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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 Forty-eighth Congress, 1883

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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 FORTY-EIGHTH CONGRESS.

IN FOUR VOLUMES.

VOLUME I.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1883.

CONTENTS.

	Page.
Annual report of Secretary of the Interior.....	III-LIV
Annual report of Commissioner of General Land Office.....	1-304
Annual report of Commissioner of Pensions.....	305-400
Annual report of Commissioner of Railroads.....	410-718

APPENDIX

Account of the discovery of the fossil bones of the
mammoth, in the gravelly sand of the
valley of the Rhine, near the town of
Basle, in the year 1796. By the
Hon. the Count de Sickingen, Baron
of the Holy Roman Empire, &c. &c.
Translated from the German of
the same Count, by the
Hon. the Count de Sickingen, Baron
of the Holy Roman Empire, &c. &c.
London, Printed by J. Johnson, in
St. Paul's Church-yard, 1797.

REPORT OF THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, November 1, 1883.

SIR: I have the honor to submit my second annual report of the operations of the Department of the Interior, and in so doing to renew many of the suggestions and recommendations of my former report, together with such others as in my judgment will promote the public interest.

INDIAN AFFAIRS.

The report of the Commissioner of Indian Affairs shows that there has been a very considerable improvement among the various Indian tribes, with but little dissatisfaction and but one outbreak, and that among the Apaches of Arizona. It is believed that it is quite possible, with a wise and judicious treatment of the Indian question, to prevent the recurrence of hostilities between the Indian and his white neighbors that have marked nearly every year of our history. The Indian can no longer hide himself in the fastness of the mountains or in the solitude of the wilderness. Contact has come between the settler and the Indian in all parts of the country. Civilization and savagery cannot dwell together; the Indian cannot maintain himself in a savage or semi-civilized state in competition with his white neighbor, and he must adopt the "white man's ways" or be swept away by the vices of savage life, intensified by contact with civilization. Humanity revolts at the idea of his destruction, yet it is far better that he should disappear from the face of the earth than that he should remain in his savage state to contaminate and curse those with whom he must necessarily come in contact in the future.

It has been demonstrated that the Indian is capable of advancement, although he has not reached a high state of civilization, except in a few individual cases. The progress of the Indians of the Indian Territory and New York, as well as some other sections, not only demonstrates his capability but also affords convincing proof that the race is not to die out, but has the inherent strength to maintain itself, even under

quite unfavorable circumstances, and that with intelligent assistance from the Government it may become self-supporting.

If the Indian is to become a civilized being it must be by the aid of the Government, intelligently directed; and one of the first steps to be taken is to fix the Indian in a permanent home. Civilization will come slowly, if it comes at all, to those who wander about without fixed homes, however well the Government provides for their wants. To this end the reservations should be reduced in size commensurate with the wants of their occupants, and a fee-simple title thereto given to the tribe, to be held for the benefit of the members thereof, according to Indian polity, until such time as the Indians themselves shall choose to divide it. The surplus lands of such reservations should be bought by the Government, and parceled out to actual settlers only. The proceeds of the lands so sold should be used, not in providing food only for the Indian, but in the purchase of stock, farming implements, and in the education of their youth. When the Indian is fixed in his home and understands that he has a title to his land of which he cannot be deprived, one great source of his discontent will be gone.

The destruction of game in the country renders it impossible for the Indian to continue to support himself by the fruits of the chase, and he must support himself by labor or be supported by the Government. If supported by the Government, he will be a pauper and a vagabond, an expense to the nation, and a curse to the people among whom he may dwell. His evil influence will be felt far beyond the neighborhood in which he may live. He has no claims on the Government for support beyond the time when he has acquired the ability to support himself. If the Government has purchased his land, he should be paid for it according to the contract, having, however, due regard to his interest. If the system of annuities provided for in many of the treaties will keep him a savage pauper, payments should be made to him in such a way as to save him from such a state. He will not advance if the Government supplies all his wants and demands nothing from him; and no greater injury can be done him than to supply his wants and allow him to live in idleness. If allowed to continue in idleness, he will continue in vice and savagery. He must be taught to labor and care for himself, by persuasion if possible, by compulsion if necessary. The Government should provide schools for his children, where they should be taught the English language, and all kinds of useful labor; and the attendance of all children of school age should be required. If he chooses to be a farmer, he should receive suitable assistance in the first instance, with the understanding that such assistance is only temporary and must soon cease. If he prefers to be a stock-raiser, as he will in most cases, he should be furnished stock suitable to his wants, instructed to care for them, and then left to his own exertions. The manual-labor schools should instruct the male children in labor on the farm and in the shops, and the females in household affairs. Oppor-

tunities to engage in such labor can be readily found among the settlers on the borders of the reservations.

Laws should be enacted for his protection, not, however, at his dictation, but such as enlightened philanthropy determine for his benefit. He must not only have the protection of law, but he must be subject to its provisions. The courts should be as free to him for the protection of his person or property as to his white neighbors.

If he desires to abandon his tribal relations and become a citizen of the United States, he should be allowed to do so, without the loss of his interest in the tribal property.

Treaties impossible of fulfillment, or contrary to the public interest, should be modified or repealed; no more treaties should be made, or statutes enacted according to agreements made with the Indian. If he has more land than he needs, he must surrender the excess, and it cannot be left to him to determine either the amount he ought to retain or the price he ought to receive. He is incapable of determining such weighty questions; they should be determined by the legislative branch of the Government, or by some suitable tribunal created for that purpose. To many of the reservations he has no title whatever, and is but the occupant thereof by Executive favor. Such occupants ought not to be left landless, neither should they be allowed to hold large tracts not necessary for their support, and of which they make but little or no use.

In most cases appropriations for support are in consideration of cessions of lands heretofore made by the Indians to the Government, and the money so appropriated cannot be considered a gratuity; but in addition to such appropriation a large amount is appropriated for the support of Indians with whom we have no treaty engagements for such support. The amount so appropriated for the fiscal year 1883 was \$1,520,000.

Such last-named appropriations have been made in the same manner that those made under treaty engagements have been made; that is, a specified sum for each tribe or band. The propriety of this method, when applied to those Indians with whom we have treaty engagements for such appropriation, is not to be questioned; but no reason exists why the same course should be pursued with reference to those appropriations that are a gratuity on the part of the Government. All such appropriations should be at the disposal of the Department, so that distribution can be made according to the necessity of the Indians for whose benefit these appropriations are made. If the Department could use these funds at its discretion, they could be made not only a means of support, but a valuable agency in the civilization of the Indians. The Indian receiving the supplies so provided for should be made to understand that he has no claim on the Government, and that such assistance is only afforded him to enable him to become self-supporting,

and that if he fails to show reasonable progress in that direction such support will be withdrawn. It should be within the power of the Department to withhold such supplies, except in payment for labor performed by such Indians when the Department can furnish them an opportunity to labor. The cultivation of land or the care of stock should be made a condition precedent to receiving aid from the Government, except in the case of those unable to perform such labor. Such has not been the practice of the Government, but, on the contrary, the Indian has been allowed to refuse to do work of any kind, and yet demand and receive support from the Government. Why should the Government support the able-bodied Indian who refuses to work, any more than it should the white man who refuses to exert himself for his support?

I therefore recommend that all appropriations of the character named—that is, those made without consideration on the part of the Indians—be placed at the disposal of the Department, and that their distribution be made to depend as far as practicable on the disposition shown by the Indians to become self-supporting.

In my former report I recommended the disarming of the Indians, and I renew that recommendation. If we subside the Indian, he has no use for fire-arms, and it is not economy to allow him to retain his arms for the purpose of supplying himself with game; far better to give him a sufficiency of food, and require him to remain on his reservation. If the Indian is disarmed he will cease to be an object of terror to his white neighbor, and the friendly relations that ought to exist between the white settler and his Indian neighbor will not be wanting. It is unsafe to trust an Indian with a gun; the very possession of it incites in him a desire to use it. The unarmed Indian is as safe in any country as the unarmed white man; it is the possession of his weapon and the knowledge that he may be tempted to use it that creates hostility towards him on the part of the settler. Disarm him and put him under the protection of the law, and his person and property will be as safe as that of his white neighbor. His arms ought not to be confiscated; for every rifle give him an ox of twice its value to till his field, cows, sheep, or horses, as he may need. The propriety of doing this cannot be doubted; the beneficial results would be readily seen. I renew the following suggestion made in my former report:

I therefore suggest that the Commissioner of Indian Affairs be authorized to adopt some system of disarming the Indians, and to that end to purchase the arms of the Indians on fair terms, and that suitable appropriation be made, out of which payment shall be made, and that the sale of arms or ammunition to Indians holding tribal relations be prohibited under severe penalties.

INDIAN EDUCATION.

The subject of Indian education has lost none of its interest since my former report; on the contrary, an increased public interest has been

aroused concerning the duty of the Government in this behalf. The success attending all efforts in that direction, whether put forth by the Government or through the aid of charitable persons and associations, is most encouraging. The fact that the attempt to educate the Indian is not confined to a knowledge of books, but that the effort is being made to give him a practical education that will enable him to supply his own wants by his own labor, has won to the cause of Indian education many who saw but little advantage to the Indian in a literary education alone. The appropriations last year for the education of Indians were far below the actual wants of the service; yet I am able to report a great improvement in the condition of Indian schools, an increased attendance of pupils, and an increased interest among the Indians, both adults and youths. The Department located an Indian school at Lawrence, Kans., to be conducted on the plan of Carlisle, Hampton, and Forest Grove. The citizens of Lawrence donated to the Government for the purposes of this school 280 acres of choice land in the immediate vicinity of the city, of the cash value of something over \$10,000. The buildings are now in course of construction, and when completed will accommodate about 340 children. It is desirable to increase their capacity to 500. The contract price for the buildings is \$45,000. The superintendent of Indian schools reports the school buildings of Chilocca, Ind. T., and Genoa, Nebr., as about ready for occupation. The capacity of each of these schools is 150. It will be economy to increase their capacity to 400 each. In addition to the above, it is proposed to establish boarding-schools at Devil's Lake, Rosebud, and Sisseton, Dak.; Washakie, Wyo.; Wichita, Ind. T.; and Siletz, Oreg. Some of these are in course of erection. Ten new day schools have been established during the fiscal year. The capacity of the boarding-schools now established, including Carlisle, Hampton, and Forest Grove, is 5,025, and of the day schools 4,000, making the total 9,025. The capacity of boarding and day schools, old and new, is about 11,000.

In my former report I urged the necessity of putting at least one-half of the children of school age in *manual-labor schools*, and keeping them there until they should be sufficiently instructed in the industrial arts to support themselves. It has been demonstrated during the last year that even more than that proportion of the children can be put in manual-labor schools, if suitable appropriations are made for that purpose. Accommodation should be provided for at least 10,000 children in addition to those now in manual-labor schools, which would secure to about one-half of the children of school age the advantages of at least a partial education, while under present appropriations only about one-fourth have any school advantages at all, three fourths growing up in ignorance and vice. If it is wise to educate one-fourth, it is difficult to see why it is not wise to educate *all*. Certainly this ought to be done, unless the expense is too great for the Government to bear.

In my former report I endeavored to show that such expense was within the true principles of governmental economy, in the following manner :

The care, support, and education of 10,000 Indian youths during the fiscal year 1884 ought not to exceed \$2,500,000, and with the increased number of children there ought to be a reduction in the cost, and the expense of 20,000 children ought not to exceed \$4,000,000 per annum. To the 20,000, costing annually \$4,000,000, ought each year to be added not less than one-fourth that number, which, at the same expense per capita, will necessitate an additional appropriation of \$1,000,000, and the account will stand thus :

10,000 children, fiscal year 1884, computing the cost at \$250 each	\$2, 500, 000
20,000 children, fiscal year 1885, at \$200 each	4, 000, 000
25,000 children, fiscal year 1886, at \$200 each	5, 000, 000
30,000 children, fiscal year 1887, at \$200 each	6, 000, 000
25,000 children, fiscal year 1888, at \$200 each	5, 000, 000

The per capita allowance is greater than the cost at the agency boarding-schools, but these schools are not kept up more than nine or ten months, while this estimate is for attendance for the full calendar year.

At the close of the fiscal year 1887 10,000 children, having completed their school course, can be discharged, leaving, with the 5,000 to be added for the fiscal year 1888, 25,000; 10,000 of these may be discharged at the end of the fiscal year 1888, leaving, with the addition of 5,000, 20,000 for the fiscal year 1889; and every year thereafter one-fourth of the whole number may be discharged and the like number added. Thus, at the end of the fiscal year 1888 there will have been discharged 20,000 children, who will be able to care for and support themselves; and the total expense of the education of this number with those remaining in school will not exceed \$22,500,000, or about two-thirds of the amount of money expended for the suppression of Indian hostilities during the years 1864 and 1865.

Since 1872, a period of only ten years, the cost of Indian hostilities and military protection against Indians is estimated by the military authorities at \$223,891,264.50, or an annual expense of \$22,389,126.45. To this must be added the yearly appropriation for subsistence, which averages about five millions a year. To this must also be added the loss of life and the horrors of an Indian war, only to be understood by those who have had the misfortune to be participants in or witnesses of them. This cannot be computed in dollars, but ought to be considered in determining the policy of the Government in its dealing with the Indians.

I am confident that the expense per capita as above given is greater than necessary, and that if appropriations are made of the amount as above proposed, the number of children proposed to be kept in such manual-labor schools can be considerably increased. The total expense of the Indian service cannot be less than \$5,500,000 annually, and such expense must increase instead of diminishing if the Indian is not made to do something towards supporting himself. He will do but little if he is left to himself, and if, forced by hunger, he does become a laborer, he will be without skill and only able to do menial labor requiring neither skill nor intelligence. His children will become beggars and thieves, adding to the expense of the country by increasing pauperism and crime.

The education of the Indian is demanded, not only in the interest of the Indian, but of the white people of the country, who are yearly taxed to support a class who by education can be readily transferred from the

list of non-producers to that of producers, and the public relieved from the burden of their support. Public sentiment will sustain liberal appropriations for a measure that promises to settle in a satisfactory way the "Indian problem," and answers once for all the question so often asked, "What shall we do with the Indians?"

