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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 FIRST SESSION OF THE FIFTY-SECOND CONGRESS.

IN FIVE VOLUMES.

VOLUME I.

WASHINGTON:
GOVERNMENT PRINTING OFFICE,
1891.

REPORT

COMMISSION OF THE INTERIOR

THE SURVEY AND DOCUMENTS

AND HISTORY OF THE COUNTRY

AND A HISTORY OF THE

ANNUAL REPORT
OF THE
SECRETARY OF THE INTERIOR,

DEPARTMENT OF THE INTERIOR,
Washington, D. C., November 1, 1891.

SIR: The years of the present administration have been marked to a notable degree by the expansion of the public domain for private settlement. European nations strive with one another to plant colonies beyond their borders, even in Africa and on distant islands; but our country is so fortunately situated that within its own boundaries are vast tracts of fertile land heretofore unused, on which communities can establish themselves in a single day, and be protected by an almost instantaneous but easy and peaceful application of our system of laws and government to their new relations.

In two previous annual reports of the present Secretary the measures taken and results attained in this direction were set forth as the most important events occurring in this Department under your supervision. The narration must now be continued for the year just past.

OKLAHOMA—NEW PURCHASES OPENED TO SETTLEMENT.

The peaceful and efficient overtures of the government have been met in an intelligent spirit by the different Indian tribes visited by Commissions, and for valuable considerations large portions of their reservations have been ceded for settlement. Agreements were made by the Cherokee Commission during the previous fiscal year in the territory of Oklahoma with the Sacs and Foxes of the Mississippi, the Iowas, the Absentee Shawnees, and the Citizen Pottawatomies. These agreements were ratified by Congress at its last session. The allotments to the Indians were duly made, amounting in most cases to 160 acres each. The counties in this particular region, as well as five other counties in the country of the Cheyennes and Arapahoes, were laid off by the Secretary and lands for county seats designated and reserved.

By your proclamation dated September 18, 1891, all this domain, with required exceptions, was opened to settlement at the hour of 12 o'clock noon (central standard time), Tuesday, September 22. The lands can be acquired only by actual settlers under the homestead or town-site laws. The homesteaders on the lands of the Sacs and Foxes and the Iowas are required to pay, besides fees, \$1.25 for each acre, and those on the lands of the Pottawatomies and Absentee Shawnees, fees, and \$1.50 an acre. The law provided that until these lands were opened no person should be permitted to enter upon and occupy them, and no person violating this provision should be permitted to enter any of the lands or acquire any right thereto. Yet 20,000 persons, as estimated, gathered on the borders in anticipation of the "opening;" some intent upon securing homesteads and others seeking town lots at the county seats. The scenes and events were similar to those that occurred at the first opening of "Oklahoma." A military force was present to guard the lines of the Indian possessions until the day and hour designated, and when the signal that the people might enter was given there occurred a great rush from every direction. All the quarter-sections available, it is said, were taken for homesteads before sunset. The reservations for county seats were occupied within the next few days amid similar scenes.

The first opening of Oklahoma had to be made without any territorial government existing over the lands to be occupied, and the persons making the more recent one, although the organization of territorial government was ready, had to carry the system into lands heretofore occupied solely by Indians, and adapt the laws to a society created between noon and dark.

It is gratifying to state that, as before, so at this second contest of thousands of our citizens for personal advantages, under the most exciting and trying circumstances, a sense of justice and regard for law controlled all alike and to such a degree that there was no occasion for any interference by the military force, and the only injuries received were purely accidental. This promises well for the increasing and already prosperous people of Oklahoma.

The number of acres thus offered for homesteads was nearly 900,000, and the farms allotted to the 2,718 Indians cover 382,863 acres. The county seats of these newly opened lands have already grown into villages. There are homes, shops, professional offices, newspapers, and a postal service. The places named Tecumseh and Chandler are already well known in the geography and commerce of the country.

Judging the future from the past we may expect soon to see these hundreds of thousands of acres not only supporting a great and prosperous community, but furnishing a market for our domestic manufactures and pouring surplus agricultural products into the central markets of our country. For it is a significant fact that a shipment, by special train, of a cargo of wheat from the Oklahoma lands, first opened by your

Proclamation on April 22, 1889, was received in August last at one of the "Armour" elevators at Chicago,* and the population has already reached 80,000.

The lands of the Cheyennes and Arapahoes, in Oklahoma, are also nearly ready for homesteads. The agreement with these tribes was made in October, 1890, and has been ratified by act of Congress. It was expected that the lands could be opened at the same time as those just mentioned. A corps of allotting agents was formed in the summer and sent to the field, but the Indians for a month or more refused to act in regard to allotments, and thus not only was time lost, but the appropriation was expended, in large part, without results. Afterward, the Indians consented to come in and the allotment work proceeded efficiently until the appropriation was exhausted. There are in all 3,372 members of these tribes. Eighteen hundred and eight have already allotments, leaving 1,564 yet to be provided for, and to accomplish this an appropriation of at least \$15,000 is necessary. It is urgently recommended that this be made at the very earliest moment in order to have the work proceed. It is required by the contract with the Indians, and will be to the best interests of the country. As soon as the allotments are made there will be 3,000,000 acres ready upon your proclamation for settlement—equal to 18,750 homesteads of 160 acres each.

Besides these lands the Cherokee Commission completed an agreement June 5, 1891, with the Wichitas and affiliated bands adjoining the Cheyennes and Arapahoes on the southeast, by which there are to be allotted to the 1,060 individuals of these tribes 169,600 acres, and surrendered for settlement 574,010 acres; that is, a region equal to 3,587 homesteads of 160 acres each.

The Commission has also completed a contract, dated September 8, 1891, with the Kickapoos, whereby 26,000 acres are to be allotted to the 325 members of the tribe, and 180,466 acres, equal to 1,127 homesteads, opened to settlement. The Kickapoo country lies almost in the center of the lands ceded by the Sac and Foxes, Iowas, Arapahoes, and Absentee Shawnees.

On October 21 of this year the Commission completed its contract with the Tonkawa Indians (located on the former "Cherokee Outlet") for the cession of 90,710.89 acres. The Indians number 67, and their allotments are already made and reserved.

All of the lands above mentioned lie within the boundaries of Oklahoma. The number of Indians elevated to citizenship there will be 7,619. The number (as estimated) of acres to be allotted to the Indians will be 1,129,694, and the area for homestead settlement 4,732,989.

Besides the lands in Oklahoma ceded by the tribes above mentioned there have been made ready for settlement large tracts in other parts of the country; and in addition to the foregoing, allotments have been

* Scientific American, October 24, 1891. See also in this report under head of "Territories," "Oklahoma."

made to many other Indians not visited by commissions, and numerous allotting agents are yet at work.

Over 16,000 Indians have already become citizens of the United States, and about 4,000 more by taking their allotments have signified their desire to become citizens. To these numbers should be added the 7,619 Indians in Oklahoma who have taken or agreed to take allotments. A total of 27,619 Indians naturalized, and total of acres acquired for settlement of about 23,000,000 during the present administration alone.

INDIAN ALLOTTEES.

At the same time that these great advantages have been secured for our fellow-citizens the rights of the Indians have been accurately preserved and their allotments carefully guarded. No complaint of unjust treatment from any of these tribes has reached the Department. The sums of money the several bands have secured for their cessions will partially meet their necessities from year to year by part payment of the principal sums and interest on the remainder. But the great advantage to them will be that each one, having a farm, will be enabled to enter upon a life of industry and self-support, and enjoy other equally beneficial advantages of American citizenship bestowed upon him and accepted by the very act of taking his allotment. He is emancipated from tribal control and the necessity of entering upon brutal and hopeless war with the white man. He acquires a standing as complainant or otherwise in our courts on the same footing as other citizens, except as to his allotments which the government directly guards. He becomes entitled and should be encouraged to send his children to the common schools of the district within which he lives. Thus the individuals of the tribe will become gradually incorporated into the body politic as intelligent and self-supporting members. The United States government will also derive great advantage from the partial relief that will thus be attained from the very expensive system administered through the Indian Bureau, now requiring an expenditure of over \$7,000,000 per annum for something less than 250,000 Indians, all told. Not only is the Indian established as a homesteader and a bread-winner, and being supported in his new life until he learns its ways and realizes its virtues, does he lift himself from idleness and dependence on the United States for support, but the reservations come under the control and protection of state or territorial government, the lands surrendered grow from deserts into productive farms, and the communities upon them add to the nation's agricultural wealth, its commerce, and its strength.

CHEROKEE OUTLET.

The Cherokee Commission has done much work and is still in the field. Its members, Governor David H. Jerome, Judge Warren G. Sayre, and Hon. Alfred M. Wilson are entitled to the highest commenda-

tion for their intelligence, ability, zeal, and industry. But their most important work lies before them. The interests of the Cherokees and the prosperity of Oklahoma and of the adjoining states demand imperatively that the country known as the "Cherokee Outlet," should be taken out of the domain of controversy and opened to homestead settlement. It will thus be converted from a vast, unused, and almost lawless region to a territory occupied by thriving citizens. It is not necessary to enter upon an extended history of the title to these lands. The area to be purchased is about 6,022,754 acres. If the original offer is adhered to, \$1.25 an acre, after deducting amounts already chargeable against these lands (\$728,289.46), the sum to be paid will be \$7,113,846.93. But it is maintained upon authority, and has been recently decided in two courts in Oklahoma, that the Cherokees have not only no fee-simple title, as has been asserted by them, but not even a right to the use of the lands. This question was discussed by the present Secretary in a letter to the chairman of the Cherokee Commission, dated October 26, 1889, and annexed to the Annual Report of 1889, p. 140. It is further discussed, in a letter hereto annexed (Appendix A), dated February 13, 1891, by the Secretary, to Hon. I. S. Struble, M. C., chairman of the Committee on Territories.

On January 17, 1891, a bill was introduced into the House of Representatives to pay for and to throw open these lands to settlement without further delay; and such action may yet be taken. But payment for them must precede a decision against the Indian claim by the United States Supreme Court, to which the Cherokee Nation may take appeals from the decrees rendered in the cases heretofore referred to. If these appeals are decided before the final agreement, and the decision is adverse to the Cherokees, they can, of course, be paid nothing, and the land may be opened by act of Congress or executive order. In the meantime you have required all trespassers to depart from the Outlet and a military force has executed your orders.

There are annexed (Appendix B) your proclamations of February 17 and September 19, 1890, and the orders of the Department made in pursuance thereof.

AGREEMENTS WITH INDIANS DURING THE PRESENT ADMINISTRATION.

The following table exhibits in condensed form the results of the successful labors of the various commissions negotiating with the Indians since the commencement of the present Administration, with dates of agreements, and a summary of lands purchased in Oklahoma.

Memorandum of agreements with Indians during the present administration.

Tribes.	Date of agreement.	Number of Indians.	Number of allotments.	Acres of allotment.	Sections 16 and 36 reserved or not.	When opened.	Quantity of land opened.	Consideration.
Sioux of Dakota (see note)	June, July, and August, 1889....	20, 049	None ..	Not known .	Yes	Feb. 10, 1890	<i>Acres.</i> *9, 000, 000	(†)
Chippewas in Minnesota.....	July, August, September, October, and November, 1889.	6, 203	None ..	Not known .	No.....	After survey, appraisal, allotment, and sale	*4, 000, 000	(†)
Sisseton and Wahpeton (see note) ...	Dec. 12, 1889	1, 700	1, 700	*272, 000	Yes.....	After allotment and payment of moneys.	*500, 000	\$2, 203, 000
Sac and Fox	June 12, 1889	548	548	87, 684	Yes	Sept. 22, 1891	391, 185	481, 000
Iowa	May 26, 1889	109	109	8, 685	Yes	do	219, 446	84, 350
Citizen Pottawatomie.....	June 25, 1889	1, 498	1, 498	} 286, 494	Yes.....	do	288, 892	{ 160, 000
Absentee Shawnee.....	June 26, 1889	640	563		Yes.....	do	288, 892	{ 65, 000
Cœur d'Alene (see note)	Sept. 9, 1889	422	None ..	None	No.....	Mar. 3, 1891	*184, 960	500, 000
Crow	Dec. 8, 1890	2, 456	*350	†112, 000	No.....	After survey and allotment.	*1, 800, 000	1, 500, 000
Cheyenne and Arapaho (see note).....	October, 1890	3, 372	3, 372	‡539, 520	Yes.....	After proclamation	*3, 000, 000	1, 500, 000
Wichita || .....	June 14, 1891	1, 060	1, 000	†169, 600	.....	.....	*574, 000	(§)
Colville || .....	May 9, 1891	2, 420	None ..	Not known	.....	.....	*1, 500, 000	1, 500, 000
Fort Berthold (see note)	Dec. 14, 1886	1, 183	None ..	None	No.....	May 20, 1891	*1, 600, 000	800, 000
Kickapoo || .....	Sept. 9, 1891	325	325	†26, 000	Yes.....	.....	180, 466	64, 650
Tonkawa || .....	Oct. 21, 1891	67	67	†11, 711	No.....	.....	79, 000	30, 600
Total		42, 052	9, 592	1, 513, 694			23, 317, 949	8, 888, 600

* Estimated.

† Lands to be sold, etc., for benefit of Indians.

‡ Not ratified.

§ Not yet made.

§ To be fixed by Congress.

OKLAHOMA UNDER AGREEMENTS WITH CREEKS AND SEMINOLES.

	<i>Acres.</i>	<i>Acres.</i>
Seminole lands	495, 095	
Creek lands	1, 392, 706	1, 887, 801

OKLAHOMA UNDER ABOVE AGREEMENTS.

Creek lands in Cheyenne and Arapaho Reservation.....	619, 451	
Creek lands in Iowa Reservation	228, 418	
Creek lands in Sac and Fox Reservation	479, 668	
Creek lands in Pottawatomie Reservation.....	222, 737	
Creek lands in Kickapoo Reservation.....	206, 466	1, 756, 740
Seminole lands in Cheyenne and Arapaho Reservation.....	1, 189, 161	
Seminole lands in Pottawatomie Reservation	353, 134	1, 542, 295
Choctaw and Chickasaw lands in Cheyenne and Arapaho Reservations	2, 489, 160	
Choctaw and Chickasaw lands in Wichita Reservation	743, 610	3, 232, 770
Total		6, 531, 805
Total		8, 419, 606

NOTE.—It is not known how many Sioux will take allotments on the ceded lands, nor how many Chippewas in Minnesota will take their allotments on their separate reservations.

None of the Cœur d'Alenes' lands is to be allotted.

Of the 3,372 Cheyennes and Arapahoes, 1,808 have been allotted, leaving 1,564 to be allotted. The whole is estimated for in the table.

None of the ceded land of the Fort Berthold Indians is to be allotted.

The Indians of the Sisseton Agency had their allotments, except married women, prior to the date of agreement of December 12, 1889, in different quantities. By this agreement the allotments were all to be 160 acres. A special agent is now engaged on this work.

HOMESTEAD SETTLERS.

In connection with this great expansion of the public domain for homestead settlement it is gratifying to be able to report that the claims of settlers upon the public lands have been most satisfactorily disposed of since the fiscal year ending June 30, 1888. In his annual report for that year the then Secretary of the Interior stated that upon a thorough examination of the unfinished business of the General Land Office the information acquired "carried a heavy reproach against the Government;" that of final entries there were pending on June 30, 1888, 238,156, and the number of such entries made during the year was 70,368; that this latter number exceeded all the final entries disposed of by patent during the last year, so that instead of a "diminishment" of arrearages the accumulation of cases had increased; that of original entries there were on hand June 30, 1888, 350,953, of which 217,640 were for homesteads. And the Secretary states (p. vii):

It is obvious, however, that it is of great importance to all honest and rightful claimants that the evidence to their title should be speedily issued. *Yet how dreary is the prospect opened to the settler by the figures now exhibited by the arrears of business.*

Instead of the lamentation so justly indulged in by the Secretary under the preceding administration, the present Commissioner of the General Land Office predicts "that, with the present office force, the business of the Bureau will practically be brought up abreast with current work by the end of the next fiscal year." He gives in his report the facts and figures, setting forth the excellent work done the past years, on which his judgment is based. The number of agricultural patents, which includes those for homesteads, issued for 1889 was 70,141; for 1890, 117,247, and for 1891, 114,360; and there were left of final entries for such lands at the end of the last fiscal year, June 30, 1891, only 84,172. These are results gratifying and encouraging. They reach beneficently our fellow citizens in their homes far away from the capital, and by placing in the hands of the pioneer the title paper to his homestead prove that his government is mindful of its promises and capable of living up to its professions.

IRRIGATION.

Another topic of great national importance connected with the settlement of the public domain is that of irrigation.

It appears by a table published in the Secretary's report for 1890 (p. 2) that, not including Alaska or the Cherokee Outlet or other Indian lands and certain other small exceptions, the vacant lands of the United States amounted to 586,216,816 acres. The amount remaining on June 30, 1891, with same exceptions, was 579,664,683 acres, of which 294,027,773 are yet unsurveyed.

It is estimated that at least 300,000,000 acres of these vacant lands are useless for agriculture, but that 120,000,000 that are now desert may

be redeemed by irrigation, so as to produce the cereals, fruits, and garden products possible in the climate where the lands are located. In the Secretary's annual report for 1890 (pp. 9-14) the question of what legislation was advisable for the establishment of reservoirs and irrigation ditches was discussed at some length, and the same subject has been ably treated by the present Commissioner of the General Land Office in his report for the last fiscal year (pp. 47-53).

In the Secretary's report the following conclusion was reached:

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 permit 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 present Commissioner of the General Land Office closes his discussion of the subject by saying:

The tables given in this report show that during the fiscal year ending June 30, 1891, there was a falling off in original homestead entries made, as compared with the fiscal year ending June 30, 1890, of 2,642 in the number of entries, and 491,284.38 acres in the quantity of land taken up thereby. In final entries of the same class the decrease was 394 in the number of entries, and 106,005 acres in the quantity of land, while the total net decrease in the number of final entries of all kinds during the same period, as compared with the last preceding fiscal year, was 7,736, and in the quantity of land, 1,252,966.39 acres.

Is it sound policy for the Government to remain inactive, while home-seeking citizens are exhausting each other's strength and substance in a fierce struggle to obtain title to the small remaining area on which the rainfall is sufficient, while it may be possible, through a wise policy, to enable every one seeking a home to secure it on the face of the reclaimed desert? There can be but one answer. The problem is a serious one, and its prompt solution is quite as important as its wise solution.

The Director of the Geological Survey has selected 181 sites for irrigating reservoirs, containing an estimated area of 547,012.12 acres, of which 161,768.36 acres appear to have been previously appropriated.

The Commissioner is of the opinion that the wisest plan would be to transfer the land and water to the direct control of the states, subject to such limitations and restrictions as would insure the reclamation of

the land by the states and the transfer of title from the states, in the first instance, to actual settlers in quantity not exceeding 160 acres of land to each settler, with provisions for forfeiture to the United States in case of any violation by the state of the conditions of the grant.

The act of March 3, 1891 (26 U. S. Stats., p. 1095, secs. 5, 6, 7), referred to by the Commissioner, provides for private desert land entries with many new and stringent provisions, and in sections 17, 18, 19, 20, and 21 that the reservoir sites under previous laws shall be restricted to land actually necessary and exclude lands of actual settlers; that a right of way through public lands and reservations be granted to any canal or ditch company formed for the purpose of irrigation under the laws of any state or territory upon proper filings in the Interior Department, *the privilege granted not to interfere with the control of the water for irrigation and other purposes under authority of the respective states and territories*; and, if any section of a canal or ditch be not completed within five years after location of said section, the rights granted to be forfeited as to any uncompleted section to the extent not completed at the date of forfeiture. It further provides that—

Persons entering or proposing to enter separate sections, or fractional parts of sections, of desert lands may associate together in the construction of canals or ditches for irrigating and reclaiming all of said tracts, and may file a joint map or maps showing their plan of internal improvements.

Under this statute there have been already filed maps of location for sixty-one reservoirs and forty-six canals, the canals and ditches being 631.65 miles in length.

Under the desert land law of 1877 reclamation has been made and final proof produced in 5,366 entries, with area of 1,717,120 acres.

It is perceived from these facts that Congress has so far acted that private corporations and associations are now substantially given the field of the water supply for that vast domain that may be redeemed by irrigation, and that this field is being rapidly seized upon. It is one thing for the individual to own his claim on which he resides; it is quite another for him to be a member in a large association, or stockholder in a corporation controlling the water necessary for the cultivation of his claim. The United States by existing legislation does not retain any control, and but weakly and insufficiently establishes the authority of the states or territories. The control of the water is handed over to corporations or associations. These individual associations will be driven to incorporation by the necessity there will be to avoid the frequent changes of ownership and other difficulties arising from death or assignments of interests; and the owners of the water and the owners of the farms may be expected to soon become distinct bodies, with almost opposite interests.

The states or territories may be expected to exercise under the reservation of authority expressed in the above statute some control of these companies and protect their citizens from oppression; but the

United States government, from whom these vastly important and far reaching privileges emanate, should not release altogether its hold upon the water supply and its ultimate distribution. No one can now compute the money value that will concentrate in these reservoirs and canals and ditches conveying the water to the fields of the husbandmen, and upon which the people must depend for their prosperity. The efficiency of local legislation may be impaired by private interests, and a few may be enriched at the expense of the many. And it is also to be remembered that the rivers and streams running through these deserts pass from states to states or territories, and that there is no provision made for any regulation of the use by one state or territory in proportion to what may be reasonably demanded by another. It has been said by an eminent writer on the future of our country that the child is already born who will see 400,000,000 of inhabitants in the United States. Long before this stage of our development is reached the question of the water supply and its distribution will be one of vital interest, and its proper solution should be given now.

It is worthy of notice that the Irrigation Congress, held at Salt Lake City, Utah, September 15-17, resolved, among other things, that it was in favor of granting in trust, upon such conditions as would serve the public interests, to the states and territories needful of irrigation, all lands now a part of the public domain within said states and territories, except mineral lands, for the purpose of developing irrigation, to render the lands now arid fertile and capable of supporting a population, and that a committee should be selected to prepare and present to Congress the memorial of the convention.

It may be that the United States will not endeavor to either build the reservoirs or retain these desert lands for improvement by itself. The expense would be in the aggregate so very great that the national government may not assume it, and the reservoirs, canals, and ditches may be transferred, so far as already located by the United States, to the states and territories, and those yet to be located will be put under local legislation and control. But it would seem absolutely essential that there should be reserved to the United States the power of forfeiture and resumption in case of great abuse or a conflict of interests between states threatening to lead to actual violence between their respective populations, or allowing the irrigation of vast districts to fall into the hands of monopolies without sufficient protection for the people. It is not at all impossible or improbable that one state at the head of the stream, where alone can great bodies of water be stored, will so use the advantage as to deprive the lower state of its due share of the water, or that an improvident state may allow the system to fall into the grasp of the selfish and covetous, without sufficient safeguards for the people dependent for their homes and fields upon a supply of water at cheapest rates. Not only their prosperity but their liberty may rest, then, upon a wise interference by the national government.

The recommendations already made in previous reports are now renewed and the subject is deemed one of such great and pressing importance that Congress should be advised to enact without delay comprehensive laws, determining the national policy upon this subject.

PUBLIC TIMBER AT HEADWATERS.

Connected with the water supply of the arid regions, is the necessity at this time of making systematic reservations from settlement of public lands about the heads of the streams that are to make irrigation possible. Indeed, such reservations should be made for all our streams, but especially for those above referred to. If the timber growth is removed, without consideration for the future, the periods during which the streams give their present usual supply of water will be greatly shortened by floods and droughts.

PERMITS TO CUT TIMBER.

The safety of the public timber was greatly impaired by a provision of the act to repeal timber-culture laws, and for other purposes, approved March 3, 1891 (U. S. Stats., Vol. 26, p. 1095), even as amended by the act of same date (p. 1093). The act had some very desirable provisions, and with the amendment made at the last hours of the last session, you deemed it best to approve it as a whole; but it demands now, it is suggested, further consideration.

The provision referred to, as amended, is in the following words:

In the States of Colorado, Montana, Idaho, North Dakota and South Dakota, Wyoming, and the District of Alaska, and the gold and silver regions of Nevada and the Territory of Utah, in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon, it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes, under rules and regulations made and prescribed by the Secretary of the Interior, and has not been transported out of the same; but nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain, provided that the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this act, and he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations, but this act shall not operate to repeal the act of June third, eighteen hundred and seventy-eight, providing for the cutting of timber on mineral lands.

The act makes it lawful, subject to the rules of the Secretary, to cut public timber in the states and territories named for so many and such general purposes, that the only restraint imposed is that which the Secretary may see fit to enforce. No one could cut timber not to be described by some one of the words used, "agricultural, mining, manufacturing or domestic," unless it were in mere wantonness. There is no limit as to the time when the timber or lumber made from it is to be so

used, and it may easily be cut within the law and stored for sale, for it is not provided even that it shall be for use by the person cutting it.

The law itself gives every license for felling the forests, and even amendment only authorizes restraint to be exercised by the Secretary of the Interior. Experience has shown that it is very difficult to preserve the public timber under laws providing direct penalties for trespasses, and it can not be doubted punishment will be much less certain for violations of Departmental regulations. Besides this, the statute imposes much more upon the executive officer than he should be required to assume. Already the applications for permits are so numerous as to have demanded a special force in the General Land Office to attend to them, and as people learn the value of these privileges the pressure for them will constantly increase, until, unless the law is repealed or modified, there will be little timber left to protect. The states indicated are not very abundantly supplied at best, and with the increased value of forest products it will take but a small percentage of their population to exhaust every possible claim. It would seem to be much better that the statute should be so made as itself to prevent this result than that so important a matter should be left to the Secretary. This officer changes with each administration, and, so long as there is anything to give, he will find it difficult to refuse to some that which has already been granted to others.

TIMBER RESERVATIONS.

In the meantime an available method to postpone the worst results is indicated in section 24 of the original act (26 U. S. Stats., p. 1103), as follows:

That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

If this authority is freely exercised it will anticipate many applications for licenses to cut timber, and it is urgently recommended that Congress take proper action to have the reservations that are proclaimed by the President, established as national public parks or granted to the states to be preserved unimpaired and used for the benefit of the public only. Under this law, on March 30 and September 10, 1891, you proclaimed a reserve about the Yellowstone National Park that should be made a part of that most interesting and valuable possession; and on October 16, 1891, you proclaimed the reserve of the White River Plateau in Colorado, embracing the head waters of the White, Grand, and Yampa rivers.

It will be remembered that on January 20, 1890, you transmitted to the Senate and House of Representatives a letter of Prof. T. C. Mendenhall, chairman of a committee of the American Association for the Advancement of Science and president of that association, and also a memorial prepared by the committee, relating to the preservation of

the forests upon the public domain, and you then earnestly recommended that adequate legislation might be provided, to the end that the rapid and needless destruction of our great forest areas may be prevented. This recommendation has been partially complied with, but attended by the provisions in the act already commented upon.

The memorial mentioned is reprinted as an appendix (C) to this report, and attention is called anew to its valuable opinions and wise suggestions.

The American Forestry Association, and those interested in forestry, have petitioned to have other reserves made, and the Commissioner of the General Land Office and the Director of the Geological Survey are making investigations upon which to base further recommendations for your consideration. Besides the reasons already presented for your favorable action, it is to be considered also that these parks will preserve the fauna, fish and flora of our country, and become resorts for the people seeking instruction and recreation, at the same time that they subserve the important agricultural and economic purposes already indicated. The laws should authorize details from the army, in the discretion of the President, to guard the reserves made from early spring to late autumn, or the employment by the Secretary of a police force under a superintendent; and there should be penalties against the violation of any of the rules and regulations made to govern the reserves, to be enforced in any court of competent jurisdiction.

It is earnestly believed that if these measures are now prosecuted systematically and thoroughly, posterity will look upon the action as that to which the country then owes much of its prosperity and safety.

POPULATION SEEKING SETTLEMENTS.

In connection with the facts already presented in regard to opening the country for settlement, preserving its streams, and improving its condition, it is appropriate to note that the census taken in 1890, under the supervision of this Department and the Census Bureau, concerning which 118 bulletins of the Superintendent have already been issued, shows the population of the United States and Territories to have been in that year \$2,622,500, being an increase of 24.86 per cent over that of the year 1880, and that the assessed valuation of property was \$24,249,589,804, being an increase of 43.46 per cent over that of 1880. The increase in value, \$7,346,596,261, is as much as was the true value of all property as returned by the United States census in 1850, which was \$7,135,780,228, and if it be found upon further and complete inquiry that the same relation existed in 1890 between assessed valuation and true valuation as there did in 1880, the absolute wealth of the United States may be estimated at \$62,610,000,000, or nearly \$1,000 per capita as against \$514 per capita in 1860; \$780 in 1870, and \$870 in 1880. (Census Bulletin No. 104.) In this unprecedented increase of population and still more extraordinary advance in values of property may be found the cause of the great demand for new homes and the concentration of so many

thousands upon the places where vacant lands may be found. This demand will increase with each succeeding year, and it is submitted that there should be no relaxation in such administration of the government as will give a fair field for the development of the nation.

This summary of the more important phases of the work achieved by the Interior Department during the last year has been called first to your attention; but the reports relating to the various bureaus, territories, institutions, parks, etc., are full of interest and now demand separate consideration.

PUBLIC LANDS.

The Commissioner of the General Land Office in his report for the fiscal year ending June 30, 1891, covers an administration of nine months under his predecessor and three under himself, and presents many valuable facts and suggestions in regard to the public domain. He shows clearly the marked benefit to the people caused by the change of policy on the advent of this administration, when it found the business of the office was being conducted upon unwarranted assumptions against the honesty or good faith of the settlers upon the public domain. Then the working force of the Bureau was largely employed in efforts to establish fraud, land patents were reluctantly issued, contests were invited and increased greatly in number, heavy expenses were incurred by homesteaders, and the pioneer was to a great degree deprived of the benefits of good government.

The beneficial results of changes made have been noted in a previous portion of this report, but the contrast is tellingly presented by the Commissioner in the following table:

Comparative statement of agricultural and other patents issued by the General Land Office during the fiscal years ending June 30, 1886 and 1887, and the fiscal years ending June 30, 1890 and 1891.

Patents—	Issued during fiscal year ending—		Total.	Issued during fiscal year ending—		Total.
	June 30, 1886.	June 30, 1887.		June 30, 1890.	June 30, 1891.	
	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>
Agricultural:						
Preemption	7,782	18,660	26,442	77,346	72,169	149,515
Homestead	11,096	5,444	16,540	36,928	38,617	75,545
Timber culture	321	354	675	2,266	3,080	5,346
Military bounty land warrants	290	56	346	396	327	723
Agricultural college scrip	5	13	18	20	12	32
Supreme Court scrip	86	13	99	87	20	107
Sioux half-breed	1	4	5	13	2	15
Choctaw scrip	1	—	1	—	—	—
Surveyor-general's scrip	4	3	7	115	98	213
Dodge scrip	6	3	9	—	6	6
Porterfield scrip	1	3	4	—	2	2
Arredonda scrip	289	—	289	—	1	1
Coles scrip	3	—	3	—	—	—
Valentine scrip	—	1	1	6	14	20
Wilson warrants	—	2	2	—	—	—
Red Lake and Pembina half-breed	—	2	2	—	3	3
Special act of Congress	—	—	—	70	9	9
Miscellaneous	—	—	—	—	—	70
Total	19,885	24,558	44,443	117,247	114,360	231,607
Mineral	675	1,489	2,232	1,407	1,792	3,196
Coal	15	53	68	224	226	450

Comparative statement of agricultural and other patents issued by the General Land Office during the fiscal years ending June 30, 1886 and 1887, etc.—Continued.

RECAPITULATION.

Patents issued.	During fiscal years ending June 30—		Increase.
	1886 and 1887.	1890 and 1891.	
	<i>Number.</i>	<i>Number.</i>	<i>Number.</i>
Agricultural:			
Preemption	26,442	149,515	123,073
Homestead	16,540	75,545	59,005
Timber culture	875	5,346	4,471
Military bounty land	346	723	377
Agricultural college scrip	18	32	14
Miscellaneous scrip	422	446	24
	44,443	231,607	187,164
Mineral	2,232	3,199	967
Coal	68	450	382

The disposition of the former accumulation of business in the land office has been rendered somewhat easier by the provisions of section 7 of an act approved March 3, 1891, entitled "An act to repeal the timber-culture law, and for other purposes" (26 U. S. Stats., p. 1095). Technical rules and mere suspicion of fraud will not be allowed longer to long suspend final entries; while on the other hand, by decision as to the proper construction of this law and instructions thereunder, it is believed the interests of the government are duly protected. In accordance with the provisions of this section entries have been acted upon and confirmed, up to June 30, 1891, as follows, viz:

Number of final entries passed to patent where transfer was made prior to March 1, 1888	64
Number of final entries passed to patent in other cases under the proviso, where no action had been taken by this office within two years from date of entry	524
	588
Subsequent to June 30, 1891, and up to September 1, 1891, there were passed to patent of the first class above mentioned	51
Of the second class	1,437
	1,488
Total of both classes passed to patent up to September 1, 1891.....	2,076

DISPOSAL OF PUBLIC LANDS.

During the last year 2,143,090.78 acres were disposed of by cash sales; 8,214,140.93 by miscellaneous entries, and 120,468.61 acres of Indian lands, aggregating 10,477,700.32 acres. The total cash receipts from various sources for the year amounted to \$5,429,220.14.

The number of agricultural patents issued during the year were 114,360, which, allowing 160 acres to each patent, would embrace an aggregate of 18,297,600 acres.

There were patented for the benefit of railroad companies under Congressional grants during the year 3,088,679.23 acres.

SWAMP LAND PATENTS.

During the fiscal year ending June 30, 1891, an area of 408,127.55 acres was patented to the states, an increase of 298,775.66 acres over the fiscal year last preceding.

STATE SELECTIONS APPROVED FOR EDUCATIONAL AND OTHER PURPOSES.

The approvals during the year under the different grants to the several states for educational purposes and under the saline grant, having the effect of a patent, embraced an area of 756,172.91 acres.

INDIAN AND MISCELLANEOUS PATENTS.

The area of the land patented during the year on private land claims, donations, and Indian allotments, or selections in severalty, and scrip locations finally approved, amounted to 244,600.74 acres.

The patents issued during the year, contrasted with those issued during the previous year, are as follows:

Recapitulation of patents issued, as stated in the foregoing.

Patents.	1890.	1891.	Increase.	Decrease.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Agricultural.....	18,759,520.00	18,297,600.00	.....	461,920.00
Mineral.....	33,473.72	31,723.65	.....	1,745.07
Swamp lands.....	109,351.89	408,127.55	298,775.66	.....
Railroad lands.....	363,862.15	3,088,679.23	2,724,817.08	.....
Indian and miscellaneous.....	109,056.02	244,600.74	135,544.72	.....
Selections.....	539,779.84	756,172.91	216,393.07	.....
Total.....	19,915,043.62	22,826,909.08	3,375,530.53	463,665.07

Total net increase, 2,911,865.46.

SURVEYS OF PUBLIC LANDS.

The appropriation (approved August 30, 1890) for the survey and re-survey of the public lands for the fiscal year ending June 30, 1891, was \$425,000, of which sum \$40,000 was authorized by the act to be applied to the examination of surveys, etc., and the balance was apportioned as shown in the following table:

Districts.	Amount.	Districts.	Amount.
Arizona.....	\$5,000	New Mexico.....	\$10,000
California.....	10,000	Oregon.....	20,000
Colorado.....	15,000	Utah.....	8,000
South Dakota.....	40,000	Washington.....	85,000
North Dakota.....	40,000	Wyoming.....	20,000
Idaho.....	20,000	Total.....	358,000
Minnesota.....	10,000		
Montana.....	75,000		

The surveys accepted during the year were for the following areas:

States and Territories.	Acres.	States and Territories.	Acres.
Arizona	170, 770	Nebraska	244, 458
California	254, 095	Nevada	47, 294
Colorado	272, 353	New Mexico	157, 136
South Dakota	3, 346, 639	Oregon	393, 255
North Dakota	46, 053	Utah	385, 327
Florida	62	Washington	375, 041
Idaho	119, 128	Wyoming	373, 911
Louisiana	63, 208	Oklahoma	1, 337, 322
Minnesota	110, 430		
Montana	399, 522	Total	8, 096, 004

The chief recommendations made by the surveyors-general are summarized in the Commissioner's report, which presents the needs of the different sections of the country in the matter of surveys.

The statute expressly requires that preference shall be given in favor of surveying townships occupied in whole or in part by actual settlers, and that the surveys shall be confined to lands adapted to agriculture and to lines of reservation.

In some sections of the country it is difficult to determine what is agricultural land, and, as stated in the report of the surveyor-general of Arizona—

What would be agricultural land if water was brought onto the land may be at the present moment the most barren of desert lands, and consequently, though agricultural in point of soil, not agricultural in the practical sense of the word.

UNITED STATES MAPS AND PLATS.

In the report for the year ending June 30, 1889, particular attention was called to the recommendation of the Commissioner, that an appropriation be made sufficient to continue the reproduction, by photolithography, of the worn, defaced, and needed plats on file in that office. He now recommends that at least \$25,000 be appropriated for that purpose, and states—

The demand for copies of the official plats of surveys from General Government and State officials, from individuals and corporations, and for office use is great and constantly increasing. There are about 24,000 of such plats that need to be reproduced, and unless the appropriation for such service is increased it will be many years before the work can be completed, and this delay is a serious inconvenience to the Government and all concerned.

PRIVATE LAND CLAIMS.

The officers provided for in the act of Congress approved March 3, 1891 (26 Stats., 854), entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," have been duly appointed; the court has been organized, and due notice given as provided by law.

The first session of the court will be held at Denver, Colo., on Tuesday, November 17, 1891.

The claims that will come before this court for settlement are of Spanish and Mexican origin, and involve lands within the cession by Mexico to the United States by the treaty of Guadalupe Hidalgo and the subsequent Gadsden purchase.

The court is the result, in part at least, of the previous most earnest recommendations of the present and other Secretaries of this Department as approved by the President. It will greatly lighten the labors of the Commissioner and Secretary, and do complete, if tardy, justice to the people of the several states and territories over which its jurisdiction extends.

By sections 16, 17, and 18 of the act establishing this court recognition is given to a class of small holdings, not to exceed 160 acres in each case, by persons, or their "ancestors, grantors, or their lawful successors in title or possession," who became citizens of the United States by reason of the treaty of Guadalupe Hidalgo, etc.

The Commissioner estimates that there are from fifteen to twenty thousand claims of this character. In his annual report for 1890, the Secretary presented the obstacles, to private entries, met by settlers on these former Spanish possessions. It was then said:

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 Commissioner quotes from the last annual report of the surveyor-general of New Mexico, showing the necessity of further legislation in relation to these claims. There is a map presented exhibiting the nature of these settlements, and in connection with it the surveyor-general remarks:

It is evidently the intention of the law to enable the people to get title to the little irregularly-shaped pieces of land which they have occupied and cultivated from time immemorial.

This is accomplished by section 16, where the land is unsurveyed, but the greater part of the settled portions of the Territory is surveyed land.

How can a landholder on surveyed land comply with the law?

As a sample of the manner in which land has become divided up during generations and is now held in the Spanish settlements throughout this Territory, I have prepared the following diagram of a portion of the township lying immediately west of the city of Santa Fé.

The section and quarter-section lines are indicated by dotted lines, and the boundaries of the different owners by full lines.

These little strips of land, the smallest of which is but 20 varas or 55 feet wide, are held only by the title of uninterrupted and peaceable possession, reaching back 60 years or more.

These lands were segregated from the Mexican domain, and are held by the right of prescription under the laws, usages, and customs of Spain and Mexico.

The treaty of Guadalupe-Hidalgo covers such cases, and obliges the United States to respect them. To disregard them now would be to confiscate their homes and commit a wanton injustice.

How can Casme Carillo, for instance, who owns a strip of 50 varas or $8\frac{1}{2}$ rods wide, amounting to 40 acres, on which is his home and his little cultivation near the river, and running back across three sections over the hills where he gets his firewood; how can this landholder have a survey of his strip made, connecting his lines with corners of the public survey, and by filing such survey and making proofs of the facts enter this strip at the local land office? If he can do so, full instructions should be issued to the register how to proceed in such cases. If he can not, under the law, enter his land, it is earnestly requested that the Department ask for such an amendment of the law as will enable him to do so.

It is unworthy of the Government to tender to this people justice and free titles to their lands, and then couple with this liberal offer conditions that they can not comply with, and further exact that their homes shall be confiscated at the end of 2 years if these impossible conditions are not complied with.

Justice requires that this law be amended as soon as possible, so as to allow the entry of lands in pieces of the shapes in which they are actually held.

The impossibility of describing the small holdings by legal subdivisions is apparent, and it is recommended that Congress be asked at its next session to enact such further legislation as will make available to this class of persons the privilege intended to be granted them, and that the period within which such claim must be filed under the law be extended.

CONTESTS.

The Commissioner's report shows a marked decrease in the amount of work pending in the contest division. *The unappealed cases are practically up to date, and the appealed cases have been reduced to 321.*

RAILROAD LAND GRANTS.

The matter of the adjustment of railroad land grants, as contemplated by the act of March 3, 1887, presents for decision many varied and important questions, and from the numerous interests presented and the large values involved, much care and research are necessary for a proper disposition of the same, and from the magnitude of the work progress is necessarily slow. The chief causes of delay are lack of surveys and the mineral complications; that is, the actual conditions of the lands inside railroad limits with regard to mineral deposits. The position of the Department on this question is 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 that contains a provision reserving all mineral lands therefrom. Some of the

United States circuit courts have held that the right 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. The subject is discussed at length in the Secretary's opinions, to be found in Decisions of the Department relating to Public Lands, vol. 11, p. 238, and vol. 10, p. 365. The Supreme Court of the United States must eventually settle the question. In the mean time patents will be refused for all lands deemed to be mineral within the provision of the statutes.

Adjustments of the grants to aid in the construction of railroads have been approved by the Department in a number of cases and others are in progress. The list of railroad selections awaiting examination at the close of the fiscal year amounted to 28,846,577.56 acres; the selections for wagon roads amounted to 305,246.67 acres; making 29,151,824.23 acres embraced in pending lists of selections for railroad and wagon-road construction.

By the act of Congress approved September 29, 1890, all lands heretofore granted to any state or to any corporation to aid in the construction of a railroad opposite to and conterminous with the portion of any such railroad not completed and in operation at the date of the passage of said act were forfeited, and proper instructions have been issued to the local officers of the districts in which the forfeited lands lie, ordering their restoration to the public domain, except in certain cases where questions are pending that may affect the amount.

The passage of this act relieves from suspension many cases involving lands in railroad limits where a portion or all of the road was built, although out of time. The benefits resulting will redound to the settlers, who have long ago purchased their farms from the railroad companies, and are now cultivating the soil. The adjustments are due to these citizens rather than to the original grantees, the railroad companies, and the work will be dealt with on this basis.

RIGHT OF WAY TO RAILROADS.

The whole number of railroad companies claiming the right of way over the public lands, under the general right-of-way act approved March 3, 1875, or under special acts, is 392, of which the articles of incorporation filed by thirty-two companies were approved during the last year.

ACT OF MARCH 3, 1891, REPEALING TIMBER-CULTURE AND PREEMPTION LAWS.

This act makes many important changes in the system of laws for the disposal of the public lands, the principal of which are the repeal of the timber-culture and preëmption laws; the modification of the desert-land law of March 3, 1877; the amendment of the homestead laws; granting of the privilege to cut timber from the public lands in certain

states and territories, under certain restrictions; the inhibition against public sale of any part of the public lands, except abandoned military or other reservations, isolated tracts, and mineral and other lands the sale of which is specially authorized by Congress. In it provision is made for the disposal of public lands in Alaska for manufacturing and commercial purposes and for town sites, and for the adjustment of conflicting town-site and mineral claims; right of way for the construction of canals and ditches for irrigation purposes are granted, and the President is authorized to set apart and reserve lands where, to preserve timber, he shall deem it advisable.

Instructions have been issued for the guidance of the local officers, under this act, construing its provisions and giving such directions as were deemed advisable to give effect to the measure. The effects of this statute as to irrigation and upon the public timber have already been discussed in this report.

VACANT PUBLIC LANDS.

The following table, showing the vacant public lands of the United States, by states and territories, surveyed and unsurveyed, is designed to inform correspondents and the general public as to the amount and location of the public lands remaining subject to disposition:

Recapitulation of vacant lands in the public land States and Territories.

State or Territory.	Surveyed land.	Unsurveyed land.	Total.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Alabama	947, 310		947, 310
Arizona	11, 342, 214	43, 718, 791	55, 061, 005
Arkansas	4, 998, 398		4, 998, 398
California	36, 326, 517	15, 972, 982	52, 299, 499
Colorado	36, 614, 499	5, 552, 531	42, 167, 030
Florida	2, 669, 151	799, 230	3, 468, 381
Idaho	4, 740, 786	29, 041, 065	33, 781, 851
Iowa	3, 000		3, 000
Kansas	799, 078		799, 078
Louisiana	1, 141, 729	101, 389	1, 243, 118
Michigan	781, 816		781, 816
Minnesota	2, 910, 455	3, 939, 520	6, 849, 975
Mississippi	1, 201, 280		1, 201, 280
Missouri	1, 023, 898		1, 023, 898
Montana	10, 790, 999	63, 581, 770	74, 372, 769
Nebraska	11, 065, 436	395, 000	11, 460, 436
Nevada	29, 472, 117	23, 859, 748	a 53, 331, 865
New Mexico	39, 444, 239	15, 449, 440	54, 893, 679
North Dakota	5, 811, 910	10, 323, 530	16, 135, 440
Oklahoma	1, 230, 917	2, 271, 489	3, 502, 406
Oregon	24, 791, 353	14, 428, 799	39, 220, 151
South Dakota	5, 024, 202	9, 061, 192	14, 085, 394
Utah	6, 917, 840	28, 511, 147	35, 428, 987
Washington	5, 432, 891	14, 968, 800	20, 401, 691
Wisconsin	1, 003, 133		1, 003, 133
Wyoming	88, 794, 084	12, 048, 350	100, 842, 434
Total	285, 280, 251	294, 027, 773	a 579, 308, 024

a This aggregate is exclusive of Ohio, Indiana, and Illinois, in which, if any public land remains, it consists of a few small isolated tracts; it is exclusive of the Cherokee Strip, containing 8,044,644 acres, and all other lands owned or claimed by the Indians in the Indian Territory west of the ninety-sixth degree of longitude, contemplated to be made a part of the public domain by the fourteenth section of the act of March 2, 1889 (25 U. S. Stats., 1005), and it is also exclusive of Alaska, containing 577,390 square miles, or 369,529,600 acres, of which not more than 1,000 acres have been entered under the mineral laws, and includes 356,659 acres of mineral land in Nevada, in addition to the quantities given under the head surveyed land and unsurveyed land in the foregoing table.

