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REPORT

OF THE

SECRETARY OF THE INTERIOR;

BEING PART OF

THE MESSAGE AND DOCUMENTS

COMMUNICATED TO THE

TWO HOUSES OF CONGRESS

AT THE

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

IN FIVE VOLUMES.

VOLUME I.

OKLAHOMA LIBRARY

WASHINGTON:
GOVERNMENT PRINTING OFFICE.

1896.

1950

REPORT OF THE

COMMISSION

ON THE

STATE OF

THE

UNION

ОКЛАНОВА ГИВРАВА

REPORT

OF THE

SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., December 3, 1896.

SIR: The Department of the Interior comprises such a variety and magnitude of interests, extending over such an expanse of territory, that its care or supervision must entail great labor and responsibility. The brief time that has elapsed since I assumed this trust has not admitted of my becoming thoroughly familiar with its duties and opportunities, but its importance and possibilities have so impressed and interested me that I have given to it all the time and thought at my command.

Herewith I have the honor to present the annual report of the work of the Department and such suggestions and recommendations as to policy and legislation as my limited experience prompts me to offer. In submitting this report, I should be untrue to my own convictions and unjust to my predecessor, Hon. Hoke Smith, whose resignation took effect September 1 last, if I failed to testify to his fidelity and efficiency as the head of this Department from March 4, 1893, to the date named.

In making this report, I must of necessity have been largely dependent on heads of bureaus and chiefs of divisions in acquiring information concerning the operations of the Department and the effect of its administration. The interest in the service manifested by the officers and employees has been earnest and commendable, the assistance rendered cheerful and intelligent, and I am pleased to bear testimony thereto.

DEPARTMENT APPROPRIATIONS.

The comprehensiveness and diversity of this branch of the Government can be most approximately estimated by considering the amounts

IV REPORT OF THE SECRETARY OF THE INTERIOR.

and objects of the appropriations for the last fiscal year, which aggregate \$157,179,656.37 and appear in detail in the following table:

Secretary's Office.....		\$262, 720. 00
General Land Office:		
Salaries in the Bureau.....	\$488, 850. 00	
Salaries surveyors-general.....	154, 100. 00	
Public-land service.....	760, 000. 00	
Surveying public lands.....	395, 000. 00	
Inspecting mines in Territories.....	11, 000. 00	
Expenses of inspectors.....	7, 000. 00	
Maps of United States.....	14, 840. 00	
Library.....	400. 00	
		<u>1, 842, 190. 00</u>
Indian Office:		
Salaries in the Bureau.....	115, 620. 00	
General expenses, Indian service.....	8, 570, 751. 24	
		<u>8, 686, 371. 24</u>
Pension Office:		
Salaries in the Bureau.....	2, 086, 710. 00	
Salaries of special examiners.....	195, 000. 00	
Investigation of pension cases.....	500, 000. 00	
Army and Navy pensions, salaries of pension agents, expenses of agencies, etc.....	141, 382, 292. 17	
		<u>144, 164, 002. 17</u>
Patent Office:		
Salaries in the Bureau.....	694, 190. 00	
Public use of inventions, etc.....	250. 00	
Library.....	2, 000. 00	
International protection of industrial property..	700. 00	
Official Gazette.....	99, 655. 00	
Photolithographing.....	61, 129. 00	
		<u>802, 924. 00</u>
Education Office:		
Salaries in the Bureau.....	51, 820. 00	
Library.....	500. 00	
Collecting statistics.....	2, 500. 00	
Education of children in Alaska.....	30, 000. 00	
Distributing documents, etc., Education Office..	2, 500. 00	
Reindeer in Alaska.....	7, 500. 00	
		<u>94, 820. 00</u>
Railroad Office:		
Salaries in the Bureau.....	11, 420. 00	
Traveling expenses.....	1, 000. 00	
		<u>11, 420. 00</u>
Geological Survey:		
Salaries in the Bureau.....	31, 390. 00	
Field expenses and surveys.....	637, 100. 00	
		<u>668, 490. 00</u>
Architect of Capitol Office:		
Salaries in the office.....	20, 644. 00	
Annual repairs Capitol.....	25, 000. 00	
Improving grounds.....	12, 000. 00	
Lighting Capitol and grounds.....	54, 000. 00	
Miscellaneous repairs, etc.....	4, 180. 00	
		<u>115, 824. 00</u>