Many of the treaties contain provisions for the support of a school for every thirty children. It is not desirable to establish a school for every thirty children; but as this provision was in most cases, if not in all, inserted in consideration of the cession of land, and thus must be considered not as a gratuity but a payment to be made, it appears to be the duty of the Government to expend in the education of such children a sum equal to the sum called for in such treaty. The cash value of such provision can be readily ascertained. A careful examination of the treaties has been made to see what amount was required yearly to fulfill such treaties, and the records of the Department have been as carefully examined to determine what amount has been expended under such treaties. The difference between what was expended and what ought to have been expended is the amount due the Indians each year, under such treaties. The sum of the years is the amount now due. I submit a table herewith by which it appears that the sum total required to fulfill such treaties amounts to the sum of \$3,759,400 to the close of the fiscal year 1884, and this after deducting all sums for educational purposes on account of such treaties.

The estimates for school purposes submitted for the fiscal year 1885 contain an estimate for school-houses and one year's school under the treaties. The cost of such school-houses must come from the above amount, should Congress make the appropriation required, and still there would be due the Indians the sum of \$3,256,400. This amount is guaranteed by treaty to be expended for educational purposes. It ought to have been expended in part each year, but the Government cannot avoid the payment of this sum simply because it declined to pay according to its contract.

These obligations are as sacred as the public debt, and every argument that can be used in favor of strict probity in dealing with the creditors of the Government can be used with reference to these obligations, and many reasons exist why these obligations should have had preference even of the public debt, but no excuse can be made for the failure on the part of the Government to comply with this condition of the treaties. With an abundance of money lying idle in its vaults, it is difficult to understand why so little attention has been paid to the pledges of the Government in this respect. The sum unpaid should at once be appropriated to be used for educational purposes, including stock, farming implements, tools, &c., for manual-labor schools. With this sum at the disposal of the Department, there can be but little difficulty in establishing schools among these tribes adequate to their wants.

Statement showing amounts which should have been appropriated up to June 30, 1884, to fulfill educational provisions of the treaties with various Indian tribes.

Name of tribe.	Date of treaty.	Revised Statutes, volume and page.	Provision of treaty.	Amount.
Apache, Kiowa, and Comanche.	Oct. 21, 1867	Vol. 15, p. 583	School building and teacher for every 30 children for twenty years.	\$284,200 00
Bannock.....	July 3, 1868	Vol. 15, p. 675	.....do.....	44,200 00
Cheyenne and Arapahoe.	Oct. 28, 1867	Vol. 15, p. 595	.....do.....	283,100 00
Crow.....	May 7, 1868	Vol. 15, p. 651	.....do.....	262,200 00
Navajo.....	June 1, 1868	Vol. 15, p. 669	School building and teacher for every 30 children for ten years.	792,100 00
Northern Cheyenne and Arapahoe.	May 10, 1868	Vol. 15, p. 656	School building and teacher for every 30 children for twenty years.	167,800 00
Shoshone.....	July 3, 1868	Vol. 15, p. 675	.....do.....	141,700 00
Sioux.....	Apr. 29, 1868	Vol. 15, p. 637	.....do.....	1,491,600 00
Ute.....	Mar. 2, 1868	Vol. 15, p. 621	.....do.....	292,500 00
Total.....				* 3,759,400 00

* Of this amount \$503,000 represents school buildings at \$1,000 each, and \$3,256,400 represents teachers, fuel, school materials, &c., at \$700 per school per annum.

The superintendent of Indian schools recommends that at the agencies where manual-labor schools are not maintained there be established a semi-boarding school; that is, where the children shall be furnished a midday meal. The expense of such a school will be but little more than the day schools, and it is believed that a better attendance can be secured than at the day schools, with greater advantage to the children. He recommends the establishment of twenty schools of that character at an expense of about \$70,000. I concur in his recommendation.

In my former report I urged the necessity of the creation of a permanent fund for the education of Indians, and especially recommended that the net receipts of the sale of public lands be set apart for that purpose. I again urge the necessity of some provision for a permanent fund, and again recommend that the net proceeds of the sale of public lands be set apart for that purpose, if it is considered desirable to continue to dispose of the public land in any other manner than under the provisions of the homestead law.

COURT OF INDIAN OFFENSES.

Many of the agencies are without law of any kind, and the necessity for some rule of government on the reservations grows more and more apparent each day. If it is the purpose of the Government to civilize the Indians, they must be compelled to desist from the savage and barbarous practices that are calculated to continue them in savagery, no matter what exterior influences are brought to bear on them. Very many of the progressive Indians have become fully alive to the pernicious influences of these heathenish practices indulged in by their people, and have sought to abolish them; in such efforts they have been aided by their missionaries, teachers, and agents, but this has been found impossible even with the aid thus given. The Government furnishes the

teachers, and the charitable people contribute to the support of missionaries, and much time, labor, and money is yearly expended for their elevation, and yet a few non-progressive, degraded Indians are allowed to exhibit before the young and susceptible children all the debauchery, diabolism, and savagery of the worst state of the Indian race. Every man familiar with Indian life will bear witness to the pernicious influence of these savage rites and heathenish customs.

On the 2d of December last, with the view of as soon as possible putting an end to these heathenish practices, I addressed a letter to the Commissioner of Indian Affairs, which I here quote as expressive of my ideas on this subject:

I desire to call your attention to what I regard as a great hindrance to the civilization of the Indians, viz, the continuance of the old heathenish dances, such as the sun-dance, scalp-dance, &c. These dances, or feasts, as they are sometimes called, ought, in my judgment, to be discontinued, and if the Indians now supported by the Government are not willing to discontinue them, the agents should be instructed to compel such discontinuance. These feasts or dances are not social gatherings for the amusement of these people, but, on the contrary, are intended and calculated to stimulate the warlike passions of the young warriors of the tribe. At such feasts the warrior recounts his deeds of daring, boasts of his inhumanity in the destruction of his enemies, and his treatment of the female captives, in language that ought to shock even a savage ear. The audience assents approvingly to his boasts of falsehood, deceit, theft, murder, and rape, and the young listener is informed that this and this only is the road to fame and renown. The result is the demoralization of the young, who are incited to emulate the wicked conduct of their elders, without a thought that in so doing they violate any law, but, on the contrary, with the conviction that in so doing they are securing for themselves an enduring and deserved fame among their people. Active measures should be taken to discourage all feasts and dances of the character I have mentioned.

The marriage relation is also one requiring the immediate attention of the agents. While the Indians were in a state of at least semi-independence, there did not seem to be any great necessity for interference, even if such interference was practicable (which it doubtless was not). While dependent on the chase the Indian did not take many wives, and the great mass found themselves too poor to support more than one; but since the Government supports them this objection no longer exists, and the more numerous the family the greater the number of the rations allowed. I would not advise any interference with plural marriages now existing; but I would by all possible methods discourage future marriages of that character. The marriage relation, if it may be said to exist at all among the Indians, is exceedingly lax in its character, and it will be found impossible, for some time yet, to impress them with our idea of this important relation.

The marriage state, existing only by the consent of both parties, is easily and readily dissolved, the man not recognizing any obligation on his part to care for his offspring. As far as practicable, the Indian having taken to himself a wife should be compelled to continue that relation with her, unless dissolved by some recognized tribunal on the reservation or by the courts. Some system of marriage should be adopted, and the Indian compelled to conform to it. The Indian should also be instructed that he is under obligations to care for and support, not only his wife, but his children, and on his failure, without proper cause, to continue as the head of such family, he ought in some manner to be punished, which should be either by confinement in the guard-house or agency prison, or by a reduction of his rations.

Another great hindrance to the civilization of the Indians is the influence of the medicine men, who are always found with the anti-progressive party. The medicine

men resort to various artifices and devices to keep the people under their influence, and are especially active in preventing the attendance of the children at the public schools, using their conjurers' arts to prevent the people from abandoning their heathenish rites and customs. While they profess to cure diseases by the administering of a few simple remedies, still they rely mainly on their art of conjuring. Their services are not required even for the administration of the few simple remedies they are competent to recommend, for the Government supplies the several agencies with skillful physicians, who practice among the Indians without charge to them. Steps should be taken to compel these impostors to abandon this deception and discontinue their practices, which are not only without benefit to the Indians but positively injurious to them.

The value of property as an agent of civilization ought not to be overlooked. When an Indian acquires property, with a disposition to retain the same free from tribal or individual interference, he has made a step forward in the road to civilization. One great obstacle to the acquirement of property by the Indian is the very general custom of destroying or distributing his property on the death of a member of his family. Frequently on the death of an important member of the family all the property accumulated by its head is destroyed or carried off by the "mourners," and his family left in desolation and want. While in their independent state but little inconvenience was felt in such a case, on account of the general community of interest and property, in their present condition not only real inconvenience is felt, but disastrous consequences follow. I am informed by reliable authority that frequently the head of a family, finding himself thus despoiled of his property, becomes discouraged, and makes no further attempt to become a property owner. Fear of being considered mean, and attachment to the dead, frequently prevents the owner from interfering to save his property while it is being destroyed in his presence and contrary to his wishes.

It will be extremely difficult to accomplish much towards the civilization of the Indians while these adverse influences are allowed to exist.

The Government having attempted to support the Indians until such time as they shall become self-supporting, the interest of the Government as well as that of the Indians demands that every possible effort should be made to induce them to become self-supporting at as early a day as possible. I therefore suggest whether it is not practicable to formulate certain rules for the government of the Indians on the reservations that shall restrict and ultimately abolish the practices I have mentioned. I am not ignorant of the difficulties that will be encountered in this effort; yet I believe in all the tribes there will be found many Indians who will aid the Government in its efforts to abolish rites and customs so injurious to the Indians and so contrary to the civilization that they earnestly desire.

In accordance with the suggestions of this letter, the Commissioner of Indian Affairs established a tribunal at all agencies, except among the civilized Indians, consisting of three Indians, to be known as the court of Indian offenses. The members of this tribunal consist of the first three officers in rank of the police force, if such selection is approved by the agent; otherwise, the agent may select from among the members of the tribe three suitable persons to constitute such tribunal.

The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, promulgated certain rules for the government of this tribunal, defining offenses of which it was to take cognizance. It is believed that such a tribunal, composed as it is of Indians, will not be objectionable to the Indians and will be a step in the direction of bringing the Indians under the civilizing influence of law. Since the creation of this tribunal the time has not been sufficient to give it a fair

trial, but so far it promises to accomplish all that was hoped for at the time of its creation. The Commissioner recommends an appropriation for the support of this tribunal, and in such recommendation I concur.

CRIMES.

In my former report I called attention to the necessity for legislation for the punishment of crimes committed on reservations, whether committed by white men on Indians or Indians on white men, or by Indians on each other. Much uncertainty exists as to the power to punish for such offenses committed on reservations. This should be set at rest by proper legislation. As far as possible all reservations should be within the criminal jurisdiction of the State or Territory in which they are located.

The Commissioner of Indian Affairs again calls attention to the persistent attempts made by one Payne and others to invade the Indian Territory for the purpose of settlement, and recommends the enactment of a law adding imprisonment to the fine now provided for. I concur in his recommendation.

Frequent complaints are made of depredations on Indian reservations and on the Indian lands of the Indian Territory, by cutting timber by lawless persons who invade those lands for that purpose. There appears to be no way under existing laws to punish such trespassers, and I recommend that appropriate legislation be had by which parties may be properly punished.

CIVILIZATION OR CONTINGENT FUND.

In my former report I called attention to the need of a contingent fund to be used in the work of civilizing the Indians. I quote the following from my former report:

From July, 1877, to July, 1881, there was placed to the credit of this fund the sum of \$715,000, derived from the sale of certain Indian lands in Kansas. Of this sum \$500,000 was expended in the establishment and support of schools, and the remainder in the purchase of wagons, farming tools, stock, &c., with the exception of about \$4,800 now on hand.

It will be seen that this sum has been treated as a contingent fund, and was drawn on in all cases where, in the judgment of the Secretary of the Interior, the money could be profitably used in the work of civilizing the Indians. It will be noticed that the annual expenditure from that fund was something over \$175,000. It cannot be doubted that the use of such fund has greatly advanced the cause of Indian civilization, and it is doubtful whether any appropriation of equal amount for specific purposes has been as beneficial as that fund.

In making estimates as to the cost of greater efficiency in the school service it must be borne in mind that not less than \$125,000 per annum was used from that fund in the support of the schools. It is very difficult to estimate each year for the wants and needs of the Indian service. A liberal contingent fund should therefore be provided, to be used, in the discretion of the Secretary, whenever, through inattention, neglect, or ignorance of the necessities of the case, proper provision has not been made.

A year's experience since making the above suggestion has confirmed my views on that question, and I cannot urge too strongly the necessity of the creation of a fund on which the Department has a discretionary power, not to be used for subsistence, but for aiding exceptional cases for civilizing purposes, such as employing farmers, mechanics, and others to teach by practice the Indians to become farmers, mechanics, stock-raisers, and general laborers.

COMPENSATION OF INDIAN AGENTS.

The salaries allowed to Indian agents are, in most cases, grossly inadequate to the labor performed by them. In several instances agents have found the labor so great and the compensation so small that they have surrendered their positions to accept a larger salary, with less labor and responsibility, in other fields. The work required of an Indian agent is of the highest order, and can only be performed by men of large capacity and business experience. He is charged with the distribution of a large amount of property among the Indians. He submits estimates for the necessary appropriations for his agency, has the general oversight of the affairs of the agency, and directly represents the Government in its efforts to care for, protect, and advance the Indians. Work of this character ought not to be left to men of doubtful financial probity or of questionable morals. Men who can properly perform the work assigned to them as Indian agents can make more money, with less labor and privation, in other pursuits.

I earnestly recommend that the salaries of agents be increased sufficiently to secure good men and retain them in the service.

INDIAN TITLES.

The tenure by which most of the Indian tribes hold their land is very unsatisfactory. In a few cases the Indians are sufficiently advanced to appreciate the advantages of land in severalty, but the great mass of the Indians are not only not ready for land in severalty, but violently opposed to it, and incapable of taking care of such title if given to them. A title in severalty to or individual ownership of land is unknown in Indian polity, and they cannot understand why one man should have a claim on or title to land that he does not occupy, any more than they can understand how one man can become the owner of more air than he needs. They do not cultivate land in common, but each Indian has a separate patch or piece of ground which he tills year after year if he desires. When he neglects to cultivate it, any other person may do so. While he cannot comprehend individual ownership, he does know what title to his tribe means. He has been accustomed to hear the claim made that his tribe owns a section of the country. The invasion by one tribe of the region claimed by another has been the cause of innumerable wars. The denial of ownership in his tribe he fully understands, and whether that denial comes from a hostile tribe or from one of his

own number, it is, in his opinion, a crime to be punished. The reservation belongs to the tribe in trust for all the members thereof if they wish to occupy it. If it is sold, it must be sold for all.