IRRIGATION.

The Commissioner discusses the subject of irrigation at some length and with ability in his report. His conclusions have already been quoted, and it would be unfair to attempt to condense his views as set forth by himself. It is well, however, to call attention to the fact that he states there has been a falling off of 2,642 original homestead entries made during the year, as compared with the previous year, and in final entries of the same class the decrease was 394, while the total net decrease in the number of final entries of all kinds during the same period was 7,736, and from this, and the great rush for homesteads at the recent opening of lands in Oklahoma, he considers it apparent that the demand for homes on the public domain is greater than ever before in the history of the country.

PROTECTION OF PUBLIC LANDS AND TIMBER BY SPECIAL AGENTS.

One thousand seven hundred and fourteen cases of depredation were referred to the special agents for investigation, hearings were ordered in 238 cases, 694 cases were held for cancellation, 444 canceled, and 1,846 examined and passed. Final action was taken in 3,401 cases, and there are now pending in the division (June 30, 1891) 5,525 land cases. Four hundred and eighty-eight cases have been reported by special agents during the year, involving public timber and the products therefrom to the value of \$2,347,473.11 recoverable to the Government. The amount accepted under propositions of settlement was \$53,863.03; the amount paid in during the year on propositions of settlement accepted during previous years was \$439.07, and the amount recovered through legal proceedings so far of record (the United States attorneys' reports for various districts not having been received up to the date of preparing this report) is \$62,402.47. This makes a total amount of repayments on account of depredations upon the public timber of \$116,704.57, an excess over the appropriation for this branch of the public service.

On the 1st of July, 1891, as far as reported, there were shown to be pending in the United States courts 203 civil suits for the recovery of a total amount of \$4,451,305.07 for the value of timber reported to have been unlawfully cut from public lands, and 361 criminal prosecutions for the act of cutting or removing timber in violation of law.

In addition to the above result of work accomplished by the special timber agents, they have during the year investigated and reported upon a large number of fraudulent land entries.

FORESTS.

Attention has before been called to the fact that the most valuable timber on the public lands is being rapidly exhausted.

The provision in the act of March 3, 1891 (26 Stats., 1095), for the establishment of reservations will do much to preserve valuable forests from spoliation.

The Commissioner is of the opinion that the necessities for a general law upon this subject can not be too strongly urged upon the attention of Congress, and that the provisions of the law should be in the line suggested in the report made on Senate bill No. 1394, to which reference was made in the Secretary's last annual report (p. 16). In this connection the Commissioner calls attention to the disadvantages incident to the execution of the laws through special agents, in consequence of the form in which appropriations have been made by Congress for this service.

The appropriations read as follows:

DEPREDACTIONS ON PUBLIC TIMBER: To meet the expenses of protecting timber on the public lands, one hundred thousand dollars.

PROTECTING PUBLIC LANDS: For the protection of public lands from the illegal and fraudulent entry or appropriation, one hundred and twenty thousand dollars.

SETTLEMENT OF CLAIMS FOR SWAMP LAND AND SWAMP-LAND INDEMNITY: For salaries and expenses of agents employed in adjusting claims for swamp lands and for indemnity for swamp lands, twenty thousand dollars: *Provided*, That agents and others employed under this and the appropriations for "Depredations on the public timber," and "Protecting public lands," while traveling on duty, shall be allowed per diem in lieu of subsistence at a rate not exceeding three dollars per day, and for actual necessary expenses for transportation.

He continues: Under these provisions the Comptroller of the Treasury holds that the per diem and expense account of an agent appointed to investigate *public-timber* trespasses can not be allowed when it appears that the agent was employed during the time stated in the work of investigating fraudulent entries of *public land* or in reporting on *swamp land* selections. The same rule is applied to each of the three classes of agents. But it not infrequently occurs that swamp land selections, fraudulent land entries, and timber depredations are to be investigated in the same locality. Under the law as heretofore framed in such case it is absolutely necessary, regardless of expense or loss of time, to send three agents to the locality referred to, when one agent could investigate and report all the cases in a particular neighborhood, taking them in proper order. By adopting this method of procedure the expenses of transporting additional men would be avoided and the time lost in unnecessary travel could be profitably employed. In other words, the efficiency of the service would be promoted and the expenses reduced.

Actuated by these considerations the Commissioner, in submitting estimates for the coming fiscal year, has consolidated these three items for special service in the following language:

Depredations of public timber, protecting public lands, and settlement of claims for swamp lands, and swamp land indemnity; to meet expenses of protecting timber on public lands and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands and indemnity for swamp lands: *Provided*, That agents and others employed under this appropriation shall be allowed per diem in lieu of subsistence at a rate not exceeding \$3 per day and actual necessary expenses for transportation; three hundred thousand dollars.

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Under this form of appropriation agents may with freedom be assigned to duty in either branch of the service. The efficiency of the service would be promoted and the expense to the government reduced by the consolidation and the recommendation is approved for your favorable consideration.

The reason for the increase in the estimate for this branch of the service of \$60,000 over that for the current year is due to the examinations and investigations connected with the administration of the laws of March 3, 1891. The designation of the tracts on which the cutting of timber will be permitted and the enforcement of needful rules and regulations governing the same will greatly increase the demands for the service of special agents; further, the period of limitations established by said act, within which all investigations must be made as to the validity of entries, and the large accumulation of work awaiting examination within a limited period, necessitates the proposed increased force of special agents.

SWAMP-LAND GRANTS.

After the lapse of forty years swamp-land grants yet remain unadjusted. Several methods have been exhausted by the states, viz, selection by the United States surveyor-general, by agents appointed by the states to offer proof of swampy character, and of selection from the field notes of survey. Now some states dispute the sufficiency of the field notes to justify a rejection of the states' claim to lands conclusively shown by the field notes not to be of a swampy character.

The act of March 3, 1857, confirmed to several states all lands selected and reported up to that date. By such confirmation the states became possessed of large quantities of fine agricultural lands, erroneously selected as swamp lands. The evident purpose of this act was to aid the adjustment of these grants, but it seems to have produced the effect of inviting additional claims in great numbers, and, as there is no limitation upon the time within which selections may be made, no estimate can be made as to the amount which may be selected.

Claims for cash and land indemnity are still pending on 2,312,949.22 acres, and several states claim large quantities of land subject to cash and land indemnity for which they have not as yet presented formal lists. Some of the states have by legislative action transferred their rights to cash and land indemnity to the several counties; and the counties in many instances authorize energetic agents to prosecute their claims upon contingent commissions, and the government has been put to great expense in examining lands selected indiscriminately by them. Unless an act is passed limiting the time within which selections may be made, this expense upon the government will be continued from year to year for an indefinite period of time, and while legislation limiting the time within which selection may be made of swamp lands *in place* may not be deemed expedient, it seems some limitation is neces-

sary upon the period within which indemnity may be claimed, whether in land or cash.

The Commissioner is of the opinion that within a period of three years all legitimate claims could be filed, and recommends legislation forever barring all claims for cash, land, or other indemnity under the swamp-land laws, not presented within three years from the date of the passage of such an act. As this privilege has existed since 1858 the period of limitation suggested would give ample time for the assertion of any claims not heretofore filed. There is necessity for Congressional action in the matter of the adjustment of these grants, and it is recommended that the matter be specially called to the attention of Congress.

GENERAL LAND OFFICE NEEDS ROOM IN A GOVERNMENT BUILDING.

The accommodations now afforded to the General Land Office are inadequate for the proper disposal of its great and extending business and for the care and preservation of its important records, upon which rests the foundation of titles of millions of homes upon the public domain.

The portion of the Patent Office building assigned to the Land Office was diminished during the last year, and it became necessary to secure quarters elsewhere, necessarily involving great inconvenience, danger to records, and loss of time in the transaction of the public business. By the act of March 3, 1891 (26 Stats., 941), an appropriation was made of \$16,000 for the rent of buildings for the use of the General Land Office, but sufficient space could not be found in an available building, and it was deemed inadvisable to scatter different portions of the office over the city, thus exposing the records to loss, injury, or destruction.

Furthermore, to separate the several divisions of the office would greatly interfere with the dispatch of the public business, as there is an intimate relationship and interdependence existing between all these. Two thousand eight hundred dollars only have therefore been used of the \$16,000 available under said act.

The Commissioner recommends the erection of a suitable public building, owned by the government, affording adequate accommodations, and that proper provisions be made therein for the greater security of Land Office records. He suggests that such a building might be further utilized for the preservation of the records of the several land offices and offices of the surveyor-general when discontinued; that there would be great advantages in the concentration of the records in one place, and that in the way suggested it might be accomplished with comparatively little additional expense.

These suggestions are worthy of serious consideration, and the attention of Congress, it is recommended, should be called to this important subject, so that it will be impressed with the necessity for immediate action.

IMPORTANT LAND DECISIONS.

In the disposition of cases arising under the administration of the public-land laws many new and interesting questions have come before the Department. In their solution the Secretary acknowledges the very valuable assistance given by the Assistant Attorney-General assigned to this Department, and of the departmental First Assistant Secretary. Among others may be mentioned those cases arising under the late act of March 3, 1891 (26 Stat., 1095), repealing the timber-culture act, and making many other modifications of the previous laws with respect to our public lands.

CONFIRMATION OF ENTRIES.

Section 7 of said act makes special provision for the confirmation of two classes of entries in the following terms:

All entries made under the preëmption, homestead, desert-land, or timber-culture laws, in which final proof and payment may have been made and certificate issued, and to which there are no adverse claims originating prior to final entry and which have been sold or incumbered prior to the first day of March, eighteen hundred and eighty-eight, and after final entry to bona fide purchasers, or incumbrancers, for a valuable consideration, shall, unless upon an investigation by a Government agent, fraud on the part of the purchaser has been found, be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale or incumbrance: *Provided*, That after the lapse of two years from the date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead, timber-culture, desert-land, or preëmption laws, or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

In the construction of that portion of said section which applies to entries transferred or incumbered prior to March 1, 1888, it was held in *Axford vs. Shanks*, 12 L. D., 250, and same on review, 13 L. D., 292, that the intention of said section is to confirm entries allowed in the absence of adverse claims originating prior to final entry, where parties, relying in good faith upon the issuance of final receipt and certificate, had invested money on the strength of the prima facie title held by the entryman, and that the confirmatory operation of this legislation is not defeated by the pendency of contests or protests, and this construction is now the rule of the Department.

As to entries included within the proviso to said section, where no interests of transferees are involved, it was held, in the departmental instructions of April 25, 1891, 12 L. D., 522, that said proviso is one of limitation upon contests initiated after the passage of said act, but does not relieve entries from the effect of contests that were pending at the date of said enactment.

It was further held in the construction of said proviso that in all cases

where proceedings by the government have been, or shall be, begun against an entry within two years from the date of the final certificate, said entry will be held to be taken out of the confirmatory operation of said proviso; and that the word "proceedings" in such construction shall be construed to include any action, order, or judgment had or made in the General Land Office cancelling an entry, holding it for cancellation, or which requires something more to be done by the entryman to duly complete and perfect his entry, without which such entry would be necessarily canceled. (13 L. D., 1.)

In addition to the above class of cases, memoranda in a few other cases of special note are submitted herewith.

FORFEITED RAILROAD LANDS.

In construing the forfeiture act of September 29, 1890, it was held that the language in section 2 of said act authorizing a "second homestead entry" refers only to those persons who had theretofore made a homestead entry, but failed from any cause to perfect the same, the object of such provision being to allow any one qualified, who had not theretofore secured a piece of land under the homestead law, to obtain a tract of the forfeited land under said law, and at the same time to take said land out of the operation of the preëmption law. (11 L. D., 625.)

FORFEITURE OF RAILROAD GRANT.

The case of the Tennessee and Coosa Railroad Company involved the rights of the company under the forfeiture act of September 29, 1890 (26 Stat., 496), and in the disposition of the case it was held that the construction of a fractional part of a section of 20 miles, the whole road not being completed, does not entitle the company to any lands under the grant of June 3, 1856; and that the failure of the company to construct any portion of the road in accordance with the terms of the grant renders it subject to the forfeiture act of September 29, 1890, not only as to the uncertified lands, but also as to the 120 sections certified in advance of construction, provided such sections are in the possession and control of the state or company, and have not been sold to innocent purchasers for value. (12 L. D., 254.)

RAILROAD RIGHT OF WAY.

In the matter of the right of way approved on the application of the Union River Logging Railroad Company, a rule was laid on said company to show cause why said approval should not be revoked. On the response to said rule, it was held that the Secretary of the Interior has the power to recall, annul, and set aside the action of his predecessor in office in approving the map of definite location or profile of a railroad, filed under section 4, act of March 3, 1875, where such approval is procured by fraud and misrepresentation, and for a purpose not authorized

by law; and the order of approval made for the benefit of said company was accordingly revoked. (12 L. D., 574.)

DESERT LANDS.

On September 12, 1877, Mr. Secretary Schurz issued an order suspending all desert entries made in Visalia, California land district, and directed an investigation to be made before the local land officers as to the character of each tract entered. The order of suspension applied to desert entries numbered 1 to 337, inclusive. The hearings were duly had in accordance with said directions, but prior to January 12, 1891, no final action had been taken looking toward a release of said entries from suspension or rendering judgment thereon. On the date last named, in the case of the *United States v. James B. Haggin*, the Department took up the questions presented by the previous action of the Department, and revoked the order suspending said entries, and gave directions for the disposition of all contests pending against said entries and the reception of final proof that may be submitted by claimants. (12 L. D., 34.)

OKLAHOMA TOWN SITE.

A number of interesting questions have come before the Department under the legislation authorizing the opening of Oklahoma lands to settlement and entry. Among these may be cited the case of *Guthrie Town Site v. Paine et al.*, in which it is held that a town-site entry can not be allowed where it is apparent that the application is in the interest of a fraudulent speculation; that a soldiers' declaratory statement, filed on April 22, 1889, through an agent who was in the territory prior to 12 o'clock noon, of said day, is illegal and void; and that the entry of one who is lawfully within said Territory prior to noon, April 22, 1889, but takes advantage of his presence therein to secure a settlement right in advance of others, is in violation of the statute opening said lands to entry; and further, that a town-site entry can not be allowed in the interest of those who entered said territory prior to the time fixed in the President's proclamation and in violation of said statute.

RIGHT OF WAY—INDIAN RESERVATIONS.

In an opinion upon the rights of the Duluth and Winnipeg Railroad Company, under the provisions of the act of June 2, 1890 (26 Stats., p. 126), it was held that the first section of said act granted to said company a right of way through the Indian reservations mentioned therein, defined its extent, giving the company a right to take material for the construction of its road, and granting land for station purposes, limiting the number that may be constructed within said reservations; that prior to acquiring any vested interest in any part of the right of way, station grounds, etc., the company must duly file plats showing the definite location of its road and station grounds; and upon the approval

thereof, must pay to the Indians the compensation fixed by the Secretary of the Interior, the consent of the Indians having been obtained as required by the second section of said act. (Vol. 5, p. 198.)

In an opinion rendered April 20, 1891, upon the application of the Bayfield Transfer Company for right of way and station grounds within the Red Cliff Indian Reservation, it was held that the action of the Secretary in authorizing a railroad company to proceed with the construction of its road across an Indian reservation, pending the completion of the necessary arrangements, is not final in its character and confers no vested rights; that the proviso contained in section 5, act of March 3, 1875, does not render the provisions of said act generally applicable where a right of way is provided for under treaty stipulation, but only provides that when, by prior treaty or act of Congress, a right of way with definite limits or other privilege has been specifically granted, the provisions of said act shall govern so far as applicable. It was further held that conveyances for right of way purposes, executed by Indians holding under patents in which the right of alienation is limited by a requirement that the President's consent thereto shall be obtained, must be submitted to the President for his approval. (12 L. D., 481.)

ALASKA.

In response to a reference by the Secretary of the Interior of a request by the President that he be informed under what statute it is proposed to make certain reservations in Alaska pursuant to a recommendation of the governor thereof, an opinion was rendered giving the status of the lands in Alaska, the usual method of creating military and Indian reservations, and submitting a draft of an executive order for the purpose of reserving certain lands therein described. (Vol. 5, 197.)

UNION PACIFIC RAILROAD COMPANY.

In response to a reference of Senate resolution of July 3, 1890, asking "whether the guaranty or any payments, or both, referred to in the resolution, are in accordance with law and consistent with the obligations of said Union Pacific Railroad," the relation of said company to the Government was fully considered, and it was held that the action of the company in guaranteeing the principal and interest of certain railroad companies did not violate any of its obligations to the United States. (Vol. 5, p. 211.)

KAWEAH COLONISTS, CALIFORNIA.

In the case of the Kaweah colonists claiming certain lands within the limits of the reservation for a National Park in California, created by acts of September 25 and October 1, 1890, it was held, (1) that final entries of any of said lands prior to Executive withdrawal of legislative reservation, *prima facie* valid, should be recognized as valid until duly

canceled by the land department; (2) that the parties who have not made entries of said land, but have merely made filings thereon and are cutting timber therefrom, should be considered trespassers and removed from the reservations; and (3) that homesteaders who have not made final entries, and are cutting timber for the purposes of sale and not for the purpose of clearing the land for cultivation, should be restrained by judicial action. (Vol. 5, 432.)

INDIAN AFFAIRS.

The administration of Indian affairs has been attended with reasonable success during the last fiscal year. The labors of the Commissioner and the very able Assistant Commissioner have been great, and the Bureau has also demanded continuously the attention of the Secretary. Its interests are so widespread and important, and the occasions demanding action so sudden, that the gravest responsibility and anxiety arise from its management. It is therefore gratifying to report that in the common judgment of those familiar with and interested in the Indians' welfare this service has been greatly improved during the last few years.

Under your immediate direction, the selection of Indian agents has been exercised with the greatest care, and in no instance when it has appeared such an officer chosen was inefficient has there been any hesitation to make a new appointment. The immediate and tangible results of good government that the Indians appreciate, and which they have been allowed to enjoy more now than ever before, are those giving them physical comfort; freedom from the evils of insufficient food, poor clothing, indifferent shelter, and at least partial emancipation from the vices of drunkenness, profanity, gambling, and lechery that have too long afflicted them. It is in vain to appeal for obedience to law or acquiescence in plans for their education and moral training to tribes who are hourly suffering from want and abuse.

It is the great improvement brought about in these physical conditions that has laid the foundation upon which is being erected that efficient and broader system of education and morality now adopted and practiced as the policy of the government.

It is not claimed that perfection has yet been reached, or that there are not frauds yet practiced upon the government in Indian affairs; but it is believed that these have been immensely diminished, and are being rapidly exterminated.

The Commissioner of Indian Affairs, in his extended report, has displayed more at large the features of this policy and made many suggestions for the future regulation of this Bureau. Many of these are based upon the experience and history of the Indian Bureau, and they fairly epitomize the general features that have been introduced into its management.

POPULATION.

The Indian population, as reported by the Commissioner for the fiscal year ending June 30, 1889, is 250,483, exclusive of the inhabitants of Alaska.

The statistics of Indians, as compiled and furnished in Bulletin No. 25 of the Census Office, issued January 29, 1891, present with other information the following details:

The total Indian population of the United States, exclusive of Alaska, but including 32,567 counted in the general census, being the taxed or taxable Indians, numbers 249,273. The following table gives the division of the Indians in detail:

Indians on reservations or at schools, under control of the Indian Office (not taxed or taxable)				133,382
Indians incidentally under the Indian Office, and self-supporting: The Five Civilized Tribes, Indians and colored:				
	Indians.	Colored.	Total.	
Cherokee Indians	25,357	4,242	29,599	
Chickasaw Indians	3,464	3,718	7,182	
Choctaw Indians	9,996	4,401	14,397	
Creek Indians	9,291	5,341	14,632	
Seminole Indians	2,539	22	2,561	
				68,371
Deduct number of colored persons probably not mem- bers of tribes (estimated)			3,500	
				64,871
Indians other than Chickasaws in that nation				1,161
Indians other than Choctaws in that nation				257
Population of the Five Civilized Tribes:				
Indians			52,065	
Colored Indian citizens and claimants			14,224	
Total			66,289	
Pueblos of New Mexico				8,278
Six Nations, St. Regis, and other Indians of New York				5,304
Eastern Cherokees of North Carolina				2,885
Indians taxed or taxable and self-sustaining citizens counted in the gen- eral census (98 per cent not on reservations)				32,567
Indians under control of the War Department, prisoners of war (Apaches at Mount Vernon Barracks)				384
Indians in State or Territorial prisons				184
Total				249,273

INDIAN SCHOOLS.

It is shown by the report of the Commissioner of Indian Affairs that the enrollment of pupils in the schools conducted for the education and training of the Indian youth reached during the year 17,926 pupils, an increase over the previous year of 1,545 pupils; and that the average attendance was 13,568 pupils, or an increase of 1,336 pupils over the previous year.

This attendance includes that at the industrial training schools, the reservation boarding schools, and the reservation day schools.

The existing school buildings and facilities provided by the Government afford accommodation for Indian pupils as follows:

	Pupils.
In nonreservation Government industrial training schools	4, 085
In reservation boarding schools	5, 319
In reservation day schools.....	3, 120
Total	12, 524
There are accommodations in schools conducted under contract with religious associations for.....	5, 255
In addition to the above contracts have been made with public school districts for the education of Indian children to the number of.....	100
Making a total school capacity for the past fiscal year of	17, 879
New schools, the establishment of which has been specially authorized by appropriations made by Congress, but which have not yet been completed or put in operation, will provide ample accommodations for.....	675
The construction of new schools on reservations, and the enlargement of others now in progress, will further increase the accommodations for about.....	1, 500
Making the total number of pupils that can be accommodated with means already provided	20, 054

Some confusion is introduced by the Commissioner in his tables by adopting new names for these schools. The accounts heretofore transmitted from the Bureau in these newly adopted names have, because thereof, been rejected by the accounting officers of the Treasury, as wholly unauthorized.

The appropriations for the schools have largely increased from year to year, and the liberality of Congress has been pronounced during the present administration. In 1888 the appropriation for the support of Indian schools was \$1,179,916; in 1891 it was \$1,842,770; and for 1892 it is \$2,291,650. The sum asked for the year ending June 30, 1893, is \$2,917,060, which includes the amount asked for buildings, and the Commissioner estimates that the cost for Indian education which was submitted in his annual report for 1889 may be relied upon. It was as follows:

Amount required to put and support all Indian children in Government schools.

New buildings and furnishings for 9,410 boarders, at \$230 per capita	\$2, 164, 300
New buildings and furnishings for 4,217 day pupils, at \$1,500 for every 30 pupils	210, 000
Repair and improvement of present buildings.....	50, 000
Additional furniture, apparatus, stock, tools, and implements.....	50, 000
	<hr/>
	2, 474, 300
	<hr/>
Support of an average of 15, 000 boardings pupils, at \$175	2, 625, 000
Support of an average of 6,600 day pupils, at \$62.50.....	412, 500
Transportation of pupils	40, 000
Superintendence	25, 000
	<hr/>
	\$3, 102, 500

COMPULSORY EDUCATION.

The Indians, as a rule, have consented so readily to sending their children to the schools that it was not found necessary immediately to enforce attendance as authorized by act of March 3, 1891. But very recently such rules and regulations have been made and published because of the discharge of a pupil from a school by decision of Judge Green, of a district court of Oklahoma, in habeas corpus proceedings brought by one Abraham Lincoln, an Iowa Indian of that territory, to recover the custody of his 17-year old boy, who, with the father's consent, was attending the Chilocco Indian industrial training school located on the Cherokee Outlet. The father desired to withdraw his son from the school because he considered the discipline too rigid and the comfort of the boy not sufficiently provided for, and because the boy was required to work in the field and garden and at other similar service. The decision rested on the point that no such rules and regulations as the law authorized had been made for the compulsory attendance of Indian children. Action to remove this objection was therefore taken. These rules are annexed to this report. (Appendix D.) This is the first step in a departure from the ancient method of treating the Indian with either so much respect or indifference as to leave him from generation to generation but little advanced in civilization or comfort. It is expected that no great degree of force will be found necessary, and when it is, it will be employed only with the knowledge and consent of the President. The great body of the different tribes have become quite in favor of schools, under the care with which their interests have been recently advanced, and the number of children whose attendance may have to be compelled will be very small indeed.

No statute for compulsory education can reach those Indians who have or may become citizens through allotments already taken. They become entitled, however, to the advantages of the common schools where they live, and the several states and territories where they are will no doubt take due care of their education. The citizen Indians will have equal claims with the colored race upon the protection and educational advantages of the local governments, and there can be no reasonable doubt these will be willingly and bountifully bestowed out of the proceeds of the munificent gifts of land made to these states by the United States.

The allotment law, commonly known as the Dawes bill, has secured for its author the praise of all interested in the welfare of the Indians. It has been accepted as the very best means of solving the Indian problem, and it is now, as has been pointed out in the earlier part of this report, receiving an administration, chiefly by written consent and agreement of the Indians, that promises to develop rapidly its benefits for allottees.

INDIANS IN PUBLIC SCHOOLS.

The following expressions in the Commissioner's report are noted with pleasure:

The Government schools are modeled after the public schools, and the Indian pupils who are educated in the Government Indian schools understand their workings, and pass easily into the public white schools as opportunity offers. Those educated in these schools will be prepared, as they become citizens of the United States, to understand and appreciate the value of the public school, and will seek to establish and maintain such for their own children. The Indians will thus be brought into close sympathetic relationship with one of the greatest American institutions.

and the facts shown by the following table:

Public schools at which Indian pupils were placed under contract with the Indian Bureau during the fiscal year ended June 30, 1891.

Name and location.	Date of contract.	Number of Indian pupils.
California: Carbon, Shasta County, Albion School District.....	June 18, 1891	8
Minnesota: Richwood, Becker County, District No. 4.....	May 1, 1891	10
Nebraska:		
Santee Agency, Knox County, District No. 36.....	Jan. 2, 1891	8
Omaha Agency, Thurston County, District No. 6.....	Jan. 9, 1891	10
Oregon: Seaton, Lane County, District No. 32.....	Mar. 20, 1891	5
Utah:		
Cedar City, Iron County, District No. 1.....	Jan. 2, 1891	5
Portage, Box Elder County, District No. 12.....	July 17, 1890	39
Washington: Rockland, Klickitat County, District No. 1.....	Apr. 13, 1891	15

It is expected to have this number greatly increased, as by this means not only will the Indians be more rapidly civilized, but the white children coming in such contact with them will become more tolerant towards them, and disposed to regard their rights of person and property.

CONTRACT SCHOOLS.

Besides the schools above mentioned, there are numerous contract schools supported in whole or in part by appropriations by Congress. The names and amounts appropriated from 1886 to 1892 are set forth in the following table:

Amounts set apart for various religious bodies for Indian education for each of the fiscal years 1886 to 1892, inclusive.

	1886.	1887.	1888.	1889.	1890.	1891.	1892.
Roman Catholic.....	\$118,343	\$194,635	\$221,169	\$347,672	\$356,957	\$363,349	\$387,426
Presbyterian.....	32,965	37,910	36,500	41,825	47,650	44,850	44,310
Congregational.....	16,121	26,696	26,080	29,310	28,459	27,271	29,146
Martinsburg, Pa.....	5,400	10,410	7,500	Dropped.			
Alaska Training School.....		4,175	4,175				
Episcopal.....		1,890	3,690	18,700	24,876	29,910	19,980
Friends.....	1,960	27,845	14,460	23,383	23,383	24,743	24,743
Mennonite.....		3,340	2,500	3,125	4,375	4,375	4,375
Middletown, Cal.....		1,523	Dropped.				
Unitarian.....		1,350	5,400	5,400	5,400	5,400	5,400
Lutheran, Wittenberg, Wis.....			1,350	4,050	7,500	9,180	16,200
Methodist.....				2,725	9,940	6,700	13,980
Miss Howard.....				275	600	1,000	2,000
Appropriation for Lincoln Institution.....	33,400	33,400	33,400	33,400	33,400	33,400	33,400
Appropriation for Hampton Institute.....	20,040	20,040	20,040	20,040	20,040	20,040	20,040
Total.....	228,259	363,214	376,264	530,905	562,640	570,218	601,000

The Commissioner, in connection with these schools expresses a very strong conviction (p. 68), that while the support should not be given from the public funds, there should be no violent or sudden change; no action that can be construed as partial or unjust; but a gradual extension of the national system until it embraces the entire work.

While there were enrolled in the government schools for the last year 11,449 pupils, whose average attendance was 8,399, there were for the same year in the contract schools (not including industrial boarding schools especially appropriated for) enrolled 7,168, with an average attendance of 4,006, which may be taken as about the number in the schools referred to as sectarian. Evidently a conviction by Congress that these pupils are being illegally supported would immediately deprive one-third of all those now being educated of any of the advantages they at present enjoy. The Indian Bureau is not prepared for such results; nor does the Commissioner act upon it himself, but continues his recommendations and estimates for these institutions for the next fiscal year. Governmental support of these contract schools has been of such long standing, and so much money has been invested alongside and because of it by those who have undoubtedly the best interests of the Indians at heart, that a sudden withdrawal of support would be lamentable. It is hoped that the appropriations may not be refused, but that the policy of this as well as previous administrations may be continued. The present Secretary, in the annual report for 1889 (p. 47), expressed himself as follows:

It therefore seems but a step to extend this system so as to have it embrace and affect, with the *coöperation of the church mission schools*, the whole youth of the Indian tribes. This *coöperation* has long existed; the missions have placed much reliance upon it, and its sudden withdrawal would be neither generous nor fair. The national system may grow very rapidly and yet others be most welcome as co-workers in this benevolent cause; but the national system should have precedence, and in case of conflict it should be preserved and advanced.

The President in his annual message at the opening of the Fifty-first Congress, stated in regard to this matter:

School attendance should be promoted by every moral agency, and those failing, should be compelled. The national schools for Indians have been very successful, and should be multiplied, and, as far as possible, should be so organized and conducted as to facilitate the transfer of the schools to the States or Territories in which they are located, when the Indians in a neighborhood have accepted citizenship, and have become otherwise fitted for such a transfer. This condition of things will be attained slowly, but it will be hastened by keeping it in mind. *And in the mean time that coöperation between the Government and the mission schools, which has wrought much good, should be cordially and impartially maintained.*

POLITICAL RELATIONS OF INDIANS.

The Commissioner in his report discusses at some length the relations which the Indian sustains to the government of the United States.

In view of the abundant decisions of the Supreme Court of the United

tending to the British Possessions; poor lands, but where game and fish are abundant.

The work of taking the census of these Indians, assigned to this Commission, appears to have been delegated to "enumerators." The summary of the census reported is as follows:

Full-blood Indians on the reservation	278
Mixed bloods on the reservation	1,289
Mixed bloods in vicinity of reservation	760
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Total on and off the reservation:	
Full-blood Indians	278
Mixed bloods	2,049
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Grand total	2,327

The Commission reports no negotiations whatever concerning the claim of this band to a large area of lands in the state of North Dakota. The Indians themselves, however, are pressing upon the government for adjustment of a claim they set up to a large tract of country there north of Devil Lake, embracing something like nine or ten million acres. Little Shell, chief, has presented to the office a request that a portion of the former Great Blackfeet Reservation, on the north side of the Missouri River above the mouth of White River, a tract of land 30 miles long and 25 miles wide (about 483,840 acres), be set aside for a reservation for the band under the cessions made by the agreements ratified by act of May 1, 1888. (25 Stat., 113.)

Through Mr. J. B. Bottineau, their attorney, they also have requested an extension of their present reservation westward, so as to make in all 446,670 acres.

It is not recommended, however, that the reservation requested by Little Shell should be made, or that the present reservation should be extended as urged by Mr. Bottineau. There are only 278 full blood Indians on the present reservation of two townships, and that ought to be sufficient land for them. The heads of families of mixed bloods of the Chippewa Indians were by the treaty of 1863 granted in fee 160 acres of land. Many of that class now living among the band are, no doubt, the descendants of those thus provided for, and many others are doubtless of foreign nativity. None of them have any such claim upon the government for land as to make a reservation for their benefit necessary. If they are entitled to land from the government, they should take allotments on the public domain and earn their own support, which it is believed they are abundantly able to do, but which they are not likely to do if provided with a reservation.

They are not by treaty or otherwise entitled to any appropriation of money by Congress, but \$75,457.50 have already been spent, under appropriations made, for their support and civilization. It is deemed that from one hundred and fifty to two hundred thousand dollars, in addition to what has heretofore been expended for their benefit, would

all other citizen inhabitants of the several states or territories, or it will be necessary to modify the provisions of the Dawes bill and make of the allottees merely quasi-citizens; that is, not citizens as now.

For unqualified citizens the Indians do now become upon allotments taken, and unless the allotment act is to be repealed, or its provisions in the most important features marred, compulsion will be as inapplicable to these citizens as to others. The states and territories within which the allottees dwell are equally interested with the United States, in their education, if not indeed to a greater degree. The Indians should be entitled to participation in the public school system there. But above all, and to this the greatest weight should be given, they are placed through the process of allotment upon an independent footing, and compelled to exercise all of the care and economy that white men do, both to maintain themselves by labor and to educate their own children, either through the public school system or otherwise. The education of a child upon the land of the allottee who is pursuing the course of a husbandman will be in itself most desirable. It is clear that we must adhere either to the system adopted, and now being pursued, in its entirety, or we must repeal the act so far as it makes the allottee a citizen and thus perpetuate the tribal relations in all that makes them objectionable. It is deemed that no evil consequences will result from allowing matters to take the course they are now following. There is no education to be attained through any system of schools, however elaborate and expensive, that would compensate for such retrogression in the policy of the government, a policy most wisely conceived, and now for a long time beneficially enforced.

COURTS FOR INDIANS.

That the Indian should have the protection and privileges of the courts is certainly desirable where he is in such a stage of advancement that he can understand the proceedings and be prepared for the results. It would be wise legislation to perfect without delay a code of procedure enlarging the jurisdiction of the courts for Indian Offenses on Indian reservations. The Indians' wrongs spring either from the acts of white men trespassing upon their property and personal rights on the reservations or from unjust acts of Indians against each other, as it is not intended that the jurisdiction will be extended over the government or its officers for supposed offenses committed by them. Such extension of a system of law to enable the Indians to appeal to the courts for their personal protection should be preceded by a most careful survey and marking by conspicuous monuments of the boundaries of their reservations. If this be done, there can be but little opportunity for trespass by white men without detection and punishment upon complete proof. But, unfortunately, the most of the reservations are undefined, or if defined upon the map, not marked by suitable and obvious monuments upon the ground. This leads to immense wrong upon the Indian and to private speculation. The trespasser against whom the Indian would

appeal to the court finds it easy to prove either that he was not upon the reservation, or, if he were, that it was under such circumstances that anyone might be mistaken, and thus gain sympathy and favor. There can be no just and efficient system of law applicable to a territory not well and plainly known and marked. This, however, is but a small matter to precede the inauguration of a legal system, and needs but little legislation to accomplish it. It should be done in any event, and it is recommended that a sufficient appropriation be made to survey where need be, and in every case to clearly mark, with frequent monuments, the boundaries of the different Indian reservations. If this be done, and there is an efficient administration of the laws already existing, there can be little opportunity for interference by others with Indians on the reservation. And if, also, the system of law applicable to the Indians themselves as administered through the courts for Indian offenses is perfected and enforced, the field will be very effectually covered.

The American Bar Association has taken recently much interest in this subject, and it would be a pleasure, in all ways to assist in a full presentation of the views and plans of its committee either to you or to Congress.

PUEBLOS.

Upon a case referred, the Assistant Attorney-General assigned to the Department of the Interior gave it as his opinion that the paragraph in the Indian appropriation bill authorizing and directing the Commissioner of Indian Affairs, subject to the direction of the Secretary of the Interior, "to make and enforce by proper means such rules and regulations as would secure the attendance of Indian children of suitable age and health at schools established and maintained for their benefit" was not intended to include the Pueblo Indians of New Mexico. The discussion of that question is contained in the opinion dated May 4, 1891, and is annexed (Appendix E). In it is quoted the language of the Supreme Court of the United States in the case of the United States *vs.* Joseph (94 U. S. Stats., 614-619). Justice Miller rendered the opinion, which after speaking of the nomadic Apaches and others incapable of self-government, proceeds as follows:

The Pueblo Indians, if indeed they can be called Indians, had nothing in common with this class. The degree of civilization which they had attained centuries before, their willing submission to all the laws of the Mexican Government, the full recognition by that Government of all their civil rights, including that of voting and holding office, and their absorption into the general mass of the population (except that they held their lands in common), all forbid the idea that they should be classed with the Indian tribes for whom the intercourse acts were made, or that in the intent of the act of 1851 its provisions were applicable to them. The tribes for whom the act of 1834 was made were those semi-independent tribes whom our Government has always recognized as exempt from our laws, whether within or without the limits of an organized State or Territory, and, in regard to their domestic government, left to their own rules and traditions; in whom we have rec-

ognized the capacity to make treaties, and with whom the Government, State and National, deal, with few exceptions, only, in their national or tribal character, and not as individuals.

But we have no hesitation in saying that their *status* is not, in the face of the facts we have stated, to be determined solely by the circumstance that some officer of the Government has appointed for them an agent, even if we could take judicial notice of that fact suggested to us in argument.

It is true that the Supreme Court of the United States, abiding by the rule to decide nothing but what is necessary to the judgment, did not declare that the Pueblos were citizens of the United States and New Mexico; but the opinion leaves but little doubt as to what the decision of that court will be when the direct question arises there. Nevertheless, there can be no objection to an act of Congress declaring specifically that the enjoyment of all the rights of the citizens of the United States should be accorded to the Pueblo Indians; but when this is done, it should not be with the exception, any more than in the case of the allottees, that the children of the Indians, nevertheless, may be compelled to attend the Indian school prepared and supported from a fund for the education of the Indian tribes.

TERRITORIAL GOVERNMENT FOR FIVE CIVILIZED TRIBES.

Whether the time has arrived for the passage of an enabling act whereby the five civilized tribes may form either a territorial or state government, and be represented on the floors of Congress, no suggestion is made at present, except to say that a matter of this national importance might be better left to the consideration of Congress, at the discretion of the President. Such action would so greatly affect other interests than those of the Indians immediately concerned, that its determination belongs rather to the domain of national politics than to that of departmental administration and recommendation.

LANDS FOR SCHOOL SITES.

Under the act of Congress approved August 19, 1890 (26 Stats., 358), there was purchased, near the village of Flandreau, Moody County, S. Dak., on the 30th of March, 1891, for an Indian industrial school site, 160 acres for the sum stipulated in the appropriation, \$2,000; and for the Indian school at Lawrence, Kans., there was purchased for \$9,608 two parcels of land, described in the Commissioner's report as containing 153.60 acres and 9.54 acres, making a total of 163.14 acres.

Under the Indian bill approved March 3, 1891 (26 Stats., 1013), Congress appropriated the sum of \$6,000 for the erection of buildings and improvements at Phoenix, Ariz., and a site was obtained for the sum of \$9,000, near the capitol, for which a deed has been duly executed, together with two water-right certificates in the Grand Canal. The citizens of Phoenix have contributed \$3,000 of this amount, and thus the total cost to the Government has been but \$6,000.

Under the act of February 16, 1891 (26 Stats., 764), appropriating \$75,000 for the purchase of sites for Indian training schools, to be located outside of any Indian reservations wherein Indians are located under an agent, there have been selected the following:

In Minnesota; on the Pipestone Reservation, Pipestone County.

In Michigan; near Mount Pleasant, in Isabella County.

In Wisconsin; near Tomah, in Monroe County.

INDIAN CESSIONS AND INDIAN COMMISSIONS.

The public land transferred from uselessness to cultivation through treaties made between the Indians and the United States has been acquired by the effective agency of various commissions, some of which are still in the field.

CHEROKEE COMMISSION.

The labors of this commission have been set forth in the first part of this report.

THE CHIPPEWAS IN MINNESOTA.

The Chippewa Commission, mention of whose labors was made in the last annual report, has recently been reorganized and headquarters removed from St. Paul to Detroit, Minn., nearer the field of operations. Hon. Darwin S. Hall, of Minnesota, was appointed a member of the commission in May last, vice Hon. Henry M. Rice resigned, and is its present chairman. Mr. Whiting has been superseded by Francis Campbell, of Wisconsin, who has also been designated as disbursing officer of the commission. These are the only members of the commission on active duty and under pay.

The act (25 Stat., 642) under which the commission is operating provides for the removal and settlement of all the Chippewa Indians in Minnesota, except those of the Red Lake Reservation, to their permanent settlement on the White Earth Reservation. Any individual Indians, however, who may elect to take allotments on the reservations where they resided at the time of acceptance of the provisions of the act, are privileged to do so. The removal of such of the Indians as will go to the White Earth Reservation and their settlement thereon is the main object now to be accomplished. When the removal shall have been effected, allotments will be made to such as elect to remain upon the reservations where they now reside. Only about four hundred of the Indians have thus far been removed, but it is hoped and believed that another year will see the work of the commission far advanced toward completion.

The four townships of pine land in the northeastern portion of the White Earth Reservation which were ceded to the United States by the Chippewas have been surveyed into 40-acre tracts, and examiners have recently been instructed as to their duties in examining and listing the pine under the fourth section of the act.

Extensive surveys have been made on the ceded lands of the Red Lake Reservation, with a view to their classification, allotment, and disposal, as required by the act; and surveys are also being made on the diminished Red Lake Reservation for the purpose of making allotments to the Indians.

NORTHERN CHEYENNES.

Under a provision therefor in the Indian appropriation act of August 19, 1890, a commission, of which Maj. Gen. Nelson A. Miles, U. S. Army, was chairman, was appointed to conduct the necessary negotiations for the removal of the Northern Cheyenne Indians on the Tongue River Reservation, in Montana, and those on the Pine Ridge (Sioux) Reservation, in South Dakota, to a permanent settlement upon any of the existing reservations.

This commission first visited the Pine Ridge Agency, where about 537 of the Northern Cheyennes resided, and found the Sioux Indians there perfectly willing that all of the Northern Cheyennes should be brought to that reservation; but the commission expressed fears that this willingness was prompted by a desire of the Sioux to increase their strength and importance, and reported that in their opinion the sooner the Northern Cheyennes were separated from the Sioux the better.

They then proceeded to the Tongue River Agency, Mont., where about 800 of the Northern Cheyennes resided on and in the vicinity of the Tongue River Reservation, and found that bad feeling, want of confidence, animosity, and fears existed between them and the neighboring whites; that the Indians were attached to their present homes, were opposed to removing to Pine Ridge, wanted the Northern Cheyennes at Pine Ridge united with them; desired that a piece of the Crow Reservation adjoining theirs should be secured to give them sufficient lands, and that white settlers now within their reservation be removed therefrom.

The commission next visited the Crow Agency and reported finding the Crow Indians peaceable and prosperous, but bitterly opposed to giving up any part of their reservation for the Northern Cheyennes, with whom they wished to have nothing to do.

They then went to the Fort Keogh military reservation, in Montana, about 50 miles from the Tongue River Agency, where they found 250 of the Northern Cheyennes, comprising those enlisted in the U. S. Army, with their families. They considered the conditions of this reservation as suitable for these Indians, and recommended that those at Pine Ridge be removed thereto, expressing the belief that if these bands were again placed under *military control* the principal part, if not the whole number, would soon be united on that reservation, and that all would become industrious, quiet, peaceable, and self-supporting.

The Indian Commissioner, in commenting upon the report of the commission, expressed regret that the recommendations did not present a satisfactory solution of the questions that were the subject of negotia-

tions. The very brief time given by the commission to its duties was perhaps insufficient to secure the consideration either of the business that its importance demanded by the commission itself, or by the Indians, who think and act slowly.

After the troubles of last winter among the Sioux Indians had been brought to a close, it was urged by Major-General Miles and by the War Department that it was a military necessity to remove the Northern Cheyennes at Pine Ridge from that place to the Fort Keogh Reservation in Montana, and it was done by the military authorities; the Indians so removed being placed under the charge and management of Captain Ewers, of the Army, the Indian Office reimbursing the War Department for the expenditures made for their support. The contentment and prosperity prophesied did not follow. The Indians so removed soon became dissatisfied at Fort Keogh, and desired to be moved to the Tongue River Reservation. These wishes were seconded by the recommendations of Captain Ewers, and the business was taken up by the

PINE RIDGE AND ROSEBUD COMMISSION.

There had grown up also disputes and discontent among the Sioux in South Dakota as to boundary lines between Pine Ridge and Rosebud agencies and other matters there that demanded early consideration. Appropriation was accordingly provided by Congress in the Indian appropriation bill, approved March 3, 1891, as follows:

For this sum, or so much thereof as may be necessary to enable the Secretary of the Interior, by negotiation, to adjust all differences between the Indians on the Pine Ridge and Rosebud reservations in South Dakota in reference to the boundary lines of said reservations, their rations, annuities, and interest in the principal and interest of the permanent fund and to make such an arrangement with the Indians drawing rations on the Rosebud Reservation as will be satisfactory to them, by which those of the Lower Brule Indians who desire to do so may take lands in severalty upon the Rosebud Reservation south of the White River, six thousand dollars.

In accordance with this authority a commission, consisting of Messrs. Charles E. Pearce, A. R. Appleman, and George H. Harries, was appointed by the Secretary to carry into effect the purposes of this act. The instructions directed that the Commission should also negotiate with the band of Cheyennes, removed as a military necessity from Pine Ridge, and who yet retained valuable interests there.

The Northern Cheyennes at Fort Keogh were visited, both to secure their consent to the negotiations concerning the boundary and other matters in which they were interested, and to learn their desire as to a future location. The Indians were found anxious to get away from Fort Keogh and to be removed to the Tongue River Reservation. The Commission earnestly recommend this removal, and an extension of the eastern boundary of the reservation to the west bank of the Tongue River, the United States purchasing such lawful rights of white settlers as may be found necessary.

The Secretary of War, who was on a tour visiting military posts, gave this matter his attention when at Fort Keogh, and in September reported that Fort Keogh was not the place for the Indians, and strongly recommended their removal to the Tongue River Reservation.

Upon consideration of these several recommendations, you gave direction on September 14 for the removal of the Indians from Fort Keogh to Tongue River, and this was promptly carried into effect, restoring these Indians from the temporary charge of the military authorities to the management of the Indian Bureau.

