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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

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

IN FIVE VOLUMES.

VOLUME I.

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REPORT

THE

SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., November 27, 1895.

SIR: I have the honor to submit the following review of the business transacted by the Interior Department during the last fiscal year, together with suggestions and recommendations which seem worthy of consideration:

INDIAN AFFAIRS.

The plan for the conduct of the Indian Bureau, indicated in my last annual report, has been executed so far as existing laws permitted. While only a portion of the offices are covered by the civil service, *all* removals, promotions, and appointments have been made solely for the good of the service. Accurate information has been sought as to the character of work being done by those occupying all positions; the higher places have been filled by promoting the most capable, without regard to any consideration except efficiency, and new employees have been given subordinate places. Applications for promotion have been discouraged. I have considered it the duty of the Indian Bureau, which has knowledge as to the character of work required, to possess also the necessary information about the men in the service most suited to do it. For twelve months past no agent has been appointed whose experience in the service did not fit him especially for the position, and the man believed to be the best suited to a particular agency has been designated, his first information that his name was being considered usually having been the notice of his appointment.

The Indian reservations are scattered all over the United States. While the work of education both on and off reservations must prove effective, I do not consider it of so much importance as the business management of the reservations, which should require the Indian to be self-supporting, by the cultivation of land or by ordinary occupations outside of the reservations. To make all possible progress it is necessary that each reservation and the Indians upon it should be treated

with a view to the possibilities of the reservation and the surrounding country. An opportunity is thus presented to those managing the Indian service for the use of a variety and extent of information to be found in no other department of Government work, and it is absolutely impossible to avoid a waste of effort if unnecessary changes are to be made in the force required to do this work.

Each reservation has upon it a large force of men, some at work and some idle. How can they be made to develop the resources of the reservation and to support themselves? How can they fit themselves to go out from the reservation and seek ordinary employments?

There are 161 reservations still in existence. I will refer to one as an illustration.

The Kiowa and Comanche Reservation is situated north of the State of Texas. It is larger than the States of Rhode Island and Connecticut. Upon this reservation there are 3,802 Indians. The Government contributes, as a gratuity, \$177,000 a year to the support of the Indians upon it; yet this reservation contains fertile land sufficient in quantity, if properly utilized, to enable these Indians not only to earn a livelihood, but to grow rich rapidly. The problem for their agent is, first, to distribute the Indians upon well-selected pieces of land, and then to require them to do such skillful work upon their farms as will put an end in the shortest possible time to the heavy charge which now rests upon the Government for their support. In addition to this, of course, the schools upon the reservation should advance the children mentally and morally as rapidly as possible.

When the size of the reservation and the number of people upon it are kept in mind, the opportunity for the agent to acquire with each year of his service additional information in regard to the little principality which he controls, coupled with an increased influence over his Indians, who must rely largely upon him for their development, renders manifest the necessity not only that the right man should be selected as agent, but that he should be kept in charge until the agency can be abandoned and the Indians left without further assistance or supervision from the Government.

While I appreciate the good work which has been done by non-reservation schools, and by schools upon the reservations, I do not concede that mature Indians who have received no education must remain helplessly dependent upon Government aid. The agent who combines wisdom with force can put them to work, and can teach them that they will obtain nothing from the Government or in any other way except as the result of their own efforts. Under such management the great majority ought in a few years to be carrying their own burdens and to be no longer relying upon the Government for support. Upon the reservation to which I have just referred over forty houses have been put up during the past summer, and the Indians have themselves provided the material for many more, and now only await the carpenter to aid them in putting up their homes.

The effort to make the Indians farm has proved most satisfactory. Nearly two-thirds of the families have raised at least small crops of corn, and in some instances vegetables. They have cut their hay and stacked it. Captain Baldwin, the agent, reports that there is no difficulty in making these people work, if the proper course is taken with them. He gives an instance, which I present in his own language:

For three months following my assuming charge of the agency a regular blanket Indian remained about the office and agency. I became tired of him and his presence and ordered him in an abrupt manner to leave the agency and not to come back again unless I sent for him. He went out of the door in a very sullen manner, and after reflection I thought I might have been too hasty in my words and sent and had him brought back, and I told him the reason I had for ordering him to leave but that if he would go and pick out an allotment and go to work, I would give him everything that was needed to work with except the horses. He did not reply what he would do, but within a few days a neighbor of his came in and said he had selected a farm and wanted one of the farmers to go and look at the place that he had selected to see if it was all right. His request was granted and farming implements such as he needed sent to him. The whole matter passed from my mind, but the latter part of September I was driving through the reservation, and I came to one of the finest fields of corn that I had seen, covering more than 20 acres. I inquired to whom it belonged and I was pointed to a tepee on a hill overlooking the field and told that the Indian living there owned the field. I drove over to the tepee and the first person I saw was the Indian I had driven from my office. He rushed up to me, being delighted to see me, remarking, in his own language, that he was glad to see me and that the field (pointing to the corn) belonged to him. He said: "You told me to go away from the agency and go to work. I did what you told me." Then he showed me his hands, all blistered and callous. This man had never before known what work was. He said he would not now have to come to the agency to get something to eat, and seemed as much gratified at the results of his efforts as myself. I examined his fields and found that he would have quite a quantity of corn that he would not need. He will deliver in the neighborhood of 20 wagonloads of corn at the agency, for which I will be able to pay him \$7.50 per wagonload, a way of securing money which he never thought of before and which places him, beyond any question of doubt, on the road to civilization.

It is scarcely necessary to mention the record of the Kiowas and Comanches as warriors. There have, perhaps, been no more savage Indians. Yet their agent, possessed of experience, coupled with ability and force, being in perfect touch with the Indian Bureau and sustained by it, knowing his entire reservation and supported by efficient assistants, can in less than ten years, in his opinion, put an end to the agency and relieve the Government of any further responsibility for the red men of that reservation. But a change of control, either at the agency or in the Indian Bureau, might not only stop the good work now going on, but undo what has already been accomplished. The Indian requires especially to be told the same thing constantly; he loses all confidence in the white man when started in one direction by one agent and then subsequently turned in another by a new agent or by new directions to the agent.

In my last annual report I dwelt upon the necessity of permanency in the service, and I stated that it would be possible to develop a competent, permanent, nonpartisan Indian service. The classified service

applied at that time to the superintendents and teachers in the schools, but the Indian Bureau was not prepared to recommend its extension on account of the doubt felt as to the possibility of obtaining, through the machinery of the civil service, a sufficient number of competent employees, with the peculiar qualifications required, to fill the probable demand.

I am gratified to state that the Commissioner now agrees with me in the opinion that the subordinate force has reached a standard of efficiency where no injury to the service would result from an extension of the civil-service regulations over all of the places not excluded by law. It is, however, also important that the office of agent should be made a continuous one and that the head of the entire Bureau should be free from unnecessary change. To secure this requisite permanence of the service, I submit the following recommendations:

First. That instead of a single commissioner the Indian service be placed in charge of three commissioners, two of them to be civilians appointed from different political parties and one to be a detailed army officer.

Second. That the tenure of office of an Indian agent shall be conditioned alone upon the faithful discharge of his duties, and that appointments and removals be made by the President upon the recommendation of the three commissioners of Indian Affairs.

Third. That the classified service be extended over all the subordinate positions both at the agencies and at the schools.

APPROPRIATIONS.—The appropriation for the entire Indian service for the fiscal year 1896 is less by \$1,986,734.79 than for 1895, and the aggregate of the amount provided for the current expenses of the service is \$16,290.94 less than for similar purposes for 1895.

A comparison of the items for the two years is shown by the following table, viz:

Appropriations for the Indian service for the fiscal years 1895 and 1896.

Objects.	1895.	1896.
Current and contingent expenses.....	\$189,100.00	\$727,640.00
Treaty obligations with Indian tribes.....	2,936,846.53	2,982,147.19
Miscellaneous supports, gratuities.....	663,125.00	695,625.00
Incidental expenses.....	114,000.00	82,050.00
Miscellaneous expenses.....	809,785.84	347,864.63
Support of schools.....	2,060,695.00	2,056,515.00
Trust funds, principal.....	1,430,916.66	.....
Trust funds, interest.....	78,320.00	9,870.42
Payment for lands.....	2,467,697.00	1,847,039.00
Expenses of new agreement with Wichitas.....	.....	15,000.00
Total.....	10,750,486.03	8,763,751.24
Excess of 1895 over 1896.....	.....	1,986,734.79

NOTE.—The great apparent excess of appropriation for "Current and contingent expenses" for 1896 over 1895, and corresponding decrease in the amount for "Miscellaneous expenses" in this table, is accounted for by the fact that in the statement for 1895 many items for the former objects are included under the latter title.

The appropriation for 1895 contained various sums, aggregating \$4,017,482.85, for payments for lands purchased from Indian tribes; for the capitalization of Shawnee funds; for the face value of certain State bonds assumed by the United States, and for payment of damages to settlers on the Crow Creek and Winnebago reservations not properly chargeable to the current expenses of the Indian Department, thus leaving the sum actually appropriated for that purpose \$6,733,003.18. Of this amount, about one-half is paid in performance of treaty obligations and the other half is a gratuity.

The act for 1896 contains \$2,047,039 for payment to the Cherokees and the Indians of the Crow Creek Reservation for lands and for the survey of the Indian Territory by the Geological Survey, also not chargeable to the current expenses of the Indian Department, leaving the sum actually provided for that purpose for the present fiscal year, \$6,716,712.24.

Comparing the two years the account stands thus:

Current expenses for 1895.....	\$6, 733, 003. 18
Current expenses for 1896.....	6, 716, 712. 24
	16, 290. 94
Difference in favor of 1896.....	16, 290. 94

The appropriation for 1896 is \$7,132.59 less than the estimates.

EDUCATION.—The Indian schools have had an enrollment during the past fiscal year of 23,036 pupils. This is an increase during the year of 1,417, which does not include the Five Civilized Tribes nor the Indians of New York State. The Government day schools show an enrollment of 3,843 pupils, nearly one-half of the increased attendance being in these schools.

The fact has been recognized that eventually the Indian children must be absorbed by the public schools of their respective States, and an earnest effort has been made to place them, wherever practicable, in such schools during the past year. So far but little has been accomplished in this direction, although 487 pupils—nearly double the number of the previous year—have been placed by contract in State public schools. Most of these schools are in Nebraska and Oklahoma. Decided prejudice has been shown both by Indians and whites against the mingling of the races in the same school.

Four thousand six hundred and seventy-three Indian children were enrolled in schools specially equipped for thorough industrial training.

The law required that for the fiscal year a reduction of 20 per cent should be made from the amount allowed for the previous year to the contract schools. The report of the Commissioner of Indian Affairs shows that the requirement has been strictly carried out, and I see no reason why such reduction should not continue from year to year until the system of Government aid to sectarian schools shall terminate. It was the desire of the Bureau and this Department to carry this law into execution by a uniform horizontal reduction everywhere, but this

was found to be impossible without excluding a large number of Indian children from school privileges. At some points it was possible to dispense entirely with the contract schools and yet furnish accommodation to all of the Indian children; while at others, to have made the 20 per cent reduction would have turned a number of children out of school altogether, as the Government had no facilities properly located for teaching these children. In determining where the reduction should be made, I feel sure that the recommendations of the Bureau, adopted by the Department, have been influenced alone by a desire to execute the law and promote the good of the service.

All of the teachers have been specially directed to give special stress to industrial training, that the Indian children may be fitted for work, and it has also been the policy to secure for those who have attained to some degree of proficiency other positions in the Government service and employment on and off the reservation when possible.

An increased appropriation for Indian education is asked from Congress to meet the pressing demand for schools for children not now provided for, and also to furnish buildings for those children who, by the reduction of the aid to contract schools, must be cared for by the Government. These new buildings and appliances, however, amount to a permanent investment, and when it becomes possible to accommodate the children in day schools upon the reservations the annual expense will be less than at the boarding schools.

FIELD MATRONS.—The work of these women has proved as valuable as was anticipated, and I indorse the recommendation that the appropriation be increased to \$15,000.

ALLOTMENTS AND PATENTS.—The progress made in allotment work during the year is shown by the Commissioner's report to be as follows:

The progress made in allotment work since the last annual report is as follows:

ON RESERVATIONS.

During the year patents have been issued and delivered to the following Indians:

Yanktons in South Dakota	1, 165
Siletz in Oregon	541
Chippewas of Lac du Flambeau Reservation in Wisconsin (under treaty of 1854) ..	6
Chippewas of L'Anse and Vieux de Sert Reservátion in Michigan (treaty of 1854)	176
Nez Percés in Idaho	1, 576
Kickapoos in Oklahoma	283
Chippewas of Lac Court d'Oreilles Reservation in Wisconsin (under treaty of 1854)	118

Patents have been issued but not delivered to 601 Round Valley Indians in California.

Allotments have been approved by this office and the Department and patents are now being prepared in the General Land Office for the following Indians:

Prairie Band of Pottawatomies in Kansas	322
Kickapoos in Kansas	159

Poncas in Oklahoma.....	627
Nez Perces in Idaho.....	218
Chippewas of Lac Court d'Oreilles Reservation in Wisconsin (under treaty of 1854).....	16
Chippewas of Bad River Reservation in Wisconsin (under treaty of 1854).....	84
Chippewas of Lac du Flambeau Reservation (under treaty of 1854).....	130
Sioux Indians of the Crow Creek Reservation in South Dakota.....	829

There are a number of changes that should be made in the present allotment system which require Congressional action. According to the present law an Indian becomes a citizen of the United States upon receiving his allotment; he is frequently ready to receive land before he is prepared for the consequences of citizenship.

Allotments should really be made long before the reservations are opened, and each Indian should be settled upon his homestead and should be self-supporting before citizenship is conferred upon him. Indeed, when citizenship is conferred upon him the Government ought to let him alone and leave him to take his place, surrounding him then with no more restraint and giving him no more help than is accorded to other citizens. Yet under the present system we find Indians to whom allotments have been made, and upon whom citizenship has been conferred, still receiving enormous gratuities and needing every dollar they receive.

The Cheyennes and Arapahoes received, in round numbers, during the past fiscal year, \$175,000, as gratuity for their support including the money spent in their behalf for schools. Allotments were made to these Indians several years ago, while during the past year the agent has been engaged in the work of locating the property allotted to some of them and inducing them to go upon it.

Upon each reservation a part of the Indians will be ready for citizenship long before others, and all of them will be ready to own land individually and to work it before they are ready for citizenship. To overcome these obstacles and yet to obtain the benefits incident to allotment, the law should be so changed that the agent may assign land to Indians upon reservations just so soon as they are ready and willing to take charge of it. Upon his recommendation, with the approval of the commissioners and of the Secretary of the Interior, patents should issue at the end of a limited time to those Indians showing themselves worthy of the land so assigned to them, but citizenship should not even then follow. A roll should be prepared each year, upon each reservation, of those ready to receive patents to their lands, and later on yet another roll should be made each year of those on each reservation who are fitted to be advanced to citizenship. I am aware of the fact that such legislation would confer upon the Bureau and the Department a broad discretion, but the condition of individual Indians upon the same reservation varies to such an extent that legislation can not handle the problem for a reservation and fix the same rules for all the Indians upon it.

I believe also that it is advisable to confer general authority upon the Indian commissioners to sell from time to time portions of reservations, the approval of the President being first obtained, the money from such sales to be used exclusively for the improvement of the remaining lands or for the purpose of furnishing agricultural implements or cattle for the Indians to use upon the remaining lands. In presenting these recommendations I am fortified by the opinions of a number of our best officers and agents, those who have manifested a willingness and an ability to help make the Indian self-supporting and to free the Government from the burden of paternal expense and care in the shortest time practicable. The governors of the Territories in their reports recognize the fact that the Indians are beginning to cultivate their lands and are making progress toward self-support.

UNCOMPAHGRE RESERVATION.—The commission provided for by the act of Congress was appointed to visit the Uncompahgre Reservation and to allot agricultural lands to the Indians there located. I am not prepared to concur with that portion of the report of the Commissioner in which he objects to crediting the trust fund of these Indians with the lands assigned to them. If they are given agricultural lands, as the agreement specifies, I see no reason why the credits should not be made upon the trust fund, unless the delay in the allotment is cause for complaint on the part of the Indians.

In that portion of this report which discusses the work of the Geological Survey will be found an informal report from the geologist who has examined the gilsonite upon the lands of this reservation which will not be needed for Indian allotment and which belong to the Government. It will be seen that these deposits, while they cover only a small area of land, are of immense value.

If they are open to entry in the ordinary way a few persons will obtain them at practically no cost, and shortly thereafter they will become the property of large companies engaged in using this mineral. I believe the true policy should be for the Government to sell these deposits to the highest bidders, or else to lease them. If they are disposed of under existing law, a few thousand dollars will be picked up by the enterprising men who first go upon them, and then enormous profits, which at least in part should go into the Treasury of the Government, will be made by the companies organized to operate them.

I recommend the passage of such legislation as will provide for the disposal of the gilsonite deposits by lease or sale to the highest bidder.

OMAHA AND WINNEBAGO RESERVATION.—The report of the Commissioner gives in detail an account of the troubles which Captain Beck, the acting agent, has encountered in his effort to put an end to the illegal leasing of these lands. The chief obstructions were caused by the Flournoy Company. Captain Beck has been involved in almost constant litigation, but each time the decision of the highest

court to which appeal has been had has sustained his conduct. The effort has been to eject those endeavoring to retain Indian land by illegal leases and to prevent new leases. The last hearing was before Mr. Justice Shiras, of the United States Supreme Court. The court held that the acting agent was an officer of the United States, and that the Indian policemen acting under his orders could exercise all the authority of Government officials and that anyone resisting their authority should be punished as provided by law; that though the Indians had taken their lands in severalty and had become citizens of the United States, the title still remained in the Government during the trust period, and the acting agent had full authority to enforce his orders and evict illegal lessees. Until this decision is reversed or modified it would seem that the authority of the Department and of the agent is sufficient, and that illegal lessees of Indian lands may be summarily evicted by the Indian police.

I cordially commend the conduct of Captain Beck in his management of this agency. He has been surrounded by aggressive enemies bent upon disregarding the rights of the Indians and defying the supervision of their property by the Indian Bureau. He has been compelled to endure undeserved abuse from those seeking to obtain illegal control of Indian property, yet through it all his conduct has been manly and fearless. He has carried out the orders of the Bureau and of the Department, and I feel that his conduct deserves liberal support and encouragement.

CHIPPEWA PINE LANDS.—In compliance with the provisions of the act of January 14, 1889, a corps of examiners, numbering 28, has been engaged during the past year in determining the quantity of timber upon said lands. A part of their work has consisted of the reexamination of land examined by the former corps, which was found to be necessary for the reason that the reports of former examiners were unreliable, the timber near the logging streams having been largely underestimated, while the timber distant from the logging streams was proportionately overestimated.

On November 14 of the present year the work of these examiners was suspended, for the reason that the appropriation has been exhausted.

There have been examined thus far about 1,044,400 acres of the Red Lake Reservation and 89,000 acres of the White Earth Reservation. There are about 260,000 acres of the Red Lake Reservation which have been surveyed, but not yet examined, and about 1,635,000 acres remain ing to be surveyed, of which 345,600 acres are under contract for survey, and authority given for the survey of about 138,000 acres, the contract for which has not yet been let.

Under date of May 24, 1895, Mr. Andrew Douglas, the chief examiner, reported that the greater part of the lands on the Red Lake Reservation yet to be examined were agricultural, and if he were furnished with the plats of survey as rapidly as he needed them he would prob

ably be able to finish the work of examining the lands of that reservation within one year.

It will be seen from the foregoing that the necessary examination of about 1,133,400 acres of land on the Red Lake and White Earth reservations has been completed, and the portion thereof which has been found to contain timber should be disposed of at the earliest practicable date, as forest fires frequently pass over the lands in question, destroying large quantities of valuable timber, and it is further liable to injury from storms and from the depredations of trespassers.

House bill 5103, which passed the House of Representatives June 19, 1894, made provision for the disposal of these lands from time to time as fast as a quantity of 100,000 acres became ready for disposal, but the bill failed to become a law.

It is deemed of the utmost importance that legislative authority should be given for the disposal of these lands as rapidly as the examination and appraisal of a sufficient area is completed, and it is hoped that Congress will give such authority at an early date. I recommend that if such authority be not given no further examination of these lands be made, as the estimates of the timber thereon are of no value if several years elapse between the examination and the sale of the lands. Should Congress, however, make a provision for the disposal of these lands similar to that embodied in the bill to which I have referred, it is still doubtful whether further examination should be made at present. In any event, I urge legislation that will allow the sale of the lands already examined.

The other ten Chippewa reservations, the ceded lands of which will be subject to disposal under the said act of January 14, 1889, embrace about 750,000 acres.

The examination thereof can not be made until it is determined by the completion of the allotments now in progress which lands therein will be subject to disposal.

DISTURBANCES AT JACKSON'S HOLE.—Certain disturbances during the past summer in the Jackson's Hole country, Wyoming, a wild and almost impenetrable district immediately south of the Yellowstone Park, culminated seriously on July 15, in which one Bannock from the Fort Hall Agency was killed, another seriously wounded, and two children were lost. For the details of this most unfortunate occurrence and the correspondence relating thereto reference is made to the Commissioner's report. The facts may be summarized as follows:

The Shoshone and Bannock Indians have the right under their treaty of July 3, 1868 (15 Stat. L., 673), to hunt on unoccupied lands of the United States, the fourth article of which treaty provides as follows:

The Indians herein named agree, when the agency house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon and so long as peace subsists among the whites and Indians on the borders of the hunting districts.

Under this treaty they have been in the habit for many years past of going to the Jackson's Hole country to hunt game for subsistence, wanton killing being strictly forbidden.

The settlers of the country bordering this game region have looked upon these hunting grounds as their own exclusive property, and for the past two years have been steadily complaining through official and unofficial sources to this office to the end that the Indians might be kept out. Further, the settlers have claimed that the Indians hunted and killed game in violation of the game laws of the State of Wyoming. It would appear that they at last organized a scheme to drive the Indians from these hunting grounds regardless of consequences.

The first serious affair occurred on or about July 15, 1895, when a hunting party of nine Bannocks with their families, encamped on the banks of a stream in Uinta County, were surrounded by an armed body of settlers, numbering twenty-seven, who disarmed all of the Indians and "drove" them all day in single file closely guarded. In the evening the Indians, who had been roughly treated during the day, became frightened, and supposing they were all to be shot, made a dash for their liberty. The settlers without any warning fired upon them, killing one old man, who was almost blind, and badly wounding a boy of 20. The wounded boy subsisted for seventeen days upon the food which he had in his wallet when shot, and finally crawled several miles to the house of a friendly ranchman. Two papooses were lost, one of which was afterwards found alive, the other no doubt having perished or been killed.

False and alarming reports immediately followed of threatening massacres by the Indians, and the Secretary of War on July 24, 1895, upon Department request for military aid, ordered Brigadier-General Copping, commanding the Department of the Platte, to proceed at once to the scene of disturbance in Wyoming and to order such movement of troops as might be necessary to prevent a conflict between the Indians and settlers and to remove the Indians to their proper reservations.

The Indians, however, before the troops could arrive, returned to their reservation in obedience to the orders of the Indian Office, without any attempt to injure life or property, and on the 3d of August the agent at Fort Hall telegraphed:

All Indians absent from reservation have returned. Had big council. Requested me to telegraph you their hearts felt good. Had not harmed a white man, and would start haying, leaving their grievances to the justice of the white man.

As the result of these troubles the Bannocks have naturally been sorely incensed, but by the issue of larger rations, and by the strong representations made to them by the Indian Bureau, they have been persuaded to remain quietly upon their reservation, and no further trouble has been reported. A small military force was also stationed on the reservation, but was finally withdrawn at the request of the agent.

In the meantime the case was submitted to the Attorney-General of the United States, who stated, August 23 last, that he had telegraphed the United States attorney for Wyoming, directing him to apply for writs of habeas corpus in case any Indians were confined by the State authorities; and that he was not aware of any law under which the Department of Justice could assist in obtaining redress for the Indians, "or in punishing, civilly or criminally, the persons who have done them injury, even the murderers."

August 30, 1895, the Acting Attorney-General stated that he was informed by the United States attorney for the district of Wyoming August 23, 1895, that he had been unable to learn that any Indians were then under confinement for alleged violation of Wyoming game laws, and that certain other Bannack Indians who had previously been imprisoned at Marysvale had been allowed to escape by the authorities. In regard to a report concerning the outrages on the Indians made to him by one of the Government employees in Wyoming, whom he regarded as capable, observant, and trustworthy the district attorney said:

From the statements made by him, and from other sources of information, I have no doubt whatever that the killing of the Indian Ta ne ga on, on or about the 13th of July, was an atrocious, outrageous, and cold-blooded murder, and that it was a murder perpetrated on the part of the constable, Manning, and his deputies in pursuance of a scheme and conspiracy on their part to prevent the Indians from exercising a right and privilege which is, in my opinion, very clearly guaranteed to them by the treaty before mentioned.

The Acting Attorney-General, in closing, said: There is, however, unfortunately no statute of the United States under which this Department can afford any assistance.

On August 27, 1895, the Indian Bureau addressed a letter to the agent at Fort Hall, calling attention to article 1 of the treaty and directing the agent to obtain, at the earliest practicable date, such proof as he could procure of the wrongs committed upon the persons and property of the Bannocks in the Jackson's Hole country, and to forward it to the Bureau. In reply to this, affidavits of two Indians were transmitted by the agent.

On September 12 these affidavits were forwarded to the Attorney-General, and under date of September 24 reply was received that the Department of Justice had "again taken under consideration the question of prosecuting the whites who committed the outrages upon the Indians in the Jacksons Hole country," and that the United States attorney for Wyoming had been instructed to indict the parties and prosecute the case with vigor.

In the meantime, under instructions of the Department, Mr. Province McCormick, an inspector of the Indian service, proceeded to Wyoming to consult with the governor and other officers of that State, or other persons who might have knowledge of the troubles, and to meet Brigadier-General Coppinger, that officer having then been in consultation

with the officials of the War and Interior Departments in relation to the subject in question.

The inspector was directed to lay before the governor of Wyoming the action of the lawless whites who infest the region named, and also the treaty rights of the Indians, as held by the Department; to state that the Department was anxious to do everything it could to prevent the Indians under its charge from committing depredations upon the whites or annoying them in any way, but that it would insist on protecting the Indians in the rights guaranteed to them by the United States. In case the governor should be unwilling to concede the rights of the Indians to hunt, the inspector was then directed to propose to him that there should be a test case made in the State courts, either by having an Indian arrested by the State officers and an application through the United States attorney for a writ of habeas corpus for the release of such prisoner, or in some other satisfactory way.

In case the governor agreed to this proposition, the inspector was instructed to secure the arrest of an Indian through the Fort Hall agent, and to notify the Department of his action, so that the United States attorney for Wyoming might be duly instructed to proceed in the matter in the interests of the Government. The inspector was also directed to call a council of the Indians at Fort Hall, and to explain to them the action taken by the Department.

On October 6 the inspector reported the result of his conference with the governor of Wyoming, stating that the latter readily agreed to the proposition of the Department. He also arranged for the voluntary surrender of two of the Indians of the reservation, and reported their arrival at Evanston, Wyo., under the charge of the Indian agent and accompanied by an interpreter. A council of the Indians was held on the reservation on October 5, and the views, wishes, and instructions of the Department were submitted to them, as directed. The inspector reports that with one accord they all agreed to rely implicitly upon the Government to redress their wrongs—pledging themselves to abstain from any attempts at revenge for the outrages committed upon their people.

Following out the proposed plan the Attorney-General was duly informed of the action taken, and that officer, under date of October 5, advised the Department that he had "accordingly wired the United States attorney at Cheyenne forthwith to issue writs of habeas corpus for the two Indians arrested for the test case."

The department has received official information that the circuit court discharged the Indian and "held the laws of Wyoming invalid against the Indians' treaty."

FIVE CIVILIZED TRIBES.—The Commission known as the Dawes Commission, appointed to negotiate with the Five Civilized Tribes, has been almost constantly in communication with the representatives and members of those tribes for the last twelve months. The official report of such Commission has just been received, and is herewith submitted

(see exhibit A.) The members of the Commission have been ordered to their homes and directed to hold themselves in readiness to appear before the House and Senate Committees on Indian Affairs as soon as they are organized.

LAW FORCE.

Exhibit B presents the report of the Assistant Attorney-General for the Interior Department, who has charge of the law force connected with the Secretary's office. It shows the very large number of appeals which come to the Secretary from the General Land Office. It would be a physical impossibility for one man to read one-half of the records in these cases, even if he devoted to the work twenty-four hours a day.

For the purpose of facilitating the work of this office I organized a board of three of the most experienced assistant attorneys, and have required the work of each law writer to be considered by this board before coming to the immediate supervision of the Secretary. In my last annual report I recommended the creation of a board of principal examiners in the office of the Commissioner of the General Land Office, to perform the work of a land court. This suggestion met with but little favor, and it seems that litigants consider the right of appeal to the Secretary important.

As it is necessary for the Secretary to depend largely upon the work of others for the decisions which he renders, I suggest that legislation be enacted providing for the creation of a board of principal examiners among the assistant attorneys in the Secretary's office, to which board the Secretary may refer for decision such cases as he deems proper.

The law force has for some time been on duty an extra hour each day, and has in addition been frequently compelled to examine cases at night. This work should be brought up. It is now about nine months behind. The addition to the present force of a board of principal examiners would be a valuable aid in keeping the work up to date.

GENERAL LAND OFFICE.

A very important part of the work of the Land Office is the adjudication of contested cases. Theoretically the Commissioner passes upon these cases. In point of fact, in the great majority of instances he is compelled to accept the work of some member of his force.

I recommend the creation of a board of three principal examiners in the office of the Commissioner, to whom, under his direction, may be referred for final decision, so far as the decision of the Land Office is final, such class of cases as the Commissioner may deem advisable. The Commissioner and the Assistant Commissioner should be allowed practically all of their time for the supervision of the vast business intrusted to their charge, and they should not be expected to perform the amount of judicial labor which now overburdens them.

LANDS DISPOSED OF.—The public lands were disposed of during the fiscal year as follows: Cash sales, 416,878.38 acres; miscellaneous

entries, 7,947,421.80 acres; Indian lands, 42,548.86 acres, an aggregate of 8,406,848.04 acres.

The area of public lands undisposed of at the close of the fiscal year amounted to 599,083,495 acres. This aggregate does not include Ohio, Indiana, and Illinois, in which a few isolated tracts may remain. It is also exclusive of Alaska, containing approximately 370,000,000 acres, and military and Indian reservations, reservoir sites, and timber reserves, which may in the future be added to the public domain.

The total cash receipts during the year for public lands disposed of amounted to \$2,033,454.03.

Agricultural land patents were issued during the year amounting to 50,618 and covering approximately 8,000,000 acres; 1,242 mineral and mill-site patents were issued, covering an area of nearly 35,000 acres.

RAILROAD LAND PATENTS.—During the fiscal year there have been certified and patented on account of railroad patents 8,184,336.31 acres, an increase over the previous fiscal year of over 7,000,000 acres.

UNADJUSTED LAND GRANTS TO RAILROADS.—The amount of unadjusted land grants at the close of the fiscal year is estimated at about 88,000,000 acres.

There remained unpatented at the close of the fiscal year railroad selections to the amount of 22,623,051.76 acres, as against 28,840,094.92 acres pending and unpatented at the close of the fiscal year ended June 30, 1894.

Wagon road selections remaining unpatented at the close of the fiscal year aggregated 166,307.42 acres.

SWAMP LANDS.—There were patented as swamp lands during the fiscal year 241,774.61 acres, an increase over the previous fiscal year of 106,615.14 acres. The swamp-land claims in "place" remaining unadjusted at the close of the fiscal year aggregate 4,716,915.15 acres, and swamp-land indemnity claims unadjusted aggregate 1,918,754.92 acres.

Of school lands there were certified during the year 1,237,070.30 acres, an increase of 417,076.94 acres over the preceding fiscal year. The school-land claims remaining unadjusted at the close of the fiscal year aggregate 388,541.42 acres, and endowment lands unadjusted aggregate 428,052.94 acres.

INDIAN AND MISCELLANEOUS PATENTS.—Four hundred and fourteen thousand one hundred and forty-six and thirty-eight hundredths acres were embraced in Indian and miscellaneous patents issued during the year.

PUBLIC SURVEYS.—The appropriation for public surveys during the fiscal year, exclusive of \$45,000 for examination of surveys in the field, was \$205,000. Of this appropriation \$179,000 was appropriated to the various surveying districts, leaving a reserve fund of \$10,000 and a balance of \$16,000 for certain authorized surveys in Nebraska.

The apportionment by the Commissioner was as follows:

Arizona	\$3, 000	North Dakota	\$11, 000
California	12, 000	Oregon	10, 000
Colorado	9, 500	South Dakota	7, 000
Idaho	22, 000	Utah	12, 000
Minnesota	5, 500	Washington	28, 000
Montana	19, 000	Wyoming	21, 000
Nevada	1, 500		
New Mexico	17, 500	Total	179, 000

The appropriation act requires that preference shall be given in favor of surveying townships occupied by actual settlers and lands granted to the States, and the Commissioner's instructions to the surveyors-general made it their first duty to ascertain the localities in which there are bona fide settlers, and to so apply their apportionments as to benefit the greatest possible number of settlers; attention was also required to be given to the survey of townships contiguous to those containing settlers embracing agricultural lands likely to be occupied in the near future.

The areas covered by surveys accepted during the past year in the several States and Territories are as follows:

States and Territories.	Acres.	States and Territories.	Acres.
Arizona	366, 322	New Mexico	228, 276
California	611, 441	North Dakota	1, 555, 823
Colorado	5, 316	Oklahoma	45, 606
Florida	11	Oregon	531, 252
Idaho	1, 430, 895	South Dakota	1, 481, 466
Louisiana	7, 541	Utah	625, 052
Minnesota	554, 130	Washington	853, 907
Montana	763, 511	Wyoming	735, 710
Nebraska	82		
Nevada	327, 811	Total	10, 123, 652

PROTECTION OF PUBLIC LANDS.—During the fiscal year 42 special agents were employed in investigating fraudulent land entries and otherwise protecting the public lands from depredation.

ARID LANDS.—One of the most important and pressing duties demanding the attention of Congress is the provision of some comprehensive and practicable plan for reclaiming and disposing of the arid lands.

There are about 600,000,000 acres of vacant public land, the larger part of which is within the arid region. It can not be utilized for agricultural purposes without the artificial application of water. A considerable part of this area, because of its slope, is not suitable for cultivation; another portion can not be utilized, its relation to the water supply being such that, by reason of elevation, distance, or other considerations, water can not be brought to it at all.

Those best acquainted with the subject do not agree as to the amount of land which can ultimately be cultivated through irrigation by the most thorough utilization of the available water supply. Estimates by respectable authorities range from 50,000,000 to 150,000,000 acres.

The difficulty in the problem is the insufficiency of water, and it is generally conceded that only a small part of the arid lands can be irrigated.

The benefits of irrigation need not be enlarged upon further than to state that hundreds of thousands of acres (in their natural condition utter wastes) have become, when irrigated, cultivable agricultural land, yielding large returns in crops and acquiring a considerable value.

The more valuable element of the combination to produce this result is the water, the regulation of which in non-navigable streams within the States is exclusively under State control. The Government has control of the less valuable—I may almost say the valueless—element of the combination. It would therefore appear that the practical solution of this question is to place the lands under the direct control of the States in which they lie, under such restrictions and limitations as will insure their reclamation for the benefit of actual settlers, to the end that the States may control both elements necessary to their development.

The provision contained in section 4 of the act of August 18, 1894 (28 Stat. L., 372), known as the Carey bill, is in the nature of a grant to the several States named therein, but it is limited in quantity, and conditioned upon the reclamation and settlement of the land by the States before the title can pass. The act clearly contemplates that the irrigation of the lands may be accomplished by the employment of private capital, and to this end it authorizes the States to make all contracts necessary for reclaiming the lands, but it denies to the States any authority to lease or use or dispose of the same in any way whatever, except to secure their reclamation, cultivation, and settlement.

It evidently fails to give to the State sufficient control over the lands to enable it to contract for their reclamation on the most favorable terms, because it is apparent that the lands to be reclaimed must, in every instance, form the basis of security for repayment of the money expended in their reclamation, and with such uncertain tenure as is provided by the bill capital will not easily be induced to assume such risks.

If it is still hoped to accomplish the reclamation of arid lands through this legislation, it may be necessary that the act of August 18, 1894, be so amended as to provide that, after the land has been segregated, the Secretary of the Interior shall cause an investigation to be made as to its character, and that all lands embraced in such segregation which are found to be desert lands within the meaning of the act of March 3, 1877, and to which no adverse claim existed at the date of the filing of the map provided for, shall be granted to the States.

RESERVOIR SITES.—There are several laws on the statute books bearing on the subject of irrigation. On March 20, 1888, a joint resolution was passed by Congress directing the Secretary of the Interior, through the Director of the Geological Survey, to make an examination

of the arid region where agriculture is carried on by means of irrigation, as to the natural advantages for the storage of water, the practicability and cost of constructing reservoirs, and other facts bearing on the question. This was followed in 1888 and 1890 by legislation looking to a thorough investigation of the problems of irrigation in the arid region.

By the act of October 2, 1888 (25 Stat. L., 505-526), amended August 30, 1890 (26 Stat. L., 371-391), the Director of the Geological Survey is authorized to select such lands as may be suitable sites for storage reservoirs, and it is provided that such lands shall remain segregated and reserved from entry, occupation, and settlement until otherwise provided by law. In accordance with the provisions of these acts there have been approved by the Department and are now reserved 120 reservoir sites, distributed as follows: California, 23; Colorado, 35; Montana, 30; New Mexico, 19; Utah, 13. The estimated capacity of these reservoirs would furnish water for irrigating nearly 3,000,000 acres, or probably more land than is now irrigated. A number of sites were disapproved for various reasons, principally because little or none of the land involved was subject to reservation. There are yet several temporary segregations upon which no final reports have been submitted.

These reservoir sites were manifestly intended to constitute an important factor in the problem of a general plan of irrigation whereby the use of the available supply of water could be directed to the best advantage. Congress has, however, failed to make any provision for their utilization by the General Government or by the public; but by the act of March 3, 1891 (26 Stat. L., 1095-1101), the right of way through the public lands and reservations was granted to any canal and ditch company formed for the purpose of irrigation to the extent of the ground occupied by the waters of the reservoir and of the canal and its laterals.

Applications for the occupation of these sites under said act have heretofore been rejected by the General Land Office, but the question of the acceptance of such applications has not been directly passed upon by the Department. The question, however, is now pending before me, and it may be said that the decision is not without its difficulties. It is probable, however, that the view of the General Land Office upon the law as it now stands must be sustained. In the meantime the water supply intended to be used in connection with the sites selected by the Geological Survey is being appropriated and stored upon sites much less valuable and more expensive.

In view of the importance of these sites it is desirable that some provision be made immediately for their disposal, if it should be determined that they are not subject to appropriation under the act of March 3, 1891; and I would suggest that the law known as the Carey act seems to afford an opportunity to devote them to the public benefit by

permitting their use by the States or by those who, under State authority, propose to irrigate the lands.

The construction of these reservoirs should not be undertaken by the General Government, but by the people of the States and Territories in which the arid lands lie.

The question then arises, to what extent should the General Government aid in such reclamation? Substantial aid may be given by protecting the forests, which are an important element in the problem of successful irrigation, by granting the right to use and occupy the public lands for canal and reservoir purposes, and by the important agency of the Geological Survey.

Irrigation is developing in the West two sources of controversy, namely, as to interstate and as to international waters. The question as to the division of the waters of streams flowing from one State to another has already been presented to previous Congresses in the reports of its irrigation committees, notably the Fifty-first Congress; as to international waters important questions have been raised which have received consideration in another of the Executive Departments.

The settlement of the western country has, in a general way, followed up the great drainage basins. The practice of artificial irrigation began in the lower portions of the great valleys; works were constructed and water appropriated. As population increased, cultivation has proceeded farther up the valleys and water has been appropriated at the higher levels. This process has gone on to such an extent that, in many cases, the older enterprises find it difficult to obtain sufficient water where there was formerly a great abundance, and in some cases there is no flow at all in the dry season. It has gone on within States, from State to State, and from Mexico to Canada.

Within States the doctrine that the appropriation "first in time is first in right" has been generally adopted. The common law of riparian rights is in general not followed in the arid region, as being entirely inapplicable to the conditions there existing; but between States and between nations, as to navigable and nonnavigable streams, the authority of the General Government must be invoked to decide these questions, and each year's delay renders the complications arising more serious.

Since my last report there has been created by this Department and by the Department of Agriculture a board of irrigation, composed of representatives of the various bureaus and divisions having supervision of questions pertaining to irrigation and the reclamation and disposal of the arid lands. Its object is to promote efficiency and economy in the execution of the acts of Congress pertaining to this subject, and by cooperation to prevent the duplication of work. It is believed that by such cooperation the question of irrigation will be more thoroughly understood in its relation to the work of the several bureaus and Departments.