I renew the recommendation that I made on the subject in my former report:

To the end that the Indians may be secure in their titles and have the assurance that they will not be removed, except by their free consent, I recommend the passage of a law to give each tribe a patent for the land the Government has guaranteed to it, leaving the Indians to determine the question of allotment for themselves. This system has given entire satisfaction to the civilized Indians of the Indian Territory, and is consonant with Indian law and religion.

LEASING OF INDIAN LANDS.

In April last, certain parties, alleging that they had made leases or agreements with the Cheyenne and Arapahoe and other Indians of the Indian Territory for the privilege of grazing cattle on the reservation of said Indians, by paying therefor two cents per acre per annum, applied to the Department to have their leases or agreements approved by the Department, and to be put in possession of the lands included in said leases or agreements. It was understood that quite a large amount and nearly all the lands so occupied by the Cheyennes and Arapahoes were included in such leases or agreements. It was urged by the parties desiring the approval of such leases or agreements that the Indians could derive a large revenue from the use of the lands, and be otherwise benefited by such occupation. I did not find authority for the making of such leases or agreements by the Indians, or by the Department, and I therefore declined to approve them, and informed the parties that I saw no objections to allowing the Indians to grant permission to graze cattle on their reservation at fair and reasonable terms; that the authority to so occupy must be given by the tribe, and not an individual member, and the whole tribe must participate in the benefits thereof; that the Department would not feel called on to remove the occupants under such leases or agreements, provided the Indians made no complaints and the Department was satisfied that the Indians were properly treated; that the parties and their employes conformed strictly to the statutes and rules of the Department with respect to the intercourse laws, with reference to the introduction of liquors, fire-arms, ammunition, &c.; that the Department would, when it appeared to be desirable for the public interest to do so, exercise its right of supervision to the extent of removing all occupants, without reference to such leases or agreements, on such notice as might be right and proper under the circumstances; and that all parties, in accepting such agreements from the Indians, must accept the same subject to such conditions and to the future action of Congress.

It is undoubtedly to the interest of the Indians to allow parties to graze cattle on their lands, if a fair price is paid for such privileges, as it will in time become a source of considerable revenue to

them, and will familiarize them with the care of stock. It is believed that the owners of herds would soon find it to their interest to hire Indians to herd their stock, and thus another source of revenue would be opened to them. Had the Department approved of the leases or agreements, it would doubtless have been the duty of the Department to collect from the occupants the money to be paid under the terms of such leases or agreements, and such money so collected would necessarily go into the Treasury of the United States. The Indians, having assumed the right to lease the lands, would not readily submit to have the money paid to the Department and put in the Treasury, although such fund might be subsequently used for their benefit. It will be impossible in the present condition of affairs to prevent conflicts between rival claimants for the privilege of grazing on Indian lands within the Indian Territory without legislation. Congress should provide some system by which the unoccupied lands can be leased by the tribe or the Department for the benefit of such tribes, and the money expended for the tribe without covering it into the Treasury.

CASH ANNUITIES TO INDIANS.

During the year there has been paid to Indians, in cash, about \$200,000, as interest on indebtedness to them. The practice of paying cash to the Indians is a pernicious one, for as a general rule the money is expended for useless, if not injurious, articles, and ought to be discontinued.

INDIAN HOMESTEADS.

The Commissioner of Indian Affairs recommends that a fund be placed at the disposal of the Department to pay the fees of homestead entries by Indians. In this I heartily concur. I think when an Indian will settle on land, intending to make it his home, he ought to be encouraged in so doing.

IRRIGATION.

A large number of reservations are situated within the arid regions, where agriculture cannot be carried on without irrigation. In some instances the cost of constructing ditches is very great, and it cannot be done by the Indians without material assistance on the part of the Government. It is folly to attempt to farm such reservations without provision for an adequate supply of water. I therefore recommend that an appropriation be made for the purpose of constructing ditches on such reservations as can be farmed only by irrigation.

THE GREAT SIOUX RESERVATION.

This reservation, including the agencies of Cheyenne River, Lower Brulé, Standing Rock, Pine Ridge, and Rosebud, contains, according to the report of the Commissioner of Indian Affairs for 1882, 48,924 square miles, with a population of about 24,000 inhabitants, or about 1 to two

square miles. The total number of acres cultivated on said reservation were 3,484, or about $5\frac{3}{4}$ square miles. The land claimed as cultivated consists of small and badly-cultivated fields, and the most of it can scarcely be considered as cultivated land.

The Forty-seventh Congress provided, in an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, as follows:

For this amount, or so much thereof as may be necessary to enable the Secretary of the Interior to negotiate with the Sioux Indians for such modification of existing treaties and agreements with said Indians as may be deemed desirable by said Indians and the Secretary of the Interior, five thousand dollars; but any such agreement shall not take effect until ratified by Congress: *Provided, however,* That if any lands shall be acquired from said Indians by the United States, it shall be on the express condition that the United States shall only dispose of the same to actual settlers under the provisions of the homestead laws.

Approved August 7, 1882.

Under this provision commissioners were appointed to confer with the Indians and report to Congress for ratification. On the 1st of February the commission reported, by which it appears that the Indians of the several agencies above mentioned had agreed to cede to the United States about 18,000 square miles on the following conditions:

ART. II. The said Indians do hereby relinquish and cede to the United States all of the great Sioux Reservation—as reserved to them by the treaty of 1868, and modified by the agreement of 1876—not herein specifically reserved and set apart as separate reservations for them. The said bands do severally agree to accept and occupy the separate reservations to which they are herein assigned as their permanent homes, and they do hereby severally relinquish to the other bands respectively occupying the other separate reservations all right, title, and interest in and to the same, reserving to themselves only the reservation herein set apart for their separate use and occupation.

ART. III. In consideration of the cession of territory and rights, as herein made, and upon compliance with each and every obligation assumed by the said Indians, the United States hereby agrees that each head of a family entitled to select three hundred and twenty acres of land, under Article VI of the treaty of 1868, may, in the manner and form therein prescribed, select and secure for purposes of cultivation, in addition to said three hundred and twenty acres, a tract of land not exceeding eighty (80) acres, within his reservation, for each of his children, living at the ratification of this agreement, under the age of eighteen (18) years; and such child upon arriving at the age of eighteen (18) years shall have such selection certified to him or her in lieu of the selection granted in the second clause of said Article VI; but no right of alienation or encumbrance is acquired by such selection and occupation, unless hereafter authorized by act of Congress.

ART. IV. The United States further agrees to furnish and deliver to the said Indians twenty-five thousand (25,000) cows and one thousand (1,000) bulls, of which the occupants of each of said separate reservation shall receive such proportion as the number of Indians thereon bears the whole number of Indian parties to this agreement. All of the said cattle and their progeny shall bear the brand of the Indian Department, and shall be held subject to the disposal of said Department, and shall not be sold, exchanged, or slaughtered, except by consent or order of the agent in charge, until such time as this restriction shall be removed by the Commissioner of Indian Affairs.

ART. V. It is also agreed that the United States will furnish and deliver to each

lodge of said Indians or family of persons legally incorporated with them, who shall, in good faith, select land within the reservation to which such lodge or family belongs, and begin the cultivation thereof, *one good cow and one well-broken pair of oxen, with yoke and chain*, within reasonable time after making such selection and settlement.

ART. VI. The United States will also furnish to each reservation herein made and described a physician, carpenter, miller, engineer, farmer, and blacksmith, for a period of ten years from the date of this agreement.

ART. VII. It is hereby agreed that the sixteenth and thirty-sixth section of each township in said separate reservations shall be reserved for school purposes, for the use of the inhabitants of said reservations, as provided in sections 1946 and 1947 of the Revised Statutes of the United States.

It is also agreed that the provisions of Article VII of the treaty of 1868, securing to said Indians the benefits of education, shall be continued in force for *not less than twenty (20) years, from and after the ratification of this agreement*.

ART. VIII. The provisions of the treaty of 1868, and the agreement of 1876, except as herein modified, shall continue in full force.

This agreement shall not be binding upon either party until it shall have received the approval of the President and Congress of the United States.

This agreement was not signed by a majority of the adults, but by the chiefs and headmen. The treaty of 1868 required that all treaties thereafter made should be ratified by three-fourths of the adults; but the treaty of 1876, ceding the Black Hills, was not executed in accordance with the treaty of 1868. The commissioners considered this as a precedent, and decided to accept the action of the chiefs and headmen as that of the tribe's, which is in strict accordance with Indian law.

Congress declined to ratify the agreement, and required that three-fourths of the adults should subscribe to the same. The commissioners have not made report of the progress made in securing signatures to such agreement; but it is alleged that the Indians have very generally concluded that it is not for their interest to dispose of the lands in the way proposed, and doubtless much dissatisfaction exists among them in relation thereto. It has been asserted that the price paid is not sufficient, and that the Indians were not informed as to the true meaning of the agreement; and it is not doubted that the Indians now so assert. It is not possible to make a treaty or an agreement with the Indians with which they will not be dissatisfied. Almost immediately after the agreement was signed by the chiefs and headmen, certain parties advised the Indians that they should not treat with the Government for a cession of lands unless they were paid in cash, and every effort was made by interested parties to induce the Indians to retire from the agreement. If one-half of the amount proposed to be expended for their benefit was offered them in cash, there can be no question but they would readily agree to the cession. It is difficult to make an Indian comprehend the benefits he will derive from the cession of land—unless he is paid in cash or its equivalent. He does not look forward to the time when he is to be self-supporting, but expects the Government to supply all his wants and pay him in cash or its equivalent for the lands which he values mainly as the means of securing compensation from the Government, and not for use. This treaty leaves these

Indians much more land than they will need for stock or farming purposes, being something over one square mile to each Indian, "great and small."

Whether the proposed payments are sufficient must be determined from the value of the land and the tenure under which it is held. It does not appear from an examination of the treaty of 1868 that it was the intention on the part of the Government to recognize the whole of that vast tract of land called the Sioux Reservation as the property of the Sioux alone, for it is provided that other Indians might be settled on the reservation with the consent of the Indians thereon; no provision is made for compensation for the land to be taken for that purpose. It appears to have been the purpose of the Government in reserving that vast tract to secure to each Sioux Indian a piece of land for his personal benefit; for it is provided that the head of a family should be allowed to take not exceeding 320 acres, and others a less amount; out of the reservation these smaller pieces were to be carved. The amount of land stipulated to be given to the Indians is more than double the amount that is allowed citizens of the United States to take under the settlement laws. It is also provided in the treaty of 1868 that if the tract reserved was not sufficient to secure the required amount of land other land should be added. There is also a provision that any male Indian eighteen years of age of said tribes may take a homestead of 160 acres anywhere on public land by residing on it for three years. It is further provided in the act of 1868 that, on the selection of land as aforesaid, the Government would give to parties selecting the same seeds, agricultural implements, &c., to the value of one hundred dollars the first year and twenty-five dollars per year for three years thereafter; and that each person engaging in farming should receive \$20 per year, or \$10 more than if he continued to roam over the reservation. The treaty of 1868 provides that schools shall be maintained at Government expense for every thirty scholars; also that the United States would furnish to each family that should commence farming one good American cow and one good well-broken pair of American oxen. The treaty of 1876 provides that the Government should erect comfortable houses for such of the Indians as should desire to farm. It is very evident that the great object in making the treaty was to induce the Indians to settle on farms and become farmers. But little effort has been made to comply with the conditions of these treaties on the part of the Government. I have shown in another part of this report that there is due the Sioux, under the provisions for the support of schools, \$1,491,600. The Indians have built themselves on the reservation 2,519 houses. The Government should have constructed these houses, which the Indians have constructed substantially without Government aid.

This item alone, allowing \$500 for each house, which is as little as they can be built for, leaves the Government indebted to the Indians the sum of.	\$1, 259, 500
If the Government had furnished one cow and one yoke of oxen to each family so locating, there would have been expended on this item alone	503, 800

The extra \$10 to each Indian locating on a farm.....	\$25, 190
\$100 for each family so locating would require	251, 900
\$25 for three years, equal to \$75 one year	183, 925
Or a total of	2, 229, 315
Deduct all payments that might be properly charged to their account...	217, 139
Leaving a total of	2, 012, 176
To this must be added the sum due on account of failure to furnish schools according to the treaty	1, 491, 600
Making a total of	3 503, 776

Besides this the Government is under obligations to build houses for all Indians not having houses, and furnish each with a yoke of oxen, cow, seeds, &c., as the Indians shall be entitled to, by locating on land of their own. The proposed agreement provides for the delivery of 25,000 cows and 1,000 bulls, of a total value of not less than \$850,000. The provision for the continuance of the appropriation for the support of schools for an additional sixteen years will require an annual appropriation of about \$106,500, or, in the total, about \$170,000, or a total under the present agreement of \$2,550,000 for these two items alone; other provisions of the agreement will require an additional sum. It is doubtful whether the Indians will be benefited by these large appropriations. If the conditions of the treaties of 1868 and 1876, together with those in the present agreement, are carried out in good faith on the part of the Government, the Indians will need no further aid from the Government, and can readily be made self supporting within the next ten years. The total annual appropriation for these Indians for the fiscal year was about \$1,700,000, the most of which is for subsistence, and its expenditure does little for the Indian except to keep him alive.

APACHES OF ARIZONA.

In my last report I called attention to the annual raids made by the Apaches of Arizona. In April last a number of the citizens of Arizona were killed, and a large amount of property stolen or destroyed by a band of Apaches that left the San Carlos Reservation in April, 1882, or before that time. In attempting to escape they passed into New Mexico, and killed Mr. McComas and wife and took their young son prisoner. The people of Arizona were greatly excited over the murders of their fellow-citizens and the destruction of their property, and threatened to take vengeance on the Indians on the reservation, claiming that the murders were committed by those Indians.

It is not at all surprising that the people of Arizona should have been excited over these outrages, occurring each year with the regularity of the seasons, and that in the excitement always attending an Indian raid they should contemplate holding the whole tribe responsible for the acts of a comparatively small number of the tribe. There is nothing more terrible to a new settlement than an Indian raid. No one

knows when the blow will fall, or where next the stealthy foe will appear. It is not open warfare, where every man has a fair show with his antagonist; it is not war; it is assassination. In such raids the Indians are careful not to meet any considerable number of whites, but they watch for the farmer at his work, the defenseless household, or traveler on the highway. When the citizens assemble, the Indian hides in the mountains until they disappear, and then he awaits his time to return and wreak his vengeance on the unarmed and defenseless citizens, regardless of age or sex.

In my former report I pointed out the danger to the San Carlos Indians if these raids were not stopped. Should these raids be continued, I am confident nothing but the presence of a military force will protect the Indians at San Carlos from destruction. The people believe the agency is the harbor for renegades, thieves, and murderers, and it is to be feared that heretofore such belief has not been without foundation, although it is not believed that any agency Indian was implicated in the last murders.

