belongs to a number of tribes, as stated below, and the interest thereon, at 4, 5, 6, and 7 per cent., as the case may be, is either paid to or expended for the benefit of the respective tribes.

Table showing trust funds of tribes other than the five civilized tribes.

Tribes.	Principal.	Tribes.	Principal.
Chippewas and Christian Indians ..	\$42,560.36	Pottawatomies	\$184,094.57
Delawares	874,178.54	Sacs and Foxes of Missouri	21,650.12
Eastern Shawnees	9,079.12	Sacs and Foxes of the Mississippi ..	55,058.21
Iowas	171,543.37	Santee Sioux	20,000.00
Kansas	27,174.41	Senecas	40,979.60
Kaskaskias, Peorias, Weas, and Piankeshaws	58,000.00	Senecas, Tonawanda band	86,950.00
Kickapoes	129,184.08	Senecas and Shoshones	15,140.42
L'Anse and Vieux de Sert bands ..	20,000.00	Shawnees	1,985.65
Menomonees	153,039.38	Stockbridges	75,988.60
Osages	8,255,268.49	Shoshones and Bannooks	6,000.00
Omahas	240,597.57	Umatillas	59,463.64
Otoes and Missourias	590,775.43	Utes	1,750,000.00
Pawnees	298,625.07	Uintah and White River Utes	3,340.00
Poncas	70,000.00	Total	13,260,685.63

The following is the total money available for fiscal year ending June 30, 1891:

Sources.	Amount.
Appropriations	\$7, 127, 394. 69
Balances	1, 385, 759. 56
Interest on trust funds	1, 058, 276. 87
Interest, balances	967, 406. 43
Total	10, 538, 837. 55

INDIAN DEPREDAATION CLAIMS.

It will be seen by the report of the Commissioner of Indian Affairs that the whole number of depredation claims filed prior to the end of the last fiscal year was 6,053, amounting to the sum of \$20,922,939; that of this number 220, amounting to \$216,380.83, were certified to the Second Auditor for payment prior to the passage of the act of May 29, 1872 (17 Stats., 190); that 52, amounting to \$208,140.10, have been paid under authority of various acts of Congress prior to March 3, 1885; that 2, amounting to \$10,050, have been paid by acts of Congress since March 3, 1885; that under the provisions of law contained in the Indian appropriation acts of March 3, 1885 (23 Stats., 376), and of May 15, 1886 (24 Stats., 46), providing for the investigation and submission to Congress of "certain Indian depredation claims," 1,097 claims, amounting to \$3,828,284.65, had up to and including January 1, 1890; been reported to Congress with recommendation for allowance thereon of \$1,205,446.40, and that there remained on file June 30, 1890, 4,682 claims, amounting to \$16,310,385.93, of which 1,809, amounting to \$6,657,430.05, are not considered subject to investigation under the law above referred to for the various reasons stated.

When it is considered that many of these claims, already ascertained to possess considerable merit, have been pending for more than a generation, it would seem that some legislation looking to their final adjudication should be enacted. Unless Congress shall determine that some other method for their settlement is necessary, and shall adopt the requisite legislation therefor, it is suggested that the laws should be so amended as to remove the technical bars against consideration of some of the claims referred to by the Commissioner, and that the clerical force in the Indian Office be so increased as to insure their speedy investigation and settlement. As time passes, it becomes more difficult to obtain the testimony necessary for the claimants to substantiate their losses, and for the Government to protect itself against and prevent frauds. The first provision for the payment of claims of this character was made in the act of 1796, and, so far as has been ascertained from the records of the Indian Office, it does not appear that more than 274 of such claims, amounting to \$434,570.93, have

been paid. This sum is but a fraction over 2 per cent. of those which have been filed. The bill now pending before Congress, entitled "A bill to provide for the adjudication and payment of claims arising from Indian depredations," has received the consideration of the Secretary and is deemed such as will grant the relief necessary in these cases. And it is hoped it may become an act before the adjournment of the Fifty-first Congress.

SALARIES OF BUREAU OFFICERS.

In the last annual report it was urged that additional compensation be given the several heads of bureaus and their assistants, where the importance of the work justified such recommendation. Congress increased the salary of the Commissioner and Assistant Commissioner of the General Land Office, but it is regretted that no increase of the salaries of the Commissioner and Assistant Commissioner of Indian Affairs and of the financial clerk of that Bureau, as recommended, was made. The Commissioner also asks an increase of force, as follows, which is hereby recommended:

There is urgently needed at once the following additional clerical help: One clerk of class 4, two of class 3, and three of class 2; also one medical expert, charged with an oversight of the sanitary condition of the Indians.

Without sufficient help in the office it is simply impossible to have the work done as it should be. Those now employed are faithful, industrious, and generally competent, but the work is too much for them and must and does suffer. The Commissioner is painfully aware of this fact, but is powerless to help it.

The Indian Bureau has a delicate task to perform, more delicate perhaps than others, from the fact that those under its care are ignorant and need the peculiar protection of the Government in the administration of their affairs, and its guidance in their efforts at civilization and self-support.

The duties and labors of the Indian Bureau are constantly increasing. As the Indians advance in civilization the Bureau has to deal more with the individual Indian and less with the tribes. Intricate questions of individual rights and interests require painstaking and intelligent investigation while the Indians are undergoing the process of tribal disintegration. The efficient performance of the exacting labors and duties of the position require ability and capacity that warrant equivalent and fair compensation.

The Assistant Commissioner of Indian Affairs, who, under the law, performs also the duties of chief clerk, and must often act as Commissioner of Indian Affairs in conducting the business of the Bureau, receives a salary of \$3,000 per annum. His duties are arduous and burdensome, as all matters of business of the office must, by the nature of his position, first receive his consideration and direction as to the proper action to be taken. The services of the present Assistant Commissioner are specially valuable by reason of his long experience, his thorough acquaintance with so much of the past history of the Indian

tribes, his familiarity with the details of the service, records, files, and with the decisions pertaining to all its important matters. It is again most earnestly recommended that his salary be increased to \$4,000 per annum, as estimated for.

The financial clerk of the Indian Office, who is also the chief of the Finance Division of the Indian Bureau, receives a salary of \$2,000 per annum. The Commissioner of Indian Affairs has asked, in his estimate for the fiscal year 1892, that it be increased to \$2,500, and the Secretary recommends this increase. Such a clerk's duties are important; much of his work is of a character which requires it to be performed by himself; to assign it to others would risk confusion and deficiencies in appropriations, of which there are over three hundred and thirty, to be carefully apportioned and watched. It is stated that he has performed much of his work outside of office hours, and he is justly entitled to the increased salary asked for.

PATENT OFFICE.

RECOMMENDATIONS.

The Commissioners' report, it will be understood, is to be followed, as required by law, by a more elaborate one to be presented to Congress. This, to the Secretary, furnishes, however, many interesting facts, showing a great advancement in the work of the Bureau, and a most praiseworthy increase in its receipts over its expenses. There is no bureau that has earned by its own success greater claims to an increase of force and room for its officers and clerks than the Patent Office, and the Secretary strongly approves the recommendations of the Commissioner hereinafter set forth.

RECEIPTS AND EXPENDITURES.

The total number of applications received, including re-issues, trademarks, designs, etc., was 46,140; the number of patents granted was 25,857; trade-marks and labels registered, 1,636; patents expired, 11,885; the total receipts were \$1,347,203.21; the total expenditures were \$1,081,173.56, leaving a surplus of \$266,029.65 to be turned into the Treasury of the United States to the credit of the Patent fund, and making a total balance in the Treasury on account of the Patent fund of \$3,790,556.28. The Commissioner directs attention to the great increase in the number of applications received and reports that despite such increase the number on hand and in condition for action at the end of the fiscal year was less than at the corresponding period in either of four previous years; that the work of the office is more nearly up to date than it has been for years, a result due to no increase in the number of employes, but to the unflagging industry and well-directed skill of the entire office force.

Comparative statement.

	Receipts.	Expenditures.
June 30, 1886	\$1, 206, 167. 80	\$991, 820. 41
June 30, 1887	1, 150, 046. 05	981, 044. 09
June 30, 1888	1, 122, 994. 83	953, 730. 14
June 30, 1889	1, 186, 557. 22	999, 697. 24
June 30, 1890	1, 347, 203. 21	1, 081, 173. 56

Increase in the number of applications for patents, including re-issues, designs, trade-marks, and labels.

June 30, 1886	38, 678
June 30, 1887	38, 408
June 30, 1888	37, 769
June 30, 1889	39, 702
June 30, 1890	43, 810

Number of applications awaiting action on the part of the office.

July 1, 1886	6, 772
July 1, 1887	7, 601
July 1, 1888	7, 227
July 1, 1889	7, 073
July 1, 1890	6, 585

LEGISLATION.

Attention is invited to the urgent necessity for legislation amendatory of the Revised Statutes relating to patents. Some of the provisions which should be altered are: Section 4935, relative to the payment of patent fees; section 4887 relating to the duration of patents for inventions previously patented in a foreign country; section 477, fixing compensation of examiners-in-chief, and section 4910, authorizing appeals from the examiners-in-chief to the Commissioner of Patents; and section 4934, relative to charges for certified copies of printed matter. The amendment of the act of Congress relating to the registration of trade-marks, approved August 5, 1882, so as to include trade-marks used in interstate commerce, is also recommended.

ADDITIONAL FORCE AND ROOM.

The Commissioner directs attention to the inadequacy of the present office force, referring to the fact that the Government undertakes, on behalf of the inventor, not only to give him a patent if his improvement is new and useful, but to conduct a painstaking examination in order to ascertain what the fact is in that regard, and expresses the opinion that the number of cases acted upon in the Patent Office during recent years is inconsistent with the high degree of care in conducting examinations which the present patent system contemplates. He urges, therefore, in view of the large increase in the number of applications for patents, the necessity for more deliberate and exhaustive examinations, and of the further fact that American inventors are already

paying for the necessary expenses, that a substantial increase in the examining corps, etc., of the office be made.

The Commissioner calls attention to the fact that there are seventy-six copyists in the Patent Office receiving a salary of but \$720 per annum, whereas the lowest salary paid copyists in the other bureaus of the Department is \$900. He submits that this discrimination is unjust and unwise and has the effect of causing the loss from time to time of trained employés, who seek transfers to other bureaus in which for the same service they will receive \$900.

The Commissioner refers to and reiterates his remarks in the last annual report as to the necessity for providing additional room for his office, and states that the same situation continues to exist, excepting that the imperative need for a larger force increases the necessity for more room.

PENSIONS.

The work to be done by this Bureau has reached wonderful proportions, and its expenditures have sent into the channels of trade and commerce in our country more than one hundred millions of dollars the past year. The use of this vast sum has served more than one valuable purpose. It has been not alone a relief to hundreds of thousands of the families of the soldiers who in different wars have served their country, chiefly those who defended the Union against secession; but it has also transferred at most opportune moments the accumulated treasures of the Government to the hands of the people, "blessing him that gives and him that takes."

The pensions granted by previous legislation will be largely augmented by those now being allowed under the act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890.

This bill was passed in accordance with the strong recommendation contained in your message at the opening of the Fifty-first Congress. A recommendation to the same effect was contained in the Secretary's last annual report. It was there said :

The preservation of the nation for which these men fought and endured so much to secure has given to all our people a wonderful degree of prosperity and an almost unlimited ability to pay any obligations honor imposes. I am not disposed to confer upon all who may ask the money of the people, and would have confined to well ascertained limits the claims of those who demand a pension. Nevertheless a disregard of those of the service named whose disability has become since the war so great as to make them dependent would be both unjust to them and unworthy of our country.

The act of June 27 fairly complies with these demands and in connection with previous legislation places our nation above any other in expressions of gratitude to its defenders and fair compensation for their sacrifices.

It may be well to mention here that the reason why our pension-roll is greater than that of other countries is not alone because the war was colossal, having enrolled nearly two and a quarter millions of men on one side, but because, the country they saved being a Republic, each individual of that vast army had a recognized claim to the aid of the nation. In other lands officers get much and men little; here the large bulk of pensions goes to the rank and file, and the immense numbers of these and their dependents swell the pension list to proportions commensurate with the size of the army and the democracy of our principles.

ROLLS AND CLAIMS.

At the close of the fiscal year 1890 there were 537,944 pensioners borne upon the rolls. Their classification is given by the Commissioner as follows:

Army invalid pensioners	392,809
Army widows, minor children, and dependent relatives	104,456
Navy invalid pensioners	5,274
Navy widows, minor children, and dependent relatives	2,460
Survivors of the war of 1812	413
Widows of soldiers of the war of 1812	8,610
Survivors of the Mexican war	17,158
Widows of soldiers of the Mexican war	6,764
Total	537,944

At this writing (October 18, 1890) there are claims pending, 892,221. Of these there have been received under the act of June 27, 1890, 483,278. It may be explained that many of the new claims are by those who have old claims pending, so that the number of claims are many more in number than the persons making them.

It appears from the Commissioner's report that—

There were 66,637 original claims allowed during the year, being 14,716 more original claims than were allowed during the fiscal year 1889 and 6,385 more than were allowed during the fiscal year 1888.

The amount of the first payment in these 66,637 original cases amounted to \$32,478,841.18, being \$11,036,492.05 more than the first payments on the original claims allowed during the fiscal year 1889, and \$10,179,225.72 more than the first payments on the original claims allowed during the fiscal year 1888. The average value of the first payments on these original claims for 1890 was \$485.71. The average annual value of each pension at the close of the fiscal year was \$133.94.

WHO MAY SECURE PENSIONS.

The classes of persons who may secure pensions under existing laws are as follows:

Under sections 4692 and 4693, Revised Statutes, United States, those next following numbered 1, 2, 3, 4, and 5.

(1) Any officer, including Regulars, Volunteers, and Militia, or any

officer of the Marine Corps, or any enlisted man, however employed in the military or naval service of the United States, or in its Marine Corps, regularly mustered or not, disabled by reason of any wounds or injury received or disease contracted when in service and in line of duty.

(2) Any master serving on a gun-boat, or any pilot, engineer, sailor, or other person not regularly mustered serving upon a gun-boat or war vessel of the United States, disabled by any wound or injury received, or otherwise incapacitated while in the line of duty for procuring his subsistence by manual labor.

(3) Any person not an enlisted soldier in the Army serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service; but no claim of a State militiaman or non-enlisted person shall be valid unless prosecuted to a successful issue prior to July 4, 1874.

(4). Any acting assistant or contract surgeon, disabled, etc., in line of duty.

(5) Any provost marshal, deputy provost, or enrolling officer disabled by reason of any wound or injury, received in the discharge of his duty, to procure a subsistence by manual labor.

(6) The widows and minor children of those embraced in sections 4692, and 4693, by force of section 4702.

(7) Widows of colored and Indian soldiers and their minor children, by force of section 4705.

(8) Dependent mothers, fathers, and brothers and sisters of those embraced in sections 4692 and 4693, by force of section 4707.

(9) Officers and seamen of the Navy disabled prior to March 4, 1861, by force of section 4728.

(10) Widows and minors of officers and seamen of the Navy disabled prior to March 4, 1861, by force of section 4729.

(11) Regulars or volunteers disabled in the Mexican War, by force of section 4730.

(12) Widows and children of regulars or volunteers who died by reason of injuries or disease contracted in the Mexican War, by force of section 4731.

(13) Widows and minor children of persons engaged in the Mexican and various Indian wars, by force of section 4732.

(14) Soldiers and sailors who served in the war of 1812, by force of section 4736.

(15) Surviving widows of officers, soldiers, and sailors of the war of 1812, by force of section 4738.

(16) Officers and seamen of revenue cutters who have been or may be disabled or wounded in discharge of their duty while co-operating with the Navy by order of the President, by force of section 4741.

(17) Wounded privateermen, by force of section 4761.

(18) Widows, children, dependent mothers and fathers, or orphan brothers and sisters of those soldiers who were murdered by guerrillas at Centralia, Mo., in 1864, by force of act of March 3, 1875.

(19) Surviving soldiers and sailors of the Mexican war, and the widows of the same, by force of act of June 29, 1887.

(20) Soldiers and sailors of the war of the rebellion who served ninety days and were honorably discharged the service, and who are incapacitated for performance of manual labor, and for their widows, children, and dependent parents, by force of act of June 27, 1890.

APPROPRIATIONS.

The appropriation for the last fiscal year was but \$80,000,000. This, as was pointed out in the Secretary's last annual report, was not only inadequate, but must have been known to be so when made; for the estimate of the year before was \$80,000,000, and there had been then incurred a deficiency of at least \$8,000,000, and, as the pension list was constantly increasing, it was apparent that this additional sum, if added, would not be enough to meet the obligations to accrue before the end of even that fiscal year. So it proved; the appropriations were as follows:

For the fiscal year 1889:

Act of June 7, 1888	\$80,473,000.00
Act of March 2, 1889	8,000,000.00
Total	<u>88,473,000.00</u>

For the fiscal year 1890:

Act of March 1, 1889	80,473,000.00
Act of April 4, 1890	21,598,834.00
Act of June 18, 1890	3,708,732.35
Total	<u>105,780,732.35</u>

At the close of the fiscal year there remained in the hands of pension agents the sum of \$580,283.87 of the pension fund which had not been disbursed for want of time and which has been returned to the Treasury; and there were 20,638 pensioners unpaid at the close of the fiscal year who were entitled to receive \$4,357,347.30 which has since been paid from the appropriation for the fiscal year 1891.

These facts are fully set forth in table No. 5, Commissioner's report.

The appropriation for the present year is \$97,090,761, but such has been the great number of pensioners added to the list by special acts of Congress and the energetic work of the Bureau that a deficiency appropriation will be required, the amount of which can not yet be accurately stated.

The energetic work under the present administration of the bureau has been already specified. But its force has been largely increased and its work will be much greater than even heretofore. By the act of June 27, 1890, the employment of an additional force of 438 medical examiners, clerks, and other employés was authorized, in addition to which 175 clerks have been ordered from the field where they were employed as special examiners, thus adding, with the 438 above mentioned, 613 to the force employed in the office on September 1; and the whole number of officers and employés on the roll is 1,662:

The Commissioner's report for the week ending October 18, 1890, shows the number of articles of mail matter received to have been (for the week) 76,614; number of letters and blanks sent out, 69,194. The total number of claims received during the preceding week was 26,811 of which 20,800 were under the act of June 27, 1890.

The whole number of claims on file October 11 was 870,316; 26,811 were received and 486 re-opened, making the sum 897,613. But 5,392 were disposed of in the same time, so the number pending October 18, 1890, was 892,221.

The Commissioner has considered the question as to the number of our old soldiers very carefully, and has expressed his judgment in the following table:

Number of soldiers enlisted during the war for the Union, excluding re-enlistments	2,213,365
Number killed in battle and by other casualties and who died of disease to July 1, 1865.....	364,116
Estimated number of deaths of soldiers discharged during the war to July 1, 1865.....	25,284
Number of desertions	121,896
	<hr/> 511,296
Number of survivors of the war July 1, 1865, less deaths and desertions	1,702,069
Number of survivors July 1, 1865, less deaths and desertions, who were subject to the usual laws of mortality	1,116,069
Number of survivors July 1, 1865, who, because of wounds and other disabilities were subject to a higher rate of mortality, equal to twelve years' shortening of the expectation of life ..	586,000
	<hr/>
Number surviving July 1, 1890, who are probably subject to the ordinary life tables.....	831,089
Number surviving July 1, 1890, who are subject to a greater death rate.....	415,000
	<hr/>
Total number of survivors July 1, 1890	1,246,089

Of the foregoing number of survivors about 106,000 are now sixty-two years of age and upwards.

The estimate for Army and Navy pensions for 1892 is about \$133,000,000.

METHODS OF BUSINESS.

The great work of this Bureau, the results of which draw so heavily upon the National Treasury, and should therefore be scrutinized with the utmost care, is done at present upon a thorough business basis. All claims on which large first payments may accrue are carefully examined by the Deputy Commissioner and Commissioner before allowance. Rejected claims are re-opened only upon order of the Deputy Commissioner. The Medical Division has been reorganized, strengthened, and put under stricter rules. The Finance Division scrutinizes all accounts pertaining to the Bureau, and especial care is taken that all letters from claimants be replied to without delay. The board of re-review that operated rather to obstruct the allowance of just claims than to advance the interests of the Government, has been abolished and the force distributed among the other divisions. By extraordinary efforts the cases in the hands of special examiners in the field have been reduced in the last year from 14,225 to 7,824, including those passing from and to the office.

As a part of the new system of practice in the Bureau, the Commissioner adopted the "completed files," which allows the claimant, upon a proper certification that his claim is complete, to have it immediately placed upon these files, and taken up in its order for adjudication. Formerly the applicant, although he had presented his demand on all the evidence necessary to prove it, had no power to get the claim before the adjudicating division, and thus secure his certificate. The rules against making a case special prevented its advancement, save in very particular cases of great privation or the imminence of death. There grew up such an evil formerly of making many cases "special," that it had to be ended by a strict order from the Department. It appeared also that under the completed files system many cases had been foisted into these files, and thus brought within range of earlier adjudication than they were entitled to, being in fact incomplete, so that an order against this and kindred offenses was deemed necessary. The Secretary, therefore, on the date thereof issued the following:

SEPTEMBER 26, 1890.

It is hereby ordered, That under the rules already in force, and those this day approved, for the purpose of securing the prompt adjudication of claims under former acts of Congress, and that of June 27, 1890, such action shall be taken by all officers and employes in the Pension Bureau as will prevent any undue preference of any claim in time of either hearing or adjustment; and any agent or attorney who shall have or attempt to have any claim put upon the list or docket of or among the completed files, that is obviously or clearly not complete, or otherwise defeat the just operation of the laws and regulations, shall be disbarred from practice in the Department.

It is hoped that the system thus guarded may prove as fair as it is rapid.

DEPENDENT PENSIONS.

The work under the law of June 27, 1890, has been so arranged that dependent pensions will be adjudicated as rapidly as they are completed without interfering with completed claims under the old law. Under order No. 162, September 26, 1890, claimants under the dependent pension law are given the benefit of all proofs that may have been filed in claims made by them under other laws. The details are furnished in the very carefully prepared and accurate report of the present Commissioner of Pensions. It is deemed one hundred thousand claims are already in the Pension Office that can be allowed under this order.

ACTS OF MARCH 3, 1883, AND MARCH 4, 1889.

The Commissioner draws attention to the great difference in amount between the rate of \$30 per month granted by the act of March 3, 1883, to pensioners who are so disabled as to be incapacitated for performing any manual labor, and the rate of \$72 per month granted by the act of March 4, 1890, to pensioners who require the regular aid and attendance of another person. There are many claimants, he says, who are entirely incapacitated for performing manual labor and who periodically require the aid and attendance of other persons, but who are unable to establish the fact of the requirement of constant aid and attendance. His recommendation that a rate of \$50 per month be created for cases of this description is approved.

ACT OF APRIL 4, 1890.

This act directed that, as far as practicable, the Commissioner should in his annual report state the amount paid for pensions during the fiscal year for which the report was made in such manner as will show separately the number of pensioners, the aggregate payment of pensions on account of each of the wars for which pensions have been authorized, and on account of military and naval services since the close of the late war. The Commissioner reports that to comply with this demand would require an examination of each of 775,310 cases on file, and the force that would have to be assigned to the work would defeat the adjudication of pending claims to a degree that was not probably contemplated by Congress and would greatly impair the usefulness of later legislation.

FORCE OF THE PENSION BUREAU.

The official force of the Bureau of Pensions is as follows:

Now authorized by law.....	2,009
There are 18 pension agents and 419 persons employed at said agencies, in all.	437
There are 1,028 boards of medical examiners, of three persons each, and 382 single surgeon examiners, in all.....	3,460
<hr/> Total number of persons employed in connection with the Bureau of Pensions.....	<hr/> 5,906

BOARD OF PENSION APPEALS.

This board is established in the Department proper, and has jurisdiction on appeals to the Secretary from the adverse action of the Commissioner of Pensions; on the disposition of such other appeals from the Commissioner as involve questions of attorneyship, and fees in pension cases; and also the attendant correspondence.

The following embraces substantially the points decided on all the questions that have arisen under the law of June 27, 1890, as set forth in the report of the Assistant Secretary:

1. The act of June 27, 1890, does not require that an application or declaration shall be *executed after* the date of the act in order to be good in law. The statutory limitation relates exclusively to the *date of filing* the application or declaration in the Bureau of Pensions after the *passage* of the act.

2. Where a soldier already has a claim for invalid pension "pending in the Bureau of Pensions," his declaration having been executed under said "pending" claim, *prior* to the passage of the act of June 27, 1890, he may file a supplemental application asking the Commissioner of Pensions to consider the evidence in the heretofore pending claim with a view to allowing pension under the act of June 27, 1890, without affecting his pensionable rights under any other law, general or special.

3. The only application that may be *filed* must be executed in conformity with the act of July 1, 1890, in such form as the Commissioner may prescribe; and none other than a *formal* application will be recognized by either the Commissioner of Pensions or the Secretary of the Interior.

Again, in response to interrogatories calling for an interpretation of other clauses of the aforesaid act, July 15, 1890, I communicated to the Commissioner of Pensions an additional ruling whereby the Department *holds*, viz.:

1. The act of June 27, 1890, does not change the essential conditions of *dependence* as affected by remarriage and as defined by former laws on the same subject, but makes the pension itself begin from the date of filing the application; nor are non-enlisted men, such as quartermasters' employes, entitled to the benefits of this act.

2. The act of June 27, 1890, includes, constructively, section 4708, R. S., relating to the *remarriage* of "any widow, dependent mother, or dependent sister;" but the act makes no provision for the *restoration* of pensionable rights which may have been forfeited by *remarriage*, in pursuance of the statute. With reference to pensionable dependence under the act of June 27, 1890, the limitation under former enactments, requiring proof of "dependence at the date of the death" is removed, and it shall be necessary only to show *present dependence*, or the lack of present means of support other than claimant's own manual labor.

3. The date of pensions granted under this act must be the date of "the filing of a *formal* application," either on or after the date of the passage of the act itself; and the *formal* application is necessary to a faithful execution of the law.

AMENDMENTS SUGGESTED.

The Secretary concurs in the following amendments suggested by the Assistant Secretary.

In the second section of the act of June 27, 1890, it is provided that, "persons who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by *application* to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this act." In view of this provision, that, in many cases wherein "claims are pending in the Bureau of Pensions," but wherein appeals to the Secretary have been

filed, the adjudication of the same would be greatly facilitated, and the ends of justice sooner reached, if the aforesaid section should be so amended as to authorize the Secretary, when adjudicating said appeals under the old laws, to allow pension under the new law without a formal *application* to the Commissioner, where, from the evidence in the papers, it shall be clear that the claimant was *entitled* to pension under the new law. The amendment thus suggested would save expense, labor, and delay to many worthy claimants, and relieve the Bureau of Pensions of a heavy burden in the administration of the law.

With reference again to this act, attention is called to that clause in its third section which provides pension for *minor* children who are "insane, idiotic, or otherwise permanently helpless." The clause properly provides that the pension granted to such children "shall continue during the life of said child, or during the period of such disability;" but, under the law, as it stands, in order that such children shall be pensioned during life, or "during the period of such disability," it must appear that the father, or the mother, died *prior to the expiration* of the limit affixed to the pensionable minority period, viz: *sixteen years of age*; and, therefore, if, when the parent dies, the insane, or idiotic, or otherwise permanently helpless child is *more* than, instead of "*under, sixteen years of age,*" a minor's pension can not be allowed. In view of this fact, the act should be so amended as to admit all "insane, idiotic, or otherwise permanently helpless children" to minors' pension, regardless of the date of the parent's death, or remarriage, at any period *prior to and including the age of twenty-one years*.

INCREASE OF THE BOARD.

The board, as authorized by recent act of Congress, has been increased to nine members; and the work is now being dispatched satisfactorily, under the more immediate supervision of the able Assistant Secretary.

CENSUS.

Organization and appointments.

The Secretary's last annual report set forth the history of the Eleventh Census to that date. The Census Office was already organized under the act of March 1, 1889 (25 Stat. U. S., p. 750), providing that a census of the population, wealth, and industry of the United States should be taken as of the date of June 1, 1890. The country was divided into one hundred and seventy-five supervisors' districts, and the organization of the office perfected.

These supervisors were subsequently selected. There was the utmost care to obtain persons the most suitable for the position. You demanded and received the approval, in each case, of both the Secretary and Superintendent, and had laid before you the recommendations of the applicant, which were from Senators, Representatives, or individuals well known. The selections were made from different political parties.

There was also great care in the selection of the 42,000 enumerators, the special agents, and experts. The clerks, numbering nearly 2,000, were examined according to rules established by the Secretary. A great many improved tabulating machines were employed, and every

preparation made to secure a prompt and accurate enumeration, and an early tabulation and announcement of the result.*

EXAMINATIONS.

The examinations of the force which was made under the statute and outside of the Civil Service Commission has been found sufficient to secure good clerks, and yet to be so pliable as to have enabled a rapid increase when required, as it will now allow a sudden decrease, without disappointing the just expectations of any of those engaged in this service. It has been also very gratifying to observe that those engaged in the Census Bureau have been most devoted to their work, and have on every occasion responded with cheerfulness to extra demands upon their time and energies.

ACT OF FEBRUARY 27, 1890.

The duties imposed upon the Superintendent were greatly increased by the act of February 27, 1890, entitled "An act to require the Superintendent of the Census to ascertain the number of people who own farms and homes and the amount of the mortgage indebtedness thereon."

The necessary questions to elicit this information were added to the population schedules. By replies to these questions, through special agents, records, and correspondence, the facts required will be accurately obtained.

PRINTING.

There were printed for the census work over 80,000,000 blanks, circulars, schedules, etc., about 75,000,000 of which were done at the Government Printing Office and the remainder at the Census Office itself. The Census Office printing-press has served an excellent purpose; but the Secretary can not express too highly his appreciation of the promptness, efficiency, and good-will exercised in this immense undertaking by the Public Printer (Mr. Palmer) and his assistants. They have, with unflagging footsteps, kept up with even the remarkable energy of the Superintendent of the Census, so that taking the census has not been retarded to any degree from delay in printing, which was one of the causes obstructing the completion of the Tenth Census.

* The methods pursued are set forth at length in the office report.

The following statement shows a praiseworthy stage of advancement of the present census:

Condition of work of Eleventh Census October 22, 1890, compared with work of Tenth Census at corresponding date.

No.	Division.	Condition of work under Eleventh Census October 22, 1890.	Condition of work under Tenth Census October 22, 1880.
1	Appointments*	Number of employés on Census Office roll, exclusive of special agents, 2,274.	Number of employés on Census Office roll, exclusive of special agents, 1,009.
2	Disbursements and accounts.†	Total expenditures on account of Eleventh Census to date, \$2,695,082.80. Sixteen thousand and sixty enumerators' accounts adjusted and passed to payment.	Total expenditures on account of Tenth Census to October 22, 1880, \$1,728,804.01. Number of enumerators paid, 20,800.
3	Geography	Supervisors' districts laid out; existing minor civil divisions determined for census purposes; areas of counties, etc., computed records of rainfall and temperature revised and platted on maps ready for final publication.	This work was not this far advanced until a much later date in 1880.
4	Population	Count of population entirely completed and verified, and, with exception of three or four districts, has been announced through the newspapers, followed by substantially final announcement October 30, 1890. Special veteran schedules have been thoroughly examined and made ready for tabulation and verification. Work of tabulation of population schedules as regards color, sex, etc., about to be commenced.	First State announced in bulletin October 16, 1880. Population of United States announced January 15, 1881.
5	Vital statistics	Returns of 400,000 deaths (over one-third total number) examined, classified, and numbered ready for punching. Fourteen thousand physicians' registers returned and arranged by counties, etc. Forms of mortality tables all prepared. Seven hundred and twenty-five thousand death records in certain large cities copied and largely tabulated. All preliminary work completed.	Nothing done beyond general plans for securing returns. Enumerators' mortality schedules not turned over to this division until March, 1881. At least six months behind present condition.
6	Church statistics	Church statistics already collected to an extent not attained in any previous census.	
7	Educational statistics.	Twenty-one hundred and fifty candidates for appointment examined. School statistics well under way, and much complete material ready for publication in a bulletin.	No record obtainable. No final report published.
8	Pauperism and crime.	Names of 185,000 inmates of institutions, jails, etc., received and work of tabulation commenced.	Nothing done. Final volume not published until about two years ago.
9	Wealth, debt, and taxation.	This inquiry nearly completed. One bulletin has been issued showing financial condition of counties, and bulletins are being prepared giving detailed financial statement as to 1,400 cities and towns.	Not nearly so far advanced.
10	National and State finances.	Indebtedness of foreign nations ascertained and compiled. Receipts and expenditures of United States for past ten years compiled. Statement of debt and finances of the States in preparation. Preliminary bulletin issued.	This work barely inaugurated at this date.
11	Farms, homes, and mortgages.	Transcripts of real estate records complete for 2,850 counties. Plan of work complete for investigation directed by special act of Congress.	This inquiry was not entered into in Tenth Census.
12	Agriculture	Preparatory work in progress	Not commenced until December, 1880.

* This division has been discontinued.

† On account of increased number of inquiries more corrections of schedules were necessary, delaying payment.

LXIV REPORT OF THE SECRETARY OF THE INTERIOR.

Condition of work of Eleventh Census October 22, 1890, etc.—Continued.

No.	Division.	Condition of work under Eleventh Census October 22, 1890.	Condition of work under Tenth Census October 22, 1880.
13	Manufactures	Work well advanced. Bulletin on production of pig-iron issued; 220,000 returns from manufacturing establishments collected. Investigation relating to distilled spirits used in the arts completed. Report will be more complete than at any previous census.	Hardly two-thirds as much work had been done.
14	Mines and mining....	Work three-fourths completed. Field work finished. First results published August 8. Publication of final volume expected in summer of 1891.	First results published between six months and a year later than at present census. Final volume published in 1885.
15	Fish and fisheries	Fully one year in advance of work at corresponding date in Tenth Census.	Fully one year in advance of work at corresponding date in Tenth Census.
16	Transportation	Work well advanced. Some investigations nearly completed. Bulletin on rapid transit issued August 23.	Practically nothing had been done.
17	Insurance	Material almost all collected and ready for compilation.	Practically nothing done until later.
18	Printing and stationery.	Preliminary printing much more extensive and further advanced than in 1880. First bulletin printed February 10, 1890. Eleven have been published to date, and three more ready for printer.	First bulletin published October 10, 1880.
19	Statistics of special classes.	Enumerators being corresponded with for correction of special schedules.	At least three months behind present census.
20	Supervisors' correspondence.	Work of this division now practically completed.	No similar division in Tenth Census.
21	Alaska	Special agents now in Alaska collecting statistics of population.	In similar condition.
22	Statistics of Indians..	Returns from 50 out of 60 agencies received. Special enumeration of Indians now being made.	
23	Social statistics of cities.	Eighty-five per cent. of special schedules received back complete. Tabulation in progress and bulletin almost ready.	At least eighteen months behind present census.

SUBJECTS OF INQUIRY.

The Superintendent's annual report presents in exhaustive detail all the different subjects besides population that will be embraced in the census, and the methods and means now being used to arrive at the very best results. These will, among others, include vital statistics, statistics of special classes, such as insane, deaf, blind, feeble-minded, and sick; social statistics of cities; education; church statistics; crime, pauperism, and benevolence; foreign, national, and State finances; local finance; statistics of farms, homes, and mortgages; agriculture, manufactures, mineral resources, transportation, fish and fisheries, insurance; Alaska, and Indians.

A reference to the Superintendent's report on these matters is deemed all that is necessary here. But the assurances made as to that most popular and useful portion of the census product—the maps and final volumes—it is thought well to quote at length:

PREPARATION OF THE FINAL VOLUMES.

Every effort has been made to prepare in advance such maps and tables showing the geographical distribution of the mean annual temperature and the mean annual

rain-fall over the United States as will be used in the final volumes. Many of these maps have been compiled and are now ready for the engravers.

Lists of counties have been prepared and districted in accordance with latitude, longitude, mean annual temperature, mean annual rain-fall, and drainage basins, in readiness for the distribution of the population by agricultural products and other data, as should be found necessary or desirable. The areas of the counties of the United States have also been measured by the geographical division of the Census Office for use in computing the density of population and other classes of data which depend upon area. The areas of drainage basins have also been measured. Also, for the division of morality, areas by wards and sanitary districts of cities have been measured and outlined. Maps of all large cities have been prepared, and are ready for the official returns. In this connection I wish to call attention to the necessity of securing for the Census Office the best engraving that can be done in this country. Some of the maps published in the volumes of the Tenth Census were regarded as models of workmanship and skill, competent European authorities declaring they were the best of the kind ever published in Government reports. On the other hand, there were some maps which appeared in the volumes of those reports which were alike discreditable to the reports and to the Government. In my opinion it is better to have no maps at all than to publish maps that are cheap, badly engraved, and misleading in every particular.