THE PRESERVATION OF THE FORESTS.—The subjects of irrigation and the preservation of the forests go hand in hand, especially the preservation of the timber upon the forest reservations. There have been reserved from settlement under the act of March 3, 1891, 17,000,000 acres of land as forest reserves. The object of these reservations is to preserve the forests themselves for future use, and through the preservation of the forests to protect and reserve the supply of water so that it may be stored and utilized for irrigation. These forest reserves protect the head waters of many of the streams used for irrigation. If the depredations upon them continue at the present rate, they will in a few years be entirely denuded of their timber and will thus leave the lands surrounding the head waters of irrigating streams subject to the direct rays of the sun, causing waste through floods at an early season of the year and the loss of benefit to the agricultural lands when the water is needed later. If, however, the timber lands are protected and kept intact, the melting of the snow will be gradual, floods will be prevented, and a flow will be maintained until late in the spring.

The present force of the General Land Office is inadequate to protect the reservations. There are but thirty special agents to protect the timber upon the public domain, to examine swamp lands, and to investigate fraudulent land entries—a force from which it would be impossible to detail men to watch the forest reservations. Unless some plan is devised by Congress for the protection of the forests, either by the Army or by foresters and assistants living upon the reservations, it is manifest that the object sought to be accomplished will utterly fail.

I would also call attention to the laws authorizing the issue of permits for cutting timber upon the public domain. When the bill was before Congress in 1890 the matter was fully discussed, and after mature deliberation Congress passed the act; it was approved and became a law. A full account of its workings is given by my predecessors in their reports for 1890 and 1891. But I have become convinced that the granting of permits to individuals and corporations to cut timber from the public domain is a mistake, and that the timber should only be disposed of to actual settlers and by sale.

Timber permits are now and have been granted since the act of March 3, 1891, which authorizes the Secretary to permit the cutting of timber from non-mineral public lands in certain States, under rules and regulations to be prescribed by him. This act was recommended by the Department; but, from further investigation, and the experience of the past two years, I find that many abuses have developed under it, and the benefits are so few, compared with the injury to the timber, that I am of the opinion the act should be repealed.

It is urged that such legislation is necessary where lumber and like products are required for the development of the Western States to which this act applies, yet permits are usually granted to corporations,

large mining interests, etc., and are used for present gain and not for the purposes contemplated in the act authorizing them. It is in the nature of special legislation for the benefit of a few, from which the great mass of the residents of the immediate vicinity derive no benefit. It is a question upon which people may honestly differ. Some very strong arguments were made to Congress and in the reports of my predecessors in favor of the permit system; with which, however, I can not agree.

The system of timber permits is vicious, in that it provides no adequate compensation to the Government for the timber taken; it is destructive to the forest and to its floor and regrowth, and its legitimate object—the supply of the market to which the local forest should be only tributary—is not attained. It should be abolished, and in its stead there should be such a rational system of timber cutting under competent supervision as will most effectually conduce to natural reforestation and the resupply in the shortest possible time of the growth removed. Under such supervision much timber might be taken without injury, even from the existing reservations. Or, better still, the whole of the public lands which are valuable chiefly for timber might be reserved, and a forestry system applied to the entire area. Such a system must necessarily be accompanied by proper legislation for protection against fire and depredation.

LEGISLATION.—I have heretofore recommended the passage of the McRae bill (H. R. 119, 53d Cong., 1st sess.), a copy of which with report thereon is appended, marked Exhibit C. It was passed by the House of Representatives December 17, 1894, by a vote of 150 to 53. It was amended, however, so as to confine its effect to the forest reservations alone, on the one hand restricting the Secretary of the Interior in the sale of timber to dead and such mature trees as must be removed for the sake of maintaining proper forest conditions, and on the other hand extending to the reservations the permit system, by which settlers and miners may supply their needs free of charge—the first an ambiguous and the second a most objectionable provision. Notwithstanding these amendments and the unsatisfactory character of this bill in some other particulars, its passage is of the highest importance, as it recognizes by law the status of the forest reservations and places them under the special protection of the Secretary of the Interior.

I append also a bill (S. 3235, 52d Cong., 1st sess.) introduced on July 2, 1892, by Senator Paddock, with the accompanying report, marked Exhibit D. This bill has received the sanction of the American Forestry Association and provides a comprehensive and complete system for the preservation, protection, and perpetuation of the natural forests. The report is especially valuable as embodying the mature conclusions of those who have given this question careful investigation and as affording the best available model for any sufficient legislation upon this subject.

What is needed is protection against depredations, against the wasteful cutting now permitted by law, and against fire; also provision for such a system of removal of dead and mature timber as will permit nature to replace that which is taken away. While awaiting the passage of laws to secure these ends, a pressing necessity exists for an increase of special agents of the General Land Office, who may be employed in protecting the timber now standing.

I desire further to call attention to the agitation in favor of a national forestry commission, by the boards of trade, the Forestry Association, and some of the leading periodicals of the country. It appears to me that it would be wise to obtain, under the provisions of the constitution of the National Academy of Sciences, a report from that body upon the general subject of forestry administration in this country, particularly if it were possible for them to employ experts to collect statistical information as to the area, location, and character of the wooded lands belonging to the United States.

The Commissioner makes the following recommendations, viz:

1. That a law be enacted for the compulsory attendance of witnesses at hearings in contests before the district land offices.

2. That at least \$50,000 be appropriated to be expended annually for making examinations necessary for establishing forest reservations and for the protection of such reservations already existing.

3. For the purposes of the special-service division of the office he recommends that an appropriation be made for at least six attorneys to supervise and direct the proceedings of the special agents operating in as many districts to be designated.

4. For legislation relative to the public timber.

5. That Congress make adequate appropriations to secure the surveying of the public lands through the Geological Survey.

6. That a law be enacted creating the office of surveyor-general of Alaska.

7. For the establishment of a district land office for Alaska, with a register and receiver, having like duties and emoluments with such officers in other land districts.

8. That an appropriation of \$48,000 per year be made, and continued for such time as is necessary, for the employment of 80 copyists for transcribing the press-copy records of the office into permanent record books.

9. That appropriations for surveys of public lands be made continuous; and

10. For the appointment of a board of examiners of surveys.

PENSIONS.

THE PENSION ROLL.

Number of pensioners June 30, 1894	969, 544
New pensioners added during the year.....	39, 185
Pensioners restored who had been dropped.....	4, 206
	<hr/>
Aggregate on roll during the year.....	1, 012, 935
Deaths reported during the year.....	27, 816
Dropped for other causes.....	14, 595
	<hr/>
	42, 411
	<hr/>
Number on roll June 30, 1895	970, 524
Increase of pensioners at end of year.....	980

PENSION CLAIMS DISPOSED OF.

Number of new pension claims allowed.....	39, 185
Increases, additional, and other changes.....	57, 152
	<hr/>
Certificates issued	96, 337
Number of claims rejected.....	103, 355
	<hr/>
Number of claims adjudicated.....	199, 692

No new certificates were issued under act of Congress of March 2, 1895, raising pensions below \$6 per month to that rate. Pension agents were instructed to pay the increased rate on the old certificates, thus saving delay and labor.

CONDITION OF THE WORK.

Number of new applications filed within the year.....	37, 060
Number of pending cases June 30, 1895, including new cases and old, claims for increase, etc.....	552, 210

These are represented by 459,475 claimants, of whom 248,710 are now on roll and 210,765 are original claimants, widows, or dependents not upon the roll. The pending cases of the latter class are 76,444 less than at the beginning of the year.

Nearly all these cases that have been pending a great length of time have been examined repeatedly, and are lacking in essential evidence. Instead of filing the required evidence claimants procure Members of Congress and other public men to make frequent calls for status, which often require careful examination of the case to answer correctly. Over 80,000 Congressional calls were answered during the year.

REDUCTION OF THE FORCE.—By act of Congress of March 2, 1895, the force was, at the close of the fiscal year, lessened 169. Of this number 49 were provided for by transfer to other bureaus of the Department. The others were selected from those whose services were of least value, or whose retention was undesirable. Preference for retention was given to soldiers and the widows and orphans of soldiers.

EXPENDITURES FOR PENSIONS.

Appropriation for pensions for fiscal year ended June 30, 1895.....	\$150,000,000.00
Recoveries of payments.....	8,672.58
	<hr/>
Applicable to payment of pensions.....	150,008,672.58
Amount paid for pensions same fiscal year.....	139,807,337.30
	<hr/>
Surplus remaining in Treasury.....	10,201,335.28
Pension agents' salaries, clerk hire, rents, fuel, lights, and contin- gent expenses paid.....	573,514.50
Surplus of appropriations for these purposes.....	8,095.45
Surgeons' fees for 1894 paid from that year's appropriation.....	229,257.76
Surgeons' fees for 1895 paid.....	578,509.57
Balance of appropriation for surgeons' fees for 1895 in Treasury at end of year.....	421,512.43

This last balance will be largely reduced by payment of surgeons' fees not adjusted at end of the year.

APPROPRIATIONS.

For payment of pensions for year ending June 30, 1896..... \$140,000,000

The amount paid for pensions for 1895, \$139,807,337.30, was \$2,876.25 in excess of the amount paid for pensions in 1894. The act of March 2, 1895, increasing all pensions below \$6 per month to that rate, and another act of the same date repealing the act of March 3, 1893, which forbade payment of pensions to non-residents after July 1, 1893, increased the payments during the last four months of 1895 about \$275,000. It is probable, however, that the appropriation for the present year, \$140,000,000, will be sufficient, unless pensions are increased by further legislation, as pensions must otherwise decrease from natural causes.

ESTIMATES FOR 1897.

For pensions.....	\$140,000,000
For surgeons' fees.....	800,000
For salaries of pension agents.....	72,000
For clerk hire at pension agencies.....	450,000
For fuel at pension agencies.....	750
For light at pension agencies.....	750
For rents at pension agencies.....	26,070
For contingent expenses.....	85,000

These estimates are the same as the appropriations for the present year, except that the amount estimated for rent is increased \$3,000 to provide better rooms for the agent at Buffalo, N. Y., whose quarters are inadequate and inconvenient.

ACT OF JUNE 27, 1890.—Brief reference is made to this act, which grants pensions to such soldiers and sailors of the war of the rebellion as served at least ninety days and were honorably discharged, and from disabilities of a permanent character become unable to earn a support by manual labor, and also to Order 164, by which disabilities in this class of claims were rated up to \$12 per month, the same as disabilities of service origin were rated in claims under the general pension

law, and without regard to the effect of such disabilities on the power to perform manual labor. Reference is further made to the action of the Board of Revision, constituted to examine and reconsider pensions allowed under said order contrary to the purport of said act.

This Board had during the year acted upon 104,160 cases, in which 4,149 pensioners were dropped from the rolls as not disabled in a pensionable degree, and 2,279 were dropped under said act and restored to the pensions granted them under the general law. In 20,359 cases the rates of pensions were reduced, and in 77,373 cases in which further evidence was filed the pensions were continued. This work was so nearly completed at the end of the fiscal year that the Board was then dissolved, and the whole work has been since substantially completed by the Board of Review.

Aside from discontinuing illegal pensions, the work has been beneficial in discouraging the filing of claims without merit.

THE LAW DIVISION.—The work of this division is commented on, and especially the part taken in the prosecution of pension attorneys and other persons guilty of crimes and of frauds in connection with pension claims. Two hundred and ninety-four persons were convicted of such crimes within the year, the most important being W. Bowen Moore, of Buffalo, N. Y., and George M. Van Leuven, of Lime Springs, Iowa, both pension attorneys with very large lists of clients and engaged in extensive systems of successful fraud. The vigor with which, by the aid of the Department of Justice, dishonest attorneys and claim agents have been prosecuted has done much to deter the unscrupulous of these classes.

THE SPECIAL EXAMINATION DIVISION.—The work of this division in connection with the prosecutions last referred to is mentioned. The crimes are often discovered and the evidence nearly always obtained by special examiners. They also ascertain the character and credibility of affiants in pension cases, and ascertain the facts in doubtful cases, and are often able, with the aid of information collected in the Bureau, to locate witnesses and procure the evidence to establish meritorious claims where the claimants would be unable to procure such evidence. This last class of work is the principal kind upon which nearly the entire force is constantly engaged; but the fact that such a force exists, and is likely to discover and bring to light any frauds that may be attempted, exercises a constantly restraining influence upon dishonest claimants and attorneys.

THE PENSION BUILDING.—During the year a new copper roof has been put on the Pension building, at a cost of \$20,642.83, and a corrugated iron ceiling, costing \$2,486.22, with an additional cost for painting the latter of \$906.04. The work has been well done and of good material. The ceiling, besides obviating the previous danger from falling pieces of tile, gives a finished appearance to the interior, which was lacking before. There was an unexpended balance of \$4,514.91 of the appropriation of \$28,550 for these purposes. The interior of the

large court, including the eight great columns, was repainted at a cost of \$1,529, the small balance of \$29, by which the cost exceeded the appropriation, being paid from the fund for repair of the building. Other repairs upon the building and pavements amounted to \$866.48.

A water filter sufficient to purify water for drinking and for the steam boilers, and to cost not more than \$500, is recommended.

In view of the fact that the cost of gas in the building was \$2,382.25 in 1894 and \$2,958.54 in 1895, the construction of an electric plant, described and estimated to cost not more than \$13,500, for light, to aid the telephone system, to operate electric fans in hot weather in the file rooms under the roof, and for any other desirable use to which electricity is or may be put, is presented as deserving favorable consideration.

PENSION APPEALS.

The report of Assistant Secretary Reynolds relating to pension appeals, for the fiscal year ended June 30, 1895, shows the following:

Number of cases pending July 1, 1894	1,661
Number of cases filed during the year	5,227
Total during the year	6,888
Number of cases considered and acted upon by the Board of Pension Appeals, and finally adjudicated and disposed of by the Assistant Secretary	6,576
Balance pending July 1, 1895	312

It thus appears that 500 appeals, on an average, have been disposed of each month, and that the business of this branch of departmental work has been brought up to date, as against 4,965 cases in arrears in April, 1893. The appeals now pending represent the current work of the Office, and the record of the previous year, in which the number of cases disposed of was twice that of any like period before, has not only been maintained but exceeded to the extent of 269 cases.

From April 15, 1893, to July 1, 1895, 17,212 cases have been adjudicated.

Of the total number of appeals disposed of during the year, the action of the Pension Bureau has been reversed in 1,208.

The purpose directing this entire work has been to carry out the design of Congress in enacting the pension system, and to dispense the bounty of the Government to those for whom it was intended, through its laws administered justly.

Gratifying results have followed the passage of the act relating to the payment of accrued pensions, which was recommended to Congress a year ago and received the signature of the President March 2, 1895.

Legislation is recommended which will define with more certainty the pensionable rights of minor children under the act of June 27, 1890, in those cases where the soldier dies leaving no widow surviving. The construction of the act on this point now rests in much doubt, and the title of such children is sustained only by implication.

The suggestion made a year ago for a more uniform rule for proof of marriage in pension cases is renewed.

Stress is again laid upon the recommendation of the previous year for legislation which will secure for their maintenance, to the wives and children of pensioners who unlawfully abandon them, a portion of the bounty paid such pensioners, and also for legislation which will remedy the evils arising from the manner of making the quarterly payments by checks direct at the agencies to certain weak and incompetent persons, who on such occasions are subject to schemes of wicked and designing individuals, and thereby induced to squander their pension money.

It is also suggested that while the statutes provide a proper punishment for embezzlement of pension money by guardians, yet there should be lodged, if possible, in the Federal courts the right of anyone on behalf of the Government to intervene for the purpose of securing greater protection to the fund and a speedier process for its recovery, it having been brought to the attention of the Department that many and flagrant abuses exist in the management of pension funds, which are not properly and effectively remedied by application in the local courts by those entitled to institute the proceedings.

THE PATENT OFFICE.

The report of the Commissioner of Patents upon the business of the Patent Office for the fiscal year ended June 30, 1895, shows that there were received within that year 36,972 applications for patents, 1,453 applications for designs, 77 applications for reissues, 2,314 caveats, 2,183 applications for trade-marks, and 318 applications for labels. There were 20,745 patents granted, including reissues and designs, 1,804 trade-marks registered, and 6 prints registered. The number of patents which expired was 12,906. The number of allowed applications which were by operation of law forfeited for nonpayment of the final fees was 3,208. The total expenditures were \$1,195,557.07; the receipts over expenditures were \$157,390.99, and the total receipts over expenditures to the credit of the Patent Office in the Treasury of the United States amount to \$4,566,757.73.

Comparative statement.

	Receipts.	Expenditures.
June 30, 1890.....	\$1,347,203.21	\$1,081,173.56
June 30, 1891.....	1,302,794.59	1,145,502.90
June 30, 1892.....	1,268,727.35	1,114,134.23
June 30, 1893.....	1,288,809.07	1,111,444.22
June 30, 1894.....	1,183,523.18	1,053,962.38
June 30, 1895.....	1,195,557.07	1,038,166.08

Applications for patents, including reissues, designs, trade-marks, labels, and prints.

June 30, 1890.....	43,810
June 30, 1891.....	43,616
June 30, 1892.....	43,544
June 30, 1893.....	43,589
June 30, 1894.....	39,206
June 30, 1895.....	41,014

Applications awaiting action on the part of the Office.

June 30, 1890.....	6,585
June 30, 1891.....	8,911
June 30, 1892.....	9,447
June 30, 1893.....	8,283
June 30, 1894.....	7,076
June 30, 1895.....	4,927

CHANGE OF PROCEDURE.—Procedure in the Patent Office has been somewhat modified in the direction of simplicity and expedition. On the 25th of January, 1894, amended Rule 64 was approved by me in the following language:

Where the specification and claims are such that the invention may be understood the examination of a complete application and the action thereon will be directed throughout to the merits, but in each letter the examiner shall state or refer to all his objections. Only in cases presenting patentable substance will requirements in matters of form be insisted on.

The experience of nearly two years under this change has demonstrated that a considerable economy of time and labor results. Under the former rule it was required that an application should be made correct and allowable in form, as to the specification, claims, and drawing before it would be acted upon on the merits; and while many examiners construed this rule freely and in part postponed requirements of form to final action upon the merits, many others applied the rule literally, and it would thus happen that the case finally rejected for want of patentable novelty had been expensively and laboriously amended in mere matters of form without final benefit either to the applicant or the Office. It is thought that the continued operation of the rule is beneficial, and it is approved both by the Office and the profession.

In the same direction are other changes made during the past year by amendments of the rules approved by me February 14, 1895. Section 4909 of the Revised Statutes provides that appeals may be taken from the decision of the primary examiner, or the examiner in charge of interferences, to the board of examiners-in-chief whenever any of the claims of the application have been twice rejected. Under section 4894, providing that applications shall be regarded as abandoned by the parties thereto upon failure of the applicant to prosecute the same within two years after any action therein, of which notice shall have been given to the applicant, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable, it had become the practice on the part of those who sought delays to wait nearly two years before asking for the reconsideration of an examiner's rejection, and from such reconsideration a new period of two years was dated within which the applicant might remain inactive.

Under section 4903, providing for the reexamination of rejected claims, with or without altering the specification, and under section 4894, above mentioned, amended Rule 65 was enacted, to the effect that the applicant will be considered to persist in his claim for a patent without altering his specification in case he fail to act in prosecution of the same for six

months after the office action thereon, and thereupon the examiner will make a reexamination of the case. It was also provided by new amended Rule 134 that appeals must be taken within six months, and in new amended Rule 68 it was provided that in cases more than five years old, where an intention to delay was apparently raised by the record, the examiner may require the applicant to show cause why the case was not more rapidly prosecuted, and may reject a case upon finding as a fact that the applicant intended and brought about unreasonable delays in prosecution. The full text of the rules is as follows:

65. An applicant will be considered to persist in his claim for a patent without altering his specification in case he fail to act in prosecution of the same for six months after the office action thereon, and thereupon the examiner will make a reexamination of the case.

134. In appealable cases in which no limit of appeal is fixed, no appeal will be entertained by any tribunal in the office unless taken within six months from the action which puts the case in condition for appeal, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

68. In every case pending before the office more than five years, in which the record raises the presumption that there have been intentional delays in prosecution, the examiner may require the applicant to show cause why the case was not more rapidly prosecuted, and at the hearing thereon, or upon failure of the applicant to appear, the examiner will determine, under all the circumstances of the case, whether there have been intentional and unreasonable delays in prosecution, and upon finding the fact to be so he will reject the case for that reason.

The Office customarily receives about 1,650 amendments of pending cases a week, but in the week ended October 15, the end of the six months in which the rules were in full effect, the number of amendments increased to 5,967, and during the next week to 20,142.

Sufficient time has not elapsed to judge of the full effect of these rules upon the practice, but there is little doubt that they have accelerated the prosecution of cases and enabled the Office to dispose of its business with greater expedition.

It is a manifest evil that an applicant should be able to keep his case pending in the Office for an indefinite time without forfeiting his rights against the public, finally taking out a patent for an invention which has been in public use perhaps for years. There is practical unanimity of opinion that the period of permissible inaction on the part of an applicant should be shortened to the period of six months, and such was the unanimous report of the special committee on amendment of the patent laws of the American Bar Association at its recent session in Detroit.

Fully concurring in the wisdom of this change and in the imperative necessity for it, I believe that the policy embodied in these rules requiring expedition in prosecuting cases should be placed beyond the possibility of change by amendment of the rules of procedure, and to this end I recommend Congressional action.

CLASSIFICATION DIVISION.—The Commissioner of Patents has repeatedly recommended an increased appropriation for a classification division, to enable the search among prior patents and publications upon the question of novelty to be prosecuted with more certainty and

dispatch. I concur with him in believing that it is possible and practicable to have in each division substantially all that is in print upon the prior art, and to have that volume of matter, enormous as it is, classified on such principles and with such precision as to enable the searches to be made with even greater perfection. I recommend that this improvement be carried out and that the necessary appropriations be made for the same.

PHOTOLITHOGRAPHING.—In May, 1893, the Office adopted the policy of advertising for competitive bids for the photolithographing work of the Patent Office, which for many years had been done by the Norris Peters Company, of the city of Washington, usually without bids. The first year a saving of more than \$15,000 was effected, the second year a saving of nearly \$50,000 was effected, and for the current year it is estimated that a saving of \$10,000 more will be effected.

It appears from the records of the disbursing officer for the Department of the Interior that the photolithographing work has cost the Patent Office the following sums during the years stated:

For the fiscal year—

1891-92	\$152,962.08
1892-93	154,787.22
1893-94	144,909.03
1894-95	95,489.04
1895-96 the expenditure upon the same amount of work as for the preceding year would be.....	85,188.80

The foregoing table is not a full exhibition of the saving, because the payments were not made for the same amounts of work. In the year 1893-94 the \$144,909.03 includes more work than the preceding year and \$4,500 of work in printing expired patents, an item which is not contained in the work of any preceding or subsequent year. Similarly for the current year the actual sums that will be paid are estimated to amount to \$92,029.90, but this includes the cost of about \$7,000 of increased work.

For the purposes of comparison in the foregoing table the bid of the present contractor is estimated upon the same quantity of work as was actually performed by the Norris Peters Company last year, and this would be the sum of \$85,188.80, resulting in a saving of \$10,300.24.

Even the bid of the Norris Peters Company for this year, which was not the lowest and was not accepted, was somewhat less than its own bid of last year.

For the fiscal years 1891-92, 1892-93, and 1894-95 the work was done by the Norris Peters Company. For the fiscal year 1893-94 it was done by the National Lithographing Company, and for the present year it is being done by Andrew B. Graham, in each case the contract having been awarded to the lowest bidder.

I desire again to express my approval of the course of the Commissioner causing as it has this great saving to the Government. The result speaks for itself, and no investigation from unfriendly sources can produce any result except a reflection upon the would-be critics.

THE ELEVENTH CENSUS.

From the report of the Commissioner of Labor, in charge of the Eleventh Census, for the fiscal year ending June 30, 1895, it is learned that the total cost of the Eleventh Census to that date was \$10,531,141.51. By an act of Congress approved March 2, 1895, the office of the Eleventh Census, as a bureau, was abolished and provision made for the completion of the work by a division of the Secretary's Office. The same act authorized a continuance of the services of the Commissioner of Labor in charge.

It was not contemplated by the act abolishing the Census Office and providing for a division that any change in the status of the employees of the Census Office relative to the civil service would take place. The Civil Service Commission very properly decided that the new division must be subject to all the rules and regulations governing other divisions of the Secretary's Office, and that from the 4th day of March, 1895, when the act took effect, the employees in the Census Division should be considered as within the classified service and subject to transfer, the same as employees in offices over which the civil-service law had been extended by Executive order. By this decision some of the most experienced clerks in the census work have been transferred to permanent positions, and their skill and experience can be brought into requisition in the future. Others will be transferred when their services are no longer needed in this division.

At the close of the year ended June 30, 1894, the total force receiving compensation was 672. At present the total force on the pay roll of the Census Division is 67.

In June last the Census Division was removed from the Inter-Ocean Building, on Ninth street, to Marini's Hall, on E street, and the vast amount of material collected for the Eleventh Census (formerly stored in various places) and the clerical force are now housed under one roof. This change has reduced the total annual expense for rent, fuel, etc., from nearly \$12,000 to \$2,220, a saving of over \$9,500 per annum. The appropriations now available are undoubtedly sufficient for all purposes, except for printing and binding final results.

The total number of volumes of the Eleventh Census is twenty-five, a reduction of seven from the number contemplated originally. This vast work is nearly completed, the only copy to be forwarded to the printer being part of one of the volumes on Population and part of one of the volumes on Vital Statistics. The third and final volume of the Compendium, the second edition of the Abstract, and the Statistical Atlas provided by law, can be prepared in a very brief period when the final copy is ready.

The twenty-five volumes of the census comprehend, in round numbers, 22,000 printed pages. At the time of my last annual report 6,298 of this total number had been plated. The work of the Census Office

during the past year is well shown by the statement that at the end of the last fiscal year 16,522 pages of the final reports were in plate. In all probability, with the exception of the two volumes named, the volumes will be out of the hands of the printer during the present calendar year.

The number of topics treated by the census is strictly according to law, which authorized fifteen separate reports, but with provision that different reports might be divided into numbers. It is through this authority that the fifteen reports are made in twenty-five different volumes.

Attention was called last year to the permanent binding of the schedules, in conformity with past custom, and a small appropriation was made to enable the Census Office to put them in proper shape for such binding. This work is now going on, and is so systematized as not to interfere with the clerical work. The Commissioner informs me that this work is being so thoroughly done that there will probably be no necessity for permanently binding the schedules, an omission which will save about \$30,000.

The condition of the Census Division and of the final reports shows clearly that the Eleventh Census will be printed and distributed at least two years earlier than was the case with the Tenth Census. Yet the whole system of taking and compiling the Federal census should be changed, causing as it does so much delay. It is the opinion of the Commissioner of Labor in charge, which he states after most careful consideration, and in which I fully concur, that with a more scientifically arranged system, and the employment of a force drawn from the civil-service lists, \$2,000,000 and one year of time might have been saved in completing the Eleventh Census.

Attention is called to the details given by the Commissioner of Labor in his report, to which I have referred.

GEOLOGICAL SURVEY.

The work of the Geological Survey has progressed in a satisfactory manner during the year. The energies of the strictly geologic force have been directed mainly to areal surveying, with a view to the delineation on the topographic base maps of the distribution and relations of the various rock formations. Work in this line was done in all of the great natural geologic provinces of the country. A special geologic map on a large scale was made of the Cripple Creek gold district of Colorado, and data were obtained for the completion of the second part of the report on the Leadville mining district of Colorado. Fourteen folios of the Geologic Atlas of the United States were published during the year, each folio embracing a topographic map, several geologic maps, and a descriptive text.

More attention has been given than for several years past to the making of special reconnaissance surveys of regions supposed to contain

important economic resources, in order to obtain at once information which would otherwise be delayed for years. These have included a reconnaissance of the southern Appalachian gold fields and of the mining districts of southern-central Idaho.

Exclusive of the paleontologists, who render general aid to the geologists in the determination of the age and relations of rock formations, twenty-six parties were engaged in geologic work under the immediate supervision of the Director.

The subject of hydrography has received increased attention during the past year. Stream measurements and studies of water supply have been carried on in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, and a number of the Eastern States.

The topographic mapping of the country was materially advanced, a total area of 30,500 square miles having been surveyed. The work is distributed in twenty-one States. The number of atlas sheets completed and made ready for the engraver is 49, and a number of others were prepared in part. Tabulated statements of the work and its results, and other particulars of the topographic operations, may be found in the annual report of the Director.

It has been concluded to represent hereafter on all maps the surveys and the land-subdivision lines, and, when possible, the location of the position of township and section corners and the determination of their altitude.

Authority has been obtained from Congress to print and sell the topographic maps of the Geological Survey, with descriptive text, for educational purposes.

The entire topographic force of the Geological Survey has, on my recommendation, been placed within the classified service.

Considerable attention has been given during the year to the preparation of exhibits for the Cotton States and International Exposition now in progress at Atlanta, Ga. Two officers of the Survey hold important positions in connection with that work, one being the general representative of the Department upon the board of managers of the Government exhibits and the other being in charge of all the mining and mineral exhibits at the exposition.

Besides the annual reports and accompanying scientific papers and the maps and folios, there have been published during the year two monographs and seven bulletins. The Survey is now itself engraving and printing all of its geologic folios and topographic maps, the execution of the map engraving by contract having been entirely abandoned.

SURVEY OF INDIAN TERRITORY.—The Fifty-third Congress at its last session made an appropriation of \$200,000 for commencing a survey and subdivision of the lands of Indian Territory. This appropriation was accompanied by a provision that, if deemed to be in the

public interest, the Secretary of the Interior might intrust this work to the Director of the Geological Survey, instead of giving it out by contract, as has heretofore been done.

This appropriation became available on the 4th of March, and active field work was begun under it by the Geological Survey before the end of the month. From time to time the force of surveyors was increased, until by the 1st of September a maximum force was engaged upon the work.

The plan and organization of the work is as follows: It has been placed in the Topographic Branch of the Geological Survey, of which it is organized as a division in charge of a division chief. Two parties are engaged in running standard lines, the surveyors being connected with the permanent force of the Geological Survey. Four parties are engaged in running township exteriors, and the surveyors also are men who are upon the permanent force of the Geological Survey. Sixteen parties are engaged in running subdivision lines, the surveyors in these parties being for the most part men temporarily employed for the purpose. These parties are grouped by fours, each group being under the immediate supervision of a topographer from the permanent force of the Geological Survey, who supervises and examines their work and at the same time prepares a topographic map of the country subdivided. Thus the work is executed by three independent sets of surveyors, the work of each of them testing that of the others. Moreover, the work is either done by permanent employees or is under the immediate supervision of permanent employees.

In addition to these parties, one party is engaged in establishing a primary triangulation over the area subdivided, locating points therein with accuracy, and these points are connected with section and township corners, not only in order to detect errors in the running of lines, but, as the triangulation points are permanently marked, they will serve in the future for the resurrection of lost corners.

Thus far the work has progressed favorably in all respects, although not as rapidly as was anticipated at the outset. Up to November 1, 6,530 miles of line have been run, of which 750 miles are on standard lines, 1,000 miles on township exteriors, 4,740 miles on subdivision lines, and 40 miles on meander lines. Sixty-nine full and 13 fractional townships have been subdivided.

The office work has been pushed as rapidly as possible. The writing of notes and the making of plats has commenced, and is going forward as fast as the rough notes come in from the field. The notes of some 2,000 miles have been copied and plats of several townships made.

As was stated above, the work of subdivision has not gone on as rapidly as was anticipated, owing to a mistaken idea regarding the character of the country. It was assumed that it was mainly an open country, in which subdivision could be carried on rapidly. As a matter of fact, three-fourths of it is heavily timbered, and not less than

one-fourth is mountainous. The timber and undergrowth are commonly so dense as to require continuous chopping in order to open the lines, so that the rate of progress depends upon the rate at which the lines can be chopped out.

There has been expended upon field work up to November 1 the sum of \$61,500.

The number of linear miles surveyed up to the same date was, as stated above, 6,530. This mileage would earn, under the contracts of the General Land Office, the sum of \$63,000.

It will be seen, therefore, that the field work is being carried on by the Geological Survey quite as economically and far more thoroughly and efficiently than under the contract system. At the same time, and without additional expense, an accurate topographic map of the country is being prepared, a work which, if executed independently, would have cost \$5 per square mile.

It should be added that thus far the surveys have been carried on in one of the most difficult parts of the Territory. The open country which is found in the central part of the Cherokee Nation has not yet been reached. In this the work will progress far more rapidly than elsewhere.

MINERAL DEPOSITS ON UNCOMPAHGRE INDIAN RESERVATION.—Mr. Eldridge, of the Survey, was detailed informally to examine the mineral resources of the Uncompahgre Indian Reservation. He reports that gilsonite is the only mineral of known commercial value occurring on the reservation. He finds a number of large veins varying from 4 to 12 feet in width and of unknown but evidently considerable depth, from their geological relations. This indicates a vast deposit of gilsonite.

The bituminous shale, sandstone, and limestone might be of commercial value under favorable conditions for transportation. Practically the same materials elsewhere are employed either for paving purposes or made to yield up their hydrocarbons as commercial oils.

The gilsonite occurs as the filling of extensive cracks in the earth's crust. The deposits are therefore fissure veins. They are all nearly or quite vertical, and their general trend is north 45 degrees to 55 degrees west, a direction common to many of the folds in the mountain and plateau regions adjoining.

The number of important veins of gilsonite at present known is six—four in the eastern half of the reservation, one probably crossing the western edge of the reserve near the fortieth parallel, and one in the opened strip between the Uncompahgre and Uinta reservations, near Fort Duchesne, the southeastern end of which perhaps lies within the Uncompahgre Reserve.

Of the four veins in the eastern half of the reservation, one—the Black Dragon—is exposed on a tributary of the West Fork of Evacuation Creek, 20 miles south of White River, near the parallel of

39° 45'. This vein may be traced to the head of Asphalt Creek, and has a known length of between 3 and 4 miles. Its width at an opening near the southeastern end of the fissure as exposed is 8 feet 6 inches; from this point southeastward the diminution in size is very rapid.

The second and third veins in the eastern portion of the reservation are known as the "Little Bonanza" and "Big Bonanza," the former to the west of the latter. They are approximately parallel, and from 200 to 500 feet apart. They were traced to the north of White River for nearly 3 miles, and Mr. McAndrews, of the Indian police, states also that he has followed them southeastward across the river quite to the Colorado line, in all, a distance of 10 or 12 miles. The maximum width of the Little Bonanza observed was 9 feet, of the Big Bonanza 13 feet 6 inches, but locally the Little Bonanza exceeds the Big Bonanza in width.

The "Cowboy," the fourth and largest of the important group of gilsonite veins in the eastern portion of the reservation, lies about 2½ miles northeast of the Bonanza veins, with which it is parallel. This vein has thus far been found only north of the river, but it here has a probable length of at least 5 miles, being clearly defined in outcrop for over half this distance, while for the remainder evidences of its presence exist in the float particles found in the soil and wash covering it. The maximum thickness of this vein was found to be 18 feet.

The thickness of the veins varies from the figures given above to 0 at the ends, and they are observed to widen and contract from point to point; but for much of the lengths given they appear to maintain an excellent workable width, from 4 to 12 feet.

The vein on which the St. Louis Gilsonite Company have opened a mine, lying 3 miles east of Fort Duchesne, is the original discovery. It is of the same nature as those already described, but is only about 4 feet wide, a width, however, held with little variation for between 1 and 2 miles, possibly even farther. The vein near the western edge of the reservation has not yet been visited.

The discovery of such veins is a matter for the prospector rather than for the geologist, as the position of a crack in broad and gently folded strata is undeterminable by any structural laws.

The amount of gilsonite in the region examined is enormous, for the depth of the fissures, though unknown, can not but be considerable—from 1,000 to several thousand feet—and, with their length and width, is indicative of phenomenal yield.

The presence on the Uncompahgre Reservation of minerals, other than that already referred to, is extremely questionable, particularly so in the case of the metallic ores—zinc, lead, copper, silver, gold. The entire area of the reservation, so far as a general survey and the evidence of earlier explorers (Hayden and others) show, is one of unaltered sedimentary rocks of Eocene age, devoid of all traces of eruptive action past or present.

The Survey has also contributed valuable assistance to other bureaus of the Department in reporting as to the feasibility of irrigation at designated points and in the examination of alleged mineral deposits.

BUREAU OF EDUCATION.

The Commissioner of Education in his report for the year enumerates the circular letters of inquiry by which he collects the statistical data compiled in his office. Something like 10,000 returns are made annually, containing answers to the 600 items tabulated.

He reports that the usefulness of the office as a bureau of information on all educational subjects is increasing from year to year. In reply to inquiries from various parts of the country the division of correspondence and records sent out 19,580 letters and 195,986 documents, besides accomplishing a large amount of miscellaneous work. The division of international exchange and the library and museum division of the Bureau were kept busy during the year. The total number of books in the library is reported at 66,278, and the number of pamphlets at 145,000. The Model Library, exhibited at the World's Columbian Exposition at Chicago, consisting of 5,000 selected volumes, was presented to the Bureau.

The report of the Commissioner shows that the total number of pupils enrolled in 1894 in public and private schools was 15,530,268, or 22.88 per cent of the entire population—14,846,858 in public and private elementary schools, 480,358 in secondary schools, and 203,052 in institutions of higher education. Of the grand total, 15,530,268, the number in the public schools of all grades was 14,012,498 and in private schools of all grades 1,517,770.

The statistics are given of the sixty-five institutions established by the several States in connection with the fund provided by the act of Congress of July 2, 1862, and that of August 30, 1890, for instruction in agriculture and the mechanic arts.

EDUCATION IN ALASKA.—During the year there have been maintained in Alaska 16 day schools, with 24 teachers; 7 contract schools, with 49 teachers and employees, and 15 mission schools, with 61 teachers and missionaries. These mission schools have been supported wholly by the churches themselves the past year, but up to the present year the Bureau has been able to offer a subsidy to reimburse them for a portion of their work.

The introduction of reindeer into Alaska has proved a complete success, and to expedite matters the propriety of placing, with the consent of the Russian Government, a purchasing station somewhere on the Siberian coast is suggested. It seems that there are something over 300,000 square miles, or one-half of the vast territory comprised in Alaska, covered with a thickset, long-fibered white moss, which forms the favorite food of the reindeer. Over large sections this has accumulated in beds of a foot in thickness. To convert this possible food into actual

food and clothing for human beings it is necessary that it shall be first transformed into reindeer meat and fur by the grazing of immense herds of domestic reindeer. If the estimate is correct that one skilled herder with his family can furnish reindeer meat and clothing sufficient for twenty families of miners or other settlers, the importance of reindeer culture in this region becomes manifest. New gold mines are being developed in Alaska every year, and the need of food and clothing, and especially of rapid transportation, for a large migration may be prepared for by the introduction of reindeer. The food for thousands of herds is already there, but the deer must be imported from Siberia. The experiment of importing Lapland families to train the natives into herdsmen has proved a success. The percentage of loss of the reindeer calves during the past spring was reduced from more than 22 per cent to less than 1 per cent in one year's time by the skill of the new herdsmen.

PUBLIC DOCUMENTS.

By act of January 12, 1895, it is provided that upon the appointment by the Public Printer of a superintendent of documents the office of superintendent of documents in this Department shall be abolished, and the distribution of documents, with the exception of the publications of the Department, be transferred to the Government Printing Office.

When, however, the appointment of superintendent of documents was made, on March 26, 1895, it was found impracticable, on account of lack of facilities for storing and distributing documents, for that officer to assume at once the work of their distribution. At his special request, therefore, the work was continued by this Department to the close of the fiscal year.

During the year this office received from the Government Printing Office 355,004 documents for distribution and sale. Of these, 64,278 were leather-bound Congressional publications received by the Department for transmission to depositories of public documents in the several States, and 204,843 were publications of the Eleventh Census, which have been distributed so far as orders for their distribution have been received from Senators and Representatives. These comprise the following volumes, viz:

The Abstract.

Final reports: Insurance, part 1 (Fire Insurance); Vital Statistics, part 3; Indians; Churches; Population, part 1.

Monographs: Vital Statistics of New York and Brooklyn; Vital Statistics of Boston and Philadelphia; Agriculture by Irrigation in the Western Part of the United States.

From fifteen to twenty volumes of the reports of the Eleventh Census still remain to be published. These will probably be issued in rapid succession until the entire series is completed.

In compliance with the provisions of an act of Congress approved March 2, 1895, the Public Printer delivered to this Department 5,000 copies of Compiled Statutes of the District of Columbia, of which the distribution of 245 copies for official use has been made. The remaining copies can, under the law, be supplied only in the way of sale at \$3.75 each. It is evident, however, that the demand for the work will be quite limited. I therefore recommend that authority be given for its distribution to depositories of public documents and to Senators and Representatives for their individual use, and that the price be reduced so as not to exceed \$2.50 per copy.

Volumes 153 to 156, inclusive, of United States Reports were received from the reporter of the Supreme Court and distributed as provided by law. It is hoped that Congress at its next session will make adequate provision for supplying those judges and officers of the Government whose duties involve the frequent use of these reports, but who are not now provided for. This Department can not favorably respond to their appeals until Congress makes the proper appropriation.

The sum of \$2,098.84 was realized from the sale of public documents during the year and was turned into the Treasury.

The exchange of documents among libraries was carried on to a limited extent, 3,563 volumes being received. This clearing-house work has now been transferred to the superintendent of documents, Government Printing Office. Since its inauguration in this Department it has been of the largest benefit to libraries. About 225,000 volumes have been received from libraries having them in duplicate and, so far as possible, placed in other libraries in which they were lacking. It is gratifying to know that this service has been thoroughly appreciated by our public and college libraries.