The Indians engaged in the raid escaped into New Mexico with but little danger to themselves. The commander of the district of Arizona, General Crook, pursued them into Mexico, and compelled the surrender of a portion of the hostiles, who were brought back to the reservation as prisoners of war. Some difficulty occurred as to the disposal of these Indians. They were prisoners of war, had surrendered with the idea that they would not be punished, and would be permitted to return to the reservation. General Crook hoped to secure quite a number of hostiles that had not surrendered, but had, through the prisoners taken, indicated their intention of so doing. After careful consideration of the case it was thought best to allow them to remain as prisoners of war on the reservation, hoping by so doing those still out might be secured, and then all danger of further hostilities, for the time at least, be avoided. General Crook was given full charge of the police of the reservation, for it was not thought to be prudent to divide the responsibility of keeping peace on the reservation, and the Department was not willing to attempt to keep peace with the prisoners of war freed from military control. The condition is an anomalous one, and one that cannot long continue. It is quite certain that the presence of the prisoners among the agency Indians has been very demoralizing. These Indians are guilty of murders and other crimes, and subject to the laws of Arizona and New Mexico, where the crimes were committed. General Crook says that they were not promised immunity for past offenses, but it is quite evident that they returned with the idea that they would not be punished for the crimes committed.

It does not appear to be the duty of the Department of the Interior to determine whether these offenders should be punished or not. At this time they are prisoners of war, in the hands of the War Department. If possible they should be removed from the agency to some

point where there will be less danger of their escape, and where their evil influences will not be felt by the more peaceably disposed of the tribe.

SAN CARLOS RESERVATION.

The San Carlos or White Mountain Reservation was established November 9, 1871, by Executive order, and contains 2,528,000 acres. The reservation should be carefully surveyed, and such portions as are not needed for the support of the Indians should be cut off.

This reservation is not the property of the Apache Indians residing on it, but it is quite difficult to make the Indians understand that a reservation set apart for their use is not theirs.

Since the establishment of this reservation there have been discovered on the exterior parts thereof both coal and silver mines. The coal mines are located in the southern part on land unfit for cultivation. These coal beds were first discovered by miners, who alleged that they were off of the reservation, and who still insist that such is the case; but a survey by the surveyor-general of Arizona affords proof of the falsity of this claim. It is however alleged that the prospectors who first discovered the coal mines acted in good faith, supposing that such coal fields were off of the reservation, and expended considerable labor in opening them. These coal fields are very valuable, and, as this fuel is much needed in Arizona, some arrangement should be made by which the public shall have the advantage of such discovery. It is competent for the President by Executive order to reduce the reservation, and thus throw the coal fields out of the reservation, but it is not thought advisable to do so without compensating the Indians for the land so taken, for, as before stated, it will be very difficult to make them understand that they are not being robbed. Some compensation should therefore be provided before the land is sold. If the claims of the prospectors should be found to be correct, that is, that they were in ignorance of the boundaries of the reservation (the Government not having established boundaries), they ought to be allowed to derive some advantage from their work, either by being allowed to purchase at a reduced price or to lease for a term of years.

NORTHERN CHEYENNES.

In 1881 Little Chief and his band, numbering 235, left the Cheyenne and Arapahoe Agency in the Indian Territory and proceeded to Pine Ridge, Dak. They were subsequently joined by 82 others. A large number of this band have located on Tongue River, Montana, and are making commendable efforts to support themselves. Since my former report the remainder of the Northern Cheyennes have left the Indian Territory and are now in Dakota. I recommend that some provisions be made to locate the Indians in Dakota or Montana, and that suitable provisions be made to enable them to engage in agriculture or stock raising.

NAVAJOES.

The Navajoes are located in Northeastern Arizona and Northwestern New Mexico, and number about 15,000. They have large herds of sheep and goats, and are not dependent on the Government except for the maintenance of their agency and the support of schools. I have called attention, in another part of my report, to the amount due these Indians under the provisions for the maintenance of schools. There is also due these Indians, from an appropriation made to carry out the seventh article of the treaty of June, 1868, the sum of \$96,651.74, which is available for the purchase of seeds and agricultural implements for their use. It is not desirable to use all of this fund for the purposes for which it was appropriated, but it is very desirable to use a portion of it for the purpose of improving the breed of sheep and horses now owned by these Indians. I therefore recommend that the authority be given to use the balance in the purchase of stock, payment of employés, and general expenses in procuring better grades of stock and in policing said reservation. It is found very difficult to keep these Indians on their reservation, for as the grass becomes scarce they leave their reservation and go on to the adjoining lands, and there come in contact with the stockmen and farmers of the adjacent regions. It is very desirable that an efficient police should be provided for, either out of the fund before mentioned or by a general appropriation.

CHEROKEE OUTLET ON LAND WEST OF 96°.

The last Congress, in an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-four, and for other purposes," provided as follows:

That the sum of three hundred thousand dollars is hereby appropriated, to be paid into the treasury of the Cherokee Nation out of the funds due under appraisalment for Cherokee lands west of the Arkansas River, which sum shall be expended as the acts of the Cherokee legislature direct, this amount to be immediately available—*Provided*, That the Cherokee Nation, through its proper authorities, shall execute conveyances, satisfactory to the Secretary of the Interior, to the United States in trust only for the benefit of the Pawnees, Poncas, Nez Percés, Otoes and Missourias, and Osages now occupying said tract, as they respectively occupy the same before the payment of said sum of money.

On the 14th of June last, under the provision of said act, deeds were duly executed by the Cherokee Nation to the United States in trust for the several tribes as hereafter stated.

Tribe.	Area in acres.	When settled.	Statute under which settlement was made.
Osage.....	1, 470, 058. 98	Apr., 1872	Act of Congress June 5, 1872, 17 Stat., p. 228.
Kansas.....	100, 137. 32	June 21, 1873	Act of Congress June 5, 1872, 17 Stat. p., 228.
Pawnee.....	230, 014. 04	June, 1875	Act of Congress April 10, 1876, 19 Stat., p. 29.
Ponca.....	101, 894. 31	July 28, 1878	Act of Congress May 27, 1878, 20 Stat., p. 76.
Nez Percé.....	90, 710. 89	Feb., 1879	Act of Congress May 27, 1878, 20 Stat., p. 74.
Otoe and Missouria..	129, 113. 20	Oct. 23, 1881	Act of Congress March 3, 1881, 21 Stat., p. 318.

On receiving such deeds the \$300,000 provided in the said act was paid to the Cherokee Nation.

DISPUTED CITIZENSHIP IN THE INDIAN TERRITORY.

The Cherokees and Choctaws claim the right to determine for themselves who are citizens, and that it is the duty of the Government to remove all persons that their constituted authorities declare are not citizens. The Department, acting under an opinion of the Attorney-General of December 12, 1879, has refused to recognize such claim, and has asserted the right to determine for itself who are and who are not citizens when called on to remove persons claimed to be intruders. On this subject the Commissioner of Indian Affairs, in his report, says:

In view of the magnitude of the interests involved and the unsettled condition of these nations consequent upon the presence of this unrecognized population, and its rapid increase among them, I respectfully recommend that Congress authorize the appointment and provide for the payment of the expenses of a commission, whose duty it shall be to visit these nations, consider the points of difference between the Indians and the alleged intruders or non-citizens, and after determining upon rules of procedure for the final adjustment of the question, attend the councils of said nations and submit said rules for their consideration and action, which, when adopted by them, and approved by the Department, shall be final and conclusive.

I concur in his recommendation.

CROW INDIAN RESERVATION.

This reservation is situated in the Territory of Montana, and contains 7,364 square miles, or 4,713,000 acres of land. A large part of this is unfit for cultivation, but the very best of grazing land. These Indians should be located on the Big Horn, with a suitable reservation for agricultural and pastoral purposes, and the balance sold. At least 3,000,000 acres might thus be disposed of, leaving the Indians sufficient agricultural lands to become self-supporting, if they desire to become agriculturists, and a sufficient amount of grazing lands should they prefer to become stock-raisers. The 1,713,000 acres that would be left would give nearly, if not quite, 600 acres of land to each individual member of their tribes. The number of Crows has been estimated at 3,500; but it is quite certain that the number is much less, and probably not over 2,500 or 3,000. A portion of the money realized for such sale should be at once invested in a herd for the tribes, and cared for by the Government until such time as the Indians shall be prepared to accept and care for their stock themselves. The proceeds of the surplus lands, properly used, would make the Crows self-supporting in a few years at the farthest.

BLACKFEET RESERVATION.

The number of Indians on this reservation is about 12,000. Until recently they have been able to support themselves largely by hunting, but the disappearance of the buffaloes is likely to cause great suffering

among them during the coming winter and spring if an additional appropriation is not made for them.

Inspector Howard reports from Fort Belknap, on the 17th of October, 1883, that "for the first time in the history of the agency the buffalo has failed to visit that region." Heretofore the buffalo meat and hides secured by the Indians have been sufficient, with the limited aid given by the Government, to give them fair support. If the Indians fail to secure buffaloes, as it is now quite certain they will, there is great danger of starvation among them. They must certainly starve unless they live off of the stock in the vicinity of the agency, but not on the reservation. If the Indians are driven by hunger to kill the cattle on the ranges belonging to herders who are rightfully in that section of country, there will be great danger of a collision between the herders and the Indians, and if such collision does not occur there will be a great loss of property, for the Indians will doubtless destroy more than they use. These Indians have a fine grazing country and some good agricultural lands that can be utilized by irrigation. A suitable appropriation should be made for their immediate wants, and provisions made for stocking the range with cattle, and they will soon become self-supporting from the growth of such herds.

CHIEF MOSES.

During the year 1878, the settlers of Washington Territory were greatly excited over the restless disposition shown by the Indians owing to the outbreak of the Snakes and Bannocks in the Territory of Idaho. Among the Indians causing this uneasiness was Chief Moses and his band, numbering about 150. Agent Wilbur endeavored, without success, to induce Moses and his band to go on the Yakima Reservation. Moses was accused of participation in certain murders, which he denied. The agent, fearing trouble for Moses and his band, asked permission to bring him to Washington for a conference with the Secretary. This was authorized, and Moses came on, and at a conference held with the Secretary in April, 1879, it was agreed that a reservation adjoining the Colville Reservation should be established for him and his band. On the 19th of April of that year, the Columbia Reservation, consisting of 1,994,240 acres, was established by Executive order, and on the 6th of March, 1880, by Executive order, there was added to said reservation 1,092,480 acres, making the total area of 3,086,720 acres. On Moses' return to Washington Territory he declined to go on the reservation, but set up title to it, and leased it for a nominal sum for grazing purposes. At the time of the establishment of the reservation there were a number of farmers and miners located on lands in the northern part of the reservation, whose rights were not respected, and who made complaints to the Department and protested against this reservation including their possessions. On the 23d of February, 1883, a strip fifteen miles wide on the northern part of the reservation, including such possessions and some

peaceable Indians, was, by Executive order, cut off from this reservation. Notwithstanding Moses had not lived on the reservation, and that it still contained 362,880 acres more than it did when he agreed to go on it, he complained bitterly that he was being robbed of his property. Much uneasiness was felt both by the settlers and military commander of the district on account of Moses' threatening attitude. Early last spring General Miles, commander of the Department of the Columbia, advised the bringing of Moses to Washington to confer with the Department. The Department not having funds applicable to that purpose, he was brought to Washington by the War Department. On the 7th of July a conference was held with Moses, at which it was agreed that the Secretary would ask Congress to make a suitable appropriation to enable him and his band to settle on the Colville Reservation and that the Columbia Reservation be abandoned. Moses was accompanied by Sar-sop-kin, the chief of a small band residing on the Columbia Reservation, and To-nas-cat, a Christian Indian from the Colville Reservation. Moses asserted that he had not gone upon the reservation because the Government had given him a reservation occupied by both whites and Indians, and that they disputed his right to the same, but asserted that he was willing to give up the reservation if the Government would compensate him in some way and allow him to go on the Colville Reservation, give him \$1,000 to build a house, \$1,000 per annum during his lifetime, furnish his band with two cows each; also, that the head of each family or each adult male should have a wagon, double harness, grain-cradle, plow, hand-hoe, scythe, and such other implements as are necessary, and build and maintain a school, saw-mill, and grist-mill when needed. Sar-sop-kin stipulated that he should be allowed to remain on the farm he then occupied, with sufficient other land to make his holding four square miles, and that each head of a family or adult male of his band should have 640 acres out of the Columbia Reservation, to be selected by himself and his band, or that he might remove to the Colville Reservation with the same rights as the Indians on such reservation, and that if he did so remove, his band should receive one hundred head of cows and such farming implements as needed.

To-nas-cat asked, in consideration that Moses and others should be allowed to remove to the Colville Reservation, that a saw-mill and grist-mill should be built, a boarding-school established capable of accommodating 100 children, saying that if it was the children should attend, and that he, as principal chief, be allowed \$100 per year during his lifetime. He also suggested that the Government ought to build a church; but yielded that point on the suggestion that the school-house could be used as a church.

The Secretary agreed to submit these propositions to Congress, and to recommend that the appropriation be made to carry them out. Chief

Moses returned to Washington Territory, and awaits the action of Congress.

It is now too late to question the propriety of the arrangement made with Moses in 1879. He will not surrender the reservation without some trouble unless he is compensated in some way for what he doubtless considers belongs to him. It is not proposed to support his band, but to give them the means of making themselves self-supporting. Sar-sop-kin and his band are now cultivating land, and it is doubtless good policy to give them the aid they require. To-nas-cat represents the progressive Indians of the Colville Reservation, and is worthy of encouragement and support. The total area of lands thus open to settlement, if the Indians are all removed to the Colville Reservation, is 2,357,120 acres. It is difficult to fix the amount required to carry out the proposed arrangement, but aside from the future support of the schools stipulated for, it is not believed it will exceed \$85,000, which is the amount General Miles estimates will be required.

I therefore recommend that an appropriation be made to carry out the spirit of the above proposition.

MISSION INDIANS OF CALIFORNIA.

Believing it desirable to obtain more authentic information concerning these Indians than that possessed by the Department, on the 9th of January, 1883, Mrs. Helen Jackson, of Colorado, and Mr. Abbott Kinney, of California, were appointed to make an examination of the condition and location of these Indians, and report to the Department. Mrs. Jackson, having spent some time in California studying the history of these people, was well qualified for the work; besides, she has given much attention to the Indian question, and was known to have their interest much at heart. Mr. Kinney, a gentleman of character, had also taken a deep interest in the welfare of these people. Both Mrs. Jackson and Mr. Kinney exacted nothing of the Government except the expenses actually incurred in their work. The work could not well be performed during the winter, and was not undertaken until spring. On the 13th of July Mrs. Jackson and Mr. Kinney made their report.