The first completed returns were received from the supervisors during the week ending June 14, and four days later the machine tabulation began. This great work has been prosecuted untiringly until the present time, and the substantial result can now be announced.

The following is that result, as stated by the Superintendent of Census, October 30, 1890.

Population of the United States in 1890 as compared with 1880 and 1870, by States and Territories, showing the increase by number and percentages from 1880 to 1890, from 1870 to 1880, and from 1860 to 1870.

[The figures for 1890 in this table are not final, but are subject to revision.]

States and Territories.	Population.			Increase from 1880 to 1890.		Increase from 1870 to 1880.		Increase from 1860 to 1870.	
	1890.	1880.	1870.	No.	Per cent.	No.	Per cent.	No.	Per cent.
The United States..	62,478,566	50,155,783	38,558,371	12,322,783	24.57	11,597,412	30.08	7,115,050	22.63
North Atlantic division	17,364,429	14,507,407	12,298,730	2,857,022	19.69	2,208,677	17.96	1,704,462	16.09
Maine	660,261	648,936	626,915	11,325	1.75	22,021	3.51	21,364	20.22
New Hampshire	375,827	346,991	318,300	28,836	8.31	28,601	9.01	27,773	22.38
Vermont	332,205	332,286	330,551	1,654	0.02	1,735	0.52	15,453	4.90
Massachusetts	2,233,407	1,783,085	1,457,351	450,322	25.26	325,734	22.35	226,286	18.38
Rhode Island	345,343	276,531	217,353	68,812	24.88	59,178	27.23	42,733	24.47
Connecticut	745,861	622,700	537,454	123,161	19.78	85,246	15.86	77,307	16.80
New York	5,981,934	5,082,871	4,382,759	899,063	17.69	700,112	15.97	502,024	12.93
New Jersey	1,441,017	1,131,116	906,096	309,901	27.40	225,020	24.83	234,061	24.83
Pennsylvania	5,248,574	4,282,891	3,521,951	965,683	22.55	760,940	21.61	615,736	21.19
South Atlantic division	8,836,631	7,597,197	5,853,610	1,239,434	16.31	1,743,587	29.79	488,907	9.11
Delaware	167,871	146,608	125,015	21,263	14.50	21,593	17.27	12,799	11.41
Maryland	1,040,303	934,943	780,804	105,360	11.27	154,049	19.73	93,845	13.66
District of Columbia	229,796	177,624	131,700	52,172	29.37	45,924	34.87	56,620	75.41

a Decrease.

Population of the United States in 1890, as compared with 1880 and 1870, etc.—Cont'd.

States and Territories.	Population.			Increase from 1880 to 1890.		Increase from 1870 to 1880.		Increase from 1860 to 1870.	
	1890.	1880.	1870.	No.	Per cent.	No.	Per cent.	No.	Per cent.
South Atlantic division—Cont'd.									
Virginia.....	1,648,911	1,512,565	1,225,163	136,346	9.01	287,402	23.46	270,859	22.44
West Virginia.....	760,448	618,457	442,014	141,991	22.96	176,443	39.92	.....	.....
North Carolina.....	1,617,340	1,399,750	1,071,361	217,590	15.54	328,389	30.65	78,739	7.93
South Carolina.....	1,147,161	995,577	705,606	151,584	15.23	289,971	41.10	1,898	0.27
Georgia.....	1,834,366	1,542,180	1,184,109	292,186	18.95	358,071	30.24	126,823	12.00
Florida.....	890,435	269,493	187,748	120,942	44.88	81,745	43.54	47,324	33.70
Northern Central division.....	22,320,305	17,364,111	12,981,111	4,956,194	28.54	4,383,000	33.76	3,884,895	42.70
Ohio.....	3,666,719	3,198,062	2,665,260	468,657	14.65	532,802	19.99	325,749	13.92
Indiana.....	2,189,030	1,978,301	1,680,637	210,729	10.65	297,664	17.71	330,209	24.45
Illinois.....	3,818,536	3,077,871	2,539,891	740,065	24.06	537,980	21.18	827,940	48.36
Michigan.....	2,089,792	1,636,937	1,134,059	452,855	27.66	452,878	38.25	434,046	53.06
Wisconsin.....	1,683,697	1,315,497	1,054,070	368,200	27.99	260,827	24.73	278,789	35.93
Minnesota.....	1,300,017	780,773	439,706	519,244	66.50	341,067	77.57	267,683	155.61
Iowa.....	1,906,729	1,624,615	1,194,020	282,114	17.36	430,595	36.06	519,107	76.91
Missouri.....	2,675,234	2,168,380	1,721,295	506,854	23.37	447,085	25.97	539,283	45.62
North Dakota.....	182,425	135,177	14,181	145,516	394.26	120,996	853.23	9,344	193.18
South Dakota.....	327,848	.....	.....	229,580	233.63	.....	.....	.....	.....
Nebraska.....	1,056,793	452,402	122,993	604,391	133.60	329,409	267.83	94,152	326.45
Kansas.....	1,423,485	996,096	364,399	427,389	42.91	631,697	173.35	257,193	239.91
Southern Central division.....	10,948,253	8,919,371	6,434,410	2,028,882	22.75	2,484,961	38.62	665,752	11.54
Kentucky.....	1,855,436	1,648,690	1,321,011	206,746	12.54	327,679	24.61	165,327	14.31
Tennessee.....	1,763,723	1,542,359	1,258,520	221,364	15.35	283,839	22.55	148,719	13.40
Alabama.....	1,508,073	1,262,505	996,992	245,568	19.45	265,513	26.63	32,791	3.40
Mississippi.....	1,284,887	1,131,597	827,922	153,290	13.55	303,675	36.68	36,617	4.03
Louisiana.....	1,116,828	939,946	726,915	176,882	18.82	213,031	29.31	18,913	2.67
Texas.....	2,232,220	1,591,749	818,579	640,471	40.24	773,170	94.45	214,364	35.48
Indian Territory (b).....	61,701	.....	.....	61,701	.....	.....	.....	.....	.....
Oklahoma.....	61,701	.....	.....	61,701	.....	.....	.....	.....	.....
Arkansas.....	1,125,385	802,525	484,471	322,860	40.23	318,054	65.65	49,021	11.26
Western division.....	3,008,948	1,767,697	990,510	1,241,251	70.22	777,187	78.46	371,534	60.02
Montana.....	131,769	39,159	20,595	92,610	236.50	18,564	90.14	20,595	.....
Wyoming.....	60,589	20,789	9,118	39,800	191.45	11,671	128.00	9,118	.....
Colorado.....	410,975	194,327	39,864	216,648	111.48	154,463	387.47	5,587	16.20
New Mexico.....	144,862	119,565	91,874	25,297	21.16	27,691	30.14	41,642	41.76
Arizona.....	59,691	40,440	9,658	19,251	47.60	30,782	318.72	9,658	.....
Utah.....	206,498	143,963	86,786	62,535	43.44	57,177	65.88	46,513	115.49
Nevada.....	44,327	62,266	42,491	417,939	28.81	19,775	46.54	35,634	519.67
Idaho.....	84,229	32,610	14,999	51,619	158.29	17,611	117.41	14,999	.....
Alaska (c).....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Washington.....	349,516	75,116	23,955	274,400	365.30	51,161	213.57	12,361	106.62
Oregon.....	312,490	174,768	90,923	137,722	78.80	83,845	92.22	38,458	73.30
California.....	1,204,002	864,694	560,247	339,308	39.24	304,447	54.34	180,253	47.44

a Of Virginia and West Virginia together.

b The number of white persons in the Indian Territory is not included in this table, as the census of Indians and other persons on Indian reservations, which was made a subject of special investigation by law, has not yet been completed.

c Including Greer County (Indian Territory), claimed by Texas.

d Decrease.

e The number of white persons in Alaska is not included in this table, as the census of Alaska, which was made a subject of special investigation by law of Congress, has not yet been completed.

Population of the United States in 1890, as compared with 1880 and 1870, etc.—Cont'd.

RECAPITULATION BY GROUPS.

Geographical divisions.	Population.			Increase from 1880 to 1890.		Increase from 1870 to 1880.		Increase from 1860 to 1870.	
	1890.	1880.	1870.	No.	Per cent.	No.	Per cent.	No.	Per cent.
The United States.	62, 478, 566	50, 155, 783	38, 558, 371	12, 322, 783	24. 57	11, 597, 412	30. 08	7, 115, 050	22. 63
North Atlantic division.	17, 364, 429	14, 507, 407	12, 298, 730	2, 857, 022	19. 69	2, 208, 677	17. 96	1, 704, 462	16. 09
South Atlantic division.	8, 836, 631	7, 597, 197	5, 853, 610	1, 239, 434	16. 31	1, 743, 587	29. 79	488, 907	9. 11
Northern Central division.	22, 320, 305	17, 364, 111	12, 981, 111	4, 956, 194	28. 54	4, 383, 000	33. 76	3, 884, 395	42. 70
Southern Central division.	10, 948, 253	8, 919, 371	6, 434, 410	2, 028, 882	22. 75	2, 484, 961	38. 62	665, 752	11. 54
Western division.	3, 008, 948	1, 767, 697	990, 510	1, 241, 251	70. 22	777, 187	78. 46	371, 534	60. 02

The following table shows the relative rank in population of the States and Territories in 1890 and in 1880:

Relative rank of States and Territories in population.

1890.	1880.	1890.	1880.
1 New York.	1 New York.	26 Nebraska.	26 Minnesota.
2 Pennsylvania.	2 Pennsylvania.	27 Maryland.	27 Maine.
3 Illinois.	3 Ohio.	28 West Virginia.	28 Connecticut.
4 Ohio.	4 Illinois.	29 Connecticut.	29 West Virginia.
5 Missouri.	5 Missouri.	30 Maine.	30 Nebraska.
6 Massachusetts.	6 Indiana.	31 Colorado.	31 New Hampshire.
7 Texas.	7 Massachusetts.	32 Florida.	32 Vermont.
8 Indiana.	8 Kentucky.	33 New Hampshire.	33 Rhode Island.
9 Michigan.	9 Michigan.	34 Washington.	34 Florida.
10 Iowa.	10 Iowa.	35 Rhode Island.	35 Colorado.
11 Kentucky.	11 Texas.	36 Vermont.	36 District of Columbia.
12 Georgia.	12 Tennessee.	37 South Dakota.	37 Oregon.
13 Tennessee.	13 Georgia.	38 Oregon.	38 Delaware.
14 Wisconsin.	14 Virginia.	39 District of Columbia.	39 Utah.
15 Virginia.	15 North Carolina.	40 Utah.	40 Dakota.
16 North Carolina.	16 Wisconsin.	41 North Dakota.	41 New Mexico.
17 Alabama.	17 Alabama.	42 Delaware.	42 Washington.
18 New Jersey.	18 Mississippi.	43 New Mexico.	43 Nevada.
19 Kansas.	19 New Jersey.	44 Montana.	44 Arizona.
20 Minnesota.	20 Kansas.	45 Idaho.	45 Montana.
21 Mississippi.	21 South Carolina.	46 Oklahoma.	46 Idaho.
22 California.	22 Louisiana.	47 Wyoming.	47 Wyoming.
23 South Carolina.	23 Maryland.	48 Arizona.	
24 Arkansas.	24 California.	49 Nevada.	
25 Louisiana.	25 Arkansas.		

It will be seen that, as in 1880, New York still heads the list and is followed by Pennsylvania. Ohio and Illinois have exchanged places. Of the other changes in the list the most marked are those of Texas, which rises from No. 11 to No. 7; Kentucky, which drops from 8 to 11; Min-

nesota, which rises from 26 to 20; Nebraska, which rises from 30 to 26; Maryland, which drops from 23 to 27; Colorado, which rises from 35 to 31; Vermont, which drops from 32 to 36; Washington, which rises from 42 to 34; Delaware, which drops from 38 to 42; Nevada, which drops from 43 to 49; and Arizona, which drops from 44 to 48. The average change in rank is 2.2 places.

The complete table will differ at most only a few hundreds from the foregoing.

COMMENTS ON ENUMERATION OF POPULATION.

In a report dated October 28, 1890, made upon the substantial completion of the enumeration, the Superintendent presents a very full explanation of its validity, showing the unfairness of any comparison between the percentage of increase between 1870 and 1880 and that between 1880 and 1890. The discussion contained in the Superintendent's paper cannot be fairly abbreviated and it is appended in full. [Appendix C.]

There have been some contests, and in some instances corrections have been made on applications for reenumeration. But 80 per cent. of all the complaints against the Eleventh Census, and there were only about the same number as against the Tenth Census, have on careful investigation been found groundless.

OPPOSITION TO THE WORK.

It is a noteworthy fact that upon the promulgation of the questions to be answered for the purposes of the census, some relating to disease and other of the subjects above mentioned, a great number of editors throughout the country began a bitter attack upon the whole census system and used every means of argument and invective to array the people against replying to the inquiries of the enumerators, and even denounced the whole work in advance. But the people recognized the census as a national work, meant not only for the necessities of our own Government, but for the benefit of all men, and the questions, including those relating to farms, homes, and mortgages, were almost universally and promptly answered.

This census will, it is believed, be found to be reliable. To say that there are no errors in it would be to claim for it more than can be expected of any such work. But those who find the most fault with it are those who from the beginning have endeavored to defeat it. The great body of our people are content with it.

The disputes that have arisen as to certain cities, and even one State, have been patiently heard where it was asked, and opinions given at length setting forth the reasons for the action taken. Time alone can now test the Eleventh Census, exposing errors, if any exist, and confirming its substantial accuracy. The work has certainly been most carefully prepared, and as the result goes to the country, the Secretary feels that the duty imposed upon the Census Office has been faithfully performed.

GEOLOGICAL SURVEY.

As shown in the report of the Director of the Geological Survey, the important industries and interests growing out of the mineral resources of the country are steadily increasing in prominence, the increase in mineral productions in the United States from 1888 to 1889 being in round numbers \$40,000,000.

During the fiscal year the operations of the Geological Survey have been so extended as to cover several new mining interests. A systematic study of the zinc mines and ores of Missouri has been undertaken and pushed rapidly. A study of the geology and chemistry of the phosphate deposits of Florida was commenced, a geological reconnaissance was carried over a considerable part of the State, and a topographic survey was instituted with the object of constructing large scale maps upon which the distribution of the phosphate bearing rocks and associated strata may be represented. A detailed survey of the Narragansett coal basin of Massachusetts was commenced and satisfactory progress made. Meantime the study of mineral resources conducted during previous years was not relaxed; work has been carried forward in the study of the gold belt of California, in the surveys of coal fields and other mineral bodies in Colorado by one division of the Survey and in Montana by another; and the Lake Superior iron region has been the theater of continued explorations and the subject of publication. Detailed topographic surveys for geologic purposes have been made in the anthracite region of Pennsylvania, and the study of the coal, oil, and gas bearing portions of West Virginia has been pushed to such a stage of completion that a report thereon has been prepared for the press. The researches in the region of rapid mineral formations in and about the Yellowstone National Park has also been continued; and the subject of rock gas and its distribution has received renewed attention. Several geologic parties have been employed during the year in laying down upon maps designed for early publication the areal distribution of the rock formations.

As during previous years the Director of the Geological Survey has not confined attention to those resources of the earth already known and adequately appreciated by prospectors, investigators, and other persons, but has sought to extend the science of geology with the view of developing new resources and thereby promoting the progress of the country and the welfare of the people.

Accordingly, new principles are developed as the facts of observation are gathered, the field of the survey is widened and its operations are gradually extending to the various natural resources of the earth—to soils as well as minerals, to the springs, streams, and rivers of the surface as well as to subterranean waters, to the inundated lands of the coast as well as to mountain sides, to new combinations of mineral substances for industrial purposes, as well as to new minerals.

During the year the topographic surveys made for geologic purposes have been carried on in twenty of the States, and an area of 46,807 square miles has been surveyed and mapped on two scales of about 1 mile to the inch and about 2 miles to the inch, respectively.

During the year the Geological Survey has had published one annual report in royal octavo, two quarto monographs, ten octavo bulletins, and an octavo report upon the mineral resources of the United States. It has sent out an aggregate of 46,847 volumes, of which 15,019 have been exchanged, 2,931 sold, and 28,897 distributed gratuitously. The acquisitions of the library during the year by purchase and exchange number 3,212 books and 3,857 pamphlets.

Two changes in the organization of the Geological Survey have been authorized. When the functions of the Geological Survey were enlarged by laws enacted March 20, 1888, October 2, of the same year, and March 3, 1889, the labor devolved upon the Director became arduous, and he requested authority for combining the various geologic divisions of the Survey in a geologic branch and for appointing a chief geologist in charge of that branch. Authority for the change was conferred, and upon the recommendation of the director Mr. G. K. Gilbert was appointed chief geologist. Another change in organization which grew out of a legal provision for the engraving of the atlas sheets of the topographic and geologic surveys of the United States was the institution of a division of engraving and the appointment of a chief engraver with the necessary assistants. The engraving done in the Survey is for experimental purposes, the chief part of the work being done by contract.

The report of the Director of the Survey is accompanied by two scientific papers, the first relating to the unconsolidated deposits overlying the rocks of a territory of 16,500 square miles in Iowa, and the second relating to the rock gas and petroleum of the great Indiana gas-field, the largest known in the world.

Questions in regard to the arid lands and the selection of water reservoirs for purposes of irrigation have been discussed in this report in connection with the business of the Land Office. This subject, with others of general interest, will be treated of in the annual report to be made to Congress by the Director, under the supervision of the Secretary of the Interior.

During the recent earnest inquiry into the best system to be adopted for irrigation and the discovery that the statute of October 2, 1888, had reserved vast districts of land from entry, there was displayed some disposition to criticise the methods and purposes of this Bureau. But it is believed to have stood the ordeal well, and to have preserved the public confidence it so well deserves. In the judgment of the Secretary, it is accomplishing a vast and most valuable work in the best manner.

BUREAU OF RAILROADS.

The report of the Commissioner of Railroads, and the accompanying report of the railroad engineer of his office, contain full information in regard to the condition of the several railroad companies coming under the jurisdiction of his office, their roads, accounts, and affairs, for the fiscal year ending June 30, 1890.

At the time of making his report for the year ending June 30, 1889, the Commissioner had been unable to obtain statements showing the condition of several of the land-grant roads. A number of the companies, whose grants of lands had been received through the medium of the States in which their lines are located, held that, therefore, they did not come within the provisions of the act of June 19, 1878, creating the Railroad Bureau and defining its powers. The point raised was that a grant to a State to aid in the construction of a railroad was not a grant to the railroad. The matter was submitted to the Secretary and referred for opinion to the Assistant Attorney-General assigned to this Department. This officer held that in order "to bring it [the company] within the provisions of the act, it is sufficient that it has received the benefits of a grant as the owner of all rights and privileges of any road upon which such grant has been conferred, either by the Government directly or by the State to whom the grant was originally made." This opinion was approved and the Commissioner was directed to act upon it officially. He states that the several railroad companies were promptly notified of this ruling and requested to make reports as required by law, and that, with one or two exceptions, they have complied with the request.

IMPROVEMENTS ON BONDED ROADS.

The Commissioner, in company with the engineer of his Bureau, has traveled over nearly all the bonded roads and many of the Pacific land-grant lines, and says:

I am able to report that many improvements, such as replacing iron rails with steel, putting in stone and iron culverts and bridges in place of wooden ones, reducing grades, ballasting, enlarging machine-shops, building new station-houses, adding to terminal facilities, increasing rolling-stock, etc., have recently been and are continually being made. These improvements, where they are made upon the bonded roads, are of especial value to the Government, as they not only increase the earning capacity of the roads and thereby the amount of net earnings to be paid in liquidation of the Government debt, but they add largely to the value of the property and so increase the Government security and render full final payment of the claims of the United States more certain.

The amount received from the bonded roads this year was slightly below the receipts for the preceding year. This is not owing, however, to a decrease in business, but to the fact of unusual expenditures by the Union Pacific Railway Company in the purchase of rolling-stock.

As to the present financial relations between the bonded roads and the Government, the same unfortunate condition of things exists now that has always existed since the bonds granted in aid of their construction were issued, viz, that the amounts annually received from the roads fall largely below the amounts of interest annually accruing upon the subsidy bonds. The debts therefore due the Government from these roads, instead of being reduced, as it was the evident expectation of Congress that they would be, are rapidly increasing year by year. The per cent. of net earnings required by law to be paid in discharge of the Government obligations is not great enough to meet the interest which annually accrues upon the bonds issued to aid in the construction of the roads.

The most conspicuous cause of reduction in the net earnings of the bonded roads is the building of numerous competing lines and the consequent reduction in both the volume and rates of traffic. In many sections west of the Mississippi River and on the Pacific Slope the mileage of railroads is greatly in excess of the legitimate needs of the carrying trade. The last few years have seen an excess of railroad building in the West, and many investments in railroad properties have failed to yield even the smallest dividends. But this condition of things probably will not long exist. Roads that now run for long distances through sparsely settled sections, depending almost wholly upon through traffic, will soon find thrifty settlements all along their lines, yielding a large and profitable local trade. The country will catch up with the railroads. Then the transportation business will be on a safe and paying basis, the speculative period of railroad construction will be ended, and the operations of traffic found to be increasing and profitable. When that time arrives, and its approach is certain and not far distant, the bonded roads will show, as they ought to show, statements of largely increased net earnings which will enable them to meet within a reasonable period their obligations to the Government, and yield a fair return upon the investments of their stockholders.

FUNDING THE DEBTS.

The Commissioner adheres to the opinion given in his last report, that it will be necessary to extend the time in which the railroads may meet their obligations to the Government. He gives the history of the pending legislation and states that the question of time is of little importance as compared with that of security in the adjustment of the subsidy debts. He believes that it would be a great calamity should the Government be compelled to acquire the ownership and engage in operating the railroads. He makes the suggestion, which seems to be a wise one, that in no event should the Government be a loser by granting the extension, and that no funding bill should be considered that

does not provide for a rate of interest at least equal to that which the Government is required to pay upon its obligations.

The principal and interest of the subsidy bonds do not become due until 1897. The Commissioner believes that the roads will be in a better condition to settle then than now, and the Government will not suffer by delay so long as the value of the property on which it holds liens is being steadily increased by the addition of valuable improvements.

This subject was fully discussed by the present Secretary in his last annual report, and the views then expressed are still retained and are still applicable, as no legislation has yet been completed on this very important subject.

SIoux CITY AND PACIFIC.

A bill is pending in Congress, having already passed the Senate, authorizing the Secretary of the Treasury, by and with the consent of the President, to settle the indebtedness of this company to the United States upon such terms as shall, in the judgment of the Secretary, approved by the President, be for the best interests of the Government. It is apparent, from the figures given by the Commissioner as to the condition of this company, that it will never be able to pay in full its Government debt. The report of the Commissioner shows in detail the operations of the road and its financial condition.

UNION PACIFIC GUARANTEES.

Certain criticisms, allegations, and complaints have come to this Department through the public press, and in communications, both oral and written, from individuals, touching the management of the Union Pacific Railway Company in the matter of guaranteeing the bonds and stocks of other railway corporations whose lines are operated in connection with the Union Pacific system. It has been urged that these guaranties were made in violation of law, and that they would have the effect, and were made with the purpose, of defrauding the Government.

On July 3, last, the following resolution was adopted by the United States Senate:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether he has knowledge of the guaranty, actual or proposed, by the Union Pacific Railway Company, of the bonds or stock of any other corporation, more especially those of the Oregon Railway and Navigation Company, and of the Denver and South Park Railroad Company. Whether said Union Pacific Railroad Company has paid out of its surplus earnings or otherwise the indebtedness, or any part thereof, of said or other companies, and if so, whether such guaranty or such payment, or both, are in accordance with law and consistent with the obligations of said Union Pacific Railroad Company to the United States; and that the Secretary of the Interior be directed to communicate to the Senate all information in possession of his Department on the subject.

The resolution was referred to the Commissioner of Railroads for report; in response was given a complete list of the companies whose

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bonds or stocks, or both, had been guarantied by the Union Pacific Railway Company, together with a statement of the manner, form, and amounts specified under the name of each corporation. The Commissioner further stated, in his report on the resolution, that no part of the earnings of the Union Pacific Railway Company which are required under the law to be paid to the Government, have been used for any other purpose than in liquidation of the Government debt.

The inquiries of the Senate were fully answered and the opinion of the Assistant Attorney-General for this Department given, in which the Secretary concurred, that on the facts as shown by the Commissioner, there has been no violation of the United States Statutes by the company in these matters, nor of its obligations to the Government.

REPORT OF GOVERNMENT DIRECTORS.

In connection with the Commissioner's report it is deemed the statements of the Government Directors will prove of value. In this the following facts appear:

The increase of gross earnings of the first six months of 1890 over the same period in 1889 is \$3,295,027.53. However, the Oregon Railway and Navigation Company and the Denver, Texas and Fort Worth Railroad system included in the 1890 statement are not included in that for 1889.

The surplus earnings of all lines operated by the Union Pacific Company for the first half of the year were \$6,051,434.71 as against \$5,829,385.82 for the same period of 1889.

The number of miles operated for said six months of this year was 8,034.46 and the expense of operation \$14,664,500.39, taxes not included, as against 7,849.40 miles and \$11,591,521.75 for the same half of 1889.

The Oregon Short Line and Utah Northern Railway show increased earnings, but the surplus earnings are reduced from \$1,204,450.88 for the six months ending June 30, 1889, to \$1,129,928.05 for the same period of this year.

The Oregon Railway and Navigation Company shows a reduction of gross earnings, attributed to short crops in Oregon and Washington, from \$1,866,364.76 for the earlier period to \$1,866,364.76 for the latter, while the increase of operating expenses was \$427,534.96.

During the year 1889 the surplus revenue from all sources was \$2,402,440.57.

The total debt of the Union Pacific to the Government January 1, 1890, was \$50,902,765.92. This falls due in the years 1895-1899.

The rapid settlement of the States and Territories tributary to the Union Pacific road and its connections with the great development of agricultural and mining interests calls for large and continuous expenditure in the matter of improvements, extensions, and connections to meet the growing demands of population and business.

The company has pursued a wise course in meeting these demands

as rapidly as its means would permit. Important extensions are now under way, steel rails are being substituted for iron, and iron bridges for wooden.

The extensions to Tacoma and Seattle will give access to the Puget Sound trade, while the extension from Milford to Pioche and from Wendover to Douglas and other improvements call for large outlays.

The shops at Cheyenne upon which \$228,675.73 were spent in 1889 still demand expenditure.

The work of developing coal mines of great value to the company cost \$341,000 in 1889, and \$222,000 was spent on the Carbon Cut-off, destined to form a loop of 55 miles between Sulphur Springs and Rawlings.

On account of the need of expenditures on these and other pressing improvements it has been deemed expedient to postpone the establishment of the second sinking fund proposed a year ago.

A speedy and equitable settlement of the indebtedness to the Government is urged. The debt can not be met as due without the suspension of improvements and consequent injustice to the population dependent on the road and its continued extensions. The work ahead of the company, if faithfully performed, means large expenditures and small profits for years to come.

The best interests of the people of the Great West should be considered paramount to all others in the settlement of the question.

The present management of the company the directors report as honest and wise, and they think the Frye bill now before the Senate should be adopted. In return for an extension of time and a lower rate of interest, it is stated the company would give a mortgage on the whole property, thus increasing the Government security in the sum of \$34,500,000. This would put an end to a quasi-copartnership in the management, leave the company free to conduct its business without interference, and make the Government an ordinary creditor.

During the past year the company entered into arrangements with the Chicago and North-Western by which it can send its freight to Milwaukee, St. Paul, and other points on the latter road without breaking bulk.

During 1889 the Colorado Central Railroad Company, of Colorado, the Colorado Central Railroad Company of Wyoming; the Georgetown, Breckenridge and Leadville Railroad Company; the Denver and Middle Park Railroad Company; the Denver, Marshall and Boulder Railroad Company; the Greeley, Salt Lake and Pacific Railway Company, and the Cheyenne and Northern Railway Company were consolidated into one company, known as the Union Pacific, Denver and Gulf Railway Company. Also a further consolidation between the companies named above and the Denver, Texas and Fort Worth Railroad Company, looking to the large traffic centered at Pueblo.

During 1889 the Union Pacific Road secured undisputed possession of

the Oregon Railway and Navigation Company, by securing a majority of the stock of that company.

The following table exhibits the amount of precious metals yielded in 1889 by several States and Territories whose trade is tributary to the Union Pacific Road and its branches:

States and Territories.	Gold.	Silver.	Total.
Colorado	\$3, 636, 217. 88	\$26, 559, 057. 94	\$30, 195, 275. 82
South Dakota	2, 912, 625. 00	160, 663. 00	3, 073, 288. 00
Oregon	1, 352, 249. 37	41, 589. 00	1, 398, 838. 37
Washington	193, 709. 00	106, 000. 00	299, 709. 00
Utah	499, 500. 00	6, 656, 254. 65	7, 155, 754. 00
Idaho	2, 055, 708. 00	4, 440, 347. 00	6, 496, 055. 00
Montana	3, 794, 009. 82	20, 038, 871. 22	23, 832, 881. 04
Total	14, 444, 019. 07	58, 002, 782. 81	72, 446, 791. 88

In addition to this Colorado produced, lead, \$5,168,679.32, and copper, \$363,933.01; and Utah, lead, \$1,468,246.65, copper, \$206,079.20.

There were received over the Union Pacific and its branches, during 1889, ores as follows:

	Tons.
Idaho	9, 731, 033
Montana	1, 352, 895
Utah	29, 664, 684
Oregon	282, 512
Various points in Colorado	187, 595, 776

LEGISLATION NEEDED.

The Commissioner of Railroads renews his recommendation that an act amending the law creating the Railroad Bureau be passed, requiring the bonded roads to transmit to his office duplicates of all accounts for transportation services rendered the Government, including the carrying of the mails; and that all disallowances and differences in said accounts, found by the accounting officers upon settlement, be reported to the Commissioner of Railroads, to the end that the records of his office may at all times give easy access to any information that may be desired by Congress, or any of the Departments of the Government, in regard to the accounts and indebtedness of any of the bonded roads.

In the last annual report the Secretary strongly indorsed this recommendation. A bill, providing for the amendment suggested, was unanimously passed by the Senate at its late session, and is now pending in the House of Representatives, and it is earnestly recommended that it receive the favorable consideration of that body.

The financial condition and operations of the roads which have received land grants only, and which come under the jurisdiction of this Department, but in which the Government has no direct pecuniary interest, appear in such detail in the report of the Commissioner that it

is deemed unnecessary to repeat them here, further than presented in the Government Director's report as to the Union Pacific, an analysis whereof is set forth above.

BUREAU OF EDUCATION.

The Commissioner of Education makes a very suggestive report on the work done, and to be done, by his Bureau. Its object, as he states, is to collect and distribute information showing the present status of education in the United States, and also the educational progress of other nations. He goes on to say that inasmuch as all supervision has for its first object the increase of enlightened directive power, the function of this Bureau is an important one, for through a knowledge of whatever has proved of value in the entire field of education the greatest progress is made at the smallest cost, each person profiting by the experience of all.

In proof of the extending interest in the work of the Bureau, the Commissioner gives a table showing an increase of letters received over the previous year of nearly 29 per cent., and an increase of letters sent out of 47 per cent. The number of documents sent out the past year, 182,215, slightly exceeds the number of the previous year.

The Bureau has made during the year ten publications on subjects directly connected with education in the different States. The series of American Educational History, projected by the previous Commissioner, Hon. N. H. R. Dawson, reflects great credit on his sagacity, and deserves special mention. By economizing other expenditures from appropriations for the collection of statistics and the distribution of documents, he succeeded in setting apart sufficient money to engage competent persons, working under the supervision of Professor H. B. Adams, of Johns Hopkins University, for the preparation of all the volumes required to give a history of higher education in every State of the Union.

The Commissioner, who certainly ought to know, states that national education does not begin, as is sometimes supposed, with primary education, but with higher education. The first education was that of the princes and the clergy; but the diffusion of the democratic ideas contained in Christianity made and still continues to make education a gift to all men. The history of higher education in the several States affords the needed clew to the beginning of our present widely extended system of common schools. The publication of that history by this Bureau is said to be having an excellent practical effect, for it is doing much to secure the necessary co-operation of the large body of highly cultured and influential men who guide education through colleges and universities.

There has also been noticed, especially in the South, the appearance of an increased interest in educational history, and the Commissioner reports that there has never before been so much spirit of co-operation with this Bureau as now.

REPORT ON FINE AND INDUSTRIAL ART.

Attention is called by the Commissioner to the second volume of the Special Report upon American Education in Fine and Industrial Art, by I. Edwards Clarke, an important work, not only because of the care displayed in its preparation, but because of the vital interest given to the question of art education by American industries. Without training in taste, says the Commissioner, our workmen can not produce such qualities of ornament as will admit our goods into the markets of the world; our surplus wealth will be expended in importing high-priced goods that can not be manufactured here because of this lack of training in the world's standard of the beautiful.

PRINTING FUNDS OF BUREAU OF EDUCATION.

The Commissioner hopes that the work accomplished will emphasize the request for a more liberal allowance of money for the printing fund of this Bureau. He repeats that the Bureau is not established to exercise a centralized control in the management of educational institutions, but solely to increase local self-direction by collecting and digesting for it the records of educational experience throughout the world, and thereby contributing to its enlightenment. The Bureau's entire usefulness, therefore, depends directly on what it prints and publishes. It must diffuse its information among the teachers of the land, or else it does not accomplish its function. And to attain its highest degree of usefulness and make available the material which it collects and prepares from year to year, it should have at least double the sum for printing that it now has.

Moreover, the system of throwing back into the Treasury money unused at the end of the fiscal year works much injury to the Bureau. Work already ordered or contracted for remains unfinished, or not begun, and, upon completion, is charged against the fund for the next year. During the years from 1886 to 1889 the aggregate amount allotted to this Bureau was \$58,194.94, and the amount expended was \$42,229.38, leaving a balance unexpended of \$15,965.56, the Bureau's claim to which was canceled. This is greatly deprecated both by the former and the present Commissioner, and, in the Secretary's opinion, with justice. He is satisfied that the system is a mistake and should be rectified. If the sum due, of nearly \$16,000, was put to the credit of the Bureau the Higher Education series could be promptly forwarded, and monographs now waiting publication could be circulated. Whatever appropriation for this purpose is made should be allowed to continue from year to year until expended.

THE LIBRARY AND MUSEUM DIVISION.

The Commissioner states that during the past year the library has received nearly 5,000 volumes and more than 10,000 pamphlets, making the total number of volumes in the library 38,000, and 100,000 pamphlets.

He hopes to print the coming year a complete index to all volumes relating to education and an analytical index to some of the more important sources of educational information, such as Henry Barnard's exhaustive *American Journal of Education*, which the Commissioner states contains more educational literature of the first-class order than any other work in any language.

PUBLIC-SCHOOL STATISTICS.

The division of statistics shows that there are enrolled in the public schools of the United States 12,291,259 pupils, or 19.7 per cent. of the total population. The increase during one year has been 220,903, or at the rate of 1.83 per cent. per annum. This, however, has not equaled the rate of growth of the school population, which has been 2.17 per cent. per annum.

The progressive decrease in the number of public-school pupils as compared with the population in the Northern States, which has already been referred to in the reports of this office, is still going on; in point of fact, there has been during the past year an *absolute* decrease in the number of pupils enrolled in six of the Northern States, and in one other—New York—there has been an increase of only 544 pupils against an increase of school population of over 30,000. The following figures will serve to briefly show the change in the percentage of population enrolled as public-school pupils since 1870:

Percentage enrolled.

	1870.	1880.	1889.
The United States.....	17.8	19.7	19.7
North Atlantic Division.....	22.1	20.2	18.3
South Atlantic Division.....	6.3	16.4	18.7
North Central Division.....	24.4	23.2	22.8
South Central Division.....	7.5	15.4	17.7
Western Division.....	13.8	16.3	16.5

These figures may require some slight correction when the complete returns have been received. The Commissioner calls attention to the fact that the proportion of the total population enrolled is greater in the South Atlantic than in the North Atlantic States. With the proportion of school population, however, the reverse is the case; for every 100 *children of school age* there are 108 pupils enrolled in the North Atlantic States and only 88 in the South Atlantic. This difference arises from the excess of children of school age in the South.

In the Commissioner's opinion the apparent retrograde movement in the Northern States may be partially accounted for by the increase of private and parochial schools and by the tendency to refrain from sending children to school at as early an age as heretofore, whereby the

number of very young pupils has diminished. In Massachusetts, for instance, the number of pupils under five years of age has decreased during each of the last ten years.

The growth of the public school system of the South is a remarkable phenomenon, which is clearly exhibited in the figures quoted above. It must be noted, however, that many of the existing public schools of that section were in operation in 1870 as private schools.