In compliance with the provisions of the law of January 12, 1895, requiring the Executive Departments to deliver to the superintendent of documents all documents in their charge not required for official use, 126,523 volumes have been transferred to that officer by this Department. These comprise chiefly the undistributed portion of documents received from libraries and the surplusage of Congressional publications remaining after the authorized distribution to depositories. From 20,000 to 30,000 more remain to be delivered, but the Public Printer declines to receive them, as he has no accommodations for their storage.

Another edition of the Check List of Congressional Documents and of miscellaneous series of Government publications has been completed, bringing the list down to date and somewhat enlarging its scope. A new feature of this list is the serial numbering of the Congressional documents, which it is believed will in many ways subserve the convenience of those for whose use the work is prepared.

The Comprehensive Index of Government Publications, 1889-1893, to which reference was made in my last report, has since been published and distributed. A similar index to all the publications of the Government from its foundation should be provided. This great mass of

public literature will remain comparatively unused and therefore valueless until such a work is prepared.

As existing law now contemplates that all of the publications of this Department should pass through the hands of a document clerk, I suggest the advisability of changing the title of that official, who now acts as chief of the document division, to supervisor and editor of documents and reports. I also recommend that the salary be increased to \$2,500. Such an officer could materially increase the value of the reports from the various bureaus of this Department, while by preventing repetition he could lessen the cost of their publication.

BUREAU OF RAILROADS.

The Commissioner calls attention to the continued reports of improvement and of increased activity in every branch of production, and adds:

The influence of the panic of 1873 having been felt for a much longer period than is likely to be the case with the panic of 1893, the outlook for the railways is now regarded as most encouraging.

UNION PACIFIC RAILWAY.—With regard to the affairs of this company, the Commissioner reports, in brief, as follows:

Liabilities.—Capital stock, \$60,868,500; net indebtedness to the Government, \$51,999,661.07; floating indebtedness, consisting of bonds in the hands of the public, \$74,000,000; aggregate, \$186,868,161.07.

Its obligations to the Government not having matured, no default has been made; but on November 1, 1895, United States subsidy bonds to the amount of \$640,000 will become due and payable.

No further dismemberment of the system is reported since August, 1894, when a separate receiver was appointed for the Denver, Leadville and Gunnison Railway.

The comments of the Commissioner upon the order of the Secretary of the Treasury, under date of March 9, 1895, which directs that compensation for services rendered the United States by the non-aided and leased lines be no longer retained in the Treasury under assignment, as formerly, but be paid to the receivers in cash, are to the effect that such retention of earnings and their application in settlement of the company's indebtedness to the United States was a method adopted by a former Secretary of the Treasury in compliance with a request of the company. The justice of the discontinuance of this method, under the receivership, is not questioned, but its effect, in the opinion of the Commissioner, will be to compel a return to the former practice of making demand upon the company for payment in cash of the annual requirement under the Thurman Act.

The entire amount of earnings in question has, through an error, the Commissioner states, heretofore been credited to the sinking fund, which, as the property of the company, is the object of greater solicitude by the latter than the bond and interest account. He therefore recommends that the error be rectified by a transfer through counter

warrant of the proper amount on the books of the Treasury Department. The sum involved on January 1, 1895, amounted to \$871,511.99.

CENTRAL PACIFIC RAILROAD.—The aggregate liabilities of this company are given as \$185,033,682.27, of which sum \$57,734,182.27 constitutes the amount of its net indebtedness to the United States.

The Commissioner refers to the fact that the first installment of bonds issued to this company in aid of construction amounted to \$2,362,000. This sum, with interest for thirty years at 6 per cent, fell due on January 16, 1895. He remarks that by the act of 1862, under which these bonds were issued, it was stipulated that they should be paid by the company at maturity, but that, as a matter of fact, they were paid from the general funds in the Treasury of the United States. He adds:

It is true the said payment may be reimbursed from the sale of bonds in the sinking fund, but there appears to have been no market for such bonds, and there are not enough of them to cancel one-tenth part of the debt.

In the matter of the suit instituted by the United States against the estate of Leland Stanford for the recovery of the sum of \$15,000,000, on account of his individual liability as a stockholder, the Commissioner reports that on June 29, 1895, the demurrer of Mrs. Stanford was sustained by Judge Ross, and an appeal from the decision was subsequently ordered which will carry the case to the United States Circuit Court of Appeals for the Pacific Coast district.¹

CONDITION OF THE PROPERTIES.—The Commissioner reports the properties of the Union and Central Pacific companies, which were personally inspected by him, to be in excellent physical condition.

AMOUNTS FOUND DUE THE UNITED STATES.—The following results of an examination of the books and accounts of the bond-aided companies, as ascertained by the accountants of the Bureau, are given:

Union Pacific Railway (including the Kansas Division).—Decrease in net earnings, as compared with the previous year, \$1,758,232.73; increased requirement, under Thurman Act, \$22,884.70. (This is explained by an increase in the amount of Government transportation, all of which is retained.)

Central Pacific Railroad.—Increase in requirement, \$37,106.11; same explanation as in case of Union Pacific.

Sioux City and Pacific Railroad.—Increase, \$1,469.38.

Central Branch Union Pacific Railroad.—Decrease, \$2,464.44.

EXTENT OF RAILWAY BANKRUPTCY.—The following land grant roads, coming under the supervision of the Bureau, are reported by the Commissioner as still in the hands of receivers: Atlantic and Pacific, Atchison, Topeka and Santa Fe, Little Rock and Memphis, Northern Pacific, St. Louis and San Francisco, and Wisconsin Central.

RECOMMENDATIONS.—The Commissioner recommends that the Thurman Act be amended in the following particulars, to wit:

1. To embrace within its provisions all of the Pacific railroads which have received from the United States a loan of its bonds in aid of construction.

¹The decision of Judge Ross has since been affirmed by the court of appeals and notice given of final appeal to the Supreme Court of the United States.

2. To provide that 50 per cent of the net earnings be retained instead of 25, as at present.

3. To extend the debt until the same shall have been discharged, as herein provided.

4. *To further provide that, if any of the companies abandon any portion of the subsidized lines or divert their business from a subsidized to an unsubsidized road, the said company shall, in such case, be required to transfer the lien and condition which attached to the old or subsidized line to the new and unsubsidized line, in order that the rights and interests of the United States may be protected.*

The Commissioner renews his recommendation that the act of June 19, 1878, creating the Bureau, be amended by providing for the transmittal through the Bureau of all accounts for transportation services rendered the Government by the bond-aided companies, and says:

The anomalous methods of accounting * * * were not changed by the system recommended for adoption by the Dockery Commission and authorized by the Fifty-third Congress. The present Auditor for the Treasury Department takes cognizance of moneys due the railroad companies by the Government, but not of moneys due the Government by the railroad companies. Nor is anyone empowered by law to bring such accounts together as a whole, which will be necessary before a final settlement can be made. The advantage of lodging such authority somewhere would, among other things, obviate the necessity for bringing suits in the Court of Claims to recover amounts due for transportation.

Should the proposed amendments to the Thurman Act not meet with favor, the Commissioner renews a former recommendation, as an alternative proposition, providing for the appointment by the President of a commission with full power to settle the indebtedness of the bond-aided Pacific railroad companies to the Government.

REPORT OF THE GOVERNMENT DIRECTORS OF THE UNION PACIFIC RAILWAY COMPANY.

The Government directors of the Union Pacific Railway Company, as the result of a personal inspection and examination of "the railroad, its roadbed, and all its appurtenances and rolling stock," as operated and maintained by the receivers, find the physical condition of the properties "up to the best standard."

They also submit a comparative statement of the results of financial operations for the years ended June 30, 1894 and 1895, which exhibits a decrease in the gross earnings of the aided or main line (Bridge Junction, Omaha, Nebr., to a point 5 miles west of Ogden, Utah, 1,029.484 miles, said 5 miles being leased to and operated by the Central Pacific) of \$916,000.

The report reviews at considerable length the litigation pending in the courts of Colorado, Kansas, and Nebraska having for its object the foreclosure of certain mortgages upon the properties of the Union Pacific (main line), the Denver Pacific, and the Kansas Pacific, foreclosure suits having been instituted by reason of the inability of the receivers to meet, at maturity, the interest falling due on the various mortgages.

It presents questions of "great gravity, to which the attention of the Department and of Congress is seriously invited," to wit:

(1) Whether the properties of that part of the Kansas Pacific which lies east of the Kansas-Missouri State line and which embraces valuable terminals in Kansas City are subject to the Government lien, and (2) what would be the effect upon the latter of a decree of foreclosure and sale of the properties on the main line of the Union Pacific.

One of the Government directors, Mr. W. J. Coombs, in a written communication to his associates and codirectors, presents his views with reference to an adjustment of the Government debt. This communication is submitted as part of the report.

The action proposed, which will probably take the form of a bill to be presented to Congress, is as follows:

For the purpose of reaching a reasonable basis of settlement, and also affording to the Government the protection which the present situation appears to require, we suggest the following action:

"First. The Attorney-General shall, immediately after the maturity of any portion of the debt due to the United States from the Union Pacific Railway Company or the Central Pacific Railroad Company, institute proper proceedings for the protection and foreclosure of the lien of the United States from Omaha to Ogden and similar proceedings for the protection and foreclosure of the lien of the United States from Ogden to Sacramento and thence to San Jose.

"Second. The Secretary of the Treasury shall have power to pay, settle, and adjust all amounts due or to become due for principal and interest which are secured by liens prior to the said liens of the United States affecting the properties above referred to, including the power to take assignments of any foreclosure decrees or mortgages securing such prior liens, if necessary.

"Third. The entire railroad property affected by said Government liens, extending from Omaha to San Jose, shall, under orders of court to be entered in the suits to foreclose the said liens, be forthwith sold, under the direction of the Secretary of the Treasury, to such purchasing committee or corporation authorized to take title to the same as will agree to refund the entire amount advanced by the Government for the discharge or purchase of prior liens, and of the interest on the same, and an amount not to be less than a sum limited by Congress as to the minimum to be received in satisfaction of its claims against the Union Pacific Railway Company and the Central Pacific Railroad Company.

"If at such proposed sale no committee or corporation will bid the minimum price so fixed, it shall be the duty of the Secretary of the Treasury to report the facts to the next session of Congress for such further action in regard to the minimum bid as Congress may think proper to take.

"The purchasing committee or corporation purchasing said railroads shall have power to possess, control, and operate the same, and to complete construction between Sacramento City and Oakland, shall not be allowed to consolidate with other transcontinental lines, and shall be subjected to reasonable conditions as to freight and passenger rates."

The object of the proposed bill, as stated by Mr. Coombs, is to realize the intention of Congress in extending aid in the construction of what was expected to be a uniform transcontinental system from the Missouri River to the Pacific Ocean.

A violation of this understanding is, in his opinion, a main cause of the present deplorable conditions, the Union Pacific being absolutely at the mercy of the Southern Pacific, to which the Central Pacific has

been leased and of which it is under full control, compulsion being brought to bear upon shippers who wish to ship by the Central route to the East to compel them to ship by the Southern route.

The result desired and the object proposed by Mr. Coombs can only be reached, in his opinion, by effecting a reorganization of the main lines of the Union and Central Pacific railroads, and no settlement should be effected which does not include in its terms a settlement with both companies.

He declares that this demand should be insisted upon by the Government even to the extent of foreclosing its lien, if it can not be brought about by amicable arrangement.

INDEBTEDNESS—VALUE AND DISPOSITION OF THE PROPERTY.

Reports of the Commissioners of Railroads show the bonds issued by the Government for the aid of railroads to be as follows:

UNION PACIFIC RAILROAD.

Maturity of bond:

February 1, 1896.....	\$4, 320, 000
January 1, 1897.....	3, 840, 000
January 1, 1898.....	15, 919, 512
January 1, 1899.....	3, 157, 000

KANSAS PACIFIC RAILWAY.

Maturity of bond:

November 1, 1895.....	\$640, 000
January 1, 1896.....	1, 440, 000
January 1, 1897.....	2, 800, 000
January 1, 1898.....	1, 423, 000

CENTRAL BRANCH, UNION PACIFIC RAILROAD.

Maturity of bond:

January 1, 1896.....	\$640, 000
January 1, 1897.....	640, 000
January 1, 1898.....	320, 000

CENTRAL PACIFIC RAILROAD.

Maturity of bond:

January 16, 1895.....	\$2, 362, 000
January 1, 1896.....	1, 600, 000
January 1, 1897.....	2, 112, 000
January 1, 1898.....	10, 614, 120
January 1, 1899.....	9, 197, 000

WESTERN PACIFIC RAILROAD.¹

Maturity of bond:

January 1, 1897.....	\$320, 000
January 1, 1899.....	1, 650, 560

SIOUX CITY AND PACIFIC RAILROAD.

Maturity of bond: January 1, 1898..... \$1, 628, 320

These bonds, issued by the Government under the act of July 1, 1862, "constituted a first mortgage on the whole line of railroad and telegraph, together with the rolling stock, fixtures, and property of every kind and description." But the act of July 2, 1864, amended the act of July 1, 1862, so as to authorize the issue of first-mortgage bonds

¹ The Western Pacific Railroad became a part of the Central Pacific.

by the respective railroad companies "to an amount not exceeding the bonds of the United States, and of even tenor and date, time of maturity, rate, and character of interest with the bonds authorized to be issued to said railroad companies respectively."

The lien of the bonds issued by the United States was made subordinate to those issued by the railroad companies, except as to certain provisions for the transportation of mail, Government supplies, etc. In pursuance of the act of July 2, 1864, the respective railroads issued their bonds, which, under the provisions of said act, were to become first-mortgage bonds. The amounts and dates of maturity of said mortgage bonds thus issued are stated below

UNION PACIFIC RAILWAY.

Union Division bonds.

Maturity of bond:

January 1, 1896.....	\$6, 475, 000
January 1, 1897.....	1, 598, 000
July 1, 1897.....	1, 920, 000
January 1, 1898.....	5, 999, 000
July 1, 1898.....	8, 837, 000
January 1, 1899.....	2, 400, 000

Total Union Division bonds..... 27, 229, 000

Kansas Division bonds.

Maturity of bond:

August 1, 1895.....	\$2, 240, 000
January 1, 1896.....	4, 063, 000

Total Kansas Division bonds..... 6, 303, 000

Grand total Union and Kansas Division..... 33, 532, 000

CENTRAL BRANCH, UNION PACIFIC RAILROAD.

Maturity of bond: May 1, 1895..... \$1, 600, 000

CENTRAL PACIFIC RAILROAD.

Maturity of bond:

July 1, 1895.....	\$2, 995, 000
July 1, 1896.....	3, 383, 000
January 1, 1897.....	3, 997, 000
January 1, 1898.....	15, 508, 000
December 1, 1895.....	112, 000
July 1, 1899.....	1, 858, 000

Total..... 27, 853, 000

SIOUX CITY AND PACIFIC RAILROAD.

Maturity of bond: January 1, 1898..... \$1, 628, 000

Total first-mortgage bonds..... 64, 613, 000

It will be seen by a comparison of the two sets of bonds that those issued as first-mortgage bonds by the railroad did not in all cases follow the requirements of the act of July 2, 1864, and that they are not "of even tenor and date, time of maturity," etc., with the bonds authorized to be issued to said railroad companies by the Government. The dates of the maturity of these bonds disclose the fact that a bond of the Kansas Pacific, for which the Union Pacific was liable, matured on

the 1st of November of this year, while a bond for which the Central Pacific was liable matured on the 16th of January of this year. It will also be seen that a number of these bonds mature early in the next year, and all of them mature by the 1st of January, 1899. It would seem, therefore, to be impossible for Congress longer to postpone action with regard to these bonds and the property upon which they constitute a lien.

In determining what course should be pursued, two objects will receive consideration:

(1) The collection of the debt due to the Government.

(2) The creation of a great through line from the Missouri to the Pacific. This was the original purpose of the Government, leading to the issue of these bonds.

I will not undertake to review the conduct of those who have managed this property, and who have misused the Government's aid. A most interesting presentation of the facts will be found in the report of the Commission appointed under authority of an act of Congress approved March 3, 1887, consisting of Messrs. Anderson, Littler, and Pattison. If a suggestion of leniency on the part of the Government should be made in the interests of those who received the Government's bounty, a study of the facts which this Commission developed will show that the time has come to regard only the interests of the Government.

The following table states the amount due on the subsidy bonds and the first-mortgage bonds, and also gives the credits on account of the sinking fund. It shows what would be the investment of the Government in these properties if it is compelled to pay off the first-mortgage bonds, which alone are superior to the Government lien. It would be an increased investment of \$64,613,000 to save an investment already made of \$117,436,000. As the properties are worth very much more than the first-mortgage bonds, and as the Government has the second-mortgage bonds, the Government occupies the position of being forced to make good the first-mortgage bonds in order to secure its own claim. If the first-mortgage bonds on any plan of extension are simply those of the railroad company, they could not be disposed of at the low rate of interest at which the Government bonds would sell. As the interest which they would draw comes out of the property to which the Government must look for a payment of the second-mortgage bonds, it would seem clearly better that the Government should assume the first-mortgage bonds, guarantee them, and put the rate of interest at the figure for which the Government bonds sell if the bonds are to be renewed or extended.

STATEMENT No. 1.

Cost to the United States of obtaining possession, by foreclosure, of the bond-aided Pacific railroads, as of date June 30, 1895.

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	Union Pacific Railway.		Central Pacific Railroad.	Central Branch Union Pacific.	Sioux City and Pacific.	Total.
	Union Division.	Kansas Division.				
Principal of the United States subsidy bonds.....	\$27,236,512.00	\$6,363,000.00	\$27,855,680.00	\$1,600,000.00	\$1,623,320.00	\$64,623,512.00
Interest on same June 30, 1895.....	44,568,139.05	10,667,493.09	45,111,858.14	2,701,808.26	2,636,687.89	105,685,986.43
Total	71,804,651.05	16,970,493.09	72,967,538.14	4,301,808.26	4,265,007.89	170,309,498.43
Less credits *.....	32,375,281.66	4,400,201.41	15,233,355.87	632,719.17	231,938.23	52,873,496.34
Balance of debt June 30, 1895.....	39,429,369.39	12,570,291.68	57,734,182.27	3,669,089.09	4,033,069.66	117,436,002.09
Principal of first-mortgage bonds.....	27,229,000.00	6,303,000.00	27,853,000.00	1,600,000.00	1,628,000.00	64,613,000.00
Cost of acquiring properties.....	66,658,369.39	18,873,291.68	85,587,182.27	5,269,089.09	5,661,069.66	182,049,002.09

* Transportation services rendered and cash payments on account of 5 per cent of net earnings.

The total issue of bonds by the Government upon the bond-aided lines amounts to \$64,623,512. Interest on the same to June 30, 1895, is \$105,685,986.43. If the Government has the right to apply the sinking fund collected under the act of 1878, known as the Thurman Funding Act, a credit can be made upon this amount of \$52,873,496.34, leaving a total due the Government of \$117,436,002.09.

A study of the act referred to must create a doubt as to the application of this sinking fund. It may have been the intention that it should be distributed according to existing priorities and not to the Government alone. The right, however, of the Government to apply the sinking fund to its debt is chiefly material in fixing the time when defaults on the part of roads occur, for the properties are worth much more than the first-mortgage bonds.

The following tables show the gross receipts, expenditures, and net receipts of each of these roads for the past ten years:

STATEMENT NO. 2.

UNION PACIFIC RAILROAD COMPANY.

Years.	Gross receipts.	Expenditures.	Net receipts.
1885.....	\$12,215,484.71	\$7,761,605.61	\$4,453,879.10
1886.....	12,180,038.20	9,705,160.49	2,474,877.71
1887.....	13,497,760.35	9,426,813.58	4,070,946.77
1888.....	14,641,567.55	10,448,240.76	4,193,326.79
1889.....	14,418,850.18	10,478,988.45	3,939,861.73
1890.....	15,180,316.36	11,194,342.92	3,985,973.44
1891.....	14,653,705.58	10,088,610.98	4,565,094.60
1892.....	14,831,755.22	9,886,129.94	4,945,625.28
1893.....	13,316,011.03	9,777,501.26	3,538,509.77
1894.....	11,256,271.25	9,282,624.77	1,973,646.48
Total.....	136,191,760.43	98,050,018.76	38,141,741.67
Average, ten years.....	13,619,176.04	9,805,001.87	3,814,174.17

Expenditures include annual interest on first-mortgage bonds, \$1,633,740.

CENTRAL PACIFIC RAILROAD COMPANY.

1885.....	\$5,949,214.73	\$5,085,665.76	\$863,548.97
1886.....	6,523,434.45	5,051,892.17	1,471,542.28
1887.....	8,023,783.92	6,279,215.03	1,744,568.89
1888.....	9,178,266.57	7,633,915.49	1,544,351.08
1889.....	8,971,614.45	7,662,491.84	1,309,122.61
1890.....	8,875,789.27	7,862,928.19	1,012,861.08
1891.....	9,646,296.84	7,527,381.61	2,118,915.23
1892.....	9,124,002.24	7,575,106.90	1,548,895.34
1893.....	8,951,869.24	7,480,926.38	1,490,942.86
1894.....	8,256,313.92	7,208,978.90	1,047,335.02
Total.....	83,500,565.63	69,348,502.27	14,152,063.36
Average, ten years.....	8,350,056.56	6,934,850.22	1,415,206.34

Expenditures include annual interest on first-mortgage bonds, \$1,671,180.

STATEMENT No. 2—Continued.

KANSAS PACIFIC RAILWAY COMPANY.

Years.	Gross receipts.	Expenditures.	Net receipts.
1885	\$3, 815, 287. 22	\$1, 931, 549. 44	\$1, 883, 737. 78
1886	4, 093, 232. 48	2, 349, 511. 58	1, 743, 720. 90
1887	4, 145, 880. 68	2, 093, 176. 60	2, 052, 704. 08
1888	3, 328, 576. 05	1, 987, 192. 48	1, 341, 383. 57
1889	3, 080, 926. 89	2, 287, 580. 87	793, 346. 02
1890	3, 040, 122. 13	2, 265, 648. 93	774, 473. 20
1891	2, 939, 762. 47	1, 716, 155. 65	1, 223, 606. 82
1892	3, 418, 459. 79	1, 917, 199. 46	1, 501, 260. 33
1893	2, 419, 557. 35	1, 616, 898. 27	802, 659. 08
1894	2, 093, 872. 74	1, 484, 583. 10	609, 289. 64
Total	32, 375, 677. 80	19, 649, 496. 38	12, 726, 181. 42
Average, ten years	2, 237, 567. 78	1, 964, 949. 63	1, 272, 618. 14

Expenditures do not include annual interest on first-mortgage bonds, \$378,180.

CENTRAL BRANCH UNION PACIFIC RAILROAD COMPANY.

1885	\$878, 047. 79	\$631, 011. 09	\$247, 036. 70
1886	774, 262. 70	413, 505. 75	360, 756. 95
1887	623, 750. 07	366, 044. 55	257, 705. 52
1888	426, 034. 50	278, 143. 89	147, 890. 61
1889	433, 332. 65	287, 102. 01	146, 230. 64
1890	484, 776. 65	385, 005. 25	99, 771. 40
1891	433, 956. 14	297, 969. 37	135, 986. 77
1892	609, 508. 80	365, 776. 47	243, 732. 33
1893	484, 619. 83	341, 000. 25	143, 619. 58
1894	376, 159. 80	284, 400. 27	91, 759. 53
Total	5, 524, 448. 93	3, 649, 958. 90	1, 874, 490. 03
Average, ten years	552, 444. 89	365, 995. 89	187, 449. 00

Expenditures do not include annual interest on first-mortgage bonds, \$96,000.

SIoux CITY AND PACIFIC RAILROAD COMPANY.

1885	\$475, 905. 26	\$218, 685. 51	\$257, 519. 75
1886	487, 885. 06	37, 695. 59	250, 189. 47
1887	558, 054. 12	09, 065. 53	248, 988. 59
1888	517, 290. 66	375, 617. 77	141, 672. 89
1889	508, 771. 07	302, 964. 90	205, 806. 17
1890	464, 283. 29	278, 667. 16	185, 616. 13
1891	479, 390. 86	330, 668. 16	148, 722. 70
1892	486, 140. 73	459, 755. 41	26, 385. 32
1893	473, 632. 12	340, 786. 39	132, 845. 73
1894	441, 868. 08	284, 620. 37	157, 247. 71
Total	4, 893, 221. 25	3, 138, 526. 79	1, 754, 694. 46
Average, ten years	489, 322. 12	313, 852. 68	175, 469. 44

Expenditures do not include annual interest on first-mortgage bonds, \$97,680.

It will be seen that the average annual net earnings of the Union Pacific and Central Pacific main lines during the past ten years have been \$8,181,220, while the total amount of the first-mortgage bonds and the Government bonds issued upon the main lines, less the sinking

fund for the main lines, is \$152,245,551.66. This annual net profit shows the properties to have earned nearly 6 per cent on the entire amount which the Government has paid and would pay if it were compelled to pay off the first-mortgage bonds. This being the case, it would seem to be a clear business proposition that the Government ought not to lose any large amount if it should be compelled through foreclosure to collect its debt.

The following table is prepared for the purpose of showing the probable net profit each year after paying interest charge upon the main lines of the Union and Central Pacific, if the Government should be compelled to take up the first-mortgage bonds and the bonds it has already issued, substituting for both sets of bonds Government 3 per cent bonds:

STATEMENT NO. 3.

	Union Pacific Railway, Union Division.	Central Pacific Railroad, entire bond- aided line.	Total.
Average gross receipts, ten years.....	\$13,619,176.04	\$8,350,056.56	\$21,969,232.60
Average gross expenditures, ten years.....	9,805,001.87	6,934,850.22	16,739,852.09
Average net receipts.....	3,814,174.17	1,415,206.34	5,229,380.51
Cost of acquiring properties.....	66,658,369.39	85,587,182.27	152,245,551.66
Interest on total cost at 3 per cent.....			4,587,366.54

NOTE.—The annual interest on the companies' first-mortgage bonds, amounting to \$1,633,740, for the Union Division of the Union Pacific, and \$1,671,180 for the Central Pacific, is included in the expenditures. On the other hand, amounts expended for new construction and equipment are not included after 1889, in consequence of the decision of the Supreme Court (138 U. S., 84). The total amounts expended on this account, 1890 to 1894, were as follows:

Union Division.....	\$1,836,816.10
Entire line Central Pacific, bond-aided.....	1,115,024.07

The average annual expenditure on this account for ten years has been—

Union Division.....	\$656,916.51
Entire line Central Pacific, bond-aided.....	220,054.64

and should be considered, as the roads and equipment must be maintained in good condition.

RECAPITULATION.

Net earnings as above.....	\$5,229,380.51
Interest on investment (3 per cent).....	4,587,366.54
Surplus.....	682,013.97

Final summary of results of operations of the Union Pacific Railway, Union Division, and the entire bond-aided line of the Central Pacific Railroad (average ten years).

Annual interest on first mortgage bonds.....	\$3,304,920.00
Surplus as above.....	682,014.00
	3,966,934.00
Less amounts expended annually for new construction and equipment.....	876,971.00
Estimated balance or margin of profit.....	3,089,963.00

As the original Government bonds and the first-mortgage bonds are about due, they can be paid off at their face value, and as a Government 3 per cent bond is worth more than par at the present time, there would be no difficulty in utilizing a new 3 per cent bond to pay off or call in both of the other issues.

It will be seen that if such a course were pursued by the Government and this property averaged in the future the same net profit that it has during the past ten years, it would earn sufficient to pay the 3 per cent on the bonds which the Government would be compelled to issue and yet leave a yearly net margin of \$3,089,963.

The Government should therefore be able easily to provide for the sale of the bond-aided roads to a new corporation which could meet the annual interest on a guaranteed 3 per cent bond, equal to the first mortgage and the subsidy bonds, and also pay a reasonable sum annually into the Treasury toward the liquidation of the entire bonded indebtedness.

There are various ways in which the interests of the Government could be intelligently handled. I present this additional plan because it is feasible and because it shows a way by which the Government could aid the collection of its claim by reducing the fixed charges on the road to the lowest possible figures. It is, of course, most desirable that the Government should at once terminate its connection with the property and rid itself of the indebtedness which it has assumed. To accomplish such a result the Government no doubt would be ready to submit to a reasonable loss. To reduce the loss to the lowest point it will be necessary for the Government to negotiate with possible purchasers, and the sum which will be obtained must depend, at least in part, upon the knowledge of those who desire to buy, that, as a last resort, the Government will pay off the first-mortgage bonds and protect its property.

A plan for the reorganization of the Union Pacific Railway Company has been prepared by a committee consisting of Gen. Lewis Fitzgerald and others. An examination of their plan shows that the securities which they mention as reserved for the settlement of the debt to the United States consist of \$35,755,280 first-mortgage 4 per cent gold bonds of an issue of one hundred millions, and \$20,864,400 of preferred stock of an issue of seventy-five millions.

According to the estimates contained in their plan, these securities should be worth in round numbers \$45,000,000, against a balance due the Government of \$55,000,000. If the Government is to deal with this subject in connection with any plan of reorganization by other security holders, then the true policy would seem to require that the securities offered to the Government be underwritten by some syndicate connected with the proposed reorganization, so that the Government would receive cash instead of new securities. Or, if a plan of this character were under consideration, the offer to the Government should be so much in cash, and not these securities, consisting, as they do, of part bonds and part stock.

The proper selection from the variety of plans open to the Government involves investigation and negotiation which could scarcely be expected from a legislative body. The practical way of handling the subject would seem to require the selection of a commission or the designation of officers of the Government upon whom the duty should be placed, and to whom could be given broad discretion for the perfection of a plan under which the rights of the Government may be protected. It is not a subject upon which the Government can act by itself; it requires negotiations with possible purchasers and representatives authorized to conduct them.

LAND GRANTS.—I have recently deemed it advisable to direct the Commissioner of the General Land Office to allow his force to give their time to selections of lands made by roads other than the bond-aided roads. I have not undertaken to pass finally upon the rights of the bond-aided roads, but I have considered, in view of the fact that this whole subject must come up before Congress, that it was advisable to leave the lands as they are for the present.

The following table shows the unpatented lands due the Union Pacific and the Central Pacific:

CENTRAL PACIFIC RAILROAD.

Approximate number of acres:

Grant of July 1, 1862.....	888, 224. 00
Grant of July 2, 1864.....	9, 540, 000. 00
Total.....	10, 428, 224. 00
Number of acres not patented.....	7, 765, 511. 79

UNION PACIFIC RAILROAD.

Approximate number of acres in grant.....	13, 295, 104. 00
Number of acres not patented.....	9, 114, 208. 13

THE TERRITORIES.

ALASKA.

The governor, James Sheakley, in his report, states that during June and July, through the courtesy of Capt. C. L. Hooper, of the United States Revenue-Cutter Service, he had an opportunity for the first time of visiting the principal villages on the coast between Sitka and the Aleutian Islands; also the Seal Islands in Bering Sea.

During the stay at the Seal Islands much attention was given to the diminution of seal life, its cause and remedy. The governor's investigations have convinced him that unless the regulations of the Paris arbitration are radically changed, the seals are doomed to extinction.

The fish in the waters of Alaska are one of the richest resources of the Territory. More than a hundred species of food-fishes swarm in the rivers and in the sea. The salmon alone, taken and prepared for the market by canning or otherwise, gives an annual return of \$3,000,000.

There are twenty-five salmon canneries in operation in Alaska, representing a capital of over \$5,000,000. About \$40,000 is paid yearly to the natives of Alaska for labor and fish.

The amount of gold produced from the mines of this Territory during the past year has done much to confirm the opinion that Alaska is a profitable and will be a permanent mining country. Capitalists of experience in the business of mining gold from other fields have visited it and have become interested in its development.

In the Harris mining district at Juneau, the Treadwell and Mexican have exceeded their product of last year, and the mines in the Silver Bow Basin, at Sheep Creek, Sum-dum, Unga, and Berners Bay have made profitable returns.

The Sitka mining district, on Baranoff Island, contains large deposits of gold-bearing quartz rock, on which a number of mining claims have been located and development work commenced. This will in the near future be an active mining camp.

The valley of the Yukon River, covering a distance of 800 miles, is without doubt the most extensive field of placer mines discovered since the finding of gold in California. The great obstacles to successful mining in this district are the shortness of the season for actual work and the perpetually frozen ground. The earth requires to be thawed with fire before it can be worked. Notwithstanding these unfavorable conditions, the long, cold winters, and the long distance from the base of supplies, the Yukon country is destined to be a prolific gold-producing district. The Yukon mines, being 1,000 miles from the organized courts of the Territory, need the establishment of a judicial district.

The Government schools throughout the Territory were well conducted during the past year. The school buildings are all in good repair, having modern school furniture, stoves, fuel, and all that is suitable and comfortable for the people that attend. Competent and experienced teachers are employed, and the advancement made by the native children in deportment, dress, cleanliness, and civilized manners was marked and greater than in any former year. The organic act creating the District of Alaska requires that the Secretary of the Interior shall make needful and proper provision for the education of children in Alaska, but this it is impossible to do without an increased appropriation.

The Governor commends Dr. Sheldon Jackson's project of stocking northern Alaska with reindeer from Siberia which has been in successful progress for four years. There are now three herds in Arctic Alaska, aggregating about 900 deer. One of the herds is under the care of Eskimos exclusively. At the present rate of increase it will not be many years until each settlement in that region will have a herd of domestic reindeer to draw upon for a partial supply of food.

Ten different denominations are represented in Alaska by ministers and teachers. In summing up the work of the various missions and

Government schools the governor gives the following emphatic testimony to their usefulness:

The teacher and the missionary, the church and the school, have exerted a more potent influence for the elevation, civilization, and education of the Alaskan than any and all other forces combined.

The enforcement of the law concerning intoxicating liquors has proved very difficult. He states:

When anyone has been charged with the offense of selling intoxicating liquors to white men, or of manufacturing malt beer, the grand juries have uniformly refused or neglected to find an indictment, and the offender goes without punishment. Both the venders of intoxicating liquors and the manufacturers of malt beer, when arrested for violating the law, set up the defense that their business is a lawful one, and that it is carried on with the sanction of the Government, and in proof of this they will offer in evidence Government receipts issued by the Commissioner of Internal Revenue, or his deputies, for money paid into the Treasury of the United States. This special internal-revenue receipt confers no right or privilege or license to import, manufacture, buy, or sell intoxicating liquors in Alaska in contravention to the local law or the law of Congress as applied to Alaska, prohibiting the same. The grand juries have taken the position that Alaska has no local law, and that any law of Congress is equal to any other law enacted by the same authority, and that when anyone has complied with the requirements of the internal-revenue law he is not subject to indictment for violation of the prohibiting act, and this appears to be in accord with the sentiment of the people, a large majority of whom are not in sympathy with the prohibitory laws.

Some laws should be enacted by Congress by which the business of importing, manufacturing, and selling intoxicating liquors in Alaska should be restricted, regulated, or controlled, and the traffic in smuggled goods and liquors forever destroyed. As it now is, liquor of all kinds can be obtained at any white settlement in any quantity.

The governor's report closes with the following recommendations:

The governor of the Territory should be empowered to appoint justices of the peace and constables. I would also recommend that the President of the United States be authorized to appoint a commission of five to propose amendments to the "organic act" and to draft a code of laws, civil and criminal, for the government of the Territory, and that a sufficient amount be appropriated out of the Treasury of the United States to bear all reasonable expenses of the same, and such report to be submitted to the next session of Congress for approval.

ARIZONA.

The report of the governor of Arizona states that the population of the Territory is estimated at 77,000. The Territory has been favored with a high degree of prosperity during the year. Liberal rainfall has resulted in abundant range pasture. Two hundred and seventeen thousand two hundred and thirteen cattle were exported. The gold output was \$4,260,000, nearly double that of 1894; silver 1,750,000 ounces, gave a return of \$1,137,500, a decrease of \$563,560 for the year; copper, 49,661,269 pounds, valued at \$563,560: the total value of bullion exports was \$11,955,111.

It is estimated the gold output for next year will reach \$10,000,000, and the copper product will be more than double that of last year.

The lumber exported was 35,000,000 feet; wool, 2,904,130 pounds; sheep, 48,596 head; hides, 72,500; agricultural exports aggregating in value over \$1,779,000, making the total value of exports from stock ranges, farms and mines \$14,902,341, or more than \$193 per capita for the population of the territory.

The number of saloons was reduced to 37 and wholesale liquor houses to 3. Retrenchment in public service has been marked; instead of a deficit as during the fifteen years previous to 1893, there is a surplus in the treasury. The aggregate value of taxable property is \$27,318,332; 45,000 acres of arid lands were added to farming area, and there are under construction reservoirs which will reclaim 535,000 acres during the next two years.

The governor recommends that a board of irrigation engineers be created, consisting of the Territorial irrigation engineer and two United States Army engineers, to inspect all irrigation works, to require safe construction and repair of same. This in the interest of precaution and to guard against disaster resulting from breaking of dams or irrigating reservoirs.

The governor considers that the Government has inaugurated the safest, most conservative and practical policy in the enactment ceding 1,000,000 acres each to the States in the arid region for experimental reclamation, conditioned that the land shall revert to the United States if not reclaimed and occupied in a given time. He states that this policy enables those States to invite capital, both corporate and private, to enlist in this source of profitable and safe investment, and avoids the policy of paternalism which Government subsidies foster, discouraging self-reliance and individual effort—the strongest characteristic of the frontier citizen.

He recommends that the school lands of the Territory be leased for the benefit of the public schools, and urges protection of forest area on account of close connection between the forests and water supply of the Territory.

There are 40,000,000 acres of grazing lands in the Territory which it is recommended ought to be leased, the revenue to go to the Territory, charged with policing of the same. The revenues arising therefrom would enable the Territory to liquidate its debt, reduce taxation, and reclaim its arid lands.

There are 37,000 Indians in the Territory, and not a single white person killed during the year was charged to them. The Indians must be encouraged to cultivate the soil or they will become vagabonds and heavy charges to the Territory. The governor states they can soon be made self-supporting, if provided with water to irrigate their lands, as they are willing and anxious to farm. Land with water should be allotted to them in severalty. He recommends that a bonus of arid lands be offered for the construction of reservoirs, the number of acres to be irrigated for the Indians to be in a given ratio to that given by the Government as bonus to the owners of the reservoirs. These Indians

could be made self-supporting without cost to the Government, as the arid land without irrigation is practically valueless.

On the liquor traffic the governor says that a large majority of the criminal cases in the United States courts in the Territory and the greater part of the expenses to the Federal Government for maintaining the courts come from strong drink; that while whisky was the direct cause of Indian wars in the past in this Territory, now, with the Indian subdued, it is the most threatening menace to their civilization, and when it is considered that there are 37,000 Indians in the Territory the danger of the liquor traffic can be partially realized.

The governor states the people of Arizona are almost a unit for statehood, and that they have every condition necessary for self-government. That the progress made in the past year, the retrenchments made in the public service, the laws enacted by the last legislature (all of which were in line with economy and good government), the prosperity of all industrial interests, the confidence reposed by financiers in the soundness of the public credit, the large exports during the year, emphasize their qualifications for statehood.

NEW MEXICO.

The report of the governor, William T. Thornton, states that the past season has been a most prosperous one. The financial depression and business stagnation that affected the Territory in common with all parts of the Union so disastrously last year has in a great measure passed away, and on every hand may be seen evidence of renewed business activity. Copious rains and all that tends to the production of a bounteous harvest have resulted in relieving the agricultural and stock-raising portions of the Territory from the depressed condition which has affected them for several years past.

The Court of Private Land Claims has done most excellent work, and the time is rapidly approaching when its service will be no longer required. During the year the court has disposed of 32 cases, involving title to 15,731,818 acres, of which 589,096 were confirmed and 15,142,722 were rejected; 11 surveys of private land claims were approved, and 10 suits, claiming 2,237,512 acres, were dismissed on motion of plaintiffs.

The assessed valuation of the taxable property is somewhat in excess of \$40,000,000, upon which an assessment has been made for the year 1894, for all purposes, of 7.75 mills on the dollar. The total indebtedness of the Territory is shown to be \$907,800, a small reduction as compared with the report of last year.

There has been an advance of over 25 per cent in the price of cattle and sheep in the Territory, which, together with the favorable season, has given an impetus to the stock-growing interests of the Territory, and the ranchmen are more prosperous than they have been for several years. One hundred and fifty thousand head of cattle have been sent to market out of the Territory and about 15,000 slaughtered for home consumption. The number of sheep shipped is estimated at 121,840.

The general condition of the Indians is favorably noted, and most of them, especially the Pueblos, have produced sufficient crops for their own support. There have been but few complaints of depredations.

The Territorial institutions, educational, eleemosynary, and penal, are well conducted and amply supplied with the funds necessary to their maintenance. Considerable advancement has been made in the cause of education; the public schools have been kept open from four to nine months in most of the districts throughout the Territory, the shorter terms generally being in the country districts.

Great interest is being taken in the cause of irrigation, and large tracts of country have been reclaimed by this method. Especial reference is made to the completion of the irrigation system of the Pecos Valley, which covers something over half a million acres of land and contains the largest reservoir on the American continent. It is estimated that about 2,000,000 acres of land are susceptible of reclamation by this means.