From their report it appears that these Indians number 2,907. The report contains a list of the villages occupied by them—sixteen villages; besides, it is alleged that quite a number live in the white settlements and towns. Some of the villages are on the reservations established for these Indians, others on public land, and not a few on what is claimed to be private land. It is said that fifty years ago these Indians numbered between 20,000 and 30,000, and their condition was much better than it now is. These Indians are not savages, but a semi-civilized people, peaceable and industrious, attached to the Catholic Church.

In a report made to the Interior Department in 1853, Mr. D. B. Wilson made the following statement:

These same Indians had built all the houses in the country, planted all the fields and vineyards. Under the missions there were masons, carpenters, plasterers, soap-

makers, tanners, shoemakers, blacksmiths, millers, bakers, cooks, brickmakers, carters, and cartmakers, weavers and spinners, saddlers, shepherds, agriculturists, horticulturists, vineros, vaqueros, in a word they filled all the laborious occupations known to civilized society.

With the settlement of California by the people of the United States came a demand for land; and the Indians who had dwelt in villages for nearly three-quarters of a century, supposing they owned the land, found themselves rudely dispossessed, and compelled to seek other localities. Leaving their former homes, they made others only to be again dispossessed when some one of the "superior race" coveted their possessions. The history of these people since that time appears to have been one of suffering and misery. But little effort appears to have been made to help them, and after a period of thirty years' close contact with the highest civilization of the world, they are poorer and more degraded than ever before. With an intelligent oversight on the part of the Government, and with but little expenditure of money, these people might now be valuable members of the community in which they live. The aid extended to them by the Government has been of but little advantage because they have been without a fixed and permanent abode, and because such aid has not been directed with that intelligence that a work of that kind demands. Slowly but surely the Mission Indians are disappearing, and each year renders it more difficult for them to maintain themselves, even in their now wretched condition.

Those Indians not already provided for should be placed on land of their own, secured to them by patent from the Government, and some aid given them in the first instance, in the way of stock, or agricultural implements, and schools should be established among them. It is doubtful whether a sufficient quantity of public land can be found in that part of California suitable for their support. If this is the case, the Government should purchase the required amount, which can be done without any great outlay of money. Such reservations as have been established should be at once surveyed, and so marked that the Indians will have no difficulty in determining their boundaries. Indians claiming to have property in land included within Mexican grants should have an opportunity to try the question of their rights in the courts, and to that end an appropriation to employ counsel to conduct such suits should be made.

INDIANS OFF OF THE RESERVATION.

There has been much complaint coming from stockmen and settlers in the vicinity of Indian reservations, that the Indians are allowed to go off of the reservations to hunt, and that while out in such hunting parties, they depredate on the settlers and stockmen by killing cattle, stealing horses, &c. In some instances the charges have been without foundation; but it is believed that the settlers and stockmen in some

sections have suffered considerable loss from such parties. In some of the treaties with the Indians they reserve the right to hunt off of the reservation, and as they are generally well informed as to all the provisions of a treaty favorable to them, the agent finds it difficult to keep them on the reservation. In some cases the appropriations for their support are so small that they are compelled to support themselves, in part at least, by hunting. It is quite certain that as game becomes more difficult to obtain, the Indians will increase their depredations, especially those who are suffering the pangs of hunger. It would be difficult to restrain white men under like circumstances, and it is much more difficult to restrain Indians, who have very loose ideas concerning the rights of others. The only remedy is to keep them on their reservations, and this cannot be done unless they are supplied with suitable food, either by the Government or through their own exertions, and whenever they have in treaties with the Government reserved the right to hunt off of the reservation, such treaty should be modified, and in consideration of such modification they should be supplied with work and stock, cattle or agricultural implements, or both.

SURVEYING THE BOUNDARIES OF INDIAN RESERVATIONS.

One great difficulty in keeping the Indians on their reservation and the whites off is the uncertainty of the boundary lines. The exterior of all the reservations should be surveyed, and plainly marked, so that neither Indians nor whites would have difficulty in determining the boundaries thereof, and I recommend a suitable appropriation for this purpose.

GENERAL LAND OFFICE.

The report of the Commissioner of the General Land Office shows that the disposal of public lands under all acts of Congress aggregates 19,430,032.80 acres, of which amount 339,235.91 acres, were Indian lands, and 1,999,335.71 acres railroad sections under various acts of Congress. The total cash receipts in connection with the disposal of the public lands amounted to \$11,713,883.70, of which amount \$625,404.27 was on account of the sale of Indian lands. The increase in receipts for the year 1883 over that of the year 1882 was \$3,319,367.66, and over that of 1881, \$6,305,079.34; pre-emption and private entries, 4,465,665.49 acres; timber-culture entries, 3,110,930.23 acres; the number of homestead entries 56,565, embracing 8,171,914.38 acres. Not included in the lands disposed of, and in addition thereto, were 47,933 pre-emption filings, 4,999 soldiers' declaratory statements, and 10,232 miscellaneous filings, these three items embracing in the aggregate 8,000,000 acres.

The increase in the number of claims recorded in 1883 was 55,548 over that of the year 1882, and 93,700 over that of the year 1881; the number of entries approved for patenting under various laws, 53,847; an increase of 26,239 over that of the year 1882. Four thousand two

hundred and seventy-four contested cases were examined and acted upon during the fiscal year. The number of pre-emption cases undecided June 20, 1883, was 12,542, an increase of the number in arrears of 2,370, and 11,912 new cases were received for action. A considerable amount of timber land was sold at public sale; but no land valuable for agricultural purposes has been offered at public sale. The vast amount of work done by the Land Office during the fiscal year can be seen from the foregoing summary.

The Commissioner again renews his recommendation that the pre-emption law be repealed. He says:

In my last annual report I renewed the recommendation frequently made by my predecessors that the pre-emption law be repealed.

Continued experience demonstrates the advisability and necessity of such repeal.

The objection that much good has heretofore resulted from the pre-emption system, and that it should not be discontinued because abused, appears to me without good foundation under the changed conditions created by the homestead law.

Before the homestead system was adopted the only method by which unoffered public lands could be obtained by settlers was by pre-emption. All the advantages of the pre-emption system are now embraced in the homestead laws. The same lands can be entered upon the same conditions and proofs and the payment of the same price under the homestead law as under the pre-emption law.

We have simply a double system for the same purpose, employing two sets of machinery, two agencies of adjustment, and a duplication of records, when only one is required. The administration of the law would be simplified and the labor and expense lessened by a discontinuance of the now unnecessary system of pre-emption.

He also recommends the repeal of the timber-culture law, and says:

In my last annual report I called attention to the abuses flowing from the operations of this act. Continued experience has demonstrated that these abuses are inherent in the law, and beyond the reach of administrative methods for their correction.

Settlement on the land is not required; even residence within the State or Territory in which the land is situated is not a condition to an entry. A mere entry of record holds the land for one year without the performance of any act of cultivation. The meager act of breaking five acres, which can be done at the close of the year as well as at the beginning, holds the land for the second year. Comparatively trivial acts hold it for a third year. During these periods relinquishments of the entries are sold to homestead or other settlers at such price as the land may command.

My information leads me to the conclusion that a majority of entries under the timber-culture act are made for speculative purposes, and not for the cultivation of timber. Compliance with law in these cases is a mere pretense and does not result in the production of timber. On the contrary, as one entry in a section exhausts the timber-culture right in that section, it follows that every fraudulent entry prevents a *bona fide* one on any portion of the section within which the fraudulent entry is made. My information is that no trees are to be seen over vast regions of country where timber-culture entries have been most numerous.

He recommends its repeal, and I fully concur with him in such recommendation.

The Commissioner recommends that the homestead law be so amended as to require a period of not less than six months after a settlement claim has been placed on record before final proof shall be admitted, irrespect-

ive of alleged time of residence prior to the time of entry. In this I also concur.

The attention of the Department has been called to the frequent frauds committed by parties securing lands under existing settlement laws without a compliance therewith. In very many cases there is not even an attempt to comply with the laws. When the country was new, and the parties desiring to secure land comparatively few, it is believed that these laws were complied with in most cases when land was entered, but as the demand for land has increased, it seems as if the people are restless under the restraint imposed on them in securing land, and they go to work systematically to defeat the very purpose of the law. The homestead and pre-emption laws, designed to secure to the actual settler lands at a reasonable price, have become agencies by which the capitalist secures large and valuable areas of the public land at but little expense.

The parties thus securing land without a compliance with the terms of the law rarely hold the title thereto for any considerable time. In many cases, doubtless, such conveyances are made for the purpose of placing the title in the hands of those not connected with the frauds practiced at the time of entry, and in other cases from a desire to realize the value of the land. Much embarrassment arises from the attempt on the part of the Department to avoid such fraudulent entries. No difficulty is found where the parties making such fraudulent entries still hold the title, but in case there has been a transfer for a valuable consideration without notice of the fraud, great injustice is done to the purchaser by disturbing the title which he had no reason to suppose was fraudulent. Where the fraud is discovered before the issue of the patent the Department finds no difficulty in canceling the entry, but where such entries have passed to patent resort must be had to the courts. In some cases fictitious names are used in the entry, and under a well known principle of law no title passes by such entry and patent. On the records of the United States, as well as in the local office of record, there appears to be a good title in the patentee for the premises described in the patent. The local records show a conveyance to some one who professes to be the owner; on the strength of such patent and the conveyance under it, for a valuable consideration, a conveyance is made to a *bona fide* purchaser who subsequently finds his title attacked by the Government. If it is clearly established that the grantee in the patent had no existence, the title is held to be in the Government, and the purchaser has no remedy except against the vendor, who is usually impecunious, and not infrequently has left the country. It would appear to be right that after a certain time the presumption should be conclusive that the patent was issued in strict accordance with law, and there should be no inquiry into the proceedings anterior to the time of issue.

FENCING PUBLIC LAND.

There has been much complaint concerning the illegal appropriation of the public land by parties who for stock purposes inclose vast commons to which they do not pretend to have any right except such as is given to them by fencing the same.

Concerning these the Commissioner of the General Land Office says:

The practice of inclosing public lands by private persons and companies for exclusive use as stock ranges is extensively continued in States and Territories west of the Mississippi River. These ranges sometimes cover several hundred thousand acres. Special agents report that they have ridden many miles through single inclosures and that the same often contain much fine farming land.

Summer and winter ranges in different sections of country are frequently controlled in the same manner by the same persons, who cause their cattle to be driven from one to the other, according to the season, keeping the whole of the land under fence and preventing the stock of smaller ranchmen from feeding upon any portion of it.

Foreign as well as American capital is understood to be largely invested in stock-raising enterprises involving unlawful appropriation of the public lands. Legal settlements by citizens of the country are arbitrarily prohibited, public travel is interrupted, and complaints have been made of the detention of the mails through the existence of these inclosures. Reports have been received of the use of violence to intimidate settlers or expel them from the inclosed lands.

In April last the Commissioner, by my direction and consent, gave notice as follows:

The fencing of large bodies of public land beyond that allowed by law is illegal, and against the right of others who desire to settle or graze their cattle on the inclosed tracts.

Graziers will not be allowed, on any pretext whatever, to fence the public lands and thus practically withdraw them from the operation of the settlement laws.

This Department will interpose no objection to the destruction of these fences by persons who desire to make *bona fide* settlement on the inclosed tracts, but are prevented by the fences, or by threats or violence, from doing so.

The Government will take proper proceedings against persons unlawfully inclosing tracts of public land whenever, after this notice, it shall appear that by such inclosures they prevent settlements on such lands by others who are entitled to make settlement under the public land laws of the United States.

In December, 1882, the Department reported the case of *Alexander H. Swan et al.*, charged with unlawful fencing of the public land in Wyoming Territory, to the Department of Justice. The United States attorney for Wyoming Territory brought a suit in equity against the parties to compel the removal of the fences. The district court held that such suit would lie, and ordered the fences removed. Proceedings, however, of this character involve much time and delay, and I therefore recommend some legislation on this subject that will enable the Department to remove such fences without the expense and delay of a suit in equity.

Public lands suitable for agriculture should be disposed of only to the actual settler under the homestead laws. A strict compliance with the law should be required in all cases. No greater calamity can befall a country than to have the land owned by a few, and thus compel the

masses of the people to become the tenants of such land-owners. It has been the policy of the Government heretofore to distribute the public land among the people in such quantities as would enable all desiring to engage in agriculture to do so as land-owners, and not as renters. As the country grows rich the tendency is to aggregate the lands in the hands of a less number of people; this is an evil with which the General Government is not called to deal after it has parted with the title to its land, but as the owner of the public land, held for the people of the United States, it becomes the duty of the Government to see that the laws intended to secure a fair distribution of these lands are strictly enforced.

RAILROAD LAND GRANTS.

In my last report I called attention to the necessity for some legislation in reference to lapsed grants. The necessity for such legislation still exists, and I repeat what I said on that subject:

Congress has from time to time, commencing in 1850, made grants to the several States or to corporations to aid in the construction of railroads. In some instances the roads have been constructed and in others partially completed; but in some cases no attempt has been made to build the roads and thus secure a title to the land. The lands thus granted have been withheld from the operation of the settlement laws. The Supreme Court of the United States has declared, in the case of *Schulenburg v. Harriman* (21 Wallace, 44), that a failure to complete the road within the time fixed in the grant did not forfeit the grant. Lands thus withheld from the operation of the settlement laws must so remain until Congress shall declare such lands forfeited. If it is the intention of Congress to allow the railroad companies to complete their roads after the expiration of the term fixed in the grant, and thus claim the benefit of the grant, it should be so declared at an early day. Large tracts of land are not available for settlement because the settler cannot determine whether the title is in the Government or in the railroad company. If he purchase from the railroad company and it fails to complete its road and secure the title, he takes nothing by such purchase, and he cannot secure the land under the settlement laws, for the Department is not authorized to treat such lands as public lands. Besides this, the even sections within the limits of the grants are subject to cash entry at not less than \$2.50 per acre. Thus the settler is sometimes compelled to pay a double price for the privilege of owning lands near a railroad which is never constructed.