The Commission adjusted the differences between the Sioux on the Pine Ridge and Rosebud reservations, and did other valuable work that will be presented in a separate report.

FLATHEADS REMOVAL FROM BITTER ROOT VALLEY, MONTANA.

The appropriation of \$5,500 made at the last session of Congress for the removal of the Charlot Band of Indians from the Bitter Root Valley to the Jocko Reservation in Montana, did not become available until July 1, 1891, and during that month Gen. Henry B. Carrington, who had made the appraisement of their patented lands and secured their consent to remove, was appointed special agent and proceeded to effect their removal. This was authorized by act of Congress approved March 2, 1889, "to provide for the sale of lands patented to certain members of the Flathead Band of Indians in Montana Territory, and for other purposes." Upon sale of the lands, proceeds are to be paid in cash to the allottees by the Secretary of the Interior or expended for their benefit. Any Indian qualified, actually residing upon and cultivating any portion, was to be permitted to remain and pre-empt the land without cost to an amount not to exceed 60 acres.

Charlot, the chief of the Flatheads, is a man of great intelligence and elevated character. He had suffered, he believed, some personal injustice in former negotiations and reports, and it was with difficulty he was induced to enter upon any new councils. But having finally bestowed his confidence upon the special agent, the business was soon disposed of. The consent of each patentee was regularly secured, either in person or, in proper cases, by guardian. The lands and improvements were appraised and the report of all the proceedings duly made by the special agent, dated January 29, 1890, was transmitted to Congress by the President February 24, 1890 (Senate Ex. Doc. No. 70, Fifty-first Congress, first session).

The Commissioner of the General Land Office, under the direction of the Secretary of the Interior, offered these lands for sale as provided by law. On October 5, 1891, four tracts were sold and the sale was continued to the 19th. It has since been postponed for want of bidders, and will be offered at the land office at appraisement value.

As by the act authorizing the sale the land can not be sold for less than the appraised value, sales of the larger part may not occur for a

year or more, owing to financial conditions and other circumstances there now preventing. Believing this value to have been justly appraised, the Secretary has refused to allow the lands to be sold at a less figure.

Nevertheless, the whole tribe under the lead of Charlot made ready to remove to the reservation, and it was deemed best they should be allowed to go. Indeed, they had so completely prepared before any notice to the Department, by giving up their former homes, that there was no alternative.

The Bitter Root Valley is described by those familiar with it to be one of the most attractive and lovely in our country. The high mountains on either hand supply it with the clearest and coolest streams, and the soil under ordinary irrigation bears grain, grasses, and fruits in abundance and perfection. The climate is most healthful, and here this tribe for many years lived in peace and comparative comfort. The Jocko Reservation is, however, also good land, and well watered, and as the new state, Montana, demands as much fertile soil as can be found available in its borders, the retirement of the Indian seemed desirable, particularly under the provisions of the law above stated.

The departure of this famous Indian tribe to a new home was full of interest, and is thus described by Special Agent Carrington, in a letter to the Secretary, dated at Missoula, Mont., October 21, 1891:

A remarkable incident will show the inner confidence of Charlot in the Government. Just outside of the agency inclosure is the Catholic church. As the column drew near, the "Banner of the Sacred Heart," was upheld by two men, and the priest conducted a procession of men, women, and children, who were dismounted for the purpose, into the church, where a service was held.

The Indians, of their own volition, had borne the "Stars and Stripes" on the center wagon. The mounted men came down the slope to the agency with a "good front," the flag in the center, firing their guns in the air.

When formed by the priest under the "Banner of the Sacred Heart," Charlot (chief) stepped to the wagon, spliced the flag stick with a cane, bore it to the front, and planted it at the church entrance, where his warriors placed their guns. "He wanted the flag which protected his people to be with them all the time." It was done so promptly and with an instinct so happy that it reveals the trust he felt in our good faith. Vandenburg did not dismount his party, "they were so tired and hungry."

On the march, herding, packing, unpacking, striking lodges, and all details were done as prearranged. No regiment could have more implicitly obeyed every order. Even fence rails were sacred, cold and wet as our march was. Tepees were pitched as a street, in two lines, so that the whole camp was under my eye constantly. Every lodge was visited from time to time, so that there was no chance of scattering or confusion.

There were many scenes and incidents of even thrilling interest in this exodus of the Flatheads from their ancestral home. The old people wept, but felt that "they could trust the Great Father at Washington," and "all would be well."

It will be observed that this removal has thus preceded the sale of the land, and the winter will pass before frequent sales can be made. The Indians have been assured that they will be cared for on the reservation, and it is earnestly recommended that an appropriation of

\$10,000 be requested for their support. It would have been a mere abandonment of the guardianship of the government to have allowed the sale of the lands at what they would fetch, regardless of the appraisal. The Indians removed on the faith that their departure from the reservation was what the United States chiefly desired, and that they could go at once with safety. In this they should not be disappointed.

TURTLE MOUNTAIN BAND, NORTH DAKOTA.

Under a provision contained in the Indian Appropriation act approved August 19, 1890 (26 Stat. 354), a commission was appointed consisting of A. H. Mahone, of Charleston, W. Va., William Haynes, of South Bend, Ind., and Isaac Fennimore, of Mount Holly, N. J., to negotiate with the Turtle Mountain band of Chippewa Indians in North Dakota for the relinquishment to the United States of whatever right they may have in all lands in said State to which they claim title; and for their removal to the White Earth Reservation, or any other lands reserved for the Chippewa Indians in the State of Minnesota, if sufficient lands should be found for the purpose; and for negotiating for the consent of the Chippewas in Minnesota to such settlement of the Turtle Mountain band of Indians.

The commission made report February 9, 1891, stating that there were not sufficient lands on the White Earth Reservation for those Chippewas residing there and others who are expected to remove from the various reservations in that state, under the Chippewa act of January 14, 1889 (25 Stat., 642); and that the Red Lake Indians were indisposed to consider the question of allowing the removal of the Turtle Mountain band to their reservation, because scarcely two-fifths of it was fit for cultivation, and they wanted it all for themselves and their children.

The Turtle Mountain band of Indians reiterated their desire to stay where they now are and have a larger reservation set apart for them and then sell the territory claimed by them outside of such enlarged reservation.

The commission conclude their report with, in substance, the following suggestions:

(1) That these Indians should be encouraged to seek employment among the whites, drive teams, cut wood, hay, etc. (2) That the young men should be enlisted in the army. (3) That they should engage in stock raising in connection with the cultivation of the soil. (4) That the extension of the present reservation, if made, should be to the westward so as not to interfere with the town of St. John to the north, the town of Rolla to the east, and the numerous white settlers who have cultivated farms south of the reservation. (5) That the Indians prefer an extension of the present reservation and temporary annuity support of from \$50,000 to \$100,000. (6) That a home might perhaps be found for them bordering on Lake Superior north of the city of Duluth and ex-

States as to the status of the Indians, the numerous statutes regulating their relations to the white men, to the government, and to each other, and the very long period of time during which this system of judicial construction and legislative treatment has been developed and acted upon, this status is not deemed very doubtful, nor a matter in regard to which any extended legislation is required. Efficient administration of what we have, it is believed, will be a source of much more benefit to the Indian than the multiplication of laws. Such administration is being given, and, as has been proven, with immense improvement of the Indian's condition in every way. But there are among the conclusions stated by the Commissioner one or two, without passing upon others, that are particularly noticeable. He remarks (p. 36), as to

COMPULSORY EDUCATION OF CHILDREN OF ALLOTTEE CITIZENS.

The General Government has the right, both for its own protection, for the promotion of the public welfare, and for the good of the Indians, not only to establish schools in which their children may be prepared for citizenship, but also to use whatever force may be necessary to secure to the Indian children the benefit of these institutions. Even in the cases where, by taking their lands in severalty, they are in process of becoming citizens, they are still in a state of quasi-independence, because the General Government withholds from them for twenty-five years the power of alienating their lands, while by exempting them from taxation for the same period it practically excludes their children from the public schools. For these reasons it would seem that the Government has not only the right, but is under obligation to make educational provisions for them, and to secure to their children the benefits of those provisions.

In a previous portion of this report it has been said that the allotment bill, commonly styled the "Dawes bill," whereby, through the effect of allotments, citizenship is conferred upon the allottee, has had general recognition and approval. We should not now interfere with its principal provisions or defeat any of its beneficent effects. Its purpose is to change the Indians from the state of wardship to citizenship. This process has been going on for many years, and with increased force from year to year. There are no facts furnished upon which it can be asserted that the results of this policy are injurious to the Indians, or threatening to become so, while there is abundant evidence that severance of the tribal relations, the establishment of the Indian upon his own property, and the opening of his great reservations to white settlement have been conducive to the welfare of all concerned. By virtue of the statute the naturalized Indian becomes entitled to the protection of the laws of the several states and territories and to the benefits of the common-school system, wherever he may be. He has these rights, and if they are not practically enjoyed the effort should be rather to secure them from the local authorities than to take the Indian back into the care of the national government or to keep him there. If compulsory education is enforced upon Indians who have taken allotments it will be the establishment of the right as against

be a fair and reasonable basis of adjustment for a relinquishment of their claim. Whatever amount may be allowed therefor would do more good if expended in annual installments for their benefit, and it should be expended for the benefit of the full blood Indians belonging to the Turtle Mountain Reservation. Their claim is not of such value as to warrant the payment for relinquishment of it of any considerable sum of money, or the recognition of any exorbitant demands set up by them therefor.

What to do with the 278 full-blood Indians on the Turtle Mountain Reservation does not at present seem so clear. It is not considered, however, that it would be for their welfare, or for the interests of the government, that they should remain on the present reservation, so near the international boundary line. When all the Chippewas of Minnesota—those now on the White Earth Reservation as well as those who are entitled to move there—shall have taken allotments thereon, probably sufficient land will remain to accommodate this small band. Many of the Indians entitled to move to the White Earth from the other reservations in Minnesota will no doubt, under the right reserved to them in the act of January 14, 1889, elect to remain on the reservations where they now are. At least that seems to be their disposition, so far as the Department is informed at present. The Chippewa Commission is now engaged in adjusting the affairs of the Chippewas in Minnesota under the act last referred to, and it is to be hoped that the progress of the work will be such that the Department will at no distant day be better informed as to the probability of accommodating the Turtle Mountain band of Chippewas upon the White Earth Reservation; or if this may seem too indefinite in time, it would do to place them on the Fort Peck Reservation, in Montana, and give them allotments in severalty, with intermediate subsistence.

MISSION INDIANS IN CALIFORNIA.

The President approved, January 12, 1891, the act entitled "An act for the relief of the Mission Indians in the State of California" (26 Stat., 712). This legislation has been long sought for, and its provisions were carried into effect without delay. A commission was appointed, consisting of A. K. Smiley, of Redland, Cal., deeply interested in the Mohonk conferences for benefit of the Indians; Joseph B. Moore, of Lapeer, Mich., a lawyer of distinction; and C. C. Painter, connected with the Indian Rights Association. It entered upon its duties under Department instructions of January 31, 1891. After a short time Mr. Smiley and Mr. Moore asked to be relieved for the summer, and the work was left in charge of Mr. Painter. He has had the assistance of Mr. Frank D. Lewis, who was appointed by the joint action of the honorable Attorney-General and the Secretary of the Interior, under a special law, to look after and enforce the rights of these Indians.

The work has not progressed very rapidly; but it is hoped the fair field for humane work here presented will soon be fully occupied by the Commission, and the beneficial purposes of the government attained. The land interests of these Indians, so long entangled and embarrassed, should be brought to a successful and early adjustment, under the operation and execution of this law, by an intelligent, self-sacrificing, and comprehensive prosecution of its duties by the Commission.

ROUND VALLEY RESERVATION IN CALIFORNIA.

Another important but long-delayed measure of legislation necessary to relieve the Indian service of embarrassment was enacted by the last Congress, on October 1, 1890, providing for the reduction of the Round Valley Indian Reservation, in California, and for other purposes. In pursuance of the provisions of this act, a commission was appointed consisting of D. W. Shryock, of Greencburg, Pa., Luther R. Smith, of the Interior Department, and Henry C. Hunt, of North Carolina, and, under instructions of November 3, 1890, proceeded to the reservation to make appraisement of certain agricultural lands within its limits, with the improvements thereon; to select a reasonable quantity of grazing and timber lands to be used by the Indians in common or allotted in severalty, as the President may determine, and to appraise the value of certain other improvements made by private persons or firms upon lands within the reservation. This Commission has submitted its report and findings upon these matters, and the same are now in process of execution. It is hoped that the lands within the reservation will soon be allotted in severalty to these Indians, who are able, if given a fair chance, to fully earn their own support.

WARM SPRINGS RESERVATION IN OREGON.

The determination of the correct location of the northern line of the Warm Springs Reservation, in Oregon, was made the subject of investigation by a commission authorized to be appointed by a clause in the Indian appropriation act of August 19, 1890 (26 Stat., 355), which directs that the Commission shall report their conclusions upon the subject to the Secretary of the Interior. The Commission appointed for this purpose consisted of Mark A. Fullerton, of Colfax, Oregon; William H. H. Dufur, of Dufur, Oregon; and James F. Payne, of Alma, N. C. The Commission has submitted its report, and presents the following as its findings:

It is therefore considered and declared by the Commission that the northern boundary of the Warm Springs Indian Reservation, in the State of Oregon, is that part of the line run and surveyed by T. B. Handley in the year 1871 from the initial point up to and including the twenty-sixth mile thereof, thence in a due west course to the summit of the Cascade Mountains.

The report of this Commission will be submitted to you for further action.

COLVILLE RESERVATION.

The provision of law for the appointment of a commission for the investigation of the matter of the Warm Springs Reservation boundary line provides that the same commission be directed to proceed to the Colville Indian Reservation, in the state of Washington, to negotiate with the bands of Indians on the Colville Indian Reservation, in Washington, for the cession of such portion of the reservation as the Indians may be willing to dispose of, that the same may be opened to white settlement. Under instructions from this Department, the commission discharged this branch of its duties, and on June 8, 1891, submitted its report, transmitting an agreement whereby these Indians cede to the United States about 1,500,000 acres from the northern half of their reservation for a consideration of \$1,500,000, to be paid in five equal annual installments for distribution per capita among the Indians entitled thereto, with certain other provisions for their interests. The report of the commission, their proceedings, and the agreement negotiated will be submitted to you for transmission to Congress.

PUYALLUP INDIANS.

A commission consisting of Hon. Charles D. Drake, of Washington, D. C.; George B. Kinkead, of Lexington, Ky.; and B. F. Harness, of Kokomo, Ind., appointed under a clause in the Indian appropriation act of August 19, 1890 (26 Stat., 354), proceeded, under instructions of the Department of October 4, 1890, to the locality where these Indians reside, adjoining the city of Tacoma, in Washington, and investigated the land and other matters referred to in the law authorizing the commission. A report has been submitted by the commission, which, in accordance with the law on the subject, will be laid before you to be communicated to Congress. The interests to be affected by this report are great, and the questions discussed are important and difficult. It is therefore deemed best to consider them solely in connection with the report itself.

SHOSHONE COMMISSION.

This commission was formed under Indian appropriation act approved March 3, 1891 (26 Stats., 1009), which was to enable the Secretary in his discretion to negotiate with any Indians for the surrender of portions of their respective reservations, subject to ratification by Congress, and instructions were approved on July 14, 1891. The commission—composed of the following-named persons: J. D. Woodruff, Lander, Wyo.; Charles H. Merillat, Washington, D. C., and J. H. Brigham, of Wauseon, Ohio—met at the Shoshone Agency, Wyoming, on the 2d of last August, and the report is now in due course of preparation. It is understood that the negotiations conducted by this commission for the surrender of a portion of the Shoshone reservation have been successful and made upon very equitable terms.

PYRAMID LAKE COMMISSION.

This commission was formed by the Secretary also under the act of March 3, 1891, just mentioned, with due instructions. It consists of the following persons: Ebenezer J. Ormsbee, of Brandon, Vt.; Cyrus Beede, of Oskaloosa, Iowa; and William A. Morgan, of Cottonwood Falls, Kans., who met on the 28th of last August, at the town of Wadsworth, Nev. The report has not yet been submitted, nor is it definitely known what have been the recommendations made, but it will be ready and presented soon.

NAVAJO COMMISSION.

A third commission under the same act has been formed to treat with the Navajo Indians of New Mexico. The members are: Brig. Gen. Alexander McD. McCook; John L. Barstow, Shelburne, Vt.; John H. Hammond, of San Francisco, Cal. Owing to the lateness of the season when it was deemed best to establish the commission, on recommendation of Gen. McCook, it will not take the field before spring.

CHIPPEWA AND MUNSEE RESERVATION IN KANSAS.

The Commissioner in his report calls attention to the condition of the affairs of the Chippewa and Munsee, or Christian Indians, of Kansas, and recommends that, in view of their condition and the fact that under the general allotment act of February 8, 1887, they were made citizens of the United States, that Congress be asked to grant authority to issue patents in fee to the allottees of the several tracts, or their assigns, and that such lands as are vacant or abandoned, including their school and mission lands and the tract on which the schoolhouse was located, be appraised and sold by the Commissioner of the General Land Office, the net proceeds arising from the sale to be funded for the use and benefit of those members of said tribes born since the allotments were made, or who never received an allotment. This is recommended to your favorable consideration.

MEDAWAKANTON BAND OF SIOUX IN MINNESOTA.

The Commissioner sets forth the lands purchased for these Indians and the several acts of Congress authorizing the same, and gives the reason why the same have not been subdivided and allotted to individual members of the band, as it is intended shall be done.

THE "GHOST DANCE" AND SIOUX TROUBLES.

Prior to the close of the fiscal year 1890 there began to appear among a few of the Indian tribes some excitement growing out of, chiefly, a superstitious belief and expectation by them of the coming of an Indian "Messiah." expression whereof was given by the "ghost dance." The

excitement spread quite rapidly among the wilder Indians. Such belief is, to Indians, however, not a new thing, and indulgence in dances of various names has continued among them. Therefore from this dance at first no serious disturbances were anticipated, but out of abundance of caution precautionary steps were taken, from time to time, to prevent any possible trouble. The excitement, however, gradually became threatening among the great Sioux tribe, located in North and South Dakota. As early as May 29, 1890, the Department was informed from unofficial sources that the Sioux, or a portion of them, were planning an early outbreak.

The Indian agents there under instructions investigated the matter and reported that no grounds existed for apprehension. But the Rosebud agent also reported that secret communications were passing among dissatisfied and non-progressive Sioux who had refused to sign the agreement with the government authorized by act of March 2, 1889, and proclaimed by the President of the United States February 10, 1890. The agent at Standing Rock Agency also stated that there were a few malcontents there, who held tenaciously to the old Indian ways and were ever ready to sow dissensions and discourage the progressive Indians, but that only a very few of the Sioux could be possibly united in attempting any overt act against the government. He represented that the removal from among them of "Sitting Bull" and a few other leaders of disaffection would prevent any anticipated trouble. The agent at Cheyenne River stated that some little excitement existed among the Indians of that agency regarding the coming of an Indian "Messiah;" and the agent at Pine Ridge referred to excitement among the Indians of that agency caused by the reported appearance of a "great medicine man" in the north. But this agent thought this would soon and peaceably die out.

Further investigation and reports were, however, required of the agents as to the causes of dissatisfaction and as to what additional precautions were desirable. The agent at Pine Ridge stated in a report to the Indian Office, dated August 28, 1890, that the visit of the Sioux Commission to the agency in 1889, and the large reduction in the quantity of beef issued for that year, caused a great deal of bad feeling there, and had resulted in prejudice against the Commission and a feeling of indifference as to the future; that the Indians were much influenced by the report which reached them in the spring of 1890 that a "great medicine man" had appeared in the Wind River country, Wyoming, who would resurrect the departed heroes of the tribe, restore the buffalo, bring confusion upon the whites, causing them to flee from the country, etc.; that on August 2, 1890, about 2,000 Indians congregated at a point on the reservation to hold a religious dance, connected with the appearance of this wonderful being; that the Indian police were unable to disperse the meeting, and that the agent then visited the grounds, but the Indians, on hearing of his approach, dispersed before his arrival, with the

exception of several "bucks," who stood stripped for fight, with Winchester rifles in their hands, prepared to die in defense of their new faith. These were finally quieted.

About this time the other Sioux agents reported that excitement and uneasiness of the Indians on reservations under their charge were growing, and upon report and recommendation of the Acting Commissioner of Indian Affairs, the Department requested the Secretary of War to instruct the proper military authorities to be on the alert to thwart any evil designs of the Sioux, and to cause the removal and imprisonment, at such time as such authorities might think best, of "Sitting Bull" and some other disaffected leaders among these Indians.

As Maj. Gen. Miles, U. S. Army, in his capacity as a member of the commission to negotiate for the removal of the Northern Cheyenne Indians, was *en route* to the Pine Ridge Agency, the agent there was instructed, October 18, 1890, to consult with and explain to him the situation, and seek his advice as to the wisdom of calling for troops. The agent reported he did as directed, and Gen. Miles advised him that, in his opinion, the excitement would soon die out. The Indians, however, the next day in council declared that they would not cease the "ghost dance." Subsequently, upon receipt of information from the Sioux agents that the attitude of the Indians was becoming more threatening, full report of the situation was presented to you by this Department, and under date of November 13, 1890, you directed the Secretary of War to assume a military responsibility for the suppression of any threatened outbreak.

Upon a telegram from agent Royer, at the Pine Ridge agency, that protection to employes and property on that reservation had become absolutely necessary, a military force under Gen. John R. Brooke, upon request of this Department, was dispatched to the agency, arriving there November 20, 1890. The presence of the troops seemed for a time to have a subduing effect upon the Indians.

On December 1, by your direction, the following instructions were transmitted to all the Indian agents in the Sioux country:

During the present Indian troubles you are instructed that, while you shall continue all the business, and carry into effect the educational and other purposes of your agency, you will, as to all operations intended to suppress any outbreak by force, cooperate with and obey the orders of the military officer commanding on the reservation in your charge.

On December 12, 1890, the commanding officer at Fort Yates, N. Dak., under orders from Maj. Gen. Miles, was instructed, without consultation with this Department, to secure the person of "Sitting Bull," and to call on agent McLaughlin, of Standing Rock, for cooperation and assistance, if necessary. The agent, acting under instructions of the military authorities alone, sent some 40 Indian police to Sitting Bull's camp, where they arrived about daybreak on December 15, 1890, the troops following at a distance. The police entered "Sitting Bull's"

cabin and arrested him without resistance; but while dressing himself he became abusive, refused to go with the police, and called upon his followers to rescue him, one of whom shot the lieutenant in command of the police force, who, in turn, shot "Sitting Bull," who also received another shot and was killed outright. The firing then became general. Four policemen were killed outright, and 2 died afterwards from wounds received. "Sitting Bull's" followers lost 8 killed and several wounded, and the others of his supporters fled, leaving their families and dead behind them. Two troops of United States cavalry arrived on the scene immediately after the fight and took possession of the camp.

The hostile element of the different reservations thereupon soon commenced concentrating in that region known as the "Bad Lands," upon and in the vicinity of the Pine Ridge Reservation, and that reservation became the central point for the Sioux troubles, which culminated at Wounded Knee Creek, Pine Ridge Reservation, on December 29, 1890, in the attempt of a portion of the Seventh Cavalry, under Col. J. W. Forsyth, and other troops, to disarm Big Foot's band, consisting, as reported, of some three or four hundred Indians, who had previously surrendered to the military. The fight was of short duration. One officer and 24 enlisted men were killed and 3 officers and 32 enlisted men were wounded, and 128 Indians were killed and 33 wounded; the killed being 84 men and boys, and 44 women and 18 children.

The excitement caused by this engagement made necessary the concentration of a stronger military force, during which Lieut. E. W. Casey, of the Twenty-second Infantry, commanding a company of Northern Cheyenne Indian scouts, was killed. His slayer, Plenty Horses, was afterwards tried in the United States court, upon the charge of murder, and was acquitted upon the ground that the act was done in warfare.

An unfortunate affair occurred about January 11, 1891, which excited the Indians very much and had a strong tendency to retard their pacification. This was an unprovoked attack from ambush upon a hunting party of Sioux Indians, in Meade County, S. Dak., and outside the limits of the Pine Ridge Reservation, in which the Indian, Few Tails, was killed and two Indian women wounded. Five white men were indicted and tried in the state court at Sturgis, S. Dak., upon the charge of having murdered Few Tails. The United States district attorney aided in their prosecution. The result was their acquittal, in July last.

The hostile Indians submitted to the military, and in January last these Indian troubles practically ended. Soon afterwards an influential delegation from the different Sioux agencies visited Washington, and was given an audience by the President and had full conferences with the Secretary of the Interior and the Commissioner of Indian Affairs relative to their rights and grievances.

Subsequent rumors coming to the Department, indicating that the Sioux contemplated a renewal of trouble, have proved upon investigation to have no foundation in fact, although some factions among the

Indians have undoubtedly continued sullen and dissatisfied. No doubt a few idle and vicious Indians have since the surrender, and will hereafter, indulge in insubordinate conduct and utterances; but the Sioux as a body seem quite well satisfied with their present treatment and condition.

After a careful consideration of the matter, the opinion seems to be verified that the turbulence was due to a variety of causes, which may be summarized as follows:

(1) The fact that they were warlike Indians and had a record of victory in battle under "Sitting Bull."

(2) The excitement growing out of the "Messiah craze."

(3) A feeling of unrest engendered by factional opposition by the leaders of the non-progressive element to the act of 1889 for the reduction of the Great Sioux Reservation.

(4) Failure to receive, through want of appropriations by Congress, fulfillment of promises made by the Sioux Commission. This failure greatly discouraged those who signed, and intensified the opposition of those who refused to sign.

(5) Dissatisfaction because of the statement that their agreement under the act named prevented the transfer of a band of Indians from the Rosebud to the Pine Ridge Agency. The location of this band that had drawn rations at Rosebud fell, under the agreement, within the Pine Ridge diminished reserve, and the law declared that to be the place for drawing their rations.

(6) Failure of crops for 1889 by neglect, and for 1890 by reason of serious drought.

(7) Diminished appropriations for their subsistence and failure of rations improvidently used issued after short crops.

(8) Delay in appropriation until August 19, 1890, providing for the Indians, and preventing Indians from engaging in their usual employment of freighting supplies during the summer and fall months.

Other causes doubtless may have contributed, but those enumerated are believed to have been the chief.

In behalf of the Indians, however, it must be said that they exhibited no strong desire to escape from their reservation; that they killed no women or children during the trouble anywhere, and, with the exception of Lieut. Casey and the soldiers killed at the fight at Wounded Knee Creek and in the vicinity of the Pine Ridge Agency, they killed only one other white person—an employé of the agency herding beef cattle. Their depredations off the reservation were inconsiderable, if any. They did not go upon the "warpath" in the usual and aggressive way of Indians generally, and of the Sioux in particular. The councils and efforts of much the larger portion of the tribe were for peace, and they rendered good service in persuading their turbulent brethren to submit to the authority of the United States. They were held in check, undoubtedly, by the influences of civilization, which had been brought

to bear upon a large number of them by the work of the schools, by the practical training to industry, and by the labors of the faithful missionaries and religious institutions established among them. Christianity, education, and industrial discipline, with an intelligent appreciation by many of the power of the United States restrained them more than arms.

SIoux LANDS AND THEIR FUTURE.

The conditions surrounding these Indians render it unwise to require them to devote their efforts at self-support exclusively to tilling of the soil. The lack of rain and of the necessary facilities for irrigation in the region of country where they are located makes it apparent that their land is now more valuable for grazing than for agricultural purposes. It is stated in the report of the Commission that secured the consent of these Indians to the act of March 2, 1889, that in its opinion "the lands in the different reservations set aside for the Indians are mainly valuable for grazing purposes. Certain it is that by taking their lands by 'allotment in severalty,' the Indians should be permitted to take them as grazing lands."

This fact has long been recognized by the Department and by Congress—by the Department in the formation of legislation and agreements, and by Congress in the enactment of laws applicable to them. This will appear from an examination of the unratified agreement of 1882 and the act of 1889 (25 Stats., 888), to which they have given their consent. By section 17 of this act the Secretary of the Interior is authorized to purchase from time to time, for the use of the Sioux Indians, such and so many American breeding cows of good quality, not exceeding 25,000 in number, and bulls of like quality, not exceeding 1,000 in number, as in his judgment can be cared for and preserved, with their increase, by these Indians. The section provides, also, that each head of a family or single person of the age of eighteen years who shall have or may hereafter take an allotment of land in severalty shall be furnished with certain articles or implements necessary and useful in cultivating the soil.

Section 14 of that act authorizes the Secretary of the Interior, in cases where the use of water for irrigation is necessary to render the lands within any Indian reservation created by said act available for agricultural purposes, to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians upon such Indian reservations. Thus it would appear that Congress intends to encourage the Sioux Indians to engage to some extent in the habits of husbandry as well as in the business of stock-raising. The industry of stockraising among them can be encouraged and, at the same time, tilling the soil, which naturally follows the herding of flocks, persevered in. The two should, so far as possible, go hand in hand.

Some allotments are being made on the ceded portion of the great

Sioux Reservation, and upon the basis almost wholly of "grazing lands;" double quantity. The purpose and policy of the government is to allot these Indians on the diminished reservations lands in severalty, upon the basis of grazing lands as soon as they are prepared to take them. Some are already insisting upon allotments, and it is recommended that a liberal appropriation be made so that these may be made as extensively and rapidly as possible.

Purchase of a portion of the stock cattle authorized has been made, and the cattle distributed to those qualified. Many are already accustomed to the industry of raising stock, as appears by the fact that the government purchased last year from these Indians at two of the agencies on the Missouri River more than \$50,000 worth of cattle; and the Indians selling the cattle to the government received back a portion of the same beef as their ration prescribed by the agreement of 1877.

The possession of individual property will be a powerfully restraining force, from those commotions and conflicts usually incited by the idle and worthless at the cost of the worthy. Cattle that may be sold for money, and through which they will thereby gain a due reward for industry and thrift, will not be surrendered by their numerous Indian owners for the war feast or the savage commissary any more willingly or with less resistance than by white men. The conservative forces of trade and commerce are effective among all peoples who have advanced far enough to engage in them. Indeed, it may be said that every Indian that is led to self-support by any honorable occupation is receiving an education the most practical and immediately satisfactory that can be bestowed upon him.

THE DEFICIENCY IN SIOUX APPROPRIATION.

The Commissioner of Indian Affairs reports that by reason of the necessity for providing for sufficient subsistence supplies to issue to the Sioux Indians the full ration prescribed in the agreement of February 28, 1877 (19 Stats., 254), and as directed by the Department, to prevent suffering among those Indians, a deficiency of \$150,000 will be incurred in the appropriation for subsistence and civilization of the Sioux for the fiscal year 1892. The increased cost of the beef purchased for these Indians will occasion much the larger portion of this deficiency. It has been the practice heretofore to purchase under contract and to have delivered between July 1 and October 1 of each year, on the reservations where required, such quantity of beef as the appropriations would allow for issue to the Indians.

In the beef supply thus purchased and held on the reservation considerable loss occurs by death of some cattle, but more particularly by loss of flesh and consequent reduction of quantity and quality during the winter months when grazing is scarce and difficult in the severe winters of the latitude of the Sioux Reservations. As the cattle thus

reduced in flesh have heretofore been issued to the Indians for rations semi-monthly as of their average weight when purchased, of course the Indians have had to bear the loss occurring from shrinkage or otherwise. To avoid this, the contracts for the current fiscal year were made for *deliveries of beef monthly*, so that the issues may be made to the Indians of the full weight of the rations prescribed, which is by the agreement "a pound and a half of beef" net, equivalent to three pounds of beef gross, and consequently much higher prices have had to be paid therefor. The purchase of increased quantities of other supplies and at higher prices, constituting the prescribed ration, in order to make full issue thereof to the Indians, has helped to swell the deficiency.

DEVILS LAKE RESERVATION.

The Commissioner draws attention to the erroneous survey of Devils Lake Reservation, and shows that the appropriation on account of this survey is being gradually and correctly expended, under the direction of the Secretary, in the purchase of stock and agricultural implements, and in promoting the comfort and improvement of said Indians, as required by statute.

OF INDIAN SOLDIERS.

This Department has given every possible encouragement and help in the furtherance of the efforts of the War Department in the enlistment of Indians in the U. S. Army, which was begun early in the current calendar year, and quite a number of them have been recruited. Much good will result, no less to the Indians enlisted than to the peace and quiet of the settlements in the vicinity of the reservations, by enlisting the young men who would otherwise be idle, and possibly restless. In the Army, they can be usefully employed and trained under strict discipline. This also secures another means of self-support and of that practical education to habits of industry that is the broad road to the Indians' civilization and redemption.

The obedience and loyalty to duty exhibited by the Indian scouts employed at various times for service with troops engaged in subduing Indian disturbances and hostilities and generally preserving order indicate that they can be depended upon, when properly officered and drilled, to perform valuable service under the most trying circumstances, even among members of their own tribe.

GRAZING ON RESERVATIONS.

In the act of February 28, 1891, amending the general allotment act of February 8, 1887, provision is made for leases of allotments by allottees who from age or disability can not personally and with benefit to themselves occupy or improve their allotments, or any part thereof, under such terms, regulations, and conditions as shall be prescribed by the Secretary of the Interior, for not exceeding five years for farming and grazing purposes and ten years for mining purposes.

The section of law making this provision contains also the following:

Provided, That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians, for a period not to exceed five years for grazing, or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

In pursuance of this law authority was granted on April 9, 1891, for the agent having charge of the Osage, the Pawnee, the Ponca, and the Otoe and Missouri Indians, they having expressed a desire to lease a portion of their lands for grazing purposes, to invite informal proposals for grazing for one year upon such lands within the respective reservations as would properly come within the limitations fixed by law. Grazing arrangements on such reservations were finally made for one year only for the reason that there was not then remaining sufficient time of the grazing season of the current fiscal year to secure proper competition upon which to base grazing leases for the full period allowed by law.

Some of the Indians, especially in the Indian Territory and in Oklahoma, had heretofore been suffered to enter into arrangements with white men for grazing cattle on their reservations. There was no law under which such grazing arrangements could be sanctioned by the Department and the attention of Congress was called to the subject. No general law was enacted giving legality to such use of the large areas of surplus land within Indian reservations, but on the contrary provision was made for a commission to negotiate with the Cherokees and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the then Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands.

Whatever may be said in behalf of the Indians who had bought and paid for their lands of the equity or justice of this law authorizing leasing of portions of the lands within their reservations for grazing and mining purposes, it can be seen that it is legislation calculated to obstruct the general policy which the United States has clearly indicated by authorizing the negotiations referred to and which have been steadily pursued for some time past of securing the consent of the Indians to take allotments of land in severalty and to cede their surplus lands to be opened to settlement. A law granting the Indians the privilege of letting their surplus lands for grazing purposes, by which a considerable revenue comes to the tribe, thus favored, for the common benefit of all belonging to it, is not calculated to advance the policy of tribal segregation, of individual allotments, of industrial habits and of the civilization of the Indians, nor to open to public settlement the unnecessary quantities of land now held within their reservations.

This provision of law was not submitted for the consideration of this

Department, and in view of the negotiations authorized and in progress the Department would not have been inclined to have given its approval to the enactment, especially as it will tend to embarrass and hinder such negotiations as are now being conducted by the Cherokee Commission. The sums paid by persons, or more frequently, corporations, securing such leases are comparatively small and are received by the head men of the tribe or council, and in large part applied to what is called the support of the tribal government; whereas if these extensive lands, now put to such poor use, were sold to the United States the proceeds would form an interest-bearing fund to be distributed to all the individuals of the tribe per capita, under the direction of the Indian Bureau. Besides, it is apparent that the policy of reducing Indian reservations and giving allotments in severalty has been so far carried into effect around about these poor remnants of tribes on the Cherokee Outlet that it will be impossible to perpetuate here the tribal conditions for the gain of a few white citizens without the demoralization of the Indians and their great pecuniary loss.

CROW RESERVATION, MONTANA.

Under the third subdivision of the agreement with the Crow tribe of Indians, ratified by act of Congress of April 11, 1882 (22 Stat., 43), the Crow Indians reserved to themselves the right to permit cattle to be driven across or to be grazed upon their reservation, the Secretary of the Interior to fix the amount to be paid by parties so desiring to drive or graze cattle, and the amounts accruing therefrom to be paid to the Indians, under such rules and regulations as the Secretary of the Interior may prescribe. The regulations for grazing on this reservation have been for a specified rate per head per annum for the stock grazed thereon. This plan has not worked satisfactorily for the peace and welfare of the Indians, nor in the amounts that should have been realized for such grazing privileges.

A different plan has been adopted, whereby the surplus lands of the diminished reservation have been marked off in districts as nearly as possible by boundaries consisting of natural and physical features of the country, and the grazing lands within these several districts have been advertised and let to the highest bidder and permit agreements made with them for the privilege of grazing lands within said districts. Five such permit agreements have been made, covering a period of three years from July 1, 1891. These agreements limit the number of cattle to be held within each grazing district and fix the rate to be paid for the number of acres of available grazing land therein. On this basis, the Indians will secure nearly \$30,000 per annum from the grazing of cattle on their surplus lands within their diminished reservation, whereas, under the former practice and system, the largest amount secured was about \$24,000 for grazing upon the reservation when it contained about 1,800,000 acres, more than is now within the diminished reservation.

With the exclusive right of the persons having the grazing permits to hold cattle within the districts covered thereby, conflicts with other cattle men and consequent annoyance to the office will be avoided. The results of this system will be, it is feared, however, but a poor substitute for that better policy of educating the Indian to live by his own labor. An uncivilized Indian with a comfortable income is even worse off than a demoralized white man in the same unfortunate condition.

CUTTING OF TIMBER ON INDIAN RESERVATIONS.

LA POINTE AGENCY, WIS.

Congress, by joint legislation, approved February 11, 1890 (26 Stat., 669), appropriated \$75,000 for purchasing goods and clothing for the Indians of the La Pointe Agency, to relieve their distress consequent upon denial of permission to them to cut and sell timber from their reservations until proper legislation on the subject could be had, said amount to be reimbursed to the United States out of the moneys thereafter realized from the sale of the land or timber of such of the bands of Indians as received the benefits of the appropriation.

The Indians declined to receive any goods or clothing if the money expended was to become a lien upon their lands or timber, and consequently the expenditure of the appropriation was not made.

It was reported that there were considerable quantities of dead and down timber on the Lac du Flambeau, Bad River, and Lac Court d'Oreille reservations, but as the Indians were not equipped for and not able to bank the logs that might be cut for sale from said timber, regulations were prepared and approved by the President for the cutting and sale thereof, under contracts with lumbermen to be made after due advertisement; but no bids were received, as it was claimed the quantity was so small and so scattered as not to encourage competition, and to make it difficult and expensive to handle the timber. The recent forest fires, however, have so greatly increased the quantity of dead timber that the agent in charge of the reservations under the La Pointe agency in Wisconsin reports that he is of the opinion that favorable bids for the purchase of such timber will be received, if advertised for at this season, and he has been authorized to advertise it for sale under regulations approved by the President.

On the Fond du Lac Reservation in Minnesota, also under the superintendency of the agent for the La Pointe agency, unauthorized cutting of timber has been discovered to have been permitted by the sub-agent, who, from the investigation so far made, appears to have had direct connection and collusion therewith. He was promptly discharged from the service, and the timber not already removed from the reservation has been seized, and the matter is now being further investigated with the purpose of vigorously prosecuting all persons found guilty of violating the laws of the United States applicable to the subject. It has been reported that the reservation has by this unauthorized cut-

ting been denuded of about 12,000,000 feet of timber. It is hoped that the government will receive the aid of all the good citizens of the section of country where this unlawful trespass upon Indian lands has been committed, whereby the trespassers have secured, or attempted to secure, lumber in an irregular way for much less than dealers who respect the law must pay, putting it upon the market in competition with that honestly and lawfully obtained.

MENOMONEE RESERVATION.

Congress, by act of June 12, 1890 (26 Stats., 146), authorized the employment of the Indians of the Menomonee tribe in Wisconsin, at a reasonable compensation, in cutting and banking the timber on the lands reserved for and occupied by them, the same to be sold, after due advertisement, to the highest bidder or bidders for cash, not exceeding 20,000,000 of feet, to be logged and sold in any one year.

An appropriation of \$75,000 was made to defray the expenses of cutting, banking, and sale of the logs, as provided by the law, the same to be reimbursed to the United States Treasury from the first proceeds of sales of timber thereunder. The law also authorizes future annual advances by the Secretary of the Treasury, on the order of the Secretary of the Interior, out of moneys belonging to said Indians, for the purpose of enabling them to carry on the logging business, as provided in the act. The tribal consent to the provisions of this act was required before it should be put in operation. This consent was given by the tribe in October, 1890, and rules and regulations prepared for the government of this logging business were approved by the Department on January 7, 1891, and operations begun thereunder.

When the logs cut and banked during the first season's operations had been scaled and advertised for sale, it was found that the limit fixed by the law had been exceeded by 2,769,560 feet. As it was reported and believed that the surplus logs would deteriorate by exposure if left on the river bank for a year or more, and that they might at any time be consumed by forest fires common in that country, authority was granted for the sale of the whole quantity cut. The total proceeds amounted to \$232,262.78. Deducting therefrom \$27,453.40 for the timber cut in excess of the limit allowed by law leaves \$204,809.38 as the result of the legitimate operations for the season by the Indians in the business. After reimbursing the United States to the extent of the amount advanced for expenses, there remains about \$130,000 to be disposed of under the law one-fifth of which is required to be deposited in the Treasury of the United States to the credit of the Menomonees, to be used at the discretion of the Secretary of the Interior, for their benefit; the remaining four-fifths to be deposited in the Treasury to bear interest at 5 per cent per annum, said interest to be expended for the benefit of the Indians.

It is claimed on behalf of the Indians that there was no intention on

their part to cut more timber than the law allows; that in working in many different camps, widely separated, they unavoidably exceeded the limit. But the Department construing the law strictly, caused the \$27,453.40, the proceeds of logs cut in excess of 20,000,000 feet, to be covered into the Treasury to the credit of the United States. I recommend, however, that Congress provide by proper legislation for disposing of that sum so that the Indians may receive the benefit thereof.

The Indians are urging that the act be amended so as to allow a greater quantity of logs to be banked in any one year, claiming that 20,000,000 feet does not give them work enough for the season. I, however, doubt whether it will be wise to comply with their wishes. The danger is that the Indians will neglect all effort in agricultural and other pursuits, if the logging business can be so operated as to provide them with what is absolutely necessary for their support.

INDIAN DEPREDAATION CLAIMS.

Among the important laws enacted by the last Congress is the act approved March 3, 1891, "to provide for the adjudication and payment of claims arising from Indian depredations" (26 Stat., 851). Under this act jurisdiction is conferred upon the Court of Claims for the adjudication of "all claims for property of citizens of the United States taken or destroyed by Indians belonging to any band, tribe, or nation in amity with the United States, without just cause or provocation on the part of the owner or agent in charge, and not returned or paid for."

Such claims, if they accrued prior to July 1, 1865, are required by the act to have been pending before the date of its passage. Appropriate legislation on this subject has frequently been recommended by this Department, and urged upon the favorable consideration of Congress. It is believed that, under the provisions of the act referred to, justice will now be done in the prompt adjudication and settlement of meritorious claims, so long deferred to the injury, not only of honest claimants, but to the embarrassment of the United States in establishing the true measure of justice for the claims presented. The operation and application of the provisions of the law will disclose whether any changes in or amendments to it are necessary for the accomplishment of its beneficent purposes.

The claims for depredations committed by the Indians filed in this Department, as shown by the report of the Commissioner of Indian Affairs, aggregate in number 7,985, and in amount \$25,589,006. The evidence, reports, and all other papers connected with these claims are now being drawn from files of the Office of Indian Affairs on calls made by the Court of Claims.

CREEK PAYMENT.

The Indian appropriation act approved August 19, 1890 (26 Stat., 340), provided for payment of \$400,000 per capita to the members of the Creek Nation, in accordance with article 3, of treaty of 1866 (14 Stat.,

787), under direction of the Secretary of the Interior, "unless otherwise directed by the President of the United States." The President, upon consideration of the subject, decided to give no special directions, allowing the payment to be made as the statute required.

No specific provision having been included in the act making the appropriation for the payment of the expense necessarily incident to the taking a census of these people, without which a per capita payment could not be made, or for pay of a specially bonded disbursing agent to make the payment, the authorities of the Creek Nation were called upon to have a census of the people prepared, which having been effected, the funds were placed in four installments of \$100,000 each to the credit of the treasurer of the nation, to be paid strictly per capita to all those duly entitled, at the same time directing that a reliable officer of the Department personally supervise the payment, to the end that the law be strictly complied with and justice done to all.

This payment has been made in a most satisfactory manner. The treasurer of the Creek Nation holds a small balance of the fund to meet the claims of a number of persons whose names were omitted from the census reported. These will be duly considered and decided upon by the national council at its next meeting, when the payment will be finally concluded.

INDIAN FINANCES.

From the Commissioner's report it appears that the amounts appropriated by Congress for the Indian service for the fiscal years 1890-'91 and 1891-'92 were as follows:

TABLE 17.—*Appropriations for 1890-'91 and 1891-'92.*

Appropriations.	1890-'91.	1891-'92.	Increase.
Fulfilling treaties with Indian tribes, permanent . . .	\$1,543,675.29	\$3,996,829.08	\$2,453,153.79
Fulfilling treaties with Indian tribes, annual	1,597,740.00	1,754,740.00	157,000.00
Support of Indian tribes, gratuities	746,000.00	757,500.00	11,500.00
Support of Indian schools	1,842,770.00	2,291,650.00	448,880.00
Incidentals and contingent expenses	171,000.00	173,000.00	2,000.00
Current and miscellaneous expenses	1,226,209.40	4,510,273.40	3,284,064.00
Total	7,127,394.69	13,483,992.48	6,356,597.79

Under the head of "Fulfilling treaties with Indian tribes, *permanent*," are such specified sums as are required to be appropriated annually under existing treaties, either for a certain number of years, or for an indefinite period; and for fulfilling treaties with the Indian tribes *annually* are the sums approximately estimated for expenditures during the fiscal year, for which the appropriations are made for clothing, subsistence, agency and school employés, etc., under existing treaties. The other items of this table are explained in the report of the Commissioner, and need not be dwelt upon.

The unexpended balances of the permanent funds are shown in the following tables:

TABLE 18.—Unexpended balances of permanent funds available for 1890-'91 and 1891-'92.