Miscellaneous:

Library, Department of the Interior.....	\$500.00
Repairs Interior Department and Pension buildings.....	5,000.00
Payment for Supreme Court reports.....	608.00
Government Hospital for Insane.....	260,740.00
Columbian Institute for the Deaf and Dumb.....	53,500.00
Maintenance Howard University.....	34,500.00
Miscellaneous items and reliefs.....	661.21
Publishing Biennial Register.....	4,000.00
Expenses special land inspector, Department of the Interior....	2,000.00
Postage to Postal Union countries.....	3,000.00
Rent of buildings, Department of the Interior.....	40,500.00
Yellowstone National Park building.....	385.75
Stationery, Department of the Interior, bureaus and offices.....	52,500.00
Contingent expenses, Department of the Interior, bureaus and offices.....	73,000.00
Total for the entire Department.....	157,179,656.37

The estimates for the present fiscal year amount to about \$1,000,000 less than the amounts appropriated last year. The following table gives the total appropriations for defraying the entire expenses of the Government (exclusive of the principal of the public debt) for the four fiscal years from July 1, 1857, to June 30, 1861, as taken from the books of the Register of the Treasury:

Fiscal year—	
1857-58.....	\$75,996,806.72
1858-59.....	65,401,457.28
1859-60.....	62,086,226.09
1860-61.....	89,855,082.70
Total.....	293,339,572.79

From this it appears that the cost of maintaining the Department of the Interior, including the payment of pensions, for the last fiscal year is more than two and a half times as great as the entire expenses of the Government for the fiscal year 1859-60, and \$6,000,000 in excess of the total cost of defraying the expenses of the Government for the two fiscal years from July 1, 1859, to June 30, 1861, although the expenses of the latter year were largely in excess of previous years, in consequence, no doubt, of preparations for war.

GENERAL LAND OFFICE.

THE PUBLIC DOMAIN.

The public domain is under the charge of the General Land Office, and has been since the creation of that Bureau in 1812. It remained under the supervision of the Secretary of the Treasury until the organization of the Department of the Interior, March 3, 1849, when it was transferred to this Department.

The national domain is the whole area, land and water, lying within the national boundaries known as the United States.

The public domain, or public lands—the property of the nation, and subject to legislative control and disposition by Congress alone—is the area known as public lands acquired by treaty, capture, cession by States, conquest or other acquisition, and purchase.

The national domain may be increased without adding to the public domain, as was the case when Texas came into the Union. The acquisition of that State added to our national domain, but did not increase the public domain, because all of the lands within the limits of that State belonged to and continued in the ownership and possession of the Commonwealth of Texas, until the sale of a portion thereof by Texas to the Government in 1850.

The public domain is comprised within the cessions made by the original colonies to the Federal Government, and known as the “Western Reserve,” with an area of 259,171,787 acres and the following purchases:

	Acres.
Louisiana purchase, April 30, 1803.....	756,961,280
East and west Florida, February 22, 1819.....	37,931,520
Guadalupe Hidalgo, February 2, 1848.....	334,443,520
State of Texas, November 25, 1850.....	61,892,480
Gadsden purchase, December 30, 1853.....	29,142,400
Alaska purchase, May 30, 1867.....	369,529,600
“Western Reserve”.....	259,171,787
Total.....	1,849,072,587

The above-named area, exclusive of the “Western Reserve,” was purchased at a total cost of \$88,157,389.98. The actual public domain is 1,818,462,522 acres, exclusive of the area of the State of Tennessee, which, although in reality a part of the public domain, was transferred to the State of Tennessee by act of Congress of February 18, 1841.

The following figures, compiled from the records of the General Land Office, give interesting information concerning the disposition of the public domain:

Total acres disposed of up to June 30, 1883.....	620,000,000
Total acres disposed of up to June 30, 1896.....	946,000,000

Disposed of from June 30, 1883, up to June 30, 1896, thirteen years. 326,000,000

Or 25,000,000 acres a year; an area nearly equal to the Gadsden purchase of 29,000,000 acres, and equal to the area of the State of Ohio. The public domain disposed of during the past thirteen years is more than half of the amount disposed of during the preceding one hundred and seven years of our existence, and more than one-third of the total public domain disposed of since the beginning of the Government.