It is difficult to make the people understand that the executive department of the Government cannot declare a grant forfeited when the corporation for whose benefit it was made has failed to comply with the conditions thereof. Petitions are presented to the Executive demanding the forfeiture of grants for non-compliance with the conditions thereof. Individual claimants declare themselves outraged because the Commissioner of the General Land Office refuses to allow filings on the odd sections of land within the unforfeited railroad grants. The Government is derided as the Government of the rich and opposed to the poor, because the executive department of the Government does not do what the courts have repeatedly declared could be done only by the legislative branch of the Government, that is, declare a forfeiture of a grant.

Complaint is made that grants made more than a quarter of a century ago are still treated as valid, subsisting grants, and the settler forbidden to go thereon, although nothing has been done toward the building of the road, which must be built before the railroad company can receive the evidence of the title given to it by the Government so many years before.

If the executive department of the Government disregard the law and issues a patent to such settler, he takes nothing by the instrument and is as much at the mercy of the corporation as if he had not received the Government patent. Congress alone can relieve the settler by declaring the grants forfeited.

If the grants are not forfeited when there has not been a full compliance with the conditions of the grant, it seems to be just and proper that some provision should be made by which the settlers, who, through ignorance, or because they believed such grants had been or would be forfeited, have made settlement on such railroad lands, can secure a title, either through the railroad company or from the Government.

TAXATION OF RAILROAD LANDS.

By section 21 of the act of July 2, 1864 (13 Stat., 356), amendatory of the Pacific Railroad act of July 1, 1862 (12 Stat., 489), it is provided—

That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same, by the said company or party in interest, as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed, as provided under the provisions of this act.

By act of July 31, 1876 (21 Stat., 121), substantially the same provision was extended to all railroad companies receiving grants of lands, "unless * * * exempted by law from the payment of such cost."

By the failure of the companies to pay such costs and apply for patents a large amount of lands granted and available for railroad purposes are, under the rulings and decisions of the Supreme Court, as enunciated in *Kansas Pacific Railway Company v. Prescott* (16 Wall., 603) and *Railroad Company v. McShane* (22 Wall., 444), substantially relieved from State taxation, and contribute nothing to the fair support of the burden and revenue of the local governments, and at the same time deny to the General Government the due compensation provided by law for the surveys already extended over a portion of the lands, and the benefit of the enlarged appropriations intended to secure further surveys along the line of the road.

Experience has shown that, instead of aiding the Government and facilitating the survey and sale of the public lands along the routes,

and the consequent settlement of the country, the provision has operated to retard such laudable results, and also has served to enable the companies to obtain such valuable parcels of land as they may find speedy profit in selling, thus imposing the full burden of taxation upon their grantees and other settlers who purchase lands in the same neighborhood, while refusing to take the patents for the larger body of less valuable lands upon which such burden would fall in the hands of the companies themselves.

It is earnestly to be desired that some means of adjustment of these grants, as a whole, be provided, or some method devised which shall, under cover of legislative authority, not only remedy the evil suggested, but enable this Department to reach a finality as to the titles to be conveyed to these corporations at the earliest practicable moment, and thus relieve an anxious and excited public feeling, already sufficiently aroused upon the various difficult and complicated questions connected with the administration of this momentous and important branch of public affairs.

To this end I most urgently recommend that the prompt and serious attention of Congress be invited to the foregoing suggestions.

PENSIONS.

The report of the Commissioner of Pensions shows that at the close of the last fiscal year there were 303,658 pensioners, classified as follows:

Army invalids	198,648
Army widows, minor children, and dependent relatives	74,374
Navy invalids	2,468
Navy widows, minor children, and dependent relatives	1,907
Survivors of the war of 1812	4,831
Widows of those who served in the war of 1812	21,336

There were added to the pension roll during the year the names of 38,162 new pensioners, and 796 whose names had been previously dropped from the pension roll were restored, making the total number added to the roll during the year 38,958, being an excess over the number added the previous year of 10,645. During the year 20,997 pensioners were dropped from the rolls for various causes, leaving a net increase over the rolls of 17,961. The number of persons dropped from the rolls included the names of those who have been carried on the rolls after death until final settlement and payment of the amount due such pensioners. The average annual value of each pension at the close of the year is \$106.18, and the aggregate value of all pensions is \$32,245,192.43, an increase over the value for the previous year of \$2,904,090.81. The total amount paid out for pensions during the year was \$60,064,009.23. The excess on the annual value of pensions is mainly for arrears of pensions covering the period prior to the allowance of the claim. The total number of claims filed for disabilities incurred while in the service amounts to 496,721, of which 245,210 have been

allowed; and by widows on account of deaths chargeable to the service 312,029, of which 206,716 have been allowed. The total number of claims filed since 1861 is 886,137, of which number 510,938 have been allowed. During the same period there has been paid for pensions, with cost of disbursement, the sum of \$621,073,297.60. The Commissioner says:

Of the whole number of army invalid claims filed from 1861 to 1865, both inclusive representing the first period, five years (while the war of the rebellion was yet in progress), 76.7 per cent. have been allowed; for the next five years to 1870, 88.8 per cent. have been allowed; for the next five years to 1875, 64.8 per cent. have been allowed; the next five years to 1880, which terminates the arrears period, 39.4 per cent. have been allowed, and for the next period of three years to 1883 (to date), 4.6 per cent. have been allowed; or of all claims of this class of army invalids filed within the arrears period (prior to July, 1880) 57.4 per cent. have been allowed, and there are still pending 111,730 army invalid claims at the close of the present fiscal year.

The number of cases appealed from the Commissioner of Pensions to the Secretary during the past year is 746. These cases involve much labor and attention on the part of the Secretary and his assistants. The Commissioner reports that the system of special examination in the field is of great importance both to the office and to claimants, and that results obtained through it have been satisfactory.

The passage of the arrears of pension act of March 3, 1879, caused the filing of a large number of additional claims by parties who did not before that time consider the amount to be paid sufficient to compensate them for the trouble or annoyance of securing a pension. A great number of persons have established pension agencies, so called, for the procuring of pensions, and it has been ascertained that a number of them have resorted to various devices and tricks to induce the soldier or dependent relative to apply for a pension. Circulars have been sent out advising the soldier that a large amount had been appropriated, and that all soldiers would receive pensions who should apply, and various methods have been pursued to induce the applicant to pay the fee or a part of it. The office has been embarrassed by such proceedings, and, in many cases, the soldiers have been swindled by paying fees to parties who well knew the soldier was not entitled to a pension. Evidence collected has been withheld by such pension agents or attorneys until the soldier would pay them a fee. A number of persons detected in such evil practices have been suspended and disbarred from practicing before the Department of the Interior. The evil complained of is one of considerable magnitude, and Congress should provide by suitable legislation for their punishment.

Payments are made to pensioners once in three months. Very many pensioners are wholly dependent on the amount received from the Government for their support. The amount paid is generally so small that it is exhausted before the next pay day, and the pensioner resorts to the money lender to secure a small loan, at exorbitant rates, to be paid at the next pay day. In most cases the interest exacted is from five to

twenty per cent. per month. Congress having prohibited the use of the certificates as security for money loaned, the lender has no security, and makes that the excuse for extorting such conscienceless interest from the needy borrower. If the pensioner was allowed to pledge his certificate for the payment of small loans, he would doubtless be able to get such loans at better rates; but the improvident and needy would in some instances be robbed of the real value of their pensions. The Government for the protection of the pensioner having denied to him the opportunity of using his certificate as a security for the money he may need to carry him to the next pay day, ought to provide for the payment of the money as it becomes due each month whenever it can be done so, without great inconvenience and loss to the Government. I think the agent should be allowed by law to advance at the end of each month the amount the pensioner is entitled to per month. By so doing the pensioner will be relieved from the necessity of submitting to such extortionate rates. It may not be practicable for the agent to make payment in all cases; but the agent should be authorized to do so whenever in his judgment the necessities of the pensioner demand it. It can be done with but little extra labor whenever the pensioner resides in the vicinity of the agency, so the payments can be made in person.

NEW PENSION BUILDING.

Appropriations for a brick and metal fire-proof building for use of the Pension Bureau have amounted to \$400,000, and an appropriation has been made for a heating apparatus of \$40,000.

The site indicated by Congress proved to be so unsuitable that under the law a new site in Judiciary Square was recommended to the President and by him approved.

The plans for this site were prepared, approved on the 1st of November, and the ground was broken on the 2d November, 1882.

As the place to be occupied by the building had been filled to a very considerable height above the original and firm soil, the excavations for foundations have been rather heavy, and advantage has been taken of these circumstances to construct a deep and spacious cellar under the south half of the building.

The site is in a high and healthy part of the city, in the north portion of Judiciary Square, and with space of lawn and streets on the north, east, and west gives ample light, and as on the south the building fronts on the line of F street, looking across the open park to the United States court-house, it has light and space on all sides. The site is 35 feet above tide, and is well drained by an 8-foot sewer.

The excavation was made during the winter and spring, and the cellar and foundation walls were built whenever the weather allowed the construction of masonry. At this date the cellars are completed, the walls are raised to the level of the second floor, and the arches covering the first story are begun.

The whole building will be of brick, burned clay, and metal, and be fire-proof throughout.

The expenditures to this time for work and for material, of which a large quantity is on hand, has been \$176,970.14 for construction of building, and a contract has been made for heating apparatus much under the appropriation, and this work is now in course of erection, the steam and return pipes being inserted in the flues provided for them and carried up as the walls themselves rise.

There remains available on the construction of the building \$223,129.86; for construction of heating apparatus, \$39,480.55.

PATENTS.

The report of the Commissioner of Patents shows increased activity in that Bureau during the past fiscal year.

Number of applications for patents received	32,845
Number of applications for design patents received	1,039
Number of applications for reissue patents received	247
Number of applications for registration of trade-marks	854
Number of applications for registration of labels	749
Total	35,734
Number of caveats filed	2,688
Number of patents granted, including reissues and designs	21,185
Number of trade-marks registered	883
Number of labels registered	618
Total	22,686
Number of patents withheld for non-payment of final fees	2,056
Number of patents expired	7,471

RECEIPTS AND EXPENDITURES.

Receipts from all sources	\$1,095,884 70
Expenditures (not including printing)	704,348 45
Surplus	391,536 25

COMPARATIVE STATEMENT SHOWING THE INCREASE IN THE WORK.

Number of applications for patents, including reissues, designs, trade-marks, and labels, received—	
During the fiscal year ending June 30, 1881	24,906
During the fiscal year ending June 30, 1882	30,062
During the fiscal year ending June 30, 1883	35,734
Increase 1883 over 1881	10,828
Increase 1883 over 1882	5,672
Number of applications awaiting action on the part of the office on—	
July 1, 1882	3,387
July 1, 1883	4,699
Increase, 39 per cent., or	1,312

Assignments recorded and words written.

	Fiscal year ending—		Increase.
	June 30, 1882.	June 30, 1883.	
Assignments recorded.....	16, 514	17, 087	573
Words written in recording assignments and making manuscript copies.....	20, 945, 385	21, 340, 713	395, 328

COMPARATIVE STATEMENT SHOWING THE INCREASE IN RECEIPTS.

Fiscal year ending June 30, 1881.....	\$789, 895 52
Fiscal year ending June 30, 1882.....	930, 864 14
Fiscal year ending June 30, 1883.....	1, 095, 884 70
Increase 1883 over 1881.....	305, 989 18
Increase 1883 over 1882.....	165, 020 56

On the increase of business in the office, the Commissioner says:

The foregoing tabulated statement shows that the business of this office is steadily and rapidly increasing. This increase is not confined to any particular branch of the work, although some classes of inventions are more active than others, but is found in each of the divisions of the office. Every industrial pursuit, which finds its reflex here, vies with every other in seeking the best and most economical means and methods for accomplishing successful results. The field of invention seems to enlarge with the increasing demands and wants of the people and the necessities of labor and capital. Whenever it is found that the use of old devices and appliances is not profitable because of the competitions of trade or labor, the inventive mind finds new ways and means for accomplishing the same or like results at less cost and with equal satisfaction. Improved devices and methods supplant old ones, making that which was difficult easy and that which was expensive cheap. The sum of human knowledge is thus being constantly augmented, the burdens of toil lightened, and the facilities for comfort and happiness increased. Undoubtedly a large majority of the improvements in the arts, sciences, and mechanical devices find their incentive in the hope of gain to the inventor, but the results are the same, whatever be the motive.

The work of the office is largely in arrears, growing out of the insufficient force and rapidly increasing business in the office. The Commissioner and all his assistants have made commendable efforts to keep up the work of the office, and the fact that the work is in arrears cannot be attributed to any lack of effort on their part. As the fees exacted of inventors not only pay all the expense of the Patent Office, but furnish a surplus for the Treasury, it does not appear to be unreasonable on the part of such inventors to demand that their work should be promptly done by competent men. It is a great hardship on the inventor, who has paid the full cost of determining all questions concerning his application, to be told that for want of sufficient force he must wait weeks, and perhaps months, for the result that ought to be declared in as many days.

The Commissioner recommends an increase in the salaries of examiners and assistant examiners. It has been found very difficult to keep many of the best examiners and assistant examiners at the salary paid.

A thorough acquaintance with the business of the office, and especially of the particular art assigned to such examiners, is a prerequisite to success in the office, and as soon as the examiner has mastered the intricacies of the art assigned to him, together with the principles of patent law, he is offered a more tempting position, as practitioner before the Department or in the courts, as a patent lawyer. The number of examiners and assistant examiners should be increased, and their salaries increased to an amount that will secure the great majority to the service for a number of years after they have familiarized themselves with their work.

It is not only the inventor who is interested in having the work of the Patent Office promptly and thoroughly done; the whole public is likewise interested.

By section 494 of the Revised Statutes the Commissioner of Patents is required to report to Congress annually, before the 1st of January. This provision appears to have been incorporated into the Revised Statutes from the act of July 8, 1870, but is but a remnant of an act approved March 3, 1837, at which time the Patent Office was under the supervision of the Secretary of State. By the act of March 3, 1849, the Commissioner of Patents became subordinate to and under the control of the Department of the Interior. I therefore recommend that the Commissioner make a direct report of the business of the Patent Office to the Secretary of the Interior.

BUREAU OF EDUCATION.

The Commissioner of Education reports a very large increase of work in all the divisions of his office. The communications sent out numbered 30,745, and those received 67,875. An entire rearrangement of the document division has been effected, with great labor, which adds much to its efficiency. The documents distributed numbered 323,592, and were usually mailed in separate parcels. Many of these documents were sent in response to individual requests, one document having been asked for by at least ten thousand persons, and requiring the writing of as many separate addresses.