AVERAGE DAILY ATTENDANCE.

The average number of pupils daily attending the public schools is 65.1 per cent. of the whole number enrolled. This percentage was 59.3 in 1870 and 62.3 in 1880, thus showing a steady growth.

The falling off of enrollment in the Northern States since 1870 has been nearly counterbalanced by the increased regularity of attendance of those who are enrolled, so that about as large a proportion of the population attend school daily as in 1870.

TEACHERS.

The number of different public school teachers is as follows: Males, 124,929; females, 227,302; total, 352,231.

The male teachers comprise 35.5 per cent., or somewhat more than one-third of the whole. The relative number of male teachers has been continually decreasing since 1879, at which date they formed 43.3 per cent. of the whole. This decrease is taking place in all parts of the country. The present percentage in Massachusetts is only 8.9.

The average wages of male teachers per month in 36 States and Territories is \$42.43, being a decrease of 4 cents; of female teachers \$34.27, an increase of 32 cents.

SCHOOL REVENUES.

The public school revenues amounted to \$132,121,200. Of this sum \$9,743,994, or 7.4 per cent. of the whole, formed the income on permanent invested funds; \$25,379,390, or 19.2 per cent. of the whole, were derived from State taxes; and \$88,328,385, or 66.8 per cent. of the whole, from local taxes; \$8,669,431, or 6.6 per cent. of the whole, were derived from sources not included in the foregoing.

SCHOOL EXPENDITURES.

The total amount expended the past year for public school purposes was \$132,129,600, being an increase over the preceding year of \$8,861,660, or at the rate of 7.19 per cent. per annum.

The amount expended for all purposes per capita of the population was \$2.12, of which \$1.41 was for salaries. To educate a child in the United States costs at present an average of 13.3 cents per school day, of which 8.2 is paid for salaries of teachers and superintendents.

The rate of growth of school expenditure (7.19 per cent. per annum), when compared with the rate of growth of the number of pupils enrolled

(1.83 per cent.), is seen to be extraordinary, and indicates a rapidly growing per capita expenditure. The total school expenditure per capita of population at different periods is as follows:

Expended per capita of population.

	1870.	1880.	1889.
The United States	\$1. 64	\$1. 56	\$2. 12
North Atlantic division	2. 31	1. 97	2. 67
South Atlantic division .....	. 47	. 67	. 93
South Central division .....	. 48	. 55	. 84
North Central division	2. 09	2. 03	2. 77
Western division	2. 02	2. 41	3. 22

In the Northern States a period of maximum per capita expenditure occurred about 1875. From that time on until about 1880 a considerable decrease took place. After 1880 a rise came again, which has been going on until the present time. The present expenditure is considerably in excess of any that has preceded it.

The decline in the per capita expenditure in the Northern States from 1875 to 1880 may be attributed to a reaction which followed upon the "flush" times succeeding the war. A period of liberal expenditure was succeeded by a period of retrenchment and economy. There was also a shrinkage of values taking place, so that the same tax-rate would produce from year to year a smaller revenue. In three years during this period the property valuation of Massachusetts fell off nearly \$240,000,000.

The Southern States, as well as the Northern, form a characteristic group in the matter of school expenditure, of which the distinguishing feature is the small amount expended per capita as compared with the North. During the decade 1870-'80 there were many fluctuations in school expenditure in the South; this period was a formative one, during which school affairs were unsettled and systems were formed and reformed. Since 1880 the expenditure has been continuously though slowly gaining on the population. The present per capita expenditure averages about one-third of what it is in the North.

The difference in the expenditure per capita of *school population* is still more marked, it being in the South only one-fourth of what it is in the North.

CONCLUSION.

In conclusion, the Commissioner states that, in order to keep abreast of the social movements kindred to school education, he has attended the annual meetings of the Charity Association, the Prison Association, and the Social Science Association.

His reason for this is well stated:

The common school deals with the normal weakling, the child, who is weak because nature has not given him time to grow strong. The school develops his growing strength along the lines of normal growth. But the social science societies deal with the abnormal weakling, the three classes, the insane, the pauper, and the criminal, and are endeavoring to discover what manner of education will cure mental and moral weakness, which tends to become a fixed element of character. This problem presses upon us with increased weight now that the growth of cities progresses so rapidly. Every discovery of method along this line gives important hints for the management of city schools, for the common school strives to prevent the evolution of the abnormal weakling.

The Bureau has, therefore, made investigations as to the illiteracy of criminals with a view to see what effect the common school may be accredited with in the prevention of crime. The general results for the past thirty years prove the important fact that the prisoners in jails and houses of correction include about eight times as many illiterate people on an average as an equal number of people in the community outside the walls of the jail. The penitentiaries do not show so great a disproportion as the jails, having only three and one-fourth times their quota, a sufficient number, however, to show the value of education in the prevention of crime.

EDUCATION IN ALASKA.

The Commissioner and the General Agent of education in Alaska both make reports on the condition of schools and their attendance in that far-distant section of our country. One station is 3,029 miles from San Francisco. Much credit is given to the general agent, Dr. Jackson, to whose industry and enthusiasm the measure of success which has attended educational work in Alaska is largely attributed.

The policy pursued by the Indian Office of making contracts with missionary societies, for the instruction and maintenance of the children in their vicinity, was early adopted by the Bureau. This plan, by which the society shares the expense of the school, secures to the pupils an equal amount of care and instruction at less cost to the Government.

The Commissioner says that on the earnest representations of Commander C. H. Stockton, of the U. S. S. *Thetis*, who had recently returned from a cruise in Behring Sea and the Arctic Ocean, Dr. Jackson was authorized to interest some of the missionary societies in the Esquimaux settlements at Point Barrow, perhaps the most northern land of our continent, Cape Prince of Wales, on Behring Strait, and Point Hope, lying about midway between the other two, where civilizing influences are greatly needed. Dr. Jackson accordingly explained the condition of these settlements to a number of societies which he visited, and the opportunities for labor in the cause of humanity were promptly seized, the American Missionary Association of the Congregational Church selecting Cape Prince of Wales, the Episcopal

Board of Home Missions choosing Point Hope, and the Presbyterian Board of Home Missions taking Point Barrow.

With the Secretary's approval agreements were entered into with each of these societies to contribute \$1,000 toward the cost of their buildings and the expense of travel and supplies. From these new stations favorable information has already been received. The Congregational Society report that two missionaries sailed from San Francisco early in June, taking with them the frame of a house ready to be put up, and that they arrived safely at their destination, the society having already expended \$4,500 on the mission. The Episcopal Board of Home Missions report that their missionary, provided with a building costing \$3,000, had reached Port Clarence, 200 miles from Point Hope, July 3. The Presbyterian board reports that a well-qualified teacher sailed for Point Barrow on June 1, with supplies for two years.

For lack of transportation an inspection of the schools on the western islands has not been possible since their establishment in 1886. This season, through the courtesy of the Secretary of the Navy, permission was granted the General Agent to accompany the Government vessels on their annual cruise to the Arctic, and the commanders were instructed to land at the settlements where schools existed or were to be established. Dr. Jackson started on his long voyage early in May. He was at Afognak June 16, and at Cape Prince of Wales early in July. He is expected to reach Sitka on his return early in October, when he will present a full report of the conduct of the schools in Alaska for the year 1889-'90.

In the meantime an increase of the appropriation for the education of children in Alaska is recommended. The work has developed as far as can be expected with the present funds. Teachers who are sent to such distant and difficult fields should be thoroughly well qualified for the work and should be liberally paid for their labor and sacrifices. As an example of these a picture of devotion to the cause of humanity is vividly drawn by the general agent as follows:

The school year at Klawack opened with sorrow, in the death of Mr. Currie, who was the first teacher the school ever had. Mr. Currie was a native of North Carolina, a graduate of Hampden and Sidney College and Union Theological Seminary, Virginia. He gave his life to Indian education. He did valuable work as teacher among the Choctaw Indians, and when a call came for some one to go to a remnant of Indians in southeastern Texas that were in danger of extinction, he went to them. While there his school-house was burned and his life threatened. To escape the malaria incident to a long-continued residence in that section, he came to Alaska and took charge of the newly opened school at Klawack under circumstances of great heroism. Far away from any officer of the law he battled alone against intemperance and witchcraft. Upon one occasion four men attempted to carry away one of his pupils (a girl) on the charge of witchcraft. Mr. Currie rescued her, keeping her at his house. A few days afterwards they returned, re-enforced by a party of Hydahs, on another attempt to get possession of her. While some of them vehemently claimed her, others stood near the missionary with open knives. Finally the brother of the girl was intimidated into paying a ransom for her. This Mr. Currie could not prevent, but the girl at least was saved.

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Mrs. Currie, being herself a teacher of long experience, was, on her husband's death appointed to his place. Her isolation from all companionship (she was the only white woman in the place, and for eleven months looked into the faces of but two white women), the absence of any officer to enforce the law or look after the peace of the community; the prevalence of drunkenness, witchcraft, and other heathen practices, greatly interfered with the efficiency of the school. This is one of the most difficult places to conduct a school in all southeastern Alaska, and needs a strong, self-reliant, energetic man for teacher. Such an one the board of education hope to secure.

Mrs. Currie, with true Christian heroism, unflinchingly remained at her post until the close of the school year, when she resigned to return to her friends in the East.

But a few of many points, however, have been occupied either by the Government or missionaries. There are many places where schools would be welcome and would do great good, but for the establishment and maintenance of which an additional appropriation will be necessary.

The General Agent furthermore submits the following recommendations, in which the Secretary concurs :

RECOMMENDATIONS.

I. An inspection of the schools of western Alaska by the General Agent. In view of the fact that he has been unable to reach those schools for three years, and as the time has come for establishing new schools in that region, some of which have already been recommended by the Territorial board of education, and as it is probable that a Government vessel will be sent next summer to that section to convey Government officials, it is recommended that arrangements be made for the transportation of the General Agent.

CHANGE IN SUPERVISION.

II. In order that the General Agent may, for the next two or three years, give the larger part of his time to developing the school work in western Alaska, it is recommended : First, that the General Agent be relieved for the coming year from the local superintendency of the Sitka district and be given the local superintendency of the Kodiak and Unalaska districts ; second, that a superintendent be appointed for the Sitka district.

PERMANENT SCHOOL FUND.

III. The recommendations of 1886-'87 and 1887-'88 are renewed, which recommendations were also indorsed by the Territorial board of education, that legislation by Congress be made permanently appropriating a sum of money for the education of the children of Alaska, without distinction of race.

The present method of supporting the schools of Alaska by an annual appropriation from Congress is very unsatisfactory. As Congress one year votes \$25,000, and the second nothing, and the third \$15,000, it can readily be seen that neither can the school-board of teachers arrange for the schools until after Congressional action has been taken, nor until such action is had can they be sure that there will be any schools. And not only that, but some years the action of Congress is

not known in Alaska until three months after the fiscal school year commences. A failure on the part of Congress any one year to make the necessary appropriation would close the schools, scatter Government property, and throw the teachers out of employment thousands of miles away from home and friends. The disadvantages of the present system need but to be stated to be seen.

In the Western States and Territories the general land laws of the country provide that sections 16 and 36 in each township be set apart for the use of the schools in said States and Territories. In some of the States this has been a munificent endowment. But Alaska has no townships and no law by which they can be surveyed, and when, in the course of time, the general land laws are extended over it the nature of the country and the peculiar climate and the requirements of the population will prevent to any great extent the laying out of the lands in sections of a mile square. Thus while no school fund is practicable for years to come from the lands, the General Government derives a regular revenue from the seal islands and other sources, a portion of which could be used in the place of the proceeds of the sale of school lands.

COMPULSORY EDUCATION.

IV. The operation of the obligatory attendance law, which was enacted by the Territorial board of education and approved by the Secretary of the Interior, in 1887, has been recently suspended by order of the United States Commissioner of Education.

In view of the importance of some suitable law for securing the more regular attendance at school of the children of Alaska, the Territorial board of education, at its semi-annual meeting, June 14-19, took the following action:

Whereas it is the invariable experience of all who have been engaged or interested for years in the difficult task of attempting to educate and civilize the natives and creoles of Alaska that the greatest obstacles to success are—

First. The want of adequate means of securing the regular and general attendance of the children of these people at the various Government schools; and

Second. The stolid indifference, superstition, and fear of change on the part of the greater number of the parents of such children; and

Whereas experience has also demonstrated that wherever native policemen have been employed and paid heretofore a moderate compensation for gathering these children into the school-rooms, and thus compelling attendance, not only is the average attendance itself largely increased, but an interest in the progress of the pupils and the success of the schools themselves has been gradually and permanently created in those native and creole parents; and

Whereas the Government of the United States is annually appropriating large sums of money for the purpose of educating and civilizing these people and employing competent and zealous teachers for that purpose, who are making great sacrifices by enduring severe privations, general discomfort, and personal isolation among an alien and barbarous race of people: Therefore be it

Resolved by the Territorial board of education, That the Hon. Lyman E. Knapp, the governor of the district of Alaska, is hereby requested and urged to embody in his forthcoming annual report to the Department of the Interior the suggestions we have made herein, with the recommendation that Congress take the subject of compulsory

education of the natives and creoles of Alaska into consideration, and in addition to making the usual appropriations for the schools of the district, add thereto such enactments as will compel the regular attendance of the pupils at such schools as are already established or may be hereafter provided.

The recommendations of former reports on this subject are hereby renewed.

With the granting of an obligatory attendance law, and even without it, the appointment of a native policeman in the native villages where schools exist, whose duty shall be to see that the children are in school, will greatly increase the present attendance.

It is therefore recommended that an allowance of \$10 or \$15 per month be allowed from the school fund for the employment of such men.

V. That Congress appropriate \$75,000 for education in Alaska for the year ending June 30, 1892.

VI. That the salary of the general agent of education be increased to \$2,400 annually.

HOWARD UNIVERSITY.

The catalogue of this institution for the past year shows 365 students, representing nearly all of the States and Territories and several foreign countries, classified as follows:

Theological.....	40
Medical	107
Law	29
College department.....	22
Preparatory	31
Normal and industrial	136

Of these 78 completed their course.

In the industrial department instruction is given in printing, carpentry, tailoring, shoemaking, mechanical drawing, and other useful handicrafts.

A suitable structure for instruction in the different mechanical arts is greatly needed. A building, equipped as required for a school of technology and gymnastics, can be erected for \$100,000, and for this purpose the trustees ask an appropriation of \$25,000 to be expended in the present fiscal year. They also desire to employ a librarian and teacher of book-binding in addition to those to whom salaries have heretofore been paid. These requests are recommended to favorable consideration.

The following items of appropriation are recommended:

For new building for industrial department.....	\$25, 000
For salaries.....	23, 800
Care of grounds.....	1, 000
For repairs.....	2, 400
Books and shelving.....	2, 000
Current expenses.....	4, 000
Total.....	55, 200

THE COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

The management of this humane institution has continued to be most praiseworthy, and it is commended to the favor and liberality of the Government.

The report from this institution states that there have been 129 students and pupils instructed since July 1, 1889. Seventy-one of them have been in the collegiate department, representing twenty States, the District of Columbia, and Canada. Fifty-eight have been in the Kendall School.

The usual courses of study in the several departments have been continued with success, and a course of lectures on important subjects has been given to the students. Six young men were graduated from the college with the degree of Bachelor of Arts, and one with the degree of Bachelor of Science. Five pupils received the diploma of the Kendall School.

The liberal action of Congress in providing for the assistance of students in response to suggestions in the last report enables the college to meet the full expense of their education.

The receipts of the institution from all sources amount to \$64,830.14, and the expenditures were \$63,970.47; balance on hand, \$859.67.

Estimates aggregating \$66,000 are submitted for the coming year, and the directors propose, if the small increase asked for is granted, to extend the facilities already existing for normal teaching. The Secretary concurs with the statement that this is a great and growing necessity, as there is no school in the country devoted to training teachers for deaf-mutes.

MARYLAND INSTITUTION FOR THE INSTRUCTION OF THE BLIND.

At the end of the last fiscal year it is stated that the District had 19 pupils in this institution. During the fiscal year ending June 30, 1890, 8 were admitted, 1 died, and 5 were discharged, leaving 21 at the end of the year.

The school appears to be prosperous and is doing thorough work. The younger pupils are taught on the kindergarten methods.

Two of the department graduates, Miss Catharine Grady and Mr. Harry N. Roby, are employed as teachers in the institution.

EDUCATION OF FEEBLE-MINDED CHILDREN.

During the year ten of the District children have received education and support at the Pennsylvania Training School for Feeble-Minded Children, under the provisions of the act approved June 16, 1880, at a cost of \$2,467.65. The superintendent reports there seems to have been improvement in the mental condition of all but one of the beneficiaries.

WASHINGTON HOSPITAL FOR FOUNDLINGS.

The health of the inmates of this institution is reported to have been excellent and the mortality low. No contagious disease except "La Grippe" has prevailed. Sixty children were admitted during the year, of whom 11 were adopted. Applications for the adoption of children are rapidly increasing. The total number of employés is 22.

It is intended to start a training school for nursery maids in connection with the hospital.

The receipts during the year were:

United States appropriation.....	\$6,000.00
Membership dues and contributions	566.00
Proceeds of entertainments.....	444.83
Endowment fund.....	241.20
Sale of cows	36.20
C. B. Bailey	16.00
Sale of bottles	8.90
Sale of old iron	1.75
Total	7,314.88

The expenditures were:

Salaries and wages	\$3,053.84
Provisions, groceries, ice, etc.....	1,540.62
Nursery food, milk, cows' food	1,260.67
Druggists' supplies.....	621.74
Fuel and gas	707.75
Clothing, rubber goods, dry goods	697.05
Furniture, house furnishings, and baby carriages.....	314.31
Printing, advertising, and stationery	155.45
Miscellaneous.....	122.32
Repairs and improvements	530.07
Total	8,943.82

FREEDMEN'S HOSPITAL.

The following table shows the work of this institution.

	White.			Colored.			Grand total.
	Males.	Females.	Total.	Males.	Females.	Total.	
Remaining June 30, 1899	29	9	38	85	74	159	197
Admitted.....	455	79	534	819	841	1,660	2,194
Born	4	1	5	91	102	193	198
Total	459	80	539	910	943	1,853	2,392
Total in hospital.....	488	89	577	995	1,017	2,012	2,589
Discharged	444	75	519	730	803	1,533	2,052
Died	20	4	24	165	94	259	283
Still-born				11	11	22	22
Total	464	79	543	906	908	1,814	2,357
Remaining June 30, 1899.....	24	10	34	89	109	198	282

In the dispensary there were 5,962 prescriptions compounded for outside patients.

Three hundred and fifty-four surgical operations were performed. There were 94 cases of alcoholism treated, 12 of which were colored. There were 198 cases of women treated during confinement, 5 white and 193 colored, only 46 of whom claimed to be married. In the hospital 228 cases of venereal diseases were treated and in the dispensary 541. On the recommendation of the Commissioner of Pensions 128 ex-soldiers were admitted and treated, and, on the recommendation of the Board of Managers of the National Soldiers' Home, 13 were cared for while waiting for transportation.

There have been four fire-escapes erected, two on the main building and one upon each of the female ward buildings.

Congress having made an appropriation of \$2,500 for that purpose, the intention is to build a two-story four-room house for the treatment of contagious diseases.

GOVERNMENT HOSPITAL FOR THE INSANE.

The report of the Board of Visitors discloses the following noteworthy facts regarding this institution:

Number of inmates at the beginning of the fiscal year: Males, 1,075; females, 322; total, 1,397. Admitted during the year: Males, 274; females, 71; total, 345. Whole number treated during the year: Males, 1,349; females, 393; total, 1,742. Discharged: Males, 82; females, 15; total, 97. Died: Males, 112; females, 28; total, 140. Inmates at end of fiscal year: Males, 1,155; females, 350; total, 1,505. Increase within the year: Males, 80; females, 28; total, 108. Of the admissions for the year, 115 were from the Homes for Disabled Volunteer Soldiers.

There are still 5 inmates living who were admitted prior to June 30, 1855.

During the year the Toner Building has been opened as a distinct hospital for the sick, with trained nurses and all modern appliances.

The infirmary annex, for which appropriation has been made, is now under contract and is expected to be completed during the fiscal year.

A thoroughly tested fire-steamer of most approved pattern has been purchased and engine-house built. A fire brigade has been organized from the inmates. With the addition of two additional reservoirs there will be an efficient fire force with appliances ready to be used on any part of the buildings.

The great humidity of the present cropping season has proved very detrimental to the agricultural and horticultural products of the institution, nevertheless those products have amounted to \$26,633.28, without consideration of forage crops consumed to the value of \$8,794.80.

Many of the male patients have been employed in farm work, as in excavating for the new building. In this regard the farm affords the

opportunity of substantial benefits to the patients as well as yielding a small profit to the hospital.

For estimates and other details reference can be made to the text of the report.

ARCHITECT OF THE CAPITOL.

The Architect of the Capitol reports the following improvements made on buildings and grounds during the fiscal year:

The heating and ventilating of the Supreme Court room has been improved, so that a constant supply of air may be had and diffused throughout the Chamber.

To furnish air undefiled by gas and smoke, a tower over 400 feet from the Senate wing has been erected in the western grounds, from which a tunnel a hundred superficial feet in capacity runs to the fans which supply air to the Senate Chamber and terrace rooms.

The coal-vaults at the wings have been enlarged, and hydraulic lifts placed at the eastern front. For that at the south front, a long tunnel has been constructed to connect with the terrace rooms.

A large amount of painting has been done and the building kept in a good condition.

As yet no definite arrangements have been made for the purchase of the electric lighting plant for the House of Representatives, or the acceptance of that for the Senate wing; but these plants have been used to great advantage during the present session of Congress, the Government paying only for the services of the workmen engaged in operating them during the session. By the use of these plants a saving in the cost of gas has been effected.

It is stated that as a measure of economy such plants should be purchased. It is understood that the Westinghouse Company has expressed to the Committee on Rules a willingness to change the system of the Senate plant, furnished by them, from a high tension to a low tension at their own cost, and if this change should be made the purchase of the plant is recommended. During the past season electric lighting has been extended in the building and introduced in the terraces, so that now there are in use an equivalent of 492 sixteen candle-power lights on the House side and 682 sixteen candle-power lights on the Senate side.

The marble and granite work of the terrace have been completed, and a number of the rooms fitted up ready for occupancy by committee, nine of which rooms have been occupied during the present session of Congress. All the others will be made ready by the next meeting of Congress.

The Capitol Grounds have been kept in good condition. The north roadway, running from Pennsylvania avenue to the eastern front of the Capitol, has been resurfaced, under a guaranty by the contractor that the same shall be kept in good repair for a period of five years. The

pavement at the east front of the Capitol, laid in 1877, is in a cracked and patched condition, and should be resurfaced in a manner to correspond with the roadway recently improved. An appropriation for this purpose is recommended.

The lot recently purchased for Senate stable and engine-house has been graded and fenced and carriage sheds and a workshop erected thereon.

The alterations and improvements of the Fish Commission building, authorized by Congress, have been completed, and various repairs and improvements have been made to the court-house and the Botanical Garden building and walks.

THE TERRITORIES.

IDAHO.

The census this year shows a population of 84,229, an increase, since 1880, from 32,610, or considerably more than double its former number of inhabitants.

The area of Idaho is 86,294 square miles, or 55,228,160 acres. Of this there are classed 16,000,000 acres as agricultural lands, 20,000,000 acres as grazing lands, and 10,000,000 acres of forests.

The total assessed value of real and personal property in 1890 is \$25,581,305. This does not include any lands unpatented, and many fine farms in high cultivation are yet unsurveyed. Nor are the miners taxed, and they are estimated to represent a value of \$50,000,000. The total bonded and registered indebtedness to October 1, 1890, was \$239,267.95.

The Governor in his report earnestly recommends that, in justice to many of the citizens now occupying lands to which they have no title and to those who are seeking homes, liberal appropriations should be made for the survey of public lands, and in this the Secretary concurs.

It is also recommended that all agricultural lands requiring irrigation be conveyed to the State by the United States. The Governor's argument is that if these lands were under State control a system would be perfected whereby the State could contract for their irrigation and be re-imbursed by their sale after they should be reclaimed. This subject is discussed by the Secretary under the heading of public lands, and his recommendations there made. The Governor also suggests that if the forest lands were placed under State control foresters would be appointed who would protect them from the foraging of speculators and the ravages of fire. He thinks that under wise legislation the timber might be disposed of but not the land, and that if properly managed a new growth of timber would follow these old forests and they could be perpetuated.

The new status of statehood has already attracted a considerable tide

of home-seekers, and it is said that inquiries are being made at the Land Office from every part of the Union.

The Governor endeavors to show the necessity for Congress to make liberal appropriations for selection and survey of school lands, as otherwise actual settlers will have secured all the most desirable lands before school lands can be selected. The Secretary strongly recommends favorable attention to this subject.

Idaho has a total railroad mileage of 941 miles, with a total assessed valuation of \$5,266,065. Over this railroad there were exported during the year ending June 30, 1890, 202,087 tons of products and imported 183,864 tons. The value of the home products marketed during the same time was \$10,395,150. Thirteen out of the eighteen counties of Idaho are in the arid belt, and will require irrigation to reclaim the land. In the other five counties of Shoshone, Kootenai, Latah, Idaho, and Nez Percé the soil is of the deepest and richest black loam, with occasional mixture of sand and clay, and the rain-fall is sufficient without irrigation. The governor states that from 35 to 60 bushels of wheat of excellent quality can be raised to the acre in these counties.

Stock-raising is one of the principal industries. The past winter was the most severe ever experienced, and the losses in cattle were very great. The system is being greatly modified and hereafter cattle-men will provide supplies and not depend upon the winter ranges, as formerly. An abundance of feed this summer has put the cattle into excellent condition for the coming winter.

MINING.

Since the discovery of gold in 1860, the mines of Idaho have yielded about \$175,000,000. At first the efforts were confined to placer mining; then quartz mining was undertaken. But the want of transportation and high freights have much retarded the development of these industries. Each year now, however, shows an increase. It is stated that there are mammoth lead-silver mines awaiting railroad facilities for development, and evidences of great universal wealth are given, which industry and enterprise will bring to the surface in the near future.

The increasing demand for labor due to new industries has been steadily met by new arrivals from the States. There is harmony between labor and capital, and wages are liberal, ranging from \$1.50 to \$2.50 per day for ordinary labor, and from \$4 to \$6 for skilled labor.

Referring in a very interesting report about the Indians, to the recommendations of a year ago, the Governor again urges that the Indians should be required to select lands in severalty. This would destroy their tribal relations and make them self-reliant and self-sustaining. The majority of the Nez Percés have already taken homes in severalty, and they are making marked advance in civilization and prosperity. It is strongly urged that Congress should immediately ratify the treaty recently negotiated with the Cœur d'Alene Indians for 250,000 or

300,000 acres of land. The peace and security of a number of settlers demand it.

The United States Assay Office is located at Bois  City, and is greatly appreciated by the gold mining interests, as the Government purchases and pays transportation on all bullion, the assay value of which is over 500 fine.

The Territory has constructed without Government aid a capitol building and furnished it elegantly, at a total cost of \$85,000.

The last legislature provided for the establishment of the University of Idaho to be located at Moscow. The site will consist of 20 acres and the building will cost \$60,000.

The Governor presents a most interesting report of the present and projected irrigation of the State, accompanied by specially prepared maps showing the canal system of the Upper Snake River basin and the irrigable area of the Snake River Valley in Idaho.

At present there is no highway or wagon road connecting northern and central Idaho, but under a recent act of the legislature such a road is now being constructed.

MORMONS.

The legislature passed a registry law requiring all who registered to take a rigid oath against bigamy or polygamy, and declaring the Constitution and laws of the United States and the laws of Idaho as the supreme law, notwithstanding the teachings of any church or organization. The leaders of the Mormon Church declared the law unconstitutional and carried it to the courts, and upon final adjudication by the Supreme Court of the United States its constitutionality was affirmed. This is known as the "Idaho test oath." The new State having been admitted without the elimination or alteration of any of the constitutional restrictions and prohibitions against bigamy or polygamy, the Mormons made no attempt to vote at the late election. The Governor thinks they will abandon these practices under a recent official manifesto of the president of the Mormon Church. This may restore them to citizenship.

Idaho is now beyond the Territorial status, having been received into statehood by the act of Congress approved July 3, 1890. Under the provisions of the constitution of the State, and in compliance with the proclamation of the Governor, elections were held for State, county, district, and township officers on the 1st of October, 1890.

There is much more of interest and importance in the very able report of the Governor, which will be published in full, and to which it is not deemed essential here to refer.

WYOMING.

Wyoming was admitted to the Union by act of Congress approved July 10, 1890. The report of the Governor of the Territory, from which most of the facts hereinafter stated have been gathered, is therefore the last that will be made to the Secretary of the Interior.

The first census of Wyoming Territory was taken in 1870, and showed a population of 9,118; that of 1880, 20,789. The census of this year shows a population of the present State of Wyoming of 60,589, exclusive of Indians, or an increase of 191.45 per cent.

According to the report of the Governor the total assessed valuation of property in 1870 was \$6,924,357. In 1890 it is \$30,665,499.11, and it is supposed that this does not represent more than one-third of its actual value.

September 1, 1890, there was a cash balance in the Treasury of \$94,914.02 and a bonded indebtedness of \$320,000, which represented a part of the expenditures for public buildings.

The people of Wyoming have invested \$10,000,000 in works of irrigation, and the length of irrigating ditches exceeds 5,000 miles. The rain-fall averages about 14 inches on the plains and perhaps three times as much in the mountains.

The soil of the State is rich, and needs no fertilizer but rain or irrigation. Hay and small grains are very profitably cultivated. The State has an enormous area of coal land, and its mineral paint is said to be of excellent quality. It has in reserve an untold wealth in its undeveloped resources. Live-stock raising and extensive mining operations furnish an excellent market for all kinds of products.

The people are largely American, young, vigorous, and industrious, and the percentage of illiteracy is very small. Provision is made by law for free public libraries and a small tax is levied for their support, and the law provides for compulsory education. Most of the counties have substantial and commodious court-houses, and the cities and towns have a high class of municipal government. The public buildings are commensurate with the growth in population and revenues. The Territorial public buildings have a value of \$500,000, and the school property is estimated at \$1,000,000.

School lands were leased in two classes, one known as "agricultural and grazing," and the other as "grazing." No lease was made for a longer period than five years, and all leases were subject to cancellation within six months after the Territory should become a State. The proceeds were appropriated to the support of the public schools. Heavy forests cover 7,000,000 acres of Wyoming and there are about 15,000,000 acres having more or less timber.

More than three-fourths of the lands of Wyoming are yet open for settlement under homestead and other United States land laws, and offer rich fields for emigrants desiring a new country and early privileges of selection. There are 15,000,000 acres of land unsurveyed. Upon vast tracts of this land, the Governor states, there are immense oil-fields, coal-beds, and boundless forests of valuable timber. He considers that the policy of Congress in the matter of public surveys, restricting the appropriations to the survey of agricultural lands, has been a great disadvantage in the way of retarding development, and

recommends a far more liberal policy in the future. He also states that the public debt, including territorial, county, and municipal, amounts to a trifle over \$1,000,000, while the public property, exclusive of land grants, is worth \$2,000,000. Wyoming has about 1,000 miles of railroad.

AGRICULTURE.

In agricultural pursuits there is noticed an increased development by the opening of new districts. Irrigation has been very successful in redeeming the arid regions, and by reason of the numerous streams of water, said to number 600 in the Territory, this artificial means of producing fertility has yet vast possibilities ahead of it.

The pasturage is of excellent quality and stock-raising, the oldest industry, represents a vast amount of capital. The number of sheep and horses especially has increased during the year.

MINING.

The Governor states that beyond doubt mining presents the greatest possibilities of any of the various resources of the present State of Wyoming.

The coal area is said to exceed 30,000 square miles. Gold, silver, iron, copper, lead, tin, asbestos, mica, magnesium, sulphur, graphite, kaolin, fire-clay, glass sand, granite, marble, slate, sandstone, and limestone, are also being developed. An extensive oil region promises to be one of the principal factors in the development of the new State. A number of flowing wells are now plugged awaiting better transportation facilities or pipe lines. The vast undeveloped resources of this country and the unoccupied territory open for every industry, offer splendid inducements for capital and well-directed labor.

The Governor says there is a constant demand for skilled mechanics and for women for house service. Mechanics receive from \$2.50 to \$6 per day, laborers \$1.50 to \$2.50 and house servants \$15 to \$30 per month and board.

The Shoshone Reservation is the only Indian reservation in Wyoming, and comprises over 1,500,000 acres in Fremont County. A large number of Shoshones and Arapahoes, who still maintain their tribal relation, are resident there. Some complaints are made of their wandering off the reservations, but this does not amount to more than at any other reservation. These Indians are not warlike, and efforts are being made to educate them in farming and other industrial pursuits.

Upon the subject of the preservation and protection of the forests and timber lands, the Governor renews his recommendations that some remedial legislation should be enacted. The great forest fires consume and devastate vast areas, while all the timber cut and used for all purposes does not amount to 5 per cent. of the quantity so destroyed. It is suggested that leasing the timber land under certain restrictions would largely remedy this evil.

The Governor submits a number of recommendations, including the the following: Largely increased appropriations for surveys and provisions for the correction by resurvey of erroneous and imperfect surveys. That the surveys be made to include grazing, mineral, and timber lands as well as agricultural. That the arid lands be donated to the State. That early action be taken to secure the full utilization of the waters of the mountain streams. That authority be expressly given for the taxing of the property when located on Indian reservations, and to punish white men for offenses against the State laws when committed on an Indian reservation. He renews the recommendation of one year ago that Wyoming be re-imbursed the \$8,000 expended by it in preserving the Yellowstone National Park.

An examination of the finances, resources, educational and industrial condition, and the additional grant of one-half million acres of land by the Government, in the act of admission, for the establishment, maintenance, and support of charitable, educational, penal, and reformatory institutions in the various parts of the State, would seem to warrant the conclusion that this new sister among the States enters upon her changed status with every promise of prosperity and future progress.

ARIZONA.

The Governor gives an interesting account of this prosperous Territory. It has an area of 113,000 square miles, and a population of 59,691 inhabitants. Its claims to statehood are ably supported by the Governor.

Its financial record shows that the total taxable property is worth \$28,050,234. But it is said that this is not over one-half or one-third the true valuation. The average rate of taxation throughout the Territory is \$2.93 on the \$100. The total Territorial, county, municipal, and school debt amounts to \$3,421,638.78. The items of the Territorial debt are set forth in the report. It is believed that the recent act passed by Congress will enable the Territorial authorities to fund all this debt at 5 per cent.

It is suggested that Arizona does not need the creation of a land court by Congress, but the Secretary is unable to approve the views of the Governor on this subject.

The railroad mileage of Arizona is 1,093 miles. It is stated that a north and south railroad line through the Territory is an absolute necessity. This has already received your examination and upon it you do not again probably require the views of the Secretary.

There are 701 miles of irrigation canals in the Territory, and 295,200 acres of land irrigated. The arable land which is practicably irrigable amounts to 5,550,000 acres.

The Governor solicits the General Government to grant to the Territory all the public lands within its borders for reclamation and develop-

ment. It is claimed that where irrigated Arizona has the richest soil, and is the best hay and vegetable and fruit country, in the world.

There were 200,000 head of cattle shipped from the Territory in 1889 and the first half of 1890.

The output of gold, silver, and copper mined in 1889 amounted to \$4,510,343.20.

Arizona has timber enough for home consumption for many years, the pine forests of the San Francisco Mountains covering 1,750,000 acres.

The public school system is one of the best in the Union. The value of school property is \$280,000; the expenditures for schools amount to \$143,000. The number of children between six and eighteen years of age is 10,700, and of these 7,000 are enrolled in 190 public schools.

The Governor considers that the Territory should be permitted to select its school lands, the sixteenth and thirty-sixth sections, without waiting for statehood. This the Secretary recommends.

The public buildings, all erected at Territorial expense, and all creditable structures, are the Territorial prison at Yuma, the university at Tucson, the insane asylum at Phoenix, and the normal school at Tempe.

The Governor states that the Indians are a continual menace and obstruction to progress, and requests their removal from the Territory. As an instance of the trouble they cause, it is said that in November, 1889, while Sheriff Jeff Reynolds, of Pinal County, and his deputy were taking eight Indian murderers to their punishment they were overpowered and killed and the Indians escaped. The murderers have since been run down and captured or killed, except one. Since that there have been several murders by Indians. The Navajos could muster 5,000 warriors, but they are peaceful. Otherwise they show few signs of civilization.