The amount of the public domain still vacant is estimated at something over 600,000,000 acres, not including the District of Alaska, with an area of over 369,000,000 acres. The location of the public domain

is given in the following table, which shows the surveyed lands and the estimates of those unsurveyed:

State or Territory	Surveyed land.	Unsurveyed land.	Total area.
	<i>Acres</i>	<i>Acres.</i>	<i>Acres.</i>
Alabama.....	601,813	.....	601,813
Arizona.....	12,026,187	43,841,954	55,868,141
Arkansas.....	4,122,023	.....	4,122,023
California.....	35,397,929	9,841,573	45,239,502
Colorado.....	35,608,795	4,600,483	40,209,278
Florida.....	1,653,863	164,382	1,818,245
Idaho.....	9,322,770	36,955,707	46,278,477
Iowa*.....	.....	.....	(*)
Kansas.....	1,012,213	.....	1,012,213
Louisiana.....	852,623	65,018	917,641
Michigan.....	527,137	.....	527,137
Minnesota.....	3,441,772	3,711,088	7,152,860
Mississippi.....	529,313	.....	529,313
Missouri.....	617,245	.....	617,245
Montana.....	16,518,400	55,243,687	71,762,087
Nebraska.....	10,707,426	121,600	10,829,026
Nevada.....	28,781,748	32,832,050	61,613,798
New Mexico.....	42,702,550	14,525,868	57,228,418
North Dakota.....	12,370,554	9,982,552	22,353,106
Oklahoma.....	6,886,274	.....	6,886,274
Oregon.....	24,066,307	12,426,336	36,492,643
South Dakota.....	11,029,963	2,359,390	13,389,353
Utah.....	9,317,909	35,942,889	45,260,798
Washington.....	5,270,430	12,984,647	18,255,077
Wisconsin.....	544,699	.....	544,699
Wyoming.....	42,741,918	7,789,586	50,531,504
Grand total.....	316,651,861	283,388,810	600,040,671

* Register and receiver report no vacant public lands.

This aggregate is exclusive of Ohio, Indiana, and Illinois, in which, if any public land remains, it consists of a few small, isolated tracts. It is exclusive of Alaska, containing 577,390 square miles, or 369,529,600 acres. It is also exclusive of military and Indian reservations, reservoir site and timber reservations, and tracts covered by selections, filings, railroad grants, and claims as yet unadjudicated, a part of which may in the future be added to the public domain.

DISPOSITION OF THE PUBLIC DOMAIN.

The homestead act was passed May 20, 1862, since which time 162,892,132.72 acres have been entered by homestead settlers. Of this amount, 102,902,409.17 acres have been patented or will be patented when the conditions of the law have been complied with. Of the remainder, it is estimated 42,000,000 acres represent entries which have been canceled, and 17,989,723.55 acres commuted to cash, and accounted for under that head.

It is estimated that 335,691,752.12 acres have been disposed of by preemption, cash sales, scrip locations of all kinds, military bounty-land warrants, town-site, desert-land, timber-culture, timber and stone entries, Indian allotments, and donations to settlers.

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The total number of mineral entries made under laws providing therefor is 29,820 (including coal entries), of which 1,149 have been canceled, the remaining entries embracing an estimated area of 573,420 acres.

There have been patented to railroads and wagon roads since September 20, 1850, when the first grant was made to the Illinois Central Railroad, 85,729,751.19 acres, distributed among the following land-grant roads:

	Acres.
Illinois Central	2,595,053.00+
Mississippi, Mobile and Ohio River.....	737,130.29+
Vicksburg and Meridian	198,028.41+
Gulf and Ship Island	108,229.16+
Alabama, Mobile and Ohio River.....	419,528.44+
Alabama and Florida	394,522.99+
Selma, Rome and Dalton.....	458,165.41+
Coosa and Tennessee.....	67,784.96+
Mobile and Girard	504,145.86+
Alabama and Chattanooga	651,966.66+
South and North Alabama.....	444,917.56+
Florida Central and Peninsular	714,045.59+
Florida and Alabama	156,688.00+
Pensacola and Georgia	1,279,156.57+
Florida, Atlantic and Gulf Central	29,384.18+
North Louisiana and Texas	361,993.06+
New Orleans, Opelousas and Great Western	719,193.79+
St. Louis, Iron Mountain and Southern.....	1,329,454.03+
Little Rock and Fort Smith.....	1,557,647.55+
Little Rock and Memphis	177,014.26+
Southwest Branch Pacific.....	728,949.30+
Hannibal and St. Joseph.....	603,186.34+
St. Louis, Iron Mountain and Southern.....	65,040.31+
Iowa, Burlington and Missouri River.....	389,014.08+
Chicago, Rock Island and Pacific.....	643,147.17+
Cedar Rapids and Missouri River	1,140,120.13+
Dubuque and Sioux City.....	550,667.95+
Iowa Falls and Sioux City	683,023.80+
Des Moines Valley.....	569,422.28+
Iowa, Chicago, Milwaukee and St. Paul	186,706.77+
McGregor and Missouri River	138,648.78+
Sioux City and St. Paul.....	407,910.21+
Port Huron and Lake Michigan	37,467.43+
Jackson, Lansing and Saginaw	743,009.36
Grand Rapids and Indiana	229,993.11
Flint and Pere Marquette.....	512,337.03
Marquette, Houghton and Ontonagon	437,411.30
Ontonagon and Brule River	30,697.69
Bay de Noquet and Marquette	128,000.00
Chicago and Northwestern	517,825.00
Chicago, St. Paul, Minneapolis and Omaha (West Wis.).....	816,825.62
Chicago, St. Paul, Minneapolis and Omaha (St. C. & L. S.).....	875,549.77
Chicago, St. Paul, Minneapolis and Omaha (Bayfield Br.).....	474,260.71
Wisconsin, Chicago and Northwestern.....	555,728.48
Wisconsin Central	775,300.11

	Acres.
St. Paul, Minneapolis and Manitoba (First Division St. P. & P.)...	1, 251, 446. 89
Western (St. Paul and Northern).....	647, 038. 49
St. Paul, Minneapolis and Manitoba (St. V. extension).....	1, 668, 163. 81
Minnesota Central	179, 706. 01
Winona and St. Peter.....	1, 676, 787. 31
St. Paul and Sioux City.....	1, 157, 048. 52
St. Paul and Duluth.....	828, 510. 00
Southern Minnesota.....	56, 336. 40
Southern Minnesota (extension).....	453, 974. 04
Hastings and Dakota.....	355, 565. 77
St. Paul, Minneapolis and Manitoba (August 5, 1892).....	245. 50
Leavenworth, Lawrence and Galveston.....	256, 041. 67
Missouri, Kansas and Texas.....	983, 985. 96
Atchison, Topeka and Santa Fe.....	2, 934, 522. 86
St. Joseph and Denver City.....	462, 573. 24
Missouri River, Fort Scott and Gulf.....	526. 94
Union Pacific.....	5, 170, 160. 93+
Central Pacific.....	2, 445, 698. 53+
Central Pacific (Western).....	449, 475. 80
Central Branch Union Pacific.....	218, 250. 08
Kansas Division Union Pacific.....	2, 526, 286. 79
Union Pacific (Denver Pacific).....	209, 349. 23
Nebraska, Burlington and Missouri River.....	2, 373, 290. 97
Nebraska, Sioux City and Pacific.....	41, 398. 23
Northern Pacific.....	21, 256, 881. 90+
Oregon Branch Central Pacific.....	2, 974, 051. 97
Oregon and California.....	2, 260, 957. 95+
Atlantic and Pacific.....	1, 221, 812. 53
Southern Pacific.....	2, 670, 520. 15+
Southern Pacific (Branch).....	498, 703. 23+
Oregon Central.....	125, 367. 24+
New Orleans Pacific.....	980, 656. 78+
Fort Wilkins and Copper Harbor Military Wagon Road Company..	523, 944. 31
Oregon Central Military Wagon Road Company.....	402, 240. 67
Cornwallis and Aquina Bay Wagon Road Company.....	76, 885. 98
Willamette Valley and Cascade Mountain Wagon Road Company...	710, 063. 95
Dalles Military Road Company.....	126, 910. 23
Coos Bay Military Wagon Road.....	105, 000. 11
<hr/>	
Total patented to railroads to June 30, 1896.....	83, 784, 705. 94
Total patented to wagon roads to June 30, 1896.....	1, 945, 045. 25
<hr/>	
Total.....	85, 729, 751. 19