This distribution of documents has favorably affected many educational methods and appliances; *e. g.*, the teachers' institutes have been much more freely supplied than before. The edition of circulars of information has been enlarged on account of these increased demands for information, and several of those most in request have been reprinted. The Commissioner states that the annual report is the result of information gratuitously supplied by more than nine thousand correspondents of the office, all of whom should in equity be rewarded by a copy of the document which they have aided in producing, and that a large additional number is needed to supply other requests from writers, pro-

fessors, teachers, school officers, the press, public libraries, and other worthy sources, for which reason he urges that twenty thousand extra copies of this report and of similar issues hereafter for distribution by the office be authorized.

The system of voluntary statistical information instituted by this help is believed to be the most extensive and complete in existence, and shows that the objects and methods as well as the publications of the office are acceptable to the educators of the country. The usefulness of the office is of course chiefly determined by the benefit that the people derive from its publications; these should therefore contain information not only about whatever good or ill occurs in the experience of our own people, numerous, active, and independent as they are, but also about what is happening or is observed abroad, and particularly as to the results of all scientific and careful investigations respecting matters connected with the nurture, education, and training of the young for the best performance of their duties as the citizens of the future.

So far as the limited means at his disposal have allowed, the Commissioner has sought to secure the results of these labors, domestic and foreign; but those requiring the expenditure of money have been practically beyond his power for lack of means. The salaried assistants in the office are not able to do all the work required by the office in its various relations to the public, and the funds now appropriated and available for outside help amount only to two thousand two hundred dollars.

Respecting the work now in progress, he mentions an inquiry into the methods and extent of instruction in shorthand; a compilation of the school laws and decisions in the several States relative to public schools; articles on hygiene in colleges and universities, and on the methods and progress of teachers' institutes; histories of normal training and of collegiate instruction; researches into the organization of State school systems; the methods and subjects of instruction in rural schools; instruction in drawing; and the relation of education to industry. In addition to these subjects there is a general desire expressed for the thorough consideration of school-house ventilation under the various climatic conditions of the whole country, but this cannot yet be undertaken, because the appropriations at hand are insufficient.

The museum illustrating the conditions and appliances of education has been somewhat enlarged and much more studied by the public. Already it is affecting favorably the methods and illustrations used in many schools. A small but important collection of articles lent to the Louisville Exposition has attracted much attention and very favorable comment.

The library of the office, now numbering 16,200 volumes and 37,000 pamphlets, is increasing in usefulness and value much faster than in size as the card catalogue approaches completion.

The Commissioner further mentions the many intelligent movements

of public thought directed to the improvement of instruction, such as the great desire to overcome illiteracy and non-attendance, and the strong feeling expressed in favor of national aid to education; the increased attention given to measures for the mental and bodily health of children under instruction; the interest manifested in training in arts, trades, and domestic industries; and the rise of numerous schools for teaching these branches; the greater satisfaction expressed about the new departure in the education of Indian children, especially among practical teachers and educators; and the increased attendance and fuller expression of opinion at large gatherings of people in various parts of the country. Another proof of the general importance of education as a subject of public thought is afforded in the exchange of ideas and influences going on between this country and other nations, where the influence of American ideas in elementary instruction and in the wider training of women is as manifest abroad as is the example of higher education in other countries upon the courses and objects of our colleges and universities.

The Commissioner renews his recommendation that some measure of Federal aid be extended to public primary education, based on the number of illiterates reported by the Tenth Census, as a measure of immense importance to the present and the future of the nation.

In this recommendation of the Commissioner I fully concur. In a number of the States adequate provision for the education of children of all classes has not been made. It is hardly worth while to inquire why this has not been done. The duty on the part of the General Government is the same, whether such failure arises from causes beyond the control of such State, or whether it arises from indifference to the wants of the people. It should not be the object of the General Government to build up a national school system independent of State control, but to supplement the work already begun in the several States, by affording to the State financial aid commensurate to the wants of the State, and this can be more readily determined by reference to the tables of illiteracy than in any other way. In many of the States the school system is only lacking in efficiency on account of the lack of funds to support the schools provided for. In such cases it is believed that a liberal appropriation by the General Government would so stimulate the State system that the States could be ultimately left to carry on the work without Government aid. The appropriation by the General Government should be made dependent on similar aid by the States, and for a few years it should be increased as the State increases its facilities for its expenditure, and then, in like manner, the aid from the General Government should be gradually withdrawn, and the State increase its appropriation in proportion as the national aid is withdrawn, and ultimately the State should be left to conduct its school system without national aid.

OFFICE OF COMMISSIONER OF RAILROADS.

The report of the Commissioner of Railroads, herewith presented, gives the operations of that office during the fiscal year ending June 30, 1883.

Officers of the Bureau have examined the property and accounts of the several railroads coming within its jurisdiction. The properties are well maintained, and whilst the traffic is steadily increasing in volume, the rates charged are gradually decreasing.

Proper facilities for intelligent and comprehensive inspection of the various properties of the several roads have been, as heretofore, freely accorded. The books and accounts of the companies have been examined and statements of the 5 and 25 per centum of ascertained "net earnings" have been made. The Commissioner notes a marked improvement in the method of accounting and reporting to his office by several of the roads, which is highly gratifying.

Statements are submitted showing in detail the indebtedness of the subsidized roads to the United States, earnings and expenses, and general financial condition; also as to ability to pay dividends on capital stock.

The Commissioner gives statements in detail in regard to the sinking funds of the Union and Central Pacific companies, showing the sums covered into said funds by the United States Treasury Department and the character and amount of investments.

Particular attention is called to the circular of the Treasury Department dated June 27, 1883, giving the decision of the First Comptroller of the Treasury in the matter of withholding payments for transportation for the Government by roads which have not been subsidized with bonds.

CONDITION OF THE BOND AND INTEREST ACCOUNT.

The public debt statement issued by the Treasury Department June 30, 1883, shows the condition of the accounts with the several Pacific Railroad companies as to moneys actually covered in to their credit, but takes no account of moneys in the sinking fund held by the Treasurer of the United States, or of the compensation for services not at that time settled by the accounting officers.

Name of railway.	Principal outstanding.	Interest accrued and not yet paid by the United States.	Interest paid by the United States.	Interest repaid by companies to credit of bond and interest account.		Balance of interest paid by the United States.
				By transportation services.	By cash payments, 5 per cent. of net earnings.	
Central Pacific..	\$25,885,120 00	\$776,553 60	\$23,452,555 27	\$4,592,158 25	\$648,271 96	\$18,212,125 06
Western Pacific..	1,970,560 00	59,116 80	1,668,248 94	9,367 00	.....	1,658,881 94
Union Pacific...	27,236,512 00	817,095 36	24,957,850 41	8,933,292 87	.....	16,024,557 54
Kansas Pacific..	6,303,000 00	189,090 00	6,123,333 09	2,969,049 59	.....	3,160,283 50
Central Branch Union Pacific..	1,600,000 00	48,000 00	1,549,808 26	152,157 10	6,926 91	1,390,724 25
Sioux City and Pacific.....	1,628,320 00	48,849 60	1,464,297 40	121,355 39	.....	1,342,942 10
Total.....	64,623,512 00	1,938,705 36	59,222,093 46	16,777,380 20	655,198 87	41,789,514 39

XLIV REPORT OF THE SECRETARY OF THE INTERIOR.

The semi-annual interest which matured July 1, 1883, is included under the heading "Interest paid by the United States."

The Commissioner reports the total indebtedness of the several subsidized Pacific railroads to the United States on June 30, 1883, to be as follows:

TOTAL DEBT.

Union Pacific (including Kansas Pacific):			
Principal	\$33,539,512	00	
Accrued interest	31,087,183	50	
			\$64,626,695 50
Central Pacific (including Western Pacific):			
Principal	27,855,680	00	
Accrued interest	25,120,804	21	
			52,976,484 21
Sioux City and Pacific:			
Principal	1,628,320	00	
Accrued interest	1,464,297	49	
			3,092,617 49
Central Branch Union Pacific:			
Principal	1,600,000	00	
Accrued interest	1,549,808	26	
			3,149,808 26
Total	123,845,605	46	

TOTAL CREDIT.

Transportation services performed and money paid into the Treasury:			
Union Pacific	\$13,535,040	05	
Central Pacific	7,653,813	07	
Sioux City and Pacific	121,355	39	
Central Branch Union Pacific	159,084	01	
Total	21,469,292	52	
Balance in favor of the United States, but not due until maturity of the principal (1895-'99)	102,376,312	94	

CONDITION OF THE SINKING-FUND ACCOUNTS.

The Commissioner gives a detailed statement showing the condition of the sinking funds of the Union and Central Pacific companies, held by the Treasurer of the United States under the act of Congress approved May 7, 1878, from which it will be seen that on June 30, 1883, these funds amounted to \$4,036,713.45; the Central Pacific having to its credit \$2,404,015.86, and the Union Pacific \$1,632,697.59. Investments have been made by the Secretary of the Treasury as follows:

Character of bonds.	Union Pacific.	Central Pacific.	Total.
Funded loan of 1881 (5 per cent.)	\$256,450 00	\$738,700 00	\$993,150 00
Funded loan of 1907 (4 per cent.)	32,650 00	199,100 00	231,750 00
Currency 6's	361,000 00	444,000 00	805,000 00
Principal	650,100 00	1,379,800 00	2,029,900 00
Premium paid	124,085 48	179,583 73	303,629 16
Total cost	774,165 43	1,559,383 73	2,333,529 16

On June 30, 1883, the amounts remaining in the United States Treasury, *uninvested*, were as follows:

Credit of the Union Pacific.....	\$858,532 16
Credit of the Central Pacific	844,652 13
Total.....	1,703,184 29

That the sinking fund has not accomplished the result anticipated is quite evident, and may be regarded as a failure for want of suitable investment. The last investment for the Union Pacific was made April 6, 1881, at which time a premium as high as 35 per centum was paid, but the company repeatedly protested against such high rates of premium. Reference to the foregoing table will show that the sum of \$650,100 has been invested at a cost of \$124,065.43, or an average premium of nearly 20 per centum. On June 30, 1882, the amount in the sinking fund uninvested was \$407,441.99, and on June 30, 1883, it had increased to \$858,532.16. This is a manifest hardship to the company, as this large amount should be drawing a fair rate of interest.

The last investment for the Central Pacific was made November 27, 1882, the sum of \$541,800 having been invested in the funded loan of 1881 continued at 3½ per centum, at a premium of 2 per centum. The sum of \$1,379,800 has been invested for this company at a cost of \$179,563.73. On June 30, 1883, the amount in the sinking fund uninvested was \$844,652.13.

Section 3 of the act of May 7, 1878, provides that the "sinking fund shall be invested by the Secretary of the Treasury in bonds of the United States," and directs that preference be given the 5 per cent. bonds, but it evidently was not foreseen that the 6, 5, and 4 per cent. bonds might be called in or extended at a lower rate of interest.

In his report for 1882, page 12, the Commissioner recommended:

That section 3 of the act of May 7, 1878, be so amended as to authorize the Secretary of the Treasury to invest the sinking funds in the first-mortgage bonds of the companies, or such bonds as have been issued to them by the United States, or in other good and sufficient securities, and to convert the bonds now held by the Treasurer of the United States in said sinking funds into money at the market rates, and reinvest the same in like securities.

He renews this recommendation, but suggests that it would be a better plan to have all amounts covered into the Treasury bear a certain rate of interest per annum (say 3 per centum), thus avoiding all questions of investments, premiums, &c.

The Commissioner also urgently renews his suggestion whether it would not be wisest and best for Congress to commute the present mode of payment by the roads which have been aided with bonds into one of fixed amounts not dependent upon the fluctuations of net earnings, or the contingencies of competition which might cause net earnings to disappear, substituting securities having the same lien and of fixed amounts, and payable at fixed periods, for the present book-account indebtedness.

GEOLOGICAL SURVEYS.

The act making appropriations for the fiscal year 1882-'83 provides for a geological map of the United States. It is proposed to publish this map in atlas sheets, each being composed of one degree of longitude by one of latitude in area, bounded by parallels and meridians. In making this map the Director will avail himself of the surveys heretofore made, either by State or national authority. For the convenience of administration, the area of the United States has been divided into seven districts, as follows:

I. *District of the North Atlantic*, comprising Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia.

II. *District of the South Atlantic*, comprising Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, and West Virginia.

III. *District of the North Mississippi*, comprising Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Dakota, Nebraska, Kansas, Iowa, and Missouri.

IV. *District of the South Mississippi*, comprising Indian Territory, Arkansas, Mississippi, Louisiana, and Texas.

V. *District of the Rocky Mountains*, comprising Montana, Wyoming, Colorado, part of Utah, New Mexico, and part of Arizona.

VI. *District of the Great Basin*, comprising parts of Washington Territory, Oregon, California, Utah, Arizona, Nevada, and Idaho.

VII. *District of the Pacific*, comprising part of Washington Territory, part of Oregon, and the greater portion of California.

During the past year the work of the Survey has been vigorously prosecuted in the Western States and Territories, especially in the regions producing the precious metals. An examination has also been made of the valuable coal-fields, and especially of the valuable fields of anthracite and bituminous coals of Colorado. It is believed that great good will result from a careful examination and accurate report on the mineral productions of the yet but partially explored regions of the Rocky Mountain country. It is doubtless desirable that all sections of the country should be thoroughly examined with reference to their hidden wealth, and it is of the utmost importance that the results of such examination shall be attainable by all the people at little or no expense. I therefore suggest that a liberal appropriation be made for the publication of the reports of the Survey. Such reports ought not to be indiscriminately distributed, but should be as far as possible placed in the hands of those whose interest or taste leads them to an examination of the subject of such reports.

GOVERNMENT FOR ALASKA.

The necessity for a government for Alaska is becoming very apparent. The report of the discovery of gold on the Yukon River and in other sections has stimulated immigration, and already quite a large number of people are prospecting and developing mines. A mining district has been formed at or near Harrisburg, and quite a number of citizens of the United States have attempted to secure mineral claims in that vicinity by observing the provisions of the United States laws concerning the location of mineral lands.

In a communication dated March 10, 1883, addressed to the Secretary of the Interior by the Jeannette Mining Company, the Alaska Mill Mining Company, the General Miller Mining Company, and others, it is alleged that the companies had located mineral claims, complying with all the laws of the United States applicable to the location and maintenance of quartz-mining claims, and that certain miners from the British possessions, without authority or right, took possession of such claims, and have held the same ever since by force, taking therefrom not less than \$350,000. I am informed that some of the parties above named have expended considerable money in the erection of a quartz-mill and other improvements for mining purposes. The petition further says:

Alaska has never been organized by Congress into a Territory. It has no government, no laws (excepting those pertaining to customs and to intercourse, and with the Indians), no court, no judicial or executive officer; and therefore the undersigned have no means whatever of enforcing their rights, or protecting or developing their property, or of preventing its spoliation at the hands of unauthorized persons. Under the treaty with Russia, by which the Territory was ceded to the United States, the United States guaranteed, at least as far as the Russian subjects were concerned, protection to life, liberty, and property; and the undersigned are led to believe, and are so advised, that in the absence of any government or any other method of redressing their wrongs, the Department of the Interior, with its general jurisdiction over the lands of the United States, has the jurisdiction to determine the rights of the undersigned, as citizens of the United States, and to enforce these rights.