The Papagos, Pimas, Maricopas, Yumas, Mohaves, Hualapais, and Supais are peaceful and self-supporting, many of them farming. But the Apaches of the San Carlos Reservation are dangerous and, in the Governor's opinion, should be removed and the reservation thrown open to settlement. If this is not done he thinks the reservation should be reduced and the Indians disarmed. The Governor does not suggest the exact spot where these Indians to be removed would be entirely welcome. The subject is one of great difficulty, but it is hoped the earnest efforts of the Commissioner of Indian Affairs will bring about soon a better and more satisfactory state of affairs. Some of the Apaches, it will be remembered, are already in charge of the Department of War. Whether it wants any more may be well questioned.

MORMONS.

There are 12,000 Mormons in the Territory. It is expected that they will people the Territory more rapidly in the future than in the past, and in view of this, restrictive legislation, such as has been adopted in

Idaho, is recommended. The Secretary calls attention now to his remarks on this subject under the heading of Utah, where the subject is discussed.

The following recommendations are made by the governor and approved by the Secretary as noted:

(1) That an enabling act for the admission of Arizona as a State be passed by Congress.

(2) That all the public lands within Arizona be donated to the Territory, title to pass upon admission as a State.

(3) That all school lands within Arizona be donated to the Territory for school purposes, and provision be made for the selection of good sections in lieu of bad.

This Territory requires more than ordinary assistance to enable it to overcome the great obstacles inherent in its soil and surroundings, and with due safeguards the above requests ought to be granted.

(4) That the Apache Indians, who are now under military surveillance on San Carlos Reservation, be removed from the Territory and the reservation opened to settlement.

This is hardly practicable, for there is no place they could be placed without a great and reasonable resistance by the white people there. An Apache Indian is not a desirable neighbor; and while the good people of Arizona like him not, others who have never become accustomed to him at all like him less.

(5) It is further recommended that all Apache Indians on reservations under military guard be disarmed, and that they be prohibited from the possession of rifled guns and fixed ammunition, and that it be made a felony for any person to sell or furnish the Indians such guns and ammunition under similar penalties as are imposed for the sale of liquor to Indians.

This recommendation is approved. It has been necessary to keep a military officer as their agent for some years. Yet murders occur, and more than a hundred are now confined at Fort Union. It is a question of force, and the resistance to complete subjection to law and order should be made as small as possible.

(6) It is earnestly urged that if the Indians are not removed that the limits of their reservation be reduced, and the mineral and coal lands on the reservation be segregated and made available.

This is approved. But it is believed to be impossible without an outbreak, unless preceded by disarmament.

(7) It is requested that Congress appropriate funds for the erection of buildings to use in the public service in Arizona.

(8) It is recommended that the provisions of what is known as the "Idaho test oath," be made applicable in Arizona.

(9) That the act now before Congress which provides for a fourth judge in Arizona be passed.

(10) That the salaries of the present judges in Arizona be increased to \$5,000 per annum.

(11) That appropriations be made by Congress to pay the Governors and secretaries of Territories the amounts allowed them by law under section 1845, Revised Statutes of the United States, 1878.

(12) That the pay of legislators in Arizona be increased to \$10 per day.

(13) That Congress appropriate a reasonable sum for artesian well-boring in the Territory.

(14) That all public lands within the Territory be surveyed.

The requests from 7 to 14, both inclusive, are submitted upon the very able arguments of the Governor, who, the Secretary believes, is exceedingly well qualified to determine what the Territory most requires.

NEW MEXICO.

The Governor submits an extended and interesting report, conveying much valuable information in relation to the Territory.

The unsettled condition of titles to Spanish and Mexican land grants is discussed by the Governor as the matter of paramount consideration and importance to the people. But it is not deemed necessary to here dwell upon the subject, as the earnest efforts of the administration for the establishment of some competent tribunal to adjudicate these questions has resulted in the consideration by both houses of Congress of bills for the establishment of United States land courts for this purpose. It seems probable, and it is greatly to be desired, that an act may be passed before the close of the present Congress.

Referring to the feeling of extreme disappointment of the people on account of the failure of Congress to act favorably upon their application for admission to the Union as a State, the Governor says this feeling has been heightened by the recent admission of other Territories. Meanwhile, he states, the people have been proceeding in a dignified manner to arrange every preliminary that could possibly be required for admission. The constitutional convention which prepared a constitution in September, 1889, was reconvened on August 18, 1890, and during a session of three days perfected, by amendments, the constitution for submission to a vote of the people on October 7, 1890.

The census shows the population to be 144,862. The Governor estimated that it would amount to 180,000. The total registered vote in 1888 amounted to 42,871, which shows a larger proportion of voters to population than in the east, due naturally to the large number of miners and others without families.

PUBLIC LANDS.

During the fiscal year surveys upon Government land were approved and work was executed to the extent of 581 miles. The work has been limited by the insufficiency of the appropriation.

The surveyor-general recommends that a tract on the Upper Pecos, principally composed of mountains intersected by cañons, and admirably adapted for the purpose, be set aside as a national park. This recommendation is most heartily concurred in by the Governor, and is approved by the Secretary.

The Governor urges that if the Territory is not to be promptly admit-

ted an act should be passed giving her immediate possession of the school lands now reserved from entry that are unoccupied, as there is more urgent need for such aid now than will probably exist later.

IRRIGATION.

As in other Territories, there are in New Mexico vast areas of arid land which can only be redeemed for cultivation by irrigation. The total rain-fall at Santa Fé, where the only signal office of the Territory is located, was during 1889 only 7.89 inches, and this is said to be 2 inches more than the average. If all that territory over which the average rain-fall is less than 20 inches is rightly classed as arid, an enormous body of land in New Mexico can be reclaimed only by artificial means.

A large number of companies have been incorporated during the past year for irrigation, and those already in operation are producing most satisfactory results in the estimation of the Governor. One company has started, he mentions, a model farm, and has forty varieties of crops growing in perfection on land which only a year ago was part of a vast cattle range. Such evidence demonstrates the vast possibilities of the future of that region once styled the "American Desert."

The subject of irrigation and reservoirs is elsewhere discussed by the Secretary in this report.

AGRICULTURE AND HORTICULTURE.

The Governor states that the crops of all kinds are fully up to the average and the acreage has been increased. Yet sufficient grain or vegetables is not raised to supply the home demand. This presents a great inducement for farming and gardening on irrigable lands. The valleys of New Mexico seem to be specially adapted to fruit trees and vines, and the fruit produced is of excellent size and beauty. Foreign varieties of grapes and other fruits, and almonds, are found to here come to perfection. It is estimated that the Territory will ere long take high rank as a fruit-growing country.

STOCK RAISING.

Times have become better for the cattle industry. Pasturage has improved; buyers are plentiful, and prices advance. Sheep raising is one of the most prosperous industries in the Territory. The passage of the tariff bill has greatly enhanced the price of wool, and the local demand for mutton has increased the value of the flocks. It is said the wool clip for this year will amount to 10,000,000 pounds.

MINING.

The prospects of the mining industry are reported to be very bright, and the stimulus given to this industry by the tariff and silver legislation of the present Congress is resulting in the re-opening of silver and

lead mines which have heretofore been abandoned. The value of gold, silver, copper, and lead mined in 1889 exceeded \$4,000,000. Increased railroad facilities will develop a great many other mines now inaccessible for transportation. The lumber industry is very prosperous and forests of great value cover portions of the Territory.

SCHOOLS.

There is a gradual improvement in the public schools. The Governor states that the want of a school fund is severely felt. Sufficient English-speaking teachers can not be secured for the small salaries payable from the current tax. For this reason he urges that they should have immediate possession of the school lands.

INDIANS.

The Governor gives a very interesting report of the Indians upon the several reservations, showing the prosperity and progress made by these tribes, especially the Pueblos and Navajos. Several fine schools, one at Santa Fé and the Government training school at Albuquerque, are doing excellent work in educating the Indians. In the latter, which accommodates over two hundred children, farming, carpentry, cooking, shoe and harness making, tailoring, sewing, laundry-work, and general house-work are taught. There are a number of other good Indian schools in the Territory. Agricultural and industrial pursuits are being conducted with considerable success upon the reservations.

BUILDINGS.

The capitol and the penitentiary are the only Territorial public buildings which are in a completed condition. The last legislature made provision for founding five new Territorial institutions as follows: The University of New Mexico at Albuquerque, an agricultural college and agricultural station at Las Cruces, the New Mexico School of Mines at Socorro, and an insane asylum at Las Vegas.

The only one of these yet in operation is the agricultural college and experiment station, which receives an appropriation from the Government. The importance of this experiment station is clearly shown by the Governor. The observations taken and experiments made in agriculture and horticulture will be of especial value by reason of the peculiar natural condition of New Mexico as to altitude and climate.

GOVERNOR'S PALACE.

Among all the buildings in the United States, the Governor states, few possess so much historic interest and value as the Governor's Palace. For nearly three hundred years it has stood as the living center of everything of historic importance in the Southwest. It is older than the settlement of Jamestown and Plymouth, and through all these years,

under Spanish, Pueblo, Mexican, and American control, it has been the seat of power and authority. The ravages of time have made inroads upon the building and Congress has recently made an appropriation to aid in repairing and restoring it. It is now within the jurisdiction of the Department of the Interior, and the Secretary recommends it to the most favorable consideration and care of Congress.

UNDEVELOPED RESOURCES.

The undeveloped resources of this Territory will in the near future yield large returns to enterprise and labor. Great pine forests, the fertile wheat lands of the northern valleys and the broad acres adapted to alfalfa and other grasses, and especially to oats, which is said to be of a very superior quality, weighing from 34 to 40 pounds to the bushel, must sooner or later be changed into lumbering camps and farms.

There exists in New Mexico this strange and anomalous condition, that although wheat, corn, oats, alfalfa, and fruits of almost every variety could be raised in great abundance and of most excellent quality, the people actually buy large quantities of all these products in other markets. The Governor estimates that the amount paid annually by the people for these few staple articles which could be profitably raised at home is over \$1,200,000.

Public attention being drawn to these facts, the remedy will come with time and with the increase of population by immigration.

UTAH.

The population of Utah, as found by the census just completed, is 206,498, an increase of 62,535 since 1880, or about 43.44 per cent. From the Governor's report, it appears that from 1881 to 1889 the population increased 16,094 by Mormon immigration. Recently this has been chiefly from Scandinavian countries. The average annual immigration of this character is about 1,800, and is largely of the class of *assisted* immigrants. The increase in the value of property of cities and towns over 1889, as shown by the assessment rolls, is 139.6 per cent., while the increase of indebtedness of the same is only 27 per cent.

The total assessed value of property, real and personal, was in 1889, \$51,917,312, and in 1890 \$104,758,750, showing an increased assessed valuation of \$52,841,421, or more than 100 per cent. during the year.

PUBLIC LANDS.

The acreage and settlement of public lands from the opening of the land office in March, 1869, to the 30th of June, 1890, amounted to 21,193,325 acres. The Governor again calls attention to the vast amount of unoccupied land, amounting to 31,000,000 acres, owned by the Government in the Territory. Under the law of October, 1888, sites for reservoirs have been reserved on which water may be stored to be

used for agricultural purposes, and it is anticipated that by means of artificial methods a fair amount of land may be reclaimed. Much of the unoccupied land can not be used profitably for other than grazing purposes, and the people of Utah are interested in raising horses, cattle, and sheep. Having spent large sums in improving their live-stock, they are anxious to have the Government take some action that will enable them to acquire title to the grazing lands, or at least secure their use to them.

This question is of growing importance with each succeeding year. There seems danger that the natural grasses on the unoccupied lands may be destroyed. With the destruction of such forage plants the land will cease to have any value. The Governor therefore recommends that the title to unoccupied lands be vested in the Territory, the proceeds arising from the sales to be used for the improvement of the water supply, or as an endowment for the public schools; and, in any event, that the General Government should take some action that will enable the people to secure title to the grazing lands.

Under present conditions, the title being vested in the Government, they are looked upon as lands which may be used by any one, and the man who to-day finds a place to feed his cattle, may be to-morrow surrounded by other men with cattle, and in a short time the forage which would supply a limited number is completely destroyed. This situation also aggravates the existing bitter antagonism between the sheep and cattle interests, and is proving a blight to them and to the Territory itself. It is predicted that unless something is done by the Government to protect the grazing lands, and to provide adequate protection to those engaged in raising live stock, this valuable industry will soon be practically destroyed.

SCHOOL LANDS.

The total grant to the Territory of school lands is 46,080 acres. The water supply having been appropriated for use on lands cultivated by settlers, when the school lands are offered for sale there will be no water to use upon them, and this will render the greater part of them practically valueless. It is suggested that the grant should be increased and the legislature should be authorized to take some action respecting the sale of lands already granted.

IRRIGATION.

The question of irrigation is receiving, as it demands, a great deal of attentive consideration by the people, as some artificial method must be employed to water the lands until a change of climate alters the natural conditions. The water supply in these arid regions is derived from the rivers which have their source in the heart of the great mountain ranges. They are fed by the melting snows and find their

way to the valleys below through deep cañons. The water is diverted from these cañon streams at or near the mouth of the cañon by means of canals and spread over the land.

PUBLIC BUILDING.

The demand for a public building for Federal offices at Salt Lake City is again urged, as a measure of economy, and for the protection of the public records.

The Governor recommends that the old capitol building at Fillmore be given to the Territory, as it is gradually falling into decay, and contentions having arisen as to the title to the land on which it is erected, Capitol Square is being built upon by citizens.

The recommendation is renewed that the convicts confined in the penitentiary be placed at work, and that their surplus earnings be given to those dependent on them, or to themselves when their terms expire. As matters are, the innocent families are frequently the ones who are punished the most. The convict is well cared for and lives in utter idleness.

The insane asylum building is being greatly enlarged at a cost of \$163,000, and when completed will be one of the finest institutions of the kind in the West.

The Deseret University has opened under very flattering auspices, and the Reform School was ready for the reception of inmates last fall.

The Industrial Home and Agricultural College, with other institutions, are mentioned favorably in the report and appear to be in a flourishing condition.

INDIANS.

In regard to the Indians, the Governor says there are about fifteen hundred, remnants of former Pi-Utes, Shoshone, Pah Vants, Piedes, and Ute tribes, scattered through the Territory. About six hundred of them are engaged in farming and stock-raising. The remainder roam at will, having renounced their tribal relations. They are degraded and ignorant and are engaged in hunting, fishing, begging, and too often stealing. He recommends some Government provision for their support and care.

Complaint is made that straggling bands of Ute Indians from the Uintah Reservation in Utah, the Pine Ridge Reservation in Colorado, and the Navajo Reservation in New Mexico, are at times permitted to leave their lands and are committing serious depredations upon the settlers of Grand and San Juan Counties. This irregularity will be corrected through the Indian Bureau.

Vigorous protest is again made against the removal of the Colorado Utes to Utah, and attention is called to the action of the Territorial legislative assembly at its last session, asserting that the removal of the

Indians would work injustice and hardship to many deserving settlers, and that the presence of the Indians would be a menace and hindrance to the settlement of Utah.

The Governor thinks Utah has its share of Indians in those on the two reservations already existing there.

STOCK, MINING, AND OTHER INTERESTS.

The live-stock industry is rapidly growing in the Territory. The wool clip for 1889 is estimated at 11,575,000 pounds; sheep exported at 260,000, and cattle exported at 30,000. Extensive stock-yards are about to be established at Salt Lake City, and also packing-houses.

The mining industry has, it is claimed, been to a large extent the basis of all the real prosperity which has come to the Territory. The past year has been a very successful one to the miners, and many important discoveries have been made in the different mining camps.

The passage of the silver bill by Congress has had a most stimulating and beneficial effect. The yield of gold, silver, lead, and copper since 1878 has amounted to \$78,495,045.46. The yield in 1889 was \$8,830,030.50. A comparison of the yield of 1889 with that of 1878 shows an increase of over 73 per cent. in eleven years. About 60 per cent. of the amount is expended in the Territory for labor and supplies, affording a home market for surplus labor and products.

The report gives the following graphic description of the great manufacturing of salt in the Territory:

The production from the waters of the Salt Lake, by evaporation, was commenced by the first settlers in the Salt Lake Valley. Since then the industry has grown to quite large proportions. Along the shores of the lake salt farms have been taken up. These farms are divided into blocks of 2 or more acres. A hard bottom is prepared and the salt water is run in to the depth of about 6 inches. Because of the dry atmosphere the salt crystallizes rapidly. As soon as a surface of salt is formed the water is drawn off, and, after a day or two, the salt is gathered into piles and is finally shipped to the mining camps, where it is used for chloridizing ores, and to points east and west. When the crude salt is refined it makes a superior article of table salt. The price of the crude salt now ranges from \$1 to \$2 per ton, but the price is being reduced by competition. The waters of the lake are about 18 per cent. salt.

The general business prosperity which commenced some two years ago has continued until now it has reached nearly all the central and northern counties. Millions of dollars have been invested in real estate and an era of building has succeeded. Vast beds of coal, iron, and other minerals only await development, and the steady tide of immigration and influx of capital indicate that they may soon be developed and utilized.

FINANCES.

The finances of the Territory are reported to be in a healthy condition as the result of this prosperity, which is expected to continue.

A bank statement, from a number of banks reporting the condition of their business June 30, 1890, as compared with the same date 1889,

and including fifteen new banks reporting, shows an increase of capital of 61.1 per cent., and increase of deposits of 62.7 per cent. The capital June 30, 1890, was \$3,951,530 and deposits \$9,572,286.45.

RAILROADS.

There are now 1,183 miles of railroad in the Territory and additional lines in process of construction. Over the Union Pacific lines above 777,971,796 pounds of freight have been carried during the past year, and over the Rio Grande Western 765,004,000 pounds.

SCHOOLS.

The last legislative assembly passed a public-school law which the governor applauds as a patriotic act. By this law the schools have been made free and have been classified. A provision has been adopted favoring compulsory education, but, as the Governor states, not so as to be effective. The different changes are set forth at length in this report. The following, in this connection, is deemed worthy of exact quotation, as expressing the Governor's opinion:

With a free-school law in force throughout the Territory, the necessity for the schools established by the different religious denominations opposed to Mormonism will gradually cease.

These schools have performed a valuable work. At a time when the district schools were under Mormon control and Mormon history and doctrines taught in them, they afforded the non-Mormons the opportunity of having their children educated under different and better influences.

But denominational schools are opposed to the principles upon which our Government was established, and the non-Mormons will be glad to see the day come when the last one will have closed its doors forever.

I know of no reason why I should qualify the opinion previously expressed, that the Mormon Church has determined to and is now engaged in the work of establishing church schools throughout the Territory. The number of these schools is being gradually increased, with but one object in view, that of teaching their children the principles of their religion as a part of their education.

The Governor again urges that the appointment of selectmen, clerks, recorders, superintendents of district schools, and assessors by the Federal Government is the only way to effect a permanent and thorough reform in the municipal and county governments. He thinks it absolutely necessary that some such action should be taken to secure a population in sympathy with the Government. Under the present system the Mormons are in control in a great majority of municipal subdivisions, and apostasy from Mormonism involves loss of friends, oppression, and many hardships. A bill reported by Senator Edmunds is thought to embrace a portion of the desired legislation.

POLITICAL.

Salt Lake City and Ogden, the two most important cities in the Territory, were carried by the Liberal party (non-Mormons) in the elections for members of the legislature in 1889, and for municipal officers,

in February, 1890, and are now under non-Mormon control. The same result followed the elections for school trustees in July, 1890.

At the general election in August, 1890, for county officers, the Liberal party carried only four counties and the People's party (Mormon) carried twenty-one. The governor thinks Congress should interpose with proper legislation.

While, he says, it may be true that no specific orders emanate from the church, directing the people in their political action, in other ways its influence is strongly effective. Subserviency to the leaders of the church, and blind faith in them by orthodox Mormons, subject both their thought and action to their leaders. Some improvement in this regard is being made by contact with other sects, through commercial relations, but the constant appeals of their leaders for Mormon unity still welds together the larger body of them.

The non-Mormons of Utah urge that they should have the benefit of a law similar to that passed by Congress for Idaho, which, in the bill providing for the admission of the State, made what is known as the "Idaho test oath" a part of the election law of the new State. They ask for the passage of the Cullom or Struble bill, and also the bill reported from the Judiciary Committee of the Senate by Senator Edmunds.

The Governor's report is dated September 9, 1890, and at that time he states that the Mormons publicly claim that the church does not now sanction plural marriages, but at important meetings held under the auspices of the church, resolutions have been adopted vigorously declaring their intention to remain true to the old faith with all its teachings and practices; and that it is still generally believed by the non-Mormons that polygamous marriages are being entered into under the secret sanction of the church, which has been driven to such methods by the effective enforcement of the law.

Since the period at which the Governor wrote, however, great changes have taken place in the professions of the Mormons and the public declarations of the Mormon Church. There was handed to the Secretary of the Interior by John T. Caine, Delegate to Congress from Utah, a written communication of October 1, 1890, in which attention was called to the following declaration of Wilford Woodruff, president and highest authority of that church:

SALT LAKE CITY, UTAH, *September 24, 1890.*

To whom it may concern:

Press dispatches having been sent from Salt Lake City, which have been widely published for political purposes, to the effect that the Utah Commission, in their recent report to the Secretary of the Interior, allege that plural marriages are still being solemnized, and that forty or more such marriages have been contracted in Utah since last June or during the past year; also, that in public discourses the leaders of the church have taught, encouraged, and urged the continuance of the practice of polygamy:

I, therefore, as president of the Church of Jesus Christ of Latter Day Saints, do hereby in the most solemn manner declare that the charges are false. We are not teaching polygamy or plural marriage, nor permitting any person to enter into its

practice; and I deny that either forty or any other number of plural marriages have, during that period, been solemnized in our temples or in any other place in the Territory.

One case has been reported in which the parties alleged that the marriage was performed in the Endowment House in Salt Lake City in the spring of 1889, but I have not been able to learn who performed the ceremony. Whatever was done in this matter was without my knowledge. In consequence of this alleged occurrence the Endowment House was by my instructions taken down without delay.

Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I do hereby declare my intention to submit to those laws and to use all my influence with the members of the church over which I preside to have them do likewise. There is nothing in my teachings to the church or in those of my associates, during the time specified, which can reasonably be construed to inculcate or encourage polygamy, and when any elder of the church has used language which appeared to convey such teaching he has been promptly reprov'd; and I now publicly declare that my advice to the Latter-Day Saints is to refrain from contracting any marriage forbidden by the laws of the land.

WILFORD WOODRUFF,

President of the Church of Jesus Christ's Latter Day Saints.

Mr. Caine added in his letter that this declaration was entitled to great weight in any consideration that might be given the subject, and seemed indeed conclusive and "the very result at which the Government has been aiming so long."

In the conversation which took place when this letter was delivered, it was objected that Mr. Caine and the president of the church would have to meet the specification of forty cases with more than a general denial, and that the president was without authority to change the doctrines of the church; that this belonged, if to any, to the high council or general conference.

Mr. Young, Mr. Cannon, and Mr. Caine have, with some others, presented the claims of their church to confidence and favor.

After the conversation with Mr. Caine there followed (October 6th) a general conference of the Mormon church, and the proclamation above set forth was unanimously ratified. Addresses were there made to the people on the subject by the president and leading apostles. The newspaper reports of these addresses furnished by the governor are annexed and should be read in connection with the proclamation. [Appendix D.]

What is expected because of these proceedings, is, no doubt, a removal of the Utah Commission; the preservation of the elective franchise to the members of the church in all the States and Territories, where they may be and a test oath may be required of them; a restoration of the property of the church; and possibly the admission of Utah to Statehood with or without a test oath against polygamy. The present laws should not, however, be changed on these professions alone. These can be unmade by the same body that has made them. The "revelation" sanctioning polygamy remains unchanged. The mormons, by their works, must prove their declarations to be made in good faith, abandon polygamy, and conform to the practices of our people in social and home life, acknowledge and prove their allegiance to the United

States Constitution by obedience to the laws made pursuant thereto by a loyalty equal in time and strength to their past disobedience. The present system of laws against Mormon practices has been constructed by legislative wisdom, sanctioned by judicial decree, and enforced by the Chief Executive of the nation. Its object is not attained by securing a proclamation of obedience from those who have so long resisted it. Its purpose will be accomplished only when the opposing system shall have lost its power, even if it regains the will, to work the evils of the past.*

UTAH COMMISSION.

At the summer session held after the August, 1889, election, provision was made for Salt Lake City election to be held February 10, 1890, by appointing a chief registering officer and seven assistants, and issuing a circular to guide them in their duties. Upon complaint of irregularities practiced by those officers, the Commission held a meeting at Salt Lake City on the 10th of December, 1889. After a full hearing, the Commission rendered its decision on December 19, acquitting the officers.

Instruction was given also that equal facilities be given all legal voters for registration; that the registrars might inquire diligently and reasonably in any legitimate mode as to persons maintaining the polygamous relation, and on other preliminary questions they should accept the affidavit of the voter; a refusal to be at their own risk of showing the falsity of the affidavit. The registrars were cautioned that in the exercise of these functions they acted judicially, and as there would be probably no redress for a wronged voter, justice should be most carefully administered.

The Commission, on January 20, 1890, again convened at Salt Lake City, and complaint was then made that the registrars refused inspection of the registration oaths. The registrars answered that this action was necessary to enable them to compare the signatures with names entered on the books to be used by the judges of election, and in this, as a discretionary power of their office, they were sustained.

Pending these proceedings application for mandamus was filed in the United States district court by some of the refused voters against two of the registrars, asking that the names of plaintiffs might be placed on the registration lists. On the 18th the court decided against the complainants.

There has arisen a difference of opinion relative to the legal meaning of the term polygamy, which it is believed should be settled by legislation. The Commission has been of the opinion that if the plural wife has died or been legally divorced, or there has been an open and notorious separation, that the polygamous status of the husband is at an end. But others hold that once a polygamist always a polygamist until annested by the president.

* There are other facts and comments to be found in the report of the Utah Commission, next following, and in the reports of the governors of Arizona, New Mexico, Idaho, and Wyoming.

Some of the registrars acted upon the latter opinion. The grounds for these views are stated at length in the report of the Commission.

They also make the following statements :

The municipal election of February 10 was fair and the Liberal ticket was elected by from 700 to 800 majority.

July 14, elections were held for school trustees in Ogden, Provo, and Salt Lake City, under the supervision of the Commission, and the Liberal party attained control of the school in the latter city.

At a general election in August for commissioners to locate university lands and for precinct officers the Liberals were successful in Salt Lake City.

Since September 1, 1879, elections have been held in twenty-four cities and towns, at which three hundred and thirty-two municipal officers were elected. These were in addition to five hundred and fifty-five Territorial, county, and precinct officers elected at the general election.

The Commission has appointed three hundred and forty-eight registrars, eleven hundred and forty-eight judges of election, and issued eight hundred and eighty-seven election certificates.

The numbers of registered voters in Salt Lake City and in the Territory are given in the report.

When the Commission took charge of the "Industrial Christian Home Association" there was a building under way which has now been completed and partially furnished as a large and commodious brick building for the occupancy of "dependent women who have renounced polygamy, and the children of such women of tender age; women and girls with polygamous surroundings, in danger of being coerced into polygamy; girls of polygamous parentage anxious to escape from polygamous influences, and women and girls who have been proselyted elsewhere and removed into the Territory in ignorance of the existence of polygamy." However, but few of these classes have availed themselves of this generous offer.

If the Mormon Church would declare against polygamy there is little doubt but that the people would generally accept the declaration as binding upon them, but instead of doing this every effort of the Government to suppress the crime is denounced as persecution. In April, 1890, Wilford Woodruff, a disfranchised polygamist, was chosen "Prophet, Seer, Revelator, and President of the Church of Jesus Christ of Latter Day Saints in all the World." In his address to the conference, speaking of the book in which the doctrine of plural marriage is found, he said: "This book of revelations, like other records, will go down to the end of time and into eternity." Other leaders talked in the same strain.

President George Q. Cannon said, in February, 1890 :

"The doctrine of polygamy was accepted many years ago as a revelation from God. That revelation stands; we can not wipe it out by a declaration of man. * * * Some of us believe the revelation is a command from God to take plural wives. I so consider it. * * * Others consider it as permissive."

In October, 1889, one Jespersen pleaded guilty to a plural marriage, consummated in May, 1889, in the endowment temple in Salt Lake City.

It is believed from the reports of registrars that 41 male persons have contracted plural marriage since June, 1889, and yet there are many communities where there are no anti-Mormons to act as registrars, and as the greatest secrecy is observed it is probable that a very large proportion are not reported.

There have been 220 indictments for crimes against the marital relations since September 1, 1889. There have been 152 convictions, 39 indictments are pending, 202 cases have been reported to United States Commissioners, and 149 held to bail.

The recommendation of last report for legislation is renewed. In addition it is recommended that the Commission be authorized to issue binding instructions to the registrars; that the registrars be made personally liable for any willful act of commission or omission, and that a test oath similar to that of Idaho be prescribed.

Since the date of this report the president, Woodruff, has proclaimed an abandonment of the practice and doctrine of polygamy; and this has been confirmed by an order of the council or conference of the church. Comment and recommendations upon this subject are made by the Secretary upon the report of the governor of Utah, preceding this of the Commission.

Mr. Cannon, referred to in the Secretary's remarks, is a son of ex-President Cannon, above mentioned by the Commission.

ALASKA.

The Governor of Alaska comments upon the difficulty of acquiring exact information in regard to this Territory owing to its vast extent and the small means of communication, but states that the commerce of the Territory is large and important and yearly increasing in volume. The exports consist, for the most part, of furs, skins, deer-horns, ivory, bone, oil, gold, silver, and other valuable ores, bullion, fish and canned products of fisheries, fertilizers, Indian curiosities, berries, etc. The imports are goods of all kinds for trade with the natives and resident whites: coal, lumber, machinery, furniture, provisions, material for canning, and other manufacturing enterprises. In the matter of the fur trade the Governor states that about 100,000 full-sized sealskins were taken by the Alaska Commercial Company during the year and that probably half as many more were captured at sea and stolen by poaching vessels.

FISHERIES.

The importance of the Alaskan fisheries in a commercial point of view may be gathered from the number of vessels employed in that industry, though part of the carrying business in southeastern Alaska was given to the regular line of mail steamers. Excluding from enumeration the steam launches, tugs, fishing-boats, and scows employed by the various canneries in the direct work of taking and preparing the fish for market, the ships employed in transportation to San Francisco and ocean work were 106.

Thirty-six salmon canneries were in operation during the year, representing with their equipments a capital of over \$4,000,000, and their pack amounted to the enormous number of 702,993 cases of 4 dozen 1-pound cans. The growing importance of the business may be illustrated by comparing the above figures with the results of former years. The record stands as follows:

Year.	Total pack.	Year.	Total pack.
	<i>Cases.</i>		<i>Cases.</i>
1883.....	36,000	1887.....	190,200
1884.....	45,060	1888.....	439,293
1885.....	74,800	1889.....	702,993
1886.....	120,700		

The Governor states that the seal fisheries are not confined to the catch on the Pribyloff Islands, where only 100,000 are allowed to be taken. Of those captured by the revenue-cutters because illegally taken in the waters of Alaska during the year, 2,468 skins were sold for the sum of \$21,256, and it is claimed that more than 20,000 skins were successfully carried away by poachers to Victoria.

The importance of protecting the fishing business by appropriate legislation is strongly urged by the Governor. In many places the salmon fishing is overdone, and in many more, unwise and destructive methods are employed. Aside from the business interests of the white people, the actual subsistence of the natives is largely concerned. They are bound to their local resorts, fishing-grounds, and habits of their ancestors. They know no other way of life or means of subsistence.

MINING AND MINERALS.

The Governor states that attention was mainly given during the year to the practical development of claims already located, though a large number of new locations have been made. In working the quartz mines many of the ores are sent long distances to the smelters for reduction, while in other cases the ores are piled up awaiting the erection of mills.

There are thirteen stamp-mills in the Territory for crushing ores and obtaining the free gold, aggregating 525 stamps. Of these the mill of the Alaska Treadwell Gold Mining Company, is said to be the largest in the world, having 240 stamps, 96 concentrators, and 12 ore crushers.

The ore worked by this company is of low grade, but from the convenience of reduction and transportation it has yielded an excellent profit on the investment. Sixty tons of ore from the Silver Creek mine gave an average return of \$200 per ton. The smelting returns show that the lowest grade of ore shipped from the surface workings ran 66 ounces of silver and \$4 in gold to the ton, while the first-class ore gave returns of 341 ounces of silver and \$22 of gold.

Of the other minerals, coal has been taken out in small quantities at nine different places, and thus far is generally of bituminous character and burns freely. The deposits on the mainland have not been explored.

PUBLIC LANDS.

Under the statutes affecting this Territory the Governor states that title to public land can not be acquired except under the mining laws, and this condition of affairs operates to retard very materially the development of the country. There is no encouragement for any one to make improvements of which he has no assurance that he will have the enjoyment. The Governor reports that a few have ventured to make limited improvements upon the public lands with the hope that legislation recognizing claims based upon such expenditures, and settlement

rights, would not be long delayed, and legislation to rectify this state of things is urgently recommended by the Secretary.

The town of Juneau and Douglas City have attained a considerable size, while buildings and improvements by private individuals in other places also manifest the confidence felt that ultimate relief will be afforded. The growth of the towns and the agricultural interests of the country are, however, alike dependent upon future provisions by which title to public land may be secured. The immense value of the territorial exports, the employment of hundreds of vessels in the carrying trade, the business enterprises involving the investment of many millions of dollars, as well as those resources found sufficient to attract and hold enterprising citizens under conditions of uncertainty, all unite in the common plea for more favorable legislation in this direction.

TRANSPORTATION AND POSTAL FACILITIES.

The present report repeats and emphasizes the need of better postal and transportation facilities. The regular and distinctively public lines of transportation in Alaska are limited to the line of the Pacific Coast Steam-ship Company from San Francisco to Southeastern Alaska, and the small steam-tug carrying the mail from Fort Wrangel to Shakan and Klawak. The steamers of the coast line made twenty-nine trips last year, carrying the mails, and usually touching at seven places, and occasionally delivering freight and mails at ten or eleven places. The Klawak steamer touches at three places, making twelve trips, but has a very limited capacity for freight and passengers. The Alaska Commercial Company has accommodated those who desired passage, and has carried mail matter for the convenience of the isolated settlers of the Northwest and the cruisers in Behring Sea and Arctic Ocean.

There are eleven post-offices served with mail within the southeastern district, though some of them at rather infrequent intervals, Sitka, Juneau, Douglas, and Wrangel receiving mails from the States twice a month.

The Governor urges the claim of the Territory to better postal facilities, and bases his argument not only upon the growing business interests of the people, but the necessities of the government in the administration of public affairs.

LEGAL AUTHORITY.

Abundant proof of the great necessity for the establishment of some legal authority in various localities is given by a letter from the special agent in charge of the Alaska division of the Eleventh Census, in which he says that—

Mining camps and fisheries attract during the summer a numerous assemblage of ignorant Italians, Greeks, Portuguese, and Chinese, who are easily led to excesses of various kinds. In four or five such locations shooting and stabbing affrays and

murders have occurred during the past summer, and in every case there was a total failure of justice owing to the absence of magistrates and the impossibility of reaching the court at Sitka.

An evil of another kind can also only be suppressed by the presence of local magistrates; that is, the introduction of the vilest kind of liquor manufactured by the Chinese laborers employed at the canneries. These men bring up their own supplies and in this way can easily introduce any quantity of this pernicious stuff without detection. Nearly all of this liquor passes into the hands of the native laborers and of the worst element among the fishermen. The Chinese peddle this vile beverage openly at \$3 or \$4 a bottle, and so extensive is this trade that the large amount of coin taken up by the various establishments for paying off laborers, amounting to many thousands of dollars, invariably becomes locked up in the hands of the Chinese towards the end of the season.

The gentlemen in charge of these large fishing establishments do their best to suppress the evil, but it is only in rare instances that they succeed in confiscating small quantities of the liquor, which they do not even dare to destroy for fear of strikes on the part of the Chinese employes and injury to their business.

The number of this class of population during the summer season I estimate as follows:

At the canneries of Nushegak, on Bristol Bay, about 350 whites and over 400 Chinese; at the canneries on the Alaska Peninsula, about 200 whites and 300 Chinese; at Karluk, about 600 white men and nearly 800 Chinese; at the canneries of Cook Inlet, about 150 whites and 200 Chinese; at the Prince William Sound and Copper River canneries, about 150 whites and 200 Chinese.

Very respectfully,

IVAN PETROFF,

Special Agent in Charge of the Alaska Division.

CONDITION OF THE NATIVES.

The Governor's report on the condition of the native population is a very full and interesting paper, embracing much valuable information with respect to the different race-characteristics and customs of the various tribes, as well as those changes in their condition which have been brought about through contact with the white settlers, and closes with a renewal of the former suggestion of Government aid in the establishment of a hospital for the treatment of certain prevalent diseases which threaten the ultimate extinction of the native population.