In addition to the lands patented there are yet due to railroads and wagon roads under their grants about 114,736,639.78 acres, of which not more than 60 per cent, or about 70,000,000 acres, are available for patenting under the conditions of the grants, as the remainder of the granted and indemnity lands have been taken by actual settlers, or are within the 6-mile limits of mineral lands.

	Acres.
Total granted to railroads and wagon roads, exclusive of forfeitures.	200, 203, 807. 97
Total patented to same.....	85, 729, 751. 19
<hr/>	
Balance.....	114, 736, 639. 78

The total grants of lands to the various States and Territories up to March 12, 1896, aggregated 181,868,630.58, in addition to agricultural college scrip for 7,830,000 acres and 22,000 acres granted to the State of Kentucky for deaf and dumb asylum; both heretofore taken into account. All of the lands granted to the States and Territories have not, however, been segregated from the public domain, the actual amount segregated being estimated at 166,232,615.29 acres, of which 66,423,297 acres were for the support of the common schools, 5,623,120 acres (in addition to scrip) for the benefit of agricultural and mechanical colleges and universities, and the remainder (of which 80,620,000 acres are estimated as swamp land) was given for public buildings, charitable, penal, and reformatory institutions, and for internal improvements.

Under the forest reservation act of March 3, 1891, the President has withdrawn from the public domain, by special proclamation creating forest reservations, an area estimated to amount to 17,500,000 acres.

The total area of the four national parks is 3,272,960 acres.

The estimated area of all existing Indian reservations on the public domain is 84,418,562 acres, and the estimated area of existing military reservations is 1,397,691.09 acres.

In addition to the foregoing disposition of the public domain, it is estimated that 78,500,000 acres have been segregated by private grants from Congress and by claims which had their origin under concessions from a foreign Government before the acquisition by the United States of the territory in which they are located.

The total of all lands segregated under the above heads aggregates 946,219,160.86 acres.

Statement showing estimated area of public lands segregated from the public domain to June 30, 1896.

	Acres.
Under the homestead act.....	102,902,409.17
Cash sales and script, locations.....	236,288,150.40
Town-site entries.....	186,950.18
Timber and stone entries.....	3,119,488.96
Timber-culture entries.....	24,380,083.95
Desert-land entries.....	6,736,744.40
Mineral and coal entries.....	573,420.00
Military bounty-land warrants.....	61,262,641.07
Indian allotments.....	574,114.42
Donations in Florida, Oregon, Washington, and New Mexico.....	3,143,578.74
Railroad and wagon-road grants (wagon roads about 3,000,000).....	155,729,751.19
State grants.....	166,232,615.29
Forest reservations.....	17,500,000.00
Military reservations.....	1,397,691.09
Indian reservations.....	84,418,562.00
National parks.....	3,272,960.00
Private land claims and Congressional grants.....	78,500,000.00
Total.....	946,219,160.86

From the table of public lands undisposed of (p. 8), it will be seen that the estimated acreage of the public domain remaining the property of the Government June 30, 1896, was 600,000,000 acres, in round numbers, not including Indian and military reservations, estimated at 86,960,000 acres, and the District of Alaska. In the past thirteen years, therefore, the Government has, by patents to States, railroads, homestead and other settlers, and by sales, disposed of about 326,000,000 acres of the public domain. These figures demonstrate that the country is being settled with great rapidity, and that the public domain is being diminished by great strides.

It is desirable that our waste acres should be taken up by actual settlers, to whom every encouragement should be extended if they are of a character to assimilate with our people and become valuable citizens. Our lawmakers, however, might well consider the question seriously before disposing of any more large areas of the public domain. If the rate of disposition of the last thirteen years is continued for thirteen years to come, there will be little of the public domain outside of Alaska remaining in the possession of the Government at the expiration of that time. Moreover, it is reasonable to conclude that a very considerable portion of the public domain remaining undisposed of is undesirable, because not susceptible of cultivation and not valuable by reason of timber growth or mineral deposits.