Balances.	1890-'91.	1891-'92.	Increase.	Decrease.
Of funds appropriated, treaty stipulations of a permanent character.....	\$739, 211. 31	\$787, 055. 52	\$47, 844. 21	.....
Of funds appropriated for erection of school buildings at various points.....	81, 386. 20	105, 097. 18	23, 710. 98	.....
Of appropriations for negotiating treaties with certain Indian tribes, surveying and allotting Indian lands, digging ditches, and proceeds of sale of Indian lands.....	411, 328. 81	401, 054. 02	.....	\$10, 274. 79
Of Indian moneys, miscellaneous.....	153, 833. 24	145, 112. 77	.....	8, 720. 47
Total.....	1, 385, 759. 56	1, 438, 319. 49	71, 555. 19	18, 995. 26
Net increase.....	.....	.....	52, 559. 93	.....

NOTE.—The balance of \$105,097.18 available for erection of school buildings included liabilities incurred before June 30, 1891, but not yet paid for.

The trust funds held at the beginning of the fiscal years 1890-'91 and 1891-'92 were as follows:

Trust funds held at commencement of 1890-'91 and 1891-'92.

Trust funds.	1890-'91.	1891-'92.	Increase.
Principal.....	\$21, 244, 818. 39	\$24, 256, 808. 42	\$3, 011, 990. 03
Accrued interest, annual.....	1, 058, 276. 87	1, 198, 558. 86	140, 281. 99
Accrued interest, balance.....	967, 406. 43	973, 643. 85	6, 237. 42
Total.....	23, 270, 501. 69	26, 429, 011. 13	3, 158, 509. 44

The increase arises from the sale of lands by the Cheyennes and Arapahoës, Sac and Fox, Sisseton, and other tribes.

The funds available for expenditures are shown to be as follows:

Money available and expenditures made during fiscal year ending June 30, 1891.

Sources.	On hand July 1, 1890.	Expended during year.
Fulfilling treaties with Indian tribes, permanent.....	\$1, 543, 675. 29	\$810, 750. 66
Fulfilling treaties with Indian tribes, annual.....	1, 597, 740. 00	1, 522, 042. 66
Support of Indian tribes, gratuities.....	746, 000. 00	673, 642. 26
Support of Indian schools.....	1, 842, 770. 00	1, 572, 194. 03
Current and miscellaneous expenses.....	1, 226, 209. 40	413, 628. 54
Incidental and contingent expenses, Indian service.....	171, 000. 00	161, 090. 22
Interest on trust funds.....	1, 058, 276. 87	1, 052, 039. 45
Total.....	8, 185, 671. 56	6, 205, 387. 82
<i>Balance, permanent.</i>		
Of funds appropriated under treaty stipulations of a permanent character.....	739, 211. 31	739, 211. 31
Of funds appropriated for erection of school buildings at various points.....	81, 386. 20	1, 289. 02
Of funds appropriated for negotiating treaties with certain Indian tribes, surveying and allotting Indian reservations, digging ditches, and proceeds of sales of Indian lands.....	411, 328. 81	71, 953. 06
Of Indian moneys, miscellaneous.....	153, 833. 24	63, 156. 47
Of interest on trust funds.....	967, 406. 43	.....
Total.....	2, 353, 165. 99	875, 609. 86
Aggregate.....	10, 538, 837. 55	7, 080, 997. 68

Those available for the fiscal year ending June 30, 1891, are shown to be as follows:

Total moneys available for fiscal year ending June 30, 1892.

Sources.	Amount.
Appropriations	\$13,483,992.48
Balances	1,438,319.49
Interest on trust funds	1,198,558.86
Interest, balances	973,643.85
Total	17,094,514.68

The trust funds of the five civilized tribes are stated to be as follows:

Of the \$24,256,808.42 principal held in trust, as shown in the 1891-'92 column of Table 19, the sum of \$8,009,924.52 belongs to the five civilized tribes in the following proportion:

Trust funds of the five civilized tribes.

Tribes.	Amount of principal.	Annual interest.
Cherokees	\$2,636,634.13	\$137,808.88
Chickasaws	1,308,695.65	68,404.95
Choctaws	564,594.74	33,094.73
Seminoles	1,500,000.00	75,000.00
Creeks	2,000,000.00	100,000.00
Total	8,009,924.52	414,308.50

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 each nation and its council. This office has no control whatever over these expenditures.

The trust funds of other tribes are as follows:

The balance of the before-named sum of \$24,256,808.42, amounting to \$16,246,883.90, belongs to a number of tribes, as stated below, and the interest thereon, say 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:

Trust funds of tribes other than the five civilized tribes.

Tribes.	Principal.	Tribes.	Principal.
Cheyenne and Arapahoes	\$1,000,000.00	Sac and Fox of the Missouri	\$21,659.12
Chippewa and Christian Indians ..	42,560.36	Sac and Fox of Mississippi	55,058.21
Delawares	874,186.54	Sac and Fox of Oklahoma	300,000.00
Eastern Shawnees	9,079.12	Santee Sioux	20,000.00
Iowas	171,543.37	Senecas	40,979.60
Kansas	27,174.41	Senecas, Tonawanda Band	86,950.00
Kaskaskias and Peorias, etc	52,000.00	Senecas and Shawnees	15,140.42
Kickapoos	115,727.01	Shawnees	1,985.65
L'Anse and Vieux de Sert Indians ..	20,000.00	Shoshones and Bannacks	13,021.04
Menomonees	153,039.38	Sissetons and Wahpetons	1,699,800.00
Osages	8,295,079.69	Stockbridges	75,988.60
Omahas	182,324.08	Umatillas	55,270.44
Otoes and Missouriias	601,085.88	Utah and White River Utes	3,340.00
Fawnees	309,196.41	Utes	1,750,000.00
Poncas	70,000.00		
Pottawatomes	184,094.57	Total	16,246,883.90

The balances of accrued trust-fund interest, as shown in Table 19, amounting to \$973,643.85, are applicable for such expenditures as from time to time may be found to be proper.

Attention is called to the request of the Commissioner for increase of salaries for agents, physicians, and better pay for Indian policemen.

LEGALIZING THE RECORDS OF THE INDIAN OFFICE AND AUTHORIZING THE USE OF A SEAL.

The Secretary concurs in the recommendation of the Commissioner, originally made by his predecessor in 1887, that Congress be requested to provide legislation legalizing a record in the Bureau of Indian deeds and other papers of the office, and also the use of seal to duly authenticate copies.

PENSIONS.

Under the 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, the work of the Bureau of Pensions has been greatly augmented, but with most satisfactory results. This act relieved many thousands of disabled veterans, stricken since the days of service or who, through lapse of time, can no longer *prove* their disability to have been incurred in the line of duty. Its benefits have also been extended to many thousands more of widows, orphans, and dependent parents of such veterans.

The sums of money thus expended from the national treasury have been indeed large, but this has not interfered with a liberal administration of the government in all other directions, while an obligation of the nation to its defenders, long acknowledged, has been in part and will be, under this act, more fully met. These many millions of dollars, collected largely under the tariff laws, have rapidly returned to the channels of trade and general circulation. The amount would reach the Treasury, whether there were pensions to pay or not, and there is no expenditure to which it could be more beneficently applied than for pensions for those who maintained the Government and have kept its powers so great, as there is no expenditure involving such sums that would not be criticised and opposed with the utmost virulence—even greater than that which would oppose its being hoarded in the public vaults.

PENSION ROLL.

There were on June 30, 1891, 676,160 pensioners borne upon the rolls, being 138,216 more than were carried on the rolls at the close of the last fiscal year, and classified as follows:

Widows and daughters of Revolutionary soldiers	23
Army invalid pensioners	413, 597
Army widows, minor children, etc.....	108, 537

Navy invalid pensioners	5, 449
Navy widows, minor children, etc	2, 568
Survivors of the war of 1812	284
Widows of soldiers of the war of 1812	7, 590
Survivors of the Mexican war	16, 379
Widows of soldiers of Mexican war	6, 976
Act of June 27, 1890:	
Army invalid pensioners	97, 136
Army widows, minor children, etc	12, 209
Navy invalid pensioners	3, 976
Navy widows, minor children, etc	1, 436

FIRST PAYMENTS.

It is suggestively shown by the report of the Commissioner of Pensions that, while the benefits of the pension system have been extended to a much larger class, the average of first payments has decreased from that of preceding years, and that the average of annual payments to each pensioner has also decreased. There were 222,521 first payments of every description made during the last fiscal year requiring \$38,552,274.31, being \$69,592 less than was required for the 130,514 first payments made during the previous year. The average value of first payments made during the year was \$239.33, and the average value of first payments on claims allowed under the act of June 27, 1890, was \$71.28. The average value of first payments for the preceding year was \$485.71. Thus there appears a reduction in the *average* first payment for the year 1891, as compared with 1890, of \$246.38. The reason of this will appear upon a moment's reflection. Under the old law the claims had been pending for years, while the proofs were being perfected or they were being reached in due order, and as the first payment included all that should have been paid as pension from the date of filing the claim or, of discharge, as the facts warranted, this sum was necessarily large. But the claims under the new law have been disposed of rapidly by the additional force recently allowed by Congress, and as the pension commences from the date of filing the claim subsequent to passage of the act of June 27, 1890, the first payment on each has been small. This is connected also with the fact that many thousands of claimants, despairing of proving disability incurred in line of duty, and only thus pensionable under the old law, elected to receive the benefits of the new general disability act, and to take the lesser sums accruing from the date of the *last* filing of the claim.

Another result now perceptible, growing out of these conditions, is that all the pension claims filed, or that can be, on which first payments can accrue, will have been passed upon and disposed of within the next three years, and thereupon there will disappear from the estimates the item of first payments, now amounting to about \$30,000,000 a year. A careful estimate puts the period when first payments will cease, because

of the allowance of all original claims, at about thirty months from the present time, and it is deemed within bounds to say that at no intermediate point will the gross annual payment exceed \$160,000,000; and that at the period named, or even before, it will drop to \$130,000,000, with a rapid and continuous decline thereafter.

The present issue of certificates is about 30,000 per month, and the Commissioner expresses the belief that the Bureau will be able to carefully adjudicate and allow 350,000 claims for pensions during the present fiscal year, and that the present appropriation of \$133,473,085 will be sufficient to pay them.

PROTECTION AGAINST FRAUDULENT PENSION CLAIMS.

It is not to be concluded, however, that because the number of pensions allowed in a year is so great, that therefore the work is carelessly done, or fraud made easy. No judgment could be more erroneous or unjust, as a short explanation will prove.

The bureau force of over 2,000 persons is arranged in fifteen divisions, each with a chief, who is primarily responsible for the work done under him. Five are adjudicating divisions, having in charge all the claims, and are under the superintendence of the Deputy Commissioners, while certain other divisions are superintended by the Commissioner and Chief Clerk respectively. The Commissioner has also general control of the entire force. The body of this force, all, in fact, except the Commissioners, chiefs of division, and a few others, is under civil service rules, and has been selected with great care.

THE COURSE OF A CLAIM THROUGH THE BUREAU

is substantially as follows:

When received by the mail division the claim is forwarded to the record division, where it will appear whether the claimant has another claim pending. If he has, the new application is placed with the old and they are considered together; if he has not, it is recorded, numbered, the claimant notified, and the application and other papers properly "jacketed" (put in a separate pasteboard envelope) and forwarded at once to the adjudicating division. There, in its order, according to number, it is placed by the chief of division in the hands of an examiner, who is to see that all the requirements of the laws and of the rules and regulations have been complied with in the form and execution of the declaration. If it is found to be properly executed, a call is made upon the War Department for the history of the soldier's military service and medical treatment. The records of the War Department are, of course, those made in the field during the war; the muster rolls, company books, and the hospital records. They are beyond change or alteration, and they are entirely outside and independent of

the Pension Office. The War Department reports the military status and length of service of the claimant, together with his medical treatment during service according to the hospital records. A claimant under the general law must prove the disabilities for which he claims pension originated in the line of duty in the service, and their continuance to date. The proof required in other classes of cases must be in accord with the requirements of the particular statutes and the rules under them. These rules and regulations have been made relative to all pensions from time to time under the supervision of the Secretary, and are not only particular but most exact in detail as to form and substance required in application and proof. They have been made under administrations of different political parties, and are as carefully framed as can be against fraud and imposition, and a departure from them is not allowable in any instance.

If the application is found correct and sufficient, and consistent with the War Department's records, the claimant is ordered for examination before a board of examining surgeons, composed of three physicians in the neighborhood of the claimant's residence. The members of these boards are selected from among the best known and capable physicians in their respective communities. The duties of these examining surgeons are performed under carefully prepared instructions and under oath. In each case a complete description is required of the claimant's physical condition at the time of the examination, noting all disabilities the board finds, and at the same time the applicant must give there a statement of his disabilities as claimed by him. The board also gives an opinion as to the rate at which the party examined should be pensioned. This is done also under strict instructions calculated to expose carelessness or partiality in the board. The certificate of this medical examination soon reaches the proper case in the Bureau, and accompanies the other papers constantly thereafter. If additional proof is required by sworn statements of officers and comrades of the claimant as to origin of disability in the service, it must appear from the War Department record that witness was present with his command at the date to which he refers in his deposition.

Many cases are sent to special examiners stationed in different parts of the country to take testimony, where the origin of disability is obscure and the witnesses remote from the claimant, and he has not the means to secure their testimony. Many other cases are sent to these examiners also for the purpose of detecting fraud where suspected by the institution of special investigations. In the two years last past 56,146 such claims have been examined and reported upon, \$50,000 recovered for illegal payments, and many convictions secured for criminal violation of the pension laws.

When the evidence in the case is all in, the examiner makes a brief of it, and if upon review he finds the proof complete for a pension he indorses his opinion upon the brief and forwards the papers to the

board of review. This board is composed of reviewers and re-reviewers. The cases assigned daily by the chief of division to the reviewers when passed upon by them as to all matters of form and points of law are again and in turn passed upon by the re-reviewers as to these matters. If these two classes of officers agree with the examiner of the adjudicating division in his findings, they enter their approval upon the brief, whereupon the case is forwarded to the medical division, where all medical points are to be settled. The medical division is composed of physicians, who are divided into two classes for the examination of claims, one called examiners, and the other reviewers. The examiners scrutinize the claims in regard to all medical points, and note their opinions. These cases are in turn reëxamined by the reviewers, who also note their opinions. If these two officers agree upon the medical questions and the rating in the case the claims go forward to the medical referee for final action. The medical referee is a physician of high standing and attainment, and his opinion controls in any matter in dispute under him, and his approval is essential to obtain a pension. If he approves, the claims are returned to the board of review to have written by the "raters" upon the face of the brief the rates fixed by the medical division.

The ratings entered, the cases are sent forward to the certificate division. The certificates are prepared and reviewed in that division for the Commissioner's signature. But before signing, the Commissioner causes another review to be made of the briefs and certificates under his immediate supervision. If the cases are found to be correct the certificates are signed and forwarded to the Secretary of the Interior for his examination, signature, and seal. They are then returned to the Commissioner to be forwarded to the proper government Pension Agents for enrollment and delivery to the claimants.

All invalid cases carrying a rate of \$12 and upward are subjected to another examination by competent reviewers under the immediate direction of the Commissioner, after the claims have had their ratings entered upon the brief, and before they have been sent to the certificate division.

Thus it appears that before a claim is rated and admitted for a certificate it must have the written approval of three experienced persons as to law and evidence; of two physicians in the Bureau as to medical questions that have been reported upon by a local board of three physicians making the examination of the claimant, and of the medical referee, and be corroborated by the records of the War Department as to military service, and that it must then pass examination in the certificate division, under the immediate supervision of the Commissioner.

The various divisions having charge of this important work are composed of persons of excellent character and intelligence. The examiners, reviewers, and medical officers have been selected because of

their ability and fitness. Many of these employés have filled with honor other important positions in military and civil life, and are entitled to and do receive entire confidence and respect at their homes, in different parts of the country, as well as in the Bureau. They are well versed in the laws, regulations, and departmental decisions governing the allowance of pension claims, and it is believed they perform their duties faithfully to the pensioners, and loyally to the government.

The Pension Bureau does, indeed, an immense amount of work. It has had cast upon it suddenly by the recent act of Congress, allowing dependent pensions, claims greater in number than all that were previously pending, and the aggregate has demanded and received a much larger working force. It is meant to complete early the allowance of all pensions, while those entitled are alive, if possible; but because this tremendous task is being efficiently accomplished, it is wrong to conclude that many claims without merit or illegal are allowed. There are cases in this as in all other bureaus, and in all business, public and private, that obtain undeserved favor; but they are the exceptions that prove the rule.

AGE AND SERVICE.

February 14, 1891, a system of statistical cards showing, among other facts, the age and length of service of the pensioner was adopted by the Commissioner. A compilation made from these shows that 47 years represents the age of the greatest number of persons to whom pensions have been granted since that date, both under the general law and under the act of June 27, 1890. It also shows that the largest number of pensions granted since said date under both the general and the recent laws have been to soldiers who served long rather than short terms of service. Of 12,402 soldiers pensioned under the general law during this period only 1,371 rendered service of six months and under, while 11,031 were for service of seven months and over. The largest number of certificates for particular length of service was 905 for thirty-four months and 878 for thirty-six months, while there were 50 certificates issued to men who served from one hundred and sixty-one to four hundred and seventy-six months. Of 71,004 pensions under the act of June 27, 1890, there were 1,163 soldiers who served six months and under; 26,099 who served twelve months and under, and 44,905 served thirteen months and over. The largest number issued to any class, as to months of service, was 4,693 to men who served thirty-six months.

The Commissioner remarks with commendable pride:

I submit that the data incorporated in these tables shows the fact that the pensions now being granted under the old as well as the new law are not to persons whose terms were short and who saw but little service during the war. The great majority of the certificates now being issued are to veterans of the great struggle for the Union, and many of these men would have gone to their graves in want but for the just, humane, and timely enactment of the act of June 27, 1890.

The following table shows the percentage of mortality for each class of pensioners for the last fiscal year:

Classes.	Pensioners on the pension roll at the end of the year.	Number of pensioners who died during the year.	Average death rate for each 1,000 pensioners on the pension roll on June 30, 1891.
General law, Army and Navy:			
Invalids.....	419,046	7,113	17
Widows, etc.....	111,128	3,900	35
Act of June 27, 1890,* Army and Navy:			
Invalids.....	101,112	430	14
Widows, etc.....	13,644	103	29
War of 1812:			
Survivors.....	284	112	400
Widows.....	7,590	789	104
War with Mexico:			
Survivors.....	16,379	600	42
Widows.....	6,976	1	13
Total.....	676,160	13,229	.....

* The cases allowed under this act cover an average period of three and one-fourth months. The actual death rate of the "invalid" pensioners was 4 per 1,000, or an average annual death rate of 14 per 1,000, while that of the "widows, etc.," was 8 per 1,000, or an average annual death rate of 29 per 1,000.

CLAIMS PENDING JULY 1, 1891.

There were pending on July 1, 1891, 928,473 claims, of which 559,027 were claims of persons who were not on the pension rolls. The remaining 369,446 were claims for increase of pensions and duplicate claims under different laws.

There are also in the files of the Pension Office 146,536 rejected claims. The following table exhibits the facts in detail:

Statement of claims pending.

Old war service prior to 1861.....	4,125
Service subsequent to March 4, 1861:	
Original invalid.....	153,201
Original widows'.....	87,855
	241,056
Act June 27, 1890:	
Original invalid.....	207,475
Original widows'.....	70,128
	277,603
Additional claims to others, on file, but not pensioned:	
Original invalid, rejected files.....	23,875
Original widows', rejected files.....	7,303
Widows formerly pensioned, but dropped from the rolls.....	5,065
	36,243
Number of claimants not on rolls.....	559,027
Number of persons pensioned under the old laws who have increase claims pending.....	194,299
Number of persons on rolls under old laws who have claims pending under act of June 27, 1890.....	74,697
Number of claims of widows, etc., for accrued pension of deceased pensioners.....	6,812
Duplicate claims under act of June 27, 1890, with old law claims on file....	93,638
Total.....	928,473
Of the above pending claims the number filed under the act of June 27, 1890, is.....	482,181
There are also in the files of the Pension Office rejected claims to the number of.....	146,536

MAJ. F. C. AINSWORTH OF THE WAR DEPARTMENT.

The Commissioner expresses his obligations to Maj. Ainsworth as follows:

I take pleasure in extending to Maj. F. C. Ainsworth, chief of the records and pension division of the War Department, the thanks of this Bureau for the efficient and courteous manner with which he and his clerical force have responded to the many calls of this Bureau.

The great improvement which Maj. Ainsworth has brought to that branch of the public service enables this Bureau to receive within twenty-four hours from the day of the calls full reports as to the military and medical history of claimants as shown by the records of the War Department, whereas in former years these requests remained unanswered for months.

The Secretary desires to add his thanks to this most efficient and courteous officer.

SPECIAL CASES.

During the fiscal year the cases of 5,608 applicants were made "special" under the provisions of a Departmental circular promulgated to cover certain emergency cases. In order to have a claim made special it is required to be shown, under the oath of the claimant, or some other reputable person, that the claimant is unable to earn a living and is in destitute circumstances, or is sick and in danger of immediate death.

ISSUE OF CERTIFICATES.

Until recently the statements prepared for the use of the Commissioner and the Department of current business were incomplete, as they failed to show in detail the various classes of certificates issued and the payment required by them. Now, however, daily reports are made of the certificates issued, showing the number of certificates of all classes, the amount of the first payment of each class, the average first payment of all classes, the monthly rates of each class, and the average monthly rates. These are consolidated into weekly and monthly reports. This system of reports shows the amount of money that is being certified against the Treasury daily, weekly, and monthly, and enables the most accurate account to be kept, not only of the present work, but of the extent of future demands.

The Commissioner recommends that the weekly reports of the issue of pension certificates be printed and furnished to members of Congress.

SPECIAL EXAMINATION DIVISION.

The report of the Commissioner shows that two years ago there were more than 14,000 claims in the hands of this division, and on July 1, 1891, there were only 2,270 claims in the hands of special examiners in the field for examination. In this period of two years 56,146 claims have

been examined and reported upon, as hereinbefore mentioned. Since October, 1890, the force of special examiners on duty in the field has been reduced from 340 to 110 employés so assigned.

The special examiners who were withdrawn from the field were assigned to duty in the office to expedite pending claims under the act of June 27, 1890, as shown by the report of the chief of the division, who also states, however, that this reduction of the field force has increased the cost per case of field examinations, as the result of the larger districts and increased traveling expenses of the examiners.

Of the \$415,000 appropriated for this branch of the service for 1891, \$67,400.20 was covered into the Treasury, and the appropriation for 1892 was placed at only \$215,000.

CORRESPONDENCE WITH MEMBERS OF CONGRESS.

The Commissioner expresses great regret that it has been a difficult matter to keep as current as is desirable the correspondence of the Bureau with members of Congress. There were the enormous number of 154,815 Congressional calls during the year, being an average of about 500 per day.

The examination of the cases necessary to give proper answer as to "status" entailed a vast labor and required a large force of employés.

A new system of briefing has, however, been adopted which will greatly simplify and expedite this work.

STATISTICAL CARD.

The report gives the following information as to the adoption as a means for ready reference of the statistical card:

One of these cards is placed with each case, and upon which is entered the name of the claimant, his company and regiment, date of his enlistment and discharge, his age at enlistment, his length of service in months, his post-office address, his age at date of pensioning, rate at which he is pensioned, and the amount of first payment; also blank spaces in which to enter the date of the death of pensioner, and his age at death. From these cards have been collated the tables that are found on pages 7 and 8 giving the length of service and ages of pensioners.

From these cards the necessary information is taken from day to day for the daily report. These cards will be placed in file cases by regiments in alphabetical order by companies. The Army and Navy survivors' division will have the custody of these cards, and they will afford a most convenient and easy reference for the history of adjudicated claims, and their use will also greatly relieve the heavy labors in the admitted files.

MEDICAL DIVISION.

Orders for medical examination were issued during the year to the number of 603,641, and 474,680 medical certificates of examination were received. As a rule the boards of examining surgeons throughout the

country are graduates of some reputable medical college and have had at least five years' practice. In the selection of specialists for particular classes of disabilities the aim has been to secure the services of physicians and surgeons of the highest skill and standing. There will be a deficiency of about \$300,000 in the appropriation for the payment and fees of examining surgeons.

PENSION AGENCIES.

There are eighteen pension agencies. Ten are in government buildings and eight in rented quarters, that at Topeka having been provided a place in the building offered by Governor Crawford. The business of these agencies is conducted with accuracy and dispatch and the several agents are entitled to great commendation for their efficiency.

NEW ORDER OF PAYMENTS AT AGENCIES.

Pursuant to recommendation made in the Secretary's last annual report, by act of March 3, 1891 (26 U. S. Stats., 1082, 1083), it was provided:

That the Secretary of the Interior is hereby authorized and directed to arrange the various agencies for the payment of pensions in three groups as he may think proper, and may from time to time change any agency from one group to another as he may deem convenient for the transaction of the public business. The first group shall make their quarterly payments of pensions on January fourth, April fourth, July fourth, and October fourth of each year; the second group shall make their quarterly payments of pensions on February fourth, May fourth, August fourth, and November fourth of each year; and the third group shall make their quarterly payments of pensions on March fourth, June fourth, September fourth, and December fourth of each year. The Secretary of the Interior is hereby fully authorized to cause payments of pensions to be made for the fractional parts of quarters created by such change, so as to properly adjust all payments as herein provided. Section forty-seven hundred and sixty-four of the Revised Statutes is hereby so amended as to conform to the changes in the time of payments provided herein, and is made applicable thereto.

The sum of fifteen thousand dollars is hereby appropriated to meet the expenses involved in carrying into effect the changes herein provided for.

Under this authority action was taken so as to take effect July 1, 1891, and the arrangement was and still remains as follows:

GROUP 1.

July 4, October 4, January 4, April 4.—Buffalo, N. Y., Concord, N. H., Chicago, Ill., Des Moines, Iowa, Milwaukee, Wis., Pittsburg, Pa.

GROUP 2.

August 4, November 4, February 4, May 4.—Indianapolis, Ind., Knoxville, Tenn., Louisville, Ky., New York, N. Y., Philadelphia, Pa., Topeka, Kans.

GROUP 3.

September 4, December 4, March 4, June 4.—Augusta, Me., Boston, Mass., Columbus, Ohio, Detroit, Mich., San Francisco, Cal., Washington, D. C.

By this wise legislation the large sums to be expended for pensions are prevented from accumulating in the Treasury and be thus withdrawn from general circulation during a quarter of the year as formerly. Every month the revenue collected is disbursed at six different agencies. The receipts and expenditures go almost hand in hand.

PENSION OFFICE BUILDING.

The Commissioner states that certain repairs and improvements are now required in the Pension Office building, looking to improved ventilation and sanitary conditions, as well as to the renewal of certain furniture and carpeting, providing certain doors to the building and increasing storage capacity.

It is estimated that at least \$30,000 will be required for this purpose, and it is recommended.

LEGISLATION RECOMMENDED BY THE COMMISSIONER.

The Commissioner renews his recommendation made one year ago for a provision by law of an intermediate rating of \$50 to cover a class of claimants who are entirely incapacitated for manual labor, but who *only periodically* require the personal attendance of another person.

As the law now stands they can not receive a higher rate than \$30, as provided by the act of March 3, 1883, not being able to bring their cases within the provisions of the law of March 4, 1890, granting \$72, by reason of the requirement of the *constant* aid and attendance of another person. He recommends additional legislation in respect to the expenditures made for the care of disabled soldiers in the Government Hospital for the Insane, so that in cases in which pension may be allowed to such soldiers, after years of care at the Government expense, there may be authority for its reimbursement. These several recommendations are concurred in.

PENSION APPEALS AND PENSION LEGISLATION.

The Assistant Secretary of the Department, to whom has been assigned the duty of superintending the Board of Pension Appeals and promulgating the decisions reached in appeal cases, has well performed this most important duty. He has made report of the work of this Board. The following table is a summary:

ORIGINAL APPEALS.

Appeals pending July 1, 1890.....	4,850
Appeals filed from July 1, 1890, to June 30, 1891.....	3,272
Total	8,122
Appeals wherein Pension Office was sustained	2,243
Appeals wherein Pension Office was reversed	339
Appeals reconsidered by Pension Office pending appeal	369
Appeals dismissed	141
Total	3,092
Appeals pending July 1, 1891.....	5,030

MOTIONS FOR RECONSIDERATION.

Motions for reconsideration pending July 1, 1890	511
Motions for reconsideration filed from July 1, 1890, to June 30, 1891....	176
Total	687
Motions for reconsideration overruled	310
Motions for reconsideration sustained	38
Motions for reconsideration allowed by the Pension Office.....	11
Motions for reconsideration dismissed	11
Total	370
Motions for reconsideration pending July 1, 1891	317

FEE APPEALS.

Fee appeals pending July 1, 1890.....	61
Fee appeals filed from July 1, 1890, to June 30, 1891.....	648
Total.....	709
Fee appeals wherein Pension Office was sustained	311
Fee appeals wherein Pension Office was reversed	32
Fee appeals reconsidered by Pension Office pending appeal	195
Fee appeals dismissed	6
Total.....	544
Fee appeals pending July 1, 1891.....	165

CORRESPONDENCE.

Letters referred to the Commissioner of Pensions.....	10,491
Letters sent.....	6,421

The recommendations of the Assistant Secretary for the following legislation are presented for favorable consideration:

First. That Congress authorize the Department to treat all improper, illegal, and excessive payments of pensions, whether caused by fraud or by mistake, as prepayments to be charged against current pensions, with a view to readjusting or equalizing current pension payments, within the discretion of the Secretary

Second. An amendment to the first clause of act of June 27, 1890, extending its benefits to those otherwise within the terms of the law,

where the officer or enlisted man had not been honorably discharged, but had died on furlough or was otherwise absent from the technical line of duty in the service.

Third. A former recommendation is renewed, as follows, as to the proviso in the third section of the act of June 27, 1890, 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, I respectfully suggest that the act should be so amended as to admit all insane, idiotic, or otherwise permanently helpless children to minor's 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.*"

The amendment here suggested would be in keeping with the beneficent purpose of the act of June 27, 1890. It would reach a considerable number of cases for which the pension system has thus far made no provision, but which would necessitate only a small additional expenditure of money per annum. The experiences of the past year impel me now to further suggest that, in cases of "insane, idiotic, or otherwise helpless children" of deceased pensioners, the pensionable *age limit* be abolished, so as to admit such children at any date to the pension roll.

Fourth. That persons who, having been admitted to the hospital in the District of Columbia for care and treatment at the expense of the Government, but having neither wife nor child or living parent dependent on them for support, and having no other relative near enough to occupy on their account a pensionable status, shall not be pensionable for the period during which they receive such care and treatment.

"To create a higher rate than \$30 per month for cases wherein claimants are shown to be "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." Since the passage of the act of March 4, 1890, amending the acts of June 18, 1874, and June 16, 1880, and increasing the rate for a disability requiring the "constant aid and attendance of another person" from \$50 to \$72 per month, there has been no *intermediate* rate between \$30 as provided by the act of March 3, 1883, for total incapacity for manual labor, and that of \$72 per month under the aforesaid act of March 4, 1890. The wide gap existing between these two rates leaves a worthy though not numerous class of claimants without adequate provision; and I recommend that such provision be promptly made for the sake of justice and equality before the law, fixing the intermediate rate at \$50 per month for the cases described."

Fifth. An amendment of the act of March 3, 1877, so as to make it applicable to the navy beyond controversy.

ELEVENTH CENSUS.

The history of this census from its inception to June 30, 1891, has been presented in the Secretary's two previous annual reports. The efficient and commendable management of this most important business there noticed has also marked the labors of the last year. With the exception of eight or ten special agents gathering fragments of information as to manufactures the field work is completed. One thousand two hundred and fifty employés have been relieved and the population division much reduced. The number on June 30, 1891, was 2,560, and this is being constantly diminished.

Among the most notable points of the census, attention is called to the following:

The announcement of the official population November 26, 1890, as 62,622,250 has never been changed, and upon that announcement the apportionment law was passed nearly two years sooner than at previous censuses.

The population of the United States, according to the Eleventh Census (June 1, 1890), by minor civil divisions was transmitted to the Department September 15, 1891, and is now printed and ready for Congress. This work has been more rapidly done than by any previous census, though it should be remembered that the Census Office has been obliged to deal with 13,000,000 additional population.

The great bulk of the census work is completed. All the cards chronicling facts relating to 63,000,000 (total number of population, including Indians and whites on Indian Territory and Alaska) of people have been punched and are ready for the comparatively cheap and easy process of passing through the machines. The system of mechanical tabulation has increased the accuracy of the work, and admits of the tabulation of important facts and complicated tables far in advance of previous censuses. Actual investigation has clearly shown that the percentage of error in tabulation, which the machines do not throw out or that can possibly go undetected, is not over a quarter of 1 per cent.

The Superintendent of Census started out with a purpose to make a statistical census. No inquiry not called for by the several acts was undertaken, and all matters relating to the latent resources of the country and the technology of our industries omitted. As a result of this policy much of the special work is now completed, some of the volumes are now in the Government Printing Office, and others will be completed and ready for the Printer by December 31, 1891. These facts will be found in detail in the reports of the Superintendent of Census covering the year ending June 30, 1891.

Although the work of the Eleventh Census is much further advanced than that of the Tenth Census at this time, the per capita cost has been about the same, and the total estimated cost of the census when

completed will, after allowing for the usual progressive enhancement per capita cost of successive censuses, not exceed other enumerations. Of course, in this calculation the money expended for printing and binding and for special increase required by Congress and appropriated for separately are omitted.

The financial report of the Superintendent submitted comprises a complete statement of the expenditures of the office from its organization to the end of the fiscal year, June 30, 1891.

ADMINISTRATION.

For salaries.....	\$2,304,630.87	
For furniture and fittings.....	56,703.05	
Miscellaneous.....	592,830.49	
		<u>\$2,954,164.41</u>

SPECIAL AGENTS.

For per diem.....	786,729.59	
For traveling expenses.....	323,334.19	
Miscellaneous.....	138,945.86	
		<u>1,249,009.64</u>

SUPERVISORS.

For compensation.....	177,745.00	
For clerk hire.....	65,916.11	
Miscellaneous.....	15,271.13	
		<u>258,932.24</u>
Enumerators.....		2,481,887.83
Total.....		<u><u>6,943,994.12</u></u>

Paid from appropriations as follows:

Expenses of the Eleventh Census.....	5,819,247.71
Farms, homes, and mortgages.....	814,021.90
Printing, engraving, and binding.....	310,724.51
Total.....	<u>6,943,994.12</u>

Under the head of "Administration," "Miscellaneous" covers rent, stationery, and miscellaneous supplies and services, together with traveling expenses of employes other than special agents.

Under the head of "Special Agents," "Miscellaneous" covers the purchase of supplies, the hire of temporary assistance, clerical and other, and, in short, all expenses of special agents, except per diem and travelling expenses.

The foregoing amount is chargeable to branches of investigation as follows:

Census proper.....	\$536,348.23
Printing and stationery.....	434,120.72
Supervisors.....	268,849.93
Enumerators.....	2,481,887.83
Population and social statistics.....	887,680.21
Manufactures.....	474,420.03
Agriculture.....	140,601.57

Vital statistics and special classes.....	\$204,269.31
Wealth, debt, and taxation.....	155,974.50
Farms, homes, and mortgages.....	834,981.63
Mines and mining.....	191,246.00
Fish and fisheries.....	119,016.76
Transportation.....	105,616.52
Insurance.....	46,399.46
Churches.....	27,146.09
Pauperism and crime.....	35,435.33
Total.....	6,943,994.12

The apparent discrepancy in the amount chargeable to the "farms, homes, and mortgages" branch of the investigation and the amount expended from the appropriation for that special investigation is due to the fact that expenditures were made from the general appropriation for the expenses of the Eleventh Census in the collection of statistics relating to mortgage indebtedness prior to the passage of the act of February 22, 1890.

The following table gives the total number of clerks carried on the pay roll for each month during the last fiscal year:

Number of employes.

Months.	Total number on pay rolls.	Total amount of pay rolls.
July, 1890.....	1,812	\$110,717.30
August, 1890.....	2,115	136,075.75
September, 1890.....	2,212	146,316.10
October, 1890.....	2,238	155,214.45
November, 1890.....	2,184	152,537.35
December, 1890.....	2,161	154,798.45
January, 1891.....	2,151	159,706.70
February, 1891.....	2,121	144,305.20
March, 1891.....	2,298	162,403.00
April, 1891.....	3,119	184,665.25
May, 1891.....	3,108	202,279.80
June, 1891.....	2,560	184,259.50
Amount of pay rolls prior to June 30, 1890.....		409,942.15
Grand total to June 30, 1891.....		2,303,221.00

PRELIMINARY PRINTING.

The Superintendent reports the number of copies printed since the beginning of the Eleventh Census as about 115,000,000, of which some 20,000,000 were envelopes (properly classed as stationery).

About 35,000,000 copies of circulars, tally-sheets, bulletins, etc., have been printed at the census printing office, together with nearly 2,000,000 tabulation sheets used by the Census Office, for some of these had to be passed through the machine fifteen times before being complete.

All the population bulletins and a majority of those on special subjects were printed in this office.

That the expenses have been kept down, relatively speaking, to the same cost per capita as in 1880 is evidence of the strict economy which has prevailed in the Bureau.

Superintendent Porter, in a recent address before the American Statistical Society in Boston, made the following statement in regard to the changes inaugurated by the Eleventh Census. Gen. Francis A. Walker, who was Superintendent of the Ninth and Tenth Censuses, presided at the meeting of the association. The Superintendent said:

The Eleventh Census will be more statistical and deal less with our latent resources and the technology of our industries than the Tenth Census did. It includes in its scope several new features, such as the investigation into private and corporate indebtedness, the special inquiry relating to the soldiers of the late war, and the widows of veterans. Several new questions were added to the population schedule, which, as I have shown, will throw light upon important questions. A report has been made upon the condition of the Indians, and valuable reports on the statistics of education, churches, and the fisheries are nearly completed. To this extent we have undoubtedly taken a decided step ahead of other censuses. The population work has been strengthened. I have no reason to doubt that enumeration of the people was fully equal to the enumeration of the Tenth Census, and that enumeration could not be excelled under the present system. The tabulation has been improved and the classification greatly extended. Facts that have been collected in 1870 and 1880, but never tabulated, will find their way into the volumes this time. As five-sixths of all my experts and chiefs had experience in the Tenth Census, the office has benefited by their experience.

In the special work healthy statistical advancement has been made all along the line. We did not attempt the impossible. We reduced the number of questions. We confined ourselves strictly to the salient points. We did not try to be too original. We were not too proud to take up the plans where our brethren of the Tenth Census laid them down. We did not enlarge the scope, but oftener reduced it. In this way we strengthened our vital statistics by the five-year registration work; we made it possible to secure correct schedules of the special classes by institution enumerators; we brought the electrical tabulation to bear on the statistics of mortality, population, crime, pauperism, and benevolence; we discarded all but the essential questions in the educational schedules; we reduced the work relating to religious bodies to a point where the preachers and ecclesiastical officers would answer the questions; we strengthened the wealth, debt, and taxation work at every point; we added several important new inquiries to the agricultural and horticultural statistics and took subjects omitted by all previous censuses; we trebled the number of places in which the manufacturing statistics were withdrawn from the enumerators and placed in the hands of special agents, and brought every expert under the control of a central head at Washington, so there should be no overlapping; we applied the same method to the statistics of the nation's mineral resources; we made the inquiry relating to fish and fisheries more statistical; we added several important new features to the statistics of transportation; we included the ten years' work and the fraternal and independent beneficiary assemblies in the insurance branch; we made a complete report of the condition of all the Indians, and we have for the first time, I believe, the names of all but two small tribes on file in the Census Office, and we have kept up the reputation of the Tenth Census on the report on the population and wealth of Alaska.

Even some of those who have heretofore been clamoring about the imperfections of the census are fair enough to admit, in the face of the vast amount of valuable information already published, that the Eleventh Census has thus far eclipsed all others. Bulletins have already been issued giving the population of every State and Territory of the United States by minor civil divisions, and others giving summarized special in-

formation on almost every topic under consideration have already been issued. The pages of these bulletins number 2845 as against 960 for the Tenth Census. This preliminary work has established the Eleventh Census with the public, and the volumes that will be laid before Congress will attest its scope, character, and accuracy.

It is easy enough to assault a work of such vast proportions. The Eleventh Census, however, will stand as much fair and honest criticism as any similar work of the same magnitude heretofore done, whether at home or abroad. On the question of errors, the following from Superintendent Porter is of interest:

These imperfections are not the result of dishonest work, of incompetent work, of slovenly work. They are the result of the system under which the census is taken. Time enough is not allowed to start the machinery of this tremendous inquiry, embracing, as I have shown you, so many subjects and such infinite detail. We have work here, which, if properly done, would be sufficient to make a life study for thirty or fifty of our brightest specialists, literally dumped upon the shoulders of a man drawn from other occupations of life and instructed by act of Congress to raise an army of 60,000 raw recruits and complete the task. If he takes time to do it the public becomes impatient and declare it drags everlastingly. If he puts it through rapidly, croakers rise up all over the land and declare the work can not be correct. Now, the remedy for all this is a permanent Census Bureau.

Attention was called to the recommendation for a permanent Census Bureau and the same approved in the annual report of the Secretary for 1889. (See page 17 of that report).

VETERAN ENUMERATION.

In the veteran section 256,498 cards have been transcribed to date. Circular requests have been sent to about 500 representative newspapers throughout the country, calling for a gratuitous publication of the veteran blank, for the purpose of eliciting responses from the veterans who were overlooked by the enumerators in June, 1890, or those who believe they were thus neglected. The results thus far have proven most beneficial. There seems to be but little question that the original enumeration was, so far as numbers alone are concerned, a remarkably full one, and through the efforts of the press, now in progress, the stragglers are being also added to the list. When this work is completed the enumeration of the survivors of the war of the rebellion may be fairly said to be as full and complete as it is practicable to make it. Congress not having made an appropriation for printing these names, it has not been deemed prudent to maintain a large number of clerks on this branch of the work.

ESTIMATES FOR THE COMPLETION OF CENSUS AND PUBLICATIONS.

Further appropriation will be necessary to complete the farms, homes, and mortgages work and the other work originally planned. The work of correcting and supplementing the returns of the enumerators has been immense, and the time and clerical labor involved in this branch of the

work can not be estimated in advance. The cost of obtaining the names, length of service, etc., of the veterans of the war has likewise been great. The completion of the work on farms, homes, and mortgages will also require further large expenditures.

The Superintendent, while refusing to commit himself absolutely, estimates the probable cost of the completion of the work, including the inquiries which were authorized by Congress after the act of March 1, 1889, was passed, and hence not provided for in the original appropriation for the Eleventh Census, at \$1,000,000. This sum, he thinks, will finish the entire work, including farms, homes, and mortgages, and the names of veterans of the war, in accordance with the original plans and in a manner highly creditable to the nation. Meantime, he states, the present appropriations are sufficient to keep the work of all divisions moving as rapidly as anticipated in the forecast of the work, and adds that while it is possible to handle millions of schedules, punch millions of cards, and address millions of envelopes more rapidly with a large force, the work of adjusting minor civil divisions, of making final tabulations, of preparing copy for the printer, of writing text and revising proofs, can only be done by the expert few. Ample provision has been made by Congress for the Census Office in all its divisions until 1892.

The Superintendent's report furnishes, with much other information in detail, a list of the volumes and subjects to be embraced in the final publication. This list is annexed to this report for ready reference. (Appendix F.)

PATENT OFFICE.

The annual report of the Commissioner of Patents will be duly submitted to Congress, as required by law. It appears that, including applications for patents for inventions, for designs, reissues, for the registration of trade-marks and labels, and for caveats, the total number of applications received was 45,949; number of patents granted, 25,307; trade-marks and labels registered, 2,033; patents withheld for non-payment of fee, 3,514; patents expired, 12,383. The total receipts were \$1,302,749.39, and the expenditures \$1,145,502.90, leaving a surplus of \$157,291.69 to be turned into the Treasury, and increasing to \$3,947,847.97, the amount in the Treasury to the credit of the patent fund.

COMPARATIVE STATEMENT.

Number of applications for patents, including reissues, designs, trade-marks, and labels.

June 30, 1887.....	38,408
June 30, 1888.....	37,769
June 30, 1889.....	39,702
June 30, 1890.....	43,810
June 30, 1891.....	43,616

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

July 1, 1887.....	7,601
July 1, 1888.....	7,227
July 1, 1889.....	7,037
July 1, 1890.....	6,585
July 1, 1891.....	8,911

	Receipts.	Expenditures.
June 30, 1887.....	\$1,150,046.05	\$981,644.09
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
June 30, 1891.....	1,302,794.59	1,145,502.90

It will be seen from this statement that the unusually large number of applications for patents during the year ending July 30, 1890, was very nearly equaled by the number received during the past year. In these two years nearly 10,000 cases have been presented for consideration and disposal by this office beyond what would have demanded action if the number of applications had not exceeded the average (38,735) for the years 1888 and 1889. The additional duty thus imposed has borne heavily upon the examining force, and it is to its credit that without any increase in its numbers the cases undisposed of at the close of the year numbered so slightly in excess of those on hand at the close of the previous year. The Commissioner directs attention to the opinion expressed by him in his last report (in referring to the large number of cases disposed of during that year) to the effect that the pace kept up and rendered necessary by the very great increase in the number of applications for patents was inconsistent with the high degree of care in conducting examinations which the patent system calls for when properly administered, and from the showing of decrease in the number of cases disposed of it is evident that the maximum limit of effort was reached during the previous year, and that it could not be justly sustained during the year just ended.

In his last report the Commissioner recommended an increase of 18 in the examining corps and of 49 in the clerical force of his office. At the last session of Congress the examining force was increased by 10 persons, and 4 were added to the clerical force. It would seem from the results of the past year that the estimate of the additional force required was not too high, and that a further increase of force should be provided to meet the increase in the volume of business and to insure the examination of applications with deliberation and painstaking care as well as with promptness and dispatch.

The Commissioner renews the recommendations in his report for last year of legislation providing for appeal direct from the examiners-in-chief to the supreme court of the District of Columbia, releasing the head of the bureau from the duty of hearing these appeals; that section 4887 of the Revised Statutes be amended so as not to impose a

penalty upon American inventors who patent their inventions abroad before their American patents are granted; that interstate trade-marks—those used in connection with traffic between the States—be registered in the Patent Office in the same manner as trade-marks used in foreign commerce; and, that sections 4885 and 4935 of the Revised Statutes relating to payment of patent fees be amended so as to avoid practical difficulties arising when money is paid for the Patent Office to other officers than the Commissioner of Patents.