EDUCATION.

Fourteen Government day schools have been in session during the year, eleven of which were attended exclusively by natives. The work of these schools is reported to be measurably satisfactory, though the attendance is not as full and regular as could be desired, and to remedy this evil the Governor again suggests a mildly compulsory system.

In addition to the above schools the Commissioner of Education has entered into contract for Government assistance of schools under the care of ten different missions.

Twenty-two other schools in connection with missions were maintained without Government aid; seventeen of these schools were under

the mission work of the Græco Russian Church. The Alaska Commercial Company, in accordance with their contract with the Government, maintain schools on St. Paul and St. George's Island, and these with the two homes for children under control of the Presbyterians at Juneau and Howcan, make the total number of schools forty-eight. Several new Government schools are under consideration.

MISSIONS AND CHURCHES.

The Græco-Russian church has been established in Alaska for many years, and has been an active force during the latter part of its existence, especially among the Sitka tribe of Thlinkets and the Aleuts. It has at the present time twelve churches, with resident ordained priests, sixty-seven chapels in charge of unordained assistants, seventeen parish schools, and about twelve hundred members within the Territory.

The mission movement began in 1878, except in the case of the Russian church, and there are now missions maintained by thirteen different denominations. The native Presbyterian church at Sitka numbers about three hundred. The industrial training school has one hundred and seventy students and twenty-one teachers.

The assertion sometimes made that mission work among the Alaskans is not productive of any good result is not borne out by the facts. The Governor says that the improvements in the lives of the children is reflected in a measure by the family, and that the missionaries and teachers can always be relied upon for co-operation in the work of the civil government.

REPRESENTATION IN CONGRESS.

The Governor states that the people exhibit strong feeling upon the subject of having a delegate to represent them in the National Congress, and submits a copy of correspondence between himself and residents of the Territory to show the urgency of the demand.

SUMMARY.

The Governor's report closes with a statement of the more pressing needs of the Territory; his recommendation to remedy which is heartily concurred in by the Secretary.

- (1) Provision for acquiring title to the public lands.
- (2) The adoption of a townsite law.
- (3) The definition of citizenship and qualification of voters as preliminary to future legislation authorizing elections.
- (4) An extension of mail facilities.
- (5) The establishment of hospitals and provision for supporting insane paupers.
- (6) A steam vessel should be furnished for the use of the civil officers in the administration of public business.

YELLOWSTONE NATIONAL PARK.

In the previous portion of this report relating to the public lands, the great importance of protecting the forests was dwelt upon at some length. Those in the Yellowstone National Park are composed in large part of great trees; the area of the woods is far-reaching, 83 per cent. of the 3,400 square miles being timbered, and the head-waters of some of the greatest rivers rise within its borders in the west. The loss of these forests would be disastrous to the vast valley-lands that the rivers irrigate and their preservation is alike necessary for the beauty and grandeur of the park and the safety of the lower valleys.

In regard to this it is necessary to state that during the last year the forest fires were more disastrous, as stated by the Superintendent in his report, than ever before known in the history of the park. Seventy fires occurred. One between the Yellowstone and Shoshone lakes was supposed to have been started by lightning; it became unmanageable and burned itself out. Another started south of the park and burned its way inward; and a third, a disastrous fire, was, it is said, the result of the grossest carelessness, taking a wide range and being controlled only by the greatest labor. The troops are reported to have worked day and night in the extinguishment of these different fires, and have no doubt had a severe experience in such service. There can be no blame for these disasters attached to either the Superintendent or the Department. The force under him is found to have been well trained and faithful, and when the Superintendent was here last spring, in anticipation of the trouble now detailed he was supplied with all he demanded at the time for battling with such conflagrations.

He recommends that to avoid these catastrophes there should be regular camping grounds established where campers should be required to stop, and also that there should be supplied two water tanks and the necessary draught animals for conveying the water to the locality of the fires to extinguish them, as water only can when it gets into the roots of the trees. Since his regular report, the Superintendent has written the Secretary that the last year's experience has been of great value to him in the matter of handling campers, and that all who have come within the park have been thoroughly instructed in the matter of making and extinguishing their fires, and that the park has passed through the ordinary season this year with no fires traceable to them. It should be remembered also that much sentiment is attached by our people to this and other parks, and that they rejoice in the pleasures derived from visits to them and are quick to condemn any severe losses they may there observe.

The rental obtained from such leases as the Secretary is authorized to make and other sources of income produce but a small amount of money to protect this very valuable property, and Congress would do

well, in the Secretary's opinion, to be more liberal in its appropriation. The present system of having a military officer and a company of cavalry detailed to take immediate charge of the park is probably the best, and should be applied to the different parks coming under the control of the Department of the Interior, and the money which would otherwise have to be paid to a civil superintendent could be well turned to the preservation of the woods, the animals, and the feeding-grounds.

WILD ANIMALS.

It is a standing order of the Department that none of the animals or birds in the park shall be killed or destroyed in their haunts. Anyone using fire-traps or other means of destruction, or introducing them into the park, is required to be immediately ejected on proof of his offense. This rule has been almost universally observed, and but few attempts have been made to violate it, the result of which protection has been that the animals and birds have become, it may be said, half tame. The buffaloes, however, break into small bands and seek the fastnesses of the mountains where they multiply, so that in the future large herds may be expected. Had not this park been established at the time it was it is probable that this whole remnant of the vast herds that once covered the plains would have been destroyed, and scarcely a living specimen of the millions of this animal that existed but a short time ago been left in its native range.

The report that a band had left the Park and were being slaughtered on the outside by hunters was immediately followed up and is believed to have been entirely unfounded. Herds of elk are to be seen in the winter, numbering several thousand. During the summer the Park is visited by a great number of these animals. The deer are driven to the highest elevations by the flies, and many thousands of our people leave the Park believing possibly that it has no such herds as really exist, if it possesses even a single specimen. The Superintendent suggests that a band of elk should be, at small expense, fenced in at Sylvan Lake Valley, and a herd of buffalo at Hayden Valley, as a showing of what the Park contains.

It has followed from the total prohibition of the use of fire-arms and the provision of the law that prohibits killing any of the animals there, that the bears and pumas have greatly increased, and as they find their natural prey in the buffalo, elk, and deer, they probably kill some of the calves and fawn. The Secretary has hesitated to order the destruction of the bear and other beasts because of the prohibition contained in the law, and the general demoralization that would take place if hunters were allowed to go through the Park for any purpose whatever. In another year it may be that orders should be given to the Superintendent to use his military force for this purpose, under strict instructions as to the duty to be performed. It is not believed that at present any great harm is being done by having these animals preserved, and

it may be that a number of them could be well disposed of by being transferred alive to the zoological gardens at Washington or elsewhere. It is a subject that will demand consideration when the question really requires solution.

FISH.

Last year the Fish Commission planted 7,000 young trout above the falls in Gardner River, Gibbon River, and Fire Hole River, and, as the Superintendent writes under date of August 31, two car-loads of trout had been planted in the Shoshone and Lewis Lakes, and another was about to arrive for those waters and the Fire Hole, and it was expected before the close of the season nearly all of the barren waters of the Park would be stocked, and in about three years there would be fine fishing everywhere. As is well known, some of the trout in Yellowstone Park are infested with worms. A very suggestive letter to the Superintendent, Captain Boutelle, U. S. A., has been written on the subject by Prof. Edwin Linton, who visited these waters in connection with Prof. S. A. Forbes during the past summer. Professor Linton makes the suggestion, to which, however, he does not commit himself entirely, but the Secretary begs leave to present it as a very interesting subject of investigation and speculation. It is that the larva infesting the lake-trout is non-sexual and corresponds to the parasitical animal in the common pork tape-worm, and as the sexually mature animals of the same genus as the larva found in the trout infest also the trout-eating pelican which frequents the lake, the animal would die in the fish if it were not allowed to mature in the bird.

In the language of the professor, this larva corresponds to—

The "measles" of pork in the life of the common pork tape-worm, which reaches its adult condition in man. The parasite of the trout belongs to the order of worms that needs two different animals in which to complete the cycle of life. My search, after making some further examination of the trout themselves, was, therefore, for some animal that eats the trout, uncooked, and in which I could find a worm in the intestine, sexually mature, which would correspond with the immature form in the trout. I have examined some of the fish-eating birds that occur on Yellowstone Lake and find good evidence that the pelican is the final host of the parasite which infests the trout. I shall need to make a more careful examination of the material I have collected than is possible with my present appliances before I can publish it as certain that this is the true state of the case.

I may say, however, that I have found an intestinal parasite, sexually mature, with eggs, in the pelican, which belongs to the same genus as the immature form occurring in the trout. Furthermore, collateral evidence alone makes out a very strong case against that bird. I found that the stomachs of the four pelicans I examined contained partly digested remains of fish, evidently average sized trout from the lake. The pelicans were shot on Molly Island, in the southeast finger of the lake, where they have a breeding-place and resort in large numbers. The pelican is the only fish-eating bird I have seen in any numbers on the lake. I am informed that it eats fish that have been left on the shores of the lake. The parasites occur in the same fish often of very different sizes, from a small cyst no larger than a small-sized shot, to larvæ in the muscular tissue a foot in length.

Certainly very strong established scientific data will have to be found before the bird is destroyed to save the fish, and, after all, it may be as difficult a matter to exterminate the pelican, with his wide range of breeding country outside the lake, as it would be to annihilate the fish. It is understood the worm-infested trout is confined to a very limited and well defined region of the waters.

ROADS.

Sixteen miles of new road, principally in Gibbon Canyon, were constructed last year by the Engineer Corps. The appropriation bill for the next year requires the work to be done by contract. The Superintendent suggests that, owing to the rough character of the country, breaks in the roads not to be anticipated by contract are continually occurring requiring repairs, and the work is liable to cost much more than under the present system. He recommends that this should, in preference, be continued, and as it seems a reasonable recommendation it is approved.

There has been a great deal of complaint during the past season as to the management of the transportation in the Park, and, although the Superintendent has expressed a most favorable opinion of Mr. Wakefield's ability to perform this work satisfactorily, the Secretary deems it best to have further investigation made. Mr. Wakefield is at present without authority to act independently in this business, and it is understood that he is not now working for the Park Association. It will be at least necessary for him to take the contract under the conditions and restrictions that are imposed upon all others who do business of any kind there.

The hotels are reported to have been in about the same condition as last year. The Superintendent criticises some of them, no doubt justly; and notice has been sent to the Association that they must bring their hotels into a better condition, and prepare more suitable accommodations for the ensuing season, or the forfeitures of their contracts will be enforced.

The elevator in the canyon spoken of in the Superintendent's report has been prohibited, and will not be erected until further orders.

A bill has been before Congress time and again prescribing just laws for the government of the Park under which those guilty of defacing its wonders, destroying its game, injuring its timber, or otherwise impairing the usefulness and beauty of the reservation would be punished adequately. The bill was carefully scrutinized by the Secretary and many scientific persons interested in the subject, but as it was amended so as to authorize the building of a railroad into the Park, the result was that the act has never passed. There are very strong reasons presenting themselves against the construction of a railroad in a reservation such as this is intended to be, and in the Secretary's last annual

report the subject was discussed, and the conclusion reached was expressed as follows :

So long as this tract of country shall remain a national preserve for science, curiosity, and pleasure, it will of course be an object of cupidity to the covetous, who will see or imagine countless ways in which its exhaustless wonders and resources can be turned into private advantage, and who will invent many artifices to beguile and circumvent the guardians of this national treasure into granting them footholds of one kind or another, whereby they can make personal gain of this great public benefit. If it is not to be thus frittered away, deprived of its most attractive features, and measurably lost to science and wonder, if not to pleasure, the best and surest way to protect it is to permit no trimming down, no incursions, and no privileges except such as may be deemed absolutely necessary for its protection and regulation, and for the proper accommodation and comfort of visitors.

The passage of the bill that is already before Congress is earnestly recommended, without the provision allowing a railroad to be built therein, and it is further recommended that there be incorporated in the bill a provision for marking more definitely the boundaries of the Park, and that a sufficient appropriation be given therefor.

HOT SPRINGS RESERVATION.

The condition of affairs at the Hot Springs Reservation is peculiar. Many of the leases authorized by Congress have expired, but owing to pending legislation the Secretary has deemed it best to make no new ones until this legislation may mature. The former lessees under contract have become mere tenants at will, and are liable to be removed at any moment, with a forfeiture of their existing improvements. A great evil that has sprung up at this reservation concerns prices and service. A league has been formed, it is thought, and the public is thereby deprived of the free competition that the Government has a right to expect and require. This has arisen from the violation of the provisions of the leases prohibiting assignments without the consent of the Secretary of the Interior. These secret assignments have made it possible for a very few men to control the greater number of bath privileges. Six persons own Old Hale, Horse Shoe, Magnesia, Ramelsberg, and Lamar Springs, with one hundred and thirty-nine tubs, most of them being held illegally.

The old Hale, Independent, Palace, Horse Shoe, Magnesia, Ozark Rammelsberg, and Lamar, with 205 tubs, are now in the "pool," with George G. Latta president and C. W. Fry auditor. The earnings of these houses are pooled and distributed on agreed ratings. The pool is said to have existed since 1883. It is believed that the combination is in violation of the letter and spirit of the law and should not be tolerated. An act is pending in Congress giving the Secretary power of investigation and sufficient authority to crush this evil out, and, in order that the action when taken might bear evenly upon all, the delay mentioned has occurred.

This reservation is in the center of a State, and the inhabitants about it and on it are able to appeal to the State laws and courts for protection against one another. This is liable to lead, as it has already done, to complications with the United States. In a controversy not long since arising between partners, one of whom had a lease for a bath-house, the plaintiff endeavored to have the defendant's interest in this property seized and sold by a receiver in a suit in equity for the settlement of the partnership affairs. Learning of this intended invasion of the public property by the civil authorities of the State, the Secretary anticipated such action by ordering the Superintendent to expel the tenant at will and take immediate possession. This was done, but the Superintendent was arrested by the State authorities. Thereupon the United States district attorney at Little Rock was summoned to take charge of the case, and the State court concluded that it had no jurisdiction in the matter, and rescinded its order.

The property thus thrown upon the hands of the Superintendent was one of the main bath-houses on the reservation, and to have closed it would have caused a great privation to visitors dependent upon it for their "treatment." The Superintendent was therefore authorized to keep the house open and receive the ordinary charges made at the institution previously. The result has been that in the short period of his possession he has obtained over \$2,900, which has been placed as a special deposit subject to the opinion of the Attorney-General as to whether it can be used for the improvement of the reservation or must be turned into the Treasury absolutely. The receiver having been discharged from the equity suit and there being no longer any fear of intervention, the original lessee has been allowed to resume possession on the same terms with others in like condition.

The report of the Superintendent gives all the information that is probably to be expected in regard to this important Government reservation, and in it may be found many facts of interest. He says that it is subdivided into Hot Springs Mountain, North Mountain, Sugar Loaf Mountain, and West Mountain, together constituting the permanent reservation of 900.63 acres, together with 2,019 city lots, 1,270.10 acres in area, and 358.37 acres in streets and alleys. Of the city lots, 1,435 were awarded to individuals, 258 sold and donated, and 326 remaining the property of the United States. The permanent reservation is principally rough, rugged, and precipitous, covered by scraggy timber and underbrush, and without roads, and in most part even without bridle-paths. It is surrounded by a population estimated at 10,000, and it is made the duty of the Superintendent to guard and protect the trees, shrubs, sod, earth, rocks, or anything belonging to the reservation. He asks that he may have the means provided to enable him to perform this duty, and this is earnestly recommended.

The four mountain divisions of the reservations are beautiful sites for natural parks, and might be rendered very attractive with an ap-

appropriation made for the purpose. This was recommended last year, and is now again most strongly advocated. It is discreditable to the Government to have these mountains, fairly within the city limits, and in the presence of all the great hotels, where so many of our citizens resort for health and pleasure, in the condition they now are. The bill pending in Congress gives the Secretary, through the Superintendent, control over the waters of these springs; a control that has long been needed, and without which there must occur the utmost waste and the greatest injustice.

As has been said, several of the largest springs are now under temporary tenancy of a very few individuals, who use and waste hot water, sometimes from bad plumbing and distribution, and partly because the bath-houses are built very close to the springs. The superintendent states that it is his opinion a great mistake was made in the first instance to lease for bath-houses the *sites upon which hot springs are situated*, and recommends that all sites or grounds on which there are hot springs should be preserved from lease or occupancy as the only way to control and protect the waters. This view is no doubt correct and should be enforced. Many of the bath-houses over these springs are now worn out and worthless, and when removed the leases should not be renewed.

The total amount of rents collected was \$13,090.

The expenditures for salaries, repairs, improvements, etc., for the fiscal year were \$5,247.47, leaving a net income to the Government of \$7,842.53.

By a statement furnished by the register's office, it appears that there were, on the 26th of June, 1890, \$9,315.44 standing to the credit of the reservation on the Treasury books.

Attention is also called to the last annual report of the Secretary in regard to this reservation.

In relation to the reservoir now under construction, some discussion has arisen as to whether the waters gathered therein will be as beneficial as if allowed to go to the bath-houses without this arrangement. Congress has already passed upon this subject by ordering the reservoir to be built and making an appropriation therefor. Contracts were duly made for the reservoir, the engine-house, pipes, machinery, and boilers, and all appliances necessary. The plans have been arranged, and the work commenced and will soon be completed. There are 65 springs, some with water at a temperature of 157°. The heat will be maintained in the reservoir to the degree of, probably, not less than 130° Fahrenheit. It is thought the water will thus be altogether unaffected in its remedial qualities, inasmuch as the heat of the water is natural as well when distributed from the reservoir as when received from the pipes leading to the springs directly, and is at a higher degree of heat than can be used in bathing. It has to be cooled by other water in any event

The Secretary has no hesitation in expressing the opinion that it would be far better to proceed with the reservoir and the system already inaugurated than to change at the complaint of a few persons who may find it more to their interests to use particular springs for certain bath-houses than to be put upon that useful level that protects the public interests and by fair competition enables the greatest good to be obtained by the greatest number at these springs. Monopoly should be destroyed. The hot springs are God's gift, and the water should be distributed with as little taxation as possible to the sufferers who resort there. It is a place where the poor as well as the rich in their affliction should be protected by the Government.

THE SEQUOIA NATIONAL PARK.

By act of Congress approved September 25, 1890, the tract of land in the State of California described as township 18 south, and ranges 30 and 31 east, and also sections 31, 32, 33, and 34 in township 17 south, and range 30 east, and by act of Congress approved October 1, 1890, the adjoining tract described as townships 15 and 16 south, ranges 29 and 30 east, and also township 17 south, range 30 east, except above mentioned sections 31, 32, 33, and 34 have been set apart for a public park.

The act provided as follows :

SEC. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years of small parcels of ground not exceeding five acres, at such places in said park as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases and other revenues that may be derived from any source connected with said park to be expended under his direction in the management of the same and the construction of roads and paths therein. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purpose of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

The park was not given a name by the act, and the Secretary finding it necessary in establishing the required rules and regulations for its government to give a name to the reservation, called it the Sequoia National Park. The reason for thus naming the park is more weighty than that it is the name of the trees, for the trees themselves were called Sequoia by Endlicher in honor of a most distinguished Indian of the half breed, the inventor of the Cherokee alphabet.

Sequoyah, meaning "he guessed it," was the English method of spelling the Indian's name, and in transferring it to the tree the eminent botanist gave it a Latin terminal with substantially the same pronunciation as in English. By designating the park according to the tree the delicate and appropriate honor conferred by the scientist in naming the greatest of America's trees after the most intellectual of the aborigines who dwelt amid our forests, receives a national sanction, and as the towering shaft reared by nature remains a living monument to the fame of the "*Cadmus of America*," it is maintained and protected by our nation's respect and liberality.

The Governor of California, in a letter dated September 24, 1890, which was solicited by the Secretary, states in substance that the greatest difficulty will be in the extinguishment of private rights. No doubt the lands set apart for the park will be found covered with private claims, the annihilation of which will be exceedingly expensive. This cost should be borne by the United States Government, California extending all necessary protection in the way of legislation. The first step should be to procure absolute possession. Then it should be passed to the control of the General Land-Office, with instructions to appoint a forester. The United States district attorney should be notified of trespasses.

No improvements should be permitted by private persons.

It has cost California \$100,000 to extinguish private claims in Yosemite. Letting out leases would inaugurate an extensive class of private claims which would cost \$10,000 to get rid of.

In a resolution of California Academy of Sciences, August 4, 1890, it was stated substantially:

The groves are isolated, at an elevation of 4,000 to 7,000 feet, containing each from a few hundred to a few thousand trees averaging 15 to 20 feet in diameter and 200 feet in height, though some attain 300 feet. There are few less than 10 feet in diameter. One recently found was 41½ feet in diameter, 250 feet high, and had 6,126 annual rings of growth.

The preservation of these forests is of national importance on account of their influence on climate and water-fall. The Sequoia are rapidly dying out, as but few young trees are seen outside of the old groves.

Their destruction is useless, wasteful, and lamentable. At the mills millions and millions of feet of lumber are decaying upon the ground.

Trees 30 and 40 feet in diameter have been cut for curiosity's sake alone. The stump of the greatest of all, the Centennial tree, should be covered in with metal roofing; in this way it may be preserved one thousand years.

Simply withdrawing these lands from sale will not preserve the groves. A National Park well guarded and managed should be set off covering these groves.

The recommendations go further. The paper, with one from Mr. Frank J. Walker, is annexed to this report, as are also the rules established by the Secretary. (Appendix E.)

THE GENERAL GRANT NATIONAL PARK.

By act of Congress approved October 1, 1890, the tract of land in the State of California described as sections 5 and 6, in township 14 south, range 28 east of Mount Diablo meridian, and also sections 31 and 32 of township 13 south, range 28 east of the same meridian, were set apart for a public park. It was provided by the act in regard to this park the same as in the act establishing the Sequoia Park, as to its *mutatis mutandis*. The rules and regulations adopted by the Secretary were also the same in general effect.

The name "General Grant National Park" was adopted for the park by the Secretary, because this name had become, by common consent, that of the largest tree there, and which it is understood is among the greatest if not itself the very greatest of the "*Sequoia gigantea*." The propriety of adopting the name needs no explanation or defense. The people have already baptized the tree with the name of our great and noble general, and the park could not consistently be called aught else, unless it were "The Union."

THE YOSEMITE NATIONAL PARK.

By act of Congress approved October 1, 1890, the tract of land in the State of California described as townships 1 and 2 north, and townships 1, 2, 3, and 4 south, all of ranges 19, 20, 21, 22, 23, and 24 east; also townships 1, 2, 3, and 4 south, of range 25 east; and also townships 3 and 4 south, of range 26 east, excepting therefrom that tract of land known as Yosemite Valley, granted to the State of California for a public park by act of Congress approved June 30, 1864.

The provisions of law and the rules and regulations adopted by the Secretary were in substance the same as those provided for the Sequoia National Park.

This reservation surrounds the Yosemite Valley; hence its name. It embraces over a million acres, and will need much attention and care to preserve it.

It is to be remarked that not one of these park laws has made any appropriation with which to carry its provisions into effect, and the Department has no means to spare for the purpose.

Whether the parks shall be put under charge of civil custodians or a military cavalry guard shall be sent to each is a subject now being considered and investigated.

Every effort will be made with the means at hand to preserve the trees and natural beauties of these very remarkable and very extensive

tracts of land, and to expel trespassers and punish those violating the law or the rules; but Congress must make an appropriation, or the Secretary of the Interior will be left with a gigantic responsibility and only dwarfed resources to meet it. The parks have already gained the favor of our people, and there would be probably no criticism of a reasonable expenditure to support them.

NICARAGUAN CANAL.

The first annual report of the Maritime Canal Company of Nicaragua was submitted to the Secretary of the Interior in December, 1889, as required by the act of Congress approved February 20, 1889, incorporating the company. It appears therefrom that at a meeting of the incorporators, held in the city of New York March 7, 1889, the charter granted by Congress was unanimously accepted. After due publication books were opened for subscriptions to the capital stock, and 10,145 shares were subscribed for, at par, amounting in the aggregate to \$1,014,500, of which amount \$601,450 were paid into the treasury of the company in cash. The other assets of the company consist, at the date of the report, of property rights, privileges and franchises owned by it in Nicaragua and New York.

The plan of the work as outlined is—

The construction of a breakwater at or near Greytown, on the Caribbean Sea, and dredging thence to the westward 10 miles through alluvial ground to the place where a lock of 31 feet lift will be built. At 2 miles beyond will be constructed a second lock or double lock of the combined lift of 75 feet, and a dam across the small stream Deseado, above which will be a basin affording $4\frac{1}{2}$ miles of free navigation; then a rock-cut about $2\frac{1}{2}$ miles in length, followed by 12 miles of free navigation in the valleys of two small rivers, the San Francisco and the Machado. Here the waters will be raised by dams and embankments, so as to form basins, which will connect directly with the San Juan River, above a large dam to be built across that river. Said dam will raise the waters in the river and lake, and secure additional free navigation of 64 miles in the river and $56\frac{1}{2}$ miles across the lake.

On the western side of the lake the canal will enter a cut of slight depth in the earth and rock of 9 miles in length, issuing thence into the Tola basin, with $5\frac{1}{2}$ miles of free navigation, which will be obtained by damming the Rio Grande. At this dam a series of locks will lower the level 85 feet, and the canal will proceed in excavation down the valley of the Rio Grande a distance of 2 miles to the last lock, a tidal lock of 20 to 30 feet lift, below which the canal will enter the upper portion of the harbor of Brito, $1\frac{1}{2}$ miles from the Pacific.

On the 3d day of June, 1889, preliminary work of construction began at Greytown, and on the 8th of October the work of excavation was commenced. The government of the Republic of Nicaragua has officially recognized and declared by decree the commencement of construction of the canal in accordance with the terms of the concession.

The company has established permanent headquarters at Greytown, erected store-houses, hospitals, dwellings, and other buildings, constructed several miles of aqueduct, cleared parts of the San Juan and

Deseado Rivers, built several miles of broad-gauge railroad and 35 miles of telegraph line, and cleared the first part of the route of the canal. A large quantity of machinery, tools, lumber, piles, and other materials necessary for the establishment of the plant to be used in construction, has been landed at Greytown. A complete hospital service and ambulance corps has been organized in Nicaragua and sanitary arrangements in and about camps and headquarters have been perfected.

The work and statistics will appear in the report for the present year, to be made to the next session of Congress.

JOHN W. NOBLE,
Secretary.

To the PRESIDENT.

APPENDIX.

APPENDIX A.

Number of employes of the Department of the Interior, its bureaus, and offices October 15, 1890, compiled from statements furnished by heads of bureaus and similar officers.

Bureau or class, etc.	Appointed by—			Total.
	Pres-ident.	Secre-tary.	Subor-dinates.	
IN THE DEPARTMENT PROPER AT WASHINGTON.				
Office of the Secretary.....	3	163	.....	166
Office of the Assistant Attorney-General .....	.....	18	.....	18
General Land Office, including 18 on the transcribers' roll	6	425	.....	431
Office of Indian Affairs, including 5 on "depredations claims" and 4 on "allotments" rolls	2	84	.....	86
Pension Office, exclusive of 150 special examiners	3	1,856	.....	1,859
Patent Office.....	5	585	.....	590
Office of Education	1	39	.....	40
Office of Commissioner of Railroads	1	6	.....	7
Geological Survey	1	103	20	124
Census Office	1	2,270	.....	2,271
Total (miscellaneous bureaus, 3,321; Census Office, 2,271)...	23	5,549	20	5,592
OUTSIDE DEPARTMENT PROPER, BUT AT WASHINGTON.				
Government Hospital for the Insane .....	.....	1	477	478
Visitors to Government Hospital for Insane.....	9	.....	.....	9
Under the Architect of the Capitol.....	1	.....	151	152
Freedmen's Hospital .....	.....	1	42	43
Visitors to Freedmen's Hospital.....	.....	5	.....	8
Columbia Institution for Deaf and Dumb .....	.....	.....	38	38
Register of wills, recorder of deeds, Rock Creek Park Commis-sioners	5	.....	.....	5
Inspector of gas and meters, fuel inspector .....	.....	2	.....	2
Total	15	9	708	732
OUTSIDE DEPARTMENT PROPER AND NOT AT WASHINGTON.				
In the land service.				
Registers and receivers, district land offices, 122 each.....	244	.....	.....	244
Employés in district land offices.....	.....	.....	172	172
Surveyors-general	16	.....	.....	16
Employés in offices of surveyors-general .....	.....	.....	133	133
Special inspectors of the public land service .....	.....	2	.....	2
Inspectors of surveyors-general's and district land offices .....	.....	3	.....	3
Special agents of the General Land Office .....	.....	75	.....	75
Assistants to Special Agent J. A. Sibbald.....	.....	.....	15	15
Custodians of abandoned military reservations.....	.....	15	.....	15
Oklahoma town-site boards, including their four clerks.....	.....	16	.....	16
Appraisers of certain lands.....	.....	5	.....	5
Total	260	116	320	696

REPORT OF THE SECRETARY OF THE INTERIOR. CXXIX

Number of employes, etc.—Continued.

Bureau or class, etc.	Appointed by—			Total.
	Pres-ident.	Secre-tary.	Subor-dinates.	
OUTSIDE DEPARTMENT PROPER AND NOT AT WASHINGTON—Cont'd.				
<i>In the Indian service.</i>				
Indian agents.....	58			58
Employés at Indian agencies (75 appointed by Commissioner and 932 by Indian agents).....			1,007	1,007
Indian inspectors.....	5			5
Special Indian agents.....		5		5
Special agents to make allotments of lands.....	12			12
Special agents on depredation claims.....		5		5
Superintendent of Indian schools and school superintendents.....	1		79	80
Employés in Indian schools.....			1,192	1,192
Indian police, including 55 in Alaska.....			822	822
Warehouse superintendent and employés (New York, 19; San Francisco, 3).....		1	21	22
Board of Indian commissioners.....	10			10
Commissioners for negotiations.....	21	3		24
Miscellaneous.....		2		2
Total.....	107	16	3,121	3,244
<i>In the pension service.</i>				
Pension agents.....	18			18
Special examiners of Pension Office.....		150		150
Employés in pension agencies.....			419	419
Examining surgeons (1,042 boards).....			3,460	3,460
Total.....	18	150	3,879	4,047
<i>In the census service.</i>				
Supervisors of census.....	170			170
Special agents to collect statistics of manufactures (number estimated).....			753	753
Other special agents (number estimated).....			410	410
Employés in offices of special agents.....			70	70
Total.....	170		1,233	1,403
<i>Miscellaneous.</i>				
Governors of Territories.....	5			5
Secretaries of Territories.....	4			4
Government directors of the Union Pacific Railway Company.....	5			5
Geological Survey: Temporary field employés, including many whose duties are partly in Washington and partly in the field.....		169	191	360
Alaska school service, under Office of Education.....			18	18
Alaska commissioners and clerk of court.....	5			5
Board of registration and election in Utah.....	5			5
Superintendent of the Hot Springs in Arkansas.....		1		1
Superintendent of construction of penitentiary, Wyoming and Idaho.....		2		2
Superintendent of construction of bath-houses, Hot Springs, Arkansas.....		1		1
Total.....	24	173	209	406
Grand total.....	579	455	8,762	9,796

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SUMMARY—BY LOCATION.

In the Department proper, at Washington.....	5,592
Outside the Department proper, but at Washington.....	732
Outside the Department proper, and not at Washington.....	9,796
Grand total.....	16,120

SUMMARY—BY APPOINTING POWER.

By the President.....	617
By the Secretary.....	6,013
By subordinates.....	9,490
Grand total.....	16,120

SUMMARY—BY CLASS OF SERVICE.

	Appointed by—			Total.
	Presi- dent.	Secre- tary.	Subor- dinates.	
Land service, including General Land Office.....	266	541	320	1,127
Indian service, including Office of Indian Affairs.....	109	100	3,121	3,330
Pension service, including Pension Office.....	21	2,006	3,879	5,906
Census service, including Census Office.....	171	2,270	1,233	3,674
Geological Survey, including Washington office.....	1	272	211	484
Patent Office.....	5	585	.....	590
Miscellaneous bureaus, not included in the foregoing.....	5	226	.....	231
Hospitals and institutions in District of Columbia.....	9	7	557	573
Territorial officers.....	14	.....	.....	14
Miscellaneous officers in District of Columbia.....	6	2	.....	8
Capitol, employes under Architect of the.....	.....	.....	151	151
Miscellaneous officers, etc., not in District of Columbia.....	10	4	18	32
Total.....	617	6,013	9,490	16,120

APPENDIX B.

[PUBLIC—No. 100.]

AN ACT to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States Court in the Indian Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SEC. 1.

SEC. 18. That sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to public schools in the State or States hereafter to be erected out of the same. In all cases where sections sixteen and thirty-six, or either of them, are occupied by actual settlers prior to survey thereof, the county commissioners of the counties in which such sections are so occupied are authorized to locate other lands, to an equal amount, in sections or fractional sections, as the case may be, within their respective counties, in lieu of the sections so occupied.

All the lands embraced in that portion of the Territory of Oklahoma heretofore known as the Public Land Strip, shall be open to settlement under the provisions of the homestead laws of the United States, except section twenty-three hundred and one of the Revised Statutes, which shall not apply; but all actual and bona fide settlers upon and occupants of the lands in said Public Land Strip at the time of the passage of this act shall be entitled to have preference to and hold the lands upon which they have settled under the homestead laws of the United States, by virtue of their settlement and occupancy of said lands, and they shall be credited with the time they have actually occupied their homesteads, respectively, not exceeding two years, on the time required under said laws to perfect title as homestead settlers.

The lands within said Territory of Oklahoma, acquired by cession of the Muscogee (or Creek) Nation of Indians, confirmed by act of Congress approved March first, eighteen hundred and eighty-nine, and also the lands acquired in pursuance of an agreement with the Seminole Nation of Indians by re-lease and conveyance, dated March sixteenth, eighteen hundred and eighty-nine, which may hereafter be open to settlement, shall be disposed of under the provisions of sections twelve, thirteen, and fourteen of the "Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirteenth, eighteen hundred and ninety, and for other purposes," approved March second, eighteen hundred and eighty-nine, and under section two of an "Act to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes," approved March first, eighteen hundred and eighty-nine: *Provided, however*, That each settler under and in accordance with the provisions of said acts shall, before receiving a patent for his homestead on the land hereafter opened to settlement as aforesaid, pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of one dollar and twenty-five cents per acre.

Whenever any of the other lands within the Territory of Oklahoma, now occupied by any Indian tribe, shall by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of to actual settlers only, under the provisions of the homestead law, except section twenty-three hundred and one of the Revised Statutes of the United States, which shall not apply: *Provided, however*, That each settler, under and in accordance with the provisions of said homestead laws, shall before receiving a patent for his homestead pay to the United States for the land so taken by him, in addition to the fees provided by law, a sum per acre equal to the amount which has been or may be paid by the United States to obtain a relinquishment of the Indian title or interest therein, but in no case shall such payment be less than one dollar and twenty-five cents per acre. The rights of honorably discharged soldiers and sailors in the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged except as to such payment. All tracts of land in Oklahoma Territory which have been set apart for school purposes, to educational societies, or missionary boards at work among the Indians, shall not be open for settlement, but are hereby granted to the respective

educational societies or missionary boards for whose use the same has been set apart. No part of the land embraced within the Territory hereby created shall inure to the use or benefit of any railroad corporation, except the rights of way and land for stations heretofore granted to certain railroad corporations. Nor shall any provision of this act or any act of any officer of the United States, done or performed under the provisions of this act or otherwise, invest any corporation owning or operating any railroad in the Indian Territory, or Territory created by this act, with any land or right to any land in either of said Territories, and this act shall not apply to or affect any land which, upon any condition on becoming a part of the public domain, would inure to the benefit of, or become the property of, any railroad corporation.

SEC. 19. That portion of the Territory of Oklahoma heretofore known as the Public Land Strip is hereby declared a public land district, and the President of the United States is hereby empowered to locate a land office in said district, at such place as he shall select, and to appoint in conformity with existing law a register and receiver of said land office. He may also, whenever he shall deem it necessary, establish another additional land district within said Territory, locate a land office therein, and in like manner appoint a register and receiver thereof. And the Commissioner of the General Land Office shall, when directed by the President, cause the lands within the Territory to be properly surveyed and subdivided where the same has not already been done.

SEC. 20. That the procedure in applications, entries, contests, and adjudications in the Territory of Oklahoma shall be in form and manner prescribed under the homestead laws of the United States, and the general principles and provisions of the homestead laws, except as modified by the provisions of this act and the acts of Congress approved March first and second, eighteen hundred and eighty-nine, heretofore mentioned, shall be applicable to all entries made in said Territory, but no patent shall be issued to any person who is not a citizen of the United States at the time of making final proof.