Attention is called to the necessity of Congress defining the general water rights of such streams as pass from one State or Territory into another, and especially to the international question involved between the Republic of Mexico and the United States regarding the use of waters of the Rio Grande by the citizens of the Republic of Mexico who had acquired water rights prior to the American occupation. * He recommends that the distribution of the water from such streams be placed under Government control to prevent the settlers near the head waters of the streams from diverting the waters thereof to the injury of those who have acquired prior rights in the different States and Territories lower down.

The mining industry is said to be reviving in camps producing gold, while very little work is being done in the silver and lead mines throughout New Mexico.

Railroad building has been at a standstill during the past year; the prospects are, however, that considerable work will be done in that direction during the coming year.

An exhaustive report of the climatic conditions of this Territory is given, showing the great virtue it possesses for the cure of all pulmonary diseases; also a description of the many thermal springs of the Territory, giving their situation and an analysis of the waters of many of them.

OKLAHOMA.

The governor, William C. Renfrow, in his report on the condition and progress of the Territory of Oklahoma for the fiscal year ending June 30, 1895, states that the progress of the Territory has been marked in several directions, and that it has been as prosperous as any of the other States and Territories. He severely criticises the reports of suffering published by many newspapers, and declares that they are inaccurate, and insists that there is not more suffering in Oklahoma than in other portions of the United States.

The governor points with pride to the increase in taxable property of the Territory from \$19,947,922.86 in 1894 to \$39,275,189.21 in 1895, and anticipates a great increase next year on real estate, as many farmers are making final proof on their claims.

There are four lines of railroad in Oklahoma, and the Choctaw Coal Road is now nearly completed to South McAlester, Indian Territory.

Public finances are on a sound basis, and government is being economically administered.

Education has received much attention from the people, and an excellent system of public schools has been established. The university is prospering, and has an attendance of 190. The agricultural college is doing good work, and has an attendance of 143. The normal school is efficient in its work, and has an attendance of 161 students.

The report respecting the leasing of school, college, and public building lands is very satisfactory, and shows the net proceeds for the year to have been \$88,627.97. The governor asks that all public lands in the Territory, not filed on at this time, be donated to the Territory for the use and benefit of public schools.

Crops have been fairly good this year, and cotton is making an unusually large yield, which, with the advanced price, will produce a large revenue.

The mineral resources are undeveloped, but there are indications of rich deposits. Coal and petroleum have been found in some places. Gold has been found, but not in paying quantities.

The Iowa, Sac and Fox, Absentee Shawnee, Pottawatomie, Kickapoo, Cheyenne and Arapahoe, Pawnee and Tonkawa tribes of Indians are on their allotments, and are making considerable progress in agriculture.

UTAH.

The report of the governor, Caleb W. West, shows that the Territory has a population of 247,324, an increase since the census of 1890 of 39,419, or 15.9 per cent.

The assessed values of real estate for the year 1895 aggregate \$48,778,893; of improvements, \$20,164,688; of personal property, \$17,211,377; of railroads, \$11,787,193.87; making a total of \$97,942,151.87.

The Territorial tax for general purposes (at the rate of 2 mills on the dollar) produced last year \$199,066.48, while the Territorial school tax (at the rate of 3 mills on the dollar) produced \$298,509.73, making a total Territorial tax of \$497,516.21.

There has been expended during the year in the erection of public buildings \$899,738; in private buildings, \$1,258,219, and in public works \$564,957, making a total expended of \$2,722,914.

During the fiscal year there have been surveyed of the public lands 440,083.49 acres and 185 mining claims, and during the same period 1,379 entries of the public lands have been made, comprising 232,633.62 acres.

There are 806,650 acres of improved lands, of which 467,162 acres are under cultivation, and there are 979,182 acres under individual ownership still unimproved. Of all the land under cultivation 89.36 per cent is irrigated, but it is estimated that 3,500,000 acres more can be reclaimed in this way.

There are 20,581 farms, of which 17,453 are free of incumbrances and but 2,128 under mortgages.

Of farming products there have been produced 3,113,073 bushels of wheat, 293,557 bushels of corn, 42,352 bushels of rye, 271,866 bushels of barley, 1,387,710 bushels of oats, 1,649,239 bushels of potatoes, 38,015 tons of sugar beets, 123,646 tons of hay, and 462,459 tons of lucerne. Orchards and gardens have also yielded abundantly and of excellent qualities of a general variety of fruits and vegetables.

There are 60,595 milch cows, 238,974 other cattle, 99,895 horses, 2,422,802 sheep, 47,703 swine, 1,308 mules, 835 asses, and 2,966 goats.

There are 880 industrial concerns, with capital aggregating \$5,476,246, employing 5,054 hands and paying \$2,027,118 in wages.

There are 1,974 stores, with \$14,551,345 capital, employing 5,023 hands and paying \$2,685,794 in wages.

There are 40 banking institutions, with capital of \$5,011,890 and deposits aggregating \$9,689,267

The metal mineral output for the year is valued at \$11,631,402.72.

The constitution, framed under authority of an enabling act of Congress approved July 16, 1894, was submitted to the qualified voters on the 5th day of November and was adopted.

UTAH COMMISSION.

The Utah Commission presents an elaborate and exhaustive history of its work from the time of its inception to the present time.

The following statement shows the appropriations and expenditures for the fiscal year ended June 30, 1895:

Compensation of the five Commissioners	\$10,000.00
Contingent expenses.....	7,000.00
Compensation and expenses, officers of election.....	25,000.00
	42,000.00
Officers and expenses of election.....	\$22,502.68
Members of the Commission	10,000.00
For clerical services.....	4,795.00
Printing and stationery	1,451.92
To canvassing boards	669.25
Traveling expenses of Commission.....	427.20
Telephone and sundry items.....	415.76
Copying registration lists.....	379.43
For fuel and lights.....	369.44
For janitor.....	360.00
Secretary	300.00
Returned to the Treasury (unexpended)	329.32
	42,000.00

The Commission has already taken steps preparatory to the registration of the qualified electors of the Territory under the provisions of the existing laws, including the enabling act and the constitution of the proposed State. They state that a supplemental report will be submitted, as indicated by circumstances.

INSPECTORS OF COAL MINES IN THE TERRITORIES.

By the act of Congress approved March 3, 1891 (26 Stat. L., 1104), the President was authorized to appoint, at an annual compensation of \$2,000 each, a mine inspector in each organized or unorganized Territory of the United States wherein were located coal mines the aggregate annual output of which should be in excess of 1,000 tons per annum. Appropriation having been made for but three of such officers, inspectors were appointed for the Territories of Utah, New Mexico, and Indian Territory. Their reports show the results of the operation of the law.

INDIAN TERRITORY.

The mine inspector, Luke W. Bryan, reports that the principal coal field of the Indian Territory now being worked is comprised within a strip of land in the Choctaw and Chickasaw nations about 125 miles long and from 6 to 15 miles wide. The general character of the coal is bituminous, of good quality, and easily mined. The mines are operated under leases from individuals holding claims as citizens of one of the Five Civilized Tribes; the royalty payable to the nation in which the mines are located is one-half cent per bushel, and that to the individual citizen holding a claim one-quarter cent per bushel. The total output of coal during the year was 1,228,440 tons and the number of men employed 3,648. The total number of accidents was 46, of which 6 were fatal. The injuries sustained in the other cases were nearly all slight in character and resulted in little loss of time. The rate of mortality has been 1 life to each 608 men employed and 1 life to each 204,740 tons of coal produced, which, considering the inflammable character of the mines, due to the volatile and rich nature of the coal, the bad roofs, etc., is regarded as very low. There has been generally a disposition on the part of mine owners to comply with the law; and, in addition to enforcing the specific requirements of the act of Congress, many rules have been promulgated and adopted and precautions have been taken to insure safety to life and property.

NEW MEXICO.

The mine inspector, John W. Fleming, reports that the mine owners throughout the Territory have done everything required of them relative to the sanitary condition of the mines and that their condition throughout the Territory is steadily improving. In certain instances

a deficiency of air was found in some of the workings, but on attention being directed thereto, this was at once remedied. But three of the mines visited had not a second outlet, and at each of these such outlet is being driven. Orders were given to have the roadways kept sprinkled to prevent dust explosions and to use safety lamps in all places where fire damp is known to generate.

The number of mines in operation was 21; not in operation, 7. The production for the year ended June 30 was 673,260 tons. There were 46 accidents during the year, of which 28 were fatal, as follows: Twenty-four killed by gas explosion; 2 by falls of rock; 1 by fall of top coal; 1 by being run over by cars. The remaining 18 accidents, none of which proved fatal, were from the following causes: Three from falls of slate, 5 from falls of coal, 2 from falls of rock, and 8 from miscellaneous minor causes. Total number of men employed in and about coal mines of the Territory for the year, 1,659.

UTAH TERRITORY.

The mine inspector, J. B. Rawlins, reports that there are 30 coal mines, all of which are in operation except 3; the coal mined is generally of good quality and produces considerable coke. The total output during the year was 511,332 tons. But one fatal accident occurred. Recent discoveries of coal have been made at Provo and Nephi, which will soon place these cities on the coal-producing list. No strikes or contentions on the part of miners have taken place. He also states that, without exception, the mine owners have afforded every facility for the discharge of his duties, and there is not a violation of law to report.

NATIONAL PARKS AND FOREST RESERVATIONS.

Pursuant to authority conferred by section 24 of the act of Congress approved March 3, 1891 (26 Stat. L., 1103), entitled "An act to repeal timber-culture laws and for other purposes," the President has, from time to time, by Executive proclamation (27 Stats. 947-1071, 28 Stats. 1240-1244), reserved from entry or settlement and set apart as forest reservations certain tracts of land lying in Arizona, California, Colorado, New Mexico, Oregon, and Washington.

The reservations so created and requiring attention now number 16, and embrace an estimated area of 16,325,760 acres. No forest reservations have been established this year under the provisions of the act mentioned. Owing to lack of legislation authorizing or providing for their care and management, these reservations are without protection from trespassers, fire, etc., other than such as is afforded unreserved public lands.

In my last annual report the necessity of providing guardians for the forest reservations was referred to, and the great importance of

some system of protection for the valuable timber upon these reserves was fully discussed. The recommendations therein contained regarding this matter are hereby renewed, and favorable action by Congress is urged. A fuller discussion of this subject will be found in connection with the public lands.

YELLOWSTONE NATIONAL PARK.

This is a tract of land near the head waters of the Yellowstone River, in the States of Montana and Wyoming. It is 62 miles in length from north to south, 54 miles in width from east to west, and contains about 3,348 square miles. The average altitude is about 8,000 feet.

Capt. George S. Anderson, U. S. A., the acting superintendent, reports that the past winter was mild, and for the first time in its history a complete tour of the park could be made before June 1.

Travel was very light during the season of 1894, because of the railroad strike and financial depression. One thousand six hundred and thirty-five tourists made the regular tour, stopping at the hotels, and 1,470 went through the park in camping parties with their own or hired transportation. The system of registry of campers established last year has lessened the annoyances heretofore felt at their hands.

New leases have, under the recent act of Congress authorizing the same, been granted the Yellowstone Park Association for the sites occupied by it at Mammoth Hot Springs, Fountain Lake, and the Canyon. Leases of ground at the Mammoth Hot Springs have also been granted to Mrs. Ash for a store and post-office building, and to Ole Anderson for a building in which to prepare and sell specimens. Licenses have not been granted to outside parties to carry others than campers through the park, except to the Bassett Brothers, who, without formal authority, have in previous years conducted transportation from Beaver Canyon to the hotels, a route which connects with the Idaho and Northern Railroad, and is not covered by the regular transportation company's coaches.

The acting superintendent states that in his judgment the greatest need of the park at the present time is that its boundary lines should be defined with accuracy and so marked that they would be instantly discoverable by any person crossing them. The survey of the boundary lines of the timber reserve made by Mr. Gallagher under contract is of no practical value, as he neither began at the initial point of any one of the lines thereof nor did he conspicuously mark them. The act of May 7, 1894, providing for the protection of game in the park should be extended so as to cover this timber reserve, in order that persons taking game therein may be properly punished.

The system of patrols established has resulted in a very thorough protection of the forests from fires, none of importance having occurred since July, 1893. That one, upon careful investigation, proved to be much less extensive than heretofore reported.

The work of construction and repairs of roads has been assigned by the Secretary of War to the acting superintendent, and has resulted not only in much improvement of the roads, but in a material saving of the appropriation. The old roads have been kept in a thorough state of repair, and a new one has been made from the hill above the Gibbon over to and up the Fire Hole, one down the Grand Canyon to Inspiration Point, one down Snake River connecting with the road near Jackson Lake, one around Sulphur Mountain, one to the Natural Bridge, and one to the Lone Star Geyser. About 3 miles of new road has been made near Cook City, and a survey projected of a new road over Mount Washburn.

The hotel, transportation, and boat companies have, respectively, conducted their affairs satisfactorily.

The fish planted in the streams have all prospered except those placed above Virginia Cascades. Black bass sent out by the Fish Commission were successfully planted in some lakes near the Fountain Hotel in July last. The number of fish caught each season surpasses belief. This is without detriment, but rather to the improvement of the remainder.

All the game continues to increase and prosper except the bison, or buffalo. They are constantly hunted and pursued by head and skin hunters from the vicinity of Henrys Lake in Idaho, and are in danger of extinction. The small remaining herd, of probably 200 in number, summers near the Idaho line. The laws of that State are extremely deficient in measures for preserving the game, and it has been necessary to devote a part of the appropriation for park protection to the detection of the vandals who slaughter it. The park act can afford no protection to the buffalo after they cross its boundary. The only herd of wild bison or buffalo now existing in the United States is on the border of this State, liable at any time to pass within its dominion, and every influence should, therefore, be brought to bear to induce the Idaho authorities to enact laws necessary for its protection.

Contributions of animals were from time to time made to the National Zoological Park at Washington, and further shipments are expected to be made during the fall.

A corral is being built at an expense of about \$3,000 (the funds being supplied by the Smithsonian Institution), which is intended for the retention of such bison, elk, and other game as may be driven into or induced to enter it, with a view to keeping them during the winter. Should this plan succeed it will be possible to retain at least a small herd of bison and keep them nearly in a state of nature.

All proprietary rights within the park, except those of one Baronette, on account of the bridge built by him over the Yellowstone River, and Messrs. McCartney and McGuirk, the latter for improvements made within the park, have been extinguished, and the suggestion is made

that these claims be adjusted by Congress and paid, thereby removing from the park limits the last vestige of proprietary interests.

The acting superintendent recommends an accurate survey and distinct marking of the boundaries of the park, liberal appropriations for the completion of the road system, the continuance of appropriations until the roads in the park are all in excellent condition, and the addition to the military post of accommodations for another company.

YOSEMITE NATIONAL PARK.

This park is situated in Tuolumne, Mariposa, and Mono counties, Cal., and covers an area of about 1,512 square miles, being 36 miles wide by 42 miles long.

Capt. Alexander Rodgers, Fourth Cavalry, U. S. A., the acting superintendent, reports that the command, Troop K, which was assigned to the duty of patrolling the park during the season, arrived at Wawona, Cal., May 21, and after establishing a camp immediately proceeded to work. The first patrols sent out were seriously inconvenienced by deep snow, but succeeding detachments were dispatched to all parts of the park until they were able to get through. Much energy was shown by Lieutenants Benson, McClure, and Smedburg in the work of keeping the park free from trespassers, and efforts were made to find places to which troops had never gone before and where sheep men had thought that soldiers with horses and mules could not penetrate. While the country previously patrolled was almost entirely clear of sheep the newly discovered places were found to be the resort of sheep men who had driven thereto over the snow, considering themselves entirely secure. The discovery of these new hiding places and the proper patrol thereof has had a very good effect.

There are a few cattle in the park, owned, as a rule, by Americans, who take a pride in the reservation and graze their cattle only on land owned or leased by them. With but few exceptions they have complied with the regulations prescribed by the Department. The most numerous and annoying class of trespassers in the park are the sheep herders (Portuguese and Frenchmen of the lowest order of intelligence). They are lawless and have no respect for a law which provides no penalty for its violation. As the law now stands there is no penalty for trespassing; and the only thing that can be done is to expel the offender.

The amount of game and fish is said to be increasing. Great difficulty, however, is experienced in catching persons carrying and using firearms, owing to the smallness of the force and the fact that there are so many ways of entering and leaving the park. It is not believed; however, that much game is killed.

In June the California fish commission built a hatchway at Wawona and supplied 30,000 Eastern trout, which the troops assisted in distributing in the streams and lakes in the park.

The acting superintendent does not concur in the recommendation of his predecessors as to cutting down the size of the park, and recommends that no reduction be made unless it is by cutting off township 4, section 19 east, and that part of township 3, section 19 east, south of the Merced River, most of which is land used largely for mining purposes. Certain amendments of the existing park regulations in regard to the carrying of arms and the driving of stock into the park, etc., are suggested. He recommends the passage of a law prescribing a penalty of fine or imprisonment, or both, for trespassing; that a complete survey of the park be made and the lines blazed and signs put up at the entrance of all roads or important trails, and that, as heretofore recommended by his predecessors, Captains Wood and Gale, the United States acquire title to all patented agricultural and timber lands within the borders of the park.

Attached to the report is an excellent map, prepared by Lieutenant McClure.

SEQUOIA AND GENERAL GRANT NATIONAL PARKS.

Sequoia Park is located in Tulare County, Cal., and contains about 250 square miles. General Grant Park is situated in Mariposa County, Cal., and contains about 4 square miles. These reservations contain the finest known specimens of the *Sequoia gigantea*, the famous "big trees" of California.

Capt. James Lockett, Fourth Cavalry, U. S. A., the acting superintendent, reports that the command (Troop I) which was detailed to patrol the parks during the season reached camp near Three Rivers, Cal., on the 23d of May, and at once entered upon the discharge of its duties, remaining there until July 10, when it was moved up to Camp Mineral King. Detachments were posted at General Grant Park, Hockett Meadows, and Halstead Meadows as soon as the condition of the trails and roads rendered it practicable. Patrols sent out to ascertain the condition of the country soon discovered the fact that, in open defiance of the law and the regulations, the sheep men had moved their herds within the park limits, in all probability as soon as it was evacuated by the troops last fall. It is believed that if the troop is permitted to remain in the park until December 1 a recurrence of such lawlessness will be prevented. The grove of big trees in the General Grant Park is in good condition, especial care being taken that no injury should be done to it. A slight fire caused through the carelessness of some trespasser was discovered in the park, but it was extinguished before much damage was done. The lakes and streams within the park contain an abundance of fish, but there is no big game.

The forest reserves adjoining the parks have, in open defiance of the Department regulations, been overrun during the present season by sheep herders, and such trespassing will continue unless a law is enacted by Congress under which the troops would be authorized to

eject them. In reference to this matter the acting superintendent, Captain Lockett, says:

As has been pointed out before, in reports of my predecessors, these sheep men are mostly foreigners, who skillfully avoid paying taxes and care no more for the Secretary's proclamation than they would for a Fourth of July oration. * * * It would be a most wise and excellent plan to put the forest reserve on the same status and issue to the troops the same rules and regulations for its preservation as now apply to the parks.

The acting superintendent concurs in the recommendation of his predecessor, Captain Parker, that a guardian be appointed for the protection of the parks during the late fall and winter; that the boundaries of the parks be properly surveyed and suitably marked; that a wire fence be placed around the General Grant Park; that all claims to lands within the parks be investigated and finally determined, and that the Kaweah Colony road be kept in good condition.

HOT SPRINGS RESERVATION.

The superintendent of the Hot Springs Reservation, William J. Little, reports the finishing, so far as possible, of the work on Hot Springs Mountain, laid out by Capt. Robert R. Stevens, the improvement of the grounds, and the extension of roads and drives.

The permanent Government reservation consists of four mountain reservations—Hot Springs Mountain, North Mountain, Sugar Loaf Mountain, and West Mountain, in all, about 900 acres.

The hot water issues from the base and side of the Hot Springs Mountain, and the actual quantity is not known. That which is under control and being used to supply the bath houses amounts to about 507,000 gallons a day, and the amount collected and passed through the impounding reservoir about 350,000 gallons a day, making a total quantity of hot water under control about 857,000 gallons a day.

The free bath house during the fiscal year has been serving to its capacity the charitable purpose for which it was erected and is maintained, the entire number of baths given to indigent persons being estimated at 155,500. Over 75 per cent of those bathing at this house were reported cured.

The new Rector bath house, erected outside of the permanent reservation under authority of a lease to ex-Governor Henry M. Rector, was opened to the public June 17, 1895. This brings the number of bath houses now being supplied with hot water from the Hot Springs Reservation to 21 and the number of tubs to 507. Allowing that 15 persons can be bathed in each tub each day, the bath houses have capacity sufficient to bathe 7,600 persons daily. The following list shows the bath houses and bath-house sites on and off the reservation for which leases have been granted up to June 30, 1895:

Name of bath house.	Lessee.	Tubs.	Date of lease.	Expiration of lease.
ON THE PERMANENT RESERVATION.				
Arlington Hotel.....	S. H. Stitt & Co. (Samuel H. Stitt, Samuel W. Fordyce, Albert B. Gaines).	.....	Mar. 3, 1892	Mar. 2, 1912:
New Rector.....	Henry M. Rector and Mary E. Fellows; assigned to Arlington Hotel Co. June 11, 1892.	40	.....do.....	Do.
Hale.....	Logan H. Roots and George H. Eastman..	26	Jan. 1, 1893	Dec. 31, 1907
Imperial.....	James L. Barnes and Charles N. Rix; assigned to Charles N. Rix June 30, 1892.	25	Jan. 1, 1892	Dec. 31, 1906:
Lamar.....	Morris C. Tombler.....	40	.....do.....	Dec. 31, 1896
Magnesia.....	Charles B. Platt.....	30	.....do.....	Dec. 31, 1894
Horseshoe.....	Albert B. Gaines.....	.....	.....do.....	Do.
Maurice.....	Charles E. Maurice and Charles G. Converse; a two-sixth interest assigned to William G. Maurice Mar. 3, 1892.	21	.....do.....	Dec. 31, 1896
Ozark.....	George G. Latta and Lewis H. Carhart; Lewis H. Carhart assigned his interest to Isaac W. Carhart May 23, 1895.	22	.....do.....	Dec. 31, 1902
Superior.....	Robert Proctor and L. D. Cain; L. D. Cain assigned his interest to Samuel S. Wilson Dec. 1, 1892.	16	Sept. 15, 1891	Sept. 15, 1896
Palace.....	Samuel W. Fordyce.....	23	Jan. 12, 1893	Dec. 31, 1906
Rammelsberg.....	George H. Buckstaff.....	18	Jan. 1, 1892	Dec. 31, 1898
OFF THE RESERVATION.				
Rockafellows.....	Charles N. Rockafellow.....	20	July 1, 1892	June 30, 1895
Eastman.....	New York Hotel Co.....	40	May 12, 1892	May 12, 1912
Alhambra.....	Edward H., Anna M., and Carroll D. Bancroft, doing business under the firm name of the Alhambra Bath House Co.	40	Feb. 28, 1894	Feb. 28, 1914
Avenue.....	Avenue Hotel Co.....	20	Jan. 1, 1892	Dec. 31, 1897
St. Joseph's Infirmary.	Sister Mary Aloysius, local superior of St. Joseph's Infirmary.	4	.....do.....	Dec. 31, 1896
Hot Springs.....	Mark J. and C. H. V. Smith; assigned to Mark J. Smith Feb. 2, 1893.	16	Jan. 1, 1893	Dec. 31, 1902
Park.....	Park Hotel Co.....	40	May 12, 1892	May 12, 1912
Rector.....	Henry M. Rector.....	12	Apr. 16, 1894	Apr. 16, 1904
Waverly.....	Waverly Hotel Co.....	20	Mar. 24, 1893	Mar. 24, 1913
Sumpter.....	John J. Sumpter.....	8	Mar. 7, 1894	Mar. 7, 1904

In the progress of the improvements made during the fiscal year an excellent cold spring, containing medicinal properties for liver and kidney troubles, has been developed about 200 feet east of the superintendent's office. The spring flows 960 gallons in twenty-four hours, at a temperature of 66° F.

The report gives the total receipts from bath-house leases and hot-water rents for the fiscal year ended June 30, 1895, as \$17,395; disbursements for superintendence, repairs, etc., \$11,456; balance, \$5,938. The superintendent recommends that the sum of \$7,937 be allotted from the fund in the Treasury to the credit of the reservation for additional improvements and for finishing work on the grounds of Hot Springs Mountain.

IMPROVEMENTS OF THE HOT SPRINGS RESERVATION.

Capt. Robert R. Stevens, U. S. A., reports that the work performed during the past year was the finishing of the construction along the reservation front, which accords in the main with the descriptive plan and estimates in the preceding reports. It included the erection of a stone stairway fronting the main entrance and finishing a series of stairways up the mountain side, the completion of concrete pavements, the preparation of additional designs for and the construction of drinking fountains, as well as the planting of trees and shrubs on the mountain-side lawns. The amount expended in carrying this work into effect was \$8,362.19.

Captain Stevens's connection with the Hot Springs improvements during the past year was, owing to assignment by the Secretary of War to duty at Little Rock, limited to the completion of certain details, to such conferences upon the work as were necessary in its transfer to the superintendent of the reservation, and to the general direction of the work being performed under the personal supervision of the superintendent.

As to future operations generally, the advantage is presented of developing the drives of the reservation, the foregrounds of Hot Springs Mountain, the Water Park, and the level wooded land of the Lake Reserve. These park centers, it is stated, are situated at the opposite extremities of the reservation and form the objective points of the drives, which, divided into two separate systems by the city Hot Springs, are designed to open to access the attractive heights of the reservation and to extend as mountain boulevards on each side of the principal valley. An estimate of \$65,000 is submitted for the continuance of the work.

GOVERNMENT HOSPITAL FOR THE INSANE.

This hospital was established by act of March 3, 1855 (10 Stat., L. 682). It is managed by a board of visitors (nine citizens of the District of Columbia) appointed by the President, and is supported by Congressional appropriation, the expenditure of which is under the supervision of the Secretary of the Interior. The institution has an area of 350 acres of land, known as St. Elizabeth, from the title of the original grant; also outlying agricultural lands of upward of 450 acres. The fourteen hospital buildings can comfortably accommodate about 1,400 patients. The estimated cost of the entire property, of which the title is in the United States, is something over \$1,000,000.

This is the only United States hospital for the insane. It provides for the insane of the Army and Navy, Marine Corps, Revenue-Cutter Service, National Home for Disabled Volunteer Soldiers, the indigent insane of the District of Columbia, and insane United States convicts

and criminals. Under the law, insane inmates of the Soldiers' Home at Washington, D. C., and the insane of the Marine-Hospital Service are cared for in this institution.

The annual report of the board of visitors shows that during the year 2,052 persons have been under treatment; 350 have died or have been discharged; 1,702 remained in the hospital on the 30th of June, 1895.

The number of admissions, 371, an average of more than one a day, is an excess over that of any year since the war, while the number under treatment during the year, 2,052, exceeds that of any previous year, and the daily average is nearly 50 more than ever before.

The mortality of the year, 179 deaths, is 10.73 per cent of the average number and 8.72 per cent of the whole number under treatment. Ninety-three of the deaths were of soldiers and sailors. Attention is directed to the great increase of sickness in the hospital during the past season, due largely to the insalubrity of the adjoining river flats, consequent upon a suspension of the work of filling them during the past two years. The superintendent recommends that the attention of Congress be called to this very important matter.

The report contains a somewhat detailed and interesting statement of the buildings provided for the insane, the classification and arrangement thereof, together with outlined plans showing the different tracts of Government land occupied by said buildings and devoted to the employment and recreation of the classes for whom the provision was made.

The estimate for current expenses is \$368,000, and is based on an annual cost of \$220 per capita for an estimated average number of 1,675 persons. Appropriations of \$20,000 for general repairs and improvements, \$7,000 for rebuilding carpenter and machine shop, \$1,500 for a laboratory extension to the pathological department, \$4,500 for heating apparatus for the new building now near completion, \$6,000 for electric fans for the hospital wards and resistance coils for the dining rooms, \$2,400 for renewing and fireproofing floors in two wards of the main building, and \$2,500 for the erection of a kitchen and dining room for the harmless insane domiciled at the new farm are also solicited.

The reasons for these expenditures, which appear to be conclusive, are fully set forth in the report, and are commended to the favorable consideration of Congress.

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

This institution was established by act of February 16, 1857 (11 Stat. L., 161). It is managed by a board of directors, on which Congress is represented by one Senator and two Representatives, and is supported in part by Congressional appropriations and in part by tuition fees. The expenditure of Congressional appropriations is under the supervision of the Secretary of the Interior, and admissions of all beneficiaries are subject to his approval.

The report of the president, Dr. E. M. Gallaudet, shows the year to have been prosperous, with a steadily increasing number of pupils.

There have been, since July 1, 1894, 101 in the college department, representing 28 States, the District of Columbia, and Canada. There have been 58 pupils in the primary department.

The important events of the year are the completion of a separate dormitory for the boys of the primary department and of an addition to the laboratory in which technical instruction will be carried on.

These improvements have been completed with an appropriation of \$30,000 made by the last Congress.

The following estimates for the fiscal year ending June 30, 1897, have already been submitted:

For the support of the institution, including salaries and incidental expenses, for books and illustrative apparatus, and for general repairs and improvements, \$65,000.

For special repairs to the buildings of the institution and for the furnishing of the new buildings the erection of which was provided for by act of Congress approved March 2, 1895, \$3,000.

HOWARD UNIVERSITY.

Howard University was established by the act of March 2, 1867, "for the education of youth in the liberal arts and sciences." It is managed by a board of trustees, on which Congress is represented by one Senator and two Representatives. It is supported in part by funds from benevolent societies and in part from appropriations by Congress.

The president, Rev. J. E. Rankin, D. D., reports the work of Howard University as united and prosperous. Five hundred and eighty-five students, male and female, have been in attendance. They come from 42 different States and Territories, from the West Indies, and Central America. Of these students, 200 are in the medical, 33 in the legal, and 39 in the theological department; 33 are in the collegiate department, 92 in the preparatory, 188 in the normal. All in the lower classes are taught manual labor, as follows: In the printing office, in the carpenter's shop, the tinner's, the bookbinder's, and in the sewing class.

No tuition is required, except in the medical department; room rent is \$15 a year and board \$8 a month. The Andrew Rankin Memorial Chapel has been completed, though \$1,000 is needed to fit up a spacious room therein for library purposes. The trustees are expending from \$7,500 to \$10,000 to improve the hospital building, now rented in part by the Government. A nurses' training class has been in successful operation, for which especial facilities have, with the approval of the Department, been furnished by Dr. D. H. Williams, surgeon in charge of the Freedmen's Hospital. Thirty-four pupils have been in attendance. The improvements in the building will make it practicable to instruct each of the medical classes separately instead of in one lecture hall, as heretofore.

The trustees gratefully acknowledge the generosity of the Government in taking the full support of the law department. They have made the tuition free and have raised the standard for admission. They request the same amount as last year, with the addition of \$1,000 for shelves and fixtures for the new library hall, making \$37,500.

MARYLAND INSTITUTION FOR THE BLIND.

Under section 2 of the act of Congress approved May 29, 1858 (11 Stat. L., 294), the Secretary of the Interior is authorized to place for instruction in an institution for the blind, in the State of Maryland or some other State, the indigent blind children of teachable age who are children of persons actually engaged in the military and naval service of the United States, and, under section 4869 of the Revised Statutes, the indigent blind children of teachable age belonging to the District of Columbia.

In pursuance of this authority there were at the close of the last fiscal year (1894) 25 blind children under instruction in the Maryland Institution for the Blind at Baltimore, Md.; 3 were admitted and 1 withdrawn during the year, and 4 failed to return after the summer vacation, leaving 23 beneficiaries at the institution on the 30th of June, 1895.

The pupils are reported to be promising, some possessing more than ordinary ability. The regular course of study, which commences with the kindergarten for the younger children, includes spelling, reading by touch, arithmetic, history, grammar, algebra, geometry, natural philosophy and physiology, instrumental and vocal music and harmony, sewing, crocheting, and knitting. Instruction is also given in piano tuning, chair caning, broom and mattress making. The capabilities of the pupils are carefully studied and their development is pursued on the lines most likely to be serviceable to each individual. Special attention is paid to physical training. The cost to the Government for each pupil is \$300 per annum, that being the amount charged by the State of Maryland for similar instruction to others. Payment for education of the indigent blind children of the District of Columbia is made from any money in the Treasury not otherwise appropriated.

FREEDMEN'S HOSPITAL AND ASYLUM.

The Freedmen's Hospital was appropriated for and placed under control of the Secretary of War by act of March 3, 1871 (16 Stat. L., 506), and transferred to the Department of the Interior by act of June 23, 1874 (18 Stat. L., 223). The supervision and control of expenditure of appropriation was transferred to the Commissioners of the District of Columbia by act of March 3, 1893 (27 Stat. L., 551). Appointive and general administrative power, however, is still vested in the Secretary of the Interior.

Dr. Daniel H. Williams, surgeon in chief, reports that during the year 9,332 cases were treated, of which 6,856 were treated in the out-patient department; 198 surgical operations were performed, and 228 births occurred. The rate of mortality has been but 10 per cent, which is considered extremely low.

The entire work of the hospital has been reorganized. A system of resident internes and a training school for nurses have been successfully instituted. Young women have been drawn from every State in the Union, and this departure opens up a new field of useful employment for educated colored women. An ambulance has been added to the service of this hospital and is doing valuable work. A complete service will be had out of this year's appropriation.

The surgeon in chief urges an appropriation of \$100,000 for a new building and equipments—\$75,000 for the building and \$25,000 for the equipments.

I desire to especially commend the faithful and capable work of Dr. Williams.

WASHINGTON HOSPITAL FOR FOUNDLINGS.

This institution is under the care of a corporation created by the act of April 22, 1870, to carry into effect that provision in the last will and testament of one Joshua Pierce, devising to certain trustees fourteen parcels of ground in the city of Washington, to be held as a site for a hospital for the reception of destitute and friendless children. It is managed by a board of directors, who are required to report annually to the Secretary of the Interior, and is supported in part by funds from benevolent persons and societies and in part by appropriations by Congress.

The report of the board of directors shows that 74 children were provided for during the year, of whom 25 were remaining in the hospital June 30, 1895. The deaths during the year were 23, while those occurring during the previous year numbered 45. An increase of the appropriation for the next fiscal year to \$7,000 is urged, in order to meet increased expenses, as the indications are that the number of applications for admission will be greatly in excess of any previous year.

ARCHITECT OF THE CAPITOL.

The Architect, Mr. Edward Clark, reports that the painting and general repairs to the Capitol have been continued, including repairs to the large skylights of the building, the glass plates of which sustained considerable damage during the severe weather of the past winter. The copper roof has also received repairs where necessary.

A passenger elevator has been placed in the vestibule leading to the Supreme Court, the eastern elevator at the House wing has been

changed from the pressure to the gravity system, the western elevator at that wing has been extended to the subbasement, and a passage and stairway constructed to afford access to the committee rooms of the terrace. Electric call bells connecting the Members' desks with suitable annunciators in the cloakrooms have been placed in the Hall of Representatives.

As recommended in a previous report of the Architect, part of the "cooking apparatus" has been removed from the new Senate kitchen to a room adjoining, which is within the influence of the ventilating fan.

Busts of the late Vice-Presidents George Clinton and Richard M. Johnson have been received for the Senate Chamber.

Various paintings in the Capitol have been restored and repaired, and the statues in the National Statuary Hall have been cleaned. The statues of Daniel Webster and John Stark, presented to the Government by the State of New Hampshire, have been received and placed in Statuary Hall, and the bronze plaque commemorative of the laying of the corner stone of the Capitol by George Washington, on September 18, 1793, has been received and placed upon the southeast wall of the north wing of the original Capitol Building. Various rooms in the basement portion of the Capitol, occupied for the storage of books, etc., have had their contents removed, and have been cleaned and white-washed.

The boilers and machinery of the building are reported to be in good condition. Arrangements are being made for the installation of an extensive electric lighting system.

The Capitol grounds have been kept in good condition by pruning and thinning out excessive undergrowth during the past season, giving permanent trees and shrubs opportunity for healthier growth; and the lawns have received proper attention. The plateau between the grand stairways and surrounding the statue of Chief Justice Marshall has been paved with artificial-stone pavement; the walks and roadways have been kept in good condition, and the car shelters, seats, lamp-posts, and iron crestings in the grounds have been painted.

At the Botanic Gardens all of the heating apparatus has been repaired and extended, the various buildings connected with the garden and the iron fence surrounding it have been repaired and painted, a new gateway opened at the Pennsylvania avenue side, and iron shades erected.

The court-house has been kept in good condition and improvements made in the plumbing of the upper story, east wing.

The Architect has furnished plans and specifications for work at the Pension Office building and has superintended the work of putting on a new roof of copper, a sheet-metal ceiling in the great hall, and of marbleizing the large columns. He has also prepared plans and specifications for schoolhouses and teachers' residences in Alaska.

The Architect renews the recommendation made for an increase in the number of watchmen for the better protection of the Capitol

Grounds, for an extension of the coal vaults of the House wing, and for the construction of a new apartment for the kitchen connected with the House restaurant. Additional recommendations are made for a steam boiler for the House wing, the removal of the asphalt roofing over the terrace and the substitution therefor of a copper roof to be protected by a layer of concrete, and for the lining of the plant cases with metal.

COLUMBIA RAILWAY COMPANY OF WASHINGTON, D. C.

President R. F. Baker reports (in pursuance of the requirements of section 16 of the act of May 24, 1870, 16 Stat. L., 132) the total number of passengers carried as 2,507,110; average passengers carried daily, 6,869, and the average daily receipts as \$302.19.

The receipts from all sources, including \$3,742.61 balance on hand March 1, 1894, was \$116,053.85; the disbursements during the year ended February 28, 1895, \$110,152.37. Twenty-four thousand dollars of this amount were paid out in dividends.

THE MARITIME CANAL COMPANY OF NICARAGUA.

The annual report of this company is not required by law to be filed until the first Monday in December, but in a preliminary statement submitted the following facts appear relative to the condition of the company and the progress of the work up to the present time. Since the organization of the company the total amount of cash received from the sale of 10,145 shares of its capital stock and from other sources, was \$1,109,880.81. It has paid for property, labor, and material furnished in the work of constructing the canal and in administration expenses \$1,109,522.25, and 31,990 shares of full paid stock of the value of \$3,199,000, and is obligated for \$6,855,000 of its first-mortgage bonds. It has also issued 180,000 shares of its capital stock of the par value of \$18,000,000 in payment of concessionary rights, franchises, and other property. Two hundred and twenty-five thousand dollars of the amount first named was represented by a claim against the Nicaragua Canal Construction Company, for cash advances on account of purchase of the equipment, etc., in liquidation of which the Maritime Canal Company has received and holds in its treasury obligations representing \$518,500 of its first-mortgage bonds, in addition to 2,420 shares of its capital stock which, in liquidation of said account, were transferred and delivered to a trustee for the use and benefit of the company.

The liabilities consist of the amounts still due under the concessions granted to the company, the \$6,855,000 first mortgage bonds, before mentioned, which are due the assignees of the Nicaragua Canal Construction Company for materials furnished and work performed in the

construction of the Interoceanic Canal, and of outstanding cash liabilities to an amount not exceeding \$50,000.

The assets consist of its unissued capital stock, of the \$518,500 first-mortgage bonds and the 2,420 shares of its capital stock received in liquidation of the claim above referred to, and of concessions, franchises, plant, railways, lands, buildings, telegraph and telephone lines, locomotives, cars, machinery, etc., in Central America, purchased at a cost of \$50,000 from the Government of Nicaragua.

The work on the canal was entirely suspended in August of 1893 by reason of the financial embarrassment of the Nicaragua Canal Construction Company, which had contracted with the Maritime Canal Company for the construction of the canal. The reorganization of that company has, however, been since successfully accomplished and its assignee, the Nicaragua Company, a corporation organized under the laws of the State of Vermont, is reported to be making active preparations for resuming work on the canal under the original contract. A commission of engineers having, in pursuance of authority of Congress at its last session, been appointed by the President to examine and report upon the route and surveys of the Nicaragua Canal, the company, it is stated, with a view to aiding the commission in every proper way, caused the entire line of the route to be prepared for their inspection and placed its engineers, surveys, maps, etc., at their disposal.

Respectfully submitted.

HOKE SMITH,
Secretary

The PRESIDENT.

APPENDIX.

EXHIBIT A.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FORT SMITH, ARK., *November 18, 1895.*

SIR: The Commission to the Five Civilized Tribes hereby report what progress has thus far been made in the work intrusted to them since their last report.

Since that report the Commission has undergone some changes in its composition. Mr. Frank C. Armstrong has been appointed in the place of Meredith H. Kidd, transferred to other service, and under the provisions of the act making appropriations for the Indian service for the year ending June 30, 1896, Mr. Thomas B. Cabaniss and Mr. Alexander B. Montgomery have been added to the Commission and Mr. Allen R. Boyd made its secretary.

Immediately upon this reorganization, and after conference with the Honorable Secretary of the Interior in Washington, the Commission repaired without delay to the Territory for the purpose of continuing the negotiations heretofore intrusted to them, in conformity with the instructions under which they were acting.

In anticipation of their arrival in the Territory they caused letters to be addressed to the chiefs of the Cherokee and Creek nations, informing them of the intention of the Commission to renew the negotiations heretofore pending, and that upon the date named they would be at Muscogee, in the Creek Nation, and would be pleased to be notified upon arrival there at what time and place it would be agreeable for them to meet the Commission, either in person or by others duly authorized by them or their governments to act, and renew negotiations which might lead to an agreement in regard to the objects of our mission.