MORE ROOM NEEDED.

The Commissioner of Patents, upon October 6, 1891, addressed to the Secretary a letter describing the condition of the Patent Office and setting forth the reasons why relief should be granted. He urges with great earnestness that the Land Office be removed from the Patent Office building altogether, because of an appropriation of \$16,000 made by Congress for rent of buildings for the Land Office.

The letter of the Commissioner is annexed to this report. (Appendix G). He states that the overcrowded condition of the office is apparent upon slight examination only, and that it interferes sadly with the work of the force, affects their health, and renders unsightly the otherwise handsome interior of a noble building.

During the month of July 1891, the Land Office vacated fifteen rooms which up to that time had been occupied by it, and turned over to the Patent Office six rooms of the ordinary size, and another of one-half the ordinary size.

The Commissioner of the General Land Office reported to the Secretary, July 7, 1891, as follows:

Referring to your reference of April 30, 1891, regarding rental of the proposed building on G street, between Sixth and Seventh, and to the report of Messrs. Conway and Redway of May 14, 1891, under my directions, I desire now to add that since that date the pressing need for additional room for the Patent Office has been met by the surrender of the amount of space demanded by that Bureau in this building. It is hoped no additional room will be absolutely required until Congress can be asked to authorize the construction of a building specially adapted to the needs of the General Land Office.

It is not necessary to indorse all the Commissioner of Patents claims, to support him in his earnest appeal for more room in the building. If a suitable building were made for the General Land Office, or a building for it and some of the other bureaus now located in different parts of the city of Washington, the accommodation asked could be afforded. In the great structure known as the Patent Office building, or that of the Department of the Interior, there are only the offices for the Department proper, the Patent Office, and a part of the General Land Office. The Pension Office has its own building, built by the United States, and there also the Commissioner of Railroads finds a place. But the offices of the Bureaus of Indian Affairs, Geological Survey, Education, the Census, and a large part of the General Land Office are outside,

scattered here and there through the city in rented houses. These tenements are selected with care, and are obtained only at heavy rents; but they are entirely unfit to be the depositories of immensely valuable archives and papers constantly there in use; moreover, in case of fire the loss of life is apt to be great.

It is an utterly careless disregard of the public interests to allow this state of affairs to continue, and an indisposition to expend the means necessary to secure proper offices for the great Department of the Interior, with its varied and important bureaus, does not arise from a true spirit of economy. It can not be expected in the ordinary course of events that all the valuable records will long escape loss or destruction from fire or other cause in these rented offices. They are not secure.

Among the most valuable of these possessions are those of the General Land Office, and although supplied with the means to rent outside houses, the Secretary has not thought it best to send all these from the Government building to these more insecure places. They would there become subject to loss by destruction, but more so from misuse and illegal changes. There has been no expression by Congress that the Patent Office was, by means of this appropriation, to be given the entire quarters heretofore occupied by the General Land Office, and the Secretary recommends that no such change be made before another Government building is provided. Such a building could be utilized also, as has been suggested by the Commissioner of the General Land Office, for a depository of the records of surveyors-general offices and others when discontinued.

CENTENNIAL CELEBRATION OF PATENT OFFICE.

It is pleasant to state that one of the most gratifying incidents of the past year was the centennial celebration of the patent system of the United States. No element of progress is so peculiarly American as the faculty of invention. It has won, not alone unparalleled success at home, but world-wide renown, and it was eminently fit that the system by which its creations are protected should meet with recognition and its inauguration be duly celebrated. In November last a movement was begun by a number of prominent residents of Washington to commemorate this important epoch in the history of the nation, and a widespread public interest in the subject was evident from the prompt response on the part of leading inventors and manufacturers of inventions to a call for a celebration to be held in this city April 8 to 10, 1891—

To commemorate in a fitting manner the important event, and place on record the nation's appreciation of the labors of those whose ingenuity, patience, and tireless effort have exercised such a potent influence in accelerating the prosperous growth of the nation and in aiding the progress of our civilization.

The importance of the event, and the respect due to so numerous a gathering of those eminent in the field of invention and in the practical

application of the results of inventive genius, demanded and received the cordial coöperation of the executive branch of the Government. The first public meeting was presided over by the President, and other meetings by the Secretary of the Interior and the Commissioner of Patents.

At the series of meetings embraced in the programme addresses were made covering a broad range of subjects bearing chiefly upon the relations and effects of invention, and including a review of a century of our patent law and the origin and development of the American patent system.

To Mr. Mitchell, then Commissioner of Patents, much of the success of this important and interesting celebration was due. He resigned on July 31, 1891, to devote himself again to his profession, after having discharged all his official duties most efficiently for a period of over two years.

GEOLOGICAL SURVEY.

Special attention is asked to the report of the Director of the Geological Survey. During the twelve years since the institution of this Bureau the mineral products of the country have nearly doubled in value and much more than doubled in quantity. The Survey force has been constantly employed in investigating the mineral resources of the country and in ascertaining and mapping the distribution of rocks, minerals, and ores, and the results of this work have been published and widely distributed; and it is just to ascribe a considerable part of the increase in mineral production to this agency.

Even more important is the work of the Survey in reducing the cost of mining operations, both by the publication of maps and treatises indicating the distribution of mineral resources, and by the development and publication of the laws of mineral occurrence, whereby fruitless labor in prospecting and mining is avoided. In this way the cost of production is diminished and prices are proportionately reduced. The mean price of the mineral products of the United States has been reduced more than one-third during the past twelve years. During the past year alone this reduction in price has resulted in a saving to the consumers of mineral products in the country a sum amounting to fully \$200,000,000.

In addition to the direct work upon mineral resources, the Bureau has extended topographic surveys over and constructed maps of an area of 493,790 square miles in thirty-nine States and Territories, thus covering nearly one-sixth of the area of the United States. The issue of accurate maps representing the precise configuration of the land surface has greatly reduced the cost of construction of public and private works (city waterworks, works for the development of water-power, railways, wagon roads, etc.), and thereby added greatly to the material prosperity of the country. Moreover, the soils of considerable areas

have been examined and classified, forests have been studied, quarry rocks, brick clays, and other building materials have been investigated, and the results of the work have been made public. By these means the Bureau has aided in developing and at the same time economizing the resources of the country, thereby increasing our wealth and power to an extent which, while it can not be measured, is unquestionably important.

The Geological Survey was instituted as an agency for scientific research relating to the material resources of the country as well as for the direct examination of these resources. It is gratifying to observe that in this direction it has made substantial progress. An opportunity for estimating this progress has just occurred in the meeting in this country of an international body of geologists, most of whose members were official representatives of geological surveys and commissions instituted by European and other governments. It was the Secretary's pleasure to welcome this distinguished body to the country on behalf of the Executive. To one attending the meetings of the Congress it was strikingly evident that while the eminent geologists of foreign countries are doing much toward the promotion of their science, the American geologists connected with the Survey are fully abreast of them in all respects, and well in the lead in the development of the principles of geology. This was the general expression at the International Congress.

The appropriation for geologic work during the past year was somewhat increased. As a result several of the existing divisions were strengthened, and two new divisions were instituted. One of these is charged with the investigation of the phosphates and other mineral resources of Florida; the other has entered upon the study of the crystalline and semicrystalline rocks of New Jersey. Preliminary topographic and geologic surveys have also been commenced in Alaska, and substantial results are recorded in the report of the Director.

Work in the geologic divisions already organized was carried forward vigorously during the last year, in many states and territories.

Part II of the Report of the Director is devoted to papers on irrigation, covering the three general topics of topography, hydrography, and irrigation engineering and construction. The first paper is a report by A. H. Thompson, chief topographer, upon the location and survey of reservoir sites by the western division of topography during the fiscal year ending June 30, 1891. This is essentially a continuation of the work outlined in the Eleventh Annual Report.

IRRIGATION RESERVOIRS.

During the year surveys of 148 reservoirs have been made by the Topographic Division. Of these 33 are in California, 46 in Colorado, 28 in Montana, 2 in Nevada, and 39 in New Mexico. A description of each of these sites is given in detail, with the location, the area and

character of the drainage basin, the position of the dam and its height, the permanent survey marks, altitude of the top of the reservoir, area, contents, and the location of the lands to be benefited by the construction of the reservoir. A description of the lands to be included within the proposed site is given in Land Office terms, and also action affecting the title to these lands as shown by official records. Each of these descriptions is accompanied by a small map showing the quarter sections, townships, and ranges in which the reservoir is situated, the outline of the site, the relative position of the dam, and other features of interest in this connection. In the selection of these reservoir sites the topographers were guided by general instructions regarding the practicability of utilizing the reservoirs, so that these should be at points where not only is water storage needed, but where the construction can be profitably accomplished.

By thorough examination and survey, the future possibilities of agricultural development within these localities have been assured, and the responsibility now rests upon Congress of taking such action as shall render these sites available to the lands dependent upon them. In a previous portion of this report the views of the Secretary are expressed at some length upon what he deems Congress should do as to these valuable possessions.

The second paper of this report is by F. H. Newell, upon the hydrography of the West, and gives the present available data upon the water supply of the arid lands, together with a detailed description of the hydrography of the Rio Grande and Gila basins of New Mexico and Arizona. This paper occupies the same position with regard to agricultural development and irrigation engineering that a description of the mineral resources does to the mining industries. It gives our present knowledge of the water resources, upon the extent of which depends the growth of the arid country beyond the pastoral condition.

Next to the topographic survey there is perhaps no scientific examination the results of whose measurements are of greater importance than this to the thorough understanding and utilization of the arid lands. A knowledge of the facts concerning the distribution of the available water supply, the fluctuations month by month and year by year, the extreme range and the average conditions is fundamental in the planning and construction of irrigation works. No large system of water supply can be outlined or successfully executed until these are known, and unless these measurements are continued year by year the legislators who would guard the interests of the people as well as the projectors of great works, whether constructed by the use of private or public funds, build upon doubts and uncertainties.

This is illustrated by plates and figures, showing graphically the amount of water available in various drainage basins and all of the fluctuations of the streams, thus exhibiting at a glance facts of prime importance to the person who would gain a knowledge of the peculiarities of the rivers whose waters are needed for irrigation.

The last paper is upon irrigation works in British India, and is written by H. M. Wilson, who visited that country for the purpose of examining the great system of water supply, whose magnitude far surpasses those of any other country in the world. The paper is devoted mainly to the discussion of facts nearly related to the conditions of our own country. Methods of construction and other details from which lessons can be drawn by American engineers, are dwelt upon with considerable detail, and less attention is given to those subjects which, though of fundamental importance to India, have little or no reference to the needs of our own arid lands. Thus, notwithstanding the fact that the paper pertains to a foreign country, the results appeal directly to the projectors of irrigation works, to engineers, and to all who are interested in the highest development of the western half of the United States. All of the more important features are fully illustrated, and details of interest to irrigation engineers are in many cases elaborated.

BUREAU OF RAILROADS.

From a consideration of the Report of the Commissioner of Railroads and of that of the engineer under him, it appears that the various roads coming under the jurisdiction of his office are being rapidly improved in much the same particulars as reported last year. Steel rails, stone culverts, iron bridges, grades reduced, machine shops reconstructed, terminal facility acquired, and better equipment obtained are the general features pointed out. These improvements are met the present year by wonderfully abundant harvests and renewed activity in the business of the country, and the results, which will be chronicled next year, may be anticipated as the best ever attained by these companies. It may be said that the basis on which the original loan by the government was made to these railroads remains unimpaired.

Especial effort has been made to ascertain the correctness of the reports of the several companies as to their earnings, as it is upon these the percentage is paid to the United States. They show a decrease of \$1,417,962.

The following abstract as to the earnings and payments of the several aided companies is taken from the Commissioner's report, where detailed statements may be found. The following figures come only to December 31, 1890, as the Thurman act requires settlements to be made for the calendar year. The fuller report gives the same to June 30, 1891, also.

UNION PACIFIC.

The gross earnings of the Union division for the year ending December 31, 1890, were \$15,180,316.36 and the net earnings \$3,985,973.44. The requirement for the year was a sum equal to 5 per cent of the net earnings and the entire Government transportation, and amounted to \$1,078,548.57, being \$82,055.21 in excess of 25 per cent of the net earnings. The gross earnings of the aided portion of the Kansas division

were \$3,040,122.13, and the net earnings \$774,473.20. The requirement for the year was a sum equal to 5 per cent of the net earnings and one-half of the Government transportation, and amounted to \$90,628.26. The total amount due from the Union Pacific Railway Company, on account of the Union and Kansas divisions for the year ending December 31, 1890, was \$1,169,176.83. There were settled by the accounting officers of the Treasury during the same period accounts for transportation services rendered amounting to \$1,126,918.70.

The total debt of the Union Pacific Railway Company to the United States, principal and interest, December 31, 1890, after allowing credit for all transportation accounts settled and moneys paid into the Treasury, was \$51,761,203.17. There are still some transportation accounts pending action in the Treasury which will somewhat reduce the amount of indebtedness.

CENTRAL PACIFIC.

The gross earnings of the aided portion of the Central Pacific Railroad for the year ending December 31, 1890, were \$8,875,789.27, and the net earnings \$1,012,861.08. The requirement for the year was a sum equal to 5 per cent of the net earnings and the entire Government transportation, and amounted to \$537,520.44, being \$284,305.17 in excess of 25 per cent of the net earnings. There were settled by the accounting officers of the Treasury during the same period accounts for transportation services rendered amounting to \$434,637.81.

The total debt of the Central Pacific Railroad Company to the United States, principal and interest, December 31, 1890, after allowing credit for all transportation accounts settled and moneys paid into the Treasury, was \$53,682,612.29. There are a number of transportation accounts pending action in the Treasury which will reduce the amount of indebtedness.

Settlements with the Sioux City and Pacific and the Central Branch Union Pacific Railroad Companies, under the acts of 1862 and 1864, were made for the calendar year.

SIOUX CITY AND PACIFIC.

The gross earnings for the aided portion of this road for the year ending December 31, 1890, were \$464,283.29 and the net earnings \$185,616.13. The requirement was 5 per cent of the net earnings and one-half of the Government transportation, and amounted to \$20,818.84. There were settled by the accounting officers of the Treasury during the same period accounts for transportation services amounting to \$11,216.40.

The total debt of the Sioux City and Pacific Railroad Company to the United States, principal and interest, December 31, 1890, after allowing credit for transportation accounts settled, was \$3,654,621.90.

CENTRAL BRANCH UNION PACIFIC.

The gross earnings of the aided portion of this road for the year ending December 31, 1890, were \$484,776.65 and the net earnings \$99,771.40. The requirement was 5 per cent of the net earnings and one-half of the Government transportation, and amounted to \$12,569.68. There were settled by the accounting officers of the Treasury during the same period accounts for transportation services amounting to \$43,291.92.

The total debt of the Central Branch Union Pacific Railroad Company to the United States, principal and interest, December 31, 1890, after allowing credit for transportation accounts settled and cash paid into the Treasury, was \$3,414,170.70.

TOTALS.

The total gross receipts of the bonded roads for the year amounted to \$28,045,287.70; net earnings, \$6,058,695.25; Government requirement, \$1,740,085.79; paid in transportation services, \$1,616,064.83. Accounts in the Treasury not yet settled will offset balance due the Government for the year. *The total debts of the bonded roads to December 31, 1890, amounted to \$112,512,613.06.*

FLOATING INDEBTEDNESS OF THE UNION PACIFIC.

The floating indebtedness of the Union Pacific on June 30, last, amounted to about \$20,000,000. This debt was secured by collateral, but a want of confidence having been engendered as reported by extraordinary causes connected with the stock market, action was required that should protect the company's credit. The floating debt was consolidated by the issue of the obligations of the company maturing at a fixed time to be equally secured, and a fund to be provided for the necessary corporate uses of the company. To this end the bonds, stocks and other securities held by the company, representing a par value of \$100,113,365.47, and an estimated value of \$41,912,835.53 were deposited with Drexel, Morgan & Co., trustees, to secure an issue of \$24,000,000 of three-year 6 per cent promissory notes. These notes are offered for sale at 92½ per cent of their face value and accrued interest, and most of the creditors have accepted them in payment of their claims.

The sale and disposition of these securities is to be under control of a committee of five, to be composed of three creditors and two directors of the company. Although a resolution was unanimously passed at the meeting requesting the committee to add one government director to their number (which would seem to be no more than required by the spirit of section 13, act of July 1, 1862), up to the time the report of the government directors was filed in the Department, this request had not been complied with.

In their report, the government directors (p. 5) express grave doubts as to any beneficial results from the foregoing action. They say:

The Government directors have, after careful consideration, reluctantly concurred in the course of action adopted, as presenting apparently the only means of relieving the company, but we can not but regret the temporary character of the provision for relief, and the additional fact that it has become necessary to hypothecate not only the bonds but the stocks representing ownership or control in the extensive coal properties and the companies of the entire tributary system. The security for the notes is so ample and the character and financial ability of the committee so high that we can not anticipate any unfavorable result; but in a degree it hazards the integrity of the system, and under possible unfavorable conditions for the sale of the bonds within the time, beyond the control of the directors or the committee, might ultimately lead to its disintegration and the loss of its most valuable tributaries.

The increase in the debts of the bonded roads to the government is because the percentages required by law to be paid do not create a sum equal to the interest the government has to pay on the subsidy bonds.

The Commissioner indorses the policy of the Union Pacific in aiding the construction of branch lines, which shall be tributary to the main line. He says:

It would be almost impossible to emphasize too strongly the value to the Union Pacific of its branch lines. It is alone through them that the operations of the main line, on which the Government holds a lien, have been made profitable. Some of the branch lines may not be profitable in themselves, but as feeders to the main line they have a value which does not appear on their own balance sheets. The

transcontinental business, which was large and lucrative a few years ago, is now divided among many competitors, and is almost insignificant as to amount and profit. It is the local business alone, most of which is contributed by the branch lines, that brings profit to the main line. Were it not for these "feeders" the Union Pacific would yield no net earnings whatever, and the property would not be worth the amount of its first-mortgage bonds.

In this position he is strongly supported by the government directors. (See their report, dated September 15, 1891, pp. 4, 5.)

FUNDING THE DEBTS.

The government directors of the Union Pacific Railway Company are George E. Leighton, St. Louis, Mo.; John F. Plummer, New York, N. Y.; Jesse Spalding, Chicago, Ill.; Rufus B. Bullock, Atlanta, Ga.; and Joseph W. Paddock, Omaha, Nebr. These gentlemen have wide experience in railroad affairs, and were selected for their personal worth and well-known integrity. They support the Commissioner of Railroads strongly in his advocacy of refunding at an early day the debt about to become due from the company. The argument of the Commissioner will be found at length in his report.

In relation to this matter the directors say:

The nearly concurrent maturity, in the near future, of the underlying first-mortgage bonds, of the debt to the Government, and of the collateral notes recently issued, aggregating over \$100,000,000, is a fact not to be overlooked or disregarded. It presents possible conditions which a wise foresight should amply provide for, and in abundant season.

Under all the conditions surrounding this property at present, and the prospective conditions of the future so far as they may be foreseen, we do not believe that the position of the Government as a creditor will in any degree be improved by delays in such adjustment; whilst, on the other hand, the ability of the company to discharge its obligations to the Government and the public would be materially enhanced, and ultimate payment more certainly secured, by such legislation as will permit of a consolidation and unification of the system, and an extension of the security of the Government, either directly or indirectly, to the whole property.

This subject was fully discussed by the present Secretary in his annual report for 1889, where the history of the debt and the different propositions for its settlement were set forth; and again in 1890, where he expressed his views as being still unchanged on the subject. Further discussion here is deemed unnecessary, but the importance of some action by Congress without further delay is earnestly presented for your consideration. The debt will mature within the next six years. This question has been urged now since the beginning of the present administration, and no step has been taken in regard to it by Congress. It seems that some public policy should be adopted and declared before the time comes for action, whether it be to sell the road or to extend the obligations. There seems to be no alternative but to sell if the debt is not extended, for it is conceded on all hands that the company will not be able to pay the bonds at maturity.

The Commissioner recommends the appointment of a commission of

not over three members to consider the condition of the debt, to confer with the railroad company, and report their conclusions to Congress. If these are taken from those in government employment no expense would be incurred, and they would have more time, he suggests, probably, than members in Congress or on Congressional committees might find it possible to devote to the subject.

GOVERNMENT DIRECTORS.

It is a pleasure to state that the government directors above named have performed their duties during the past years with more than ordinary industry and intelligence, and no doubt have had at heart the best interests of the government, endeavoring by all means in their power to protect the same through their position on the board and as members of the different committees of the Union Pacific Railway. The important points of their report have already been mentioned in connection with the report of the Commissioner of Railroads. It will be printed with this report.

BUREAU OF EDUCATION.

The Commissioner of Education makes an interesting report respecting the work of his Bureau. Pursuing the line of policy of his predecessors he has endeavored to make this Bureau useful by collecting accurate and pertinent statistical information regarding the existing condition of education at home and abroad, with special attention to new experiments in school organization and methods of instruction. This is in accordance with the letter and spirit of the act of Congress creating the Bureau. A centralized control of education is not contemplated, but this Bureau has been provided as an agency to collect and distribute such information as will give to all a just survey of the operations of educational institutions both in this and other countries. Such a function can be performed only by the general government, and evidently instead of limiting state and local control over schools, it reënforces it, as it increases enlightened directive power everywhere. It induces a wise approximation of methods and an adaptation to the needs of each locality of whatever is good in all, and thus a harmonious system is secured.

During the past year the Bureau has completed several concise statements exhibiting the present systems of some of the most important countries of Europe, many of which systems are very recent in their origin, and consequently in a state of rapid change and progress.

From a study of these statements it is found that the English-speaking peoples lay too much stress on local self-government to begin their education systems from the natural center. They do not prescribe a uniform model, nor attempt a national control over the whole movement, but always advance to develop local undertakings and local management.

Comparative study the Commissioner deems very profitable in education, since the school has to deal often with children whose growth has been arrested at some low stage and fixed at that point. It is one of the great problems of education to remove the child nature out of this partial paralysis into a state of growth and development, making it again susceptible to higher influences.

In order to study more systematically the educational methods used in various parts of the world, to cure or to prevent the dangerous development of paupers, insane, and criminals, that advances with the rapid increase of cities, the Commissioner has seized the opportunity created by the last Congress, and obtained a specialist, who is to devote most of his time to the study of this subject. The well-known scheme of Mr. Booth in East London, and the remarkable university settlement of Mr. Toynbee in the same place, and widely imitated, have given an impulse to a variety of promising experiments. There is no field of greater interest than this open at the present for the collection of statistics and judicious comparison of them.

The Commissioner again emphasizes the idea that the usefulness of his Bureau depends on the publication and dissemination of the valuable information it collects or procures. He reports that during the past year he was able to secure the printing of but two circulars of information, while he had on hand ready for the press ten other separate documents on a variety of educational subjects, and twelve completed numbers of the "Contributions to American Educational History." These numbers are the histories of education in Ohio, Michigan, Massachusetts, Connecticut, Nebraska, Delaware, West Virginia, Maryland, Mississippi, Missouri, Louisiana, and Rhode Island. That the issue of these valuable documents may be no longer delayed, he recommends in his report, and has submitted in his estimates, a separate specific appropriation of \$20,000 to continue the publication of the educational histories of the several states. This recommendation is heartily indorsed by the Secretary.

AID OF COLLEGES FOR TEACHING AGRICULTURE AND MECHANIC ARTS.

On August 30, 1890, the President approved an act of Congress entitled:

An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two.

This act provides that for the fiscal year 1890 \$15,000, and for each subsequent year for ten years an amount greater by \$1,000 than that of the preceding year, and thereafter \$25,000 a year, be paid to each state and territory for the benefit of colleges of agriculture and the mechanic arts established or to be established under the provisions of an act of Congress approved July 2, 1862, with the proviso that in states

where the races are educated separately the fund may be equitably divided between one college for white students and one institution for colored students. The Secretary of the Interior was charged with the proper administration of this law.

The act was properly brought to the attention of the governors of the several states, to secure such action by them as would enable the Secretary to perform the duties devolving upon him. A circular letter was sent to the governor of each state and territory. It called attention to the act of Congress and to the Commissioner's report, and requested answers under the state seal to the following inquiries:

(1) Is there in your state a college of agriculture and the mechanic arts established under, or receiving the benefit of, the act of Congress of July 2, 1862?

(2) If so, is any distinction of race or color in the admission of students thereto recognized or made in the state law or in the regulations and practice of the institution?

(3) Or (a) is there such a college for the education of white students, and also (b) a similar college for colored students, or an institution of like character aided by the state from its own revenue for the education of colored students in agriculture and the mechanic arts? Please give name, location, and president or administrative officer of each of such institutions.

(4) Has your legislature met in regular session since August 30, 1890, or when will it so meet?

(5) If it has not so met, do you, as authorized by the act referred to, assent in behalf of your state, to "the purpose of said grants," as provided in section second of the act?

(6) Please give the name, title, and address of the state treasurer or other officer to whom payments should be made under this law.

It also requested a copy of the charter of such college, with the rules and regulations, duly certified by the secretary of state.

The replies with accompanying documents were referred to the Bureau of Education for examination and for recommendation as to payment. This labor was performed and certificates drawn for the payment of the first installment of the grant (\$15,000 to each state and territory), as follows:

November 8, 1890, Colorado, Delaware, Illinois, Indiana, Kansas, Michigan, Minnesota, Oregon, Tennessee, Wisconsin, Massachusetts, Maryland, New Hampshire, Ohio, Vermont, Iowa, New Jersey, New Mexico, New York, Pennsylvania, Wyoming.

November 11, 1890, Connecticut, Mississippi, North Dakota, Virginia.

November 13, 1890, Arizona, Nevada, Utah.

November 19, 1890, Nebraska, South Dakota.

December 20, 1890, Texas.

January 5, 1891, California.

January 8, 1891, North Carolina.

February 18, 1891, Florida.

March 19, 1891, Missouri.

March 30, 1891, Maine, Kentucky.

April 23, 1891, Arkansas.

May 12, 1891, West Virginia.

June 29, 1891, Georgia.

July 7, 1891, Louisiana.

July 15, 1891, Alabama.

The governors of Idaho, Montana, Rhode Island, and Washington did not reply.

In Rhode Island the application for the new grant was delayed or

prevented, it is reported, by an attempt to transfer the proceeds of the original grant to a new institution.

Establishment of a college of agriculture and the mechanic arts in Oklahoma has been reported, but payment to that territory has not yet been determined on.

The general assembly of South Carolina passed an act dividing the share of the grant received by that state equally between one college for white students and one institution for colored students. This division is not deemed equitable by the Secretary, in view of the fact that over 60 per cent of the population of the state is colored. The act of the assembly leaving the governor no power to modify the basis of division, the case of this state has been reserved for submission to the President.

All the states and territories having been certified as entitled to the first installment, another circular letter was sent out announcing that the second installment of the appropriation made was now due and payable to those institutions shown to be the proper beneficiaries of the act and had received the first installment.

Such information was asked regarding compliance with the law as might enable the Secretary to "certify to the Secretary of the Treasury as to each state and territory whether it is entitled to receive its share of the annual appropriation." Attention was invited to the limitations placed by the act upon the use of the money received, which is "to be applied only to instruction in agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction." It was held that this language authorizes, besides the payment of salaries, the purchase from this money of apparatus, machinery, text-books, reference books, stock, and material used in instruction or for purposes of illustration in connection with any of the branches enumerated.

On receipt and approval of these reports certificates were issued for the second installment of the grant (\$16,000 to each state and territory, for the year ending June 30, 1891), as follows:

January 20, 1891, Pennsylvania.	April 29, 1891, New York.
February 7, 1891, Colorado, Connecticut, Delaware, Indiana, Iowa, Kansas, Michigan, Minnesota, Nevada, New Hampshire, Ohio, Tennessee, Utah, Vermont.	April 30, 1891, Oregon.
March 3, 1891, Maryland.	May 12, 1891, Maine, Texas.
March 10, 1891, Mississippi, South Dakota, Virginia, Wyoming, New Mexico.	June 10, 1891, Illinois.
March 17, 1891, New Jersey, North Dakota.	June 19, 1891, North Carolina.
April 18, 1891, California, Florida, Wisconsin, Arizona.	June 24, 1891, Nebraska.
	June 29, 1891, Georgia.
	July 7, 1891, Louisiana.
	July 15, 1891, Alabama.
	July 21, 1891, Arkansas.
	July 26, 1891, West Virginia.
	August 5, 1891, Missouri.
	August 11, 1891, Kentucky.

No report was received from the Massachusetts Agricultural College, the institution which had been designated by the governor to receive the benefit of the Congressional grant. Litigation had arisen between the college and the Massachusetts Institute of Technology respecting a division of the fund, and the first installment was still in the hands of the treasurer of the Commonwealth. Massachusetts, therefore, was not certified as entitled to the second installment.

The Secretary approved June 19, 1891, a recommendation of the Commissioner to the following effect:

That certification for the third payment be made on July 1 to the Secretary of the Treasury, in behalf of all states and territories which, by that time, have been passed upon and certified as entitled to receive the second payment, whose legislatures or governors have given proper assent to the purpose of the Congressional grant, and where the division of the fund, if it is shared between two institutions, has been made upon a satisfactory basis.

And certificates were issued for the third installments (\$17,000 for the year ending June 30, 1892), to Arizona, California, Colorado, Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, Wyoming, Arkansas, Delaware, Kentucky, Missouri, West Virginia, Alabama, Georgia, and Louisiana.

The following table exhibits the beneficiaries under the act named:

Beneficiaries under act of Congress of August 30, 1890, in aid of colleges of agriculture and the mechanic arts.

Alabama: Agricultural and [Mechanical College (white), Auburn.	Kansas: State Agricultural College, Manhattan.
State Normal and Industrial School (colored), Huntsville.	Kentucky: Agricultural and Mechanical College (white), Lexington.
Arizona: University of Arizona, Tucson.	State Normal (colored), Frankfort.
Arkansas: Industrial University (white), Fayetteville.	Louisiana: State University (white), Baton Rouge.
Branch Normal College (colored), Pine Bluff.	Southern University (colored), New Orleans.
California: University of California, Berkeley.	Maine: State College of Agriculture and Mechanic Arts, Orono.
Colorado: State Agricultural College, Fort Collins.	Maryland: Maryland Agricultural College, College Station.
Connecticut: Yale College, New Haven.	Massachusetts: Agricultural College, Amherst.
Delaware: Delaware College, Newark.	Michigan: State Agricultural College, Lansing.
Florida: Florida State Agricultural College (white), Lake City.	Minnesota: University of Minnesota, Minneapolis.
State Normal School (colored), Tallahassee.	Mississippi: Agricultural and Mechanical College of Mississippi (white), Agricultural College.
Georgia: University of Georgia, Athens.	Alcorn Agricultural and Mechanical College (colored), Rodney.
Illinois: University of Illinois, Urbana.	
Indiana: Purdue University, La Fayette.	
Iowa: Iowa Agricultural College, Ames.	

Beneficiaries under act of Congress of August 30, 1890, in aid of colleges of agriculture and the mechanic arts—Continued.

Missouri: University of Missouri (white), Columbia.	South Dakota: Dakota Agricultural College, Brookings.
Lincoln Institute (colored), Jefferson City.	Tennessee: University of Tennessee, Knoxville.
Nebraska: University of Nebraska, Lincoln.	Texas: Agricultural and Mechanical College (white), College Station.
New Hampshire: New Hampshire College of Agriculture and Mechanic Arts, Hanover.	Prairie View Normal School (colored), Hempstead.
New Jersey: Rutgers Scientific School, New Brunswick.	Utah: Agricultural College, Logan.
New Mexico: Agricultural College, Las Cruces.	Vermont: University of Vermont, Burlington.
New York: Cornell University, Ithaca.	Virginia: Virginia Agricultural and Mechanical College (white), Blacksburg.
Nevada: State University, Reno.	Hampton Normal Institute (colored), Hampton.
North Carolina: North Carolina Agricultural College (white), Raleigh.	West Virginia: West Virginia University (white), Morgantown.
Shaw University (colored), Raleigh.	West Virginia Institute (colored), Kanawha.
North Dakota: Agricultural College, Fargo.	Wisconsin: University of Wisconsin, Madison.
Ohio: Ohio State University, Columbus.	Wyoming: University of Wyoming, Laramie.
Oregon: State Agricultural College, Corvallis.	
Pennsylvania: Pennsylvania State College, State College.	

EDUCATION IN ALASKA.

Under the head of education in Alaska, the Commissioner reports the inauguration and successful working of the experiment of appointing local school committees in settlements where suitable white men could be found for the purpose. Such committees were appointed in nine of the principal villages of the territory. This step was taken with a view to interesting a larger number of the citizens of Alaska in their schools and thus preparing them for the management of their own educational affairs, and also on account of the impossibility of any one board of education exercising personal supervision over more than a limited portion of the vast area of Alaska. During the year, with the meager appropriation at its command, the Bureau of Education supported in the territory 13 day schools with an enrollment of 745 pupils, and aided 12 contract boarding schools with an enrollment of 1,106 pupils.

The most interesting feature of the work in Alaska the past year consists of the steps taken toward introducing the domesticated reindeer from Siberia into Alaska in connection with the industrial school work. On the return of the general agent from Arctic Alaska in the fall of last year he urged upon the attention of the Department the fact that the Eskimos inhabiting the shores of the Arctic Ocean and Behring Sea were in a starving condition, the whale and walrus, their food supply from time immemorial, having been driven beyond

their reach by the whalers. The matter was brought to the attention of Congress, and an appropriation was proposed for the introduction of the reindeer as a means of subsistence for the natives; but meantime several leading newspapers procured subscriptions to the amount of \$2,000 to be used in an initial experiment. With a part of this sum the general agent, who has recently returned, reports that goods suitable for trading with the natives were purchased and taken in May last on board the revenue cutter *Bear*, Capt. M. A. Healy, commanding. With the permission of the Treasury Department and the approval of the Russian Government the cutter landed at several points along the Siberian coast, a small herd of reindeer was purchased, and the question whether these animals could be successfully transported by sea—long denied by both natives and white settlers—was solved in the affirmative. Sixteen deer were brought to a small island in the harbor of Unalaska.

The need of a larger appropriation for Alaskan schools is urged, and the policy of a regular annual increase of \$10,000 a year over each preceding year is recommended. This feature is embodied in the Commissioner's estimate of \$60,000 for this work next year, and is deserving of the favorable consideration of Congress.

Respecting the routine business of the Bureau, a considerable increase in the correspondence is reported but a heavy falling off in the number of documents printed and distributed. The library shows an increase of 4,037 volumes.

THE TERRITORIES.

ARIZONA.

The report of the acting governor of Arizona estimates the present population at 70,000, which would indicate an increase of 10,000 over the figures shown a year ago by the census enumeration. This is accounted for by the fact that there has been quite an influx of settlers from Kansas, who have been attracted by the great agricultural advantages of the southern valleys of the territory.

According to the official tables the taxable property is valued at \$28,270,466.28 and the average rate of taxation for all purposes is \$3.28 on the \$100. The governor contends, however, that not over one-third of the property is assessed; that very little property except real estate is rated at over one-half of its actual value, and that in point of fact the taxable property is worth \$70,000,000. He deprecates this system of low valuation and high tax rates as misleading, and calculated to deter intending settlers and investors. The total territorial, county, and municipal debt amounts to \$3,400,002.77. The act of Congress of June, 1890, which was referred to in the last report, and which authorized the funding of this debt at 5 per cent in fifty-year bonds redeem-

able after twenty years, has not as yet resulted in the consummation of the refunding, but efforts are being made to complete it. Additional legislation by Congress may be necessary before the bonds can be placed.

Arizona contains immense areas of undeveloped land. There is here a great empire capable of unlimited possibilities when its vast resources, as yet practically untouched, shall be developed. The approximate quantity of public land, unsurveyed, exclusive of military and Indian reservations, subject to settlement under existing laws July 1, 1891, in the Gila district, which alone is larger than the State of Pennsylvania, is 20,221,775 acres.

LANDS AND PRODUCTS.

The arable lands of the territory are perhaps unexcelled for their depth and richness of soil and for the quality, variety, and quantity of products. Maricopa County is the most important agricultural district, and it has about 267 miles of irrigating canals in operation, which have reclaimed 250,000 acres of land. Other large irrigating enterprises are being rapidly prosecuted, and hundreds of thousands more acres will be soon opened to agriculture. Oranges, lemons, figs, raisins, and all the other fruits which are raised in southern California can be raised abundantly, and they mature at least a month earlier than in California. Wheat, corn, alfalfa, barley, peaches, apricots, grapes, limes, olives, and an endless variety of fruits attain great perfection in parts of the territory, and it is stated that no more favorable spot can be found upon the globe for the growth of citrus fruits than in Yuma county. The fig and pomegranate are indigenous to the soil. For ripening and mellowing wines the climate presents such conditions that the most exquisite flavor and bouquet are imparted. Cotton has been tried with satisfactory results. Wild hemp is indigenous to the country and grows to 15 and 17 feet. It seeds itself annually and covers a stretch of 100 square miles along the Colorado River. Ramie, sugar cane, sorghum, sugar beets, and peanuts yield abundantly. Vegetables, garden stuffs, and melons grow all the year round.

FORESTS.

The pine forests of northern and central Arizona cover an area of 1,750,000 acres, and there is an abundant supply of lumber sufficient for the consumption of a large population for a great number of years. Expensive transportation, however, renders the price too high for competition with outside markets. Ten thousand millions of feet is the estimate made as to the quantity of pine timber fit for sawing purposes.

It is urged that, as the future agricultural development of the territory depends largely upon an abundant and permanent supply of water from the mountains, and as the water supply depends in turn upon the proper preservation of the forests, such legislation should be framed as would forever preserve a suitable forest covering for the present timber-growing areas.

IRRIGATION.

As nearly all of the public lands of Arizona are properly called "arid," the question of their reclamation is one of intense importance to the territory. Plans have been proposed for the erection, at the expense of the general government, of reservoirs and canals for the purposes of irrigation, and it is urged that the very large outlay necessary for such work would be recompensed by the sale of these public lands. The governor contends, however, that a more legitimate and substantial encouragement to development would follow the ceding of these lands to the territory, followed by a loan from the government of sufficient money to the territory, upon 2 per cent bonds, to construct the works. This suggestion is submitted in connection with the general subject of the arid land and irrigation elsewhere discussed.

MINERALS.

The great mineral deposits of the mountains of Arizona have always furnished its greatest wealth-producing industry. Gold, silver, and copper yielded to the aggregate value of \$7,791,272 in the year ending June 30, 1891. Great activity prevails in mining and many new and extensive operations are being projected. During the past year valuable deposits of onyx of a superior quality have been discovered in Yavapai and Maricopa counties. There is an almost limitless quantity of red and gray sandstone of superior quality in the quarries of Arizona.

STOCK.

The climate and conditions for stock-raising are exceedingly favorable in Arizona, and it is estimated that 300,000 cattle and 2,000 horses have been shipped from the territory during the year.

RAILROADS.

Railroad mileage in the territory is 1,082 miles, of which 393 miles are operated by the Atlantic and Pacific and 383 miles by the Southern Pacific of Arizona. The former traverses an upland plain (Colorado Plateau) at an average elevation through Arizona of 5,000 feet, and the latter crosses the valleys and agricultural section of the southwest. The construction of north and south lines is very much needed in order to facilitate the interchange of products, and recent legislation has provided for twenty years exemption from taxation railroads built without subsidies and under certain conditions.

Congress created the customs district of Arizona by the act of April 29, 1890. It embraces about 450 miles of international border on the northern frontier of Mexico, with its chief port of entry at Nogales. The total value of imports to June 30, 1891, was \$3,194,209, and the total amount of duties collected was \$35,991.94.

The common-school system of the territory is firmly established and

well maintained by a carefully constructed code of laws. The school age is from 16 to 18, and all children, except those of Chinese and Indians not taxed, are entitled to admission and a free education. In round numbers, one-third of the children are at school. In 1890 there were 219 schools, employing 240 teachers. A patriotic custom of daily floating the stars and stripes over school houses has become almost universal, and the Nogales district, almost the extreme of the United States, claims the honor of having first made the privilege of raising the flag in the morning the highest reward of merit known to the school. The University of Arizona is a result of the appropriation of 72,000 acres of public lands by Congress in 1881, and of money in liberal sums subsequently. It has received altogether \$56,000 from the general government and \$59,245.89 from the territory. The university is located at Tucson. The buildings were nearly completed at the date of the governor's report, and it was proposed to have everything ready for students by September 30, 1891. There will be a school of mines and an agricultural experimental station in conjunction with this university.

Fewer complaints have been made on account of Indian crimes and depredations during the past year than for any like period in the history of the territory. A few Indian outlaws, estimated from eight to thirteen, still continue to evade the authorities by escaping across the Mexican border, and some concert of action with the Mexican military authorities is suggested for the purpose of their arrest or extermination.

As the impracticability of conceding the requests formerly made for the removal of the more warlike Apaches from Arizona is now recognized, the appeal is renewed that they be disarmed and prohibited the use and possession of rifles and fixed ammunition. It is contended that otherwise they will continue a constant menace to the peace of the territory.

STATEHOOD.

The question of admission to statehood of course continues to agitate the public mind, and under an act of the legislature a convention was recently held for the purpose of forming a state constitution. The principal contention was the question of the adoption of the Idaho "test oath" as applicable to Mormons. Much as it is to be deprecated it is still a fact that this question has been treated and considered from a political rather than a moral standpoint. The Democrats oppose the test oath and the Republicans favor it. It is claimed by independent thinkers, says the governor, that owing to the junction of Arizona with Utah it would be very easy to so colonize the territory with Mormons by either political party as to absolutely control the affairs of state, and it is true that they do now hold the balance of political power in Arizona.

The legislature has authorized a loan of \$30,000, subject to the approval of Congress, to be secured by 5 per cent 20-year territorial bonds,

with which to provide a proper exhibit of the resources of Arizona at the World's Columbian Exposition in 1893.

RECOMMENDATIONS BY THE GOVERNOR.

(1) That Arizona be admitted into the Union as a state upon the adoption of a proper constitution by the people.

(2) That all the public lands within Arizona be ceded to the territory or state.

(3) That all public lands within the territory be surveyed.

(4) That the sixteenth and thirty-sixth sections of the public lands (school lands) be made available to the territory at once, and that provision be made for the selection of good sections in lieu of bad.

(5) That all Apache Indians under military surveillance in the territory be disarmed and prohibited from the use and possession of rifled guns and fixed ammunition.

(6) That the mineral and coal lands on the San Carlos Reservation be segregated and opened for occupancy and development by white citizens, and that the money received from the sale of these lands (as other public lands are sold) be placed in trust for the use of the Indians.

The following recommendations made last year are renewed:

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

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

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

(10) That appropriations be had by Congress to pay the governors and secretaries of the territories the amounts allowed them by law under section 1845, Revised Statutes of the United States, 1878.

(11) That Congress appropriate a reasonable sum for artesian-well boring in this territory.

(12) It is also recommended that provision be made by Congress for loaning money to the state or territory at a low rate of interest and under proper regulations for the construction of reservoirs and the reclamation of the arid lands.

(13) Should further legislation by Congress be necessary to make effective the funding act of Arizona approved June 25, 1890, it is earnestly recommended that favorable action be had.

(14) That Congress approve and confirm without delay act No. 103 of the Sixteenth legislature of Arizona, approved March 19, 1891, entitled "An act to provide for the collection, arrangement, and display of the products of the Territory of Arizona at the World's Columbian Exposition of 1893."

Many of these are to be dealt with solely as political questions, but all are worthy earnest consideration by Congress.

NEW MEXICO.

The annual report of the governor treats first and as of primary importance the subject of land titles. The unsatisfactory condition of the titles of the Spanish and Mexican grants and the efforts of the people of the territory through many years to obtain relief by the establishment of a tribunal for the adjudication of the claims arising under these titles has prevented the settlement and improvement of lands and investment of the capital necessary to develop the natural resources of the country. The passage of the "Land-court bill" of March 3, 1891, has therefore been most gratefully hailed by the people.

It is now predicted that every fertile acre will be quickly cultivated, and that the best class of population will be attracted to the territory.

Several amendments are, however, earnestly solicited in order to make it entirely just to all classes of owners.

The "eleven league claims" in section 13 is said to be not only inequitable but in direct violation of private rights and treaty obligations. The provisions with regard to "small holdings" affect thousands, and are said to be vitally defective. Some detail of explanation is given, but the governor signifies his purpose to submit later a special communication covering fully the whole question. The questions have been already noticed in this report under the title of "Public Lands."

A constitutional convention was held in September, 1889, and the constitution formulated was submitted to a vote of the people on October 7, 1890, but it was defeated by a large majority. This is explained by the governor not to be the result of disinclination to assume the condition of statehood but because of party differences. The governor appeals for an enabling act under which a constitutional convention can be held next July, and urges that the population of 153,076 as compared with the smaller population of Idaho, Wyoming, and Nevada, together with the great reduction of illiteracy since 1880, strengthens the claim.

The progress in public education is one of the most notable features of the report. The late census indicates an increase of 283 per cent in the number of children enrolled in the public schools, and many new school houses are being erected. The agricultural college at Mesilla Park, Las Cruces, is in full operation. The university buildings at Albuquerque are just completed, and it is probable that a normal school will be opened therein during the coming winter. The laboratory building for the school of mines at Socorro is in course of erection, but will not be ready for use until the fall of 1892.

Particular stress is laid by the governor upon the unsettled eastern boundary line of New Mexico, which separates it from Texas and No Man's Land. This line is fixed at the one hundred and third meridian, but the exact location of that meridian has never been definitely settled. The consequence is that a considerable strip of land is claimed by both New Mexico and by Texas. It becomes a place of refuge for criminals and interferes with the administration of justice. It is recommended that an appropriation may be requested to fix and mark this line.

The proposition made one year ago to establish a national park on the Upper Pecos along its upper waters is again strongly urged. Dr. Duncan, president of the American Health Resort Association, who has recently visited New Mexico, says: "We believe it will be wise, especially from a health point of view, if the upper waters of many of the rivers, especially the Pecos, were set apart as a national park. A nota-

ble fact in this connection is that the percentage of deaths from pulmonary disease is lower than at any other point from which we have statistics."

IRRIGATION.