Of the 114,000,000 acres granted to railroads but not patented, as shown above, there can be no objection to transferring possession and control of whatever portion has been earned by compliance with the grants and may be available thereunder (estimated at 70,000,000 acres) with as much promptness as the facilities of the Government will permit; but until these grants are adjusted, my judgment is that no additional ones should be made. The expenses of maintaining the land department are considerable, aggregating at present nearly \$2,000,000 annually. They can be materially curtailed when the railroad land grants shall have been adjusted.

Unusual diligence has been exercised by the Commissioner of the General Land Office during the past year, as well as from the beginning of his incumbency of that office, in patenting lands granted by Congress and in facilitating in every way the settlement of the vacant lands of our public domain. During the past year there were patented to railroads under Congressional grants 15,527,844.98 acres. The following table gives the names of the roads and the amount patented to each:

RAILROAD LANDS PATENTED.

There were patented (or certified with the effect of patenting) for the benefit of railroad companies under Congressional grants during the

fiscal year ended June 30, 1896, 15,527,844.98 acres, as shown in the following table:

Name of railroad.	Where located.	Number of acres.
Alabama and Chattanooga.....	Alabama.....	2,289.68
St. Louis, Iron Mountain and Southern.....	Missouri.....	1,746.14
Central Pacific (proper).....	Utah.....	418,309.05
Do.....	Nevada.....	209,540.15
Central Pacific (successor to Western).....	California.....	1,345.15
Central Pacific (successor to California and Oregon).....	do.....	1,114,813.14
Florida Central and Peninsular.....	Florida.....	55,723.57
McGregor and Missouri River.....	Iowa.....	421.48
Memphis and Little Rock.....	Arkansas.....	9,447.01
New Orleans Pacific.....	Louisiana.....	65,093.76
Northern Pacific.....	Minnesota.....	79,406.30
Do.....	North Dakota.....	5,546,774.41
Do.....	Montana.....	3,237,302.42
Do.....	Idaho.....	72,672.60
Do.....	Washington.....	3,110,011.56
Do.....	Oregon.....	157,859.50
Oregon and California (proper).....	do.....	1,018,298.79
Oregon and California (successor to Oregon Central).....	do.....	114,891.67
Do.....	Washington.....	1,710.11
St. Louis, Iron Mountain and Southern.....	Arkansas.....	9,324.93
Selma, Rome and Dalton.....	Alabama.....	870.50
Southern Minnesota Railway Extension.....	Minnesota.....	317.75
Southern Pacific (main line).....	California.....	220,610.78
Southern Pacific (branch line).....	do.....	39,747.22
South and North Alabama.....	Alabama.....	4,046.59
Wisconsin Central.....	Wisconsin.....	4,573.03
Ontonagon and Brule River.....	Michigan.....	30,697.69
Total.....		15,527,844.98

Prior to March 3, 1893, there had been certified and patented under these grants 58,161,894.06 acres of land, and since that date there have been certified and patented thereunder 24,000,734.17, which, with something over 990,000 acres examined and submitted for approval and now pending before the Department, will make, in round numbers, 25,000,000 acres.

FOREST RESERVATIONS.

The preservation of our public forests is a subject which has been dwelt upon by several of my predecessors, but one which can not be too often called to the attention of Congress and the public. A healthy public sentiment favoring the adoption of a national forestry system which will look to the preservation of our forests has many earnest advocates and is rapidly gaining more. The value of our timber lands is most fully realized in those sections east of the Mississippi where the forests have been denuded and the water supply seriously affected thereby. The scientists of the country have for years been endeavoring to arouse lawmakers and the public to an appreciation of our

public forests and the necessity for their preservation, and commercial organizations have of late taken action on the subject. The present Congress during its last session wisely made a liberal appropriation of \$25,000 to defray the "expenses of an investigation and report by the National Academy of Sciences on the inauguration of a national forestry policy for the forested lands of the United States."

The New York Chamber of Commerce has passed resolutions urging upon Congress the making of "the necessary appropriation for the purpose of a thorough study of our public timber lands, so as to determine what portions ought to be preserved in the interest of the people; to prepare a plan for their management."