The Department of the Interior could not, in the absence of legislation, afford the petitioners the relief sought. The reported discovery of very rich mines on the Yukon River will doubtless attract a large population there another year, and if there is not a stable government neither property nor personal rights will be respected. Several establishments for the canning of fish and the manufacture of lumber have been established in different parts of the Territory, and it is believed that the fisheries and forests will soon attract a large number of persons, even if the gold fields should not prove productive. The total population of the Territory of Alaska is not far from 30,000. Of this number about 5,000 are Aleuts, who are not barbarians if they are not of the highest order of civilization. Before the cession by Russia good schools were maintained among them, but since the cession the schools

have been discontinued, and the adult Aleut who received his education under the Russian Government and at its expense, sees his children growing up without education. Suitable provision should be made for the education of the children of the Aleuts, which can be done without great expense. Also an appropriation ought to be made for the maintenance of at least two manual-labor schools for the education of the children of the less civilized Indians.

Under the third section of the treaty of cession, it was provided as follows :

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years, but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyments of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws [and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.

The laws of the United States and the Territory of Washington should be, as far as applicable, extended over it, and this for the present would avoid the necessity of a legislature. There should be a governor, secretary, judges, marshal, and district attorney. The total expense of such a government could not exceed \$40,000 per annum.

THE UTAH COMMISSION.

The Board of Commissioners appointed by the President under the act of March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes in reference to bigamy, and for other purposes," report, that by action of the Board under the provisions of said act, all persons practicing polygamy were excluded from the polls; that the legislature elected in August last is composed entirely of Mormons, none of whom, however, are polygamists. The legislature will convene in January next.

The Board reports also that at the August election there were elected, in addition to the members of the legislature, probate judges, clerks of county courts, assessors, sheriffs, county treasurers, county superintendents of schools, and officers, numbering in all 900, all of whom are monogamist Mormons. The elections were conducted in a quiet and orderly way. The vote in August last was Mormons, 20,708; liberals, or anti-Mormons, 1,453. This last vote, however, does not appear to represent the real strength of the liberal party, for in November, 1882, that vote was 4,884.

The Board report that the number of plural marriages has decreased since the passage of the act under which the Board is acting.

Ten suits have been brought against the members of the Board to test the validity of the act of Congress. Some provision should be made to defray the expense of the defense of the Board in these suits.

The Board renew many of the suggestions in their former report as to needed legislation; and, in conclusion, commend the zeal of the governor of Utah in his efforts to enforce the law.

Should the legislature to assemble in January next enact such laws as are provided for in section 9 of the act of March 22, 1882, necessity for such Board will cease, for it is provided that they shall continue in office "until the legislature shall make provision for filling said offices as herein authorized"; that is, until the legislature shall have enacted such laws as shall prohibit all polygamists from participating in the election of public officers, or from holding any such office. It is not provided who shall determine the question whether the legislature provided for the filling of said offices in accordance with the provisions of the said act or not. It is not believed that the legislature will take the steps required; for, while it is composed entirely of Mormons who do not practice polygamy, it is undoubtedly true that they are all believers in the system of plural marriages, and only abstain from its practice from economical or prudential reasons. Should the legislature fail to take the steps required by the act, the necessity still exists for the services of the Board, and it appears to be necessary that such legislation, if attempted, should be submitted to some tribunal to determine whether such legislation is a compliance with the provisions of said act. Congress would appear to be the proper authority for the determination of this question, and therefore I recommend that Congress require the submission of such laws for its approval before they shall be considered by any Department of the Government a compliance with the requirements of the provisions of such act.

YELLOWSTONE NATIONAL PARK.

Within the past year leases have been made in pursuance of the authority conferred by law upon the Secretary of the Interior, of sites within the Park for the erection of hotels and necessary buildings for the accommodation of visitors; one large hotel, at Mammoth Hot Springs, was opened to the public in August, and camps have been maintained during the summer at other points of interest. As a result of this provision for the comfort of tourists and the increased convenience of access to the Park from the completion of railroad communication to within a few miles of its borders, the number of visitors has been much greater than heretofore. Stringent regulations have been established for the prevention of injury to the game and the natural curiosities, and effort has been made to protect visitors from any unreasonable charges for services rendered to them within the Park. The protection of the game and curiosities has not been so perfect as could have been desired, owing in a great measure to the inadequacy of the number of assistants to the superintendent for the proper supervision of so large an area as that embraced within the limits of the Park, and to the fact

that the season was well advanced before these officers could be appointed under the legislation of the last session of Congress. The experience of the past season having demonstrated the necessity for an increase in the number of these assistants and for shelter and equipment essential to their comfort and efficiency, a reasonable amount to cover these expenses has been included in the estimates relating to the Park.

It is believed that better results in the direction of the perfect protection of the Park could be attained if the imposition of penalties for violations of the established regulations of the Department was specially authorized by law. It would also seem to be necessary that more convenient and practicable means should be provided for the protection of the person and property within the Park. The superintendent is clothed with no authority in such matters. The greater portion of the Park is within the jurisdiction, for legal purposes, of Wyoming, the remainder within that of Montana and Idaho, respectively. The nearest law officers of these Territories are so remote that recourse to them for the prevention of crime is practically useless, and the necessary delay in communication affords ample opportunity for the escape of persons charged with violation of law.

HOT SPRINGS.

A plan has been adopted for the improvement of the Hot Springs Creek throughout the extent of the reservation, embracing the straightening of the creek and confining its waters within arched and covered walls of masonry, and the laying of iron pipes for the collection of the hot water from springs found along the course of the creek. A contract has been made for the work, which is being prosecuted with reasonable diligence. An additional appropriation will probably be required for its completion. The execution of the plan will result in great improvement to the reservation, in an increased supply of hot water for bathing purposes, and will also add to the healthfulness of the city of Hot Springs by the covering of the creek, which has heretofore been an open sewer for the refuse of the city. A portion of the reservation has been assigned for the erection thereon of a hospital for the Army and Navy.

TENTH CENSUS.

During the last session of Congress considerable impatience was experienced at the delay in the publication of the result of the census of 1880. It is quite evident that the delay is not the result of inattention on the part of the officers of the Census Office, but that such delay has arisen from the magnitude and variety of the investigations undertaken. It is confidently expected that the Tenth Census will be speedily completed, and in a manner that will be entirely satisfactory to the people.

The Superintendent of the Census reports the following as showing the present condition of the work :

The Compendium was published in February of this year in two octavo volumes, aggregating 1,845 pages, and comprising every class of statistics to be embraced in the full reports of the Census, except those relating to churches, libraries, and schools. A great deal has been done toward preparing the large quarto reports for publication, though not so much as was anticipated at the date of my last report. There were then reported 1,951 pages as stereotyped. The number of stereotyped pages is now 8,686, and 544 pages more are in type.

The population volume is entirely printed, and is now binding. It comprises 1,050 pages, with 41 colored maps, and large numbers of maps and charts in black.

Printing is now in progress on the volume of manufactures, and the maps to illustrate this volume are promised during the present month. The volume on agriculture is only detained by the delay in engraving and printing the maps which exhibit the range of cultivation of the several crops.

A large number of comprehensive and valuable special reports are completely finished, and some of them are in the hands of the Public Printer, who has dealt with the difficulties incident to so vast a work with great zeal, energy, and courtesy toward this Department.

RECONSTRUCTION OF SOUTH WING.

The work of reconstruction of the south wing and main portico of the building occupied by the Interior Department was commenced early in the spring, and since that time has been vigorously prosecuted. As soon as the clerical force stationed in the upper story of this wing was provided with other quarters, the removal of the old work was begun, care being taken to avoid interfering with or disturbing the office work in the lower stories. To secure this result, the rubbish was removed after office hours and at night, the removal being completed about the 15th of September.

As soon as any considerable portion of the wing was cleared, brick-work was commenced and pushed forward as rapidly as possible, the design being to have the walls of the new construction in place by the time the iron-work was received. Considerable progress has been made, and at present the new fire proof roof over the portico is being constructed. It is hoped that, when the delivery of the iron-work is completed, the roofs over the main building can be promptly put in place.

Congress, at its last session, appropriated \$60,000 for this work. Already about \$27,000 of this sum has been expended. With the funds remaining on hand the building will be brought under a water-tight roof, overlaid with Portland cement concrete, and this again will be covered with a copper roof of the most approved modern construction. In the interest of economy and the early reoccupation of the building, it is greatly to be regretted that the limited funds at the disposal will not allow the work to be pushed forward during the approaching winter and early spring, when it is likely employment at moderate rates will be eagerly sought by skilled mechanics.

It is estimated that, for the fire-proof reconstruction of the building,

\$91,000 will be required during the next fiscal year. For the steam-heating apparatus \$18,000 will be required.

The reconstruction of the south wing will add greatly to the space for the clerical force, and, in a measure, lessen the overcrowded condition of the building.

FIRE-ESCAPES, ETC., FOR GOVERNMENT PRINTING OFFICE AND GOVERNMENT HOSPITAL FOR THE INSANE.

The Commission designated by the act of August 7, 1882, to supervise the erection of suitable fire-escapes, stand-pipes, and other facilities for extinguishing fire in the Government Printing Office and the Government Hospital for the Insane, have submitted a report giving the details of the execution of the work intrusted to their charge, from which it appears that suitable appliances of the nature contemplated have been provided for these buildings. The Commission deem it of importance that the attention of Congress should be directed to the insecure condition of the old portion of the Government Printing Office building. They state, "Its floors are of ordinary wooden construction, and are in places saturated with oil, and it is the opinion of the undersigned that these floors ought to be constructed of iron beams and brick arches, like the floors of the newer portion of this building." They also recommend, as a further protection against loss by fire, the construction of fire-proof stairways in the interior of the building and the inclosing of all the interior stairways and elevator shafts within brick walls.

In view of the special difficulties in the way of removing the insane in case of fire and the possible great loss of life that might therefore ensue in such event, the Commission consider it desirable that the main thoroughfares of the hospital should be made as nearly fire proof as possible, and that in renewing the corridor floors from time to time, as necessary, iron beams and brick arches for these floors should be introduced.

BENEFICIARY INSTITUTIONS.

Section 3709 of the Statutes directs that all purchases and contracts for supplies or services in any Department of the Government, except for personal services, shall be made by advertising and contract. It was therefore deemed advisable that such institutions as remain allied to this Department, namely, the Government Hospital for the Insane, the Freedmen's Hospital, and the Columbia Institution for the Deaf and Dumb, should procure their supplies in accordance with this section.

The superintendent of the Hospital for the Insane and the surgeon-in-chief of the Freedmen's Hospital readily assented; and, accordingly, proposals were invited and contracts entered into under the same.

The president of the Columbia Institution for the Deaf and Dumb held that, under the provisions of sections 4859 and 4862 Revised Statutes, that institution was not subject to the general laws regarding proposals and contracts, and that it was not within the jurisdiction of the Secretary of the Interior to enforce the provisions of section 3709, above quoted. It would seem advisable that Congress should provide by proper legislation that this institution either be made entirely independent of this Department, or that the law be so amended as to provide that the appropriations made by Congress for its support should be subject to the provisions applicable to expenditures for like purposes for similar institutions.

A comparison of the prices paid for articles in open market for the Columbia Institution during the months of September and October, with contract rates for like articles for the Insane Asylum, shows a difference of about 33 per cent. in favor of the contract system.

HOSPITAL FOR THE INSANE.

The annual report of the Board of Visitors for the Government Hospital for the Insane, for the year 1883, shows that the total number of patients was 1,207, of which 910 were males and 297 females. This is the largest number of patients under treatment in any one year since the close of the late war, and is partially accounted for by the number of patients received from the Home of Disabled Volunteer Soldiers.

The number of patients remaining in the hospital June 30, 1883, was males, 755; females, 239; total, 944.

Of these, 446 are from the Army, 56 from the Navy, and 475 from civil life. Those from civil life are classed as follows: District of Columbia (transient), 24 males and 7 females; District of Columbia (residents indigent), 197 males, 223 females; District of Columbia convicts, 8 males; United States convicts, 5 males; private patients, 5 males and 6 females.

Average number of residents in the hospital.....	965
Number discharged recovered	94
Number discharged improved	49
Number discharged unimproved	6
Number discharged not insane	1
Percentage of recoveries	44.13

To provide for the influx from the soldier's homes, extensive additions to the hospital have been commenced, and will be completed during the year.

The total expenditure for the year has been \$350,719.72.

FREEDMEN'S HOSPITAL.

The surgeon in charge of the Freedmen's Hospital reports that the whole number of patients admitted during the year was 1,601—

Colored	1,017
White	583
Indian	1

About two hundred persons were admitted and treated upon the recommendation of the Commissioner of Pensions and chief of police.

In the dispensary attached, 2,095 persons were treated. The surgeon-in-chief recommends certain improvements in and about the buildings, for which estimates have been submitted.

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

The number of pupils instructed during the year was 106: males, 89; females, 17. Of these 41 were in the collegiate department, representing 18 States and the District of Columbia.

The work of instruction has gone on successfully in the several departments, especial attention having been paid to articulation and physical training.

Four students of the college were graduated with the degree of Bachelor of Arts, and the degree of M. A. was conferred on two persons, one of whom was a graduate of the college.

A memorial of the late President Garfield, in the form of a portrait bust in marble, has been presented to the institution by deaf mutes and their friends, representing twenty-six States of the Union and the Federal District. This memorial is to commemorate the important aid rendered to the cause of the higher education of the deaf by General Garfield while he was a member of Congress.

The funds for this purpose, amounting to more than \$1,400, were raised by contributions from more than two thousand individuals.

The current expenses of the institution for the year amounted to \$60,956.42, of which sum \$55,000 were appropriated by Congress; \$5,500 were expended in the construction of a farm, barn, and on the improvement of the grounds.

The amounts asked by the directors for the next fiscal year are: For current expenses, \$55,000; for improvement of grounds and repairs of buildings, \$5,000.

I have the honor to be, very respectfully,

HENRY M. TELLER,

Secretary.

The PRESIDENT.