The system of redeeming the arid lands by irrigation is being vigorously continued. The estimate is made that it takes 1 cubic foot of water running day and night to irrigate 160 acres. The average cost per acre for water in San Juan County is about 75 cents. More than fifty companies have been organized for irrigation purposes and several are already in operation. The waters of the Pecos River, the Rio Grande, the Cimarron, the Vermigo, La Plata, and other rivers are being utilized.

AGRICULTURE AND HORTICULTURE.

During previous years large quantities of hay, corn, wheat, oats, etc., were imported. These imports have stimulated the people to home production, and in every locality the acreage of every staple product has been increased, and new ditches will still further increase the product next year. New fields of grain and grass appear in every direction. Three crops of alfalfa are harvested in the north and four in the south.

The advance is even more noticeable in horticulture. The fruits of the temperate zone arrive at perfection with a flavor that is unexcelled anywhere. The industry is new, but the product is rapidly increasing. Numerous orchards are being planted all over the territory, and it is estimated that 200,000 fruit trees were planted during the year.

The number of cattle returned for taxation in 1890 was 1,129,088, and owing to some severe losses during the winter the number has probably not increased during the year.

From January to August, 1891, 2,200 cattle were taken into the territory; and from March 15 to August 1, 59,000 were shipped, 10,283 were driven out, and 5,891 were slaughtered.

The mining industry has increased throughout the whole territory. The benefit of the tariff act upon the lead industry is plainly seen in all the camps where this ore can be found. The total mineral product of the territory for 1890 was almost exactly \$3,000,000. The production of silver has been stimulated also. Increased facilities and more extensive plants have been introduced and smelting is now being done extensively where formerly ores were shipped away to be reduced. The largest bed of gypsum in the world, containing more than all others known to exist, is in Doña Aña County. Many precious stones, such as rubies, amethysts, topazes, and lapis lazuli are found in the mountains and are already gaining a reputation among eastern lapidaries.

FORESTS AND LUMBER.

The extension of the Union Pacific Railroad into the Red River country and on the Maxwell grant brought into market about

200,000,000 feet of spruce and pine timber, and there are now seven mills in operation cutting about 3,000,000 feet per month. Besides the sawed lumber there are about 20,000,000 ties and other timber already within reach and the extension of roads will open up other large and valuable tracts. In other sections and upon other grants vast quantities were cut during the year. Twenty million feet were cut from the Tierra Amarilla grant.

There has been a revival of railroad building during the year and the present mileage in the territory now aggregates 1,445.45 miles.

The condition of the Indians is represented to be that of progress and prosperity. They are turning their attention to agriculture and sending their children to the schools. The children make rapid progress in the schools and many of them have shown marked ability. But a compulsory educational law is strongly recommended as the only solution of the Indian problem of the territory.

It is recommended that the Jicarilla Apache Agency be made independent with an agent of its own.

Some of the Indians wish to attend the World's Fair and make an exhibition of their own products.

The governor recommends that, for the moral effect of their presence, Fort Marcy should be reoccupied by at least two companies of troops unless the district composed of New Mexico and Arizona is to be re-established with headquarters at Santa Fé.

In closing the report the governor says:

The future of the territory is not only assured but the full fruition of its prosperity is near at hand. Already we are enjoying the first fruits of the new era of progress. We are producing far more and buying much less this year than last. With a little increase we will soon bring the balance of trade to our own side. No more propitious time for new citizens to take part in our manifest destiny can be imagined. The night of waiting is far spent; the day is at hand. And New Mexico welcomes all worthy men and women to join us in the pleasures and prosperity of that day.

UTAH.

The population of Utah, by the census of 1890, as corrected, is 207,905. From the governor's report for the year 1891, it appears that since the census enumeration was made, as shown by the assessors' returns for 1891, there are now 210,762 people in the territory, an increase over last year of 2,857. He suggests that the assessors' returns show that a number of precincts are missing, and he estimates the population to be about 215,000.

The immigration to the territory during the past year is about 2,000, and has come mainly from English and Scandinavian countries.

The increase in the value of property of cities and towns over 1890, as shown by the assessment rolls, is 15.7 per cent. The total assessed value of property, real and personal, was in 1890 \$104,758,750, and in

1891 \$121,146,648.37, showing an increased assessed valuation of \$16,387,898.37, or 15.65 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 June 30, 1890, amounted to 21,193,325 acres; during the year ending June 30, 1891, this was increased to 21,887,642.29 acres.

The governor again calls attention to the vast extent of unoccupied land, which amounts to nearly 31,000,000 acres, owned by the government.

Under the law of October, 1888, sites for reservoirs have been reserved, upon which water may be stored to be used for agricultural purposes. Of the total amount of arid government land situated in this territory only about 735,226 acres can now be irrigated. The amount which could be irrigated, if the necessary work is done to increase the water supply, is about 2,304,000 acres. The question of the irrigation of these lands, by means of a systematic and comprehensive plan of storing the surface water for use, is one of growing importance.

The Secretary has in the first part of this report dwelt upon this subject as one of national interest.

SCHOOL LANDS.

The total grant to the territory of school lands is 46,080 acres, but since the water supply available has been largely appropriated by settlers for use on their lands, 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 heretofore granted.

PUBLIC BUILDINGS.

The demand for a public building for federal offices at Salt Lake City is again urged for the protection of the public records.

The addition to the Utah penitentiary, provided for by Congress, has been completed, according to plans and specifications, at a cost of \$95,000.

The Deseret University since being opened has advanced rapidly in popular favor, and the attendance for the coming year will be the largest in its history.

On June 24, 1891, the building occupied by the Reform School was greatly damaged by fire, but is being rebuilt.

The Industrial Home and Agricultural College is mentioned favorably in the report, and appears to be in good condition.

INDIANS.

Referring to the Indians, it is reported that appropriations should be made for the temporary support of the Indians in Tooele County, who are anxious to own their land, and those in Garfield, San Juan, Sevier, Kane, and Iron counties. At the last session of Congress \$10,000 was appropriated for the relief of the Shebit Indians, in Washington County, Utah. The law provided that the money should be used for their temporary support and to enable them to become self-supporting. Similar appropriations, he suggests, should be made for the Indians of the counties above named.

Vigorous protest is made against the proposed removal of the Colorado Utes to Utah. The lands embraced within the limits of the proposed reservation, to which the Utes were to be removed in San Juan County, were withdrawn from entry on November 15, 1885. The governor urges that this withdrawal be revoked and the land again thrown open to settlement.

STOCK, MINING, AND OTHER INTERESTS.

The live-stock industry is shown to be in a prosperous condition. During the last year a corporation has been formed for the purpose of establishing stock yards and packing houses at Salt Lake City, and is now engaged in preparing the land purchased for use.

The yield of gold, silver, and lead during the last year has been larger than ever before. The increase over 1890 in pounds of unrefined lead is 6.33 per cent; in pounds of refined lead, 115.33 per cent.; ounces of silver, 14.10 per cent; ounces of gold, 35.53 per cent. Decrease in pounds of copper, 115.40 per cent. The increase in the production of salt in 1891 over that of 1890 is 78.44 per cent. It is estimated that the veins of asphalt found in Utah will, when fully developed, be sufficient to supply the asphalt for the paving of all the streets in every American city, and continue to do so for a long period of time to come. Vast beds of coal, iron, and other valuable minerals are awaiting development.

SCHOOLS.

Under the influence of the free-school law, which first went into operation two years ago, there has been a marked increase in the attendance of pupils, and a visible improvement in the methods and manner of teaching. In 1890 there were 94 schools under the management of religious denominations other than the Church of Jesus Christ of Latter-Day Saints; 7,807 pupils attended these schools. In 1891 there are 88 schools, attended by 6,904 pupils. This decrease in attendance is owing to the establishment of free nondenominational schools.

FINANCES.

The finances of the territory are shown to be in good condition. A bank statement from a number of banks, showing the condition of their

business June 30, 1891, as compared with the same date, 1890, shows a great increase in the capital employed and a slight decrease in the amount of deposits.

RAILROADS.

There are now 1,187.4 miles of railroad in the Territory. The Union Pacific lines alone carried about 1,929,695,766 pounds of freight during the year ending June 30, 1891, showing an increase of tonnage handled of 148 per cent.

POLITICAL.

At the election for Delegate to Congress, held November 4, 1890, the candidate of the People's party, or Mormon party, was elected over the candidate of the Liberal party, non-Mormon, by a majority of 9,411 votes. The successful candidate received 16,353 votes and the defeated candidate received 6,912 votes.

A municipal election was held in Ogden in February last, at which the Liberal party, non-Mormon, elected its candidate. Since that time an election has been held for the legislative assembly. Previous to the election the People's party (Mormon) had formally disbanded, and its members commenced to unite with the Republican and Democratic parties. It resulted in the election by the Democrats of a majority of the assembly.

On September 24, 1890, the president of the Church of Jesus Christ of Latter Day Saints declared that plural marriages were not encouraged nor solemnized by said church, and calling on members thereof to refrain from contracting any marriage forbidden by the law of the land. At the general conference of the church, held soon after the date of the president's letter, his action was indorsed, and again, on October 6, 1891, the general conference reaffirmed the action of the former conference. The Governor states that their action seems to be sincere and should be regarded as such, until there is good reason for thinking otherwise.

As an indication that the church is sincere in their recent efforts to prevent plural marriages, it is stated in the governor's report that the People's party, which has always been the Mormon party, has been formally disbanded, and that everything indicates that party lines between the two great national political parties, already organized, would be closely drawn were it not for the fear held by some members of the Liberal party, non-Mormon, that the Mormon Church and the People's party are not sincere in their recent efforts to abandon plural marriages, and have put forth those efforts for the purpose of formally showing their intention of submitting to the law of the land in order to induce statehood, when the church would again step forth and assume the administration of state affairs. He remarks that it would seem that this distrust of motives is unfounded.

The Utah Commission is commended by the governor, who states that in its sphere it has performed efficient work, and has been a valu-

able auxiliary to the work of other federal departments in Utah. It is the desire of the non-Mormons of Utah that the Commission shall be retained.

UTAH COMMISSION AND THE MORMONS.

After discussing the different elections that have taken place in Utah, the report of this Commission gives valuable tables showing the registered voters in the different portions of the territory and a summary of the votes cast at the different elections mentioned. The report then goes on to say that a new condition of political affairs has confronted the people of Utah; that the "People's Party" having officially been declared disbanded by its territorial committee, that committee announced that for the future an alliance would be sought with the two great national parties; but while this action was hailed by some as an end that had long been looked for, others deemed it but a ruse through which the leaders of the Mormon Church were seeking statehood, well knowing that their large majority would control the State when formed. The Commission discusses this matter extensively, leaning strongly in its conclusions against the sincerity of the Mormon Church in its declarations as to polygamy and the honesty of its purpose in making these political connections. The governor of the territory, in his report, as may be seen, does not concur in these opinions.

The Commission states that the church has through the "People's party" strenuously opposed every effort made, whether by laws of Congress, the action of the courts, or of the Utah Commission, to put down polygamy; that it has appealed to the courts, generally going to the court of last resort, upon every question that could be raised to sustain its assumption that it was justified in obeying the alleged will of God expressed through daily revelation vouchsafed only to themselves, as against the revealed will of the nation, expressed through its laws; that it has denounced the Commission through all the years that it has been administering the laws directed against polygamy, and kept a united force constantly standing and ready to oppose every effort to compel its submission to the laws of the land; and the Commission expresses the opinion that it will do no harm to Utah or to the nation to wait a while and see what this sudden conversion will bring about.

The Commission defends its report of 1890, wherein it is stated that—

The Commission is in receipt of reports from its registration officers which enumerate 41 persons who, it is believed, have entered into the polygamic relations in their several precincts since the June revision of 1889.

This is the report assailed in the manifesto of President Woodruff.

The Commission restates the fact that three additional cases were reported a few days after the report was formulated which should be included in it, and adds that, notwithstanding the manifesto, "reports have been received by the Commission of eighteen male persons, who, with an equal number of females, are believed to have entered into

polygamous marriages during the year." The names of the officers reporting the cases are withheld for fear that they would be persecuted if it became known. The number of cases that have come under the cognizance of the courts since September 1, 1890, involving the offenses defined in the acts concerning polygamy and other kindred crimes, is as follows: Indictments found, 188; convictions, 109; acquittals and dismissal, 107; awaiting action, 41. The number of cases reported from the United States Commissioners for the same period of time is as follows: Indictments found, 426; held to bail, 308; discharged, 118.

Jacob Johnson, of Spring City, also reports that he has pending now in his court 23 cases, as follows: Unlawful cohabitation, 18; polygamy, 1; adultery, 4.

Such facts the Commission asserts compel the conclusion that polygamy is not yet "a dead issue." Nevertheless, the declaration of the church is accepted as a progressive step, and the Commission expresses the hope that "time may bring from it fruit which will gladden the heart of the nation."

The Commission recommends that the protection and fostering hand of the government be not withdrawn, and is most emphatic in expressing its opinion that it would not at this time be safe to intrust to this people the responsibilities and duties of statehood, as they so much desire.

MINORITY REPORT.

The minority report of John A. McClernand recommends that the frequent and varying intervals of elections should be remedied, not only for the sake of convenience and economy, but to avoid cheapening suffrage by its too frequent use. This commissioner states that according to what seem to be trustworthy reports, registrars have denied registration to eligible persons, or have stricken the names of such persons from the registry, simply upon the ground that they had, at a former time, contracted plural marriages, and must therefore unavoidably continue to be polygamous until death, pardon, or amnesty comes to relieve them. He hopes that an adequate and effective remedy may be found for these alleged abuses.

This Commissioner also proposes that the Commission shall be authorized to issue instructions that shall be binding on the registrars, and that election judges shall, exclusively, be authorized to deal with all objections or challenges to the right of persons to be registered or to vote; or that an intermediate tribunal between the election judges and the registrars shall be established with exclusive jurisdiction for that purpose, and that any willful act of the registrar improperly hindering, or any neglect of duty by him delaying the lawful effectuation of the right to be registered or to vote, or any willful or unauthorized act committed or omitted by him in his capacity as registrar, shall, in any such case, be deemed a punishable offense.

This Commissioner also reports as follows:

The legislative assembly of the Territory, at its session in 1890, resolved that it was "in favor of a just, humane, and impartial enforcement of the laws" against sexual offenses "in the same manner that other criminal laws are enforced under the Constitution and laws of our country to the end that such offense may be effectually prevented." At the same session the assembly passed a law "regulating marriages," elaborately devised and bristling with penalties against any inroad by polygamy.

The official evidence of the decrease of plural marriages since the 1st day of September, 1890, comes through the district judges in the Territory.

Justice Blackburn reports that there has been but one conviction had in that time for polygamy in the district court held at the city of Provo.

Justice Miner reports only one such conviction had in the district court in the city of Ogden.

Justice Zane reports one conviction had for polygamy in the district court held at Salt Lake City, and that conviction was not of a Mormon.

Justice Anderson reports one conviction had for that offense in the district court held at Beaver City.

SEMI-ANNUAL CONFERENCE OF LATTER-DAY SAINTS.

Since the publication in the newspapers of the report of the Commission there have been very strong expressions made by the elders of the Mormon Church at the semiannual conference held at Salt Lake City, Utah. There were many speakers who addressed this assembly, which resulted in the passage of a preamble and resolutions, a copy whereof is annexed to this report (Appendix H), the substance of which is that the Church of Jesus Christ of Latter-Day Saints in general deny that the church dominates its members in political matters, or that the church and state are united; and that their fealty henceforth will be to such national political party as seems to them best suited for the purposes of republican government; that they do not believe there have been any polygamous marriages solemnized among the Latter-Day Saints during the period named by the Utah Commission; that they believe that the manifesto of President Woodruff adopted at the last October conference forbidding plural marriages has been carried out in letter and spirit.

There was also a declaration received and indorsed, signed by Wilford Woodruff, George Q. Cannon, and Joseph F. Smith, constituting the first presidency of the church, which was read by Hon. John T. Caine, repeating in the most solemn manner the declaration made by President Woodruff at the general conference held in October last, that there have been no plural marriages solemnized during the period named.

STATEHOOD.

There is no such claim for statehood found in any of these papers, or probably existing, as needs in the judgment of the Secretary a favorable recommendation to Congress.

It is a period of very decided and important change, not only in the religious belief, as proclaimed, of a very large part of the population of

Utah, but also of new political affiliations, and apparently of more or less passion and tumult. It would seem best to delay national action. The territory is progressing most favorably in material wealth and social elevation. It is prospering under its present conditions, and no doubt the time will come when it may be admitted into the Union with pride and safety; but it is believed that that time is not now at hand.

OKLAHOMA.

The first annual report of the governor of the new territory of Oklahoma presents some interesting facts.

In May, 1890, the population was found to be, exclusive of Greer County, 60,417, of which 57,117 were whites, 3,289 colored, and 11 Chinese. The governor estimates the population now to be 80,000.

An election was held on August 5, 1890, and on August 27, 1890, the first legislative assembly of the territory met for a session of 120 days at Guthrie, and a very fair code of laws was enacted.

When the governor arrived in the territory, thirteen months after it was opened to settlement, prosperous little cities and towns had been built, and every quarter section of land opened to settlement was occupied. The dry weather of 1890 was, however, very disastrous to the growing crops, and the resources of the people were almost exhausted; but relief came through Congressional aid and from the several railroads extending through the Territory. The Atchison, Topeka and Santa Fé and the Chicago and Rock Island railroads furnished seed wheat along their lines to the settlers at actual cost, free transportation, and to be paid for, without interest, out of the crop of this year. The wheat sown yielded from 20 to 30 bushels to the acre.

Corn, cotton, and other crops have yielded bountifully, and the country is admirably adapted for raising fruit and berries. The agricultural statistics show that during the current year there have been under cultivation in wheat about 28,000 acres; corn, 85,675 acres; cotton, 30,686 acres; oats, 7,770 acres; Hungarian grass and millet, 5,125 acres; sorghum, 14,930 acres; potatoes, 2,000 acres; rye, 1,317 acres. Besides these there were cultivated castor beans, tobacco, flax, buckwheat, peanuts, etc. Several hundred thousand fruit trees and vines have been planted, and many acres are already set out in berries.

From February, 1890, to February, 1891, the value of the wool marketed was \$24,259 and the value of the animals fattened and sold was \$51,237.

Stock-raising is not engaged in to any extent except in Beaver County (formerly No Man's Land), which seems as yet to be too far beyond the rain belt to be relied upon for agricultural purposes.

But little attention has been given to the development of mining, although some fine specimens of lead and silver ore have been found; also coal, coal-oil, asphaltum, and mineral paint of a superior quality.

While Oklahoma is not classed as a timber region, yet, if properly protected, there will be abundant supply for years to come of walnut, oak, pecan, and hickory, and a large variety of timber.

Under authority of the act of March 3, 1891, and under the direction of the Secretary of the Interior, the governor has leased 584 out of the 656 quarter sections of school lands in six counties outside of Beaver for three years, for an aggregate of \$52,206.67.

The act of May 2, 1890, appropriated \$50,000 to be used in temporary support and aid of common-school education in the territory, as soon as a system of public schools should be established by the legislative assembly. Of this sum about \$38,000 has been expended for the salaries of teachers and for school supplies, but none of it was used for building schoolhouses nor for any other purpose. The balance of about \$12,000 will go to teachers in districts where they had no schools at first, or did not have full terms. There are 400 school districts organized, with 9,893 pupils enrolled and 438 teachers employed. Sixty-five schoolhouses were built during the year ending June 30, 1891, at a cost of \$8,143.35.

Opening of the Cherokee Outlet is strongly recommended. It is urged also that before any other lands are thrown open to settlement the town sites should be carefully selected, surveyed, platted, and published. He states that in the mad rush made for lots, at these openings of town sites, many intending settlers are deterred and debarred by those who go purely for speculative purposes. He thinks provision should be made to prohibit going into reservations at the opening to settlement other than on foot, to avoid the danger incident to riding on horseback or in vehicles, and suggests that if the lots were sold, even at a low valuation, those who really intend to settle, for business or for home, may thus buy their property at a reasonable price, and those who go for speculative purposes may take their chances. The funds arising from such sales could be used for the improvements of streets and digging town wells, and the balance go to the school fund.

The governor says that the refusal of a great many Indians among the Cheyennes and Arapahoes to take their allotments of land has caused much delay and that the appropriation for making these allotments is practically exhausted; and great hardships will be inflicted upon many hundreds of settlers, who are hovering around the borders waiting for homes, unless arrangement is made to open these lands in the spring. If they are unable to raise a crop next year it will mean destitution, hardship, sickness, and death to many of them, as they have come from the North, East, and South, broken up their homes, and in many instances would be unable to return if they so desired. The Indians now want their allotments and the situation is represented as an emergency demanding the prompt action of Congress, in order to give relief to the settlers and to provide new homes for the Indians.

ALASKA.

The report of the governor of Alaska presents some interesting facts and recommendations about that vast and as yet undeveloped territory.

With an area of 580,000 square miles, nearly one-sixth of the whole territory of the United States, it embraces numerous lofty mountain chains and valleys, extensive plains, and dense forests. The forests abound in timber, of which the value is yet unknown. Besides the mainland there are 1,100 islands, varying in size from a few acres to hundreds of square miles in area. Among these islands, and extending far into the mainland, are numerous deep-sea channels and immense rivers, which serve as the highways of travel and commerce, and without which communication with a large part of the territory would be almost impossible.

In any estimate of the future development and progress of the territory, the climate must be taken into consideration.

The snow-capped mountains and glaciers, the extensive seacoast, the warm ocean currents, and the broad plains of the northland contribute to the wide diversity of climate which exists. The interior exhibits extremes of heat and cold, with long winters and short summers, and has a dry atmosphere through all seasons. Along the coast lines however, and among the group of islands, a wide range of climate is found, from the mild and equable conditions imparted to portions of the coast by the Japanese current, to the severe Arctic blasts of the higher latitudes beyond the Yukon River, where in winter the mercury ranges from 50 to 70 degrees below zero.

The population is about 33,000, the census enumeration being necessarily inaccurate by reason of the desertion of the villages for the hunting and fishing grounds during the summer time. The white population is nearly one-half foreign born. The native Indians are more settled, reliable, and intelligent than the Indians of the plains. They live in fixed abodes and are independent and self-sustaining. They have made great strides towards American civilization, and their progress may be facilitated by the continued liberal aid of the government in the matter of education and in the protection of their legal rights.

LEGAL STATUS OF INHABITANTS.

The governor earnestly discusses the imperative necessity for the adoption by the government, through legislation, of some fixed and definite policy as to the true legal status of the native Alaskans, and the determination of the question, freed from the conflict of authority of judicial decisions, whether they continue to sustain their tribal relation with a divided fealty, or whether they are subject, as individuals, to the jurisdiction and laws of the United States alone. The treaty which adds Alaska to the United States is referred to as evidence of

the guaranty of citizenship to all, except the uncivilized tribes who should not return to Russia within three years. It is shown that the Russian government construed that all who joined the Russian church became citizens of Russia. It is urged that the complications which have arisen call earnestly for a positive definition of the legal status.

There is very little taxable property in Alaska. None of its products, except what are consumed in living, are retained within its border. Its annual exports exceed the imports by nearly \$7,000,000. Its manufacturing and producing business is carried on with foreign capital, and with imported laborers who leave the country when the season is over. Its carrying trade is done in foreign ships. No internal improvements are constructed and nothing is left in the country that can be carried away.

The Pacific Coast Steamship Company controls largely the carrying business of southeastern Alaska. Some of the items of export were 688,332 cases of salmon, worth \$2,752,328; 231,282 pounds of whalebone, valued at \$1,503,333; 21,596 fur seals taken under lease (estimated), \$1,000,000.

FISH.

Salmon fishing is by far the largest industry, and the exported product since 1882 has amounted to the value of over ten millions of dollars in canned goods, besides a large trade in salted fish, which amounted in 1890 to 7,300 barrels. This industry gives employment to about 5,500 men and requires 100 steam vessels and 500 fishing boats. Cod fishing is also an important industry. Since 1865 the value of this export has been \$12,861,650. Herring fishing is carried on by the Alaska Oil and Guano Company for the manufacture of their products, which amounted in 1890 to 157,000 gallons of oil and 700 tons of guano.

SEALS.

The North American Commercial Company has succeeded to the lease formerly held upon these islands by the Alaska Commercial Company. The number of seals taken by the former company in 1890 was only 21,596, or considerably less than one-fourth of the average of the eighteen years preceding. This falling off is accounted for in three ways: First, by diminution in the number of seals visiting the islands through indiscriminate slaughter of females in the open sea, and from other causes; second, the seals came later than usual and the killing was stopped earlier than usual, on July 20 instead of August 1; third, during the last two years of the Alaska Company's lease the difficulty of procuring the number allowed then induced the killing of younger animals than formerly. Attention is called to the danger to which this most valuable industry and fruitful source of national income is exposed by the illegitimate and indiscriminate slaughter of seals, female and the young as well as bulls of proper age, in the open sea.

MINERALS.

The governor states that the estimate of \$1,000,000, as the value of the product of gold and silver is probably less than the actual amount. Many discoveries of rich ore and placer deposits have been made within the year. There are in Alaska fifteen plants having mills for crushing ore and having the equipment for securing free gold and obtaining the sulphurets in a compact form for shipment.

Placer and hydraulic mining are being conducted on a more extensive scale and with promise of better results than heretofore. Coal, copper, cinnabar, iron, marble, granite, and nephrite are also abundant, but are not being largely developed as yet.

LANDS AND TIMBER.

Titles to land were withheld until the law of March 3, 1891, and the governor reports that as yet no lands had been taken under that law. Dense forests and an abundance of timber are found in Alaska except in the mountain ranges above 1,500 feet, in the low country bordering on the Bering Sea and Arctic Ocean, and in the western part of the peninsula and Aleutian Islands. Spruce, hemlock, cedar, birch, and poplar are the principal growths. The lumber business is much harassed by the unfortunate condition of land titles. The depredations reported during the year 1890 amounted to over 10,000,000 feet, worth \$250,340. There are thirteen mills for the manufacture of lumber, but those who have attempted to supply the demand for lumber from the territory are now involved in suits for these timber depredations.

Reports from various sections of the country, where different conditions are known to exist, lead to the conclusion that the agricultural and stock-raising facilities of the territory are not unimportant, but the conditions of soil and climate are such that development must be slow. Berries and garden vegetables are grown in great abundance in some sections. The Kadiak district is said to be adapted to stock-raising. The winters are mild and the grass grows to a great height and furnishes pasture sufficient to fatten the cattle and sheep all the year round.

SCHOOLS.

The management of the schools has been transferred from the territory to a general agent, who, with his assistant, is connected with the Bureau of Education at Washington. The agent makes an annual cruise, visiting the available points. There are in all seventeen government day schools, an increase of four over the previous year, besides which school contracts have been made with several of the mission schools. The teachers employed have done their work conscientiously and well. The want of a compulsory-attendance law is said, however, to be severely felt.

The governor thinks that the best educational work has been done

by the missions and churches. Two industrial training schools are reported to be doing excellent work. It is urged that the management of the schools should be local, and that a year of experiment, with the management 4,000 miles away, confirms this opinion. He recommends a territorial board of public instruction, or some similar local organization, to be appointed by the Secretary of the Interior and to be under the direction of the Commissioner of Education.

PUBLIC BUILDINGS.

A detailed statement of the public buildings is given. Most of these belong to the time of the old Russian regime. It is submitted that a universal sentiment appeals for the rehabilitation of the old Russian governor's residence at Sitka, and its preservation as a relic of the past; at the same time it should be made useful for official residences or other government purposes. It is now used as a court-house and a residence for the Commissioner. It is further recommended that the government wharf at Sitka should either be opened to free use, or that such reduction should be made in the fees for wharfage as would yield simply a sufficient sum to keep the wharf in repair. The settlements in Alaska are mostly upon the shores, and travel and transportation are almost entirely by the use of water craft of some kind. No railways have been built, and there are no wagon roads of importance.

MAIL FACILITIES.

There are only eighteen post-offices reported as yet in the whole Territory, and until recently the Alaska Commercial Company served the public as mail carriers without compensation. In 1890 their Unalaska office delivered 2,200 packages of mail to individuals, besides many unbroken packages to vessels and also received and mailed 3,000 packages at San Francisco. Other companies and all vessels coming from San Francisco carried and delivered mails. The official order of the Post-Office Department, on May 18, 1891, authorizing a contract for mail service monthly, from April 1 to October 31, in each year, until June 30, 1894, on route 78,099, Sitka by Yakutat, Nutchek, Kadiak, Unga, Humboldt Harbor, and Belkofsky, to Unalaska, has been received with much rejoicing by the people.

COURTS.

The courts of Alaska consist of the United States district court and four commissioner's courts. A large proportion of the criminal business of these courts grows out of the importation and sale of intoxicating liquors. The governor, collector of customs, and United States district attorney are all charged with certain duties looking to the control of this traffic, but the condition of the country, the want of proper transportation facilities, the insufficient executive equipment of

the local courts, the expense of transporting court officers and jurors, the inflexibility of the laws applicable to the territory, the absence of sufficient police supervision, and numerous other causes tend to negative the efficiency of the powers conferred upon these officials.

Some valuable suggestions are submitted by the governor, by the district attorney, and by Judge John S. Bugbee, of the United States district court, recommending certain amendments and modifications of the laws now governing the territory. In concluding his report the governor submits suggestions as to the revision of these laws; also that provision be made for the incorporation of municipalities and for holding elections; for government hospitals for treatment of natives afflicted with chronic and hereditary diseases, and for insane persons and paupers; for better transportation facilities to be used by the government in the performance of official duty; for the establishment of agricultural experiment stations, and the expedition of the coast surveys; for an increase of commissioners, deputy marshals, and justices of the peace, and of jails and lockups; for the definition by legal enactment of the exact legal and political status of the native population.

In these recommendations the Secretary most heartily concurs and requests that the attention of Congress be directed to the necessity of some efficient system of trial and punishment of offenders against the laws regulating the liquor traffic in particular. The evils are very great and the enforcement of such laws as exist is almost impossible.

HOWARD UNIVERSITY.

By act of March 3, 1891, this university is required to report how the appropriation is expended.

The appropriation of \$25,800 made in sundry civil act, August 30, 1890, was expended as follows:

For part of salaries of officers, professors, teachers, etc., balance paid from donations and other sources, \$20,300.

The appropriation for repairs of buildings was used as follows:

Repairs to heating apparatus, lumber, paints, oils, etc., plumbing, wages of mechanics and laborers, total amount, \$2,400.

In addition to this there was expended from other funds of the university, for repairs of buildings, \$3,392.95.

The appropriation of \$500 for chemical apparatus was expended by the professor of chemistry, under the direction of the president of the university, in the purchase of apparatus for the use of that department, after due advertisement in the Washington papers for proposals.

There was expended for improvement of grounds of the university (principally in grading) the sum of \$1,439.84, of which \$1,000 was paid by the United States.

The appropriation for the industrial department was expended for fuel, equipment for bookbinding, supplies for bookbinding, printing

press and type, hardware, lumber, other supplies (sewing and drawing) instructions, janitor, and fireman, total \$4,000.

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

The pupils remaining in this institution on the 1st of July, 1890, numbered 81; admitted during the year, 29; since admitted, 23; total, 133. Under instruction since July 1, 1890: Males, 92; females, 41. Of these, 66 have been in the collegiate department, representing twenty-four States and Canada, and 67 in the primary department.

There have been, since July 1, 1890, 23 blind persons as beneficiaries of the United States in the Maryland Institution for the Blind, at Baltimore.

There have been 15 feeble-minded children belonging to the District in the Pennsylvania institutions at Elwyn.

The provision made by Congress for the care and training of this latter class of persons is insufficient, and the importance of enlarged appropriations is earnestly urged upon the attention of Congress. At least \$5,000 should be appropriated next year for this object. This is cheerfully recommended to your favorable consideration.

The general health of the pupils has been good during the year.

The receipts and expenditures for the year under review will appear from the following detailed statements:

SUPPORT OF THE INSTITUTION.

Receipts	\$64, 735. 84
Expenditures	63, 149. 58
Balance	1, 586. 26

Congress at its last session added to the usual amount provided for current expenses the sum of \$3,000 for the expense of instructors of articulation. This addition to the resources of the institution was intended to enable the directors to offer instruction in speech and lip-reading to the students of the college, but the amount appropriated was not sufficient to provide fully for the teaching of so large a number.

The appropriation can, however, be supplemented by a small fund at the disposal of the directors, and they have therefore made arrangements which they believe will secure the great boon of oral instruction to all the students of the college, at least for the current year.

Prof. Gordon, of the faculty, who was a well-trained teacher of speech to the deaf for several years before coming to Washington, has been placed in charge of the department of articulation, and other teachers have been assigned to his assistance.

The following estimates for the fiscal year ending June 30, 1893, have already been submitted: For the support of the institution, including

salaries and incidental expenses, for books and illustrative apparatus, and for general repairs and improvements, \$61,000; for special repairs and improvements \$6,000, divided as follows: For the proper inclosure, care, and improvement of the grounds of the institution, \$3,000; for repairs of buildings, including repairs of heating apparatus, plumbing, and sewerage; \$3,000.

The estimate for current expenses is the same in amount as the appropriation for the present year.

In the sundry civil bill of March 2, 1889, it was enacted:

That one-half of all expenses attending the instruction of deaf and dumb persons admitted to said institution from the District of Columbia, under section 4864 of the Revised Statutes, shall be paid from the revenues of the District of Columbia, and one-half out of the Treasury of the United States, and hereafter estimates for such expenses shall each year be submitted in the regular estimates for the expenses of the government of the District of Columbia.

For two years separate estimates for the expenses of beneficiaries of the District of Columbia have been submitted, and the sum of \$10,500 has been appropriated each year for such expenses. But to show exactly what part of the fuel, gas, provisions, wages, salaries, etc., paid for in carrying on the institution has been for the benefit of the pupils from the District is extremely difficult, not to say impossible. And still more difficult is it to furnish separate vouchers for these articles and services.

In point of fact it has been found impracticable to account separately at the Treasury for these expenditures, which, in the aggregate, are accounted for without difficulty. It is therefore recommended by President Gallaudet that hereafter the whole amount for current expenses be appropriated in the sundry civil bill, and that a proviso be added requiring the president of the institution to report to the accounting officers of the Treasury Department at the end of each fiscal year the cost of educating the beneficiaries from the District, as nearly as this can be ascertained. The proper proportion can then be charged to the District treasury.

The second estimate is to provide for repairs and improvements, the need for which has been growing more and more urgent for several years, some of these having now become matters of pressing necessity.

No special appropriation for repairs has been made for a number of years, and it has been necessary to leave many things in a condition far from creditable. These are enumerated in the report of the president.

The second item in the estimate for repairs and improvements will certainly be not more than enough to provide for exterior and interior painting, pointing up and cleaning stone and brickwork, repair of heating apparatus, plumbing and sewerage. In many portions of the building there is the prospect of actual damage and loss if the repairs indicated are not speedily made.

The management sustained a severe loss in July last through the death of Robert C. Fox, LL. D., for ten years secretary of the board of directors and auditor of accounts.

MARYLAND SCHOOL FOR THE BLIND.

The number of pupils from the District of Columbia (admitted through this Department) remaining in the school at the end of the last year was 21; during the year 3 were admitted and 3 discharged or withdrawn, leaving 21 under instruction at the close of the year; of this number 5 are colored.

The list of studies embraces those usually taught in the elementary schools. Instruction is given also in music (vocal and instrumental), piano tuning, mattress and broom making, and chair caning. The superintendent of the institution reports that the progress made by the District pupils during the year was quite satisfactory.

EDUCATION OF FEEBLE-MINDED CHILDREN.

At the close of the last fiscal year (1890) 10 children from the District of Columbia were receiving education and support in the Pennsylvania School for Feeble-Minded Children; 6 were admitted and 1 discharged during the year, leaving 15 at the end of the year.

The president of the Columbian Institution for the Deaf and Dumb, upon whose certificate, as provided in the act of June 16, 1880, the Department authorizes admission to the benefits of the act, states in a report of a recent visit to the school that he made a careful inspection of the mental condition and the progress in education made by the Government beneficiaries now in the school; that he found them well cared for, and the institution a model of enlightened and humane management. Four of the District pupils have shown such satisfactory improvement that they are now able to perform useful labor, in consideration of which the superintendent of the school is willing to reduce the charge for their education. With this reduction, and upon the withdrawal of two of the Government beneficiaries who are found to be incapable of mental improvement, it will be possible for the Department to comply with requests for the admission of four worthy applicants, which have been necessarily refused owing to the inadequacy of the appropriation to provide for them.

WASHINGTON HOSPITAL FOR FOUNDLINGS.

Sixty-five children were received into this institution during the year. Twelve were withdrawn by adoption and placed in comfortable homes. The number remaining in the hospital June 30, 1891, was 34.

The receipts for the year were as follows:

United States appropriation	\$7,000.00
Entertainments	763.10
Dues and contributions	675.25
Miss E. P. Martin (legacy).....	500.00
Endowment fund	241.20
C. B. Bailey	3.00
Total	9,182.55

The expenditures amounted to \$8,575.34.

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, 1890	24	10	34	89	109	198	232
Admitted	392	92	484	802	879	1,681	2,165
Born	3	4	7	99	102	201	208
Total	395	96	491	901	981	1,882	2,373
Total in hospital	419	106	525	990	1,090	2,080	2,605
Discharged	371	90	461	759	884	1,643	2,104
Died	24	8	32	140	98	238	270
Stillborn	1		1	12	10	22	23
Total	369	98	467	911	992	1,903	2,397
Remaining June 30, 1891	23	8	31	79	98	177	208

The whole number of patients treated in the hospital was 2,605; of this number 2,080 were colored and 525 white; the colored males numbered 990; colored females, 1,090; white males, 419; white females, 106.

There were 307 surgical operations performed. In the dispensary 3,904 patients were treated. Upon the recommendation of the Commissioner of Pensions 106 ex-soldiers were admitted and treated.

The report is accompanied by tables giving a comprehensive statement as to patients, diseases treated, causes of death, nativity, occupation, etc. More than one-third (95) of the deaths for the year occurred within ten days after entering the hospital, and nearly one-third (89) were from consumption, and all of these but 10 were of colored patients.

Upon the recommendation of the Board of Managers of the National Soldiers' Homes, 5 ex-soldiers who were awaiting transportation were cared for. The hospital received from the Board \$25.20 as compensation.

The sanitary condition of the hospital has been good.

The building for the accommodation of cases with contagious diseases is nearly completed, and 2 additional nurses to attend this class of cases will be required.

The surgeon in charge recommends Congress should be asked to

make appropriations for the erection of new hospital buildings of brick. New ward buildings are badly needed, and provision should be made for the erection at least of a two and one-half story female ward. He requests that the purchase by the government of the present buildings and grounds be brought to the attention of Congress, and also the necessity for increase in the salaries of hospital employes. A number of the female nurses receive only \$10 per month, two \$11, and some of the male nurses \$12 and \$16.

The following paragraph from the report of Dr. Purvis, the surgeon in charge is quoted with pleasure:

The religious services have been conducted by the theological students of Howard University, by the Society of St. Vincent de Paul, a Catholic society, and by the members of the Protestant Episcopal Church. In addition, ministers from the city make frequent visits to the sick. Rev. Father William J. Hooman, of St. Augustine's, and Rev. Edward Marshall Mott, of Rock Creek Church, are regular in attendance. Mrs. Ada Spurgeon continues her missionary labors among the sick; the management feels in debt to her for the valuable services she has rendered.

GOVERNMENT HOSPITAL FOR INSANE.

This important institution is well conducted and is expanding rapidly to meet the yearly increased demands upon it. The superintendent's valuable report furnishes the following statements and suggestions for the treatment of those unfortunates requiring its care:

Summary of inmates.

	Males.	Females.	Total.
Remaining June 30, 1890.....	1,155	350	1,505
Admitted during the year ending June 30, 1891.....	271	81	352
Whole number under treatment.....	1,426	431	1,857
Discharged:			
Recovered.....	36	30	66
Improved.....	38	15	53
Unimproved.....	1	1	2
Died.....	98	30	128
Total discharged and died.....	173	76	249
Remaining June 30, 1891.....	1,253	355	1,608

The number of admissions, 352, exceeds that of any other year since the war.

There were 128 deaths, which is about 8½ per cent of the average number resident, and less than 7 per cent on the whole number under treatment. This is a low mortality, in view particularly of the advanced age of so large a proportion of our inmates.

The number under treatment June 30, 1891, 1,608, is more than 100 in excess of the number remaining June 30, 1890, 1,505, which, in its turn, was more than 100 greater than the number remaining June 30, 1889, viz, 1,397. An annual gain of more than 100 insane persons may therefore be expected, and large additional accommodations must be

built to provide for this increase. This unexpectedly large accession is mainly due to the number who have been received from the different branches of the National Home for Disabled Volunteer Soldiers, no less than 113 of whom, with their added burden of years and infirmities, have come to us during the year.

Howard Hall and the addition completing it, now building, make satisfactory provision for the care and custody of the criminal and dangerous classes of the male patients. There are 120 single rooms designed as lodging rooms for its inmates; and, entirely distinct from the rest of the hospital, are dining room, work rooms, amusement room, smoking room. An outdoor court of more than a fourth of an acre, and frequented by the patients, is inclosed within the building's walls.

The Toner building is designed for the care of the acutely sick, feeble, and paralytic cases among the male patients. It has one hundred beds and insures absence of all unpleasant suggestions from the wards of the active and violent insane. There is here a resident physician, a day and night service of nurses, and a distinct kitchen where the special diet for the sick is prepared.

Atkins Hall has open doors and windows unbarred, and offers quarters for workmen among our inmates, who have made it a home. This building, one of the earliest instances of the distinct provision for a class here, has barely accommodation for fifty beds, while there are not less than two hundred more who would labor as contentedly as these under surroundings favoring their employment. The last Congress, by an appropriation of \$20,000 for the purchase of additional land for farming purposes, has in a measure assured a location for such persons.

With this, a tract containing between 400 and 500 acres of arable land has been secured for the hospital. It is a farm susceptible of varied culture, about 3 miles distant from the hospital. It is beautifully situated, lying on and overlooking the Potomac River, commanding views of both Alexandria and Washington, with long reaches of the river beyond.

Separate provision is this year asked for those whose insanity is associated with epilepsy.

The estimated value of the products of the land now cultivated is \$39,598.74.

ESTIMATES FOR THE FISCAL YEAR ENDING JUNE 30, 1893.

For current expenses	\$363,000
For general repairs and improvements	20,000
For additional accommodations, viz, distinct pavilions for 150 of the epileptic insane, including furnishing and heating	63,250
For special improvements, viz:	
Rebuilding machine shop	6,372
Electric plant for lighting and ventilating	22,500
Inclosing new farm and refitting buildings on same	7,360
For deficiency in support for the fiscal year ending June 30, 1892	22,000

The estimate is based on a probable average number of 1,650 at a per capita annual cost of \$220. Congress for many years has divided the appropriation between the sundry civil bill and the District bill. Following the ratio of former years based on the increase in numbers of the District patients during the past year the amount to be appropriated in the District bill will be \$94,700, leaving \$268,300 to be provided in the sundry civil bill. Of the latter amount it is desired that not exceeding \$1,500 may be used for defraying the expense of returning patients to their friends.

The cracks in the walls of the machine shop, built in 1856 and in constant use since, are steadily widening, and the building will now have to be condemned and taken down, whether rebuilt or not. It is imperatively necessary that the hospital shall have the almost daily use of saw, lathe, and planer, and the sum of \$6,375 is asked to rebuild the shop on an enlarged plan and a firm foundation.

To introduce an electric plant for lighting and ventilating the hospital, \$22,500. The gas plant was built many years ago, when the hospital area was less than one-half its present extent, and if this system of lighting is continued the works and mains, long since outgrown, will require to be wholly renewed at an expense not varying much from that necessary to provide a system of electric lighting.

The sum of \$7,360 is asked for necessary changes to put the new land in condition for working and occupation.

DEFICIENCY.

The estimate for current expenses for the year 1892, which under the law the superintendent was required to make on or before September 1, 1890, was based on an estimated average of 1,475 indigent persons under care and treatment, an estimate which time has shown was entirely too small, the increase in the number of inmates being unusual; for the past two years at the rate of more than 100 annually. On first day of the year for which the appropriation was made there were more than 100 inmates in excess of the estimated number, and the average number of indigent patients for the year can hardly fail to be considerably in excess of this. Coupled with this excess of numbers is the fact of a great advance in the price of all meats and flour, an advance by no means offset by the fall in the price of sugar. It accordingly becomes necessary to revise the estimate and assume an average of at least 1,575 indigent patients, giving a deficiency of \$22,000 in the appropriation for the current expenses of the hospital.

A Washington lady, with proper sanction, has generously caused to be erected for the insane on the grounds of the hospital a brick cottage handsomely ornamented. This she gives to the United States in order that her afflicted child may have a home there while she needs it, and that at last there may be, in the language of the law, "vacancies" at

St. Elizabeth, where afflicted residents of the District of Columbia having means may be suitably accommodated, without encroaching upon the rooms provided by the Government for those who by reason of indigence are unable to defray the expenses of their care.

The recommendations of the superintendent are approved.

ARCHITECT OF THE CAPITOL.

The Architect of the Capitol reports many improvements made on buildings and grounds during the fiscal year.

Among other things are the following:

New steam boilers for the Senate wing have been contracted for and the construction of their foundations and flues have been commenced.

Electric bells have been supplied to all committee and office rooms.

The electric lights have been extended to many additional rooms in the Capitol, so that now the capacity of the dynamos in use has been reached. Additional dynamos are required, not only to further extend the lighting, but as a reserve in case of accident to the present dynamos.

The electric plant is not the property of the United States, but is by law rented from the company owning it; and it is again recommended that Congress provide for the purchase of the electric lighting plants in the two wings of the Capitol when the Senate plant is changed to a low-tension system, as has been proposed by the Westinghouse Company.

Of the series of busts of those who have been Vice-Presidents of the United States, there have been received, in addition to those formerly named, those of Tompkins and Hendricks and that of Vice-President Morton.

The marble and granite work of the Capitol terraces has been completed and the office rooms of the same on the Senate side finished and are now occupied.

Eighteen bronze lamp-posts and 18 bronze vases have been received and put in place on the terraces.

The work of taking up and resurfacing the asphalt concrete pavement at the east front of the Capitol, authorized by the act of March 3, 1891, has been commenced and the main roadway is, under the terms of the contract, to be completed by the first day of August next.

The slope at the west of the House terrace has been graded and prepared for planting, and the grounds in general have been kept in good condition.