To these letters the Commission received the following replies from the chief of the Cherokee Nation and the chief of the Creek Nation, respectively:

HON. HENRY L. DAWES,
Muscogee, Ind. Ter.

TAHLEQUAH, I. T., *May 6th, 1895.*

DEAR SIR: I have the honor to acknowledge your favor of the 25th ultimo, in which you mention the request of the President to meet your Commission at an as early day as convenient. In reply thereto, I shall name the day on which I shall meet you, which is Saturday, the 11th instant; the place of meeting, Muscogee.

I have the honor to be, very respectfully, yours,
(Signed) C. J. HARRIS, *Principal Chief.*

HON. HENRY L. DAWES,
The Chairman Ind. Commission of the U. S.

TULSA, IND. TER., *May 11th, 1895.*

SIR: Yours has been rec'd, but has not been able to say definitely the time you can meet the Creeks. I will say now that a call session of the national council will meet at Okmulgee on the 14th of this month, and will continue in session for at least the following week, and should you wish to see the Creeks at that time will be pleased to meet you or any of the Commission.

Yours, truly,

(Signed) L. C. PERRYMAN, *Prin. Chief, M. N.*

On arrival at Muscogee, where they held for the time being their headquarters, they addressed to the chief of each of the Five Civilized Tribes the following letter, inclosing a letter from the President to the Honorable Secretary of the Interior, and from the Secretary to the chairman of the Commission:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muscogee, Ind. T., May 13, 1895.

To the PRINCIPAL CHIEF OF THE ——— NATION:

DEAR SIR: The Commission to the Five Civilized Tribes have been directed to present again to the several nations for further consideration the matters upon which they are authorized to confer, and are in receipt of a letter from the honorable Secretary of the Interior, in which he encloses one from the President of the United States disclosing his great interest in the success of this Commission in coming to some agreement with your people, which shall secure all your just rights and promote your highest welfare, as well as contribute to the best interests of the whole country.

By direction of the Commission I enclose to you copies of these letters, with the hope that you will make them known to your people, and commend their spirit and purpose to the favorable consideration and cooperation of your nation.

I am, with the highest consideration, truly yours,

(Signed) HENRY L. DAWES, *Chairman.*

DEPARTMENT OF THE INTERIOR,
Washington, May 6, 1895.

HON. HENRY L. DAWES,
Chairman Five Civilized Tribes Commission, Muscogee, Ind. Ter.

MY DEAR SIR: Enclosed I hand you a copy of a letter from the President, in which he discusses the work of the Commission of which you are the chairman. I hope it may aid you to convince the Indians that this work has really their own advantage in view. The impossibility of permanently continuing the present form of government of the Five Civilized Tribes must be apparent to those who consider the great difficulty already experienced, even by an administration favorable to the enforcement of treaties, in preserving for them the rights guaranteed by the Government. As the time must come when they will change their present system, how much better for them to inaugurate with you now, under an Administration favorable to their rights, the plan by which this change will be accomplished?

Very truly, yours,

(Signed) HOKE SMITH, *Secretary.*

EXECUTIVE MANSION, *Washington, May 4, 1895.*

HON. HOKE SMITH,
Secretary of the Interior.

MY DEAR SIR: As the Commissioners to negotiate and treat with the Five Civilized Tribes of Indians are about to resume their labors, my interest in the subject they have in charge induces me to write you a few words concerning their work.

As I said to the Commissioners when they were first appointed, I am especially desirous that there shall be no reason, in all time to come, to charge the Commission with any unfair dealing with the Indians, and that, whatever the result of their efforts may be, the Indians will not be led into any action which they do not thoroughly understand or which is not clearly for their benefit.

At the same time I still believe, as I always have believed, that the best interests of the Indians will be found in American citizenship, with all the rights and privileges which belong to that condition. The approach to this relation should be carefully made, and at every step the good and welfare of the Indian should constantly be kept in view, so that when the end is reached, citizenship may be to them a real advantage instead of an empty name.

I hope the Commission will inspire such confidence in those with whom they are to deal that they will be listened to, and that the Indians will see the wisdom and advantage in moving in the direction I have indicated.

If they are unwilling to go immediately so far as we think desirable, whatever steps are taken should be such as point out the way, and the result of which will encourage those people in further progress.

A slow movement of that kind, fully understood and approved by the Indians, is infinitely better than swifter results gained by broken pledges and false promises.

Yours, very truly,

(Signed) GROVER CLEVELAND.

Not receiving any replies to these letters the Commission addressed to each of the chiefs of these nations a letter bearing date May 18th, 1895, of which the following is a copy:

MUSCOGEE, INDIAN TERRITORY, *May 18, 1895.*

To the PRINCIPAL CHIEF OF THE ——— NATION.

SIR: As representing the Commission to the Five Tribes, I took the liberty a few days since to direct to you a copy of a letter from the President of the United States and the Honorable Secretary of the Interior upon the subject of the mission of the Commission to this Territory.

The Commission has also been directed by the President to communicate to you and the chiefs of the other four nations the fact that they have returned to the Territory for the purpose of renewing their negotiations with the authorities of the several nations in reference to the subject-matter committed to them.

They desire to open negotiations with you in accordance with the spirit of the letter of the President heretofore sent to you, and therefore they would be gratified to know at what time and where it will be most agreeable to you to meet and confer with them upon that subject, either yourself, personally, or others appointed by you for that purpose.

It is not necessary to enlarge at this time upon the purposes and object which the Commission has in charge. Those have all been heretofore presented to you. It is sufficient at this time to assure you that the Commission have not come here to interfere at all with the administration of public affairs in these nations, or to undertake to deprive any of your people of their just rights. On the other hand, it is their purpose and desire, and the only authority they have, to confer with you upon lines that will result in promoting the highest good of your people and securing to each and all of them their just rights under the treaty obligations which exist between the United States and your nation.

If you and your authorities are willing to confer with the Commission upon these questions and along these lines please indicate to us here in Muscogee, at an early date, when and where and in what manner it would be most agreeable to you to hold such conference.

I have the honor, with much consideration, to be,

Very truly, yours,

(Signed) HENRY L. DAWES, *Chairman.*

In answer to this the chief of the Choctaw Nation wrote as follows:

EAGLE TOWN, IND. TER., *May 27, 1895.*

Hon. HENRY L. DAWES,

Chairman of Commission to the Five Tribes, Muscogee, I. T.

DEAR SIR: Yours of 18th inst. rec'd, and in replying I have only this authority to say: As we hold our land in common and in accordance with our treaties and constitution, it is necessary and just to all of the Choctaws to get their consent before we could open negotiations with this Commission.

At the convening of the board of education at Tushka Homma, the 8th day of July, 1895, I, with a great many others, will be there; should it meet with the convenience of the Commission to meet us there at that time they would get their views on the subject of the Commission.

Hoping this will suffice for the time,

I am, very truly, yours,

(Signed) JEFF. GARDNER, *P. C. C. N.*

This letter was answered by the Commission as follows:

MUSCOGEE, INDIAN TERRITORY, *June 5, 1895.*

Hon. JEFF. GARDNER,

Principal Chief, Choctaw Nation, Eagletown, Indian Territory.

DEAR SIR: I am in receipt of yours of the 27th ult., and am directed by the Commission to express to you their thanks for a courteous and early reply to their communication of the 18th ult.

They are led, however, to think from your letter that perhaps they have failed to make clear to you the purposes of their request. The Commission understands that neither you as chief nor any other of your citizens, except expressly authorized by your national council, would have any authority which would be binding to negotiate with this Commission upon any of the subjects with which they are charged. The law which created this Commission expressly provided that before any agreement or any proposed agreement can have any binding force, it shall be first approved

by your council, and if so approved it shall be afterwards approved by Congress or go for nothing. So that if you and the Commission should agree upon anything it would not have the slightest binding force until after the approval of both bodies. For this reason the Commission does not ask you to make any agreement with them. What they do desire and what is the purpose of their correspondence is a conference with you, or with some persons selected by you for that purpose, that you may the better understand what the Government of the United States desires of your people, and what modification of the present condition of public affairs among your people would, in your opinion, be for the best interests of your people, and which you might be willing to present to your council at its next meeting for their consideration. Without such preliminary conference it is difficult to see how anything tangible can be brought before them for their consideration. Such a conference can do no harm, if nothing results from it, and the Commission are confident that much good will come of it, and that from it some measure may be arrived at which you can submit to your council for them to consider. Such a measure could be altered and modified to meet objections while under consideration by your council, if they desired, and up to the last moment of approval, and if in the end it should fail, things would remain as before.

The Commission takes this opportunity to assure you that they recognize fully your treaty rights, and are instructed to respect them. The United States wants nothing which belongs to your people, either their lands or any other rights they enjoy under their treaties, but they are impressed with the conviction that some change in the present condition of affairs is necessary for the good of your people, and their desire is that you shall make that change yourself, and this Commission is sent here to aid you in effecting such a change.

The fact that the treaty rights of each nation are distinct and different from those of the others make a separate conference with each necessary, and one in which all the nations are represented impracticable.

The Commission submits these considerations to you in the hope that they will satisfy you that its presence here is from no other motive or object than to promote the welfare of your people under the treaty rights secured to them, and that you will think it wise to appoint at an early day such a conference as is here suggested.

An early reply, that we may report to the President your conclusions, is urgently requested.

I am, with high consideration, yours, truly,

(Signed) HENRY L. DAWES, *Chairman.*

There being no other replies to their letter of May 18th the Commission again, on June 5th, addressed still another letter to the chiefs of the different nations, of which the following is a copy:

MUSCOGEE, INDIAN TERRITORY, *June 5th, 1895.*

To the PRINCIPAL CHIEF OF THE ——— NATION.

SIR: The Commission to the Five Civilized Tribes, appointed by the President of the United States in conformity with the act of Congress approved March 3rd, 1893, and amended March 2nd, 1895, has heretofore addressed to you certain communications, dated, respectively, May 13th and May 18th, 1895, copies of which are herewith enclosed, and has received no response to the request for conference therein contained.

The Commission was sent here to confer with each of the tribal governments, and would, therefore, be pleased to know if such conference with duly authorized representatives of your government will or will not be accorded.

If at such conference an agreement is reached, you are aware that it will not be binding until approved both by your council and the Congress of the United States.

It is desired that the objects of our mission should be fully understood by your representatives, that the same may be presented to your national council for consideration.

We have the honor to be, with sentiments of high consideration,
Respectfully,

(Signed) HENRY L. DAWES.
FRANK C. ARMSTRONG.
A. S. MCKENNON.
T. B. CABANISS.
ALEXANDER B. MONTGOMERY.

To this letter the chief of the Cherokee Nation on the 11th of June replied, giving what he considers sufficient reason for not complying with the request of the Commission to enter again into negotiations.

The following is a copy of his letter:

TAHLEQUAH, I. T., *June 11th, 1895.*

Hon. HENRY L. DAWES and others of the Commission to visit the Five Civilized Tribes of the Ind. Ter.

GENTLEMEN: Yours of the 5th instant relative to a conference between your Commission and authorized representatives of this nation is at hand. However anxious I may be to accommodate you in this matter, it is not within my power to say when this opportunity can be offered you. The council at its late session made no provision for such a contingency. I am therefore without authority to appoint the kind of representatives you mention in your letter, because any appointment of representatives could not be considered properly authorized unless I was myself authorized by law to make such an appointment.

How it is with the other nations of the Territory I know not, but there is to be a general council of the nations at Eufaula on the 28th instant. The prime object of this council being the propositions of your commission, it is reasonable to suppose that some disposition will be made of them by the representatives of the several nations in convention.

All I can do just now to further your project is to give you what aid I can in any manner or means you may wish to adopt to reach the people of this nation on the purpose of your mission. This I will endeavor to do at your wishes or suggestions.

Your letter of the 13th of last month, inclosing the President's letter to the Hon. Secretary of the Interior, has been received and the President's letter published as you desired, but your communication of the 18th ult. and the inclosures of the one now before me have not been received.

With the tone of the President's letter I am well pleased, as he seems to appreciate the gravity of your propositions and the immense and the untried effects they involve. No people except the nations of this Territory, either fortunately or unfortunately, are to feel the consequences of this experiment. The President is humane enough not to desire to force conditions on us with the prospect of doubtful consequences that present themselves in the consideration of your propositions.

The national council will not meet in regular session before the first Monday in November of this year, but that you may know something of its sentiments on the subject of your mission I inclose you a copy of their reply submitted last winter.

Very respectfully,

(Signed) C. J. HARRIS, *Principal Chief.*

The chief of the Creek Nation on the 10th of June replied as follows:

TULSA, IND. TER., *June 10, 1895.*

The Hon. U. S. COMMISSION:

Your letter has just been read. In answer to same, I will state that I submitted all your other letters to the extra session of council for their action. At present I am unable to ascertain what action was taken by the council touching your propositions. You will be informed at a later date the action taken by the council.

Yours, truly,

(Signed) L. C. PERRYMAN, *Chief M. N.*

These are the only replies made in writing by the officials of any of these nations either to our written requests or personal application to them to consider the question of further negotiating with the Commission upon the subject-matter of the present condition of affairs in the Territory. The chief of the Cherokee Nation had a personal interview with the Commission soon after the receipt of the last letter, in which he stated that an international council—that is, a conference of delegates from the several five tribes—was about to meet to take into consideration the question of a renewal of negotiations with the Commission. It came to the knowledge of the Commission that immediately upon the receipt by Chief Harris of letters from the Commission informing him that the work of the Commission was to be renewed in the Territory, he instituted proceedings at once for the calling together of representatives of the Five Nations in council, to concert measures more effectually by united action of all the nations, to resist any attempt from any quarter to effect a change of the present condition of affairs, and that this council was the result of this action on the part of the chief of the Cherokee Nation. The council was not attended by delegates from the Choctaw Nation, and in consequence action upon the question was postponed to a future time. The sentiment of the council,

however, so far as it was expressed, was of a most positive character adverse to further treating on any conditions with the United States Government upon the subject of change in any respect in the condition of affairs in the Territory.

At the adjourned meeting of this international council it reaffirmed the resolutions adopted at the international council of last year, declining to enter into negotiations, and ordered that several thousand copies of these resolutions be printed and circulated throughout the Territory. A copy is attached to this report and is made a part thereof.

At this meeting the Choctaw Nation was again not officially represented, but three volunteer delegates from that nation were permitted to occupy seats and represent the nation in this council.

The Commission have sought personal interviews with the officials of each of the tribes in the endeavor to ascertain what modifications of the propositions heretofore made would induce them to consider the question of negotiating with the Commission.

During the months of July and August the citizens of two or three of the leading tribes in the Territory were engaged in exciting election campaigns, and apprehensive that it might be thought we were interfering with their political affairs, the Commission, in a measure, refrained from intermingling with the people, and nothing of significance occurred during that time save the holding of meetings at Hartshorne and Atoka, in the Choctaw Nation, by citizens favoring allotment, both of which were addressed by one of our number.

On the 28th of September the following communication was received from Hon. P. S. Mosely, governor of the Chickasaw Nation:

TISHOMINGO, IND. TER., September 27, 1895.

Hon. HENRY L. DAWES,
Chairman of the U. S. Commission.

HON. SIR: You will find herein inclosed a copy of a resolution which has, as you will see, been passed by our legislature. Same will explain itself. Please notify me when you can meet us.

Very respectfully,

(Signed) P. S. MOSELY, *Governor C. N.*

The resolutions are as follows:

Whereas the United States Government has appointed a Commission known as the Dawes Commission to visit the Five Civilized Tribes of Indians for the purpose of inducing said tribes to change the tenure of their lands.

And whereas the courtesy due from one government to another demands that their representatives be treated with all due respect and consideration:

Now, therefore, be it resolved, that we, the Chickasaw legislature in council assembled, recognizing the above facts, hereby authorize the governor of the Chickasaw Nation to notify said Dawes Commission that we are now ready to give whatever proposition they may make due consideration.

Recommended by Holmes Colbert. Amended by the house by striking out the clause "Tribes of Indians" and inserting in lieu thereof "legislature."

Approved Sept. 24, 1895.

P. S. MOSELY, *Gov. C. N.*

Passed the Senate Sept. 23rd, 1895.

N. G. FRAZIER, *Prest. Senate.*
WM. M. GUY, *Secy. Senate.*

Passed the House with the amendment within Sept. 24th, 1895.

LEWIS KEEL, *Speaker of the House.*

Attest:

ARCH MCGEE, *Clerk.*

Passed the Senate as amended Sept. 24th, 1895.

N. G. FRAZIER, *Prest. Senate.*

Attest:

WM. M. GUY, *Secy. Senate.*

To this letter of the governor of the Chickasaw Nation the following reply was made:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
South McAlester. Ind. Ter., Sept. 23th, 1895.

Hon. P. S. MOSELY,
Governor Chickasaw Nation, Tishomingo, Ind. Ter.

DEAR SIR: We beg leave to acknowledge the receipt of your letter of the 27th inst., enclosing resolution of your legislature, passed and approved September 24th, 1895, authorizing you to notify this Commission that they were ready to give whatever proposition we might make due consideration; and in accordance with which you ask us to name a day when we can meet with you and them.

This action of your legislature has been duly considered, and whilst we believe that the most feasible if not the only practicable way to accomplish results is to negotiate with a commission appointed by your legislature, clothed with authority to act, subject to approval by your people, as set forth in our letters of the 8th of May and the 5th of June last, addressed to you, yet with pleasure we accede to your request and name Saturday, October 5th, 1895, as a time when we can meet you and your legislature for the purpose specified.

We have the honor to be, yours, very respectfully,
(Signed)

FRANK C. ARMSTRONG.
A. S. MCKENNON.
T. B. CABANISS.
A. B. MONTGOMERY.

Governor Mosely responded, fixing Tuesday, October 8th, as the day for the meeting. According to this arrangement, four members of the Commission visited the capital of the Chickasaw Nation and addressed its legislature, setting forth fully the purposes of the Commission and asking and urging the appointment of a commission of such number and in such manner as they might deem best, clothed with authority to act in conjunction with a similar commission to be appointed by the Choctaw council, then in session, to which commissions in joint session this Commission might make propositions and with whom we might negotiate an agreement.

On November 6th the Commission received from Governor Mosely the following letter:

Hon. HENRY L. DAWES,
Chairman Dawes Com., Ft. Smith, Ark.

TISHOMINGO, IND. TER., *Nov. 1st, 1895.*

DEAR SIR: Our legislature has now elected five commissioners to confer with the like commissioners from the Choctaws and also with your Commission. I suppose when the commission gets organized you will receive further notification.

Very respectfully,

(Signed) P. S. MOSELY, *Gov. C. N.*

Since the receipt of this letter no further advices, either from Governor Mosely or from any commission of the Chickasaw Nation, have been received.

On the 28th of October the following invitation was received:

To the Hon. MEMBERS OF THE DAWES COMMISSION.

GENTLEMEN: You are hereby invited to come to the Choctaw capitol on the 29th day of October, 1895, at 10 o'clock a. m., to meet the committee organized to confer with your honorable body.

Yours, respectfully,

OLOSACHUBBEE, *Chairman.*

TUSHKAHOMMA, IND. TER., *Oct. 28th, 1895.*

Accepting the same, three of our number visited the Choctaw capitol at the time appointed, met and conferred with said commission, submitting to them orally the propositions afterwards reduced to writing and transmitted to them, which are as follows:

FORT SMITH, ARKANSAS, *October 30, 1895.*

To the Honorable Olosachubbee, Chairman, and Members of Committee appointed by the National Council, Choctaw Nation, Tushkahomma, Indian Territory:

The undersigned commissioners, appointed for that purpose by the United States, propose to negotiate with the Choctaw Nation for the purpose of exchanging, by said

nation, upon terms that shall be just, fair, and reasonable to all concerned or interested therein, the present tribal title of said nation to its lands and other property for an equal division thereof among all citizens of the tribe entitled to share therein, and an adjustment and full settlement of all demands, claims, and other unsettled matters of any kind existing between the United States and said nation, so far as may be necessary and proper for the ultimate creation of a Territorial or State government under authority of the United States, embracing said Choctaw Nation and such other nations of the Indian Territory as may desire to become a part thereof.

The United States to put each person in possession of the lands to which he is so entitled, without expense to him and the tribal government, to remain in authority until the completion of the changes herein proposed, and as much longer as shall be agreed upon in such negotiations.

(Signed)

HENRY L. DAWES.
FRANK C. ARMSTRONG.
ARCHIBALD S. MCKENNON.
THOS. B. CABANISS.
A. B. MONTGOMERY.

No reply to this communication has been received, but immediately upon its receipt by the national officials the following bill was introduced and passed by the Choctaw senate with only one dissenting vote. The bill failed of passage in the house:

Be it enacted by the general council of the Choctaw Nation, assembled, That it shall be unlawful for any citizen of the Choctaw Nation to attempt to overthrow the Choctaw government by exciting or subverting the minds of the people against the Choctaw form of government, and shall not hold or attempt to hold Choctaw land in severalty, nor shall attempt to convey any part or parcel of the Choctaw land to a noncitizen or citizens, or attempt to betray said land and Choctaw country into the hands of a foreign power.

Be it further enacted, That any person or persons violating the first section shall be prosecuted against in the circuit court having jurisdiction, and if proven guilty of treason by two or more witnesses, shall be punished by confinement in jail not less than six months nor more than twelve months, and fined not less than \$1,000 nor more than \$10,000, at the discretion of the court.

Be it further enacted, That if any person or persons violate this act the second time he or she shall be arrested, sentenced, and executed until dead.

Be it further enacted, That any act or part of act coming in conflict with this act is hereby repealed, and that this act shall take effect and be in force from and after its passage.

On the 4th day of October, 1895, the Commission addressed the following communication to the principal chief of the Muskogee Nation:

DEPARTMENT OF THE INTERIOR,
South McAlester, Ind. Ter., October 4th, 1895.

To the PRINCIPAL CHIEF OF THE MUSKOGEE NATION,
Okmulgee, Ind. Ter.

SIR: On June 5th, 1895, we addressed a letter to Hon. L. C. Perryman, principal chief of the Muskogee Nation, calling attention to certain communications, dated respectively May 13th and 18th, 1895, asking for a conference with himself or duly authorized representatives of his nation, to which no reply had been received, and repeating the object of our mission, and again asking for a conference.

To this last communication a reply, dated June 10th, 1895, was had, stating that our former letters had been submitted to the extra session of the Muskogee council, which convened on the — day of —, 1895, and that later information would be given of its action.

We have waited patiently for that promised information, but none has been received; and as we are required to make report by the first of November next to the Secretary of the Interior, and through him to the Congress of the United States, of the result of our mission, we again respectfully request that your council will appoint commissioners clothed with authority to act. If upon conference an agreement is reached, it will not be binding until approved both by your council and the Congress of the United States.

An early reply to this is desired, as our further stay in the Territory is limited.

Very respectfully,

(Signed)

FRANK C. ARMSTRONG.
A. S. MCKENNON.
T. B. CABANISS.
A. B. MONTGOMERY.

To this letter no reply has been received by the Commission. Propositions similar to those forwarded to the Choctaw Nation were at the same time forwarded to the chief of the Cherokees, with the request that he would lay the same before the council about to assemble, to which he replied as follows:

TAHLEQUAH, IND. TER., *November 1st, 1895.*

Hon. HENRY L. DAWES,
Chairman Committee, Fort Smith, Arks.

DEAR SIR: I have the honor to acknowledge your favor of the 30th ultimo, renewing the propositions of your Government to this nation. My term of office will expire in a few weeks more, and upon my successor will devolve the duties of principal chief. Among the many will be the submission of your propositions to the national council as requested by you, and to which I will call his particular attention.

I am, very respectfully,

(Signed) C. J. HARRIS, *Principal Chief.*

The Commission has had no notice of any further action in the matter.

In connection with the official intercourse here briefly outlined the Commission availed themselves of every opportunity of conference with private citizens of the several nations, men of character and influence among their people. By visits to the various localities they familiarized themselves with the conditions of life and the opinions and prejudices which prevail in the different sections, and adapted the methods of their attempt at negotiation to these conditions. But thus far they have met with no favorable response among those holding power and controlling the political machinery in the governments now existing in the Territory. It is otherwise with those, believed to be a large majority, who, in the machinery by which affairs are administered, are without voice or participation in the policy or laws by which they are governed. The causes, which thus far have proved insurmountable in all the efforts at a peaceable solution of the problem by negotiation, can only be understood by a thorough knowledge of the conditions into which these people have been permitted to fall by the indifference and noninterference of the National Government.

The Commission has heretofore reported how completely the tribal governments have fallen under the control of the mixed bloods and adopted citizens, and have been used by them to secure to the exclusive use and private gain of a few of their own number much of the tribal property in the land, and from other sources everything valuable and capable of producing profit. More than a third of the whole territory of one of the nations is exclusively appropriated and fenced in by barbed wire to the sole use of a few citizens for pasturage. In other of these nations, under similar legislation, vast and rich deposits of coal of incalculable value have been appropriated by a few to the exclusion of the rest of the tribe, and to the great profit of those who operate them and appropriate their products to their individual use. Similar legislation has enabled private individuals to appropriate the timber of vast pine forests and denude the public domain of this essential element of future development and growth. In short, almost everything of tribal property in which every citizen Indian has of right an equal share has, if of any value, been appropriated to the use and gain of the few, while the real full blood has been left destitute and crowded out upon the mountains and unproductive land, to take care of himself as best he can.

This condition of affairs has not improved since the last report of the Commission. On the contrary, the indications are very manifest that the discussion of the question of a possible change has had the effect of stimulating an unusual activity in efforts to realize as early as possible all available gains arising from this exclusive appropriation of the use of common property. The grasp of those holding power upon the tribal resources has become firmer, and the uses to which the powers of the government have been put for the benefit of the few have become more palpable and flagrant. Those thus prostituting the forms of their laws to private gain have become so open and bold in their operations as in many cases to freely avow that the terms upon which they may be corrupted are made more easy in view of the possibility that the opportunity for such gain may be short.

TOWN SITES.

The attention of the Commission was early called to the anomalous conditions under which a large number of towns of considerable size and growing importance have sprung up in different parts of the Territory destined to exert an important influence upon its future. These towns are the natural and necessary outcome of the great change which is forcing all the active agencies of these nations into new channels. The railroad has been fatal to the old order of things, and has forced upon these people much that is found new among them, and so firmly fastened upon them that removal is impossible and resistance to further advances equally futile. The trunk lines of great railroad systems now traverse the Territory its entire length, north and south and east and west, and lateral feeders connect almost every portion of it with railroad facilities hardly less convenient than those existing in the neighboring States.

But the first railroad that crossed its border brought with it these towns just as much as it brought commerce and commercial relations, the avowed object for which it sought entrance. The two are inseparable. Traffic and business centers live each by and upon the other, and they multiply and prosper side by side. These towns are at this moment growing rapidly in number, size, and importance as marts of trade and places of attractive residence in all parts of the Territory. They have come to stay, and their removal is as impossible as the restoration of the tepee and the war dance in the valley of the Mohawk in the place of the cities and towns now flourishing there. Nor does the Indian citizen desire their removal. The Commission have failed to find an intelligent citizen Indian who desires the removal of the white residents of the Territory, except that small portion in the Cherokee Nation called intruders, who claim to be Indians, but whose claim is disputed by the nation.

But the existence of these towns in the Territory has come to be as much of a necessity to the citizen Indian as to the white resident, as has the business traffic which railroad enterprise has stimulated wherever it has been permitted to lay its track.

No greater change in any of the conditions existing in these nations is manifest than in the life of the citizen Indian himself. He no longer depends upon his own labor for his livelihood. The white man, invited to the Territory under laws enacted for that purpose, or the negro, once the slave of the Indian and his children, now labor for him, and he has become a landlord, a trader, or an owner of herds kept for him by others. This is the rule, well-nigh universal, with only here and there an exception to make the rule more marked and significant. Places for trade and markets for their products as well as supplies are therefore an absolute necessity to this new mode of life. Take them away and the Indian landlord, trader, or keeper of herds would be at once deprived of all opportunity for profit or even means of support.

These towns have been built and peopled by white residents, whose capital has been invested in large amounts in structures necessary for the great and increasing trade which is being carried on at these centers. Costly and attractive residences have been erected in many of them, and in character they compare favorably with like towns in any of the new States. They vary in population at the present time from 800 to 5,000 inhabitants, and, with few exceptions, are doing a surprisingly large and prosperous business. And yet those who have built these towns, invested their capital in these expensive structures and have made these beautiful homes, have no title to the land on which they rest. This remains in the nation, where it was placed by the original treaty seventy years ago, subject to a reversion to the United States when the tribe ceases to exist. The devices resorted to in the different nations to give the builders of these towns a semblance of a claim to the land upon which they have erected them are valuable only as showing the subterfuges which the radical departure from the original plan and basis on which these govern-

ments were established has forced them to adopt. These devices have no validity in law. The title still remains in the nation, subject to the above reversion, and must from its very nature be held by the nation for the use of all its citizens, share and share alike, and can not be appropriated to the exclusive use of any one citizen or resident.

Generally these towns rest on the following unsubstantial arrangement with the national authorities. A citizen Indian is first authorized by the laws of the nation to inclose for his own exclusive use any unoccupied territory. He, having first inclosed a prospective town site, leases town lots at a ground rental, or quitclaims his title for a gross sum to the incoming builder, sometimes covenanting that if he ever gets a better title it shall inure to his grantee. Millions of dollars have been expended in the laying out of streets and building of necessary structures in these towns by those who have no other title than this, hardly more as against the holder of the fee than a tenancy at sufferance. The Cherokees have in two or three instances gone a little further than this, have conveyed what title they could in town lots to citizen Indians, but without power to sell to any white resident, and vested in such Indians the control of any town government that might be created.

With these exceptions these towns in the Territory are without town government or town officers, town police, or police courts of any kind, and are unable to adopt or enforce any municipal ordinance or regulation. They can not impose a tax for any municipal purpose, such as laying out and improvement of streets and sidewalks, bringing in gas or water, the construction of sewers and the maintenance of a fire department. They can not even appoint a constable to keep the peace. They are merely a voluntary association of white residents with not only no power to govern their own organizations, but without a vote or voice in the election of the rulers, or the making of the laws under which they live.

The Commission have been agreeably surprised at the good order and quiet prevailing in the towns here spoken of, where there exists no authority for its enforcement, or for punishment of its infraction. But they have not been able to lose sight of the conditions, unsafe at all times and sometimes dangerous, which have no other reliance than the good disposition of the body of the people composing the population of cities and towns like these. It is an exposure of life and property to dangers which can not be justified and should not be continued an hour beyond necessity.

Besides, a town that is not owned by those who build it and make it their home can not prosper, and it needs no argument to show that ownership is essential to development, and that there can be no healthy and permanent growth so long as there remains an uncertainty hanging over the title to whatever may be added. The residents whose capital and business connections have made these towns what they are have become very uneasy and much disturbed over these defects of title and impediments in the way of future growth. The Commission have been pressed on every side by those interested in the permanent prosperity of these towns and the safety and well-being of the people residing in them to devise some remedy. They thought that a solution of this town-site question would be one step and a long one toward the solution of the greater question of conforming the holdings and governments of the Territory to the system of government under which all communities within our borders must live. And accordingly they prepared a bill designed to secure to those who build these towns the ownership of the lots, within a suitable area, upon paying to the nation their value, and also the authority to maintain a suitable town or city government in the same. This bill, if ratified by the legislative authority of the nation and by Congress, would have secured these most desirable ends. But the provision in it which enabled the citizens of the United States who were not citizen Indians to obtain title to the lots on which they had built the town proved fatal to its approval by the nation. There was no objection to any other provision of the bill, but it was insisted that under no conditions would a United States citizen be permitted to gain title to any portion of the national soil,

no matter what amount of capital or other improvement he had been invited or permitted to invest or expend upon the same for the mutual benefit of himself and the community among whom he resides. The Commission has not been able, therefore, to secure from these nations any agreement which, if ratified by Congress, would put these growing and multiplying towns on any safe and permanent position, or secure to their residents the authority to so govern them as to maintain good order and secure health and prosperity to all whose business or homes are within their borders. So long as the present autonomy remains this unsafe and precarious condition of affairs must hang over these communities.

UNITED STATES CITIZENS.

No one carefully studying the condition of affairs in the Indian Territory and the many difficulties by which it is surrounded will fail to take into serious consideration the question of the disposition of that large and preponderating body of residents who are not citizen Indians and who have no foothold in the soil or voice in the governments. There are of these nearly, if not quite, 300,000, not including those called "intruders," whose claim to be Indian citizens is denied, and whom the United States has recently agreed to remove.

The status of these 300,000 United States citizens residing in this Territory has been already partially discussed in connection with the town-site question, but its serious character requires further notice.

These residents are in no sense intruders, and are not so classed by anyone. They are in the Territory by invitation, by consent, and by encouragement. Their capital and labor have been availed of for the development of the productive resources of the Territory, and they have built homes for themselves, erected costly edifices and marts of trade and centers of business to meet the demands of the new life forced upon the people. Some thousands of their children who were born in the Territory are now of school age. The doors of the schools of the nations are shut against them, and what education they get is by private contribution. The tribal governments and courts make no provision for the protection of the life or property of these white residents, constituting in number four-fifths of the entire population. Whatever protection of law they have, the United States has sparingly afforded them in United States courts, which necessity has forced into the Territory in the face of the claim of the Indian governments that even this much of interference is forbidden by treaty. So long as these residents are content to remain without interest in the soil or voice in the government or share in its opportunities, those holding control of public affairs do not molest or disturb them, but eagerly avail themselves of all the incidental advantages their presence affords. Their capital and enterprise and labor are most willingly turned to the development and increase of the wealth of these nations, in which sedulous care is taken that these United States citizens shall have no lot, and for whose safety of person and property no provision is made. The Commission is impressed with the conviction that this condition of affairs can not long continue.

It can not be possible that in any portion of this country government, no matter what its origin, can remain peaceably for any length of time in the hands of one-fifth of the people subject to its laws. Sooner or later violence, if nothing else, will put an end to a state of affairs so abhorrent to the spirit of our institutions. But these governments are of our own creation, and rest for their very being on authority granted by the United States, who are therefore responsible for their character. It is bound by constitutional obligations to see to it that government everywhere within its jurisdiction rests on the consent of the governed. There is already painful evidence that in some parts of the Territory this attempt of a fraction to dictate terms to the whole has already reached its limit, and, if left without interference, will break up in revolution. The Chickasaw Nation, in its zeal to confine within the narrowest limits and to the smallest number all privileges and rights, as well as

participation in the government, and to weed out as many as possible of the uneasy, has enacted the following confiscation law :

AN ACT to amend an act in relation to United States citizens procuring license to marry citizens of this nation.

SECTION 1. *Be it enacted by the legislature of the Chickasaw Nation, That an act in relation to United States citizens procuring license to marry citizens of the Chickasaw Nation be amended thus:*

SEC. 2. *Be it enacted, That all United States citizens who have heretofore become citizens of the Chickasaw Nation or who may hereafter become such by intermarriage and be left a widow or widower by the decease of the Chickasaw wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry another United States citizen, man or woman, as the case may be, having no right of Chickasaw citizenship by blood; in that case all his or her rights as citizens shall cease and shall forfeit all rights of citizenship in this nation.*

SEC. 3. *Be it further enacted, That whenever any citizen of this nation, whether by birth or adoption or intermarriage, shall become a citizen of any other nation or of the United States or any other Government, all his or her rights of citizenship of this nation shall cease, and he or she shall forfeit all the land or money belonging to the Chickasaw people.*

SEC. 4. *Be it further enacted, That the rights and privileges herein conferred upon United States citizens by intermarriage with the Chickasaws shall not extend to the right of soil or interest in the vested funds belonging to the Chickasaws, neither the right to vote nor hold any office in this nation. All parts of acts coming in conflict with this act are hereby repealed, and that this act take effect from and after its passage.*

Approved, October 1, 1890.

I hereby certify that the above is a true and correct copy of the original act now on file in my office.

Given under my hand and seal this the 18th day of October, 1895.

L. S. BURRIS,
National Secretary, Chickasaw Nation.

It will be observed that among the other penalties here imposed the third section forbids on pain of confiscation any Indian citizen to apply under existing United States laws for United States citizenship, and thus gain a right to enter United States courts for vindication of his rights or avail himself of any anticipated authority conferred on that court to partition the common lands of the nation.

The anticipated enforcement of this act has caused great consternation and excitement among a considerable number of residents in the Chickasaw Nation who were, up to its enactment, admitted citizens enjoying all the rights accorded to any citizen, and possessed, some of them, of very large property interests in the nation. Preparation is being made by the authorities of the nation for its enforcement, and notice to quit is being served upon those to whom it applies. In the meantime threats of open resistance are rife. The resolutions of a secret organization among those whose property is by this act confiscated have been laid before the Commission, in which the determination is avowed "in the event that Indian officials undertake to carry out this law to exterminate every member of this council from the chief down." The commission is appealed to for relief, but without power to interpose they can only bring this critical condition of affairs to the attention of the United States Government as one among the many reasons for immediate Congressional action.

CHEROKEE CITIZENSHIP.

Citizenship in these nations has been left by the National Government entirely under the control of the authorities in the several existing governments.

The citizenship roll of the Cherokees has dealt with a larger number than any of the others, affecting as it does all North Carolina Cherokees who desire to become a part of the nation, and a more liberal policy of adoption by intermarriage and otherwise than exists in the other tribes.

A tribunal was established many years ago for determining the right of admission to this roll, and it was made up at that time by judicial decision in each case. Since that time and since the administration of public affairs has fallen into present hands, this roll has become a political football, and names have been stricken from it and added to it and restored to it, without notice or rehearing or power of review, to answer political or personal ends and with entire disregard of rights affected thereby. Many who have long enjoyed all the acknowledged rights of citizenship have, without warning, found themselves thus decitizenized and deprived both of political and property rights pertaining to such citizenship. This practice of striking names from the rolls has been used in criminal cases to oust courts of jurisdiction depending on that fact, and the same names have been afterwards restored to the roll when that fact would oust another court of jurisdiction of the same offense. Glaring instances of the entire miscarriage of prosecutions from this cause have come to the knowledge of the Commission and cases of the greatest hardship affecting private rights are of frequent occurrence. This practice is persisted in, in defiance of an expressed opinion of the Attorney-General of the United States forwarded to this nation on a case presented that it was not in their power to thus decitizenize one who has been made a citizen by this tribunal clothed by law with the authority. There is no remedy but an interference of the United States.

The "intruders' roll" is being manipulated in the same way. This "intruders' roll" is the list of persons whose claim to citizenship is denied by the nation, and who by the agreement in the purchase of the "Cherokee Strip" the United States are to remove from the Territory by the 1st of January next. This roll is now being prepared for that purpose by the Cherokee authorities, in a manner most surprising and shocking to every sense of justice, and in disregard of the plainest principles of law. The chief assumes to have authority to "designate" the names to be put upon the intruders' roll, and names are, by his order, without hearing or notice, transferred from the citizens' roll to that of intruders, so that, on January 1, 1896, the United States will be called upon to remove from the Territory, by force if need be, thousands of residents substantially selected for that purpose by the chief of the nation. It has been made clear to the Commission that the grossest injustice and fraud characterize this roll. Persons whose names have been upon the citizens' roll by the judicial decree of the tribunal established by law for that purpose for many years, some of them for twenty or more, persons who have enjoyed all the rights of citizens, unquestioned by anyone until distribution per capita of the strip money, have been by the mere "designation" of the chief stricken from the citizens' roll and put upon that of intruders, with notice to quit before January next. Children of such parents, born in the nation, now of age, with families and homes of their own, are receiving this notice to leave forever all they have earned and the homes they have built for themselves, and this at the will of the chief alone. If the United States Government removes such persons it will become a participant in this fraud and injustice, for which ignorance alone can form any excuse. The Commission feel it a duty to call attention to these facts, and invoke the direct intervention of the Government to prevent the consummation of this great wrong.

These remarks apply specially to the Cherokee Nation, with which the United States has recently entered into obligations in respect to "intruders." But much of what is here said is applicable also to the condition of affairs in the other nations. In these nations many persons coming to the Territory by invitation of the governments themselves, or under the provisions of the laws enacted by them, and acquiring citizenship, with homes and property, in conformity to such laws, have been in many instances stricken from the rolls of citizenship by those in power, for political and personal purposes, and laws enacted and other means resorted to to deprive them of the homes and property acquired.

The Commission is of the opinion that if citizenship is left, without control or supervision, to the absolute determination of the tribal authorities, with power to

decitizenize at will, the greatest injustice will be perpetrated, and many good and law-abiding citizens reduced to beggary.

MISRULE IN THE TERRITORY.