All persons who shall settle on land in said Territory, under the provisions of the homestead laws of the United States, and of this act, shall be required to select the same in square form as nearly as may be; and no person who shall at the time be seized in fee simple of a hundred and sixty acres of land in any State or Territory, shall hereafter be entitled to enter land in said Territory of Oklahoma. The provisions of sections twenty-three hundred and four and twenty three hundred and five of the Revised Statutes of the United States shall, except so far as modified by this act, apply to all homestead settlements in said Territory.

SEC. 21. That any person, entitled by law to take a homestead in said Territory of Oklahoma, who has already located and filed upon, or shall hereafter locate and file upon, a homestead within the limits described in the President's proclamation of April first, eighteen hundred and eighty nine, and under and in pursuance of the laws applicable to the settlement of the lands opened for settlement by such proclamation, and who has complied with all the laws relating to such homestead settlement, may receive a patent therefor at the expiration of twelve months from date of locating upon said homestead upon payment to the United States of one dollar and twenty-five cents per acre for land embraced in such homestead.

SEC. 22. That the provisions of title thirty-two, chapter eight of the Revised Statutes of the United States relating to "reservation and sale of town sites on the public lands" shall apply to the lands open, or to be opened to settlement in the Territory of Oklahoma, except those opened to settlement by the proclamation of the President on the twenty-second day of April, eighteen hundred and eighty-nine: *Provided*, That hereafter all surveys for town sites in said Territory shall contain reservations for parks (of substantially equal area if more than one park) and for schools and other public purposes, embracing in the aggregate not less than ten nor more than twenty acres; and patents for such reservations, to be maintained for such purposes, shall be issued to the towns respectively when organized as municipalities: *Provided further*, That in case any lands in said Territory of Oklahoma, which may be occupied and filed upon as a homestead, under the provisions of law applicable to said Territory, by a person who is entitled to perfect his title thereto under such laws, are required for town site purposes, it shall be lawful for such person to apply to the Secretary of the Interior to purchase the lands embraced in said homestead or any part thereof for town-site purposes. He shall file with the application a plat of such proposed town-site, and if such plat shall be approved by the Secretary of the Interior, he shall issue a patent to such person for land embraced in said town site, upon the payment of the sum of ten dollars per acre for all the lands embraced in such town site, except the lands to be donated and maintained for public purposes as provided in this section. And the sums so received by the Secretary of the Interior shall be paid over to the proper authorities of the municipalities when organized, to be used for them for school purposes only.

SEC. 23. That there shall be reserved public highways four rods wide between each section of land in said Territory, the section lines being the center of said highways;

but no deduction shall be made, where cash payments are provided for, in the amount to be paid for each quarter section of land by reason of such reservation. But if the said highway shall be vacated by any competent authority, the title to the respective strips shall inure to the then owner of the tract of which it formed a part by the original survey.

SEC. 24. That it shall be unlawful for any person, for himself or any company, association, or corporation, to directly or indirectly procure any person to settle upon any lands open to settlement in the Territory of Oklahoma, with intent thereafter of acquiring title thereto; and any title thus acquired shall be void; and the parties to such fraudulent settlement shall severally be guilty of a misdemeanor, and shall be punished upon indictment, by imprisonment not exceeding twelve months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

Approved, May 2, 1890.

[PUBLIC—No. 114.]

AN ACT to provide for town site entries of lands in what is known as "Oklahoma," and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the public lands situate in the Territory of Oklahoma, now open to settlement, as may be necessary to embrace all the legal subdivisions covered by actual occupancy for purposes of trade and business, not exceeding twelve hundred and eighty acres in each case, may be entered as town sites, for the several use and benefit of the occupants thereof, by three trustees to be appointed by the Secretary of the Interior for that purpose, such entry to be made under the provisions of section twenty-three hundred and eighty-seven of the Revised Statutes as near as may be; and when such entry shall have been made, the Secretary of the Interior shall provide regulations for the proper execution of the trust, by such trustees including the survey of the land into streets, alleys, squares, blocks, and lots when necessary, or the approval of such survey as may already have been made by the inhabitants thereof, the *assessment* upon the lots of such sum as may be necessary to pay for the lands embraced in such town site, costs of survey, conveyance of lots, and other necessary expenses, including compensation of trustees: *Provided*, That the Secretary of the Interior may when practicable cause more than one town site to be entered and the trust thereby created executed in the manner herein provided by a single board of trustees, but not more than seven boards of trustees in all shall be appointed for said Territory, and no more than two members of any of said boards shall be appointed from one political party.

SEC. 2. That in the execution of such trust, and for the purpose of the conveyance of title by said trustees, any certificate or other paper evidence of claim duly issued by the authority recognized for such purpose by the people residing upon any town site the subject of entry hereunder, shall be taken as evidence of the occupancy by the holder thereof of the lot or lots therein described, except that where there is an adverse claim to said property such certificate shall only be prima facie evidence of the claim of occupancy of the holder: *Provided*, That nothing in this act contained shall be so construed as to make valid any claim now invalid of those who entered upon and occupied said lands in violation of the laws of the United States or the proclamation of the President thereunder: *Provided further*, That the certificates hereinbefore mentioned shall not be taken as evidence in favor of any person claiming lots who entered upon said lots in violation of law or the proclamation of the President thereunder.

SEC. 3. That lots of land occupied by any religious organization, incorporated or otherwise, conforming to the approved survey within the limits of such town site, shall be conveyed to or in trust for the same.

SEC. 4. That all lots not disposed of as hereinbefore provided for shall be sold under the direction of the Secretary of the Interior for the benefit of the municipal government of any such town, or the same or any part thereof may be reserved for public use as sites for public buildings, or for the purpose of parks, if in the judgment of the Secretary such reservation would be for the public interest, and the Secretary shall execute proper conveyances to carry out the provisions of this section.

SEC. 5. That the provisions of sections four, five, six, and seven, of an act of the legislature of the State of Kansas, entitled "An act relating to town sites," approved March second, eighteen hundred and sixty-eight, shall, so far as applicable, govern the trustees in the performance of their duties hereunder.

SEC. 6. That all entries of town sites now pending on application hereafter made under this act, shall have preference at the local land office of the ordinary business of the office and shall be determined as speedily as possible, and if an appeal shall

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be taken from the decision of the local office in any such case to the Commissioner of the General Land Office, the same shall be made special, and disposed of by him as expeditiously as the duties of his office will permit, and so if an appeal should be taken to the Secretary of the Interior. And all applications heretofore filed in the proper land office shall have the same force and effect as if made under the provisions of this act, and upon the application of the trustees herein provided for, such entries shall be prosecuted to final issue in the names of such trustees, without other formality and when final entry is made the title of the United States to the land covered by such entry shall be conveyed to said trustees for the uses and purposes herein provided.

SEC. 7. That the trustees appointed under this act shall have the power to administer oaths, to hear and determine all controversies arising in the execution of this act shall keep a record of their proceedings, which shall, with all papers filed with them and all evidence of their official acts, except conveyances, be filed in the General Land Office and become a part of the records of the same, and all conveyances executed by them shall be acknowledged before an officer duly authorized for that purpose. They shall be allowed such compensation as the Secretary of the Interior may prescribe, not exceeding ten dollars per day while actually employed; and such traveling and other necessary expenses as the Secretary may authorize and the Secretary of the Interior shall also provide them with necessary clerical force by detail or otherwise.

SEC. 8. That the sum of ten thousand dollars or so much thereof as may be necessary is hereby appropriated to carry into effect the provisions of this act, except that no portion of said sum shall be used in making payment for land entered hereunder, and the disbursements therefrom shall be refunded to the Treasury from the sums which may be realized from the assessments made to defray the expense of carrying out the provisions of this act.

Approved, May 14, 1890.

[Laws of Kansas, 1868.]

CHAPTER 109.—TOWN SITES.

AN ACT relating to town sites.

ARTICLE I. Entry and disposal of town sites.

II. Perfecting title to town lots.

III. Vacating town sites.

Be it enacted by the legislature of the State of Kansas:

ARTICLE I.—Entry and disposal of town sites.

- | | |
|---|---|
| <p>§ 1. Town sites, how and by whom entered.
2. Deeds to be made by chief officer of town.
3. Probate judge entering town site for use of inhabitants, shall convey same to inhabitants.
4. Commissioners may be appointed; their duties.
5. Notice to be given of the time of apportioning lots.</p> | <p>§ 6. The apportionment.
7. Tax levied, for what purpose.
8. Return of commissioners.
9. Probate judge to collect taxes and make deeds.
10. Party securing title to site to be re-imbursed.
11. Deeds to be acknowledged and recorded.
12. Who deemed occupants of town site.</p> |
|---|---|

SECTION 1. In all cases in which any of the public land of the United States in the State of Kansas has been, or shall hereafter be, selected and occupied as a town site, if the inhabitants of such town shall be at the time incorporated, it shall be the duty of the corporate authorities of such town, or, if not incorporated, then of the probate judge of the county in which such town site is situated, whenever called on by any of the occupants of such town, and the money, for the entrance of such town site, furnished, to enter such town site under the act of Congress in such case made and provided.

SEC. 2. When a town site is entered under the above recited act of Congress, by the corporate authorities of any incorporated town, deeds shall be made by the mayor, or other chief officer of such town for the time being, and said deed or deeds shall be attested by the city clerk or register, and shall be signed by such mayor, or other chief officer, under the corporate seal of said city, attested by said city clerk or register, if said city shall have a corporate seal; and, if it shall have no seal, under the scrawl [scroll] or private seal of said mayor or other officer, attested by the city clerk or register, as aforesaid.

SEC. 3. In all cases where town sites have been, or shall hereafter be, entered in

this State by the probate judge of the county, for the use of the inhabitants thereof, as prescribed by law, it shall be the duty of such judge, so entering such site, to convey the same to the occupants and inhabitants of such town site according to their respective interests, in the manner hereinafter prescribed.

SEC. 4. At any time after the entry of any such town site, the probate judge of the county in which such town may be situated may appoint three commissioners, who shall not be residents of such town, or the owners of any interests therein; and it shall be the duty of such commissioners to cause an actual survey of such site to be made, conforming, as near as may be, to the original survey of such town, designating, on such plat, the lots or squares on which improvements are standing, with the name of the owner or owners thereof, together with the value of the same.

SEC. 5. Said commissioners shall, as soon as the survey and plat shall be completed, cause to be published, in some newspaper published in the county in which such town is situated, a notice that such survey has been completed, and giving notice to all persons concerned or interested in such town site that, on a designated day, the said commissioners will proceed to set off to the persons entitled to the same, according to their respective interests, the lots, squares or grounds, to which each of the occupants thereof shall be entitled. Such publication shall be made at least thirty days prior to the day set apart by such commissioners to make such division.

SEC. 6. After such publication shall have been duly made, the commissioners shall proceed, on the day designated in such publication, to set apart to the persons entitled to receive the same, the lots, squares or grounds to which each shall be entitled, according to their respective interests, including, in the portion or portions set apart to each person or company of persons, the improvements belonging to such persons or company.

SEC. 7. After the setting apart of such lots or grounds and the valuation of the same, as hereinbefore provided for, the said commissioners shall proceed to levy a tax on the lots and improvements thereon, according to their value, sufficient to raise a fund to re-imburse to the parties who may have entered such site, the sum or sums paid by them in securing the title to such site, together with all the expenses accruing in perfecting the same, the fees due the commissioners and the surveyor for their respective services, and other necessary expenses connected with the proceedings.

SEC. 8. Such commissioners shall make due return of their proceedings, to the probate judge, within ten days after the completion of their duties under this act, and shall, with such return, file all the papers, plats, valuations and assessments connected with such proceedings.

SEC. 9. The said probate judge shall then proceed to collect the taxes, levied as aforesaid, and he shall make deeds to the lots so set apart to the various parties entitled to the same: but no deed shall be made to any person until such person shall have first fully paid all the tax or assessment so levied against him; and in case any person shall refuse or neglect to pay such tax or assessment, so made against him, the probate judge may proceed to offer such lots and improvements for sale, to the highest bidder, first giving such public notice as may be required in case of execution against the lands and tenements of a debtor in the district court.

SEC. 10. The probate judge shall re-imburse the party or parties who may have entered and secured the title to such site, together with all necessary expenses incurred, out of the fund thus provided, taking their receipts therefor; which receipt shall be filed with the papers returned by the commissioners, and kept by him among the records of his court.

SEC. 11. Deeds made by the probate judge in pursuance of this act shall be acknowledged by him, and may be recorded with like effect as other deeds.

SEC. 12. All persons who select and lay out a town site, and their assigns, shall be deemed occupants of said town site and the lots embraced therein, within the meaning of the above recited act of Congress, and deeds shall be made accordingly.

ARTICLE II.—Perfecting title to town lots.

§ 13. Owners of land deemed a copartnership as to such property, when.

14. In case of death of member, lands to be deemed assets of copartnership; right of survivors.

15. Heirs at law of deceased partner shall fulfill agreement of ancestor, how.

16. Heirs to join with surviving partner in acknowledging and filing plat, when. *Proviso.*

17. Resident surviving partner may commence action against heirs, or non-resident partners or joint owners, when; proceedings.

§ 18. Deed of surviving partner, effectual to convey right, title, and interest of minor heirs or parties to action.

19. Acknowledgment of map or plat by surviving partners; its force and effect.

20. Surviving partners to give bond with surety, before commencing action.

21. Power of district court.

22. Agreement in certain cases valid, and may be enforced.

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ARTICLE III.—*Vacating town sites.*

§ 23. Lands set apart for towns, but unoccupied as such, declared vacated; to be restored to their original condition under U. S. surveys.

§ 24. Procedure for deciding whether lands come under provisions of preceding section.

SEC. 25. This act shall take effect and be in force from and after its publication in the statute book.

Approved, March 2, 1868.

NOTE.—This act took effect October 31, 1868. See Revised Statutes of Kansas, 1889, p. 7038.

OKLAHOMA TOWN SITES.

Regulations provided by the Secretary of the Interior for the guidance of trustees in the execution of their trust.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 18, 1890.

To the trustees of town sites in the U. S. land districts, Oklahoma Territory:

By virtue of the authority vested in me by an act of Congress approved May 14, 1890, entitled "An act to provide for town site entries of lands in what is known as 'Oklahoma,' and for other purposes," I have prepared the following rules and regulations for your observance and direction in the execution of the trust thereby created:

1. In the performance of your duties you will bear in mind the provisions of sections 12 and 13 of the act of Congress approved March 2, 1889 (25 Stats., 1004), by virtue of which the Indian title to said "Oklahoma" was extinguished and the lands therein made a part of the public domain, and special attention is directed to that part of the President's proclamation of March 23, following, opening a portion of the Territory of Oklahoma to settlement, which reads—

"Warning is hereby again expressly given that no person entering upon and occupying said lands before said hour of twelve o'clock, noon, of the twenty-second day of April, A. D. eighteen hundred and eighty-nine, hereinbefore fixed, will ever be permitted to enter any of said lands, or acquire any rights thereto, and that the officers of the United States will be required to strictly enforce the provision of the act of Congress to the above effect."

No person who went into said Territory in violation of said proclamation will be allotted any portion of a town site, and you will recognize no claim filed by such person in making your allotments.

2. As soon as you are officially advised by the Secretary of the Interior of the town site, or town sites, which you are to enter as trustees, and have qualified before an officer having a seal, and duly authorized to administer oaths, by taking and subscribing the following oath, or affirmation:

"I do solemnly swear (or affirm) that I have no interest either directly or indirectly in the town site of _____, or any part or parcel thereof; that I will faithfully discharge the duties of my office, and execute the trust imposed upon me with fidelity; that I will impartially hear, try, and determine all controversies submitted to me fairly and justly, according to the law and the evidence free from bias, favoritism, prejudice, or personal influence of any kind or character whatever. So help me God. (Or, if by affirmation, 'under the pains and penalties of perjury.')

" you will proceed to discharge the duties imposed on you by law and these rules and regulations. Your several boards are, as required by the statute, composed of three trustees. Your several commissions have designated your respective boards, and each board will act as a separate body as to the particular town site to which it is assigned.

3. All applications heretofore filed in the proper land office will be prosecuted to final issue in your names as provided in section 6 of act under which you are appointed. In case you find a contest or controversy pending between a homestead entryman and the occupants of the town site to which you are assigned, involving the title to any portion of the land occupied for town-site purposes, you will at once, as a board, and before taking any other step or proceeding, make application at the local office in the district where the town site is situate to intervene and be made parties to the proceeding, and thereupon the case will be made *special* and disposed of as expeditiously as the transaction of public business will permit, as no entry can be completed until after the contests are disposed of. Publication of intention to make proof must be for five days, and the proof of publication may be as in ordinary

cases. The proof shall relate to actual occupancy of the land for the purposes of trade and business, number of inhabitants, and extent and value of town improvements.

4. The entry is to be made by you as trustees as near as may be conformably to section 2387 of the Revised Statutes and in trust for the use and benefit of the occupants of the town site according to their respective interests and at the minimum price, \$1.25 per acre. No provision is made in the act for the payment of the entry fees and the price of the land, and as the entry must be made before the town site can be allotted, you may call upon the occupants thereof to furnish the requisite amount to pay the Government for said land, keeping an accurate account thereof, and giving your receipt therefor, and when realized from assessment and allotment, you will refund the same, taking evidence thereof, to be filed with your report in the manner hereinafter directed.

5. Section one of said act of May 14 requires me to provide rules and regulations for the survey of the land occupied for town-site purposes into streets, alleys, squares, blocks, and lots, or to approve such survey as may already have been made by the inhabitants thereof, and section five of said act makes the provisions of sections four, five, six, and seven of the act of the legislature of the State of Kansas entitled "An act relating to town sites," approved March 2, 1868, so far as applicable, a part thereof.

Section four of the Kansas act adopted requires you to cause an actual survey of the town site to be made, conforming as near as may be to the original survey of such town, designating on such plat the lots or squares on which improvements are standing, together with the value of the same and the name of the owner, or owners thereof; hence, if you deem it advisable to survey the town site assigned you, you will observe this rule in connection with the first proviso of section twenty-two of Oklahoma Territorial bill, approved May 2, 1890; but if the town site has already been surveyed by the inhabitants thereof and you are satisfied that the same is correct and in harmony with the spirit of the act under which you are appointed, you may approve and adopt such survey, making the designation on the plat thereof as required by said section four so far as the same is applicable under said act of May 14.

6. In any event, you will, as soon as you definitely fix the survey, cause to be designated on each of said plats the lots and blocks occupied, together with the value of the same, with the name of the owner, or owners, thereof; you will also designate all squares, parks, and tracts reserved for public use, or sites for public buildings, and all lots occupied by any religious organization which are subject to disposal under the provisions of said act. The designation of an owner on such map shall be temporary until final decision of record in relation thereto, and shall in no case be taken or held as in any sense or to any degree a conclusion or judgment by the board as to the true ownership in any contested case coming before it.

7. You will observe that no town site can embrace any greater number of legal subdivisions than are "covered by actual occupancy for the purposes of trade and business," and in no case can it exceed twelve hundred and eighty acres; hence, in making your survey of the land "into streets, alleys, squares, blocks, and lots," or the approval of such survey as may have been made by the inhabitants of the town site, when you deem the same sufficient, you will determine the area thereof by legal subdivisions so occupied for such purposes.

8. As soon as the survey and plat are completed as aforesaid, you will cause to be published, in some newspaper printed in the county in which said town is situated, a notice that such survey has been completed, notifying all persons concerned or interested in such town site that on the designated day you will proceed to set off to persons entitled to the same, according to their respective interests, the lots, blocks, or grounds to which each occupant thereof shall be entitled, under the provisions of said act. Such publication shall be made at least fifteen days prior to the day set apart by you to make such division and allotment. Proof of such publication shall be evidenced by the affidavit of the publisher of the newspaper in which such notice is printed, accompanied by a printed copy of such notice.

10. After such publication shall have been duly made, you will proceed on the day designated in the notice, except in contest cases, which shall be disposed of in the manner hereinafter provided, to set apart to the persons entitled to receive the same the lots, blocks, and grounds to which each party or company shall be entitled according to their respective interests, including in the portion or portions set apart to each person or company of persons the improvements belonging thereto, and in so doing you will observe that section 2 of said act of May 14, 1890, provides that any certificate or other paper evidence of claim duly issued by the authority recognized for such purpose by the people residing upon any town site subject to entry, shall be taken as evidence of the occupancy by the holder thereof of the lot or lots therein described, except where there is an adverse claim to said property such certificate shall only be prima facie evidence of the claim of occupancy of the holder. But any

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person holding any such certificate who went into said Territory prior to the hour of twelve o'clock, noon, on the 22d day of April, 1889, in violation of said proclamation, shall not be held to have acquired any rights thereunder.

11. When the survey is finally completed it will be certified to by you in quadruplicate as follows:

"We, the undersigned, trustees of the town site of _____, Oklahoma Territory, hereby certify that we have examined the survey of said town site and approve the foregoing plat thereof as strictly conformable to said survey in accordance with the act of Congress approved May 14, 1890, and our official instructions."

One of said plats shall be filed in the land office in the district where the town site is located, one in the office of the register of deeds in the county in which the town site is situate, one in the office of the Commissioner of the General Land Office, and one retained in your custody for your own use.

12. Whenever you find two or more inhabitants claiming the same lot, block, or parcel of land, you will proceed to hear and determine the controversy, fixing a time and place for the hearing of the respective claims of the interested parties, giving each ten days' notice thereof, and a fair opportunity to present their interests in accordance with the principles of law and equity applicable to the case, observing as far as practicable the rules prescribed for contest before registers and receivers of the local offices; you will administer oaths to the witnesses, observe the rules of evidence as near as may be in making your investigations, and at the close of the case, or as soon thereafter as your duties will permit, render your decision in writing.

If the notice herein provided for can not be personally served upon the party therein named within three days from its date, such service may be made by printed notice published for ten days in a newspaper in the town or city in which the lot to be affected thereby is situated; or, if there is none published in such town, then said notice may be printed in any newspaper in the county, or if there is none published in the county, then in one printed in the Territory. The proof of such notice to be filed with the record, and may be made as provided in these rules and regulations in other cases. The proceedings in these contests should be abbreviated in time and words or your work may not be completed within the limits of any reasonable period of time or expense.

13. Any person feeling aggrieved by your judgment may, within ten days after notice thereof, appeal to the Commissioner of the General Land Office under the rules, (except as to time) as provided for appeals from the opinions of registers and receivers, and if either party is dissatisfied with the conclusions of said Commissioner in the case, he may still further prosecute an appeal within ten days from notice thereof to the Secretary of the Interior upon like terms and conditions and under the same rules that appeals are now regulated by and taken in adversary proceedings from the Commissioner to the Secretary except as modified by the time within which the appeal is to be taken. Such cases will be made special by the Commissioner and the Secretary and determined as speedily as the public business of the Department will permit, but no contest for particular lots, blocks, or grounds shall delay the allotment of those not in controversy.

14. All costs in such proceedings will be governed by the rules now applicable to contests before the local land offices.

15. After setting apart such lots, blocks, squares, or grounds, and upon a valuation of the same, as hereinbefore provided for, you will proceed to determine and assess upon such lots and blocks according to their value, such rate and sum as will be necessary to pay for the lands embraced in such town site, costs of survey, conveyance of lots, and other necessary expenses, including compensation of trustees as provided for in said act, and in so doing you will take into consideration:

First. The ten thousand dollars (\$10,000) appropriated by said act of May 14, 1890, and such further sum as may be appropriated by Congress, before said assessment is made, for the purpose of carrying into effect the terms of said act, which is to be refunded to the Treasury of the United States; but, of course, only so much thereof as it will be necessary to use.

Second. The money expended for entering the land.

Third. The costs of survey and platting the town site.

Fourth. The expenses incident to making the conveyances.

Fifth. The compensation of yourselves as trustees.

Sixth. The compensation of your clerk.

Seventh. The necessary traveling expenses of yourselves and clerk.

Eighth. All necessary expenses incident to the expeditious execution of your trust. More than one assessment may be made, if necessary to effect the purposes of the act of Congress.

16. From each board the Secretary of the Interior will designate a chairman and a secretary. The secretary shall keep the minutes and a record of your proceedings, and an accurate account of all money received and paid out, taking and filing proper vouchers therefor in the manner hereinafter provided; he shall also be the disburs-

ing officer of the board, shall receive and pay out all moneys provided for in said act, subject to the supervision of the Secretary of the Interior; and he shall, before entering upon duty, take the official oath, and also enter into a bond to the United States in the penal sum of ten thousand dollars for the faithful discharge of his duties, both as now prescribed and furnished from the Department of the Interior. The money in the hands of the disbursing officer shall at all times be subject to the control and order of the Secretary of the Interior, and the sum appropriated by Congress which is to be refunded to the Treasury of the United States shall be paid over to the Treasurer thereof at such times in such sums and in such manner as the Secretary of the Interior may direct.

17. There shall be a clerk for each board, who shall also be a stenographer, if available, to be appointed by the Secretary of the Interior, who shall do all the clerical and stenographic work of the board and secretary thereto, and, under its control and direction, subject to the general supervision of the Secretary of the Interior.

18. The minutes of each day's proceedings shall be completed and written out in ordinary handwriting, or type-written, and duly signed by the chairman and secretary before the next day's business shall be begun, and shall not thereafter be changed, except by a further record, stating accurately the changes intended and ordered, and the reasons therefor. This is not intended to include the testimony or other than actual decisions, orders, and proceedings of the board.

19. All payments of money by the inhabitants of the town site for lots and blocks shall be in cash and made only to the disbursing officer, who shall receipt therefor in duplicate, one to be given the party making the payment, and the other to be forwarded to the Commissioner of the General Land Office, and said officer shall charge himself with each payment on his books of account, and he shall deposit all sums received by him at least once a week, and, when practicable, daily, in some bank designated by the board, and he shall pay the same out only on his checks countersigned by the chairman of the board of which he is secretary, which checks, after they are honored, shall be filed with his accounts as vouchers.

20. Upon the payment to the disbursing officer of all sums assessed by you upon any lot, block, or parcel of land by the person entitled thereto, and not before, you will proceed to execute him a deed therefor pursuant to the terms of said act. All conveyances made by you shall be acknowledged before an officer duly authorized in said Territory to take acknowledgments of deeds. The form of deed and acknowledgment will be forwarded you.

21. All lots owned by any religious organization will, upon the payment of the assessments thereon, be conveyed by you to it directly, or in trust for the use and benefit of the same at its option.

22. You will ascertain and submit to the Secretary of the Interior a statement showing separately:

First. All lots not disposed of under the provisions of said act which are subject to be sold under the direction of the Secretary of the Interior for the benefit of the municipal government of the town or city controlling the town site which you are directed to allot.

Second. Such part thereof as may be reserved for public use as sites for public buildings.

Third. For the purpose of public parks.

23. You will be allowed ten dollars per day for each day's service when you are actually engaged and employed in the performance of your duties as such trustees; your necessary traveling expenses; and three dollars a day for your subsistence. But these sums may be reduced in either board at the will of the Secretary of the Interior if he deems it for any cause necessary.

24. The clerk of the board, when not a clerk already in government employment and assigned to the board for duty, will be allowed as compensation for his services at the rate of one hundred dollars a month; he will also be allowed his actual necessary traveling expenses. All expenses of members of the board and the clerk shall be reported to and adjusted by the Commissioner of the General Land Office at the end of each week after you commence executing conveyances for the lots and blocks on the town site; before that, monthly on the first day of the month.

25. The account of all your expenses and expenditures, together with a record of your proceedings, which, with your oath of office, and all papers filed with you, the records in each case, and all evidence of your official acts, except conveyances, you will file in the office of the Commissioner of the General Land Office to become a part of the records therein.

26. Where any one occupying and filing for a homestead obtains a patent for a town site under section 22 of the Oklahoma Territorial act, approved May 22, 1890, such town site will not be affected by the provisions under which you are appointed, and you can not act in any such case.

27. You will correspond with the Commissioner of the General Land Office, and only through him with the Secretary, so that a complete record thereby may be kept in the Land Office.

It is believed that the foregoing regulations, together with copies of the laws referred to therein, and copies of the rules and regulations furnished registers and receivers in contested cases and appeals will be found sufficient for the proper determination of all cases which may arise, but should unforeseen difficulties present themselves, you will submit the same for special instructions.

In view of the fact that the expenses incident to the allotment of town sites by the provisions of this act are necessarily burdensome to those interested therein, you will be expected to proceed as expeditiously as is consistent with a due regard to the proper performance of your duties in disposing of the trust herein imposed upon you. It is hoped that you will, from a sense of duty, relieve as much as possible the inhabitants of the town sites under your control from unnecessary delays, fees, and expenses.

Very respectfully,

JOHN W. NOBLE,
Secretary.

OKLAHOMA TOWN-SITES.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 10, 1890.

To the trustees of town sites in the U. S. land districts, Oklahoma Territory :

To remove any doubts that may exist under regulations dated June 18, 1890, as to how the costs of contests are to be paid, you are hereby instructed that your first duty, as stated in section 10 and the last clause of section 13, is to proceed on the day designated in the notice published, to set apart, except in contest cases, the lots, blocks, and grounds, with the improvements, respectively, to each person or company entitled thereto. You will at this point, and before proceeding to contests, make assessment on all the lots embraced in the town site, so that each shall bear its fair proportion of all the expenses mentioned in section 15, and no further assessments shall be made on uncontested lots that may be required to meet expenses resulting from contests as to other property. You will then, and not before, proceed to dispose of the contested cases, and you will require each claimant to deposit with the disbursing officer of the board each morning, a sum sufficient to cover and pay all costs and expenses on such proceedings for the day, including the items mentioned in regulation numbered 15, because by section 8 of the act of Congress, under which you are to proceed, all disbursements from the appropriation made must be refunded to the Treasury of the United States. At the close of the contests, on appeal or otherwise, the sum deposited by the successful party shall be restored to him subject to the rules in such cases; but that deposited by the losing party shall be retained and accounted for by the disbursing officer of the board.

Very respectfully,

JOHN W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, August 4, 1890.

MY DEAR GOVERNOR: I have yours of the 29th instant, pointing out the evil of false contests, now being carried on among parties, referring to one, being W. S. Smith. I have caused a letter to be written to the trustees composing the boards of trustees, as follows:

"You will entertain no contests unless the contestant appears in person, or by attorney duly appointed under a power of attorney in ordinary form, signed and sworn to before a notary public, clerk of the court, United States commissioner, or other officer having the power to administer oaths, with his seal of office attached, or certificate of the county clerk, that he holds the office he claims. The object of this requirement is to prevent contests being carried on in the names of 'straw men' by unprincipled attorneys who pretend to represent them.

"Your attention is called to those provisions of the United States Statutes that make it a crime for any one to present a power of attorney falsely executed, or by which it is attempted to commit any fraud under the United States law."

I think that this letter to them will be sufficient to stop the evil complained of, which, if it were to be carried on to any considerable degree, would indeed be very injurious to the honest owners of the lots.

I thank you for your suggestion, and am always glad to hear from you and to respond.

Yours, truly,

JOHN W. NOBLE,
Secretary.

Hon GEORGE W. STEELE,
Governor, Guthrie, Oklahoma.

DEPARTMENT OF THE INTERIOR,
Washington, August 18, 1890.

To the trustees of town sites in Oklahoma Territory :

It has been brought to my attention that the provisions of rule 42, for the guidance of registers and receivers in taking testimony in contest cases, which are made a part of the rules for your observance in allotting lots on town sites in Oklahoma, may delay the progress of your work by requiring each witness in the case on trial to await the transcribing of the stenographer's notes to sign his testimony before you can proceed to the consideration of another case. The rule is therefore, so far as your duties are concerned, modified in all cases or instances you deem fit to omit transcribing testimony until it is required for use in the case on appeal, or otherwise. You will, in such cases, direct the testimony to be written out, and, as a board, certify that the evidence so transcribed is the true and correct transcript thereof as given by the witnesses upon the trial, which certificate shall stand in lieu of the signature of the witnesses, and the evidence so certified shall be treated on appeal by the Commissioner of the General Land Office and the Secretary of the Interior and given the same consideration as though signed by each witness in accordance with the provisions of said rule 42.

Any witness may, however, be detained and required to sign whenever the board requires it. To this extent and no further is rule 42 modified.

Very respectfully,

JOHN W. NOBLE,
Secretary.

(Through the Commissioner of the General Land Office.)

DEPARTMENT OF THE INTERIOR,
Washington, August 21, 1890.

SIR: To avoid delays likely to occur in the prosecution of appeals in town-site cases in the Territory of Oklahoma, under existing rules, whether as to original location of lots, or otherwise, now pending, or that may hereafter arise, it is deemed advisable to modify the rules of practice relative to appeals, rehearings, and motions for reviews, relating thereto, so that time allowed for taking appeal and serving notice thereof, with due specifications of error and argument, shall in all cases be limited to ten days from receipt of notice of the decision, with a like period allowed the appellee after he or his attorney of record shall have received notice of said appeal, specifications of error, and argument, within which to file argument in response.

All motions for review and rehearing shall be filed within ten days after the judgment complained of, as herein provided for in case of appeal. If neither party shall present his appeal, or motion for review, within the time herein provided for, you will consider the case closed and proceed accordingly.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 13, 1890.

SIR: In view of the fact that I have recently spent a few days in Oklahoma making investigations respecting the local land offices, and the manner of transacting public business in said offices, I would respectfully beg leave to submit the following respecting the condition of the town lots in said Territory, and the manner in which said lots were obtained and are now held to the great injustice of the bona fide citizens of the United States, who claim title to said lots, and who are in the Territory under the provisions of the law of Congress and proclamation of the President of the United States, providing for the settlement of said Territory:

First. There are three classes of lot-holders in Guthrie, and probably in all of the other towns of the Territory, relative to whose status it would seem as if instructions ought to be given.

Second. The classes referred to may be divided as follows:

(1) That class of persons who entered the Territory of Oklahoma prior to 12 o'clock, noon, of April 22, 1889, and settled upon lots and who have received certificates for the same, and who still retain such lots.

(2) That class of persons who entered the Territory of Oklahoma prior to 12 o'clock

noon of April 22, 1889, and who afterwards purchased certificates entitling such parties to possession of lots from persons who were in the Territory in violation of law, and also from persons who came into the Territory legally.

(3) That class of persons who are holding possession by certificate or otherwise of lots upon which no improvements have been made.

It is a fact, and said fact is presumably within the knowledge of the Department, that all the valuable lots in Guthrie and the principal towns of the Territory were located by men who were in the Territory prior to 12 o'clock noon of April 22, 1889, and that such persons obtained control of the affairs of the towns and organized what are called "boards of arbitration." Such "boards," in determining the right of persons to hold lots, did not consider the entering of the Territory prior to 12 o'clock noon of April 22, 1889, any bar against a person holding lots, and, inasmuch as all the valuable lots were located by such persons, it follows that certificates were primarily given to men who were there in violation of law. Many persons coming within the class referred to sold the lots originally located by them and afterwards purchased other lots or traded their certificates for other certificates and are not now claiming any property by original location.

From a personal inspection of the cities of Kingfisher and Guthrie I observed that there are hundreds of lots where there are no improvements of any character more substantial than four or six posts with a single wire strung around the lot, and on many lots there are no improvements whatever.

Whether the framers of the act of May 14, 1890, intended to award such lots to the holders of the certificate is a very vital question to many bona fide citizens who have much better claim to the lots than have the holders of the illegal certificates which were issued by the arbitrary action of men who illegally entered the Territory and controlled the town organizations by virtue of their compact and organized system of action.

Upon this branch of the law the commissioners, it would seem, ought to have the most explicit instructions and interpretation of the legal propositions that will arise under the act of May 14, 1890, and confront the boards in dealing with this important matter.

The cities and towns of Oklahoma were located and settled in a day, and many persons located lots, the boundaries of which do not conform to the survey as run by the town authorities, but such persons have at all time since, in so far as the town governments would allow, held possession of their original locations.

Query: Did their right attach prior to the survey; and, if so, will they be permitted to retain possession of the parcel located by them?

Contests should be made easy and inexpensive, as the so-called "Sooners" and violators of law are in possession, and have held and received the income from the lots to the present, and the innocent citizens who are the law-abiding and wronged class, are the contestants, and have been out of possession and at all expense to the present and without return from the lots claimed.

As many abortions in the name of justice have already resulted in the Territory, plenty of time should be given the commissioners to adjust the interests and rights of the people under the act of May 14, 1890.

There is a firm of gamblers who came into the city of Guthrie prior to 12 o'clock noon on the 22d of April, who now hold a very large number of certificates for lots issued to "Sooners." These certificates were lost at the gaming table, or hypothecated to the firm for the chips or checks used as money at their gaming tables. If any instructions can be issued to the commissioners by which they can ascertain the source from which holders of certificates became possessed of same, and where the same were obtained without a valuable legal consideration to annul the certificates, such instructions would release many lots from present illegal holders.