The work of fire-proofing and other repairs at the Smithsonian Institution building, as provided for in the act of August 30, 1890, was not begun last season, as the approval of the Regents, required by the act, could not be obtained until their meeting held January 28, 1891. This approval having been given, the iron work, slating, and plastering were let after public advertisement, and contracts entered into for these several branches of this work.

HOT SPRINGS RESERVATION.

The report of the superintendent for the year ending June 30, 1891, discusses thoroughly the condition and needs of the Hot Springs Reservation in Arkansas.

BATH HOUSES.

It appears that there are twelve persons or copartnerships conducting bath houses or claiming bath-house sites on this reservation, who have during the last fiscal year paid water rent in the aggregate upon 292 tubs, at an aggregate monthly rental of \$730, and eight persons or copartnerships conducting bath houses off the reservation who have paid water rent upon 151 tubs at a monthly aggregate rental of \$377.50. The aggregate receipts from water rents and ground rents amounted to \$19,682, and the expenditures for salaries, repairs, improvements, etc., were \$14,221.33, leaving a net income to the Government of \$5,460.67 from the Hot Springs Reservation. A special report from the Secretary of the Treasury shows a balance to the credit of the Hot Springs Reservation fund of \$18,571.53.

This fund is under the control of the Secretary of the Interior, to be expended for the protection and improvement of the Hot Springs, for the care of the permanent reservation, and for the maintenance of free baths for the invalid poor of the United States.

It is provided by act approved March 3, 1891, entitled "An act to regulate the granting of leases at Hot Springs, Ark., and other purposes" (26 U. S. Stats., p. 842), that the Secretary of the Interior may grant leases on this reservation for bath houses and bath-house sites for periods not exceeding twenty years, and to cause any surplus hot water to be furnished off the reservation to bath houses, hotels, and families. The act is aimed against the control of more than one bath house by any one person or combination of persons; to render the houses fireproof, and to give the Secretary entire control of the details by which these purposes are to be carried into effect.

Under this act the old combination of lessees and others has been broken up and new leases are just now being made for different periods according to the demands of justice in each case. All new buildings are to be on plans first approved at the Department, and it is intended that these shall be not only of fireproof material, but shall be furnished with bathing appliances first class in every particular. Two of the old and worn-out houses have been already removed by order of the Secretary, and their places will be supplied with substantial and ornamental buildings. As rapidly as the other houses fall into decay the same process will take place, no doubt.

The highway that formerly ran through the center of the park in front of the houses is erased and a pavement walk built along the public street instead. The old and rotten wooden "coolers" that here-

tofore disfigured the mountain side in the park have been removed, and the grounds cleared of all refuse matter. Walks and roads will be built on this portion of the reserve and on the other portions overlooking the city of Hot Springs, so that the 60,000 visitors seeking the benefits of these curative waters may enjoy the no less healthful woods and fields surrounding them. It is hoped that the care to which this reservation is entitled and which is now being exercised will soon make the reservation and bathing places worthy of the government. It can readily be made, under intelligent management, one of the most attractive resorts, not only in our country but in the world.

The city of Hot Springs is growing rapidly. There are some of the largest and best kept hotels there, and the visitors will soon be at least an hundred thousand a year. The opportunity is at hand for the United States to make a great advance in the improvement of this valuable estate.

TOWN LOTS.

The Commission laid out 2,019 city lots, of which 1,435 were awarded to individuals, 258 were sold and donated, and 326 are yet unsold, with title still remaining in the United States.

The act of March 3, 1891 (26 U. S. Stats., 844) provides also—

That the Secretary of the Interior may direct the public sale of all unsold Government lots on the Hot Springs Reservation, and not now permanently reserved at the city of Hot Springs, after having had the same reappraised, and also advertised as now required by law, and no lot shall be sold at less than the appraised price.

This appraisement is now being made and it is intended to have the lots and whetstone quarry sold early in the coming year. This is the purpose of the law, and it will be of great advantage to have these vacant lots occupied for homes and business houses and the quarry duly worked. The funds realized will be at command for the improvement of the parks and property in the particulars hereinbefore indicated.

PERMANENT RESERVATION.

The original reservation of 2,529.10 acres was subdivided by the Hot Springs Commissioners, appointed under the acts of Congress of March 3, 1877, and December 16, 1878, as follows:

	Acres.
Hot Springs Mountain	264.93
North Mountain	224.74
Sugar Loaf Mountain	129.02
West Mountain	281.94
Area of city lots	1,270.10
Area of streets and alleys	358.37
Total	2,529.10

The four mountains mentioned above, containing an area of 900.93 acres, constitute the "permanent reservation," which is "forever reserved from sale and dedicated to public use as parks," under the act of June 16, 1880, section 3.

PERMANENT IMPROVEMENTS.

The most important and extensive improvement is the stone culvert erected over Hot Springs Creek. Its total length, with its branches, is 3,500 feet, with a width of 17 feet and an average height at the crown of 10 feet. Two thousand feet of it extend beneath the streets of the town of Hot Springs, and as the act of June 16, 1880, ceded the "streets, courts, alleys, and other thoroughfares" to the corporation of Hot Springs, the question arises as to the jurisdiction over this portion of the culvert, and as to whose duty it is to keep the same in good condition and repair.

The Arlington Hotel is on the permanent reservation, and its proprietors are authorized to use an acre of ground for the site. The hotel appears to be satisfactorily kept.

THE FREE BATH HOUSE.

During the year the average number of free baths given daily, Sundays excepted, was about 600, or an aggregate of 187,200 for the year. The new bath house was accepted from the contractor on February 18, 1891, and on the 23d of the same month was opened to the public. The facilities and accommodations of this building are vastly superior to those heretofore afforded and give needed relief to many afflicted poor people. But the space for bathers has not been found, even under these improvements, to be sufficient, and an addition is about to be erected. The practice by the attendants of demanding fees for service and small supplies has been prohibited, and a sufficient increase in wages made to secure prompt and cheerful care of the poor without expense to them.

IMPOUNDING RESERVOIR AND PUMPING STATION.

An act of Congress approved October 2, 1888, appropriated \$31,000 "for providing a system of reservoirs, pumps, and piping and for other purposes necessary to the collection and economical distribution of the hot water."

Upon completion of the work the superintendent took possession of the improvements on June 9, 1891, under direction of the Department, but the pump has not been operated since it has been in his possession.

After the authorization of the work by the act of 1888, as cited, Congress passed a law, approved March 3, 1891, the sixth section of which provided "that the authority heretofore conferred upon the Secretary of the Interior to collect the hot water upon said reservation, shall be so construed as to require water to be collected only where such collection is necessary for its proper distribution, and not where by gravity the same can be properly utilized." This law has the effect of rendering the use of the plant unnecessary, unless it shall be applied to distribution off the reservation. All the bath houses on the reservation can be supplied by gravity.

MOUNTAIN PARKS.

Although more than ten years have elapsed since the mountain areas were dedicated to public use as parks, no appropriations have been made to improve them, and it is earnestly suggested that great benefits and blessings would accrue to invalids if these splendid park sites were improved and rendered accessible. A liberal appropriation by Congress for this purpose is recommended.

WATER AND DRINKING FOUNTAINS.

Fountains of both hot and cold water are in course of erection on the Bath-house Park and adjoining streets, and many other improvements have been made there to increase its beauty and usefulness.

ROADS AND WALKS.

The superintendent strongly recommends the construction of walks and roads on the mountain reservation; and it is the purpose of the Secretary to have these made at a moderate rate. There have been already made some paths, plank walks, and roads to reach the nearest park.

HEALTH RESORT.

The superintendent remarks that the Hot Springs of Arkansas continue to grow in favor in public estimation. Wonderful and many remarkable cures are being effected by the use of these waters. The number of invalids and visitors is constantly increasing, and the facilities for their accommodation are keeping pace with the demand therefor. There are now about 400 hotels and boarding houses, and 16 bath houses, with a total of 409 bath tubs in the city. The expense for boarding, physicians' fees and medicines, bathing and bath servants, per month, range from \$49 to \$210.

Quite an interesting paper is annexed to the report of the superintendent upon the length of time during which the curative properties of these waters have been known to mankind. He also treats of the geological history of the "tufa" formation, and gives the result of experiments and explorations recently conducted. He recommends, in conclusion, the appropriation of \$10,000 to be expended in scientific investigations as to the source, extent, and the possible future environments of these hot-water fountains.

YELLOWSTONE NATIONAL PARK.

Since the Secretary's last annual report, Capt. Boutelle has been relieved of the command of the troops in the park, and Capt. George S. Anderson, Sixth Cavalry, U. S. Army, by order of the Secretary of War has assumed command as acting superintendent, under the immediate control of the Secretary of the Interior.

GAME.

The superintendent reports that the large game in the park has continually increased. He says, in substance, that there is abundant evidence that many buffalo are contented and quiet in the Park, and that they are on the increase. A herd of about 30, with several small calves, has been seen near the Trout Creek lunch station and elsewhere. Two small bands of about 30 each, one with 12 or 15 calves, were found near the west line of the Park, in addition to several single ones and small bunches. It is no exaggeration to say there are 200, and probably there are 400, within the Park and that they are thriving. The elk have increased enormously, and most conservative estimates place their numbers at 25,000. Their continuance in the park is assured and their overflow into adjoining territory will furnish abundant sport for the hunter. Mountain sheep, deer, and antelope are tame, numerous, and on the increase. They are hunted but little, if at all. There are a few moose in the extreme southern part of the park.

Trapping of the fur-bearing animals is carried on across the park lines, but careful watching and one or two arrests have reduced it to a minimum.

CAPTURE OF ANIMALS.

The superintendent further states that animals are being captured under the direction of the Secretary for the National Zoölogical Gardens at Washington, D. C. The appointment as hunter was given to Mr. Elwood Hofer, the most competent man in the country; but owing to scarcity of funds with which to pay him he resigned his appointment after two months. He, however, continued to collect specimens. He has caught and turned over to the superintendent two black bear cubs, three young foxes, two elk, and a black-tailed deer. There were also two antelope, but one night not long since some carnivorous animal broke into their inclosure and killed and ate them. When the time for shipment comes it will be possible to readily trap and add to the collection a number of the smaller animals the wolverine, wolf, lynx, marten, badger, porcupine, beaver, etc.

Bears have become very troublesome at all the hotel slaughter-houses, and other places in the park where there is anything for them to eat. They have not proved at all dangerous, but it is impossible to keep provisions anywhere they can reach. The capture of one at the Fountain Hotel was authorized, but he died of a rupture of the heart in his struggles to escape. Another was caught in a trap there and he is now in the Washington gardens. Four small bears were caught, one of which broke his chain and escaped, and one was eaten by an old bear while he was chained in front of the house at Yancey's. As winter approaches it may be found necessary to kill one occasionally, especially if they become destructive of the game or herds. By another season

it is hoped to supply specimens of all the animals native to the park; their retention there during the season has proven very interesting to tourists.

FISH.

As appears by the letter of the Commissioner of the United States Commission of Fish and Fisheries to the Secretary, dated October 7, 1891, Prof. B. W. Evermann was sent to the park to ascertain the result of the effort to stock the streams and lakes with different species of trout, that has been carried on for several years past. The work of the Commission appears to have been very successful. Six different species of trout were planted in as many different streams and lakes, at least five of the six are doing well, and there is no reason to think that the sixth species is not also prospering.

LEGISLATION NEEDED.

It is to be much regretted that there is an entire absence of law to punish depredations there, as they affect the forests, the game, and the wonderful formations. The attention of Congress has often been called to the necessity of such a penal statute, and it is now again recommended as necessary. The measure known as the "Vest bill" has repeatedly passed the Senate, but in the House, while always favorably reported, it has unfortunately been accompanied by an amendment foreign to the bill, granting a right of way through the park to a railroad. This was the case in the last Congress, and, as on former occasions, those who had been instrumental in urging the bill thought it better that it should fail than pass with this provision.

The Secretary's opinion, as hitherto expressed, has been that a railroad would be detrimental to all the purposes for which the park was set apart. It is earnestly hoped that Congress will not give up to a private enterprise any part of what it has set apart for the education and enjoyment of the whole people. If once such railroad franchise is granted, it will result in the practical abandonment of that region as a forest and game reserve. Each year demonstrates the wisdom of Congress in setting apart this magnificent domain and the necessity of keeping it under government ownership, free from private or corporate intrusion. It embraces one of the largest forest-bearing districts in the Rocky Mountains, and contains the head waters of some of our greatest rivers. The importance of preserving such tracts as affecting the water supply of the country has already been discussed in this report.

ADJACENT FOREST RESERVE.

Under the act of March 3, 1891, the President is authorized to set apart any portions of the public lands bearing forests, and acting under this authority you have by proclamation already set apart and reserved from settlement a large tract of land lying to the south and east of the park, in the State of Wyoming. This tract is the same as that which Congress has been asked to add, and is included in the bounda-

ries as provided for in the "Vest bill," already referred to. Ample provision for including it for the purpose of jurisdiction is made by Congress in the act admitting Wyoming as a state. The reserve is densely wooded, contains great quantities of large game and some of the most remarkable scenery in America. To make it accessible to the public and capable of protection, it is recommended that an appropriation be requested for a road from the Upper Geyser Basin to the southern boundary. It is greatly needed.

There should certainly be no hesitation or difficulty on the part of Congress in providing means by which the regulations made by the Secretary of the Interior for the protection of the park may be made effectual. As it is now, the park is placed under the care of the Secretary and he is authorized to make rules and regulations for its government; but as no penalties are provided, there is no way in which such regulations when made can be properly enforced. No punishment can be inflicted for acts which should really be denounced as crimes; such, for instance, as the firing of the forests, the destruction of the game, and spoliation of the objects of interest within the park. All that now can be done is to turn the offender out of the park, and thus give him an opportunity of returning and renewing his malicious acts.

ROADS.

The roads already built have been kept in good repair, new ones located, and much efficient work performed thereon during the past season. The park is almost entirely within the state of Wyoming, but, as the superintendent states, it is absolutely inaccessible from that direction. He states that if a part of the government appropriation should be expended in making a road down to the Snake River, as far as Jackson Lake, a connection would soon be made with it from some point on the Union Pacific Railroad, and thus a new and desirable route be opened. He recommends an appropriation of at least \$100,000 for the construction and repair of roads, with the suggestion that it be made available as early in the year as possible, and he further remarks that the amount of money at the disposal of the superintendent is entirely inadequate, and requests an appropriation of \$10,000 to be expended in policing camps, clearing up fallen timber, renewing sign boards, etc.

These recommendations are reasonable, and your favorable consideration is asked for them.

HOTELS.

The hotels established under leases made by the present Secretary are reported to be well kept and are now furnishing abundant accommodations to visitors. These, with the good roads, make a visit to the park enjoyable, and will attract more and more visitors yearly to contemplate the wonderful exhibitions of nature there presented.

TRANSPORTATION.

The transportation in the park has been conducted, according to the superintendent's report, efficiently during the last season. Much complaint was made the season before, both in regard to the means of transportation and the treatment of passengers, and it was determined by the Secretary early in the spring that the privilege of transporting passengers in the park should be given to Mr. Huntley, of Helena, Mont., who is expected to enter upon the discharge of this business in time for the next season. There has been a small steamer placed upon the lake, the boat having been duly inspected and licensed to carry 125 passengers, under the United States Statutes.

There has been some poaching in the park, owing to the want of laws, as hereinbefore pointed out.

A meteorological record accompanies the superintendent's report.

YOSEMITE NATIONAL PARK.

Upon the establishment of this park under act of Congress and the instructions of this Department, on request of the Secretary, Capt. A. E. Wood, Fourth Cavalry, U. S. Army, was detailed by the War Department to act as Superintendent. He arrived at the park on May 17, 1891, and has very efficiently performed the duties assigned to him. It is peculiar and inexplicable that Congress imposes upon the Department of the Interior the custody and management of the several national parks, but makes no appropriation for the purpose, and even omits to enact any penalties for violation of the rules or regulations required to be formulated by the Secretary. It is much to be desired that the protection of the law be extended to these very important possessions.

The superintendent has made his report, and in it will be found a very interesting statement of the means used to protect the reservation from the encroachment of herders and other trespassers heretofore devastating it. The following is given by him as a description of the topography, the roads and trails leading into and over it:

The meridian and parallel of latitude through Mount Diablo are taken as the lines of reference, the latter of which passes through the Park. Of the 42 townships which constitute the Park, 12 of them lie north of this line, the remaining 30 south of it.

The general trend of the summit of the Sierra Nevada Mountains is from the northwest to the southeast. The highest point within the Park is Mount Lyell, 13,016 feet. Westward, and to a distance of from 15 to 20 miles from the summit, the country is rough, interspersed with bare peaks, intersected by deep and immense cañons, presenting to the eye a wild and savage appearance.

The principal water courses within the park are the Tuolumne, the Merced, and the South Fork of the Merced rivers, with their numerous tributaries. The cañon of the Tuolumne, beginning in township 1 north, range 23 east, is impassable for about thirty miles. The cañon of the Merced, beginning in township 2 south, range 22 east—the well-known Yosemite Valley—surpasses description. The cañon of the

South Fork of the Merced is deep, exceedingly rugged, but is passable at many points. The country between these streams is heavily wooded generally, and after getting out of the cañons has many features of the plateau and is passable. The tributaries of these streams have their sources well up toward the top of these plateaus, where the water percolates through the soil and gradually collects in comparatively level places, which are covered with luxuriant grass. These levels vary in extent from a few square feet to 100 acres, forming beautiful meadows set in the most magnificent forests in America.

The wagon roads which enter this Park are three in number. They are all toll roads, and are owned by incorporated companies.

The only road entering from the south is the best, and by far is of the greatest importance. Nearly all of the travel to the Yosemite Valley passes over this road. Stages pass over it every day during the season of travel, and it is kept in excellent repair. It leads from Raymond, a railroad station, to the Yosemite Valley, and traverses the Park for 26 miles. It is owned by the Yosemite Stage and Turnpike Company.

There are two roads which enter the Park from the west, the most southerly being the road from Coulterville to the Yosemite Valley. It is in very good repair and traverses about 25 miles of the Park. It is known as the Coulterville and Yosemite Turnpike, and is principally owned by Dr. J. T. McLean, of Alameda, Cal.

The remaining road enters the Park in township 1 south, range 19 east, and leads from Milton, a railroad station, to the Yosemite Valley. It is kept in fair repair. It is known as the Big Oak Flat road.

A road of great importance to the troops guarding this Park leaves the Big Oak Flat road about 5 miles after the latter enters the Park, and traverses the entire Park from west to east south of the Tuolumne River, finally crossing this river at Tuolumne Meadows, and leaving the Park near the southern line of township 1 north, 24 east. It was built eight or ten years ago, by a Boston mining company, to enable them to bring machinery to their mines in the vicinity of Tioga, and also to haul ore to the railroad. The mines have not been worked for the past two or three years, and the road has not been repaired during that time. A number of trees have fallen across it, and in places it is badly washed, but it makes a good mounted trail, and as such is of much importance. This is known as the Big Oak Flat and Tioga road. Recently I passed over this road from the crossing of the Tuolumne to its western terminus.

The most important trail through this Park is known as the Mono trail, and commences at Wawona, and after winding up the side of the cañon of the South Fork of the Merced takes a northeasterly course, crossing the Merced River just above the Nevada Falls; thence, after heading many tributaries of this latter river, drops over the divide between it and the Tuolumne, crossing the latter at Tuolumne Meadows, and taking an easterly course passes the summit through the Mono Pass or what is locally known as Bloody Cañon.

The Virginia trail comes down through townships 2 and 1 north, range 24 east, to the Tuolumne River at the lower end of the meadows. There is also a trail from Mount Conness to the Tuolumne Meadows.

The last trail worth noting enters the Park from the head waters of Bull Creek, and reaches the Merced River just about where the western boundary of the Park crosses it. It then passes up the river until it joins the Coulterville and Yosemite Valley road where the latter enters the foot of Yosemite Valley. There is a very indifferent road running from Mariposa to Hites Cove, which is situated in township 3 south, range 19 east. The road runs diagonally through township 4 south, 19 east, to the southwest. The grade is exceedingly heavy and difficult. It is of no importance to this Park.

There are several other trails of less importance that are being searched out and blazed to preserve them. They facilitate communica-

tion between different points, and their preservation is necessary to aid more rapid policing. Since the stock will not be permitted to graze there hereafter, they will soon become obliterated and lost, unless measures are immediately taken to preserve them. If once lost they can only be recovered again by infinite toil.

GAME.

The principal game in the Park consists of bear, deer, grouse, and quail. Neither variety is very plentiful. The sheep have been the curse of these mountains. As they graze in masses they trample the nests of the quail and grouse to pieces, destroy the eggs, or crush the young before they are able to fly. They separate the young deer from the mother and cause its death from lack of nourishment. As the autumn approaches the herds retire from the high mountains towards their winter grazing grounds, and the herders set fire to and burn over the forests in their rear so the rays of the sun in the spring can sooner penetrate to and melt the snows, thus giving an early and abundant crop of grass the next season. This is now prevented.

TIMBER.

Of the pines there are about nine varieties, and they grow at all elevations from 2,500 to 11,000 feet above sea level, the tamarack growing at the highest altitude of any. The cedar grows to great dimensions at from 4,000 to 7,000 feet. Two varieties of spruce grow at from 5,500 to 8,000 altitude. Three varieties of the fir grow at altitudes from 7,000 to 9,000 feet. At an altitude of about 8,000 feet a few specimens of the juniper have been seen. The black and live oak grow in the valley only, at 4,000 feet. There are a few cottonwood and Balm of Gilead at 4,000 feet. At about 5,000 to 6,000 feet are found a few dwarfed quaking aspen.

The most wonderful natural growth upon this earth, the captain remarks, is the *Sequoia gigantea*, of which there are two small groves within this Park. They are indigenous there at elevations between 5,500 and 7,000 feet.

The Superintendent recommends that Congress be requested to pass a law making it a misdemeanor to violate the rules for the Park, with the maximum fine fixed at \$1,000, and the maximum imprisonment fixed at six months, or both, at the discretion of the court.

Capt. Wood makes in his report a recommendation for diminished boundaries of the Park; but it is deemed not best to follow this; although it is presented by him upon very good reasons. It is believed that it will be sufficient to relieve a great majority of those having claims within the present boundaries, if townships 3 and 4, range 19 east, and west half of townships 3 and 4, range 20 east are excluded. This is recommended.

YOSEMITE VALLEY.

Under a resolution of the Senate, during the last year, an examination was made by the Department as to the management of the Yosemite Valley, now under the control of the State of California. This resolution directed that careful inquiry and report should be made whether the lands granted to the State of California, on certain conditions, by an act of Congress approved June 3, 1864, had been spoliated or otherwise diverted from the public use contemplated by the grant.

This grant included the gorge of the Yosemite Valley, at the head waters of the Merced River, of an estimated length of 15 miles and a width of 1 mile back from the main edge of the precipice on each side of the valley, and also the tract embracing what is known as the Mariposa Big Tree Grove.

The grant was made with the stipulations that "the State shall accept this grant upon the express conditions that the premises shall be held for public use, resort, and recreation; shall be inalienable for all time; but leases not exceeding ten years may be granted for portions of said premises, all incomes derived from leases or privileges to be expended in the preservation and improvement of the property on the roads leading thereto." These trusts, with the accompanying provisions and conditions, were accepted by California through an act of the legislature April 2, 1866. The lands have ever since been held and managed by the State of California through a board of commissioners.

There was no appropriation made by means of which the departmental examination could be thoroughly conducted, and reliance had to be placed entirely upon private statements obtained by correspondence. A report, however, was made, and transmitted to the Senate January 30, 1891.

In this it was said in substance that reports and statements, obtained from persons of good repute, and whose opportunities for having correct information make their testimony reliable, seem to establish, as to the Yosemite Valley, that there has been a very great destruction of timber there; some of which has been used for buildings, fences, and fuel; some removed simply to clear the lands for cultivation, and a great deal laid waste through carelessness and wantonness; that more than half of the valley has been fenced with *barbed-wire* fencing and cultivated with grass and grain; that these inclosures have confined travel to narrow limits between the fences and the slope of the mountains, and have left but little room for paths for pedestrians up this valley; that a great many rare plants which were new to botany have been destroyed, if not exterminated, by plowing and pasturing the valley; that the management has fallen into the hands of a monopoly, and no competition seems to be permitted in hotel accommodations, transportation facilities, nor in furnishing provender for the animals of tourists; the main road up the middle of the valley has been closed; and that the uninclosed portion of the valley is pastured

by the stock of the stable and transportation men, almost to the exclusion of the animals of the tourists or visitors; that these acts of spoliation and trespass have been permitted for a number of years, and seem to have become a part of the settled policy of the management.

The reports of the commissioners of California from 1885 to 1888 recommend the cultivation and seeding of 1,000 acres of the floor of the valley with grass and hay, and the seeding of the "valley from wall to wall with useful grasses" for the "augmentation of the revenue of the State." There are 1,141.56 acres on the floor of the valley, and it is estimated that from 600 to 800 acres have already been fenced and put to grass and grain.

Had it not been intended to preserve this beautiful valley in its primitive beauty, then it should have been given for homesteads. When the State of California accepted the grant the Yosemite was already famous for its most wonderful natural scenery. The purpose of Congress undoubtedly was to place it under the guardianship of the State as the best means to secure the perpetuation of its natural beauty and attractiveness. The authority conferred by the grant to lease certain portions for terms not exceeding ten years, and to apply the proceeds to beneficial improvements, was evidently intended to apply only to such portions as should be necessary for appropriate buildings for the entertainment of tourists and visitors, without marring the natural features of the valley. It was not contemplated that the valley should be turned into a farm or stock ranch. The rents were to be merely an incident to the main purpose of preserving the Park. If this be the true construction, the statute has been misinterpreted by the management. By resolution of the Senate this inquiry was to be continued, but still no appropriations being made and correspondence having been exhausted upon the subject but little has been added to the facts heretofore obtained.

The matters presented are of such great importance that they call for further examination than can be made without an appropriation, and it is recommended that a committee, with adequate means and power, be authorized to make further investigation and report.

With the report were sent many photographs and copies of the original letters.

SEQUOIA NATIONAL PARK.

Upon the establishment of this park, reported in the Secretary's last annual report, Capt. J. H. Dorst, Fourth Cavalry, U. S. Army, was detailed for duty as acting superintendent under instructions of the Secretary of the Interior.

He entered upon the discharge of his duties early in May. He has guarded the reservation from trespassers, and put it in a condition to preserve the wonderful trees that are there growing, the *Sequoia gigantea*.

The superintendent reports that the Giant Forest (the name given to the sequoia groves) covers four or five sections in the southwest corner of township 15 south, range 30 east, and northwest corner of township 16, range 30 east. It is in its natural state except for a few cabins and some fenced ground. One tree is $34\frac{1}{2}$ feet in diameter and 370 feet high. In other groves the sequoia trees form a very small proportion, being scattered here and there among spruce, fir, and pine trees. In the Giant Forest they are greatly in the majority and grow more thickly and to a greater size than anywhere else in the State. It is reported as the most remarkable forest of its kind in the world.

The country northwest of the Giant Forest is quite low, comparatively, and consequently free from snow early in the season. Near the sawmill in the park a detachment of troops, under the command of the superintendent, was stationed to protect the trees and patrol the northern portion as well as the General Grant National Park. There are other detachments located so as to protect the entire boundary. All sheep have been excluded and every precaution taken to restore the park to its original condition and make it a pleasant and profitable resort for persons seeking a summer vacation or desiring to learn more of the wonders there to be found.

The Mineral King district within the park seems to be the most favored resort for camping, hunting, and fishing parties during the summer months. For about six weeks over 300 people were camped within a mile of the command there. The Atwell estate, on which the mill mentioned is located, has been rented by Mr. Irwin Bernard, a member of the Kaweah colony, who is cutting timber on it, and employs members of the colony only. There are also within the park a few persons located, viz, James W. Griffin, formerly member of the colony, who lives on section 7; Mrs. Maria W. Eylie on section 8, and Mr. Jacob Trouger on section 20. They are all farming, and claim their possessions as homesteads.

GAME.

The valuable game in the park consists of deer, bear, mountain grouse, and California quail. The streams in the Hockett meadows have been stocked with trout, and these fish are also found in the Marble Fork near its mouth and a few miles below it in the middle fork. The streams are too swift and the falls too high for fish to ascend them any distance into the park. Owing to the high altitude of most of the land and deep snows in winter deer can live in only a few places in the park in that season, and are forced into the foothills to the west. In the summer they go eastward, so also as to grouse and quail. The State law does not seem to give sufficient protection, and when this law expires there will be none unless Congress enacts penalties for violations of the rules and regulations now established. The park should be duly surveyed and the boundaries clearly marked.

For the better protection of the game it is recommended by the superintendent that townships 15, 16, and 17 south, range 31 east, be added to the park. The mountain range in which the east and middle forks head would then inclose the park on that side and form a barrier that would to a great extent protect it and materially lighten the labor of those guarding the park on the east side. It would also render disputes less frequent and reduce the danger of destruction by fire of many valuable trees. It is thought also that it would be well to extend the park westward so as to take in all the lands east of the north and south forks. This would be a further protection to the game and would prevent it becoming troublesome to settlers in the winter.

The Superintendent concludes his report with the statement that the prosperity of the population living in the valley between the Sierra Nevadas and Coast Range depends upon the preservation of the timber and brushwood in the mountains; that the brushwood covers the lower slopes and foothills to an altitude of about 5,500 feet, where the timber commences, and extends to between 10,000 and 11,000 feet wherever there is enough soil to support the trees. The brush and timber both assist in holding back the snow and prevent disastrous snow slides. They also keep the snow from melting too fast in the spring, and thus prevent dangerous floods and keep up a steady water supply till late in the season. He states that sheep destroy much of this brush, and the herders often set fire to it in the fall to destroy it, as the ground will furnish a good crop of grass next season. The only protection must be through the interference of the National Government or that of the State.

KINGS RIVER CAÑON.

Your attention is also requested to the paper contributed by Mr. John Muir to the number of the Century Illustrated Monthly Magazine for November, 1891, entitled "A rival of the Yosemite—the cañon of the South Fork of Kings River, California." It furnishes maps of this section and is illustrated by most admirable engravings of the wonderful scenery there existing. The engravings are chiefly from the pencil of Mr. Charles D. Robinson. These gentlemen as well as the editors of the Century, especially Mr. Johnson, have taken a great personal interest in the forest reserves in California, and are worthy of great consideration, both from their experience and intelligence. The magazine article mentioned advocates the extension of the Sequoia National Park so as to embrace the Kings River region and the Kaweah and Tule Sequoia groves. The boundaries are there set forth.

The subject is recommended to your favorable consideration and action.

The labor of protecting this valuable reservation has been willingly performed with earnestness and efficiency by the officers and soldiers sent there at the request of this Department, and it is gratifying here to acknowledge, with thanks, in this and all the other labors of this

Department requiring it the hearty and courteous coöperation of the War Department and the officers and soldiers of the army.

The superintendent states that some provision should be made for shelter for the troops while in the park. They should have good quarters, and an appropriation is recommended to meet this demand in this as well as in the other national parks.

KAWEAH COLONISTS.

There having been a serious complaint made by certain persons styling themselves the "Kaweah Colonists," and who claimed that they had been oppressively dealt with, a special report was received from Capt. Dorst as to what action had been taken toward them during his superintendency. It is not deemed necessary to here set forth this report, nor the history of the Kaweah Colony, nor its relations to the Department. Suffice it to say it was found necessary, upon the reservation of this park, to decide against the claims of these colonists, on the ground that they had made applications for merely cash purchases of the lands, and the final proofs had not been completed before the act of Congress was approved. The case was not free from some hardship. But the law in relation to it had been long and clearly established, and the decision could not be avoided. If relief is sought from Congress by request for a reasonable compensation for actual improvements, it should, in my judgment, be granted. But from all the facts in the case there does not seem to have been any such interference with the colonists at Atwell's mill, where they began the manufacture of lumber from sequoia and other trees on a tract of patented land, as justifies the great complaint made. There was no force used; and as soon as the land, on which they were, was found to be patented, the guard, by direction of the Department, was confined to the vacant sections and townships in the park.

THE GENERAL GRANT NATIONAL PARK.

This park has been under the same supervision as the Sequoia National Park, and nothing additional is to be stated in regard thereto. It is unprotected by law, but such protection as could be given by the presence of the acting superintendent and a handful of cavalry it has received. It is in good condition and improving in its natural features.

THE CASA GRANDE RUINS.

It appears from the report of the custodian that the repairs on Casa Grande ruins are nearly completed, so far as available under the appropriation of \$2,000. There have been unearthed several specimens that in the opinion of the custodian are of great value.

If it is intended to preserve this ruin, for which Congress has already appropriated a considerable sum, there should be at least forty acres reserved and inclosed around and about the building, and an appropriation made based upon surveys and estimates to cover the building and keep it from further decay; also to continue the excavations in the adjacent ruins for the purpose of eliciting more knowledge as to their original builders. There should also be provision made to pay for the services of the custodian.

MARITIME CANAL COMPANY OF NICARAGUA.

The annual report of the company shows that the regular annual meeting was held in New York City, May 7, 1891, and Henry E. Howland, Frederick Billings, Alfred B. Darling, Charles C. Glover, Franklin Fairbanks, C. Ridgely Goodwin, and Alexander T. Mason were elected directors to fill vacancies occurring by reason of death or expiration of term of office. Hon. James B. Eustis has since been elected a director to fill the vacancy caused by the death of Hon. Joseph E. McDonald. The following officials were elected for the ensuing year: President, Hiram Hitchcock; vice-president, Charles P. Daly; secretary and treasurer, Thomas B. Atkins.

The report states that during the past year much progress has been made in the actual work of construction. Many of the accessory works have been extended, and in some cases carried to completion. The railroad from the Atlantic port to the divide has been completed, equipped, and is now in operation for a distance of 11 miles with good culverts, and road-bed and track in first-class condition. The machine shops have been enlarged and are well provided for all work incidental to the construction of the canal. The jetty or breakwater, which is to protect the harbor entrance on the Atlantic coast from the effects of shifting sand, has been extended 1,000 feet or more into the ocean, and a second breakwater against northerly storms, has been commenced on the west side of the harbor. About 3,000 feet of actual excavation along the canal has been made and a channel formed from 150 to 230 feet wide and about 17 feet deep. Important work has been done on the Machuca Rapids and in the bed of the San Juan River, at that point. Eight miles of the route of the canal on the west side of the lake have been cleared of timber and undergrowth and the line for a railroad from the lake to the Pacific has been surveyed and located.

The health of the employés of the company is reported to have been good and the sanitary condition of the camps maintained.

In March, 1891, the president of the Nicaragua Canal Construction Company, Hon. Warner Miller, made a complete examination of the entire line of the canal and the numerous accessory works, and the official reports show that the work already done has been within the estimate of engineers and with all possible care, thoroughness, and

dispatch. The interests of the company are represented both in Nicaragua and Costa Rica.

Since the organization of the company 10,145 shares of the capital stock have been subscribed for at par, amounting to \$1,014,500, of which amount \$1,001,450 has been paid in cash into the treasury of the company. Receipts from other sources have amounted to \$27,216.12, making the total amount of cash received \$1,028,666.12. The other assets of the company consist of its capital stock; of the concessions, privileges, plant, lands, buildings, steamboats, locomotives, shops, supplies, etc., belonging to it, including the lands purchased from the government of Nicaragua for the route of the canal, at the cost of \$50,000, in accordance with the provisions of the Nicaraguan concession.

Since its organization the company has expended and issued for property, labor, and materials and administration expenses, \$803,340.21 in cash, and 27,780 shares of the full-paid capital stock, of the par value of \$2,778,000, and it is obligated for \$5,953,000 of its first-mortgage bonds.

It has also issued 180,000 shares of stock of the par value of \$18,000,000 in payment for concessionary rights, privileges, franchises, and other property. The liabilities consist of the amounts still due under concessions granted, of the \$5,953,000 of bonds above mentioned, which are due to the Nicaragua Canal Construction Company for materials and for work and labor in constructing the canal, and of cash liabilities not to exceed \$30,000 still outstanding and unpaid. A detailed description of the canal and work accomplished is annexed to the report of the company.

It seems appropriate that this great highway for the products and manufactures from and imports to the United States should be connected with the Department of the Interior. It is being built at the same time that the great waste places of the country are being opened to settlement, the factories increasing, the railroads extending, and the population rapidly multiplying. Soon our commerce must reach not only the states of South America and Mexico, but China and the East by this western route. It is gratifying to note that this short passage to some of the greatest commercial markets of the world will be ready by the time a demand for it becomes imperative.

JOHN W. NOBLE,
Secretary.

To the PRESIDENT.

APPENDIX.

APPENDIX A.

THE CHEROKEE OUTLET.

FEBRUARY 13, 1891.

SIR: On January 17, 1891, Mr. Mansur introduced in the House of Representatives a bill which in effect proposed to appropriate \$7,489,718.72, to pay the Cherokee Nation at the rate of \$1.25 per acre, for any title, claim or interest they might have to land within what is known as the Cherokee Outlet. If the Cherokees upon due notice refuse to accept the provisions of said act, the President is authorized, within ninety days after ascertaining such refusal, by proclamation to declare said outlet to be incorporated into and be a part of the Territory of Oklahoma, and subject to the laws thereof, and thereafter said lands are to be opened to settlement under the homestead and town site laws on conditions prescribed.

This bill was referred to the Committee on Territories, and by you inclosed to this Department with a request for my views as to the desirability for a favorable report on the measure and passage thereof by Congress at this session. On receipt of this request the matter was inadvertently referred by the Assistant Secretary to the Commissioner of Indian Affairs; and herewith is sent a copy of the report of that officer.

By way of premise the Commissioner states that no action of the executive officers of the Government, nor the provisions of treaties with the Cherokees prior to that of May 6, 1828 (7 Stats., 311), have any bearing upon the present status of the Cherokee Outlet. After referring to that and other treaties, and the citation of decisions supposed to be applicable to the questions involved, he arrives at the conclusion that up to the date of the treaty of July 19, 1866 (14 Stats., 799), "the Cherokees had a full and complete fee-simple title to the lands embraced in the Cherokee Outlet."

He then considers the effect of the treaty of 1866, and concludes that it does not change or modify the title to said lands, but simply gives the United States the right to settle friendly Indians thereon to whom the Cherokees were to sell at a price to be determined; and he holds, as to such lands as have not been so sold, "they are absolutely private property, in which the United States has no more interest than has a State in private lands which are liable to escheat." He has no doubt that the appropriation of this land in accordance with the provisions of the bill, without the assent of the Cherokees, would be decided on appeal to the courts to be "illegal and void," and for the Government to open the outlet in the manner proposed would be "to disregard its solemn obligations and violate its faith in order to accomplish that purpose."

The careful consideration which I have given to the subject does not sustain the conclusions arrived at by the Commissioner, for, in writing to Gen. Fairchild, chairman of the Cherokee Commission, under date of October 26, 1889, in relation to the purchase of the claim of the Indians to this outlet, I said:

"The United States must be sovereign within the limits of its own territory. It is conscious of a purpose to wrong no one, and yet to allow its own people to expand over the land that is theirs; to give to the Indians of the Cherokee Nation an income

not only most munificent, but permanent, for the outlet to which the Government already has fee-simple title, subject to the use its title indicates, and upon which it might settle adverse tribes without paying the Cherokees therefor more than would be due under appraisement already made than 47.49 cents per acre."

After reading the report of the Commissioner, examining the treaties and decisions cited by him and further consideration of the subject, I see no reason for changing the views then expressed as to the title of the outlet. Therefore in sending you a copy of his letter it seems proper that the reasons which prevent me from coming to the same conclusions should be stated; and also that the many errors of law and fact into which the Commissioner has fallen should be pointed out.

It is not necessary in this connection to rehearse the well-known history of, and all the dealings of the United States with, the Cherokees. It is sufficient to say that prior to 1817 all of the Cherokees resided east of the Mississippi. By treaty of that year they ceded certain of their lands to the United States, and it was agreed that such of them as would settle west of the Mississippi on the Arkansas River should receive their due proportion, acre for acre, in exchange for the ceded lands. The treaties were to continue in full force with those remaining east as well as those going west of the Mississippi. The Government was anxious, for good reasons, to locate them altogether upon the Arkansas River, and many efforts were made to that end. In March, 1818, President Monroe wrote to the chief of the Arkansas branch as follows:

"It is my wish that you should have no limits to the west, so that you may have good mill seats, plenty of game, and not be surrounded by the white people."

And on October 8, 1821, Mr. Calhoun, the Secretary of War, under whose charge the Indians were, wrote to the chiefs of the Arkansas Cherokees as follows:

"It is to be always understood that in removing the white settlers from Lovely's purchase, for the purpose of giving the outlet promised you to the west, you acquire thereby no right to the soil, but merely to an outlet, of which you appear to be already apprised, and that the Government reserves to itself the right of making such disposition as it may think proper with regard to the salt springs upon that tract of country."

Then follows the treaty of May 2, 1828 (7 Stats., 311), in the preamble of which special reference is made to "the pledges given them by the President of the United States and the Secretary of War of March, 1818, and 8th October, 1821, in regard to the outlet to the west, and as may be seen by referring to the records of the War Department."

This shows that the Commissioner's statement, that "neither the action of the executive officers of the Government, nor the provisions of the treaties with the Cherokee Nation, concluded prior to the treaty of May 6, 1828, have any bearing upon the status of the Cherokee Outlet," is erroneous. On the contrary, such executive action was the basis of the treaty itself.

By section two of the treaty, the possession of 7,000,000 acres is guaranteed to the Cherokees forever by specified bounds, and, "in addition to the 7,000,000 of acres thus provided for and bounded, the United States further guarantee to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the country lying west of the western boundary of the above-described limits, and as far west as the sovereignty of the United States and their right of soil extend."

This is the first grant of the outlet west, and it must be apparent that at this time it was the purpose of the United States only to grant, and the Cherokees expected only to get—in the language of Mr. Calhoun, made a part of the treaty by reference—"no right to the soil, but merely to an outlet;" a mere right to pass to and from the domain west, an easement or franchise only.

In consequence of the selection by the Creek Indians of a portion of the lands of the Cherokees, on February 14, 1833 (7 Stats., 414), another treaty was made, whereby the lands of the Cherokees are again defined, with the same provision as to the outlet; with, however, a reservation to the United States to permit other Indians to

get salt thereon, and the stipulation that letters patent are to be issued as soon as practicable "for the land hereby guaranteed."

By section 5 of this treaty it is said:

"These articles of agreement and convention are to be considered supplementary to the treaty, before mentioned, between the United States and the Cherokee Nation west of the Mississippi, dated 6th of May, 1828, and not to vary the rights of the parties to said treaty; and, further, that said treaty is inconsistent with the provisions of this treaty, now concluded, or these articles of convention and agreement."

It must be apparent that this treaty did not change what was before an easement into a fee simple.

By a further treaty of December 29, 1835 (7 Stats., 478), in consideration of \$5,000,000, the Cherokees ceded to the United States all their lands east of the Mississippi.

In article 2 reference is made to the agreements in the two preceding treaties to convey the 7,000,000 acres and the guarantee of the outlet in the same terms as theretofore; it is then agreed that, in consideration of \$500,000, the United States shall convey in fee simple to the Cherokees an additional tract of land, amounting to 800,000 acres, part of the Osage Reserve in Kansas, and sometimes known as the Neutral Lands. And by section 3 it was provided:

"The United States also agree that the lands above ceded by the treaty of February 14, 1833, including the outlet, and those ceded by this treaty, shall all be included in one patent, executed to the Cherokee Nation of Indians by the President of the United States, according to the provisions of the act of May 28, 1830."

The act of 1830 here referred to authorized the President to exchange lands with the Indians residing east of the Mississippi for lands west thereof, and to issue to them, if they desire, a patent for the same; said lands to revert to the United States "if the Indians become extinct or abandon the same."

On December 31, 1838, a patent was issued to the Cherokees, and particular attention is called to its recitals:

"Whereas, by certain treaties made by the United States of America with the Cherokee Nation of Indians of the sixth of May, one thousand eight hundred and twenty-eight; the fourteenth of February, one thousand eight hundred and thirty-three; and the twenty-ninth of December, one thousand eight hundred and thirty-five, it was stipulated and agreed on the part of the United States that, in consideration of the promises made in the said treaties respectively, the United States should guarantee, secure, and convey by patent to the said Cherokee Nation certain tracts of land; the descriptions of which tracts and the terms and conditions on which they were to be conveyed are set forth in the second and third articles of the treaty of the twenty-ninth of December, one thousand eight hundred and thirty-five, in the words following." (Col. 9, Records of Patents, G. L. O., p. 34).

Then are quoted at length articles 2 and 3 of said treaty, followed by a description of the tract of 7,000,000 acres and of the outlet as surveyed, and also of the tract of 800,000 acres; then follows the granting clause, which recites that "in execution of the agreements and stipulations contained in said several treaties," the United States give and grant to the Cherokee Nation the described land, to have and to hold the same, "with the rights, privileges, and appurtenances thereunto belonging, to the said Cherokee Nation forever;" subject, however, to the right reserved to permit other Indians to procure salt, which has been ascertained to be within the limits prescribed for "the outlet agreed to be granted;" "and subject also to all other rights reserved to the United States in and by the articles hereinbefore recited, to the extent and in the manner in which the said rights are so reserved;" and subject also to the condition of reversion as provided by the act of May 28, 1830, *supra*.

All of these conditions and recitals are omitted from the Commissioner's report, except that referring to the act of May 28, 1830.

It seems to me evident that it was not intended by the patent to convey to the Cherokees any other interest or estate in the outlet than was originally given them.

It is expressly stated to be made subject to the reserved rights of the United States, to the extent and in the manner reserved. What those reservations are is made plain by references and recitals. Article 2 of the treaty of 1835 is recited at length, and this on its face purports to be, and is, a recital from the treaty of 1828 and of 1833 (*supra*). This last treaty declares it is supplementary, and is not intended to vary the rights of the parties to the former; and that treaty shows the grant of the outlet to have been made subject to the conditions stated by Mr. Calhoun, Secretary of War, in his letter of October 8, 1821, where he declares the grant is made upon the condition, which the Indians well understood, that they are to "acquire thereby no right to the soil, but merely an outlet."

So that, by all rules of construction, in contemplation of law, the letter of Mr. Calhoun is as much a part of the condition of the patent as if it were spread at length therein, and it was not intended by the patent to attempt to convey to the Cherokees a larger estate than was originally granted them.

But if such intention existed, the patent is ineffective to convey a larger estate than was given by the grant. A patent is not a grant, it is but evidence thereof; a muniment of title, and not the title itself. It can not enlarge or change a grant, nor diminish it by its recitals; where error is committed in its recitals, the patentee only takes the estate originally granted. (*E. N. Marsh*, 5 L. D., 96; *Gazzam v. Phillips*, 20 How., 372; *Cragin v. Powell*, 128 U. S., 692.)