A greater familiarity with the condition of affairs in the Territory than the Commission had at the time of making their last report does not enable it to abate anything of its representation of the deplorable state of affairs as therein stated. They are not only compelled to reaffirm all that they reported of the utter perversion of justice by those who have gotten possession of the machinery and funds of its administration in this Territory, inflicting in its name and that of the lawmaking power irreparable wrongs and outrages upon a helpless people for their own gain, but they are compelled to report that statistics and incontrovertible evidence shows a much more deplorable and intolerable state of affairs than was there represented. They refer to that report for a more extended detail of the character of the misrule which exists among these people, and make that more particular description than is here necessary a part of this report. If the end of government and the administration of justice is the protection of the life and liberty and property of the citizen, then the governments and courts of these nations are a failure, for they afford that protection to neither. They are powerless to these ends, and the victims of this misrule are helpless sufferers at the mercy of the malign influences which dominate every department and branch of the governments as administered here. It matters little, except as to the character of the remedy, whether this failure and misrule arises from impotence or willful and corrupt purpose, the evil consequences are incalculable and its continuance unjustifiable. It is no less true now than when the Commission reported last year that "all of the functions of the so-called governments of these five tribes have become utterly unable to protect the life or property rights of the citizen. Their courts of justice have become powerless and paralyzed. Violence, robbery, and murder have become almost of daily occurrence, and no effective measures of restraint or punishment are put forth by these governments and courts to suppress crime. Railroad trains continue to be stopped and their passengers robbed in the very presence of those in authority. A reign of terror exists, and barbarous outrages almost impossible of belief are enacted, and the perpetrators hardly find it necessary to shun daily intercourse with their victims."

The United States district court at Fort Smith, Ark., has been given jurisdiction in the Indian Territory only over crimes committed by an Indian upon a white man or by a white man upon an Indian. Of all crimes committed by Indians upon Indians the Indian courts still have sole jurisdiction. In this limited jurisdiction of the United States court the present able and upright judge has, since his appointment in 1875, sentenced to death on conviction in his court 153 persons, and there are to-day in the United States jail at Fort Smith under sentence of death appealed on questions of law 26. Of these 20 have been convicted the present year, the largest number in any one year. There are now under indictment for murder and awaiting trial 13 others, and several are in jail awaiting examination. There is also a United States court at Paris, Tex., having similar jurisdiction in the Indian Territory, the records of which show that since 1890 there have been 22 sentenced to death for murders committed in the Territory, and there are now under indictment 128, nearly all of whom are eluding arrest. How many murders in addition to these have been committed by Indians upon Indians, of which their courts have exclusive jurisdiction, there is no record available, but there is good reason to believe that they exceed these numbers. Reliable newspapers and individuals who have endeavored to obtain accurate information as to the prevalence of crime in the Territory agree in the statement that up to November 1 there had been 257 murders committed in the Territory since the last adjournment of Congress. Of course there have been many others not thus ascertained. If other crimes have in any degree a proportion to that of murder in the Territory the condition must be appalling, and can not fail to call loudly for a remedy.

In addition to these statistics of prevalent crime taken from judicial records and other authentic sources, there is equally clear evidence of organized force in active operation intimidating and putting in peril witnesses who appear in court to testify for the Government in these cases. In cases of the most serious character now pending in these courts the witnesses have been, one by one, secretly assassinated. In others they have disappeared, and whether slain or not is not likely to be known until, by the failure of justice thus brought about, those charged with the most atrocious crimes have gone free. This terrorism makes it most difficult to obtain in the first instance witnesses to appear in court, knowing that by so doing they expose themselves to all possible persecution and personal danger, even to loss of life. In spite of the best efforts of the United States courts, there is for this reason a most lamentably frequent failure of bringing to justice those guilty of the most flagrant crimes in the Indian Territory.

The terrorism and intimidation is extended even to those who appear before this Commission with information as to the condition of affairs in the Territory and offer their views as to necessary changes. Not infrequently have highly respected citizens of these nations requested the Commission to withhold their names from any connection with the statements made by them as a necessary precaution to personal safety. And in the discussion among themselves of the questions involved they for the same reason take care that it shall be only in the presence of those whom they can trust not to betray them to others who are hostile to the objects of this Commission.

Recently the mayor of one of the towns which have sprung up in the Territory, a man of known integrity and irreproachable character, appeared before the Commission and presented his knowledge of the condition of affairs and his views of the necessity of a change. In a few days the Commission were in receipt of a letter from him informing them that he had been followed into Missouri, where he went on business, by two armed Indians, who informed him that he would be killed if he returned home through the Territory. He called upon the Commission for protection, which it had no power to give. This is not a singular instance, but the like of it is so frequent as to disclose a condition of affairs as deplorable as it is intolerable.

CONCLUSIONS.

The Commission was charged with the duty of negotiation only. They have been clothed with no authority beyond presenting to these "nations" such reasons as might induce them to consent to a change of their tribal holdings and governments upon terms that shall be just and equitable to all concerned, to be made binding only after ratification by the tribes themselves and the United States. Keeping strictly within their instructions, they have presented to these nations every argument and consideration open to them calculated to make clear the necessity, the justice, and the benefit of such a change in the tenure of their tribal property and in their tribal governments as will conform all to our national system and prepare them to become a part of it. The Commission has found, however, that those having authority to consider these proposed changes are the very persons whose interest it is to prevent them, and that the longer the present conditions continue the greater will be their gain. Every selfish instinct of those holding the power to consider propositions for a change is therefore arrayed against its exercise. They have declined directly, or ignored altogether all formal propositions for negotiation made to them, and in informal conferences have made it clear that no considerations the Commission has authority to present will induce them to voluntarily relinquish their present opportunities for vast gain and consent to share equally with all the Indian citizens that tribal property the United States originally placed in the custody of these "nations" for the common use of all, or to exchange the power they now possess to perpetuate their exclusive use of common property and dictate the character and terms of government under which these people live for anything analogous to the institutions of our own Government by which they are surrounded. The very

men who, in the manner heretofore described, have got in their personal grasp the vast tribal wealth of these "nations," elect and control the legislators in their councils, and denominate the work of this Commission as the "interference of a foreign power," not to be tolerated, and seek to punish with the penalties of treason any citizen Indian found advocating a change that shall require equal rights and equal participation.

The Commission is compelled to report that so long as power in these nations remains in the hands of those now exercising it, further effort to induce them by negotiation to voluntarily agree upon a change that will restore to the people the benefit of the tribal property and that security and order in government enjoyed by the people of the United States will be vain.

The Commission is therefore brought to the consideration of the question: What is the duty of the United States Government toward the people, Indian citizens and United States citizens, residing in this Territory under governments which it has itself erected within its own borders?

No one conversant with the situation can doubt that it is impossible of continuance. It is of a nature that inevitably grows worse, and has in itself no power of regeneration. Its own history bears testimony to this truth. The condition is every day becoming more acute and serious. It has as little power as disposition for self-reform.

Nothing has been made more clear to the Commission than that change, if it comes at all, must be wrought out by the authority of the United States. This people have been wisely given every opportunity and tendered every possible assistance to make this change for themselves, but they have persistently refused and insist upon being left to continue present conditions.

There is no alternative left to the United States but to assume the responsibility for future conditions in this Territory. It has created the forms of government which have brought about these results, and the continuance rests on its authority. Knowledge of how the power granted to govern themselves has been perverted takes away from the United States all justification for further delay. Insecurity of life and person and property increasing every day makes immediate action imperative.

The pretense that the Government is debarred by treaty obligations from interference in the present condition of affairs in this Territory is without foundation. The present conditions are not "treaty conditions." There is not only no treaty obligation on the part of the United States to maintain, or even to permit, the present condition of affairs in the Indian Territory, but on the contrary the whole structure and tenor of the treaties forbid it. If our Government is obligated to maintain the treaties according to their original intent and purpose, it is obligated to blot out at once present conditions. It has been most clearly shown that a restoration of the treaty status is not only an impossibility, but if a possibility, would be disastrous to this people and against the wishes of all, people and governments alike. The cry, therefore, of those who have brought about this condition of affairs, to be let alone, not only finds no shelter in treaty obligations but is a plea for permission to further violate those provisions.

The Commission is compelled by the evidence forced upon them during their examination into the administration of the so-called governments in this Territory to report that these governments in all their branches are wholly corrupt, irresponsible, and unworthy to be longer trusted with the care and control of the money and other property of Indian citizens, much less their lives, which they scarcely pretend to protect.

There can be no higher obligation incumbent upon every branch of the General Government than to exert its utmost constitutional authority to secure to this people, in common with all others within our borders, government in conformity with constitutional authorities. The Government can not abdicate or transfer to other shoulders this duty as to any portion of territory or people in the land.

can not escape responsibility if the dark record which has now been brought to light is permitted to continue. Delay can bring nothing but increased difficulty and danger to peace and good order in the Territory. The situation calls for prompt action. These considerations lead but to one conclusion.

It is, in the judgment of the Commission, the imperative duty of Congress to assume at once political control of the Indian Territory. They have come with great reluctance to this conclusion, and have sought by all methods that might reach the convictions of those holding power in the Territory to induce them by negotiation and mutual agreement to consent to a satisfactory change in their system of government and appropriation of tribal property. These efforts have failed, and the Commission is driven to the alternative of recommending abandonment of these people to the spoliation and outrages perpetrated in the name of existing governments or the resumption by Congress of the power thus abused.

They therefore recommend immediate legislation as follows:

1. A Territorial government over the Five Civilized Tribes, adapted to their peculiarly anomalous conditions, so framed as to secure all rights of residents in the same, and without impairing the vested rights of the citizen Indian or other person not an intruder.

2. The extension of the jurisdiction of the United States courts in the Territory, both in law and equity, to hear and determine all controversies and suits of any nature concerning any right in or use and occupation of the tribal lands of the several nations, to which any citizen Indian or other person, or the tribal government of any nation, is or may be made a party plaintiff or defendant.

The Commission is confident that such a government wisely administered will restore the observance of law and preserve order among the people residing in these several nations, and make secure their lives and all just property rights. And that the determination in the United States courts of the most important and complicated questions in which the tenure of their land is unfortunately involved, lifting them out of the unhealthy and unreliable influences which prevail in the Indian courts, where now alone they are disposed of, would go far toward a solution of the difficult problem the present condition of the Territory presents.

Respectfully submitted.

HENRY L. DAWES.
FRANK C. ARMSTRONG.
ARCHIBALD S. MCKENNON.
THOMAS B. CABINISS.
ALEXANDER B. MONTGOMERY.

THE SECRETARY OF THE INTERIOR.

Since the completion of the foregoing report the Commission, not having received any notice of action taken by the Choctaw and Chickasaw Nations, either in council or by committee, upon the propositions heretofore submitted by the Commission to these bodies separately, but having heard of some action being taken by them in respect to these propositions, made personal application to the secretary of the Choctaw Nation for information, and have received from him the following attested copy of resolutions adopted. They desire to make these resolutions a part of their report, without modifying, however, in any respect, the statements made or the conclusions of the Commission as set forth in the report, but for the purpose of making complete the record of the official intercourse between the Commission and the several nations, up to date.

HENRY L. DAWES, *Chairman.*

Whereas the Congress of the United States having appointed the honorable Dawes Commission to visit the five tribes within the limits of the Indian Territory for the purpose of inducing said five tribes of the Indian Territory to allot or divide our lands in severalty, now we, the committee duly appointed on the 9th day of November, A. D. 1895, by virtue and authority of the Choctaw general council, and in conjunction with the duly appointed and commissioned Chickasaw delegates from the

Chickasaw Nation having concurred and find that proposition made by the Dawes Commission in the United States and forwarded by mail to the Choctaw general council now in session, find that it was read and carefully interpreted, now do with matured minds and deliberate consideration have invited to recommend the following resolution:

Be it resolved by the general council of the Choctaw Nation assembled, That the proposition submitted to the Choctaw general council now in session does not meet with the approval in our conference or the consent of the Choctaw and Chickasaw people at large.

Be it further resolved, That we can not entertained the belief that a Christian nation as the United States Government would use fraudulent means, directly or indirectly, to deprive a weak and dependent people out of our lands now owned and held through a patent issued by the proper authority of the United States Government.

Be it further resolved, We ask the honorable Dawes Commission to make their report to Congress of the United States favoring the extension of justice to us and our peaceful homes, and ask to be permitted without molestation to possess that which is ours and only ours.

M. N. CASS, *Chairman of Committee.*

Approved, Nov. 12th, 1895.

JEFF. GARDNER, *P. C. C. N.*

This is to certify that the foregoing is a true and correct copy from the original resolution of the general council of the Choctaw Nation now on file at my office in Tushkahomma, the capitol of the Choctaw Nation.

Witness my hand and the great seal of the Choctaw Nation this the 15th day of November, A. D. 1895.

J. B. JACKSON,
National Secretary, Choctaw Nation.

EXHIBIT B.

REPORT OF THE ASSISTANT ATTORNEY-GENERAL.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, November 23, 1895.

SIR: I submit herewith, for such use as you may deem proper in the preparation of your annual report, a statement showing the amount of work done by this office from the beginning of the present administration to the 1st day of November of this year, in which statement will also appear the amount of work done during the fiscal year ending June 30, 1895, and a comparison with the work of this office done under the last administration for a corresponding period of time.

Appealed cases examined and decided:

March 4, 1889, to July 1, 1889	429	
March 4, 1893, to July 1, 1893	610	
		181
July 1, 1889, to July 1, 1890.....	1,293	
July 1, 1893, to July 1, 1894.....	2,041	
		748
July 1, 1890, to July 1, 1891.....	1,772	
July 1, 1894, to July 1, 1895.....	2,215	
		443
July 1, 1891, to November 1, 1891.....	646	
July 1, 1895, to November 1, 1895.....	825	
		179
Total gain to date		1,551

Items of miscellaneous business:

March 4, 1889, to July 1, 1889.....	206
March 4, 1893, to July 1, 1893.....	362
Total increase.....	156
July 1, 1889, to July 1, 1890.....	1,045
July 1, 1893, to July 1, 1894.....	979
Total decrease.....	66
July 1, 1890, to July 1, 1891.....	1,254
July 1, 1894, to July 1, 1895.....	1,098
Total decrease.....	156
July 1, 1891, to November 1, 1891.....	419
July 1, 1895, to November 1, 1895.....	432
Total increase.....	13

Opinions by the Assistant Attorney-General:

March 4, 1889, to July 1, 1889.....	14
March 4, 1893, to July 1, 1893.....	32
Total increase.....	18
July 1, 1889, to July 1, 1890.....	59
July 1, 1893, to July 1, 1894.....	80
Total increase.....	21
July 1, 1890, to July 1, 1891.....	89
July 1, 1894, to July 1, 1895.....	69
Total decrease.....	20
July 1, 1891, to November 1, 1891.....	50
July 1, 1895, to November 1, 1895.....	19
Total decrease.....	31
Total decrease to date.....	12

Considering the facts that during the first year of this administration many changes in the personnel of the force of this office were made; that subsequently a number of changes occurred by resignation, transfer, or promotion; that in the latter part of the year 1894 much delay was occasioned and time lost by reason of the outbreak of smallpox in the office, I deem the foregoing showing a creditable one.

The cases included in the first table are those appealed to the Secretary from the decisions of the Commissioner of the General Land Office.

The term "miscellaneous business" is very comprehensive, and includes all the business of the Assistant Attorney-General's office which does not come strictly under the head of "appeal cases" or "opinions." Some of these items are railroad adjustments, examination of reservoir and canal plats, claims by States for swamp-land indemnity, motions for review, applications for certiorari, for suits to vacate patents and applications for surveys, reports on bills pending in Congress, answers to letters of inquiry in regard to the business of the office, notifications to counsel, the examination and preparation of instructions to the Land Office, instructions construing statutes pertaining to the general legal business of the Land Office and this Department.

In addition to the foregoing, I deem it proper at this time to make some general statement of the character of the work coming before the office and the method of its disposition.

The Assistant Attorney-General is an officer of the Department of Justice, assigned to advise the Secretary of the Interior upon legal matters when called upon. The matters upon which his advice is requested are very numerous, arising in the course of the administration of the various bureaus and offices of the Department, and are not easily classified. In a general way it may be said that he advises the Secretary and Assistant Secretaries informally whenever advice is sought in that way, and when matters are referred to him formally in writing he prepares written opinions in reply, which frequently involve much labor and days of research. It has also become the practice during my term of office for the chiefs of division charged, among other things, with the preparation of letters, instructions, etc., for the signature of the Secretary to consult informally with me as to my opinion upon the matters in hand, and upon my opinion, thus informally rendered, communications are prepared by them and submitted to you for your signature. It will thus be seen that I have rendered many opinions which, though not reduced to writing, form the basis of important actions, and no showing can be made of the number of opinions of this kind.

Numerous oral hearings are also had before me in the course of a year upon the more important matters, and the arguments of counsel thereat not infrequently occupy several days. Independent of these hearings, much of my time is necessarily given to interviews with attorneys and others having legal business before the Department. In addition, a very large proportion of the opinions prepared by the assistant attorneys in land and other matters—indeed, all those involving the more doubtful or difficult questions of law—are referred to and personally examined by me before being acted upon by the Secretary.

It is very difficult to convey a correct idea of the amount of work performed by the assistant attorneys composing the law division of this Department, as it is generally called. One of these officers, designated as first assistant attorney, is in charge of this division and superintends the work thereof.

The greater part of their work consists in the examination and preparation of opinions in land cases appealed from the decision of the Commissioner of the General Land Office. While some of these cases were simple and easily disposed of, more of them contain involved questions of law and fact which require careful consideration. Quite a number necessitate the examination of records containing from five to eight hundred pages, and not infrequently over twelve hundred pages, of testimony, mostly typewritten, and accompanying briefs, exhibits, maps, and plats. The time required for the examination of cases must greatly vary, and the same may be said in regard to the preparation of the opinion, so that no correct idea can be formed as to the amount of labor required from the opinion itself, as it happens that a case requiring several weeks in the examination may be disposed of in an opinion of a page or two. It thus appears from our record that of the 5,500 decisions prepared and rendered since March 4, 1893, as herein shown, the opinions aggregate little more than 21,000 pages, an average of between three and four pages each, condensation and conciseness of style being strictly adhered to. In addition the opinions, letters, and other miscellaneous matters comprise about 4,000 pages, while the written opinions of the Assistant Attorney-General fill between twelve and thirteen hundred pages.

As part of the work done by the assistant attorneys appertaining to land matters not the least important and complicated is that which arises out of the administration of the land grants made by Congress to aid in the construction of railroads and the adjustment of those grants, all of which has to be done under the direction of the Secretary. This branch of the business occupies much time and requires most careful scrutiny, not only because of the large interests involved, but also often because of the intricacy of the questions presented.

It may be proper also to say that during the session of Congress a considerable amount of additional work is devolved upon the law division in answering calls on

this Department made by Congress for information, and also in considering and passing upon bills introduced in either House proposing new legislation. Expedition being required about this work; it necessarily taxes the utmost care of those who are required to do and those who supervise the work.

In addition to the other force employed in the law division there are four typewriter operators, whose time is fully occupied in the careful printing of all that goes out of this division or which emanates from the Assistant Attorney-General. The operators are also skilled stenographers, taking down from dictation much of the matter afterwards printed by them, thus greatly facilitating and expediting the work of the division.

One of the most important and useful duties of the office, of which no showing has been made in any of the foregoing lists, is the editing of the Land Decisions, of which two volumes are issued annually—each containing, on an average, between 600 and 700 pages. In these are printed the more important cases decided by the Department, and opinions rendered by the Assistant Attorney-General (in case they are approved by the Secretary), circulars issued, etc. This publication is indispensable as a work of reference to the assistant attorneys formulating the decisions of the Department, tending to uniformity and consistency therein, and greatly facilitating the dispatch of public business. But for the publication of these decisions in printed form an examination of the line of previous decisions on a given subject would require the assistant attorney to visit the division where the records are kept, at great inconvenience to himself, and there examine several hundred books, part of them typewritten and part in manuscript, embracing more than 160,000 pages of decisions, opinions, and letters, whose contents are not indexed. In short, these printed volumes of Land Decisions are of the same use and value to us, and attorneys practicing here, as the printed volumes of reports of the Supreme Court are both to the members of the court and to practitioners before it. To select from the thousands of decisions rendered and letters written by the Secretary annually those which involve the leading and more important principles, furnishing precedents for future action, carefully prepare a correct syllabus of each, to read proof and revise, and to oversee the making up into shapely pages two volumes of between 600 and 700 pages each, demands the full and most assiduous attention, and occupies fully all the time of one of the assistant attorneys.

Several important modifications have been made in the conduct of business before the office, among which may be mentioned the adoption of a rule, as amendatory to Rule 114 of Practice, requiring parties, or counsel, in filing motions for review, to make a plain case for review upon the face of the motion itself, without argument, and without serving the same, which motion is examined with a view to ascertaining whether or not it should be entertained, and if entertained it is returned for service and arguments by both sides are then permitted to be filed. Previous to the adoption of this amendment it had been the custom to permit the movant to support his motion with argument, affidavits, exhibits, etc., in the first instance, serving the same, and drawing forth from the opposite side such argument and papers as he deemed proper to present; thus in most instances of motions for review presenting for examination an unnecessary amount of matter, frequently cumulative in character. The modification in practice renders the disposition of motions for review less troublesome, and yet full justice may be done to all parties.

It is also contemplated in the near future to adopt a rule whereby, it is to be hoped, the business of this division will be greatly simplified and expedited.

This rule will require the Commissioner of the General Land Office to transmit an abstract of the testimony in each case, as is ordinarily done in appeals to the higher courts, instead of the whole voluminous record, as is now done. It is believed that a rule can be so formulated that no injustice will be done to any of the parties in interest and the case fairly and fully presented to the appellate tribunal. If this proposed reform can be successfully carried into practice it may safely be estimated

that it will result in a saving of one-fourth of the time now consumed in the examination of records.

Another change has been the organization of a board, composed of the first assistant attorney and two assistant attorneys, whose business it is to review, before presenting to me for examination or to you for signature, decisions prepared by the law force of the office. This has been found to insure greater accuracy and facilitates the disposition of business to a considerable degree.

In accordance with instructions prepared in this office and signed by you, the system of docket and bookkeeping and the filing of papers in the division of lands and railroads has been materially changed and simplified. The system formerly in vogue became unnecessarily cumbersome and intricate, and I am informed that the system in its present workings gives entire satisfaction, and it is certainly more convenient for the Assistant Attorney-General's office, with which that division is closely allied.

In conclusion, I may be permitted to speak of the magnitude of the material and moral interests which, through the law division, pass under your supervision. It may not be possible to state in dollars and cents the actual value of those interests, or even to approximate them, but it may be safely said, I think, that they are, in the course of a year, as large, in a pecuniary sense, if not larger, than those passed upon by any other set of officers or tribunal known to our laws in the same length of time.

While in many instances the title to a quarter section of land only is involved, in other cases the title to mines worth millions of dollars may be passed upon, or even the right of thousands of the inhabitants of some flourishing new city to the land covered by it is to be determined.

But unquestionably the most important portion of the work is that which involves the right and title of the settler to his homestead. The hardy pioneer, who for years has toiled and wrestled with poverty and hardship, with no other means at his command than those provided by nature, that he may have a home for those dear to him, is entitled to the greatest consideration and the fullest protection, because of his own merits and endeavors. But considerations higher than any of personal worth are connected with this subject. The broadest considerations of public policy and patriotism demand that the homeseeker shall be encouraged and protected for the benefit of the country at large, as surely no condition is so promotive of love of country and devotion to its interests and material prosperity as the ownership of a home; none so conducive to the independence of self-respecting manhood and obedience to law. Therefore it is that, if possible, this class of cases receives a more careful and thoughtful examination by the assistant attorneys than those which involve questions of only pecuniary values.

Respectfully submitted.

JOHN I. HALL,
Assistant Attorney-General.

The SECRETARY OF THE INTERIOR.

EXHIBIT C.

[Fifty-third Congress, third session. H. R. 119. In the Senate of the United States. December 18, 1894, read twice and referred to the Committee on Public Lands. December 19, 1894, committee discharged and referred to the Select Committee on Forest Reservations.]

AN ACT to protect public forest reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all public lands heretofore set apart and reserved by the President of the United States under the provisions of the Act approved March third,

eighteen hundred and ninety-one, or that may hereafter be set aside and reserved as public forest reservations, shall be as far as practicable controlled and administered in accordance with the provisions of this act.

SEC. 2. That no public forest reservations shall be established except to improve and protect the forest within the reservation or for the purpose of securing favorable conditions of water flow.

SEC. 3. That the Secretary of the Interior shall make provisions for the protection against fire and depredations of the public forest reservations set aside, or that may be set aside, under the said Act of March third, eighteen hundred and ninety-one, and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and to preserve the forest cover from destruction. And any violation of the provisions of this Act or such rules and regulations shall be punishable as is provided for in the Act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States: *Provided*, That for the sole purpose of preserving the living and growing timber on said forest reservations and to fully and better protect the same, the Secretary of the Interior, under such rules and regulations as he shall prescribe, may eliminate therefrom so much only of the dead or matured trees thereon as may be necessary to preserve the remaining timber, and to carry out the purposes of this section the Secretary of the Interior shall carefully designate, appraise, and advertise for sale by proper description, said dead or matured trees for not less than sixty days in a newspaper of general circulation published within the State or Territory, and when practicable also in a newspaper in the county in which the timber is situated, offering for sale at not less than the appraised value, in limited quantities to each purchaser, the said dead or matured timber, payments therefor to be made to the receiver of the local land office of the district wherein said timber is situated, under such rules and regulations as the Secretary of the Interior may prescribe. The proceeds of all such sales shall be accounted for by the receiver of such land office in a separate account, and shall be covered into the Treasury as a special fund, to be expended in the care and management of said reservations under the direction of the Secretary of the Interior, or as Congress may provide: *And provided further*, That nothing in this Act shall be so construed as to prevent the Secretary of the Interior from permitting, under regulations to be prescribed by him, the use of timber and stone free of charge to bona fide settlers, miners, residents, and prospectors for minerals, exclusively for individual use, for firewood, for fencing, building, mining, or prospecting purposes.

SEC. 4. That the Secretary of War is hereby authorized to make such detail of troops for the purpose of protecting said reservations as the Secretary of the Interior may require.

SEC. 5. That upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' notice published in two papers of general circulation in the State wherein any forest reservation is situated, any public lands embraced within the limits of any forest reservation which, after due examination, shall be found better adapted to agriculture than forest uses may be restored to the public domain; and any lands in any forest reservation the mineral character of which has been or may be shown in accordance with the existing mining laws of the United States and the rules and regulations applying thereto may be restored to mineral location and entry: *Provided*, That prospectors and mineral claimants shall have access to such forest reservations for the purpose of prospecting, locating, and developing the mineral resources thereof.

SEC. 6. That all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Passed the House of Representatives December 17, 1894.

Attest:

JAMES KERR, *Clerk*,
By T. O. TOWLES, *Chief Clerk*.

EXHIBIT C.

[House report No. 897, Fifty-third Congress, second session.]

PUBLIC FOREST RESERVATIONS.

[May 14, 1894.—Committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.]

Mr. McRae, from the Committee on the Public Lands, submitted the following report to accompany H. R. 119:

The Committee on the Public Lands have had the bill (H. R. 119) to protect public forest reservations under consideration and recommend that it pass with the following amendments:

Strike out all after the word "destruction" in line 9 of section 3 and insert the following:

"And any violation of the provisions of this Act or such rules and regulations shall be punishable as is provided for in the Act of June fourth, eighteen hundred and eighty-eight, amending section five thousand three hundred and eighty-eight of the Revised Statutes of the United States: *Provided*, That not exceeding fifty per centum of each kind of timber of commercial value on each acre throughout any reservation may be sold: *And provided further*, That nothing in this Act shall be so construed as to prevent the Secretary of the Interior from permitting, under regulations to be prescribed by him, the use of timber and stone free of charge to bona fide settlers, residents, and prospectors for minerals, exclusively for individual use, for firewood, fencing, building, or prospecting purposes."

Strike out section 4 and insert the following:

"SEC. 4. That no timber on any forest reservation shall be sold except to the highest bidder on sealed proposals, after due appraisalment, at not less than the appraised value thereof; and that before any sale of such timber shall be made, notice thereof shall be given for at least thirty days in a newspaper of general circulation printed and published at the capital of the State or Territory, and shall also be published, when practicable, in a newspaper printed and published in the county or counties in which such reservation is situated, describing by section, township, and range the tract or tracts of land on which the same is situated and the location thereof, if surveyed; and if not surveyed, by other descriptions sufficient to identify the land intended, and designating the land office of the district in which the land is situated as the place where such sealed proposals will be received, and stating the time within which such sealed proposals will be received. All such sales shall be for cash, payable at the time of sale at the land office of the district in which the land is situated, and the proceeds shall be accounted for by the receiver of such land office in a separate account; and shall be covered into the Treasury as a special fund to be expended in the care and management of such reservations under the direction of the Secretary of the Interior, or in such manner as Congress may provide."

Add to the bill as originally introduced, and in lieu of the sections heretofore recommended by the Department and the committee, the following sections:

"SEC. 7. That the timber on any public lands not fit for cultivation and not within a forest reservation may be sold by order of the Secretary of the Interior in the same manner as heretofore provided in this act: *Provided*, That it shall be first shown that such sale and the cutting and removal of the timber so sold will not be injurious but beneficial to the public interests: *And provided further*, That bona fide residents upon the public lands who have not a sufficient supply of timber on their claims or lands for firewood, fencing or building purposes, or other improvements of their claims, and prospectors for minerals, may be permitted to take timber on the public lands, under regulations to be prescribed by the Secretary of the Interior, for their individual uses for such purposes only, and not for sale or speculation.

"And provided further, That the Secretary of the Interior may grant permits for the taking without charge of timber to be used in constructing bridges, schoolhouses, or other structures for public use in the vicinity of such timber: And provided further, That no timber on the public lands shall be cut and removed or disposed of except in accordance with the provisions of this act.

"SEC. 8. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed."

By virtue of section 24 of the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes" (26 Stat., p. 1095), the President of the United States was empowered to reserve public timber lands from sale and disposal and to set them aside for forestry purposes. Under this law the following tracts have been reserved upon the petition of citizens interested in the preservation of forest conditions in the localities where the reservations were desired, viz: Alaska:

Afognak forest and fish-culture reserve.....	
Arizona:	
Grand Canyon forest reserve.....	1, 851, 520
California:	
San Gabriel timber-land reserve.....	555, 520
Sierra forest reserve.....	4, 096, 000
San Bernardino forest reserve.....	737, 280
Trabuco Canyon forest reserve.....	49, 920
Colorado:	
White River plateau timber-land reserve.....	1, 198, 080
Pike's Peak timber-land reserve.....	184, 320
Plum Creek timber-land reserve.....	179, 200
The South Platte forest reserve.....	683, 520
Battlement Mesa forest reserve.....	858, 240
New Mexico:	
The Pecos River forest reserve.....	311, 040
Oregon:	
Bull Run timber-land reserve.....	142, 080
Cascade Range forest reserve.....	4, 492, 800
Ashland forest reserve.....	18, 560
Washington:	
The Pacific forest reserve.....	967, 680
Wyoming:	
Yellowstone National Park timber-land reserve.....	1, 239, 040
Total	17, 564, 800

The areas given are the estimated aggregate areas, in acres, lying within the boundaries of the reservations. The lands actually reserved are only the vacant, unappropriated public lands within said boundaries.

There are pending before the Commissioner of the General Land Office a number of applications which have not yet been passed upon.

The Afognak reserve in Alaska was established more with a view to aiding the work of the Fish Commission, being created under sections 14 and 24 of the act of March 3, 1891.

The objects for which these reservations are made or are to be made, although not defined by law, are represented to be protection of the forest growth against destruction by fire and ax and preservation of forest conditions upon which water conditions and water flow are said to be dependent. The policy of reserving forest land has therefore been confined mainly to those localities in which agriculturists are dependent upon irrigation, and the avowed purpose of this policy is to maintain favorable forest conditions, without, however, excluding the use of these reservations

for other purposes. Although by law such reservation does not appear to change the condition of these lands as far as the power of the Secretary of the Interior to protect is concerned, constructively their status seems not to be fully defined. It becomes, therefore, desirable to define their status and provide by legislation for means and methods by which to protect and administer this public property in the sense of the policy outlined.

Experience has shown that the Army can be usefully employed in patrolling and protecting such public property, as will appear from the reports of officers detailed for such service in the various national parks, but there appears to be no authority of law for such use of the troops.

These reservations are not in the nature of parks set aside for nonuse, but they are established solely for economic reasons.

It becomes, therefore, necessary, also, to prescribe the manner and methods by which the timber growing thereon, the mineral contained therein, the water powers furnished by them, and the pasturage within the same shall be used so as not to injure or destroy the primary objects for which these reservations have been made, namely, to secure such forest conditions as are necessary to preserve an even water flow. The present legislation, therefore, empowers the Secretary to sell, under certain restrictions, not exceeding 50 per centum of the timber of commercial value on these reservations, to regulate the occupancy of the same, and to protect the same against fire and depredation.

The President of the United States, in his message to Congress December 4, 1893, in calling the attention of Congress to the statements in the report of the Secretary of the Interior concerning forestry, said "that the time has come when efficient measures should be taken for the preservation of our forests from indiscriminate and remediless destruction."

The Secretary of the Interior in his annual report for 1893, in discussing this matter, used the following language:

"Pursuant to authority conferred by section 24 of the act of Congress approved March 3, 1891 (26 Stats., 1103), entitled 'An act to repeal timber-culture laws and for other purposes,' the President has, from time to time, by Executive proclamation (27 Stats., 947-1071), reserved from entry or settlement and set apart as forest reservations certain tracts of land lying in Arizona, California, Colorado, New Mexico, Oregon, and Washington." * * *

"Numerous complaints have been received by the Department of stockmen driving their sheep on these reserves, destroying the herbage and setting fire to the trees; and on the 23d of June the Acting Commissioner of the General Land Office also called the attention of the Department to the necessity for protecting these reserves, urging that details from the Army be secured to look after the same until Congress could make suitable provision.

"Accordingly the attention of the Secretary of War was directed to the facts in the case, and the request made that, if practicable, officers of the Army, with a suitable number of troops, be detailed to protect the several reservations.

"The Acting Secretary of War declined, however, to make the details desired, basing his refusal upon an opinion of the Acting Judge-Advocate-General of the Army to the effect that the employment of troops in such cases and under the circumstances described by the Secretary of the Interior, not being expressly authorized by the Constitution or by act of Congress, would be unlawful.

"These reservations remain, therefore, by reason of such action, in the same condition, as far as protection is concerned, as unreserved public lands, and are only afforded such protection from trespass and fire as can be furnished with the limited means at the command of the General Land Office. A bill, however, is now pending in Congress which provides adequate means for the protection and management, by details from the Army, etc., of these forest reservations; it has the hearty approval of the Department, and its early enactment as a law is desirable.

"In the opinion of the Acting Judge-Advocate-General the legality of the action of the War Department in the matter of the existing detail of officers of the Army for the protection of the national park created by the act of September 25, 1890, and the forest reservation by the act of October 1, 1890, is questioned, the details being characterized therein as 'clearly an oversight on the part of the War Department at the time.' Also that 'there is no express authorization by the Constitution or by act of Congress for the troops to be used for the purpose of executing the laws relating to these reservations, and it is therefore unlawful to do so.'

"Such being the case, it is quite probable that further details for the protection of said parks will, unless specifically authorized by Congress, be denied by the War Department; and to provide against such contingency it is recommended that some such provision as the following may be enacted by Congress, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War, upon the request of the Secretary of the Interior, be, and he is hereby, authorized and directed to make the necessary details of troops to protect the national parks and forest reservations established by the acts of Congress approved September twenty-fifth, eighteen hundred and ninety, and October first, eighteen hundred and ninety, respectively, as well as the public lands heretofore or that may be hereafter set apart and reserved as public forest reservations by the President of the United States under the provisions of the act of March third, eighteen hundred and ninety-three, from trespassers or intruders entering the same for the purpose of killing the game or removing objects of curiosity therein or for any other purpose prohibited by law or regulation, and to remove such persons from such parks and reservations if found therein."

The Secretary of Agriculture in his report for 1893 called attention to the importance of such legislation in the following language:

"The condition of the forestry industry in this country still remains markedly unsatisfactory. Under our present system the efforts of the forestry division of this Department are restricted to purely educational work, and this has been carried on for over fifteen years without perceptibly abating wasteful lumbering and destructive fires, which are destroying our primitive forest supplies and inflicting permanent injury upon the lumber interests and seriously menacing agriculture. With all due allowance for the absence of verifiable statistics, it may be safely asserted that the yearly wood consumption in the United States is twice as great as our estimated forest area is capable of producing annually. In this connection it must be noted that the forestry division has not been sufficiently endowed to undertake the task of collecting reliable statistics as to the consumption and growth of wood material and the prospects of supply and demand, which should form the basis of a wise Government policy. Meantime supplies are waning and proofs are accumulating of the malign influence of deforestation.

"The policy of setting aside forest reservations from the public domain—a policy far too long delayed but now happily inaugurated, and applying to a total area of 17,000,000 acres—should be followed by a well-considered supervision of the same, and the remaining timber lands on the public domain should be withdrawn from disposal. Without forests to take care of or power to shape the forest policy of the country, this Department can only suggest plans for a more rational treatment of our forest resources.

"In the absence of appropriations justifying statistical inquiry, attention was turned to the scientific side of the forestry problem by this division. The main expenditure of funds has been in the investigation of the timbers of the United States, as to their strength and mechanical properties, when grown under varying climate and in different soils. This work has been carried out so far in a way which has elicited favorable comment from competent critics at home and abroad. The investigation of the long-leaf pine demonstrates that the bleeding of this tree for turpentine is not injurious to the quality of its timber. This discovery has

enhanced the value of the forests so treated in the Southern States by several million dollars. Legislation is furthermore earnestly recommended which shall preserve forest reservations and provide for a rational disposal of ripe timber on Government lands similar to that contemplated by House bill No. 119, Fifty-third Congress, amendment of section 24.

“While recognizing the differences between our system and that of European countries which are successfully applying methods of forest administration inapplicable to the United States, we must, nevertheless, turn to those that have made forest administration a success for suggestions, and the Republic of Switzerland is commended as furnishing the most practical economic data in this particular.”

The following list, furnished by the Commissioner of the General Land Office, will show the persons, firms, and corporations to whom free permits have issued under act of March 3, 1891 (26 Stats., 1093), with the date and area embraced in each permit:

ALASKA.

[No permits issued.]

ARIZONA.

[No permits issued.]

COLORADO.

Names of persons, firms, and corporations to whom permits have issued under act of Mar. 3, 1891 (26 Stats., 1093).	Address.	Date of permit.	Date of expiration of permit.	Area embraced in permit.
				<i>Acres.</i>
Albert J. Carpp and George Carpp.	Egeria, Colo.....	Apr. 14, 1892	Feb. 28, 1893	3, 200
Julia A. Millspaugh.....	Gunnison, Colo.....	Apr. 22, 1892	do.....	1, 280
Henry W. Royce.....	Rico, Colo.....	Aug. 16, 1892	June 30, 1893	960
Mancos Lumber Co.....	Montezuma County, Colo.....	Oct. 4, 1892	Aug. 31, 1893	640
Oliver Bemen.....	La Veta, Colo.....	Oct. 11, 1892	Sept. 30, 1893	960
Anthony W. Shawver.....	Scissors, Colo.....	Nov. 15, 1892	do.....	1, 440
A. A. Rust and C. W. Rust.....	Quarry, Colo.....	do.....	Oct. 31, 1893	1, 160
The People's Toll-Road Mining and Manufacturing Co.....	Larimer County, Colo.....	Dec. 9, 1892	Nov. 30, 1893	1, 280
S. C. Robinson.....	Gunnison, Colo.....	Dec. 20, 1892	do.....	200
Halls Bros.....	Mancos, Colo.....	Dec. 23, 1892	do.....	800
Eugene S. Bailey.....	Dumont, Colo.....	Dec. 30, 1892	Dec. 31, 1893	1, 280
John N. Hall.....	Gunnison, Colo.....	do.....	Nov. 30, 1893	1, 600
P. A. Rice.....	Dolores County.....	Feb. 9, 1893	Feb. 28, 1894	1, 400
Milton H. Evans et al.....	Conejos County.....	do.....	do.....	1, 280
John Wright.....	Rockwood, Colo.....	do.....	do.....	560
Wilbur S. Elliott.....	Durango, Colo.....	Feb. 20, 1893	do.....	400
John W. Brown.....	Aguliar, Colo.....	do.....	do.....	1, 280
Sheridan & Co.....	La Garita, Colo.....	Nov. 17, 1893	Nov. 30, 1894	2, 560
Samuel J. Hood.....	La Plata County, Colo.....	Mar. 9, 1894	Feb. 28, 1895	720
H. C. Wright.....	Crested Butte County, Colo.....	Apr. 18, 1894	Apr. 30, 1895	480

IDAHO.

Names of persons, firms, and corporations to whom permits have issued under act of Mar. 3, 1891 (26 Stats., 1093).	Address.	Date of permit.	Date of expiration of permit.	Area embraced in permit.
				<i>Acres.</i>
Small & Colby.....	Kingston, Idaho.....	Mar. 19, 1892	Feb. 28, 1893	1, 280
William D. Williams.....	Berry, Idaho.....	Feb. 29, 1892	do.....	4, 480
James P. Fifield.....	Idaho Falls, Idaho.....	Apr. 26, 1892	do.....	160
James Siddoway & William Naylor.	Teton, Idaho.....	June 16, 1892	May 31, 1893	5, 760
Jos. H. Tolman & A. P. Anderson.	Chesterfield, Idaho.....	June 28, 1892	do.....	1, 280
Felix Carpenter & Nazaire Carpenter.	Garden Valley, Idaho.....	July 1, 1892	do.....	960
George Sittig.....	do.....	July 7, 1892	do.....	1, 280
Donald McBride.....	do.....	July 29, 1892	July 31, 1893	320
John McBride.....	do.....	Aug. 13, 1892	do.....	240
G. A. Worden.....	Blackfoot, Idaho.....	Aug. 18, 1892	June 30, 1893	1, 280
Joseph R. Meservy.....	Berry, Idaho.....	Aug. 30, 1892	July 31, 1893	1, 280
Marion W. Williams.....	Grangeville, Idaho.....	Sept. 2, 1892	do.....	800
N. A. Just.....	Blackfoot, Idaho.....	do.....	do.....	1, 280
William Morgan.....	do.....	Sept. 29, 1892	July 25, 1893	1, 920
Elbridge G. Benham.....	Boise City, Idaho.....	Oct. 30, 1892	Aug. 31, 1893	640
John A. Hunt, sr., & John A. Hunt, jr.	St. Charles, Idaho.....	Nov. 15, 1892	Oct. 31, 1893	1, 280

CVIII REPORT OF THE SECRETARY OF THE INTERIOR.