On 8th of August last, some 200 lots were unclaimed by certificates, and on said date or within a day or two, these 200 lots were disposed of to straw men, in blocks of 25 to 85, and these certificates assigned to other parties to the scheme, by these straw men. Some have been assigned to innocent purchasers. The face of the certificate and the assignment on back are in the same hand-writing. That a most stupendous fraud was committed goes without saying, and the source of all titles should be closely scrutinized, and when illegal the certificates should be annulled.

Respectfully,

W. D. HARLAN,
Inspector, General Land Office.

Hon. J. W. NOBLE,
Secretary of the Interior.

APPENDIX C.

POPULATION OF THE UNITED STATES BY STATES AND TERRITORIES, 1890.

DEPARTMENT OF THE INTERIOR,
CENSUS OFFICE,
Washington, D. C., October 28, 1890.

SIR: I have the honor to submit herewith a statement showing the population of the United States according to the Eleventh Census. The large clerical force and improved methods have allowed a very rapid progress in the compilation and tabulation of results, and this report will be followed within a short time by other bulletins relating to the population. The special work of the census is so far advanced that bulletins relating thereto will now be issued at frequent intervals during the next few months. The field-work of the census is nearing completion, and by the end of this year will be practically finished. The work of tabulation is being rapidly pressed forward, in order to begin the publication of the volumes as soon as possible.

The population of the United States on June 1, 1890, as shown by the first count of persons and families, exclusive of white persons in Indian Territory, Indians on reservations, and Alaska, was 62,480,540. These figures may be slightly changed by later and more exact compilations, but such changes will not be material. In 1880 the population was 50,155,783. The absolute increase of the population in the ten years intervening was 12,324,757, and the percentage of increase was 24.57. In 1870 the population was stated as 38,558,371. According to these figures the absolute increase in the decade between 1870 and 1880 was 11,597,412, and the percentage of increase was 30.08.

Upon their face these figures show that the population has increased between 1880 and 1890 only 727,345 more than between 1870 and 1880, while the rate of increase has apparently diminished from 30.08 to 24.57 per cent. If these figures were derived from correct data, they would be indeed disappointing. Such a reduction in the rate of increase in the face of the enormous immigration during the past ten years would argue a great diminution in the fecundity of the population or a corresponding increase in its death rate. These figures are, however, easily explained when the character of the data used is understood. It is well known, the fact having been demonstrated by extensive and thorough investigation, that the census of 1870 was grossly deficient in the Southern States, so much so as not only to give an exaggerated rate of increase of the population between 1870 and 1880 in these States, but to affect very materially the rate of increase in the country at large.

These omissions were not the fault nor were they within the control of the Census Office. The census of 1870 was taken under the law which the Superintendent, General Francis A. Walker, characterized as "clumsy, antiquated, and barbarous." The Census Office had no power over its enumerators save a barren protest, and this right was even questioned in some quarters. In referring to these omissions the Superintendent of the Tenth Census said in his report in relation to the taking of the census in South Carolina: "It follows, as a conclusion of the highest authority, either that the census of 1870 was grossly defective in regard to the whole of the State or some considerable parts thereof, or else that the census of 1880 was fraudulent." Those, therefore, who believe in the accuracy and honesty of the Tenth Census—and that was thoroughly established—must accept the other alternative offered by General Walker, namely, that the Ninth Census was "grossly defective." What was true of South Carolina was also true, in greater or less degree, of all the Southern States.

There is, of course, no means of ascertaining accurately the extent of these omissions, but in all probability they amounted to not less than 1,500,000. There is but little question that the population of the United States in 1870 was at least 40,000,000, instead of 38,558,371, as stated. If this estimate of the extent of the omissions in 1870 be correct, the absolute increase between 1870 and 1880 was only about 10,000,000, and the rate of increase was not far from 25 per cent. These figures compare much more reasonably with similar deductions from the population in 1880 and 1890.

Omitting from consideration those States in which the census of 1870 is known or is presumed to have been faulty, the rate of increase between 1870 and 1880 in the remaining States has been very nearly maintained in the decade between 1880 and 1890. Referring to the principal table of the bulletin, the census of 1870 is known or

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is presumed to have been deficient in nearly all the States of the South Atlantic and Southern Central divisions, while in the North Atlantic, Northern Central, and Western divisions no evidence of incompleteness has been detected.

The population of these three last-named divisions in 1870, 1880, and 1890, the absolute increase for the two decades, and the rate of increase, is set forth in the following table:

Year.	Population.	Increase in population.	Percentage of increase.
1870	26,270,351	.....	.....
1880	33,639,215	7,368,864	28.1
1890	42,693,682	9,054,467	26.9

It will be seen that the absolute increase between 1880 and 1890 exceeded that between 1870 and 1880 by 1,685,603, and that the proportional increase was but 1.2 per cent. less.

Population of the United States in 1890, as compared with 1880 and 1870, by States and Territories, showing the increase by number and percentages from 1880 to 1890, from 1870 to 1880, and from 1860 to 1870.

[The figures for 1890 in this table are not final, but are subject to revision.]

States and Territories.	Population.			Increase from 1880 to 1890.		Increase from 1870 to 1880.		Increase from 1860 to 1870.	
	1890.	1880.	1870.	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.
The United States	62,480,540	50,155,783	38,558,371	12,324,757	24.57	11,597,412	30.08	7,115,050	22.63
North Atlantic division	17,364,429	14,507,407	12,298,730	2,857,022	19.69	2,208,677	17.96	1,704,462	16.09
Maine	660,261	648,936	626,915	11,325	1.75	22,021	3.51	21,364	20.22
New Hampshire	375,827	346,991	318,300	28,836	8.31	28,691	9.01	27,773	22.38
Vermont	332,205	332,286	330,551	1,654	0.50	1,735	0.52	15,453	4.90
Massachusetts	2,233,407	1,783,085	1,457,351	450,322	25.26	325,734	22.35	226,285	18.38
Rhode Island	345,343	276,531	217,853	68,812	24.88	59,178	27.23	42,733	24.47
Connecticut	745,861	622,700	537,454	123,161	19.78	85,246	15.86	77,307	16.80
New York	5,981,934	5,082,871	4,382,759	899,063	17.69	700,112	15.97	502,024	12.94
New Jersey	1,441,017	1,131,116	906,096	309,901	27.40	225,020	24.83	234,061	34.83
Pennsylvania	5,248,574	4,282,891	3,521,951	965,683	22.55	760,940	21.61	615,736	21.19
South Atlantic Division	8,836,759	7,597,197	5,853,610	1,239,562	16.32	1,743,587	29.79	488,907	9.11
Delaware	167,871	146,608	125,015	21,263	14.50	21,593	17.27	12,799	11.41
Maryland	1,040,431	934,943	780,894	105,488	11.28	154,049	19.73	93,845	13.66
District of Columbia	229,796	177,624	131,700	52,172	29.37	45,924	34.87	56,620	75.41
Virginia	1,648,911	1,512,665	1,225,163	136,346	9.01	287,402	23.46	670,859	64.44
West Virginia	760,448	618,457	442,014	141,991	22.96	176,443	39.92	.....	.....
North Carolina	1,617,340	1,399,750	1,071,361	217,590	15.54	328,389	30.65	78,739	7.93
South Carolina	1,147,161	995,577	705,606	151,584	15.23	289,971	41.10	1,898	0.27
Georgia	1,834,366	1,542,180	1,184,109	292,186	18.95	358,071	30.24	126,823	12.00
Florida	390,435	269,493	187,748	120,942	44.88	81,745	43.54	47,324	33.70
Northern Central division	22,322,151	17,364,111	12,981,111	4,958,040	28.55	4,488,000	33.76	3,884,395	42.70
Ohio	3,666,719	3,198,062	2,665,260	468,657	14.65	532,802	19.99	325,749	13.92
Indiana	2,189,030	1,978,301	1,680,637	210,729	10.65	297,664	17.71	330,209	24.45
Illinois	3,818,536	3,077,871	2,539,891	740,665	24.06	537,980	21.18	827,940	48.36
Michigan	2,089,792	1,636,937	1,184,059	452,855	27.66	452,878	38.25	434,946	58.06
Wisconsin	1,683,697	1,315,497	1,054,670	368,200	27.99	260,827	24.73	278,789	35.93
Minnesota	1,300,017	780,773	439,706	519,244	66.50	341,067	77.57	267,683	155.61
Iowa	1,906,729	1,624,615	1,194,020	282,114	17.36	430,595	36.06	519,107	76.91
Missouri	2,677,080	2,168,380	1,721,295	508,700	23.46	447,085	25.97	589,283	45.62
North Dakota	182,425	36,909	.....	145,516	394.26	120,996	853.23	9,344	193.18
South Dakota	327,848	98,268	14,181	229,580	233.63	.....	.....	.....	.....
Nebraska	1,056,793	452,402	122,993	604,391	133.60	329,409	267.83	94,152	326.45
Kansas	1,423,485	996,096	364,399	427,389	42.91	631,697	173.35	257,193	239.91

a Decrease.

b Of Virginia and West Virginia together.

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Population of the United States in 1890, as compared with 1880 and 1870, etc.—Continued.

States and Territories.	Population.			Increase from 1880 to 1890.		Increase from 1870 to 1880.		Increase from 1860 to 1870.	
	1890.	1880.	1870.	Number.	Per-centage.	Number.	Per-centage.	Number.	Per-centage.
Southern Central division.....	10,948,253	8,919,371	6,434,410	2,028,419	22.75	2,484,961	38.62	665,72	11.54
Kentucky	1,855,436	1,648,690	1,321,011	206,746	12.54	327,679	24.81	165,327	14.31
Tennessee	1,763,723	1,542,359	1,258,520	221,364	14.35	283,829	22.55	148,719	13.40
Alabama	1,508,073	1,262,505	996,992	245,568	19.45	265,513	26.63	32,791	3.40
Mississippi	1,284,887	1,131,597	827,922	153,290	13.55	393,675	36.68	36,617	4.63
Louisiana	1,116,828	939,946	726,915	176,882	18.82	213,031	29.31	18,931	2.67
Texas	2,232,220	1,591,749	818,759	640,471	40.24	773,179	94.45	214,364	35.48
Indian Territory (a)	661,701	.....	.....	61,701	.....	.....	.....	.....	.....
Oklahoma	1,125,385	802,525	484,471	322,860	46.23	318,054	65.65	49,021	11.26
Arkansas .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Western division.	3,008,948	1,767,697	990,510	1,241,251	70.22	777,187	78.46	371,534	60.02
Montana	131,769	39,159	20,595	92,610	236.50	18,564	90.14	20,595	.....
Wyoming	60,589	20,789	9,118	39,800	191.45	11,671	128.00	9,118	.....
Colorado	410,975	194,327	39,864	216,648	111.49	154,463	387.47	5,587	16.30
New Mexico	144,862	119,565	91,874	25,297	21.16	27,691	30.14	21,642	21.76
Arizona	59,691	40,440	9,658	19,251	47.60	38,782	318.72	9,658	.....
Utah	206,498	143,963	86,786	62,535	43.44	57,177	65.88	46,513	115.49
Nevada	44,327	62,266	42,491	17,939	28.81	19,775	46.54	35,634	519.67
Idaho	84,229	32,610	14,999	51,619	158.29	17,611	117.41	14,999	.....
Alaska (d) .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Washington	349,516	75,116	23,955	274,400	365.30	51,161	213.57	12,361	106.62
Oregon	312,490	174,768	90,923	137,722	78.80	83,845	92.22	38,458	73.30
California	1,204,002	864,694	560,247	339,308	39.34	304,447	54.34	180,253	47.44

a The number of white persons in the Indian Territory is not included in this table, as the census of Indians and other persons on Indian reservations, which was made a subject of special investigation by law, has not yet been completed.

b Including 5,337 persons in Greer county (in Indian Territory), claimed by Texas.

c Decrease.

d The number of white persons in Alaska is not included in this table, as the census of Alaska, which was made a subject of special investigation by law, has not yet been completed.

RECAPITULATION BY GROUPS.

Geographical divisions.	Population.			Increase from 1880 to 1890.		Increase from 1870 to 1880.		Increase from 1860 to 1870.	
	1890.	1880.	1870.	Number.	Per-centage.	Number.	Per-centage.	Number.	Per-centage.
The United States	62,480,540	50,155,783	38,558,371	12,324,757	24.57	11,597,412	30.08	7,115,050	22.63
North Atlantic division	17,364,429	14,507,407	12,298,730	2,857,022	19.69	2,208,677	17.96	1,704,462	16.09
South Atlantic division	8,836,759	7,527,197	5,853,610	1,239,562	16.32	1,734,587	29.79	488,907	9.11
Northern Central division	22,322,151	17,364,111	12,981,111	4,958,040	28.55	4,383,000	33.76	3,884,395	42.70
Southern Central division	10,948,253	8,919,371	6,434,410	2,028,882	22.75	2,484,961	38.62	666,752	11.54
Western division ..	3,008,948	1,767,697	990,510	1,241,251	70.22	777,187	78.46	371,534	60.02

The general law governing the increase of population is, that when not disturbed by extraneous causes, such as wars, pestilences, immigration, emigration, etc., increase of population goes on at a continually diminishing rate. The operation of this law in this country has been interfered with in recent years by the late war, which, besides the destruction of a vast number of lives, decreased the birth rate very materially during its progress. It was followed by an increased birth rate, as is invariably the case under similar circumstances. The normal rate of increase has been, and is, greatly interfered with also by immigration, and it is difficult to estimate the effect of this upon our rate of increase. Approximation to it may, however, be reached by the following process: Between 1880 and 1890, 5,246,613 immigrants entered this country. Of these a part have returned to their homes or migrated

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elsewhere. A considerable proportion, probably about one-eighth, have died. On the other hand, children have been born to them, and it is probable that the births have counterbalanced the deaths and the emigration, so that the net influence which immigration has exerted upon our population is approximately expressed by the number of immigrants. Subtracting this number from the numerical increase during the past decade, there remains a trifle over 7,000,000 to represent the actual increase of the inhabitants of this country in 1880. The rate of natural increase is therefore not far from 14 per cent.

Similar calculations for the population in 1880 and the decade preceding would, of course, be valueless on account of the imperfections of the census of 1870.

The table herewith submitted shows the population by States and Territories in 1890, 1880, and 1870, the numerical increase in each State between 1860 and 1870, between 1870 and 1880, and between 1880 and 1890, and the corresponding percentages of increase. This table, which gives the population only at ten-year intervals, is supplemented in the case of a few States by the following table, in which is given, in addition to the result of the Federal censuses of 1830 and 1890, the result of State censuses taken, with the exception of Michigan, in 1885, the census of that State having been taken in 1884. Comparing the results of these State censuses with those of the Federal censuses, it must be understood that the State censuses were taken under different authority, by different machinery, and by different methods from those employed in the Federal census.

States.	Population.			Increase.		Percentage of increase.	
	1850.	1885.	1880.	1880 to 1885.	1885 to 1890.	1880 to 1885.	1885 to 1890.
Colorado	410, 975	243, 910	104, 327	49, 583	167, 065	25.5	62.5
Dakota	510, 273	415, 610	135, 177	280, 433	94, 663	207.5	22.8
Florida	390, 435	342, 551	269, 493	73, 058	47, 884	27.1	14.0
Iowa	1, 905, 729	1, 753, 980	1, 624, 615	129, 365	152, 749	8.0	8.7
Kansas	1, 423, 485	1, 268, 530	996, 096	272, 434	154, 955	27.4	12.2
Massachusetts	2, 233, 407	1, 842, 141	1, 783, 085	159, 056	291, 266	8.9	15.0
Michigan	2, 089, 792	1, 853, 658	1, 636, 937	216, 721	236, 134	13.2	12.7
Minnesota	1, 306, 017	1, 117, 798	780, 773	337, 025	182, 219	43.2	16.3
Nebraska	1, 056, 793	740, 645	452, 402	288, 243	316, 148	63.7	42.7
New Jersey	1, 441, 017	1, 278, 033	1, 131, 116	146, 917	162, 984	13.0	12.8
New Mexico	144, 862	134, 141	119, 565	14, 576	10, 721	12.2	8.0
Oregon	312, 490	194, 150	174, 768	19, 382	118, 340	11.1	61.0
Rhode Island	345, 343	304, 284	276, 531	27, 753	41, 059	10.0	13.5
Washington	349, 516	129, 438	75, 116	54, 322	220, 078	72.3	170.0
Wisconsin	1, 683, 697	1, 563, 423	1, 313, 497	247, 926	120, 274	18.8	7.7

In the State of Kansas the course of the population can be traced even more closely than in the other States represented in the above table. Since 1885 this State has taken a census each year, the results of which are shown in the accompanying table, together with the Federal censuses of 1880 and 1890:

1880. Federal census	996, 096
1885. State census	1, 268, 530
1886. State census	1, 406, 738
1887. State census	1, 514, 578
1888. State census	1, 518, 552
1889. State census	1, 464, 914
1890. Federal census	1, 423, 485

In the principal table of this bulletin the States are grouped as North Atlantic, South Atlantic, Northern Central, Southern Central, and Western. This grouping is a natural one, and by the aid of it certain characteristic features in the development of the States are brought out. The North Atlantic section is primarily a manufacturing section. As a necessary result of the predominance of manufacturing there is a great development of urban population. Indeed, more than one-half the inhabitants are grouped in cities.

The predominant industry of the Northern Central States is agriculture, although in many of these States manufactures are now acquiring prominence. The industries of the South Atlantic and Southern Central sections are still almost entirely agricultural, while in the Western States and Territories the leading industries are agriculture, mining, and grazing.

In the course of the settlement and development of a country the industries commonly follow one another in a certain order. After the hunter, trapper, and prospector, who are commonly the pioneers, the herdsman follows, and for a time the raising of cattle is the leading industry. As settlement becomes less sparse this is

followed by agriculture, which in its turn, as the population becomes more dense, is succeeded by manufactures, and, as a consequence, the aggregation of the people in cities. We see in this country all stages of this progress.

In Maine, New Hampshire, and Vermont the rate of increase between 1870 and 1880 has not quite been maintained; indeed, in the last-named State there has been a trifling absolute decrease of population. In these States agriculture is in a very low condition, the soil is, as a rule, infertile, and markets are not especially easy of access; consequently the farming population has continued to migrate to the Far West. On the other hand, manufactures have not yet assumed sufficient prominence to retain population.

In the other States of this subdivision, with the exception of Rhode Island, viz, Massachusetts, Connecticut, New York, New Jersey, and Pennsylvania, while farming is at quite as low an ebb as in Maine, New Hampshire, and Vermont, manufactures have assumed so great prominence that they have not only sufficed to maintain the former rate of increase, but even to increase it. The rate in Massachusetts has increased from 22 to 25 per cent., in Connecticut from 16 to 20, in New York from 16 to 18, in New Jersey from 25 to 27, and in Pennsylvania from 22 to 23. It will be seen, furthermore, that this augmentation of the rate of increase is greater in the more Easterly States than in the three Western ones above mentioned, owing to the fuller development of manufacturing industries.

Turning to the table showing the results of the State censuses, it appears that during the first half of the last decade the rate of increase in Massachusetts was below the average of the decade, while in the last half it was much greater, a fact which indicates either that the rate of increase declined materially in the first half of the decade, or that the State enumeration was much less complete than that of the Federal enumeration in 1890. The case is somewhat similar in Rhode Island, although not in so marked a degree, the rates of increase between 1880 and 1885 and between 1885 and 1890 being respectively 10 and 13.5 per cent. In New Jersey the rate of increase seems to have been maintained quite uniformly throughout the decade.

In the Northern Central group of States various conditions prevail. In Ohio, Indiana, Iowa, and Missouri, and in Illinois, if the city of Chicago be dropped from consideration, the rate of increase has declined very decidedly. In Ohio it has fallen from 20 to 15 per cent.; in Indiana from 18 to 11; in Iowa from 36 to 17; in Missouri from 26 to 23 per cent., in spite of the rapid growth of St. Louis and Kansas City; and in Illinois, dropping Chicago from consideration, from 14.9 to 5.6 per cent. In these States the agricultural industry, which is still the prominent one, has begun to decline, owing to the sharp competition of Western farms. The farming population has migrated westward, and the growth of manufactures is not yet sufficiently rapid to repair these losses. The southern portions of Michigan, Wisconsin, and Minnesota are under similar conditions, but the northern parts of these States, lying upon the frontier of settlement, have filled up with sufficient rapidity to repair either wholly or in part the losses of the southern parts. Michigan increased at the rate of 38 per cent. between 1870 and 1880, while between 1880 and 1890 the rate was but 28 per cent. The increase between 1880 and 1890 was cut into unequal parts by the State census taken in 1884. In the first four years of the decade the increase was 13.2 per cent., while in the last six years it was 12.7 per cent. As the rate of increase in this State is declining, the State census taken in 1884 corroborates the Federal census of 1890. In Wisconsin the last decade shows an increase of 28 per cent., as against an increase of 25 per cent. in the decade between 1870 and 1880. The State census of Wisconsin, taken in 1885, cuts the decade into two equal parts, and shows an increase during the first half of 18.8 per cent. and during the second half of but 7.7 per cent.

Minnesota increased 78 per cent. between 1870 and 1880 and 67 per cent. between 1880 and 1890, the numerical increase being over half a million in the past decade. The State census, taken in 1885, shows that the bulk of this increase occurred between 1880 and 1885. The numerical increase during the first five years was 337,025, and the rate of increase 43 per cent., while during the last half of the decade the numerical increase was 162,219, and the rate of increase 16.3 per cent.

During the past ten years the population of Dakota, considering the two States of North Dakota and South Dakota together, has increased from 135,177 to 510,273, or 277 per cent.; Nebraska from 452,402 to 1,056,793, or 134 per cent., and Kansas from 996,096 to 1,423,485, or 43 per cent. This increase has not, however, continued uniformly throughout the decade. In 1885 Dakota contained 415,610 inhabitants, or more than four-fifths of its present population. Nebraska contained 740,645 inhabitants in the same year, thus dividing the numerical increase quite equally between the two halves of the decade, but leaving the greater percentage of increase in the first half. In the same year Kansas by its State census had 1,268,530 inhabitants, showing that nearly two-thirds of the numerical gain was acquired during the first half of the decade. The industries of these States are almost purely agricultural, and are dependent on the supply of moisture, either in the form of rain or by irriga-

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tion. Through these States passes what is known as the subhumid belt, a strip of country several degrees in width, in which during rainy years there is an abundance of moisture for the needs of crops, while in the years when the rain-fall is below the average the supply is deficient. In this region little provision has been made for artificial irrigation, the settlers having thus far been content to depend upon rain-fall. Into this region the settlers flocked in large numbers in the early years of the decade, drawn thither by the fertility of the land and by the fact that for a few years the rain-fall had been sufficient for the needs of agriculture. During the past two or three years, however, the conditions of rain-fall have materially changed. It has fallen decidedly below the normal, and the settlers have thereby been forced to emigrate. Thousands of families have abandoned this region and gone to Oklahoma and the Rocky Mountain region. This migration is well shown in the progress of Kansas, as indicated by its annual censuses. These censuses show a rapid increase in population from 1880 up to 1887; 1888 shows but a slight increase over 1887, while 1889 shows a reduction in the population, leading up to the further reduction shown by the Federal census in 1890.

Throughout the South Atlantic and Southern Central States the rate of increase has diminished, and in most of these States it has diminished very materially. A certain reduction in the percentage of increase, especially in the eastern part of this region, was to be expected, due not only to the operation of general laws, but also to the fact that there has been considerable migration from the States east of the Mississippi River to the westward and but little immigration. Taken together, however, these two causes by no means account for the reduction in the rate of increase in these States. The real cause is to be found, as was stated early in this discussion, in the imperfections of the census of 1870. These imperfections resulted in giving a comparatively low rate of increase between 1860 and 1870 and an exaggerated increase between 1870 and 1880. The following table, showing the rates of increase during the last three decades in these States, illustrates the imperfections of the census of 1870 in a somewhat startling manner:

States.	Per cent. of increase.		
	1860 to 1870.	1870 to 1880.	1880 to 1890.
Virginia.....	4.4	23.5	9.0
North Carolina.....	7.9	30.6	15.5
South Carolina.....	0.3	41.1	15.2
Georgia.....	12.0	30.2	18.9
Alabama.....	3.4	26.6	19.4
Mississippi.....	4.6	36.7	13.5
Louisiana.....	2.7	29.3	18.8
Kentucky.....	14.3	24.8	12.5
Tennessee.....	13.4	22.5	14.4

a Of Virginia and West Virginia together.

It is but reasonable to suppose that in these States, which were ravaged by war from 1861 to 1865, the rate of interest in the decade which includes the war period should be less than a normal one. Of all these States Virginia, whose soil was the principal theater of the war, must have suffered most severely, and during the period in question it increased at the rate of but 4.4 per cent. Next to Virginia Kentucky and Tennessee suffered the most severely, and yet they increased, respectively, 14 and 13 per cent. On the other hand, North Carolina, which suffered less severely, gained but 8 per cent., and South Carolina, which suffered less in comparison with Virginia, apparently remained at a standstill as regards population. Georgia gained 12 per cent., while Alabama and Louisiana gained but 3 per cent. and Mississippi but 5, although they were comparatively remote from active operations and suffered relatively little from the ravages of war. On the other hand, those States which suffered the most severely from the war have made during the decade between 1870 and 1880 the smallest proportion of gain of the Southern States, whereas the reverse should have been the case. Thus Virginia gained 23 per cent., Kentucky 25, and Tennessee 23, while the States that were farther removed from active operations were North Carolina, which gained 31; South Carolina, 41; Georgia, 30; Alabama, 27; Mississippi, 37, and Louisiana, 29 per cent. These startling discrepancies can be due only to the imperfections of the census of 1870, which were, as has been demonstrated, greatest in South Carolina, Mississippi, Louisiana, Alabama, Georgia, and North Carolina, although they were not by any means wanting in Virginia, Kentucky, and Tennessee.

The industries of these two sections are almost purely agricultural. During the past ten years manufactures have obtained a slight footing and mining has made considerable growth in the mountain regions, but these causes have thus far produced but a comparatively trifling movement of population. The urban population, although great in proportion to that which existed formerly, is very small in proportion to the rural population of the region,

During the first half of the last decade Florida had a rapid growth. The population between 1880 and 1885 increased 73,058, or at the rate of 27 per cent. This rapid growth, however, received a serious check in 1887 and 1888 by an epidemic of yellow fever and by severe frosts. The growth since 1885 has, therefore, been comparatively slow.

Arkansas has continued to grow at a rapid rate, having increased 40 per cent. in the last ten years. Texas also has increased with great rapidity, the numerical increase of its population being 640,471, or over 40 per cent.

In the western section the conditions of growth have been very varied. In the earlier years of the decade the discovery of valuable silver and copper mines in the mountains of Montana in the neighborhood of Butte have drawn to that State a large immigration, which is engaged not only in mining, but in developing the rich agricultural resources. Wyoming has continued to grow with accelerated rapidity.

The census of Colorado in 1880 was taken on the top wave of a mining excitement, which had filled its mountains with miners, prospectors, and speculators, increasing its population enormously, especially in the mountainous country. The census of the State taken in 1885 was, on a superficial view, very surprising. It showed that most of the mining counties had lost population during the five years preceding. This loss was, however, more than made up by the growth of its cities and its agricultural counties. The census of 1890 shows still further reduction of population in the mining regions of the State and an extraordinary development of its urban population and its farming element. New Mexico, Arizona, and Utah show rates of increase which are small when the sparsely settled condition of these Territories is considered, while Nevada shows an absolute diminution of population of 17,939, or nearly 29 per cent., leaving it the smallest of all the States. This condition of things is a natural result of the failure of the Comstock and other mines, work upon which has practically ceased. Idaho has increased its population two and a half times. Its prosperity is mainly due to its mines, although people are now turning to agriculture in considerable numbers.

The growth of Washington has been phenomenal, the population in 1890 being nearly five times that of 1880. As is shown by the State census taken in 1885, this growth has been almost entirely during the last five years of the decade. The inducements which have attracted settlers are in the main its fertile soil and ample rain-fall, which enable farming to be carried on without irrigation over almost the entire State. The growth of Oregon, though less rapid, has been at a rate of nearly 80 per cent. during the past decade. The numerical increase has been 137,722, of which over four-fifths has been acquired during the past five years. The additions to its population are mainly in the valleys of the Columbia and Willamette rivers.

California, which increased 54 per cent. during the decade between 1870 and 1880, has maintained during the past decade a rate of increase of 39 per cent. This increase, though wide-spread throughout the State, has been most marked in its great cities and in the southern part.

The following table shows the relative rank in population of the States and Territories in 1890 and in 1880:

Relative rank of States and Territories in population.

1890.	1880.	1890.	1880.
1 New York.	1 New York.	26 Nebraska.	26 Minnesota.
2 Pennsylvania.	2 Pennsylvania.	27 Maryland.	27 Maine.
3 Illinois.	3 Ohio.	28 West Virginia.	28 Connecticut.
4 Ohio.	4 Illinois.	29 Connecticut.	29 West Virginia.
5 Missouri.	5 Missouri.	30 Maine.	30 Nebraska.
6 Massachusetts.	6 Indiana.	31 Colorado.	31 New Hampshire.
7 Texas.	7 Massachusetts.	32 Florida.	32 Vermont.
8 Indiana.	8 Kentucky.	33 New Hampshire.	33 Rhode Island.
9 Michigan.	9 Michigan.	34 Washington.	34 Florida.
10 Iowa.	10 Iowa.	35 Rhode Island.	35 Colorado.
11 Kentucky.	11 Texas.	36 Vermont.	36 District of Columbia.
12 Georgia.	12 Tennessee.	37 South Dakota.	37 Oregon.
13 Tennessee.	13 Georgia.	38 Oregon.	38 Delaware.
14 Wisconsin.	14 Virginia.	39 District of Columbia.	39 Utah.
15 Virginia.	15 North Carolina.	40 Utah.	40 Dakota.
16 North Carolina.	16 Wisconsin.	41 North Dakota.	41 New Mexico.
17 Alabama.	17 Alabama.	42 Delaware.	42 Washington.
18 New Jersey.	18 Mississippi.	43 New Mexico.	43 Nevada.
19 Kansas.	19 New Jersey.	44 Montana.	44 Arizona.
20 Minnesota.	20 Kansas.	45 Idaho.	45 Montana.
21 Mississippi.	21 South Carolina.	46 Oklahoma.	46 Idaho.
22 California.	22 Louisiana.	47 Wyoming.	47 Wyoming.
23 South Carolina.	23 Maryland.	48 Arizona.	
24 Arkansas.	24 California.	49 Nevada.	
25 Louisiana.	25 Arkansas.		

It will be seen that, as in 1880, New York still heads the list, and is followed by Pennsylvania. Ohio and Illinois have exchanged places. Of the other changes in the list the most marked are those of Texas, which rises from No. 11 to No. 7; Kentucky, which drops from 8 to 11; Minnesota, which rises from 26 to 20; Nebraska, which rises from 30 to 26; Maryland, which drops from 23 to 27; Colorado, which rises from 35 to 31; Vermont, which drops from 32 to 36; Washington, which rises from 42 to 34; Delaware, which drops from 38 to 42; Nevada, which drops from 43 to 49, and Arizona, which drops from 44 to 48. The average change in rank is 2.2 places.

I have the honor to be, sir, respectfully, yours,

ROBERT P. PORTER,
Superintendent of Census.

HON. JOHN W. NOBLE,
Secretary of the Interior.

APPENDIX D.

EXHIBIT OF EXTRACTS FROM NEWSPAPERS RELATING TO PROCLAMATION OF PRESIDENT WOODRUFF AND CONFERENCE OF MORMON CHURCH, TRANSMITTED TO SECRETARY BY GOVERNOR THOMAS.

Remarks by President George Q. Cannon and President Wilford Woodruff at the sixty-first semi-annual conference of the Church of Jesus Christ of Latter-day Saints, October 6, 1890, immediately following the adoption by the general assembly of the manifesto issued by President Wilford Woodruff in relation to plural marriages.

PRESIDENT GEORGE Q. CANNON.

On the 19th of January, 1841, the Lord gave His servant Joseph Smith a revelation, the forty-ninth paragraph of which I will read:

"Verily, verily, I say unto you, that when I give a commandment to any of the sons of men to do a work unto my name, and those sons of men go with all their might, and with all they have, to perform that work, and cease not their diligence, and their enemies come upon them, and hinder them from performing that work; behold, it behooveth me to require that work no more at the hands of those sons of men, but to accept of their offerings."

The Lord says other things connected with this, which I do not think it necessary to read, but the whole revelation is profitable, and can be read by those who desire to do so.

It is on this basis that President Woodruff has felt himself justified in issuing this manifesto.

I suppose it would not be justice to this conference not to say something upon this subject; and yet everyone knows how delicate a subject it is, and how difficult it is to approach it without saying something that may offend somebody. So far as I am concerned, I can say that of the men in this church who have endeavored to maintain this principle of plural marriage, I am one. In public and in private I have avowed my belief in it. I have defended it everywhere and under all circumstances, and when it was necessary have said that I considered the command was binding and imperative upon me.

But a change has taken place. We have, in the first place, endeavored to show that the law which affected this feature of our religion was unconstitutional. We believed for years that the law of July 1, 1862, was in direct conflict with the first amendment to the Constitution, which says that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." We rested upon that, and for years continued the practice of plural marriage, believing the law against it to be an unconstitutional one, and that we had the right, under the Constitution, to carry out this principle practically in our lives. So confident was I in relation to this view that in conversations with President Grant and his Attorney-General, ex-Senator Williams, of Oregon, I said to them that if my case were not barred by the statute of limitations I would be willing to have it made a test case, in order that the law might be tested.

We were sustained in this view not only by our own interpretation of the amendment to the Constitution, but also by some of the best legal minds in the country, who took exactly the same view that we did—that this law was an interference with religious rights—and that so long as our practices did not interfere with the happiness and peace of society or of others, we had the right to carry out this principle. In fact, it is within six or eight months that, in conversation with two United States Senators, each conversation being separate from the other, both of them expressed themselves, though not in the same language, to this effect: "Mr. Cannon, if this feature that you practice had not been associated with religion, it might have been tolerated; but you have associated it with religion, and it has aroused the religious sentiment of the nation, and that sentiment can not be resisted. So far as the practice itself is concerned, if you had not made it a part of your faith, and an institu-

tion sanctioned by religion, it might have gone along unnoticed." I do not give the exact language, but these are the ideas that they conveyed to me.

Now, we were very confident that this law was an unconstitutional one. President Daniel H. Wells will remember how he and I tried to get a case to test the constitutionality of the law during the lifetime of President Brigham Young. We wanted to get Brother Erastus Snow. It is the last thing that we should have thought of to put a man like he was in the gap if we had not been firmly convinced that the law was unconstitutional and would be declared so by the United States Supreme Court. We telegraphed to Brother Erastus in the South, thinking that his case would not be barred by the statute of limitations. He replied to us concerning it, and we found that it was barred. Brother A. M. Musser proposed himself, if I remember aright, to be a test case; but there was a defect in his case. We wanted this case, whenever it was presented, to be presented fairly, that there should be no evasion about it, but that it should be a case that could be tested fairly before the courts of the country. Finally, Brother George Reynolds was selected. I said to myself, when I learned the result, "it is the last time that I will ever have anything to do with a test case again which will involve the liberty of anybody."

I was promised when he was sentenced, by one high in authority and who had the right to make the promise, that he should be released, when the circumstances were told to him; for they were laid fairly before him, and he was told that the evidence had been furnished by Brother Reynolds himself, and that everything had been done to make it a test case; the Government had been aided in the securing of witnesses, and no difficulty thrown in the way. Afterwards, on the second trial, I believe Brother Reynolds' lawyers got frightened, and there was something occurred then that gave it a different appearance. But when the facts were related, as I stated, to one high in authority, he promised me that George Reynolds should be pardoned. There were those, however, in this city who were determined that he should not escape imprisonment, and the prosecuting attorney wrote a letter which changed the mind of this high official, as he afterward told me, and he declined to carry out that which I had received as a promise. But even then there were circumstances connected with this decision that made us reluctant to accept it.

Since that time the history of proceedings is before you and before the world. We have felt as though this command of God was of such importance to us, involving so many serious consequences, that we should do all in our power to have the world know the position that we occupied. There may be men among us who believed they would be damned if they did not obey this, accepting it as a direct command from God. Therefore, you can understand how tenaciously we have protested, and how vigorously we have endeavored, as far as we could, to make public our views upon this subject.