The Commissioner seems to have been misled by the general terms in which the habendum clause of the patent is couched, and to have lost sight of the conditions of the original grant, which are iterated and reiterated in the several treaties, and finally so referred to in the patent so as to make them part thereof. The guaranty was of "a perpetual outlet," and when the Government proceeded to give its deed for the same it was very properly stated therein that the land was so granted "forever." This is very different from conveying a fee-simple title. The fact that the right of way or perpetual outlet was embraced in the same clause and covered by the very language whereby the fee-simple title to the other two tracts was intended to be conveyed no more makes the easement a fee simple than that the converse would be true. Both titles were in perpetuity, but of different degrees. In the one case the patent evidenced the fact that the fee-simple title had passed from the United States, and in the other that the easement had passed while the fee remained in the United States.

The case of *Holden v. Joy* (17 Wall., 211), cited by the Commissioner to sustain his views, in no respect does so. The 800,000-acre tract heretofore mentioned, and known as the Neutral Lands, having been ceded by the Cherokees to the United States to sell and to hold in trust the proceeds for them, the court was considering only the title to that particular tract, and held that the Indian title thereto was fee simple. Mention of, or the slightest reference to, the outlet is not made throughout the decision. It is an entire misconception of its purport on the part of the Commissioner to quote it as authority to sustain the proposition that the title of the Indians to the outlet is a fee simple. Even the citation made by him from the decision to support the proposition that the condition in the patent as to the abandonment by the Indians was void does not sustain him, as that question was not decided by the court, but was expressly reserved, as would have been shown if he had quoted the remainder of the sentence.

The case of the *United States v. Reese*, in 5 Dill., 405, referred to him as in 8 Cent. L. J., throws no light on the subject. The question there was whether the Indians had a fee-simple title to lands within the Cherokee Nation. The court so held, and discharged a party charged with timber trespass, under section 5388, Revised Statutes, upon the 7,000,000-acre tract. The question of title to the outlet was not involved.

In the case of the *United States v. Rogers* (23 Fed. Rep., 657) Judge Parker, after reading and quoting from the patent of December 31, 1838, says, the title of the

Indians to the outlet is "substantially the same kind of a title" as that by which they held their other lands, "the only difference being that the outlet is encumbered with the stipulation" that other Indians may be permitted to get salt thereon. He maintained the jurisdiction of the district court of the western district of Arkansas in the matter, and discharged the party charged with arson for want of jurisdiction over the lands in the outlet, which he declared to be "set apart and occupied" by the Cherokees. But in this case the judge, in the examination leading up to his opinion on the question of title, satisfies himself by stating in a general way that the outlet was granted by the treaties, and then looks only to the patent to see what was granted, and quotes from the descriptive and habendum clauses thereof, and does not quote its recitals from the treaties.

This somewhat cursory examination of the question of title much weakens the force of that decision. Besides, the question of the title by which the Cherokees held the outlet, was not directly involved in that case, as the learned judge says, (p. 665): "By the treaties and patent above referred to the Cherokee outlet was beyond question *set apart* to the Cherokees, and to that extent was in a condition the converse of that which is necessary to attach it to the district of Kansas. It matters not what may have been the extent of their title. If they had a title of any degree whatever, it was *set apart* to them." He then showed that it was "occupied" by the Cherokees, and therefore concluded that "it does not come within the designation of Indian country not set apart and occupied by the Cherokees;" and upon that ground discharged the prisoner.

In the case of Wolf (27 Fed. Rep., p. 611), cited by the Commissioner, the question was one of conspiracy, to defraud the Cherokee Nation out of certain moneys, and the same judge, in delivering his opinion, referred to the Rogers case, just quoted, as determining that the Indians had a fee-simple title to the outlet, though that question was not directly involved in the case.

The Commissioner quotes the case of United States v. Soule (30 Fed. Rep., 918) as deciding "that no distinction was made in the granting clause (treaty of 1833) between the 7,000,000-acre tract and the outlet." In this he is mistaken. Judge (now Mr. Justice) Brewer, of the United States Supreme Court, who delivered the opinion of the United circuit court of the district of Kansas in that case, after referring to the proviso in the treaty of 1833 relative to the issue of letters patent, then says:

"In pursuance of this treaty, patent was issued for all the lands including the outlet west. No distinction was made in the granting clause between the 7,000,000 acre tract and the outlet west."

By every rule of grammatical construction it is the granting clause of the *patent* to which the judge here refers, and not the treaty of 1833, as interpolated by the Commissioner.

In this last case the judge of the circuit court refers to and dissents from the former decision of Judge Parker in the Rogers case, both on the question of the jurisdiction of the district court of Arkansas over the outlet and the estate of the Indians in the outlet. In passing upon this point, Judge Brewer examines the character of that estate. Going back to the treaty of 1828, he traces the title down, and sums up his conclusions as follows:

"Manifestly Congress set apart that 7,000,000 acres as a home, and that was thereafter to be regarded as set apart and occupied, 'because,' as expressed in the preamble of the treaty, 'Congress was intent upon securing a permanent home.' Beyond that the guaranty was of an outlet—not a territory for residence, but for passage ground—over which the Cherokees might pass to all the unoccupied domains west. But while the exclusive right to this outlet was guaranteed, while patent was issued conveying this outlet, it was described and intended obviously as an outlet and not as a home. So, whatever rights of property the Cherokees may have in this outlet, it was not territory set apart as a home, and is not territory within the language of the act of 1833, 'set apart and occupied' by the Cherokee tribe."

This conflict between Judges Parker and Brewer (the latter presiding in the higher court) must further weaken the force of the opinion of the former.

In the Commissioner's letter it is remarked that in the fifth article of the treaty of 1835 with the Cherokee Nation, the United States covenanted and agreed that the lands ceded to the Cherokee Nation, including the 7,000,000 acres "and the outlet," shall at no future time, without their consent, be included within the territorial limits of any State or Territory.

A different construction may be placed on this article. It is to the effect that the United States "hereby covenant and agree that the *lands* ceded to the Cherokee Nation in the foregoing article" shall not, without their consent, be included, etc. The *lands* here referred to are those mentioned in the third article I think beyond any question. That article says:

"The United States also agree that the *lands above ceded* by the treaty of February 14, 1833, including the outlet and those ceded by this treaty, shall be included in one patent executed to the Cherokee Nation of Indians," etc. Congress did not seem to consider the outlet as being of the "*ceded lands*," the plain intendment of that section being that the ceded lands under both treaties, and also the right to the outlet—a mere easement—shall be included in one patent. But even if the intention was to designate the outlet as ceded lands, it by no means follows that a fee-simple title passes by the cession, and under the doctrine of the Cherokee Tobacco case (*infra*), and the act of March 3, 1871 (*infra*), the Government has a right to exercise sovereignty over said lands as it pleases.

I think there ought to be no doubt, on the review of the matter, in concluding that the estate of the Indians in the outlet is only an easement, which secures them a mere right to use and occupy it for specified purposes. Such a grant by the Government is not a peculiar or unusual one, for in many treaties setting apart reservations as the home of certain tribes a provision is also inserted authorizing them to use for hunting purposes other tracts of land for an indefinite period.

By Article 10 of the Cherokee treaty of 1866 (14 Stats., 799) the Cherokees were guaranteed the right to sell products within their nation without paying any tax thereon to the United States. By act of 1868 (15 Stats., 167) the United States levied a tax upon tobacco "produced anywhere within the exterior boundaries of the United States."

A levy of the proper tax was made upon certain tobacco grown within the Cherokee Nation, and the right to do so being contested, the question came before the Supreme Court of the United States, whose decision, sustaining the right of levying the tax under the statute as against the exemption claimed under the treaty, will be found in the case of "The Cherokee Tobacco" (11 Wallace, p. 617).

The following clause was inserted in the Indian appropriation bill of March 3, 1871 (16 Stats., 566):

"That hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty: *Provided further*, That nothing herein contained shall be construed to invalidate or impair the obligations of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe."

This proviso took nothing from the force of the enactment and added nothing to the strength of the treaty obligations in existence. It simply declared the law as the Supreme Court had repeatedly decided it to be. No treaty obligations were to be impaired by the enactment itself. Those obligations were to remain in unimpaired vigor, subject, however, thereafter, as they had been theretofore, to the paramount right of the political department of the Government to repeal them by Congressional enactment whenever thought proper; a right incident to the sovereign power of the Government and essential to its existence. See the Chinese exclusion case (130 U. S., 581, 600), and the cases therein cited. Also see Cherokee Nation v. Southern Kansas Railway Company (135 U. S., 641, 653-655).

This act was afterwards referred to by the Supreme Court in the case of the United States *v. Kagama* (118 U. S., 375), and it will be seen by reading the decisions referred to that neither Congress nor the Supreme Court thought that the exercise of the right thus to legislate was "to disregard its solemn obligations and violate its faith."

Sufficient has been said, I think, to show many errors of law and fact in said report, and to sustain the views entertained by me. And I regret that the Commissioner should have thought proper to charge that those who differ from him in judgment are "disregarding solemn obligations and violating plighted faith," instead of confining himself to an expression of his views on the law and facts, as requested.

In conclusion, the Commissioner says that from the reports recently received from the Board of Commissioners appointed under the provisions of the Indian appropriation bill of March 2, 1889 (25 Stats., 980, 1005), to negotiate for the cession of these lands, it is indicated that the differences between them and the Cherokees may yet be reconciled, and the United States acquire by consent of the Indians a clear title to said lands without having recourse to the proposed legislation. In this I regret to say that he seems also to be mistaken. Recent communications from the Board of Commissioners show that negotiations during the past year have been barren of results, if not entirely futile. Propositions have been made by our commissioners which were met by counter propositions, some of which were so extravagant and unheard-of in character, that the commissioners were compelled to decline all discussions in relation to them. And now, after repeated effort to bring about an amicable settlement of these matters, no agreement has been reached, and the negotiations have come to an end. Whether they will be renewed and with what results remains for the future to disclose. So far as I can see we are now no nearer amicable arrangement than we were at the beginning.

I therefore think, in view of what has been said and of other considerations not necessary to press upon you now, that if Congress intends to open up the Cherokee Strip to settlement, the measure proposed, or some similar law, should be speedily enacted.

Of course the foregoing views must be taken to be applicable only to the Cherokee Outlet, in which I believe the Indians have only an easement, which Congress has power to declare at an end upon reasonable compensation for such interest.

Very respectfully,

JOHN W. NOBLE,
Secretary.

Hon. I. S. STRUBLE,
Chairman Committee on Territories, House of Representatives.

APPENDIX B.

INTRUSIONS ON CHEROKEE STRIP, FEBRUARY 17, 1890.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas that portion of the Indian Territory commonly known as the Cherokee Strip or Outlet has been for some years in the occupancy of an association or associations of white persons under certain contracts said to have been made with the Cherokee Nation in the nature of a lease or leases for grazing purposes; and

Whereas an opinion has been given to me by the Attorney-General, concurring with the opinion given to my predecessor by the late Attorney-General, that whatever the right or title of said Cherokee Nation or of the United States to or in said lands may be, no rights exist in said Cherokee Nation under the statutes of the United States to make such leases or grazing contracts, and that such contracts are wholly illegal and void; and

Whereas the continued use of said lands thereunder for grazing purposes is prejudicial to the public interests:

Now, therefore, I, Benjamin Harrison, President of the United States, do hereby proclaim and give notice:

First. That no cattle or live stock shall hereafter be brought upon said lands for herding or grazing thereon;

Second. That all cattle and other live stock now on said outlet must be removed therefrom not later than October 1, 1890, and so much sooner as said lands or any of them may be or become lawfully open to settlement by citizens of the United States; and that all persons connected with said cattle companies or associations must, not later than the time above indicated, depart from said lands.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 17th day of February, in the year of our Lord one thousand eight hundred and ninety, and of the Independence of the United States of America the one hundred and fourteenth.

[SEAL.]

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,
Secretary of State.

PROCLAMATION.

To whom it may concern:

Whereas it has been represented to me that, by reason of the drought which has prevailed in the Indian Territory and in the adjoining States the execution of my proclamation of February 17th, 1890, requiring the removal of all live stock from the Cherokee Outlet on or before October 1st, would work great hardship and loss not only to the owners of stock herded upon the strip, but to the owners of cattle in the adjoining States; and

Whereas the owners of all cattle now herded upon the outlet have submitted to me a proposition in writing whereby they agree to remove one-half of their stock from the outlet on or before November 1st, and the residue thereof and all their property and employes on or before December 1st next, and to abandon all claims in said outlet:

Now, therefore, I, Benjamin Harrison, President of the United States, do give notice and proclaim that the time heretofore fixed for the removal of the live stock herded upon said outlet is extended to November 1st as to one-half thereof, and to December 1st next as to the residue thereof and as to all property and employes.

BENJ. HARRISON.

SEPTEMBER 19TH, 1890.

PUBLIC NOTICE.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., September 9, 1891.

Be it known, that on February 17, 1890, upon certain recitals contained in his proclamation of that date, and among others that an opinion had been given by the Attorney-General, concurring in an opinion of the late Attorney-General, that no right exists in the Cherokee Nation under the statutes of the United States, to make leases or grazing contracts with certain associations, all as therein described, on the Cherokee Strip or Outlet; and that such contracts are wholly illegal and void, the President gave public notice as follows:

"*First.* That no cattle or live stock shall hereafter be brought upon said lands for herding or grazing thereon.

"*Second.* That all cattle and other live stock now on said outlet must be removed therefrom not later than October 1, 1890, and so much sooner as said lands or any of them may be or become lawfully open to settlement by citizens of the United States; and that all persons connected with said cattle companies or associations must, not later than the time above indicated, depart from said lands."

That on the 19th of September, 1890, the owners of all cattle then herded upon the outlet having submitted a proposition in writing whereby they agree to remove one-half of their stock from the outlet on or before November 1, and the residue thereof and all their property and employes on or before December 1, then next, and to abandon all claims in said outlet, the President extended the time before fixed, for the removal of the live stock herded upon said outlet, to November 1, as to one-half thereof, and to December 1, then next, as to the residue thereof, and so as to all property and employes.

That although on August 12, 1891, the President directed that Cherokees on said strip or outlet who had made bona fide permanent settlement and opened farms which they were improving and cultivating, and whose removal at that time would cause a loss of crops and great sacrifice, should not then be driven out; yet it was not intended thereby, as was well known, that other persons or any other cattle, or other live stock than those at said last-mentioned date actually on the strip, and then held by the bona fide Cherokee settlers already there and farming, should be excepted from said proclamation or from removal from the Cherokee Strip in pursuance thereof.

It appearing, on due investigation by the military authorities on said strip, that the expectation made, in point of fact, affected but one or two persons, if any, intended to be excepted; and property of very small value, if any; and that Cherokees were arranging to ship cattle to and open farms in the strip, the President did on August 31, 1891, instruct the honorable Secretary of War that no exception should be made of persons locating or placing herds on the strip after said order or in evasion of it, and that said order should be enforced by the military authorities acting in concert with the Department of the Interior.

CLVIII REPORT OF THE SECRETARY OF THE INTERIOR.

And it is now deemed best that these facts should be made public, and it is made known that said original order is in full effect, and will be strictly enforced.

Those having cattle or other stock on these lands known as the Cherokee Strip, whether Cherokee Indians, white men, or others, must remove therefrom with their stock, without delay.

It is desirable that the present orders should inflict little loss, as they will, if they are promptly obeyed; but the thought that they will be changed or any further evasion allowed should be at once abandoned.

This notice is given with the approval of the President.

JOHN W. NOBLE,
Secretary.

APPENDIX C.

MEMORIAL OF THE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE IN BEHALF OF A PROPER FOREST POLICY.

To the PRESIDENT OF THE UNITED STATES:

The first national legislation which recognized the necessity of looking after the forestry interests of the country in general grew out of the representations made before Congress fifteen years ago by a committee of the American Association for the Advancement of Science.

These representations led to the appointment in the year 1887 of an agent, and later the establishment of a forestry division in the Department of Agriculture, for the purpose of gathering and making accessible such information as would lead our people to a proper conception of the value and significance of a forest cover in the economic life of our nation.

Twelve years have passed, during which sufficient knowledge of our forest conditions and of the general relations of these to cultural, climatic, and economic conditions has been gathered, to show that further action on the part of the General Government is necessary if we wish to preserve this relation favorable to the future development of the country.

The American Association for the Advancement of Science, actuated alone by a desire to promote a rational development of the country's resources, has therefore appointed the undersigned committee to memorialize the President and Congress of the United States under the following resolution:

Resolved, That it is the sense of the American Association for the Advancement of Science that immediate action should be taken looking to the establishment of a proper administration of the remaining timber lands in the hands of the Governments of the United States and Canada, for the purpose of insuring the perpetuity of the forest cover on the western mountain ranges, preserving thereby the dependent favorable hydrologic conditions.

Resolved further, That a committee of five be, and is hereby, appointed to present this resolution, and to urge the importance thereof to the President and the Congress of the United States, and to the premier and parliament of Canada and of the provincial governments, and that such committee be instructed to prepare in proper form any data necessary, and to use every honorable means to accomplish the purpose herein set forth, and that the president of this association be hereby appointed chairman of such committee, together with four others whom he shall appoint."

The committee in presenting this memorial desire not to argue at length any theory as to forest influences or to discuss the present unsatisfactory condition of our forest areas and national timber lands—which has been amply done in the reports of the Secretaries of Agriculture and of the Interior—but they respectfully submit in support of the request of the association such points as will explain and justify the presentation of this memorial.

(1) The action which is asked of Congress concerns only a particular part of our forest area, that part which is in possession of the General Government, the property of the nation.

(2) It is asked upon the presumption that the present administration of this property, probably from ignorance of its proper value and its real significance, is unsatisfactory, and that a change of policy is immediately urgent if this value is to be re-

tained and the far-reaching injury, which from its present rapid deterioration may be anticipated, is to be avoided.

(3) It is asked upon the presumption that the value of the property, situated mainly upon the watersheds of our Western river systems, lies much more in its significance for the future cultural development of a vast adjoining country than in the material which it now furnishes to the pioneer settler and miner.

(4) It is also assumed that the only proper person to administer this property for the benefit of the country at large and the preservation of the dependent cultural conditions is the Government itself, which alone can have an interest in the future of society beyond present and personal gain.

As the reports cited have shown, the administration of the timber lands has been unsatisfactory for lack of proper legislation and of provisions sufficient to protect this property against material loss and deterioration. Timber thieving and destruction by fire have been allowed to unnecessarily waste this national property, while the officers in charge were powerless to protect it. The pioneer legislation, which may have been sufficient twenty-five years ago, has long outlived its usefulness, and should make way for such administration as will meet the demands of civilized existence in settled communities.

A vast empire, considered useless not long ago, has been found capable of human occupancy and agricultural production, if the means for its development water, can be brought upon it, and the extent to which this land may be utilized depends upon the amounts of water available.

The opinions of our greatest climatologists have been divided as to the influence of forests on precipitation. But evidence, carefully and scientifically scrutinized, is accumulating which tends to show that, under certain conditions at least, such influence may not be improbable. However this may be, overwhelming evidence can be brought to show that a potent influence upon the distribution of available water supplies from rain and snow is exerted by a forest cover, so that a government having to deal with the problem of cultural development of a part of its domain by irrigation can not compass the water question without at the same time giving attention and proper regard to the forestry question.

Removal of the mountain forest means invariably disturbance of the natural "run-off;" favorable some times, unfavorable mostly.

It may be difficult to devise at once such a plan for the administration of these forests, with a view to their continuity, as can be put in practice under the present social and political conditions of that part of our country in which this timbered area is situated; and a special investigation of these conditions and careful adjustment between the present needs of the population for wood material and the future needs of a forest cover for hydrologic purposes appears desirable, although various measures for a forest administration which seems capable of practical application have been proposed.

We therefore, the undersigned committee, in the conservative and scrutinizing spirit that should characterize the proposition of the scientific body which we represent, respectfully recommend:

That a joint committee of the Senate and House of Representatives of the United States be appointed to consider the needs of legislation in behalf of the public timber domain, with a view of providing for the appointment of a commission of competent men, salaried and employed for this service alone, for the purpose of investigating the necessity of preserving certain parts of the present public forest area as requisite for the maintenance of favorable water conditions, and to devise a practical plan for the permanent administration of such parts of it as shall appear desirable to be retained under Government control.

The committee further recommends that, pending such investigation, all timber lands now in the hands of the United States be withdrawn from sale and provision be made to protect the said lands from theft and ravages by fire, and to supply in at

rational manner the local needs for wood and lumber until a permanent system of forest administration be had.

It is also suggested that inasmuch as the various Departments and Government bureaus, namely, the Department of Agriculture in its Forestry Division, the Department of the Interior in its Land Office and Geological Survey, the Department of War in its Signal Office, the Treasury Department in its Coast and Geodetic Survey, are more or less closely interested in this matter, and have collected data useful in the work of such a commission, these Departments should co-operate and act as advisers of said commission.

T. C. MENDENHALL,

President of the Association and Chairman.

B. E. FERNOW, of New York,

Secretary.

E. W. HILGARD, of California,

C. E. BESSEY, of Nebraska,

WM. SAUNDERS, of Canada,

Committee.

APPENDIX D.

RULES IN REGARD TO ATTENDANCE OF INDIAN YOUTH AT SCHOOL.

The Congress of the United States, in the Indian appropriation act approved March 3, 1891, enacted the following law:

"And the Commissioner of Indian Affairs, subject to the direction of the Secretary of the Interior, is hereby authorized and directed to make and enforce by proper means such rules and regulations as will secure the attendance of Indian children of suitable age and health at schools established and maintained for their benefit."

In order to give full force and effect to the above enactment, the following rules and regulations are hereby promulgated:

1. The law applies to all Indians, whether on or off reservations, who are subject to the absolute control, and are under the special protection of the United States Government.*

2. The object of the law is to secure to all Indian youth the benefits of a practical education, which shall fit them for the duties of United States citizenship, and it requires that every Indian child of suitable age and health shall attend some school. So far as practicable, the preferences of Indian parents, or guardians, or of Indian youth of sufficient maturity and judgment, will be regarded as to whether the attendance shall be at Government, public, or private schools.

3. "Children of suitable age" is defined to include all those over 5 and under 18 years of age.

4. The "suitable health" of a child, as a condition of being sent to school, is to be determined by a medical examination and the certificate of a physician.

5. Indian children will attend the day or boarding schools established for their benefit on their respective reservations; but in case such schools are lacking, or they are already filled with pupils, or if for other reasons the good of the children shall clearly require that they be sent away from home to school, they will be placed in nonreservation schools.

6. The consent of parents shall, ordinarily, first be secured, if practicable, for placing children in nonreservation schools.

7. Cases of refusal to allow children to be sent to schools, either on or off reservations, or of opposition to the proper officers in their attempts to secure the school attendance of Indian children, shall be referred to the Indian Office, accompanied by explicit statements setting forth the circumstances of each case. Such punishment or penalties as the circumstances may seem to call for will be prescribed by this office.

8. It is hereby made a duty of agents, special agents, and supervisors of education, to use their authority wherever necessary to secure the attendance at school of all Indian children within their reach.

9. It shall be proper for agents, after reporting the facts and being specially authorized, to use the Indian police force to compel attendance at school, wherever necessary.

10. The sole purpose of this legislation is to secure the highest good of the rising generation of Indians, in order that they may no longer remain savage, uncivilized, uneducated, or dependent. It is therefore earnestly hoped that both the Indians and all interested in their welfare will cooperate in every practicable way to secure the attendance of all Indian children of suitable age and health at such institutions, and for such length of time as shall be necessary to equip them for life's duties.

* NOTE.—The law is not held to be applicable to the so-called Five Civilized Tribes, the Indians residing in the State of New York, the Pueblos of New Mexico, and the Indians residing in States who have become citizens of the United States.

APPENDIX E.

PUEBLO INDIANS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, May 4, 1891.

SIR: I have the honor to acknowledge the receipt, by reference from honorable Acting Secretary Chandler, of a communication from the Commissioner of Indian Affairs, dated April 15, 1891, relative to the effect of the paragraph on page 28 of the act making appropriations for the current and contingent expenses of the Indian Department for the year ending June 30, 1892, and whether the same can be made applicable to the Zuñi and other Pueblo Indians in New Mexico. Said paragraph reads as follows:

"And the Commissioner of Indian Affairs, subject to the direction of the Secretary of the Interior, is hereby authorized and directed to make and enforce, by proper means, such rules and regulations as will secure the attendance of Indian children of suitable age and health at schools established and maintained for their benefit."

The Commissioner states that said clause is one of the most important features of recent legislation for the Indians, and he expects, on account thereof, that in the future the attendance of Indian children at the schools will be larger and more regular; that there is a Government training school at Santa Fé, N. Mex., now in successful operation, with excellent accommodations, and that "there is no reason at all why the school established by the munificence of the General Government for the special benefit of such people as the Zuñis should not be well patronized, and there is strong reason why the children of these unfortunate people should not be debarred from the privileges of the school by the ignorance, superstition, and stubbornness of their parents."

He also asks whether the status of the Zuñi and other Pueblos be "such as to warrant the exercise of any of the authority now vested in the Department under the law above quoted to secure the attendance of their children of suitable age and health at schools established and maintained for their benefit."

In order to answer satisfactorily the question submitted it will be necessary to consider the status of said Pueblo Indians and their relation to the Government of the United States, and also whether Congress intended to include the children of Pueblo Indians in the term "Indian children" in said act.

The Pueblo Indians, so called on account of their dwelling in towns or villages, occupy that portion of New Mexico acquired by the United States under the treaty of Guadalupe Hidalgo, executed February 2, 1848, and proclaimed July 4, same year. (9 Stats., 922.) In said treaty (Article VIII) it was provided that "Mexicans now established in Territories previously belonging to Mexico" could remain where they were or remove to Mexico, and whether they went or staid they could dispose of their property without let or hindrance; and if they chose to remain in said Territories after the expiration of a year from the ratification of said treaty without choosing to retain their character as Mexicans then they "shall be considered to have elected to become citizens of the United States."

By the ninth article of said treaty it was provided that—

"Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic conformably with what is stipulated in the preced-

ing article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution, and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction."

The status of the Pueblo Indians has frequently been adjudicated by the courts of New Mexico and the Supreme Court of the United States. In the case of *United States v. Ritchie* (17 Howard, 531-540) the court referred to the plan of Iguala, adopted by the revolutionary government of Mexico on February 24, 1821, just prior to the overthrow of the Spanish authority, in which it was declared that "all the inhabitants of New Spain, without distinction, whether Europeans, Africans, or Indians, are citizens of this monarchy, with a right to be employed in any post according to their merit and virtues," and that "the person and property of every citizen will be respected and protected by the government." The Court also referred to the treaty of Cordova of August 24, 1821; the declaration of independence, issued September 28, 1821; the decrees of the first Mexican Congress, adopted February 24, 1822, and April 9, 1823, and said:

"The Indian race having participated largely in the struggle resulting in the overthrow of the Spanish power and in the erection of an independent government it was natural that in laying the foundations of the new government the previous political and social distinctions in favor of the European or Spanish blood should be abolished and equality of rights and privileges established. Hence the article to this effect in the plan of Iguala and the decree of the first congress declaring the equality of civil rights whatever may be their race or country. These solemn declarations of the political power of the Government had the effect necessarily to invest the Indians with the privileges of citizenship as effectually as had the Declaration of Independence of the United States of 1776 to invest all those persons with these privileges residing in the country at the time and who adhered to the interests of the colonies. (3 Pet., 99, 121.)

* * * * *

"But, as a race, we think it impossible to deny that, under the constitution and laws of the country, no distinction was made as to the rights of citizenship and the privileges belonging to it, between this and the European or Spanish blood. Equality between them, as we have seen, has been repeatedly affirmed in the most solemn acts of the Government."

In the case of *The United States v. Lucero*, decided in 1869 by the supreme court of Mexico (1 N. M., 422-458), is given a very full history of the Pueblo Indians of New Mexico, with reference to the legislation prior to the acquisition of said Territory by the United States, and also to the legislation of Congress and the Territory since that time, especially relating to the Pueblos; and it was held, among other things, that said Pueblo Indians had the same rights as other Mexicans in said Territory; that, not being tribal Indians, they were not within the provisions of the intercourse act of 1834, and not "subject to the jurisdiction of the Indian Department of the United States Government." The opinion of the court is very elaborate, and, although some of the expressions of the court relative to the condition of the Pueblos seem extravagant, yet the conclusions arrived at appear to be fully sustained by the history and legislation set out in the opinion.

The doctrine announced in the above case was approved in the case of *The United States v. Juan Santistevan* (*id.*, 583-593), and also in the case of *United States v. Anthony Joseph* (*id.*, 593-602). These cases were affirmed on appeal by the Supreme Court. (*United States v. Joseph*, 94 U. S., 614-619.)

The court said that the question whether the Pueblo Indians and their lands were subject to the provisions of the intercourse act of 1834, extended to New Mexico by the act of July 27, 1851 (9 Stats., 587), must be determined by the answers to two

other questions, namely: (1) "Are the people who constitute the pueblo or village of Taos an Indian tribe within the meaning of the statute? (2) Do they hold the lands on which the settlement mentioned in the petition was made by a tenure which brings them within its terms?"

The court quotes from the opinion of the court below, showing the character of the Pueblos to be "a peaceable, industrious, intelligent, honest, and virtuous people. They are Indians only in feature, complexion, and a few of their habits; in all other respects superior to all but a few of the civilized Indian tribes of the country, and the equal of the most civilized thereof." Again, after referring to the fact that when the intercourse act was extended to New Mexico there were the wild, nomadic tribes of Apaches, Comanches, Navajoes, and other tribes requiring the guardian care of the United States, the court said:

"The Pueblo Indians, if indeed they can be called Indians, had nothing in common with this class. The degree of civilization which they had attained centuries before, their willing submission to all the laws of the Mexican Government, the full recognition by that Government of all their civil rights, including that of voting and holding office, and their absorption into the general mass of the population (except that they held their lands in common), all forbid the idea that they should be classed with the Indian tribes for whom the intercourse acts were made, or that, in the intent of the act of 1851 its provisions were applicable to them. The tribes for whom the act of 1834 was made were those semi-independent tribes whom our Government has always recognized as exempt from our laws, whether within or without the limits of an organized State or Territory, and, in regard to their domestic government, left to their own rules and traditions; in whom we have recognized the capacity to make treaties, and with whom the governments, State and national, deal with few exceptions only in their national or tribal character, and not as individuals." (P. 617.)

The court declined to expressly rule that the Pueblos were citizens of the United States and of New Mexico, but they did state:

"But we have no hesitation in saying that their *status* is not, in the face of the facts we have stated, to be determined solely by the circumstance that some officer of the Government has appointed for them an agent, even if we could take judicial notice of the existence of that fact, suggested to us in argument." And ruled that "if the defendant is on the lands of the Pueblo, without the consent of the inhabitants, he may be ejected, or punished civilly by a suit for trespass, according to the laws regulating such matters in the Territory."

With this judicial exposition of the status of the Pueblo Indians of New Mexico, it must be held, I think, that said paragraph in the Indian appropriation act was not intended to and does not include the Pueblo Indians of New Mexico. It may be conceded that it is very desirable that the children of the Pueblo Indians should be educated in the schools established by the Government; but the Government is equally interested in the education of the children of the Mexicans who remained in New Mexico and became citizens of the United States, and all other children in said Territory. Yet, in the absence of an express declaration by Congress that the Pueblo Indian children may be compelled by the Department to attend schools "established and maintained" for the education of Indian children, I am of the opinion, and so advise you, that the Commissioner of Indian Affairs is not authorized under the provisions of said paragraph to prescribe rules and regulations to enforce the attendance of the children of Pueblo Indians in the schools established by the Government for the education of the Indians.

The papers submitted are herewith returned.

Very respectfully,

GEO. H. SHIELDS,
Assistant Attorney-General.

The SECRETARY OF THE INTERIOR.

APPENDIX F.

PUBLICATIONS OF THE ELEVENTH CENSUS.

In accordance with the present plan, the final publications of the Eleventh Census will consist of the following volumes:

THE DIGEST.

THE COMPENDIUM:

- Part I—Population and social statistics.
- Part II—Wealth and industries.
- VOLUME I—Population—Robert P. Porter, Henry Gannett, and William C. Hunt:
 - Part I—Characteristics, conditions, distribution, and parentage.
 - Part II—Occupations.
- VOLUME II—Vital and social statistics—John S. Billings, surgeon United States Army:
 - Part I—Mortality and vital statistics.
 - Part II—Social statistics.
 - Part III—Statistics of special classes.
 - Part IV—Frederick H. Wines—Crime, pauperism, and benevolence.
- VOLUME III—Educational and church statistics:
 - Part I—James H. Blodgett—Statistics of education and illiteracy, including enrollment in public, private, and parochial schools; age, race, sex, and maternal nativity of teachers, pupils, and illiterates, with duration of attendance at school and occupation of illiterates.
 - Part II—Henry K. Carroll—The religious bodies of the United States: Statistics showing the number of organizations, of edifices with seating capacity and value thereof, and of communicants; with introductory, historical, and descriptive statements.
- VOLUME IV—Valuation, taxation, and public indebtedness—J. Kendrick Upton and T. Campbell-Copeland:
 - Part I—Valuation and taxation.
 - Part II—Receipts and expenditures.
 - Part III—Indebtedness.
- VOLUME V—Farms, homes, and mortgages—John S. Lord and George K. Holmes:
 - Part I—Recorded indebtedness.
 - Part II—Ownership of farms and homes, and indebtedness thereon.
- VOLUME VI—Agriculture.
 - Part I—John Hyde—Irrigation, Frederick H. Newell; tobacco, Thomas N. Conrad; statistics of farms, cereals, grass lands and forage crops, the fibers, forestry, sugar, live stock on farms, dairy products, wool, and miscellaneous.
 - Part II—Mortimer Whitehead—Horticulture, including truck farming, floriculture, seed farming, nurseries, tropic and semitropic fruits, J. H. Hale; viticulture, live stock on ranges, live stock not on farms.
- VOLUME VII—Manufactures—Robert P. Porter and Frank R. Williams.
 - Part I—General statistics of manufactures, statistics of specific industries, manufactures of cities.

VOLUME VII—Manufactures—Continued.

Part II—Reports of expert special agents, as follows: Lumber mills and saw-mills and timber products, George A. Priest; slaughtering and meat packing, Thomas C. MacMillan; chemical manufactures and salt, Henry Bower; clay and pottery products, Henry T. Cook; coke and glass, Joseph D. Weeks; cotton manufactures, Edward Stanwood; dyeing and finishing of textiles, P. T. Wood; electrical industries, Allen R. Foote; manufactured gas, George W. Graeff; iron and steel, William M. Sweet; printing, publishing, and periodical press, J. J. Noah; wool manufactures, including woolen goods, worsteds, felt goods; carpets other than rag, wool hats, hosiery, and knit goods, S. N. D. North; shipbuilding, Charles E. Taft; silk and silk goods, Byron Rose.

Part III—Statistics of special industries: Agricultural implements, paper mills, boots and shoes, leather, tanned and curried, brick yards, flour and grist mills, cheese, butter, and condensed-milk factories, carriages and wagons, leather, patent and enameled.

VOLUME VIII—The mineral industries of the United States—David T. Day: Iron ore, John Birkinbine; gold and silver, Richard P. Rothwell; copper, lead and zinc, Charles Kirchoff; quicksilver, James B. Randol; manganese, petroleum, natural gas, Joseph D. Weeks; aluminium, R. L. Packard; coal, John H. Jones; stone, William C. Day; precious stones, George F. Kunz; mica, Lyman J. Childs; mineral waters, Dr. A. C. Peale; minor minerals, E. W. Parker.

VOLUME IX—Fish and Fisheries—Charles F. Pidgin and Bert Fesler:

Part I—Statistics of fisheries by geographical divisions.

Part II—Statistics of fisheries by name.

Part III—Appendix, containing scientific and popular names of fishes, with their geographical distribution; illustrations of the principal food fishes of the United States; condensed description of fish by species; statistical summary for each species for the United States; directory of principal firms and corporations engaged in the fishing industry of the United States.

VOLUME X—Transportation—Henry C. Adams:

Part I—Railroads: Statistics for the year ending June 30, 1890; statistics for ten years ending in 1889.

Part II—Lake, ocean, river, and canal transportation: Canals, T. C. Purdy; transportation on the Pacific coast, T. J. Vivian.

Part III—Express business.

Part IV—Street railways, Charles H. Cooley.

VOLUME XI—Insurance—Charles A. Jenney:

Part I—Fire, ocean marine, inland navigation and transportation, and tornado insurance business.

Part II—Life insurance, showing the business of level premium, assessment and coöperative companies.

Part III—Miscellaneous insurance, including the business of the accident, burglary, and theft, guarantee, hail, live stock, plate glass, real estate title guarantee, steam boiler, surety, and wind storm insurance companies.

Part IV—Fraternal and other beneficiary associations.

VOLUME XII—Indians—Thomas Donaldson: Report and statistics of the condition of Indians living within the jurisdiction of the United States, 1890, taxed and untaxed.

VOLUME XIII—Alaska—Ivan Petroff.

VETERANS OF THE CIVIL WAR. (Seven volumes, of 1,000 pages each; publication not yet authorized.)

STATISTICAL ATLAS. (Publication not yet authorized.)

APPENDIX G.

DEPARTMENT OF THE INTERIOR,
 UNITED STATES PATENT OFFICE,
 Washington, October 6, 1891.

SIR: I feel constrained to urge upon your attention the existing and urgent necessity for increase of room in this building for the Patent Office force. I transmit herewith letters to me upon this subject from Examiners Bissing, Sanders, Blodgett, Wilkinson, and G. D. Seely. These are but types of representations which have been made to me by other examiners orally. The overcrowded condition of the office is apparent upon slight examination only. It interferes sadly with the work of the force, it affects their health, and it renders unsightly the otherwise handsome interior of a noble building.

One of the first communications which I received on taking this position was from the honorable Benjamin Butterworth, containing a congratulatory expression upon the surety of our having more room in the near future, he having been instrumental, as a member of the Committee on Appropriations of the last Congress, in procuring an appropriation providing the general land office with quarters elsewhere. I remembered the fact as a member of the same Congress, and on looking at the "act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes," approved March 3, 1891, I found, what I expected to find, the following provision:

"For rent of buildings for the Department of the Interior, namely: For the Bureau of Education, \$4,000; Geological Survey, \$10,000; Indian Office, \$6,000; *General Land Office, sixteen thousand dollars.*"

I find in the report of my predecessor for the fiscal year ending June 30, 1891, the following upon this subject:

"The last Congress also took action intended to provide the Patent Office with the amplest room and facilities for the conduct of its business. At first a project received considerable attention, which contemplated the building of an 'annex' across the inner court of the Patent Office building. It was understood that by the erection of such an annex a large number of rooms could and would be furnished for the use of the Patent Office. This project, however, was set aside in recognition of the fact that the Patent Office was entitled to the rooms occupied in recent years by the General Land Office, so far as these rooms were needed for the transaction of its business. In recognition of this fact also an appropriation was made of the sum of \$16,000 to provide rented quarters for the Land Office. The purpose of this appropriation was to relieve the Patent Office, and this Bureau confidently awaits the carrying into effect of the policy indicated by the action of Congress."

There would seem to be no doubt as to what Congress has provided for in this matter, and that is the entire removal of the General Land Office from this building. I am informed, doubtless correctly, that during the month of July, 1891, the Land Office vacated fifteen rooms, which up to that time had been occupied by it, but turned over to the Patent Office only six rooms of the ordinary size and another of one-half the ordinary size. My attention has also been directed to a letter written to the Secretary of the Interior by the Commissioner of the General Land Office, dated July 7, 1891, in which he says:

"Referring to your reference of April 30, 1891, regarding rental of the proposed building on G street, between Sixth and Seventh, and to the report of Messrs. Con-

way and Redway, of May 14, 1891, under my directions, I desire now to add that since that date the pressing need for additional room for the Patent Office has been met by the surrender of the amount of space demanded by that Bureau in this building. It is hoped no additional room will be absolutely required until Congress can be asked to authorize the construction of a building specially adapted to the needs of the General Land Office."

I feel it to be my duty to the officers and employes under my charge, and to that large portion of the public with whose vast material interests this office has to deal, to urge with all the earnestness that is consistent with propriety a compliance with the direction of Congress above referred to at the earliest practicable moment.

In this connection I desire to call attention to some historical facts for the purpose of submitting certain pertinent considerations. This entire building, substantially as it now exists, was planned as a *Patent Office* about the year 1836, and its construction was begun under the provisions of an act approved July 4, 1836 (5 Stat. L., 115), the seventh section of which is as follows:

"SEC. 7. *And be it further enacted*, That there be erected, on some appropriate site, under the direction of the President of the United States, a fire-proof building with suitable accommodations for the Patent Office, and to be provided with the necessary cases and furniture, the expense of which shall not exceed one hundred and eight thousand dollars."

A portion of the building, the F-street front, was soon after erected in compliance with this act, occupied by the Patent Office, and has continued to be occupied, in whole or in part, by the Patent Office ever since. This act of 1836 antedates the creation of the Department of the Interior some thirteen years—act of March 3, 1849. (9 Statutes at Large, 395.) By the same act of 1849 the erection of an additional part of the building, originally planned in 1836, was authorized for the purpose of accommodating the offices of the Secretary of the Interior.

Statutes which are to be found by the aid of the ordinary indexes specify \$358,000 taken from the Patent Fund and expended upon this building. A careful reading of the statutes would doubtless disclose other moneys taken from the Patent Fund for the same purpose. At the close of the last fiscal year there remained in the Treasury \$3,947,847.97 (more than the entire cost of this building), made up of moneys paid by inventors in and through this office.

It seems to me that these facts demonstrate a right on the part of the Patent Office to the use of all the room in this building reasonably required for its needs, and consistent with the proper joint occupancy of the same building by the offices of the Secretary of the Interior.

The objection to this view of the rights of the Patent Office in this building was once officially stated as follows:

"If the facts were as represented, they by no means justify the inference derived from them. The Government, for the encouragement of talent and inventive genius of our citizens, grants by patent to the authors of books, or inventors of machinery, an exclusive ownership in them for a limited time. As a consideration for the franchises thus secured to them, the Government exacts from the patentee a fee or tax of \$30, which is paid into the patent fund. When the inventor gets his patent, he has received the consideration for his money, and the transaction is at an end. The ground assumed by those who claim the Patent Office as the property of inventors, necessarily involves the proposition that they are entitled not only to their franchises, but also the price which was paid for them. Upon the same principle the purchasers of public lands might claim a right to control the appropriation of money which they paid for them, or the consumers of dutiable goods the privilege of regulating the expenditure of the revenue of customs."

This kind of reasoning is based upon certain fundamental errors. The Government does not charge the patentee \$30, or any other sum, by way of taxation. The purpose of the charge is simply to defray the expenses of examining into the novelty of im-

provements presented for patent, and of keeping a proper record of the transaction. Considered as a purchase price of the franchise, \$30 is a ridiculously low sum. Patents are not granted for the purpose of taxation, or for the raising of revenue. They are granted simply "to promote the progress of science and useful arts." It may be that under the Congressional "power to lay and collect taxes, duties, imposts, and excises," Congress has power to lay a tax upon patents and copyrights, and it may not be. Certain it is that Congress has never exercised its right, if it has one, under that clause to tax patents and copyrights. Congress might possibly, by the exercise of a power akin to simple brute force, wrest away these moneys which inventors have paid from their proper application and purpose, but there is no foundation for the exercise of such a power either in the Constitution or good morals.

The money of inventors which has been incorporated into this building with that which now lies in the Treasury was not raised under the taxing power possessed by Congress, but was raised through and as an incident of the power which Congress has "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." The money was raised by the exercise of this particular Congressional power. In the forum of constitutional intent and good morals it is a patent fund to-day.

The original planning of this building for the purpose of a Patent Office, the incorporation in it of moneys paid by inventors, and the \$3,947,847.97 in the Treasury unapplied for their benefit, constitute, in my judgment, an unanswerable claim to the use of all the room in this building reasonably needed by the Patent Office, consistent with the suitable and dignified joint occupancy by the offices of the Secretary of the Interior.

Very respectfully, your obedient servant.

W. E. SIMONDS,
Commissioner.

THE SECRETARY OF THE INTERIOR.

APPENDIX H.

PREAMBLE AND RESOLUTIONS UNANIMOUSLY ADOPTED AT SEMI-ANNUAL CONFERENCE OF THE MORMON CHURCH HELD AT SALT LAKE CITY, UTAH, OCTOBER 6, 1891.

Whereas the Utah Commission, with one exception, in their report to the Secretary of the Interior, for 1891, have made many untruthful statements concerning the Church of Jesus Christ of Latter-day Saints and the attitude of its members in relation to political affairs; and

Whereas said report is an official document and is likely to greatly prejudice the people of the nation against our church and its members, and it is therefore unwise to allow its erroneous statements to pass unnoticed. Now, therefore, be it

Resolved by the Church of Jesus Christ of Latter-day Saints in General Conference assembled, That we deny most emphatically the assertion of the Commission that the church dominates its members in political matters, and that church and state are united. Whatever appearance there may have been in past times of a union of church and state, because men holding ecclesiastical authority were elected to civil office by popular vote, there is now no foundation or excuse for the statement that church and state are united in Utah, or that the leaders of the church dictate the members in political matters; that no coercion or any influence whatever of an ecclesiastical nature has been exercised over us by our church leaders in reference to which political party we shall join, and that we have been and are perfectly free to unite with any or no political party as we may individually elect; that the People's party has been entirely and finally dissolved, and that our fealty henceforth will be to such national political party as seems to us best suited to the purposes of Republican government. Also, be it

Resolved, That we do not believe there have been any polygamous marriages solemnized among the Latter-day Saints during the period named by the Utah Commission; and we denounce the statements which convey the idea that such marriages have been contracted as false and misleading, and that we protest against the perversions of fact and principle and intent contained in the report of the Commission, and declare that the manifesto of President Woodruff forbidding future plural marriages was adopted at the last October Conference in all sincerity and good faith, and that we have every reason to believe that it has been carried out in letter and in spirit; and all statements to the contrary are entirely destitute of truth. And be it

Further resolved, That we appeal to the press and the people of this country to accept our united declaration and protest; to give it publicity, and to aid in disseminating the truth, that falsehood may be refuted and justice be done to a people continually maligned and almost universally misunderstood.

And may God defend the right.