IDAHO—Continued.

Names of persons, firms, and corporations to whom permits have issued under act of Mar. 3, 1891 (26 Stats., 1093).	Address.	Date of permit.	Date of expiration of permit.	Area embraced in permit.
Robert Price.....	Bear Lake County, Idaho.	Nov. 15, 1893	Oct. 31, 1893	<i>Acres.</i> 1,280
Paris Mercantile Co.....	Paris, Idaho.	Nov. 18, 1892	.....do.....	1,280
Nelson, Curtis & Co.....	Mink Creek, Idaho.	Nov. 28, 1892	.....do.....	1,280
Wallace Stock.....	Fish Haven, Idaho.	Dec. 9, 1892	Nov. 30, 1893	1,280
Joshua Jarvis & Wm. H. Piggott.....	Paris, Idaho.	Dec. 30, 1892	.....do.....	1,280
K. E. Hopf.....	Arangee, Idaho.	Feb. 9, 1893	Feb. 28, 1894	1,280
F. C. Wilkie.....	Dale, Idaho.	Mar. 2, 1893	Mar. 31, 1894	1,280
Steam Thresher & Milling Co.....	Kaintuck, Idaho.	Dec. 27, 1893	Dec. 31, 1894	1,280

MONTANA.

Names of persons, firms, and corporations to whom permits have issued under act of Mar. 3, 1891 (26 Stats., 1093).	Address.	Date of permit.	Date of expiration of permit.	Area embraced in permit.
Hiram S. Blanchard.....	Clearwater, Mont.....	Jan. 16, 1892	Jan. 31, 1893	<i>Acres.</i> 640
Bitter Root Development Co.....	Hamilton, Mont.....	.....do.....	.....do.....	5,760
Big Blackfoot Milling Co.....	Missoula, Mont.....	.....do.....	.....do.....	11,280
Long & Clark.....	Cottonwood, Mont.....	.....do.....	.....do.....	1,280
J. A. Soileder.....	Darby, Mont.....	.....do.....	.....do.....	960
Nils Larson.....	Boulder, Mont.....	.....do.....	.....do.....	640
G. H. Butts et al.....	Lewistown, Mont.....	.....do.....	.....do.....	960
C. M. Kelley and G. H. Kelley.....	.....do.....	.....do.....	.....do.....	1,280
Samuel S. Harper.....	.....do.....	.....do.....	.....do.....	1,280
Flathead Valley Lumber Co.....	Demersville, Mont.....	Mar. 19, 1892	Feb. 28, 1893	2,280
William Butler & William Creswell.....	Boulder, Mont.....	Feb. 29, 1882	.....do.....	640
Narcisse Beaudin.....	Feeley, Mont.....	.....do.....	.....do.....	1,280
J. A. Hedge.....	Riverside, Mont.....	Mar. 19, 1892	.....do.....	1,440
Frank S. Metzler.....	Puller Springs, Mont.....	May 5, 1892	.....do.....	160
A. C. Sheldon.....	Missoula County, Mont.....	Jan. 16, 1892	May 31, 1893	3,840
Oliver S. Lowman & Christopher C. Lowman.....	Sheridan, Mont.....	June 16, 1892	.....do.....	2,160
W. G. Conrad et al.....	Kalispel, Mont.....	.....do.....	.....do.....	4,480
J. O. Hanratty.....	Frenchtown, Mont.....	June 21, 1892	.....do.....	240
George Knudson.....	Lewiston, Mont.....	July 13, 1892	.....do.....	960
Edward Stacey & Seldon M. Simmons.....	.....do.....	Aug. 16, 1892	June 30, 1893	320
Fred F. Kohls.....	Virginia City, Mont.....	.....do.....	.....do.....	440
John A. Wilson.....	Neihart, Mont.....	Aug. 30, 1892	July 31, 1893	1,280
Frederick Cormier.....	Frenchtown, Mont.....	Aug. 25, 1892	.....do.....	480
Irwin Eby and John J. Turner.....	Virginia City, Mont.....	Aug. 30, 1892	.....do.....	960
Butte and Montana Commercial Co.....	Great Falls, Mont.....	Sept. 2, 1892	.....do.....	1,280
Scott Cozad.....	Bannock City, Mont.....	.....do.....	.....do.....	640
John Strong et al.....	Virginia City, Mont.....	Sept. 5, 1892	Aug. 31, 1893	1,280
David K. Buchanan.....	Livingston, Mont.....	.....do.....	.....do.....	320
Charles Beair.....	Virginia City, Mont.....	Sept. 8, 1892	.....do.....	160
Harry Gassert.....	Park County, Mont.....	.....do.....	.....do.....	640
William D. McIntire.....	Boulder, Mont.....	.....do.....	.....do.....	640
William J. Smith.....	Neihart, Mont.....	.....do.....	.....do.....	640
Daniel S. Watson.....	Boulder, Mont.....	Sept. 15, 1892	.....do.....	640
Ruby A. Walker.....	Cottonwood, Mont.....	Oct. 7, 1892	Sept. 30, 1893	1,040
James C. Blanding.....	Neihart, Mont.....	Nov. 15, 1892	Oct. 31, 1893	1,280
Ellen M. Woodward.....	Martinsdale, Mont.....	.....do.....	Sept. 30, 1893	1,280
Butte & Montana Commercial Co.....	Great Falls, Mont.....	Nov. 17, 1892	Oct. 31, 1893	1,280
Great Northern Lumber Co.....	Columbia Falls, Mont.....	.....do.....	Sept. 30, 1893	2,560
Robatalle, Hogue & Co.....	.....do.....	Nov. 18, 1892	Oct. 31, 1893	160
Holter Lumber Co.....	Great Falls, Mont.....	Dec. 3, 1892	Nov. 30, 1893	1,280
Lester S. Wilson & Peter Koch.....	Bozeman, Mont.....	Dec. 19, 1892	.....do.....	1,280
William Wright & Worthy McKee.....	Park County, Mont.....	Jan. 6, 1893	Dec. 31, 1893	1,280
Hiram S. Blanchard.....	Clearwater, Mont.....	Dec. 30, 1892	Jan. 31, 1894	480
George W. Brown.....	Neihart, Mont.....	May 13, 1893	Mar. 31, 1894	1,520
Bitter Root Development Co.....	Hamilton, Mont.....	June 27, 1893	May 1, 1894	2,560
Nils Larson.....	Boulder, Mont.....	Sept. 27, 1893	Mar. 31, 1894	640
William Butler & William Creswell.....	.....do.....	.....do.....	.....do.....	640
Charles C. Long.....	Cottonwood, Mont.....	Oct. 7, 1893	Oct. 31, 1894	1,280
Big Blackfoot Milling Co.....	Bonner, Mont.....	Oct. 11, 1893	.....do.....	2,560
J. S. Hovis and A. J. Johnson.....	Lewistown, Mont.....	Nov. 7, 1893	.....do.....	2,560
John G. Lewis et al.....	.....do.....	Nov. 8, 1893	.....do.....	1,920
George A. Fishburn & Jacob E. Fishburn.....	.....do.....	Nov. 9, 1893	.....do.....	560
James Kyle.....	Neihart, Mont.....	.....do.....	Nov. 30, 1894	640
William Tierney.....	.....do.....	Apr. 26, 1894	Apr. 30, 1895	2,560

NEVADA.

Names of persons, firms, and corporations to whom permits have issued under act of Mar. 3, 1891 (26 Stats., 1693).	Address.	Date of permit.	Date of expiration of permit.	Area embraced in permit.
O. J. Heath	Austin, Nev	Nov. 10, 1893	Nov. 30, 1894	Acres. 1,000
Emanuel Caton	do	Nov. 17, 1893	do	1,000
Antonio Berago	do	Dec. 5, 1893	do	100
John M. Wallace	do	Feb. 23, 1894	Feb. 28, 1895	640

NEW MEXICO.

[No permits issued.]

NORTH DAKOTA.

[No permits issued.]

SOUTH DAKOTA.

Benjamin F. Brown	Spearfish, S. Dak.	Sept. 9, 1892	Aug. 31, 1893	4 5
Do	do	Nov. 20, 1893	Nov. 30, 1894	

UTAH.

				Acres.
Charles J. Drury	Logan, Utah	Dec. 12, 1891	Nov. 30, 1892	4,800
Hyrum Newbold & Co.	Smithfield, Utah	do	do	2,560
Peterson & Crowther	Logan, Utah	do	do	1,280
Hillyard Bros	do	do	do	2,880
Robinson Bros	Richmond, Utah	Dec. 9, 1891	do	2,560
William Howard et al.	Huntington, Utah	June 16, 1892	May 31, 1893	1,720
Joseph S. Fife & William V. Walker ..	Cedar City, Utah	Aug. 16, 1892	June 30, 1893	480
Andrew Nilsson et al.	Monroe, Utah	Aug. 30, 1892	July 31, 1893	960
Benjamin Cameron	Panguitch, Utah	Sept. 9, 1892	Aug. 31, 1893	1,280
Haws & Clark	do	Sept. 15, 1892	do	1,280
R. J. Jolley & John W. Seaman	Glendale, Utah	Oct. 3, 1892	do	1,280
William Wilcock	Parowan City, Utah	Oct. 11, 1892	Sept. 30, 1893	160
Cedar City Cooperative Mercantile and Manufacturing Institution.	Iron County, Utah	Oct. 14, 1892	do	640
William S. Thompson et al.	Escalante, Utah	Oct. 19, 1892	do	1,280
Willis Webb & Daniel Leroy	Garfield County, Utah	Nov. 15, 1892	do	1,280
Bean Brothers	Richfield, Utah	do	Oct. 31, 1893	1,280
Thomas W. Smith	Panguitch, Utah	do	Sept. 30, 1893	1,280
Thompson Brothers	do	do	do	1,280
Crowther Brothers	Logan, Utah	do	Oct. 31, 1893	1,280
Isaac Jones	Cedar City, Utah	Nov. 18, 1892	do	200
D. S. Gillis et al.	Circleville, Utah	Nov. 28, 1892	do	960
William L. Parks et al.	Annabella, Utah	do	do	1,280
Hans Hansen & Sons	Logan, Utah	Dec. 9, 1892	Nov. 30, 1893	1,280
David Cullings et al.	Monroe, Utah	do	do	1,280
John Hactor & Hans M. Hansen	Fremont, Utah	Dec. 23, 1892	do	1,280
George A. Peart	Randolph, Utah	Dec. 29, 1892	do	1,280
Brigham Lee et al.	Mourt Pleasant, Utah	Jan. 16, 1893	Jan. 31, 1894	320
Joseph H. Huntington	Beaver City, Utah	Feb. 15, 1893	Feb. 28, 1894	640
E. L. Terry	Fairview, Utah	Feb. 24, 1893	do	480
John D. Norton	Panguitch, Utah	Mar. 2, 1893	Mar. 31, 1894	1,280
Matthew W. Mansfield & John A. Peterson.	Thurber, Utah	do	do	1,280
Robinson Bros	Richmond, Utah	Jan. 24, 1894	Jan. 31, 1895	2,560
Rudolph N. Bennett	Mount Pleasant, Utah	Mar. 21, 1894	Mar. 31, 1895	320
L. T. Jessup	Panguitch, Utah	Apr. 6, 1894	Apr. 30, 1895	960
John W. Seaman	Ranch, Utah	Apr. 20, 1894	do	960
Timothy Robinson	Panguitch, Utah	Apr. 21, 1894	do	1,280
William Thompson, jr., & Oscar N. Despain.	Wasatch, Utah	Apr. 23, 1894	do	320
R. G. Jolley	Ranch, Utah	Apr. 26, 1894	do	640
Graham D. Macdonald	do	Apr. 28, 1894	do	920

WYOMING.

Names of persons, firms, and corporations to whom permits have issued under act of Mar. 3, 1891 (26 Stats., 1093).	Address.	Date of permit.	Date of expiration of permit.	Area embraced in permit.
John Perrigone & Edward L. Wheeler.	Beulah, Wyo	Jan. 16, 1892	Jan. 31, 1893	<i>Acres.</i> 1,280
Downer & Clapp.....	Uva, Wyo .....	.....do.....	.....do.....	640
Solon E. Lowry et al.....	Newcastle, Wyo.....	Apr. 23, 1892	Feb. 28, 1893	640
Emereth A. Boots & David E. Wright.	Uva, Wyo	June 16, 1892	May 31, 1893	1,280
W. H. Kilpatrick.....	New Castle, Wyo.....	Aug. 16, 1892	June 30, 1893	1,280
Frank H. Kelsey.....	Dixon, Wyo.....	Aug. 18, 1892	July 31, 1893	640
Michael Moran et al.....	Glendo, Wyo.....	.....do.....	.....do.....	1,280
A. M. Bunce.....	Lander, Wyo.....	Oct. 4, 1892	Aug. 31, 1893	1,280
John W. Hunter & W. A. Moore.....	Hulett, Wyo.....	Sept. 8, 1892	.....do.....	560
Isaac E. Jackson.....	Sheridan County, Wyo.....	Oct. 19, 1892	Sept. 30, 1893	640
Hams Fork Lumber Co.....	Hams Fork, Wyo.....	Nov. 28, 1892	Oct. 31, 1893	1,280
John W. Stoner.....	Cokeville, Wyo.....	Dec. 19, 1892	Nov. 30, 1893	1,280
Rowland & Hamel.....	Sheridan County, Wyo.....	Oct. 5, 1893	Mar. 31, 1894	1,280
John R. Todd.....	Alcova, Wyo.....	Dec. 5, 1893	Dec. 31, 1894	1,920
S. L. Iams.....	Lander, Wyo.....	Jan. 24, 1894	Jan. 31, 1895	2,560
A. M. Bunce.....	.....do.....	Feb. 6, 1894	.....do.....	800
Frank M. Newell.....	Springfield, Wyo.....	Feb. 14, 1894	Feb. 28, 1895	2,400
William E. Grimes & Neil Cunningham.	Beaver, Wyo.....	May 2, 1894	Apr. 30, 1895	1,920

DEPARTMENT OF THE INTERIOR,

Washington, May 10, 1894.

SIR: Inclosed I hand you a copy of a letter from the Acting Commissioner of the General Land Office, in answer to reference of H. R. 119 of May 9, 1894. I concur in all that the Acting Commissioner says in favor of legislation of the character proposed.

Very respectfully,

WM. H. SIMS,
Acting Secretary.

Hon. THOMAS C. McRAE,

Chairman Committee on the Public Lands, House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,

Washington, D. C., May 10, 1894.

SIR: I have the honor to acknowledge receipt, by reference from the Department for report in duplicate and return of papers, of letter of the 9th instant from Hon. Thomas C. McRae, chairman of the Committee on the Public Lands, House of Representatives, inclosing three proposed amendments to H. R. 119, entitled "A bill to protect forest reservations," and asking for the opinion of this Department as to the propriety of adopting same.

I have carefully examined the proposed amendments and will say that it has been contemplated by this office to embody somewhat similar provisions under the rules and regulations to be made by the Department when some such bill as this should become a law. I therefore respectfully recommend that they be adopted, as I see no objections to their addition to the bill as originally presented.

The provision which limits the sale of timber to 50 per cent of any one kind growing on a reservation might hamper the Department in certain cases where it was desired to remove entirely from a reservation an inferior class of timber for the sake of giving more space for the propagation of the better kinds growing within the boundaries of said reservation. At the same time this restriction would prevent the removal of all the better kinds of timber, should it ever be contemplated to sell in that way. It will be observed that the first six sections of this bill relate exclusively to timber upon forest reservations, and that this bill gives authority to

the Secretary to make such rules and regulations as are needful, and also provides a method for utilizing the timber on these reservations, from the sale of which timber will arise a fund that can be utilized in their preservation and improvement.

The provision which authorizes the Secretary of War to make details of troops for their protection is especially important until some civil protection can be accorded the reservations. It has been heretofore the view of the War Department that such duty as this was "not military," and that, therefore, such details could not be authorized without specific authority from Congress.

Section 7 is especially important as substituting a method of sale, under proper restrictions, of the timber on the public lands generally, and does not relate at all to timber upon the reservations. This will do away with the present methods of granting permits to large corporations, associations, or individuals, as is now done under the act of 1891.

There seems to be no good reason why these concerns should not pay a proper stumpage value for the timber which they cut from the public lands for the purpose of sale, instead of, as at present, obtaining it as a gift from the Government, and I would especially urge that this section be added to the bill as is proposed in the third amendment transmitted by the chairman of the Committee on the Public Lands of the House of Representatives.

I return herewith all the papers.

Very respectfully,

EDW. A. BOWERS,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, October 4, 1893.

SIR: Inclosed I hand you a copy of a letter from the Commissioner of the General Land Office, in answer to reference of H. R. 119. I concur in all that the Commissioner says in favor of legislation of the character proposed. I can not say that I think it necessary to change, in section 4, line 16, the provision for the expenditure of money raised by the sale of the timber.

Very respectfully,

HOKE SMITH,
Secretary.

HON. THOMAS C. McRAE,
Chairman Committee on the Public Lands, House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 25, 1893.

SIR: I am in receipt, by reference from the First Assistant Secretary for report, of a letter from Hon. T. C. McRae, dated the 10th instant, inclosing a copy of House bill No. 119, "to protect public forest reservations."

The provisions of this bill meet with my approval, but I would suggest one change in section 4 and the addition of two sections, as follows:

In section 4, line 16, after the word "expended," insert "under the direction of the Secretary of the Interior;" and after the word "reservations," in line 17, strike out the words "in such manner as Congress may provide." This will make funds for the superintendence of the reservations more promptly available than to wait for further legislation by Congress; and it is the evident purpose of the bill to have the proceeds derived under its provisions expended in the utilization and preservation of the reservation.

I think it wise and proper to add the following sections to the bill:

"SEC. 7. That any timber on the public lands, not within a forest reservation, may be sold by order of the Secretary of the Interior in the same manner as is heretofore

provided in this act: *Provided*, That it shall be first shown that such cutting will not be injurious to the public interests: *And provided further*, That no timber on the public lands shall be disposed of except in accordance with the provisions of this act.

"SEC. 8. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed."

The above will accomplish the repeal of the permit act of March 3, 1891 (26 Stats., 1093). The rules and regulations prescribed by this Department under this act have never been observed to any great extent by the people, and it has been found almost impossible to enforce them.

It was hoped the act of March 3, 1891, would place the cutting of public timber under the control of this office and prevent trespassing; but it must be admitted that it has resulted in failure to do so for want of proper agencies in the field of operations.

Permits to cut public timber have been issued, the privilege in many instances being worth thousands of dollars, to corporations who are in the business for speculation and profit only; and, if public necessity demands the use of public timber, it seems to me that it is eminently proper and businesslike that some revenue should be derived from such a valuable commodity, especially when the proceeds could be applied with such great advantage to the supervision and improvement of the forest reservations, the proper use of timber within them, and the protection of public timber generally.

This office has received information from various sources, including men engaged in the lumbering business, that a law permitting the sale of public timber at stumpage value would be acceptable.

Prompt and effective legislation on this subject can not be too strongly urged. Forest reservations have been made which are such only in name. For lack of means they are no more protected by reason of reservation than any other public lands. Information comes almost daily showing continued trespassing and depre-dating within the reserves, committed by lumbermen, prospectors, sheep herders, and others, and forest fires, caused by the careless and vicious, resulting in irreparable damage, especially those started by sheep herders in the mountain districts in the fall to create new pasturage for the following season.

In conclusion I call attention to the fact that the provisions of this bill are applicable to all the public-land States and Territories and not restricted to a few States and Territories, as public-timber privileges have been heretofore.

I respectfully urge that this bill, with the amendments suggested, become a law, and I herewith return Mr. McRae's letter with the inclosed bill.

Very respectfully,

EDW. A. BOWERS, *Acting Commissioner.*

THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 26, 1893.

SIR: I have the honor to acknowledge the receipt, by reference from the Department for report thereon in duplicate and return of papers, of H. R. bill No. 10101 for the protection of public forest reservations.

Any discussion of a bill of this nature involves recognizing at the outset the fact that legislation in respect to the timber on public lands should be framed to meet the urgent need existing for a general law, which shall authorize the judicious and economic use of so much of the public timber as is absolutely required for the advancement of settlement and the development of the natural resources of the several public-land States and Territories, and shall at the same time insure the preservation of the public timber in localities where it is essential as a conservative

of the water supply, or for other climatic or economic purposes; and which shall also repeal all existing acts or parts of acts inconsistent therewith.

The near approach, however, of the close of the present session of Congress appears to render extremely doubtful the advisability of undertaking, at this time, the preparation of a law of this nature, since the matter is one requiring serious and deliberate consideration.

It does not, accordingly, appear advisable to attempt, at this juncture, more than to direct efforts toward securing legislation on the same general lines as that at present in operation, with a view to making the same more effective.

With this end in view a careful consideration of the existing statute providing for the establishment of public forest reservations (act of March 3, 1891, 26 Stats., 1095) reveals that a serious hindrance to the operation of the act lies in the lack of machinery required to administer the same, owing to the fact that Congress, in enacting the law, failed to make provision to carry the same into effect.

Hence, the present need requiring to be met in the matter of public forest reservations appears to be the lack of proper provision for the administration of the reservations created, which need, the bill in question purposes apparently to meet.

I am, however, of the opinion that certain modifications or alterations of the bill are required for the following reason: While the same places in the hands of the Secretary of the Interior the power to make required rules and regulations and to establish such service as will insure the objects of the reservations created, the fact appears to be overlooked that such service can not be established without due provisions for defraying the expenses incident thereto.

At present the only apparently contemplated provision for expenses in connection with caring for public timber is found in the sundry civil bill, which provides for the detailing, from time to time, of clerks from the General Land Office "for protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof." It is clear that the ends in view in the protection of public forest reservations would not be adequately met by service of such a nature. It would accordingly seem advisable that the bill under consideration should either make provision for a special appropriation for the establishment and maintenance of the service therein referred to, or else it should be so amended as to make available for the purpose indicated the proceeds arising from the sales of timber therein provided for.

The further matter of the proposed use of the military as a constabulary force in connection with forest reservations commends itself as a measure which would doubtless serve a good purpose in providing an efficient guard for the property, and which would, moreover, go far toward emphasizing to the public the fact that such reservations are under the immediate care of the Government, and, such being the case, all intruders thereon are liable to be summarily dealt with. I am accordingly of the opinion that it would serve the interests of the public to provide a guard of this nature in connection with public forest reservations.

In conclusion, I would state that while, as indicated above, the scope of the bill appears to be far from providing adequate legislation in the matter of public forest reservation, yet, since at this particular juncture it seems inadvisable to attempt more than to secure, in a measure, the proper administration of the reservations created, which is a matter imperatively demanding attention at this time, I have the honor, referring to the above indicated desirable amendments, to recommend the passage of this bill.

The referred paper is herewith returned.

Very respectfully,

W. M. STONE,
Commissioner

The SECRETARY OF THE INTERIOR.

[Senate Report No. 1002, Fifty-second Congress, first session.]

The Committee on Agriculture and Forestry, having had under consideration the bill (S. 3235) to provide for the establishment, protection, and administration of public forest reservations, and for other purposes, submit the following report:

(1) *The United States Government retains somewhat less than 70,000,000 acres of public domain which is designated as timber or woodland, mostly situated on the slopes and crests of the Western mountain ranges.*

So little regard to the character and condition of the public lands has been given that it is impossible without much labor to determine how much woodland is comprised in them. An estimate was made in 1883 which placed the woodlands at 73,000,000 acres, of which of course an unknown quantity has since been disposed of. There are still some woodlands undisposed of in Minnesota, Wisconsin, probably a small amount in Michigan, Louisiana, Mississippi, Alabama, and, perhaps, Florida, but the bulk lies on the Rocky Mountains, Pacific Coast, and Sierra Mountain ranges, mostly of coniferous growth (pines, spruces, firs, cedars, and redwoods) and mostly in subarid regions.

(2) *This property is at present left without adequate administration, nor is there in existence any practicable system of management by which the timber on it can be utilized without detriment to the future condition of the forest growth.*

The public lands are all held for the purpose of disposal to private holders, hence no further administration or management of the same beyond that incident to their disposal has ever been attempted. In the case of timber lands, however, it was recognized to a small extent that there was some additional value to them that needed consideration and special legislative measures. These measures have, however, been rather detrimental than otherwise to the future of this property, besides discriminating unjustly and imposing conditions which can not practically be enforced.

In California, Washington, and Oregon the law permitted the purchase of 160-acre tracts each by private citizens *for their own use*. The object of this law, which was evidently to encourage small holdings of timber lands in connection with agricultural lands and insure consequent protection and management of the same, has never been attained. It is alleged that millions of acres have been taken up under this act, without intention to hold them for the use of the entryman, and immediately transferred to lumber companies, often foreigners, and immense tracts are being thus held for the same wasteful lumbering operations that have exhausted the forests of the East.

In the Rocky Mountain States timber lands could not be sold, but the citizens were authorized "to fell and remove timber on the public domain for mining and domestic purposes from mineral lands." In addition, railroad companies are allowed to take timber for construction along their right of way. The impossibility of purchasing in a straightforward, honest way from the Government either timber or timber-bearing lands has compelled the citizens of these nine States and Territories to become trespassers and criminals on account of taking the timber necessary to enable them to exist.

"Settlements upon timber lands in these States and Territories under the homestead and preemption laws are usually a mere pretense for getting the timber. Compliance with those laws in good faith where settlements are made on lands bearing timber of commercial value is well-nigh impossible, as the lands in most cases possess no agricultural value, and hence a compliance with the law requiring cultivation is impracticable. As to cutting timber from mineral lands, perhaps not 1 acre in 5,000 in the States and Territories named is mineral, and perhaps not 1 in 5,000 of what may be mineral is known to be such."

By the provisions of the law approved March 3, 1891, the Secretary of the Interior is empowered to further regulate and restrict this cutting of timber for domestic and railroad use, but in the absence of officers to control and enforce these regula-

tions and restrictions they are practically meaningless, especially since it is almost impossible to obtain convictions where all are equally violators by necessity, arising from absence of adequate and equitable legislation.

And even if it were possible to enforce the regulations, there could hardly be expected any method in the cutting performed by an unknown number of independent individuals, and such a system comes as near deserving the name of management as the pillaging of a city by a band of soldiers in war times deserves the name of municipal administration. To verify the general existence of these conditions the reports of the Secretaries of the Interior, the Commissioners of the Land Office for the last fifteen or twenty years, and the report of a special commission laid down in a volume called "The Public Domain," published in 1884 (House Ex. Doc. No. 47), may be consulted, or Bulletin II of the Forestry Division, Department of Agriculture, on the forest conditions of the Rocky Mountains.

(3) *In consequence of the absence of a well-developed system of administration, the value of this forest property is annually decimated by fire and by illegal and wasteful cutting.*

It is not necessary to argue this point, for it is a necessary corollary of the preceding.

The Senate Irrigation Committee, traveling two years ago in the Western mountains, was for weeks precluded from any view by dense clouds of smoke from forest fires, and it is asserted that in that year more timber was burned than has been used legitimately since the settlement of that country.*

The worst damage of these fires is not so much to be sought in the destruction of the standing timber, but in the destruction of the forest floor, by which the chance for germinating of seeds and natural reforestation is annihilated and the water-regulating capacity of the forest is destroyed.

As to the amount of depredations, the following table, prepared from reports of the Land Office, is instructive, not only in showing the enormous amounts thus lost to the public treasury, compared with which the cost of a well-organized administration would be a mere bagatelle, but also by corroborating the statement that the loss is rarely recovered in the courts.

It should also be borne in mind that the cases reported do not by any means cover all cases of trespass, presumably only a small part, since the number of agents to ferret out the cases is ridiculously out of proportion to the area to be covered.

*The acres burned over and values destroyed during the census year 1880 were reported as follows:

States and Territories.	Acres burned over.	Value destroyed.	States and Territories.	Acres burned over.	Value destroyed.
California	356,895	\$440,750	Utah	42,865	\$1,042,800
Washington	37,910	713,200	Colorado	113,820	935,500
Oregon	132,320	593,850	Arizona	10,240	56,000
Total Pacific Slope.....	527,045	1,747,800	New Mexico.....	64,034	142,075
Montana	88,020	1,128,000	Total Rocky Moun- tains	432,464	6,780,371
Idaho	21,000	202,000	Grand total	959,509	8,528,171
Wyoming	83,780	3,255,000			
Nevada	8,710	19,000			

Depredations on the public timber during eleven years.

Year.	Estimated value of timber reported stolen.		Amounts actually recovered, partly by compromise.	Appropriations for protection service.	Agents employed (number calculated on the basis of twelve months each per annum).
	Market.	Stumpage.			
1881	\$891, 888	\$225, 472	\$41, 680	\$40, 000	17
1882	2, 044, 278	511, 069	77, 365	40, 000	31
1883	8, 144, 658	1, 709, 824	27, 741	75, 000	25
1884	7, 289, 854	1, 093, 178	52, 108	75, 000	26
1885	2, 862, 530	489, 255	49, 451	75, 000	23
1886	9, 339, 679	1, 726, 516	101, 086	75, 000	21
1887	6, 146, 935	1, 138, 320	128, 642	75, 000	26
1888	8, 397, 500	840, 145	128, 522	75, 000	25
1889	3, 603, 534	1, 182, 987	185, 002	75, 000	23
1890	3, 067, 152	832, 420	100, 942	75, 000	29
1891	2, 347, 473	349, 441	116, 704	100, 000	33
Total	54, 135, 481	10, 098, 627	1, 009, 243	780, 000	a 25

a Average.

(4) *It is a well-known fact, demonstrated by European experience and practice, that by a proper system of cutting not only can a forest be reproduced without the necessity of expensive replanting and kept continuously productive, but its yield per acre and year, in quantity and quality, can by proper management be increased considerably beyond that of the virgin forest left without management.*

The methods of management for natural reforestation, or "regeneration methods," are practiced, especially in France and Germany, in broad-leaved as well as coniferous forests. The cutting of the old timber is done with a view of giving chance for seeds of the desirable species to sprout and for the young growth to develop satisfactorily. These methods prevail especially in the mountain regions, where planting would be expensive and sometimes impracticable.

Since in the well-managed forests only such species as are valuable are allowed to grow to the exclusion of the inferior kinds, which the forester treats as weeds, the composition of the forest is improved, the growth is kept at the most favorable density for development, not only more individual trees, but those of more serviceable shape are growing, so that at the harvest the percentage of waste and useless material is reduced, and it is for these reasons that the yield, not only in quantity but also in quality, is increased.

While in our virgin forests the percentage of useful saw material is estimated to rarely exceed 20 or 25 per cent, the percentage in the French Government forests is over 50, which in pine and spruce of 130 years of age in Germany may reach the high figure of 60 to even 70 per cent; that is to say, the management of the crop is such that the firewood, branches, and waste material are kept down to from 30 to at most 50 per cent of the total crop of wood.

Most of the timber cut and sawed in the United States is from trees more than 200 years of age, while the rotation, i. e., the time during which the crop is allowed to grow in Germany, for most timber, is not more than 100 years. Comparisons of absolute yield are therefore impossible to make.

But if we allow the high estimate of 10,000 feet, board measure, per acre to be an average for the United States, we learn from the large statistical material on hand for the German forest administrations that the yield of the German forests is at least three times as large, and that produced in a shorter time. We leave out of consideration, of course, the yield of the Pacific Slope forests, which is beyond any average computation.

That it is judicious for the Government to keep in view the question of timber supplies and to give, at least as far as its own holdings are concerned, timely attention to the future, if for nothing else than an example and object lesson, may be

inferred from the following statement in regard to the outlook of available supplies and demand, which, while not claiming to present actual conditions, for which statistics are lacking, discusses possibilities or probabilities.

The chief of the forestry division, in an address before the real-estate congress at Nashville, Tenn., in 1892, says:

“The area of timber land in the United States, although changing daily by clearing of new farms and by relapsing of old ones into woodlands, may roughly be placed at 500,000,000 acres. Even if we were to class as timber land all the land not occupied by farms or known to be without tree growth, this figure can not be increased more than 60 per cent; that is, the utmost possibility of the area of natural woodlands in the United States must be within 800,000,000 acres. The former figure, however, comes probably much nearer the truth. How much of this area contains available merchantable timber it is impossible to tell, or even to guess at. We only know that supplies of certain kinds are waning. For instance, the white pine of the North shows signs of exhaustion, the white ash has become scarce in many localities, the tulip poplar will not last long, and the black walnut has ceased to be abundant. All we can do is to estimate the range of possibilities.

“With the utmost stretch of imagination as to the capacity of wood crops per acre, if we allow even the entire area of half a billion acres to be fully timbered, and keep in mind the enormous yield of the Pacific Coast forests, 1,250 or 1,500 billion cubic feet of wood is all that could be crowded upon that area. This figure would far exceed the most highly colored advertisement of a dealer in timber land, except on the Pacific Coast; in fact, he would be afraid to assert one-half as much, for it would make the average cut of timber per acre through the whole country 10,000 feet board measure.

“The above figure in cubic feet represents wood of every description, allowing as high as 33 $\frac{1}{2}$ per cent for saw timber.

“Since we consume between 20,000,000,000 and 25,000,000,000 cubic feet of wood of every description annually, fifty to sixty years would exhaust our supplies, even if they were as large as here assumed and if there were no additional growth to replace that cut and no additional increase of consumption. Regarding the latter it may be of interest to state that according to as careful an estimate as I have been able to make upon the basis of census figures and other means of information the increase in the rate of consumption of all kinds of forest products during three census years, expressed in money values, was from round \$500,000,000 worth in 1860 to \$700,000,000 worth in 1870 and \$900,000,000 in 1880, while for 1890 it may probably reach \$1,200,000,000, an increase of about 30 per cent for every decade, or somewhat more than the increase of population, which may in part be explained by higher prices.

“It will also aid us in our conception of the situation to know that the sawmill capacity of the country in 1887 was round 200,000,000 feet (board measure) daily, which again may be figured equivalent to a probable consumption of wood of all kinds to the amount of at least 20,000,000 cubic feet round.

“It remains to be seen what the chances are of supplying ourselves from the natural reproduction of our present forest area.

“I have shown elsewhere that, while under the careful management of the German forest administrations, the average yearly new growth is computed at 50 cubic feet per acre, or 2.3 cubic feet for every 100 cubic feet standing timber, we can here, where there is no management at all, where fire and cattle destroy not only young growth but also the fertility of the soil, in spite of the originally greater reproductive power, expect no such annual crop.

“From my observations I would not admit that more than one-half such annual growth is realized on the average over the whole area of 500,000,000 acres, and the likelihood is that much less is reproduced per acre.

“Hence, while 500,000,000 acres reserved as forest at the very best would satisfy our annual consumption of 25,000,000,000 cubic feet—we need some 5,000,000,000 feet to supply our annual conflagrations—we are presumably cutting into our capital at the rate of at least 50 per cent of our annual consumption; that is to say, only one-

half the annual cut is represented in annual new growth. What do these figures mean with reference to the subject in question? Simply this, that while as yet prices for timber lands, and still less the price of lumber, are by no means advancing in proportion to the constantly growing reduction of standing timber supplies, when the general truth of these figures is recognized, which can not fail to occur soon, timber lands will appreciate rapidly in value, and lumbermen, especially in the south, will regret their folly of having marketed their best supplies at unprofitable and unsatisfactory margins."

Nevertheless, it may be possible by a common-sense management and more rational methods of utilizing the timber, having some regard to the young growth, inaugurated now, to avoid the necessity of replanting at great cost to maintain the present forest resources of the United States in sufficient and ever-increasing productiveness.

(5) *It is also established beyond controversy that the forest cover, and especially the forest floor of leaves, twigs, decaying vegetable matter, underbrush, and root system, influence the regularity of waterflow in springs, brooks, and rivers, as well as the state of the ground water level, the presence or absence of an efficient forest cover determining the percentage of subterranean or superficial drainage. Whatever the theories or facts regarding the influence of forest areas upon meteorological phenomena and climatic conditions—and these are partly at least still in controversy—there exists but little doubt, if any, among students and observers in regard to the influence which a forest cover exerts upon the water drainage and soil conditions.*

Since it is in part upon the assumption of the existence of such an influence that the Government is called upon to look to the preservation of forest conditions, and since the ideas regarding such influence are still more or less confused, it may be proper to explain more at length the action of the forest in this direction.

So far as formation of springs is concerned, no doubt, geological conditions and structure are of primary importance. This does not, however, exclude that the vegetable cover of the soil has at least a secondary influence upon the feeding and regular flow of springs. Even if we exclude any action of the forest upon the increase of precipitation, such as is claimed and partly sustained by observation, there are various ways in which the supply of springs is influenced by forest cover.

The forest floor and the foliage breaking the force of the raindrops prevent a compacting of the soil, it remains porous and permits the water to percolate readily, changing a large amount of it from surface drainage into subterranean channels; the root system, no doubt, works in the same direction. Forest floor and foliage also prevent rapid evaporation, and although the trees consume a large amount of water in their growth, evaporation is the worst dissipator of moisture, and the balance between the consumption and the saving of evaporation by forest growth is largely in favor of this kind of vegetation, as compared with any other vegetable cover or with naked ground, provided the forest floor of decayed leaves, twigs, etc., is not destroyed. Furthermore, the melting of snows is retarded under the forest cover, and finally the mechanical retardation of the surface-water flow promotes subterranean drainage, insuring to springs a greater supply for a longer time.

This observation, very generally made, used to be explained by popular writers as due to the sponge-like condition and action of the forest floor, being able to take up water and then gradually to give it up to the soil below. Fortunately the forest floor is rarely like a sponge, for a sponge never gives up water below, but always by evaporation above after the supply has ceased. The simile was an unfortunate one.

The open runs, i. e., brooks, rivulets, and rivers, receive their supply mainly from springs, but also from the surface waters which flow without definite channels down the slopes. The more the supply is derived from springs the more even is the water flow of the river; the greater the supply of the surface drainage the more dependent is the water flow on the changeful rains and on the melting of the snows, and the more changeful is the water flow. While, then, in the first place, the water flow in rivers is dependent upon the amount and frequency of rainfall and snow, the manner and time in which the water reaches the channels determines the greater or smaller extremes of water stages.

The retardation of the melting of the snow, which in a well-covered mountain district may be prolonged for two or three weeks under a forest cover, is of great significance in reducing the spring floods. The main influence, however, lies in the mechanical impediment which the forest floor opposes to the rapid surface drainage, promoting filtration to the soil and preventing the rapid filling of surface runs and lengthening the time during which the water is to run off. Observations in one of the reforested parts of the French Alps showed this retardation to be in the ratio of 5 to 3.

Thus, while in extreme cases, with excessive rainfalls or sudden rises of temperature in early spring, with steep declivities and impermeable rock formation, even a forest cover may have no practical effect in preventing a flood, it may be accepted as a generally true proposition that a forest cover has a tendency to lengthen the time of run off, and hence to reduce in amount and frequency flood conditions and to maintain the water flow more even, with fewer excessively low and high stages.

Lastly, but of greater importance than has often been conceded to this influence, the forest cover prevents erosion of the soil and formation of the so-called detritus of rocks, gravels, and sands which, carried into the rivers, increase the danger from floods, impede navigation, and if deposited on fertile lands may, as in France, destroy the soil value of whole districts. Along the coast and in the sandy plains the protection of the loose soil and dunes against the disturbing action of the winds, and in the mountains which are liable to avalanches and snowslides, as in Switzerland, the protective value of a forest is also well established. If there were any doubts regarding the influence of forest cover upon water and soil conditions before, they have been entirely dispelled by the extensive reforestation work undertaken by the forest department of France.

These 17 departments or counties had been impoverished and depopulated by the washing of the soil, torrential action of the rivers, and repeated floods, due to deforestation of the mountains, when the Government adopted the policy of reclothing the denuded slopes with tree growth and soil. The population in these counties had diminished from 10 to 20 per cent within less than twenty years, and fertile fields had been covered up for more than 100 miles from the source of the soil, with the débris brought from the mountains by the rushing torrents.

The French Government has expended for reforestation of these mountains, during the last thirty years, over \$35,000,000, and expects to have to spend more than the same amount in addition before the damage is repaired. The result of this work, some of which now long enough established to show effect, perfectly justifies the anticipations of its efficiency. In the "perimeters" which have been recuperated the waters are carried off more slowly and without damage. These works in their result must quiet all theoretical discussion of the efficiency of forest cover in this particular. The present ocular proof not only of the fact that deforestation invites floods, erosion, and untold damage, but that reforestation is the method of remedying the damage and proper attention in time to the forest cover the method of obviating it.