I suppose there are two classes here to-day in this congregation—one class who feel to sorrow to the bottom of their hearts because of the necessity of this action that we have now taken; another class who will say: "Did I not tell you so?" "Did I not tell you it would come to this?" "Did I not say to you that you ought to take advantage of and comply with this years ago, instead of enduring that which you have suffered since that time?" There may be men here to-day who pride themselves on their foresight, and who take credit to themselves because they foresaw, as they allege, that which we have done to-day, and would lead others to believe that if their counsel had been adopted, if the views that they presented had been accepted by the people, it might have saved very serious consequences to us all and left us in a better position than that which we occupy to-day. But I, for one, differ entirely with this view. I believe that it was necessary that we should witness unto God, the Eternal Father, unto the heavens and unto the earth, that this was really a principle dear to us—dearer, it might be said, in some respects than life itself.

We could not have done this had we submitted at the time that those of whom I speak suggested submission. We could not have left our own nation without excuse. It might have said, "Had we known all that you tell us now concerning this, we should have had very different views about this feature of your religion than we did have." But now, after the occurrences of the past six years have been witnessed by this entire nation and by the world, and by God the Eternal Father and the heavenly hosts, no one can plead as an excuse that they have been ignorant of our belief and the dearness of this principle to us.

Upwards of thirteen hundred men have been incarcerated in prison, going there for various terms from one or three months up to years. They have gone there willingly, as martyrs to this principle, making a protest that the heavens and the earth should bear record of, that they were conscientious in espousing this principle, and that it was not for sensual indulgence, because if sensual indulgence had been the object we could have obtained it without such sacrifices as were involved in obedience to this law—without going to prison, without sustaining wives and children, without the obloquy that has been heaped upon us because of this action of ours.

If licentious motives had prompted us, we could have secured the results in a

cheaper way and in a way more in consonance with universal custom throughout our own land and all Christendom. But the sacrifices that we have made in this respect bear testimony to the heavens and to the earth that we have been sincere and conscientious in all that we have done, and that we have not been prompted by a desire to use women for lustful purposes, but to save them, to make them honorable, and to leave no margin of women in our society to become a prey to lust, so that every woman in our land should have the opportunity of becoming a virtuous wife and an honored mother, loved and respected by her offspring and by all her associates.

If no other result has attended what may be termed our obstinacy these results are, at least, upon record, and they never can be blotted out. The imprisonment of these men, the sufferings—the untold, unwritten, yea, the unmentionable, it may be said, sufferings—of wives and children, they are recorded in heaven and are known to men upon the earth, and they form a chapter that will never be blotted out.

Latter-day Saints, there has been nothing lost in the five years that have just passed. We have lost no credit. There has been no honor sacrificed. We can look God in the face; that is, if we are permitted to do so, so far as this is concerned, we can; we can look the holy angels in the face; we can look mankind in the face without a blush, or without feeling that we have done anything unworthy of our manhood or of our professions and the faith that God has given unto us. This all of us can do, and if no other result has followed what may be called our obstinacy than these which I now describe they are grand enough to pay us for all that we have gone through.

But the time has come when, in the providence of God, it seemed necessary that something should be done to meet the requirements of the country, to meet the demands that have been made upon us, and to save the people. President Woodruff and others of us have been appealed to hundreds of times; I might say—I can say for myself—that I have been appealed to many scores of times to get out something and to announce something. Some of our leading brethren have said: "Inasmuch as we have ceased to give permission for plural marriages to be solemnized, why can not we have the benefit of that? Why can not we tell the world it, so as to have the benefit of it? Our enemies are alleging constantly that we still practice this in secret, and that we are dishonest and guilty of evasion."

Now, if we have really put a stop to granting permissions to men to take more wives than one, why should not the world know it and we have the advantage of it?" These remarks have been made to us repeatedly. But at no time has the Spirit seemed to indicate that this should be done. We have waited for the Lord to move in the matter; and on the 24th of September President Woodruff made up his mind that he would write something, and he had the spirit of it. He had prayed about it and had besought God repeatedly to show him what to do. At that time the Spirit came upon him, and the document that has been read in your hearing was the result. I know that it was right, much as it has gone against the grain with me in many respects, because many of you know the contest we have had upon this point. But when God speaks, and when God makes known His mind and will, I hope that I and all Latter-day Saints will bow in submission to it.

When that document was prepared it was submitted. But, as I said in this motion that has been made, President Woodruff is the only man upon the earth who holds the keys of the sealing power. These apostles all around me have all the same authority that he has. We are all ordained with the same ordination. We all have had the same keys and the same powers bestowed upon us. But there is an order in the church of God, and that order is that there is only one man at a time on the earth who holds the keys of sealing, and that man is the president of the church, now Wilford Woodruff. Therefore he signed that document himself. Some have wondered and said "Why didn't his counselors sign? Why didn't others sign?" Well, I give you the reason—because he is the only man on the earth that has this right, and he exercised it, and he did this with the approval of all of us to whom the matter was submitted, after he had made up his mind, and we sustained it; for we had made it a subject of prayer also, that God would direct us.

There never was a time in this church when I believe the leading men of this church have endeavored to live nearer to God, because they have seen the path in which we walked environed with difficulties, beset with all manner of snares, and we have had the responsibility resting upon us of your salvation, to a certain extent. God has chosen us, not we ourselves, to be the shepherds of His flock. We have not sought this responsibility. You know Wilford Woodruff too well to believe that he would seek such an office as he now fills. I trust you know the rest of us sufficiently to believe the same concerning us. I have shrunk from the apostleship. I have shrunk from being a member of the first presidency. I felt that if I could get my salvation in any other way, I prayed God that He would give it to me, after He revealed to me that I would be an apostle, when I was comparatively a child, and I have had that feeling ever since.

These apostles, all of them, feel the responsibility which rests upon them as leaders

of the people, God having made us, in His providence, your shepherds. We feel that the flock is in our charge, and if any harm befall this flock through us, we will have to answer for it in the day of the Lord Jesus; we shall have to stand and render an account of that which has been intrusted to us; and if we are faithless, and careless, and do not live so as to have the word of God continually with us and know His mind and will, then our condemnation will be sure and certain, and we can not escape it. But you are our witnesses as to whether God is with us or not, as well as the Holy Ghost. You have received, and it is your privilege to receive, the testimony of Jesus Christ as to whether these men who stand at your head are the servants of God, whom God has chosen, and through whom God gives instructions to His people. You know it, because the testimony of the Spirit is with you, and the spirit of God burns in your bosoms when you hear the word of God declared by these servants, and there is a testimony living in your hearts concerning it.

Now, realizing the full responsibility of this, this action has been taken. Will it try many of the Saints? Perhaps it will; and perhaps it will try those who have not obeyed this law as much as any others in the church. But all that we can say to you is that which we repeatedly say to you—go unto God yourselves, if you are tried over this and can not see its purpose; go to your secret chambers and ask God, and plead with Him, in the name of Jesus, to give you a testimony as He has given it to us, and I promise you that you will not come away empty, nor dissatisfied; you will have a testimony, and light will be poured out upon you, and you will see things that perhaps you can not see and understand at the present time.

I pray God to bless all of you, my brethren and sisters; to fill you with His Holy Spirit; to keep you in the path of exaltation which He has marked out for us; to be with us on the right hand and on the left in our future as He has been in the past.

Before I sit down I wish to call attention to one remarkable thing, and it may be an evidence to you that the devil is not pleased with what we have done. It is seldom I have seen so many lies, and such flagrant, outrageous lies, told about the Latter-day Saints as I have quite recently. I have not time to read the papers, but I have happened to pick up two or three papers and glance at them, and the most infernal (pardon me for using that expression) lies ever framed are told. It seems as though the devil is mad every way. "Now," says he, "they are going to take advantage of this, and I am determined they shall have no benefit of it; I will fill the earth with lies concerning them and neutralize this declaration of President Woodruff's." And you will see in all the papers everything that can be said to neutralize the effect of this. To me it is pretty good evidence that the devil is not pleased with what we are doing. When we kept silence concerning this, then we were a very mean and bad people; and now that we have broken the silence and made public our position, why, we are wicked in other directions, and no credence can be attached to anything that we say. You may know by this that his satanic majesty is not pleased with our action. I hope he never will be.

PRESIDENT WILFORD WOODRUFF.

I want to say to all Israel that the step which I have taken in issuing this manifesto has not been done without earnest prayer before the Lord. I am about to go into the spirit world, like other men of my age. I expect to meet the face of my Heavenly Father—the Father of my spirit. I expect to meet the face of Joseph Smith, of Brigham Young, of John Taylor, and of the apostles, and for me to have taken a stand in anything which is not pleasing in the sight of God, or before the heavens, I would rather have gone out and been shot. My life is no better than other men's. I am not ignorant of the feelings that have been engendered through the course I have pursued. But I have done my duty, and the nation of which we form a part must be responsible for that which has been done in relation to this principle.

The Lord has required at our hands many things that we have not done, many things that we were prevented from doing. The Lord required us to build a temple in Jackson County. We were prevented by violence from doing it. He required us to build a temple in Far West, which we have not been able to do. A great many things have been required of us, and we have not been able to do them, because of those that surrounded us in the world. This people are in the hands of God. This work is in the hands of God, and He will take care of it. Brother George Q. Cannon told us about the lies that are abroad. It is a time when there have been more lies told about Mormonism than almost any other subject ever presented to the human family.

I often think of what Lorenzo Dow said with regard to the doctrine of election. Says he: "It is like this: You can, and you can't; you will, and you won't; you shall, and you shan't; you'll be damned if you do, and you'll be damned if you don't." That is about the condition we as Latter-day Saints are in. If we were to undertake to please the world, and that was our object, we might as well give up the ship; we might have given it up in the beginning. But the Lord has called us to

labor in the vineyard; and when our nation passes laws, as they have done, in regard to this principle which we have presented to the conference, it is not wisdom for us to make war upon sixty-five millions of people. It is not wisdom for us to go forth and carry out this principle against the laws of the nation and receive the consequences. That is in the hands of God, and He will govern and control it. The Church of Christ is here; the Zion of God is here in fulfillment of these revelations of God that are contained in these holy records in which the whole Christian world profess to believe.

The Bible could never have been fulfilled had it not been for the raising up of a prophet in the last days. The revelations of St. John could never have been fulfilled if the angel of God had not flown through the midst of heaven, "having the everlasting Gospel to preach to them that dwell on the earth, and to every nation, and kindred, and tongue, and people, saying with a loud voice, Fear God, and give glory to Him; for the hour of His judgment is come." Was that angel going to visit New York, Philadelphia, Boston, and the world, and call the people together and preach to them? Not at all. But the Lord raised up a prophet. The angel of God delivered that Gospel to that prophet. That prophet organized a church; and all that He has promised in this code of revelations (the Book of Doctrine and Covenants) has been fulfilled as fast as time would admit. That which is not yet fulfilled will be.

Brethren and sisters, it is our duty to be true to God and to be faithful. Make your prayers known unto the Lord. The Lord has told us what He will do concerning many things. He will fulfill His word. Let us be careful and wise, and let us be satisfied with the dealings of God with us. If we do our duty to one another, to our country, and to the Church of Christ, we will be justified when we go into the spirit world. It is not the first time that the world has sought to hinder the fulfillment of revelation and prophecy. The Jewish nation and other nations rose up and slew the Son of God and every apostle but one that bore the priesthood in that day and generation. They could not establish the kingdom; the world was against them. When the apostles asked Jesus whether He would at that time restore again the kingdom to Israel, He replied: "It is not for you to know the times or the seasons, which the Father hath put in his own power." He did not say it would be established then; but He taught them to pray: "Our Father which art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth, as it is in heaven." It is a long time since that prayer was offered, and it has not been fulfilled until the present generation. The Lord is preparing a people to receive His kingdom and His Church, and to build up his work. That, brethren and sisters, is our labor.

I want the prayers of the Latter-day Saints. I thank God that I have seen with my eyes this day that this people have been ready to vote to sustain me in an action that I know, in one sense, has pained their hearts. Brother George Q. Cannon has laid before you our position. The Lord has given us commandments concerning many things, and we have carried them out as far as we could, but when we can not do it, we are justified. The Lord does not require at our hands things that we can not do.

This is all I want to say to the Latter-day Saints upon this subject. But go before the Lord and ask Him for light and truth, and to give us such blessings as we stand in need of. Let your prayers ascend unto the ears of the God of Sabaoth, and they will be heard and answered upon your heads and upon the heads of the world. Our nation is in the hands of God. He holds their destiny. He holds the destinies of all men. I will say to the Latter-day Saints, as an elder in Israel and as an apostle of the Lord Jesus Christ, we are approaching some of the most tremendous judgments God ever poured out upon the world. You watch the signs of the times; the signs of the coming of the Son of Man. They are beginning to be made manifest both in heaven and on earth. As has been told you by the apostles, Christ will not come until these things come to pass. Jerusalem has got to be rebuilt. The Temple has got to be built. Judah has got to be gathered, and the house of Israel. And the Gentiles will go forth to battle against Judah and Jerusalem before the coming of the Son of Man.

These things have been revealed by the prophets; they will have their fulfillment. We are approaching these things. All that the Latter-day Saints have to do is to be quiet, careful, and wise before the Lord, watch the signs of the times, and be true and faithful; and when you get through you will understand many things that you do not to-day. This work has been raised up by the power of Almighty God. These Elders of Israel were called from the various occupations of life to preach as they were moved upon by the Holy Ghost. They were not learned men; they were the weak things of this world whom God chose to confound the wise, "and things which are not to bring to nought things that are."

We are here on that principle. Others will be gathered on that principle. Zion will be redeemed, Zion will arise, and the glory of God will rest upon her, and all that Isaiah and the other prophets have spoken concerning her will come to pass. We are in the last dispensation and fulness of time. It is a great day, and the eyes

of all the heavens are over us, and the eyes of God Himself and all the patriarchs and prophets. They are watching over you with feelings of deep interest, for your welfare; and our prophets who were slain and sealed their testimony with their blood, are mingling with the gods, pleading for their brethren. Therefore, let us be faithful and leave events in the hands of God, and He will take care of us if we do our duty.

I pray God that He will bless these apostles, prophets, and patriarchs, these sevens, high priests, and elders of Israel, and these Latter-day Saints, who have entered into covenant with our God. You have a great future before you. You have kept the commandments of God, so far as you have had the opportunity, and by receiving the gospel of Christ and being faithful your reward is before you. Your history is written and is before you. I will say that this nation, and all nations, together with presidents, kings, emperors, judges, and all men, righteous and wicked, have got to go into the spirit world and stand before the bar of God. They have got to give an account of the deeds done in the body. Therefore, we are safe as long as we do our duty. No matter what trials or tribulations we may be called to pass through, the hand of God will be with us and will sustain us.

I ask my Heavenly Father to pour out His spirit upon me, as His servant, that in my advanced age, and during the few days I have to spend here in the flesh, I may be led by the inspiration of the Almighty. I say to Israel, the Lord will never permit me nor any other man who stands as the president of this church, to lead you astray. It is not in the programme. It is not in the mind of God. If I were to attempt that, the Lord would remove me out of my place, and so he will any other man who attempts to lead the children of men astray from the oracles of God and from their duty. God bless you. Amen.

APPENDIX E.

REPORT OF THE COMMITTEE APPOINTED TO DRAFT MEMORIAL ABOUT NEVADA PARK.

A NATIONAL RESERVATION FOR THE PRESERVATION OF THE SEQUOIA GROVES AND THE INTEGRITY OF THE WATERSHEDS OF THE SAN JOAQUÍN AND TULARE VALLEYS.

At a meeting of the California Academy of Sciences in San Francisco, August 4, 1890, Dr. Gustav Eisen gave a highly interesting and alarming description of the destruction and waste of many of the grandest Sequoias or Big Trees in certain localities of the Sierra Nevada, pointing out the importance and necessity of immediate action on the part of the California Academy of Sciences in petitioning the Government at Washington to permanently protect these forests.

Dr. Eisen proposed a motion to have a committee appointed to draft resolutions to be immediately presented to the Government.

President Dr. H. W. Harkness thereupon appointed a committee consisting of W. S. Chapman, J. R. Scupham, and Gustav Eisen to draft such resolutions. These are herewith submitted, viz:

Whereas certain parts of the Sierra Nevada Mountains in California possess in their Sequoia or Big Tree Forests the most beautiful as well as the most wonderful forests in the world. These forests, or rather groves of big trees, very limited in extent, are isolated one from the other, and situated near the headwaters of certain streams at an altitude between 4,000 to 7,000 feet. The number of trees in each grove varies from one hundred to a few thousand trees. The average size of the Big Tree is from 15 to 20 feet in diameter at the base and 200 feet in height, but single trees reach 300 feet in height by 30 to 42 feet in diameter. The beauty of these Sequoias, as well as of the forest surrounding them, is indescribable and superior to any forests elsewhere on this earth. A tree recently cut measured 41½ feet in diameter, 250 feet in height and the rings of its wood numbered 6,126. Allowing one ring for each year, this tree was already 2,000 years old when the pyramid of Cheope was built, and it was over 4,000 years old at the beginning of the Christian era. Only one more tree of this size exists, the largest other tree being little more than 30 feet in diameter.

The preservation of these trees is of national importance not only on account of their influence upon the climate and water-shed for the irrigation of the land below, but also because of their great beauty, curiosity and rarity. They are the last remains of a gigantic creation which has now mostly disappeared and which is fast being exterminated from the face of the globe. The Sequoia trees are rapidly dying out and a few young or medium sized trees are found in or outside of the old groves. There are few trees which are less than 10 feet in diameter.

These magnificent forests have failed to succumb to six thousand years of storms, of snow and ice, of upheaval and climatic changes; the woodman's ax and the sheepherder's fire; the thoughtlessness and ignorance of the frontier settlers, and the cupidity of the lumberman are now laying them prostrate in every direction, and they vie with each other as to which can destroy the most. It is not much over thirty-five years since these trees were discovered; it is not now twenty years since they began to be better known, and already now is the destruction of them lamentable—nay, appalling and terrible. The Government land has been taken up to a great extent fraudulently, and mostly re-sold to powerful syndicates or to local mill men who are now destroying the forests. The reckless waste of timber must be seen to be understood; it is hardly possible to believe that intelligent beings could be guilty of such recklessness and purposeless destruction.

At a recent visit to one of these mills we found millions upon millions of feet of lumber rotting on the ground. Generally only a very small part of each tree is used for lumber, the balance is left to rot. Trees from 30 to 40 feet in diameter have been cut for curiosity's sake, in order that a small section might be exhibited and a few hundred dollars gained. Of other trees a small section is cut out for lumber, the balance is fired in order to get it out of the way and make room for new logs more readily managed.

At one mill where hundreds of these trees had been cut, about one-third of the lumber had been wasted.

If this destruction is to go on, as it surely will if not checked at once, there will be few of these Sequoias left ten years hence.

We believe that the preservation of these trees is of national importance. A national park covering the area occupied by these forests would prove not only of value as an attraction for the citizens of this republic, but would be of the utmost importance for the proper irrigation of the plains below. In course of time a certain proportion of trees of various kinds could be sold yearly, and the nation might derive a very large income from it.

Even the stump of the greatest of all the trees (the so-called Centennial tree) should by all means be saved by the greatest possible care—even to the covering it with the most indestructible material, such as iron posts, and corrugated iron roof made of galvanized iron so that neither time nor fire will impair its use materially, we think this stump will last perhaps for a thousand years if protected as it may and should be, and the cost could not be great.

Merely as an inducement to tourists and to visitors attracted by the wonderful works of nature, the money value of these forests is infinitely greater than the comparatively small sums derived from their destruction.

To simply withdraw these timber lands from settlement or from sale would not accomplish the desired purpose, as much of the timber would be illegally cut, while forest fires would be almost inevitable. A national park well guarded and managed would, in our opinion, be the only successful and permanent remedy against this forest destruction.

In deciding upon the area to be included in this national park, it is both desirable and necessary that certain adjacent lands containing other timber trees than the Sequoia should be included. The pine and spruce forests of the Sierra Nevada which border upon the Sequoia groves are hardly inferior in size and beauty, nor are they of less importance to this State or to the nation at large as pleasure resorts or as preservers of the integrity of the water-shed.

There exists also in the Sierra Nevada Mountains two places which in beauty and grandeur rival the better known Yosemite. These cañons or valleys are situated on the South Fork of King's River and on the Big Kern. It is desirable that these places should also be set aside as national parks, and that their timber and water-sheds should be preserved intact.

Therefore do we herewith beg to call your attention to the urgent necessity and desirability of saving the big tree forests of the Sierra Nevada for the benefit of this State, and for that of the nation at large.

And we do respectfully request you to establish a national park and reservation covering the territories described below, and to withdraw from entry for all future time all and any Government land in the Sierra Nevada Mountains which contain big trees.

We believe this can be done, first, by immediately withdrawing all the Government land in the localities described from entry; second, by purchasing the most desirable parts which contain big trees from those who now own the land.

We further respectfully request you to order a careful survey of all the Sequoia groves and proposed reservation in order to ascertain their extent and in order that the proper amount of ground may be preserved.

We will mention the following as among the natural curiosities and wonders to be found in the proposed park, for which we beg to propose the name Nevada Park:

(1) The center of the Sierra Nevada or the California Alps, crowned by Mount Whitney, and over fifty other peaks of altitudes varying from 10,000 to 15,000 feet.

(2) Glaciers found on the flanks of Mount Goddard and the Palisades.

(3) The Tehipitee Yosemite on King's River.

(4) The Grand Cañon of the South Fork of King's River, with the Cascades.

(5) The Grand Cañon of the Kern, the most magnificent on the Pacific coast, superior in scenery and grandeur to Yosemite, containing numerous falls and lakes, stupendous cliffs, etc.

(6) Shagoope Falls, 3,000 feet descent.

(7) Extinct volcanoes.

(8) Big tree forests and groves found on the river systems of King's, Kaweah, Tule, and Kern.

We feel confident that future generations will more appreciate this act of our Government than the present generation possibly can, for as time passes and the lands adjacent become devastated, as they are now being so rapidly done, then, and only then, will the wisdom of this effort be fully seen and acknowledged.

At a meeting of the Academy September 1, the above committee tendered this final report, which was approved and adopted:

We herewith submit a map, showing boundaries of the proposed national reservation for the preservation of the Sequoia Grove and the integrity of the watersheds of the San Joaquin and Tulare valleys, and exhibiting the location of the various Sequoia Groves, to supplement and explain our former report.

W. S. CHAPMAN,
J. R. SCUPHAM,
GUSTAV EISEN,
Committee.

THE SEQUOIA FORESTS OF THE SIERRA NEVADA, THEIR LOCATION AND AREA.

[Read before the California Academy of Sciences, September 1, 1890, by Frank J. Walker.]

In the Standard Guide Book to the Pacific Coast, of a late issue, we read this statement. "There are nine groves of big trees in California;" and in the descriptive sketch following this remarkable statement, we find three of the nine groves mentioned as lying south of King's River, vaguely described as the King's River Grove, the grove in the basin of the North Tule, and the grove in the basin of South Tule. There are in the localities named as containing three, no less than seven distinct groves and forests of big trees, while in the enumeration given there is no mention whatever by the author of the several groves and forests of Middle Tule, Kern or Kaweah rivers, nor of the most southern grove on Deer Creek; in short, the omissions comprise some twenty distinct Sequoia groves and forests, aggregating an area of at least 25,000 acres. Few, indeed of the inhabitants of Tulare County, where most of the forests are found, have any conception of the wide extent of their Sequoia possessions; probably not one person in five hundred knows of the existence even of big trees on the Kern River slope, and many would dispute the fact—a fact I have never seen referred to in print—and yet there are no less than 2,000 acres in that region, and some of it the most dense forest growth of Sequoia gigantea known to man. And so with other groves; many of them are to the general public practically unknown and unexplored.

The accompanying map is the first ever published with an approximate showing of the area, location, or existence even of what is by far the larger part of our Sequoia possessions.

With reference to this map, it is my purpose in this paper to briefly mention what may be termed the Forests of Sequoia, and the neighboring groves; and in making the distinction between forests and groves, it will be necessary to draw a somewhat arbitrary line; and for this purpose we will classify as forests all areas of 1,000 acres or upwards, and all below that as groves. According to this distinction we can safely assume that all forests of Sequoia gigantea are to be found to the south of King's River, and nearly all of them in Tulare County; and with mere mention of the better known northern groves—the Calaveras, South Park, Tuolumne, Merced, Mariposa, Fresno and Washington—we will therefore confine our sketch to a description of this region only.

The first, going southward, and probably the largest compact body of all, is located on the south slope of the South Fork of King's River, in Fresno County. It is designated on your map as Converse Basin Forest. Its location may be given more exactly as in the northeastern part of Township 13 south, range 27 east, and the northwestern part of Township 13 south, range 28 east, Mount Diablo meridian, the larger part being in the latter township. (Please bear in mind that all townships and ranges hereafter given are south and east of Mount Diablo meridian.) The area of this tract is about 5,000 acres. These figures can at best be but an approximation. For most part the Sequoia country is so broken and the variation of density of growth so great, and the limits so vaguely defined, that an exact estimation is almost impossible; besides, it is likely to be misleading, from the fact that it represents in some instances what may be called a heavy continuous growth, while in others it is more or less broken and scattering. In nearly all cases there is found mixed with the Sequoia a plentiful growth of other timber, principally yellow and sugar pine (*Pinus ponderosa* and *Pinus Lambertiana*), with a sprinkling here and there of fir, cedar, and other growths. However, I have aimed everywhere to keep my estimates of areas well within bounds.

This first forest, together with the one next in order, are owned by one of the leading lumber firms of California. And next Wednesday they celebrate at Sanger the completion of their 40 mile lumber flume, connecting their capacious mills in the mountains with the railroad on the plains. They propose to clean up everything as they go along, stripping the land bare and moving their mills and extending their flume from point to point as the timber supply becomes exhausted. It will probably take years for them to reach the Boulder Creek forest, in township 13, range 29, so named from the affluent of King's River, on whose slopes it is found. The area of this forest and neighboring groves can not be less than 1,500 acres, probably more. These two already mentioned lie together on the waters of King's River, in Fresno County, but the forest next to the south, the Fresno Big Tree forest, is on the divide between the waters of King's and Kaweah Rivers, partly in Fresno and partly in Tulare Counties. It lies in the contiguous corners of the four townships 13 and 14, ranges 27 and 28. Its original area can not be computed at less than 2,000 or 3,000 acres, but so much of it has been stripped that its limits are hard to determine.

Here have been the principal milling operations in sequoia for the past twenty years. Four sections of it, containing what is known as the "Fresno Big Trees," have already been reserved by the United States Government, it being the only reservation ever made in these southern forests for the purpose of saving the sequoia. This is the reservation recently confirmed by the Secretary of the Interior, containing the famous big tree known as the "General Grant," said to be 40 feet in diameter.

Passing on to the west side of township 14, range 28, we find along Redwood Creek a forest of some 3,000 acres. This most magnificent growth has also passed from the possession of the Government to private ownership. Farther south we next come to a forest on the North Fork of the Kaweah River, in the northwest portion of 15 to 29, and extending northward across the line into 14 to 29. There is here upwards of 1,500 acres of Big Tree forest still owned by the Government. The whole township is timbered and well worth preserving aside from the sequoia.

A few miles southward brings us to the Sequoia tract, known as the Giant forest, located in the contiguous corners of townships 15 and 16, ranges 29 and 30, where there is found an area of some 2,300 acres of sequoia. This, although still in the hands of the Government, is claimed by individual locators by reason of their locations having been made in good faith and filed previous to the withdrawal from entry of these townships, as explained hereafter. It is generally thought that they will substantiate their claims and acquire the land, and public sentiment seems to favor it. Passing to the Middle Fork of Kaweah River, we find several groves, some of which are still in the hands of the Government, but there exists on this branch no sequoia tract that could properly be called a forest.

Southward, on the east fork of the Kaweah River, we come to what is designated as the Mineral King forest, from a mining district of that name, comprising, with the detached groves, some 3,000 acres; the main body is in township 17, range 30, the township whose recent restoration to entry gave rise to the movement culminating in what is known as the Vandever Sequoia Park bill, recently passed in the Lower House of Congress. In December, 1885, Commissioner Sparks, of the General Land Office, withdrew from entry 18 certain townships, of which this was one. The reason for this suspension was the alleged fraudulent character of the surveys. We need not consider the condition of these surveys; but from the character of the country it would seem that the subdivision lines of township 17, range 30, could be more readily run with a ruling pen than with chain and transit; and at that time the compensation for either system of survey was supposed to be the same. But one thing is certain, on many of the Government plats you will search in vain for any trace of sequoia growth, even where the alleged lines run through sections now known to be heavily timbered with the mountain redwood. It is to this fact largely, no doubt, that the very existence of certain sequoia forests has so long remained unknown to the public.

The fact that several of the suspended townships contained big trees had nothing whatever to do, so far as we know, with influencing the acts of the Commissioner. But Commissioner Sparks "built better than he knew," and the ultimate outcome of his order of withdrawal has been to preserve in the Government's undisputed possession several forests of these big trees that would otherwise have gone the way of all the rest, into the hands of speculators and lumbermen. Thus the matter remained *in statu quo* till the opening of the present year, the friends of sequoia preservation resting easy in the fancied security of their position, inasmuch as the Department had expressly declared its policy not to restore to entry these lands in advance of an official examination.

At the opening of the present year parties interested in acquiring timber by some means secured the release of the suspension of township 17, range 30. It was restored to entry May 23, and in less than six weeks the entire Mineral King forest was filed on by timber-land claimants and the tract effectually cleaned up. While thus the greed for big-tree timber was developing the supply was growing short, and attention of timber prospectors was turned to other forests, and it was found that in the township to the south, township 18, range 30, there was a forest practically unexplored that offered the best field for their next work. The same measures that had proved so successful in opening up township 17, range 30, were forthwith set to work to secure this more valuable prize. At this juncture a few citizens of Tulare County took steps to thwart the attempted spoliation of the sequoia forests.

As the forest in township 18, range 30, was the one the timber men most wanted, the inference was reasonable that it was the best of all for the Government to keep. We need not detail the ways and means adopted, but the ultimate outcome of the opposition has been the Vandever bill, embracing in its proposed reservation two townships and four sections to be set apart as a national sequoia park. The reservation includes the forest marked on your map as the Sequoia Park forest, and also the larger part of the Homer Peak forest, somewhere from 3,000 to 5,000 acres. South of these, following the sequoia belt, in township 19, range 30, we come to the Dillon Mill forest, of over 1,000 acres, with but little remaining to the Government.

and from which thousands of sequoia fence posts are being hauled this season. And still farther southward, partly in the southeast corner of the same township, and extending into the corners of three other townships, is the Tulare River forest.

Much "cutting and slashing" for a period of years, of which Professor Eisen told you at a late meeting, has here been going on; and during this time different mills have been drawing their supply of mountain redwood from this forest; still by far the larger part remains. Here exists a noted center of sequoia growth known as the "McFadyen 80" (acres), estimated by lumbermen to have on it timber sufficient for 8,000,000 feet of lumber. Only one mill is running this season. This, with the Pixley grove, we will estimate at 3,500 acres. About 6 miles directly south is the Putnam Mill forest, in townships 20 and 21, range 31, containing some 4,000 acres. A portion of this, that in township 20, range 31, is still owned by the Government, and is a very beautiful forest of over 1,000 acres.

In the northeast of this same township 21, range 31, and extending into the adjoining townships, is found the Fleitz forest, owned by a Michigan syndicate; while in the southeast portion of the same township and extending into township 22, range 31, are groves owned by the syndicate known as the "Kessing," the several tracts comprising an area of some 4,000 acres. Here again, in the southwest of township 22, range 31, the Government possesses a forest of somewhat uncertain value and extent, known as the Indian Reservation forest, and estimated at 1,500 acres. It is not generally known that there exists any sequoia on the Kern River slope, but there are on that side at least 1,500 or 2,000 acres in groves scattered along the slope from Freeman's Valley southward for some 15 miles. Only one of these tracts could be classed as a forest, that of Freeman Valley. Here is a tract of about 1,000 acres, a limited portion of which is probably the heaviest growth of *Sequoia gigantea* in the world. Unfortunately this also has passed into the hands of lumbermen.

One grove more remains to be mentioned, not because of its intrinsic merit, but because of its location, it being, so far as known, the southernmost limit of sequoia. It is that on Deer Creek, indicated on older maps as "Mammoth Grove." It contains less than 150 sequoias, scattered over an area of perhaps 300 acres.

This completes the list. The sequoia forests proper, therefore, extend over a belt of country beginning at Converse Basin, on the north, and ending with the Indian reservation forest, 60 miles to the south. The groves and forests together in this region are upwards of twenty in number, with an average distance between them of perhaps 3 or 4 miles.

Within this scope of country a moderate estimate of the sequoia would be, according to the foregoing figures and including a few unnamed groves, 37,500 acres, divided between the several river systems as follows:

	Acres.
King's River	7,500
Kaweah River.....	14,000
Tule River	14,000
Kern River.....	1,700
Deer Creek.....	300
Total	37,500

It has been sufficiently shown that there are in the State several forests and groves of big trees still belonging to the Government, aside from those embraced in the Vandever bill. To insure the safety of these, and to put them beyond the designs of timbermen, and above all to protect them from devastating forest fires, it is exceedingly desirable that they be reserved and placed under expert supervision. We need no reminder that the greed of timber and cattle men will soon work havoc with what remains, unless something be done to stay the devastation; and if we would save a portion we must begin at once.

Concerning the utility of the region embraced in these limits as the best natural reservoir for the storage of waters needed for irrigation, we need not dwell. But for a moment let me touch on the suitability of the country for a park because of its charming natural attractions. You need hardly be reminded of this. The heart of the Sierra, culminating in Mount Whitney, affords grand scenery of peculiar charm and great variety. Here are three Yosemite rivals their noted prototype in many features, with a little world of wonders clustering around the headwaters of Kern, Kaweah, and King's Rivers. We will simply mention the Grand Cañon of the Kern, where for 20 miles the mad waters of the California Alps, are crowned with nameless and unnumbered domes and towers. Then only a few miles across the divide, extends the cañon of King's River, with its wealth of impressive scenery, and some 8 miles farther to the north lies the valley of Tehipitee, the gem of the Sierra, with its wondrous dome of rock rising in rounded majesty some 6,000 feet from the level of the river-cleft meadow at its feet. Yet a view of the most impressive and characteristic scenery

of the region is to be earned by scaling one of the lofty peaks of the Keweah range. At least 100 peaks here rise to altitudes exceeding 10,000 feet.

One can never forget the impression who has once looked out over the California Alps from the pinnacle of Miners' Peak. As I once before said in describing this scene, that "Here amid the companionship of peaks one beholds with speechless wonder the spectacle beyond. No satisfactory view of the Whitney Range can be found from the San Jouquin plains. The intervening Keweah Range veils the view of the higher peaks beyond. But here, standing on the crest of the Keweah Sierra, one looks across the Grand Cañon of the Kern, and the encircling wilderness of crags and peaks is beyond the power of pen to describe. Mounts Monache, Whitney, Williamson, Tyndall, Keweah, and a hundred nameless peaks—the crown of our country,—have pierced the mantle of green that clothes the cañons below and are piled into the very sky, jagged and bald and bleak and hoary, a wilderness of eternal desolation."

RULES AND REGULATIONS OF THE SEQUOIA NATIONAL PARK.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 21, 1890.

1. By act of Congress approved September 25, 1890, the tract of land in the State of California described as township 18 south and ranges 30 and 31 east, and also sections 31, 32, 33, and 34, in township 17 south and range 30 east, and by act of Congress approved October 1, 1890, the adjoining tract described as townships 15 and 16 south, ranges 29 and 30 east, and also township 17 south, range 30 east, except above mentioned sections 31, 32, 33, and 34, have been set apart for a public park, and the same shall be known as the "Sequoia National Park."

2. The park by said acts is placed under the exclusive control of the Secretary of the Interior, and these rules and regulations are made and published in pursuance of the duty imposed on him in regard thereto.

3. No persons other than transient visitors will be permitted to be within the Park without written authority from the Secretary of the Interior.

4. No person shall cut, break, remove, impair, or interfere with any trees, shrubs, plants, timber, minerals, mineral deposits, curiosities, wonders, or other objects of interest in the park; and all of the same shall be retained in their natural condition.

5. The wanton destruction of the fish and game from within the park and their capture or destruction for the purposes of merchandise or profit are forbidden by said acts; and no one shall carry into or have in the park any fire-arms, traps, nets, tackle, or appliances, or fish or hunt therein without a license in writing signed by the Secretary or superintendent of the park.

6. No one shall start or kindle, or allow to be started or kindled, any fire in grass, leaves, underbrush, debris, or dead timber, down or standing; and any one so offending will be held responsible pecuniarily for all damages that may result from such fire.

7. The sale or use of intoxicating liquors within the park is strictly forbidden.

8. The superintendent duly appointed by the Secretary is hereby authorized and directed to remove all trespassers from the park and enforce these rules and regulations and all the provisions of the acts of Congress aforesaid.

JOHN W. NOBLE,
Secretary of the Interior.