Recognizing the value, then, which a forest may have in preserving proper water conditions and soil conditions, and perhaps, too, in some degree in climatic conditions, the conception in Europe of "protective forests" as distinguished from the "economic forests," that is, a forest which has value only from a material point of view, a policy has grown up in the higher developed nations of placing the first class of forests, which have a significance as a natural condition rather than as a source of material supply for the whole community, under government control, direct or indirect.

(C) Aside, therefore, from the undesirability of destroying or unnecessarily impairing a valuable resource of material, which can be continuously reproduced on land otherwise useless, there is strong reason why, especially in regions dependent upon irrigation for their agricultural development, favorable forest conditions should be carefully maintained.

Modern experience and scientific research have confirmed the experience of antiquity, namely, that plant production is primarily dependent upon water and

that the management of water supplies is much more essential to the farmer, even in the humid regions, than management of mineral constituents of the soil, for the latter can be supplied with ease, but the former can be regulated and supplied properly only with difficulty. If, then, water management becomes more and more important in all sections of our country it is particularly so in those regions where, from natural causes, the supply is scanty. No artificial reservoirs can supply the more easily and cheaply maintained natural reservoir of the forest floor.

In this connection it will be well to quote the following language from a memorial recently transmitted to the President of the United States by the Colorado State Forestry Association, to which the secretary of state, State engineer, State treasurer, attorney-general, and other leading officers of the State, together with the chambers of commerce of Denver and Colorado Springs and some 500 leading citizens of the State, have appended their signatures, recommending the reservation of all the timber lands in their State:

“To His Excellency the President of the United States:

“Your memorialist, the Colorado State Forestry Association, respectfully represents that the agriculture of this State, now rapidly increasing in magnitude and importance, is almost entirely dependent upon systems of irrigation. At least \$13,000,000 are invested here in reservoirs, canals, ditches, and other works for the storage and distribution of water. No less than 13,000 miles of irrigating canals and main ditches are in operation or in course of construction in the State.

“The agricultural yield of Colorado (exclusive of live stock) for the year 1891 amounted to \$53,900,000; the mineral output for the same period was \$33,549,000—a large sum, but greatly inferior to the one first named.

“It will thus be seen how vitally important to the growth and continued prosperity of this Commonwealth is an abundant supply of water for irrigation. In fact it may be said that henceforth the agricultural yield of the State will be limited only by its water resources.

“The streams upon which the irrigation systems of Colorado depend are fed by the springs, rivulets, and melting snows of the mountains, which in turn are nourished and protected by the native forests. Where the forests have been destroyed and the mountain slopes laid bare most unfavorable conditions prevail. The springs and the rivulets have disappeared, the winter snows melt prematurely, and the flow of streams, hitherto equable and continuous, has become fitful and uncertain. Floods and drought alternating clearly indicate that the natural physical conditions of the region have been unduly disturbed. In winter and early spring, when heavy masses of snow have been accumulated on treeless precipitous slopes, snow and landslides frequently occur, with disastrous result to life and property. Even thus early in the present season a considerable number of valuable lives have been sacrificed in this manner.

“The main Rocky Mountain range extends throughout the State, from north to south, and is flanked on either side by numerous spurs and minor ranges. The average or mean elevation of Colorado, 7,000 feet above the sea level, is greater than that of any other portion of North America. The high and rugged interior region contains 140 peaks or more exceeding 11,000 feet elevation, and comprises about one-fourth of the area of the State. Small portions of this region are used for agriculture and grazing, but in the main it is unsuited for such purposes. Its surface, below timber line, was originally quite generally covered with a coniferous forest growth, but has subsequently been marred and disfigured by fire and the ax. Vast areas have been thus desolated. Above timber line proper there are many gulches and sheltered places, in some of which exist a stunted growth of trees and shrubs, where the drifting snows find lodgment, melting only during the summer months.

“At certain of these greater elevations are found morasses, Alpine lakes, and, during portions of the year, ice fields of limited extent. The region is mainly one of cold and humidity for long periods of each recurring season. This is one of the principal, if not the chief, of the distributing centers of the continental water system. It contains the sources of the North Platte (in part), the South Platte, Arkansas, Rio

Grande, Dolores, Gunnison, Grand, White, Yampa, and other powerful streams, the preservation of which is not only important to Colorado but to neighboring States and Territories. New Mexico would be uninhabited were it not for the life-giving waters of the Rio Grande, which flow from the snow mountains of Colorado.

"In view of the above, and in consideration of many recognized evils which follow the reckless and inconsiderate denudation of timbered areas, we respectfully ask that you will, under the act of March 3, 1891, cause to have withdrawn from disposal and constituted a forest reserve all public lands along the crests of the mountain ranges and spurs in this State, as above mentioned, and upon either side thereof for a distance of 6 miles, more or less, according to the width of the timber belts in different localities and as may be deemed advisable after due official examination of the same.

"We beg to represent further that in our opinion the rights of prospecting and mining and right of way for public roads within the territory in question should remain inviolate, and that the General Government should inaugurate at the earliest practical period a careful and conservative administration of such public lands. We also believe that, under proper regulation, a prudent and economical use of the forest resources may be had without endangering the perpetuity of the forests. Forest conservation should promote rather than retard all legitimate industries."

In this connection it is also worth while to quote the language of the chief of the forestry division from the Annual Report of the Secretary of Agriculture for 1891:

"WATER MANAGEMENT THE PROBLEM OF THE FUTURE.

"Before even attempting the control of precipitation, our studies, in the opinion of the writer, should be directed to secure better management of the water supplies as they are precipitated and become available by natural causes. How poorly we understand the use of these supplies is evidenced yearly by destructive freshets and floods, with the accompanying washing of soil, followed by droughts, low waters, and deterioration of agricultural lands.

"It may be thought heterodox, but it is nevertheless true, that the manner in which most of the water of the atmosphere becomes available for human use (namely, in the form of rain) is by no means the most satisfactory, not only on account of the irregularity in time and quantity, but also on account of its detrimental mechanical action in falling, for in the fall it compacts the ground, impeding percolation. A large amount of what would be carried off by underground drainage is thus changed into surface drainage waters. At the same time, by this compacting of the soil, capillary action is increased and evaporation thereby accelerated. These surface waters also loosen rocks and soil, carrying these in their descent into the river courses and valleys, thus increasing dangers of high floods and destroying favorable cultural conditions.

"Here it is that water management and, in connection with it or as a part of it, forest management should be studied, for without forest management no rational water management is possible."

(7) Experience in the United States has shown that under private ownership forest conditions are almost invariably destroyed or deteriorated, for the simple reason that the timber for present use is the only interest which private enterprise recognizes in the forest, not being concerned in the future or in the consequences of mismanagement to adjoining, who have to suffer.

It is therefore undesirable to transfer the ownership of the public timber lands to individual owners in the expectation of having them managed with a view to the broader interests of the community.

If there were need of other demonstration of this point beyond the history of the eastern forest lands, which have been for many years in the hands of private owners, we need only refer back to the working of the law in the Pacific Coast States, where such disposal to private holders has utterly failed in accomplishing its object. There is neither the interest nor even the knowledge to be found among the many to let

us anticipate forest management by small holders. Besides, forestry thrives best on large consolidated areas, from financial as well as technical considerations.

It will be necessary, in order to promote rational forest management, to do the same that all other nations have found necessary to do, namely, for the Government to set the example and furnish the object lesson and opportunity for the others to follow.

The fact that a tree crop takes from fifty to one hundred years and more to grow to usefulness requires a patience and stability of ownership which our people have not yet attained, and hence the Government must furnish the conservative elements where needed, as in our forest policy.

(8) The cession of the public timber domain to the individual States, with a view of having the States devise methods of conservative management, would fail in accomplishing the object for various reasons. Experience in the past with such cessions has not proved it practicable to place restrictions or conditions upon such cessions or to enforce them.

Even if a cession under condition that the State provide efficient management could be practically effected, lack of unity in the various systems and clashing of interests where watersheds are situated in more than one State make retention of these lands in the General Government desirable, or at least more promising of conservative results.

Other reasons of expediency make such a wholesale cession of timber lands impracticable. Among these may be mentioned the difficulty of segregating the timber lands from public lands of other description or transferring obligations of the General Government toward railroad companies resting upon such lands.

Nevertheless, cooperation with the State authorities in inaugurating a sound forest policy is most desirable, and should be made a prominent feature in whatever measure the General Government may devise.

(9) The present proposed legislation keeps in view the following principles:

(a) That the retention of the public timber lands in the General Government, and their administration as such, is the only proper policy for all wooded areas of the public domain which do not stock on agricultural land.

(b) That only a fully developed and separate system of management and administration, carried on by competent men under expert advice, can accomplish the objects of a rational forest policy.

(c) That the object of the public forest reservations is twofold, namely, to maintain desirable forest conditions with regard to waterflow and at the same time to furnish material to the communities in their neighborhood.

(d) That while the service of protection of watersheds would warrant an expenditure out of other funds for such service, it should nevertheless pay for itself by the sale of surplus forest material.

It is only necessary to add a few words of explanation on this latter point. Says the chief of the forestry division in discussing the practicability of a Government forest administration:

"To meet any objections on the score of expense, a rough estimate of this question may be made as follows:

"Allowing 50,000,000 acres of timber land reserved, I find that a tolerably efficient administration may be provided for a round \$2,500,000, or 5 cents per acre. It would be satisfactory, of course, if only this expense be covered by the revenue. While the annual growth of wood per acre on the reserved area would exceed in value the assumed cost of administration, the local market and consumption is restricted. But when we consider that the present sawmill capacity of the region affected is over 3,000,000,000 feet, board measure, and the resident population 3,000,000, requiring at least 50 cubic feet of wood material per capita, sufficient margin is assured, even if only half of these amounts are furnished from the Government reservations and the average charge for stumpage is taken at 10 cents."

And in another place (see Annual Report, 1886):

"(7) The cost of the total service depends, of course, on the number of districts to be formed. Take Colorado alone, which we will assume contains about 5,000,000

acres of public domain. For this we may require 300 rangers and 10 inspectors, and the expense may be placed in round figures at \$300,000. This amount could be saved by preventing only one-third of the forest fires, which seem to destroy over \$900,000 worth of public property in that State yearly, and the 50,000,000 cubic feet or so of timber, which may be cut to satisfy the needs of the country for its development, would certainly, without hardship to anyone, yield enough to help pay the expense of less favorable localities and of the central bureau. The expense of the latter, with the necessary staff of clerks, etc., would certainly be kept within the sum of \$50,000. Even if the whole forest area were as thoroughly organized as proposed for Colorado the expense of the service would not be more than 30 per cent of the income which might be derived from this domain, or which could be saved, by preventing one-half of the fires that yearly destroy about an equal amount."

Referring to the operations of several European forest administrations we find that their expenditures represent from 37 to 58 per cent of their gross income, or from \$1.33 to \$5 per acre, the net revenue being 96 cents to \$4.40 per acre. These are results under conditions of very intensive management and under highest economic development. Taking Prussia alone, with a round 6,000,000 acres of forest and much poor and undeveloped country, the cut in 1890 amounted to round 333,000,000 cubic feet of wood, of which 215,000,000 feet went into cord wood and 118,000,000 feet into saw logs, or round 56 cubic feet of wood, representing the annual growth per acre per year over the entire 6,000,000 acres, with a proportion of 45.6 per cent in saw timber and wood for manufactures. The price received for this material in woods, butt cut, was at the average rate of \$10.63 per M feet, board measure, and \$3.69 per cord, or both together about 5 cents per cubic foot of wood, the total income from wood being \$16,225,000, of which 62 per cent came from saw timber. Other revenues of the forest administration amounted to \$17,632,810, or about \$2.63 per acre, as against \$10,888,893 in 1870.

The expenditures, amounting to \$8,796,740, or, if special appropriations not recurring are deducted, to \$8,582,268, represented 47.38 per cent of the gross income. It may be of interest to indicate in what direction this large amount is expended:

There are 122 officers in higher branches of administration, aggregating salaries to the amount of.....	\$154, 350
681 district officers or managers.....	588, 276
3,753 underforesters or guards.....	1, 162, 867
114 financial agents.....	73, 141
Other temporary employees and personal expenses.....	1, 073, 587
Total personalia.....	3, 052, 221
Cost of harvesting wood crop (lumbering at a little less than 7 cents per cubic foot).....	2, 266, 030
Buildings.....	599, 834
Roads and waterways.....	410, 102
Surveys.....	110, 226
Injurious insects.....	60, 454
Culture.....	1, 230, 882
Sundries.....	280, 073
Total salaries and administration.....	8, 009, 822
Forestry schools and scientific research.....	* 48, 130
Purchase of lands.....	304, 156
Sundries.....	434, 632
Grand total.....	8, 796, 740

* We appropriate for a similar purpose, namely, the forestry division in the Department of Agriculture, whose function it is to build up an interest in the subject and to supply information on for

Or \$1.33 per acre, leaving a net revenue of \$1.30 per acre, as against 97 cents in 1870, when the expenditure per acre was 34 per cent less.

(10) *The proposed legislation contemplates a segregation of the timber lands that are stocking on nonagricultural soil from the other public lands and the transfer of their administration from the Department of the Interior, where lands are held only for disposal, to the Department of Agriculture, which is designed to look after agricultural matters and where a bureau in charge of forestry matters already exists.*

To save expense in the beginning and to create as quickly as possible an efficient protective service, the Army may well be employed for such duty. This service has been conferred upon the Army in the Yellowstone and the California parks to the full satisfaction of both officers and men, with the anticipated results as far as the protection of the forest property is concerned.

Cooperation with State authorities, such as forest commissions or commissioners, is provided for with a view of enlisting the authorities of the States in the upholding of a rational forest policy.

Since these forest reservations are not to be in the nature of parks, they are to remain open to public use and entrance for all purposes, excepting so far as restrictions appear necessary in order to protect the property from damage and depredation. Prospecting and mining are to be permitted under proper regulations.

The main features of the legislation, however, are its provisions for the cutting of timber under a system of licenses and the creation of the necessary force of officers to attend to the business of a regular forest administration properly. The attempts hitherto of regulating the cutting of timber have remained futile for the lack of an organized system and of the necessary force to maintain a system.

The license system here provided recognizes the various demands of settlers, prospectors, miners, and lumbermen as legitimate, and necessary to be provided for differently according to the nature of their business and in an equitable manner.

When all needs of the population can be legitimately satisfied, with a sufficient force of officers to attend to the wants of the public in a business like manner, there is no reason why the existing vandalism with which the public-timber domain has been wasted should not cease, destructive fires be reduced to a minimum, a system of proper forest conservancy gradually be developed, and the American nation add to its civilization by a rational treatment of the forests of the public domain at least.

In conclusion, the fact is recalled that as long ago as 1879 the writer of this report took occasion to refer to this subject before the Senate in the following language (see Congressional Record, February 10, 1879):

"There is another subject, Mr. President, not strictly agricultural and yet so closely allied to that interest as to demand consideration always when agricultural questions are under discussion. I refer to the preservation of our forest lands from denudation. Those who have investigated and given much thought to the matter declare that the wholesale destruction of the forests of a country, without providing for a new growth, not only seriously affects the material interests but impairs the health and comfort of all the inhabitants thereof. Bitter experience long ago taught the people of the Old World that they could not with safety wage indiscriminate war against their trees. Nature is, indeed, a kind mother to those who exercise an intelligent regard for her habits and her laws, but she is at times terrible in her wrath against those who blindly defy her decrees. The laying waste of the forests of a country rudely disturbs that harmony between nature's forces which must be maintained if the earth is to be kept habitable for its teeming millions.

"We have ourselves heretofore sadly neglected these considerations, but our Government can not and must not much longer refuse to give to them its most serious attention. If we may not with propriety restrain the individual from injuring his own property we can and should at least furnish information and devise plans, through intelligent legislation, which shall incite him to cooperate with his neighbor to protect their common interests. Most European governments

have elaborated methods whereby they exercise a supervisory control over the forests of their dominions, and one day the public welfare will demand that our Government shall follow their example. The subject is a practical one; it is not a dream of the theorist; it concerns the pockets of the people and their welfare in many ways."

Considering the very great importance of this measure, early passage of the bill is recommended.

At the annual meeting of the American Forestry Association, held December 15, 1893, the following resolution was passed:

"Whereas it has been brought to the attention of the members of this association, both by the debates in Congress and by discussions in the public press, that a misapprehension as to the purposes of the provisions of House bill No. 119 exists: Be it

Resolved by the American Forestry Association in annual meeting, That its hearty indorsement of the provisions of this bill be conveyed to the members of the Public Lands Committee of the House of Representatives, as we recognize that the said bill is right in principle, and is an important first step toward the establishment of a rational policy in the management of the public timber lands of the United States; and be it further

Resolved, That the thanks of this association are due to the Hon. Thomas C. McRae for his intelligent and energetic support of this measure.

Resolved, That a committee of the association wait upon the Public Lands Committee of the House of Representatives for the purpose of presenting these resolutions.

"J. STERLING MORTON, *President A. F. A.*"

At the meeting of the Forestry Congress, held in Albany, N. Y., March 7, 1894, the following resolutions, offered by Robert Underwood Johnson, and seconded by William A. Stiles, were unanimously adopted:

Resolved by the Forestry Conference, in convention in Albany, March 6-8, 1894, and including representatives of the American Forestry Association, State forestry organizations of New York, Massachusetts, Pennsylvania, New Hampshire, Connecticut, and New Jersey, the Adirondack Park Association, the Genesee Valley Forestry Association, and other bodies: That we regard with approval the policy of national protection to the public forests, auspiciously begun under President Harrison and Secretary Noble by the creation of large forest reservations in California, Colorado, Arizona, and elsewhere, under the act of March 3, 1891, and continued by the Administration of President Cleveland, and we hail this policy as marking a more intelligent and patriotic era in the care of American forests; and we respectfully urge upon the President the opportunity which this act offers, and the responsibility which it imposes upon him for the defense of national interests by enabling him to reserve such other mountain tracts as may be desirable for the conservation of the timber or water supply or for the protection of great scenic features; and

Resolved, That we indorse the bill (H. R. 119) of Mr. McRae, chairman of the Public Lands Committee of the House of Representatives, as an important forward step in forestry legislation; at the same time we strenuously urge upon the President and Congress the pressing necessity of an immediate and thorough inquiry into the scientific, commercial, climatic, and economic bearings of the forestry question, with a view to establishing a systematic and permanent policy concerning the national forests in accord with the highest expert knowledge of the subject, and thus avert the serious disasters now threatened by the absence of proper laws.

Resolved, That the Secretary of the American Forestry Association be requested to communicate these resolutions to the President and the members of the Senate and House of Representatives, individually, and to have them offered as a petition in the open session of each House."

J. D. W. FRENCH,

Corresponding Secretary American Forestry Association, Boston, Mass.

COLORADO.

Resolution of the Colorado State Forestry Association adopted at the annual meeting of the association at Denver, December 28, 1893.

Resolved, That this association respectfully call the attention of the Honorable Secretary of the Interior to the fact that the timber on the Government lands in Colorado is being rapidly removed by unauthorized and lawless parties, and to the imperative need there is for special agents on the ground, or other efficient means to prevent such destruction, and his early action in the matter is earnestly requested.

The secretary of this association is instructed to send a copy of this resolution to the Honorable Secretary of the Interior, and to the chief of the Forestry Division, as well as to our Representatives in Congress.

GEO. H. PARSONS, *Secretary.*

COLORADO SPRINGS, *January 6, 1894.*

Whereas under the act of March 3, 1891, authorizing the President to set aside and reserve from sale or entry certain of the public timber lands, a number of extensive forest reserves have been established in this and other of the Western States and Territories; although several years have elapsed since the first of these reservations was created, Congress has failed to make provision for their administration so that they have been almost entirely without protection, and no apparent check has been given to the waste and destruction of their timber, while the streams upon which irrigation systems depend have suffered in proportion; therefore, be it

Resolved, That these facts be again brought to the attention of our Members of Congress, and that they be earnestly requested to obtain without unnecessary delay such legislation as will cure the evil complained of. We believe that H. R. 119, called the McRae bill, is a suitable measure to urge in this connection.

Resolution of the Colorado State Forestry Association, passed at their annual meeting held at Denver, Colo., on December 28, 1893.

Whereas there is now pending in Congress a measure entitled "A bill to protect public forest reservations" (H. R. 119), introduced by Hon. Thomas C. McRae, chairman of the Committee on the Public Lands, authorizing the Secretary of the Interior to make due provisions for guarding such reserves from fire and depredation, regulating their occupancy, utilizing the timber of commercial value, permitting the detail of Federal troops for police purposes, and for restoring to the public domain any such lands as may be found better adapted to agricultural than forest uses;

Resolved, That this association heartily commend this measure, and respectfully urges the Congressional delegation from this State to promote, by every proper means, its passage. It would suggest, however, that the clause providing for the occupancy of the reservation and use of timber be made sufficiently definite to permit, under proper regulation, prospecting, mining, construction of irrigation works, and due development of all natural resources upon the reserves in question.

Resolved, That the secretary of this association be directed to forward a copy of these resolutions to each of our Representatives in Congress and to the author of the bill referred to.

MASSACHUSETTS.

At the annual meeting of the State board of agriculture, held at Boston February 6, Mr. J. D. W. French presented the following resolutions, which were unanimously passed:

"Resolved, That the State board of agriculture approves House bill (H. R. 119), 'A bill to protect public forest reservations,' and urges the immediate passage of said bill.

"Resolved, That a copy of these resolutions be sent to the Senators and Representatives of this State in the United States Congress."

Very respectfully,

WM. R. SESSIONS, *Secretary.*

The following is the form of permit now used by the Department of the Interior:

PERMIT TO CUT PUBLIC TIMBER.

UNITED STATES OF AMERICA,

Department of the Interior, General Land Office:

Whereas in conformity with the provisions of an act of Congress approved March 3, 1891, entitled "An act to amend section 8 of an act approved March 3, 1891, entitled 'An act to repeal timber-culture laws, and for other purposes,'" and rules and regulations promulgated by the Secretary of the Interior for the execution of said act, _____ has made application to cut and remove timber from a portion of the public lands, fully and specifically in said application described, for necessary agricultural and mining purposes and for manufacturing lumber for domestic uses; and

Whereas it is deemed necessary for the public interest that permission be granted unto the said _____ to cut timber on the lands hereinafter described;

Therefore, under and by virtue of the authority vested by law in the Secretary of the Interior, and subject to all the conditions, restrictions, obligations, and limitations herein contained, permission is hereby granted unto the said _____ to cut timber on the public lands for immediate use in the _____ of _____, which said timber may be cut on public lands in the county of _____ in said _____, within limits particularly described as follows, to wit: _____

Provided, however, it is expressly stipulated and agreed, that the permit hereby granted shall be, and the same is hereby, made subject to the following conditions, restrictions, and limitations, to wit:

1. That this permit and all rights and privileges hereunder shall expire on the _____.
2. That no trees shall be cut or removed that are less than _____ inches in diameter, except such as may be absolutely necessary for making needed roadways through the timber.
3. That in the cutting of timber in the manner and for the purpose set out in the application of said _____, not to exceed 50 per cent of the timber of each class now growing thereon, and taken as nearly as may be from each acre of the tracts above described, shall be taken from the lands embraced in this permit.
4. That the said _____ shall submit monthly, through the register and receiver at _____, a statement, under oath, showing the amount of each kind or kinds of timber cut or removed during each month, giving a description of the particular tract or tracts from which such timber was cut, and stating how such timber was disposed of and to whom.
5. That no timber cut or removed under this permit shall be so cut or removed for transportation out of the _____.
6. That in acting under this permit no timber is to be cut or removed from any tract or tracts covered by the settlement or occupation of any bona fide settler,

intending to perfect title to such tract or tracts under any of the laws of the United States, nor from any tract or tracts embraced in any reservation of whatsoever kind created by operation of law or proclamation of the President.

7. That all of each tree cut that can be profitably utilized shall be used, and that the said _____ shall cut, remove, burn, or otherwise safely dispose of the tops and brush of trees, and the tails, slabs, sawdust, and other refuse from _____ saw-mills, with a view to preventing the same remaining food for flames, and that the said _____ stand liable in damages for the starting or the spread of any fires attributable to _____ neglect or that of _____ employes in any manner to comply strictly with this provision.

8. That during the continuance of this permit the said _____ agree not to purchase timber cut on public land of the United States of any person or persons not having a permit from this Department to cut timber from said public lands, except as provided in section 4 of the circular of May 5, 1891, and _____ further agree to ascertain affirmatively that persons offering timber for sale have the necessary permit to cut the same if taken from the public lands.

9. That nothing in this permit shall be construed to give to the said _____ the exclusive right to cut or remove timber from the lands described herein, nor shall the granting of this permit in any way be held to withdraw the lands embraced herein from settlement or occupation and entry by any qualified bona fide claimant.

10. That the right is hereby reserved to modify or revoke at any time the permission hereby granted.

11. That the said _____ shall be subject to all the rules and regulations under the said act of March 3, 1891, as well as the conditions, restrictions, and limitations herein set forth and such additional rules and regulations as may hereafter be promulgated.

12. In consideration of the granting of this permit, it is expressly stipulated and agreed that the said _____ will use all available means to prevent forest fires, and should such fires be started to endeavor to extinguish the same within the limits herein described.

13. That this permit is not transferable, and any attempt to transfer the same will render it void.

_____,
Commissioner of the General Land Office.

Approved:

_____, 189—.

_____,
Secretary of the Interior.

EXHIBIT D.

[Fifty-second Congress, first session. S. 3235. In the Senate of the United States, June 1, 1892. Mr. Paddock introduced the following bill, which was read twice and referred to the Committee on Agriculture and Forestry. July 1, 1892. Reported by Mr. Paddock with amendments, viz: Omit the parts in brackets and insert the parts printed in *italics*.]

A BILL to provide for the establishment, protection, and administration of public forest reservations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized, as soon as practicable after the passage of this act, to cause an examination to be made by districts of all public lands bearing forests, and all lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, in all the States and Territories, and require to be filed complete lists of such lands in the General Land Office.

SEC. 2. That when the examination of said lands in any State or Territory shall have been completed and complete lists thereof filed in the General Land Office, it shall be the duty of the President of the United States by public proclamation to withdraw and set apart all of said lands, except such as are found to be more valuable for general agriculture than for forest uses or forest culture, for forest reservations, and declare the establishment of such reservations and the limits thereof. And thereafter all forest reservations previously established under the provisions of the act approved March third, eighteen hundred and ninety-one, so far as practicable, and all reservations established by authority of this act shall be exclusively controlled and administered in accordance with the provisions herein.

SEC. 3. That the object of the forest reservations shall be to protect and improve the forest cover within the reservations, for the purpose of securing favorable conditions of water flow and continuous supplies of timber to the people of the districts within which the reservations are situated.

SEC. 4. That there shall be in the Department of Agriculture a commissioner of forests, who shall be a person versed in matters of forestry, and shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of four thousand dollars and his necessary traveling expenses. He shall have control of the forest reservations and timber lands of the United States, subject to the supervision of the Secretary of Agriculture. There shall be one inspector of forests in said Bureau, receiving a salary of two thousand dollars, and two assistant inspectors, receiving a salary of one thousand eight hundred dollars each and traveling expenses, who shall, together with the necessary clerical force, to be fixed by the Secretary of Agriculture, act as assistants to the commissioner of forests, and shall visit and inspect all reservations placed under their inspection at least three times a year.

SEC. 5. That there shall be appointed for each forest reservation one superintendent, who is to have full charge and control of the forest reservation for which he is appointed, under supervision of the central bureau, and be responsible for the local administration of the same. He shall be appointed by the Secretary of Agriculture for his fitness, to serve during the pleasure of the Secretary, and shall receive a salary of one thousand eight hundred dollars. And wherever a reservation exceeds one million acres the Secretary of Agriculture may appoint assistant superintendents at a salary not to exceed one thousand two hundred dollars per annum, who shall be in charge of designated portions of the reservation, under the supervision of the superintendent. The superintendents shall live within or near the reservations which they have in charge, and their place of domicile shall be subject to the approval of the commissioner of forests.

SEC. 6. That there shall be employed upon every reservation and, when deemed necessary by the Secretary of Agriculture, at other points on the public lands rangers, to be appointed by the commissioner of forests, their number to be determined by the Secretary of Agriculture: *Provided*, That not more than one for every twenty thousand acres of reservations or public lands shall be employed, and whose salaries shall not exceed one thousand two hundred dollars per annum. The rangers shall act as police to prevent trespass and fires, to apprehend trespassers, to issue permits, to supervise the cutting and removal of timber upon presentation of permits duly signed and receipted, and to be under the direct control of the superintendent or assistant superintendent. The rangers must live within or near the districts assigned to their supervision.

SEC. 7. That the Secretary of War is hereby directed to make such details of troops as the Secretary of Agriculture, with the approval of the President, may require, for the purpose of additional protection to the reservations and timber lands against trespassers and fires, and to enforce the rules and regulations for the government of the reservations and protection of timber lands, in cooperation with the superintendents of the reservations. The Secretary of War concurring, it may also be made

the duty of the officer in command of such troops to act temporarily as superintendent of a reservation under the instructions of the Secretary of Agriculture, or whenever, by reason of the location of the reservation, the employment of a special superintendent from civil life in the opinion of the Secretary of Agriculture may be dispensed with.

SEC. 8. That all officers on the reservations shall possess the powers of deputy United States marshals in enforcing this statute and the rules and regulations governing the reservations, and shall wear a badge showing their official function.

SEC. 9. That whenever any of the States in which forest reservations are situated shall have instituted and provided for a forest commission, or other forest management of the forest lands situated in the State, it shall be in the discretion of the commissioner of forests, with the approval of the Secretary of Agriculture, to cooperate with such forest commission or management, and to allow the same to act as agents for the United States, under his direction, for the purposes of this act.

SEC. 10. That it shall be the duty of the commissioner of forests to cause a survey and description of the lands in each reservation to be made, with special reference to the uses to which the soil is best adapted, and after due examination to report such areas as may be used for farming purposes to the Secretary of the Interior, to be recommended by him, with the approval of the President, for restoration to the public domain.

SEC. 11. That the commissioner of forests shall formulate and promulgate, with the sanction of the Secretary of Agriculture, reasonable rules and regulations for the administration, protection, and occupancy of the reservations. He shall establish a practicable system of forestry, authorize the cutting and selling of timber when advisable, and make such provisions for the government of the reservations as may appear necessary to carry into effect the purposes of this act. All rules and regulations, as far as they relate to the public, shall be printed and posted in all public places within the Territory in which reservations are situated and shall be published from time to time in one or more newspapers of the same. All persons desiring to occupy said reservations for a longer period than one day shall be required to obtain a permit either at the superintendent's office or from any officer connected with the reservation, and shall sign his name and address in a book to be kept for the purpose, promising that he will strictly obey the regulations. There shall be no restrictions to prevent the prospecting for minerals except as far as general regulations may be made under this act. No exclusive rights to prospect, hunt, or fish shall be given, nor shall there be any restrictions as regards hunting and fishing, except that the forest officers shall be charged with the enforcement of any existing State and Territorial game laws: *And provided*, That wherever no such laws exist, or where for special reasons the commissioner of forests deems it desirable, he may provide regulations for hunting and fishing on the reservations, not inconsistent with State or Territorial laws.

SEC. 12. That the opening of mines shall be permitted only under licenses granted by the Secretary of the Interior and on designated locations, within which mineral has been actually discovered, and under such regulations—to be prescribed by the Secretary of Agriculture and the Secretary of the Interior—as will insure the objects of the reservations. Pasturage may be leased by the superintendent where desirable, under restrictions as to number of cattle and otherwise, for not longer than one year at a time. The construction of water reservoirs, ditches, and other necessary adjuncts of irrigation works shall be permitted only by the Secretary of Agriculture, after report by the commissioner of forests, and under the same or similar regulations as prescribed for licenses to mine. No roads or trails shall be opened by any persons except such as are designated by the superintendent and with the sanction of the commissioner of forests: *Provided*, That no exclusive rights of any kind applicable to the whole reservation shall be granted.

SEC. 13. That all cutting of wood on the reservations shall be done under a system of licenses, as *herein* provided [in sections thirteen and fourteen of this act:] *Pro-*

vided, however, That persons camping in the woods under permit may use dead wood only for their fires, under such regulations as the commissioner of forests shall make. Every year, on or before *the first Monday in April*, the superintendents of the reservations shall make report in regard to the areas from which timber may be cut under licenses, and, after examination by the inspectors and approval of the commissioner, the right to cut timber therefrom may be sold to the highest bidder after advertisement, to be made not later than July first, in one or more papers, as is usual: *Provided further,* That all applications for domestic licenses shall be first satisfied before proposals for bids on lumberman's licenses are advertised.

SEC. 14. That the disposal of timber for domestic purposes shall be made by means of licenses as follows, namely: First, a prospector's license shall be granted to any applicant by the local superintendent, upon the payment of five dollars. Such license shall confer the right to prospect for minerals upon land falling under the provisions of this act, and also the right to cut, without waste, and under the general regulations of the commissioner of forests and the supervision of the rangers, timber for the first construction of shanties, prospecting shafts, and other necessary structures from the land nearest to the prospector's claim or claims. Such license shall be good only for the district in which it is taken out, and shall end at the expiration of one year from the time of its issue, or whenever, sooner than that, the claim is perfected or the prospecting is abandoned. Second, a settler's license shall be granted to any bona fide settler having no timber on his claim, by the superintendent, upon the payment of five dollars. -Such license shall confer the right for one year to cut, for the licensee's own use only, and for domestic purposes, timber, fuel, and fence material, without waste, and under the general regulations of the commissioner of forests, upon an area of five acres, which the licensee may designate near his settlement. All licenses provided for in this section shall be in printed forms, and shall be issued, upon an order from the commissioner of forests, by the receivers of public money upon the payment of the license fee. Licenses shall be numbered in succession as applications for them are made, and priority of application shall determine the order in which they are granted. The superintendent shall receive applications for licenses on certain days of each week, to be published and made known by him. He shall keep open books, in which shall be recorded in proper order applications for licenses and the action taken upon them, with the name and residence or post-office address of every applicant. The commissioner of forests shall also notify the superintendents of every license granted in their districts, and the rangers shall be required to aid licensees in locating their claims. No license shall be granted to any person who, in the use of a previous license, has not complied with the regulations governing the reservation. No license of any kind shall be transferred from any person or company to another and continue to be valid unless the transfer of the same shall have first been authorized by the commissioner of forests.

SEC. 15. That such timber on the forest reservations as the commissioners shall decide may be advantageously cut, and as is not needed for mining or agricultural development in the neighborhood, shall be disposed of to lumbermen or others who may apply for it under a lumberman's license, in quantities not less in amount than that standing or being on one section nor more than that standing or being on twenty-five contiguous sections. Such license shall be granted, upon the payment of a fee of twenty-five dollars, by the commissioner of forests, with the approval of the Secretary of Agriculture, under the conditions set forth in section thirteen of this act, and shall confer the right to cut timber and sell the same from as many sections or acres as has been located and paid for. The licensee shall also pay one dollar per acre for the whole number of acres covered by his license before he may begin operations and not later than six months after the granting of said license. And a further charge per cubic foot of wood, to be included in the bid by the applicant, shall be paid by the licensee after the timber has been cut and before the same is removed. Such license shall

be good for two years, and in all cases in which not more than ten sections of timber are embraced in the license it shall not be renewed unless reasons satisfactory to the commissioner of forests are shown why the same could not have been used and its privileges exhausted during the period for which it was first given, nor in any case shall such license be renewed more than once or for a longer term than two years. No licensee shall be authorized to apply for or take out a second lumberman's license until he shall have cut and disposed of three-fourths of the timber to which he is entitled by the license previously given. Applications for lumberman's license are to be made to the commissioner of forests, and must be accompanied by a statement of the location and approximate amount of the timber sought by the applicant, together with a certificate of the superintendent to the effect that the lands on which such timber is situated are proper to be cut and not covered by any of the local licenses as provided in section thirteen, nor presumably needed for such within a reasonable time. Such application shall be considered in the months of August and September only, and no license shall be granted before at least three months have expired from the date of application and the same has been advertised three times in three local papers, if there be so many, of the district in which the licensee intends to locate. If the same location is sought by more than one applicant, priority of application shall not rule as to applications made in the same month, but the application for the smallest location shall, in such a case, receive first consideration; and wherever a survey of the location is necessary the applicant shall pay half of the expense of such survey, and whenever the licensee begins operations upon his location he must notify the local superintendent, and all cutting and disposal of the timber and other forest products shall be done under the supervision of the local officers and in accordance with such regulations as the commissioner of forests shall prescribe.

SEC. 16. That any court of the United States or commissioner thereof shall have jurisdiction to hear and determine all complaints made of any violation of this act, or of the rules and regulations made in accordance therewith, and shall have power to issue process, upon sworn information, in the name of the United States, for the arrest of any person charged with the commission of any nonindictable offense, or with the violation of the rules and regulations or provisions of this act, and to try the person so charged and, if found guilty, to fix the punishment as in this statute provided. Nothing herein contained shall be construed as preventing the arrest without process of any person taken in the act of violating the law or any regulation for the government of the forest reservations. The forms and proceedings for the enforcement of the provisions of this act shall conform, as near as may be, to the forms and proceedings in criminal cases before commissioners appointed by the courts of the United States as now provided by law; and there shall be the same right of appeal as exists in other cases.

SEC. 17. That it shall be unlawful to cut, remove, or destroy, or cause or procure to be cut, removed, or destroyed, or aid, counsel, or assist in cutting, removing, or destroying any timber on the forest reservation or timber lands of the United States, except as provided for and permitted by this act, or to wantonly burn, injure, tap, or girdle such timber, or to export, transport, purchase, or dispose of the same, or any lumber, charcoal, pitch, turpentine, or other product manufactured therefrom; and every person violating the provisions of this section shall be guilty of a misdemeanor and shall be liable to a fine of not less than one hundred dollars and not more than one thousand dollars for every such offense, and imprisonment for not more than one year; and every person engaged in such depredation upon the forest reservations or timber lands of the United States, whether as principal, agent, employee, carrier, mill owner, manufacturer, vender, or vendee, shall moreover be liable in an action of trespass for the full value of the timber or timber product at the place of delivery; and all persons acquiring rights to cut timber, or any rights of use and occupancy of the forests, under the provisions of this act, whether at public sale, by license, or in any other way, are to have and to hold such rights

on condition of compliance with the rules and regulations of this act and of the commissioner of forests. And a failure to comply with all the rules and regulations so prescribed and approved in regard to the manner of using and occupying the forest reservation lands shall constitute a misdemeanor, punishable as provided in this act.

SEC. 18. That it shall be unlawful for any person, firm, or corporation knowingly to erect, establish, or maintain upon forest reservations or upon any timber lands of the United States, without authority from the commissioner of forests, any sawmill or manufactory of lumber or other timber products, or to be engaged or be employed in the manufacture of lumber, charcoal, pitch, or turpentine upon public lands, or to use at any such mill, manufactory, or works any timber cut or removed from public lands; and any person violating this section shall be liable to a fine of not less than five hundred dollars and not more than five thousand dollars, in addition to the penalties hereinbefore prescribed; and all mills, manufactories, and works so erected and maintained upon forest reservations shall be absolutely forfeited to the United States.

SEC. 19. That if any master, owner, or consignee of any vessel, or any officer or agent of any railroad company, shall knowingly receive for shipment any timber, lumber, or timber product taken without authority from the forest reservations of the United States with intent to transport the same to any port or place within the United States, or to export the same to any foreign country, every such master, owner, consignee, officer, agent, or railroad company shall be liable to the penalties prescribed in section seventeen of this act; and the vessel on board of which any such timber, lumber, or timber product shall be taken, transported, or seized shall be wholly forfeited to the United States.

SEC. 20. That all costs and expenses arising in cases under this act and properly chargeable to the United States shall be certified by the commissioner or clerk of the court hearing such cases to the Department of Justice, and, if approved by the proper officers of that Department, shall be paid by the marshal of the United States to the district wherein said proceedings arise, as other such costs in the United States courts.

SEC. 21. That any person or persons who shall violate any of the regulations of the forest commissioner for the government of the reservations or timber lands shall be deemed guilty of a misdemeanor, and shall pay for every such offense a fine not exceeding one thousand dollars nor less than one hundred dollars, in addition to the value of any timber or forest growth injured or destroyed, to be recovered by a proceeding in the nature of an information before any United States court within whose jurisdiction such offense is committed; and it shall be the duty of the district attorney of the United States for the district wherein any such offense is committed against the provisions of this act, or any rules and regulations made as herein provided, to institute and prosecute said proceedings in the name of the United States.

SEC. 22. That all sums arising from licenses, rents, fines, or forfeitures, or violation of the laws and regulations made for the government of forest reservations or timber lands, or from any source connected with said reservations, shall constitute a separate fund and be applied to the care and preservation of the reservations in accordance with the objects set forth in this statute; and the officer or officers collecting the same shall pay the same to the Secretary of Agriculture, to be expended under his direction for the purpose of this statute. A report of the sums so collected and paid over to the Secretary of Agriculture and his disposition thereof shall be made annually by him to Congress in connection with the annual estimates hereinafter provided.

SEC. 23. That the Secretary of Agriculture shall be empowered to cause to be erected buildings for the occupancy of rangers and superintendents, if necessary, and to employ laborers for the construction of roads and for other labor necessary to be performed in maintaining the proper administration of the reservations: *Provided*, That the Secretary shall make annual estimates in detail for each reservation of the salaries and cost of improvements and communicate the same to Congress.

[For report on Senate bill 3235, 52d Cong., 1st sess., see page 114.]