The New York Board of Trade and Transportation also resolved "that, as a first step to a permanent and scientific forest policy," Congress should create a national forest commission to study the public timber lands, ascertain their condition, their relation to the public welfare, and what portion thereof should remain as forests; and also appointed of its own body a special committee on forestry, whose duty it is to communicate with other commercial bodies and with Congress in furtherance of the above-mentioned objects.

The city council of Los Angeles, Cal., recently adopted and forwarded to this Department resolutions urging upon the executive and legislative branches of the Government the importance of protecting the forest reservations of the country, as the welfare of southern California "demands the preservation of the mountain watersheds."

To carry out the wishes of Congress as expressed in the appropriation before alluded to, the president of the National Academy of Sciences appointed a commission of five, consisting of Prof. Charles S. Sargent, director of the Arnold Arboretum at Harvard University and author of "The Sylva of the United States" and of numerous papers on arboriculture; Mr. Alexander Agassiz, a gentleman of high scientific attainments; Gen. Henry L. Abbott, of the United States Engineer Corps; Prof. William H. Brewer, of Yale University, who has served on the geological surveys of California and the fortieth parallel and is familiar with the country west of the Mississippi; Mr. Arnold Hague, a well-known geologist, connected with the United States Geological Survey; and Mr. Gifford Pinchot, of New York, who has a very high reputation as an arboriculturist and forester. Prof. Wolcott Gibbs, president of the National Academy of Sciences, is an ex officio member of the commission.

Professor Gibbs, in a letter addressed to the Department informing my predecessor of the appointment of the Commission, and treating of the work assigned it, says:

It is needless to remind you that the matter you refer to the academy is important and difficult. No subject upon which the academy has been asked before by the Government for advice compares with it in scope, and it is the opinion of thoughtful men that no other economic problem confronting the Government of the United States equals in importance that offered by the present condition and future fate of the forests of western North America.

The forests in the public domain extend through 18 degrees of longitude and 20 degrees of latitude; they vary in density, composition, and silvicultural condition from the most prolific in the world outside the tropics to the most meager. In some parts of the country they are valuable as sources of timber supply which can be made permanent; in others, while producing no timber of importance, they are not less valuable for their influence upon the supply of water available for the inhabitants of regions dependent on irrigation for their means of subsistence. The character of the topography and the climate of most of the region now embraced in the public domain increase the difficulty of the problem. Scanty and unequally distributed rainfall checks the growth of forests, while high mountain ranges make them essential to regulate the flow of mountain streams.

You have done the academy the honor of asking it to recommend a plan for the general treatment of the forest-covered portions of the public domain. That its report may be valuable as a basis for future legislation it must consider—

First. The question of the ultimate ownership of the forests now belonging to the Government; that is, what portions of the forest on the public domain shall be allowed to pass, either in part or entirely, from Government control into private hands.

Second. How shall the Government forests be administered so that the inhabitants of adjacent regions may draw their necessary forest supplies from them without affecting their permanency.

Third. What provision is possible and necessary to secure for the Government a continuous, intelligent, and honest management of the forests of the public domain, including those in the reservations already made, or which may be made in the future.

In the successful management of forests, permanency in control—that is, the possibility of carrying out the details of plans made to extend perhaps through centuries—is essential; and not the least important part of the problem which you have referred to the academy is the consideration of the organization needed to administer the Government forests, which already cover in established reservations several millions of acres.

The academy will bring to the consideration of these problems the ability, the patriotism, and the disinterestedness of its members best fitted by special training and knowledge to deal with them. The scope of the investigation, however, is so broad, involving as it does the future of a considerable part of the United States and millions of its inhabitants, that you will, I am sure, realize that it is impossible to present a final report before the adjournment of the present Congress. The committee of the academy will require the counsels of a lawyer familiar with the decisions of the General Land Office, and I respectfully request that you will designate one of the law officers of your Department to aid it, and that a room in the Department and clerical assistance, when needed, may be provided for the Commission or its secretary.

Questions submitted by Congress or by the Departments to the National Academy of Sciences are referred to special committees appointed by the president of the academy, with the advice of members familiar with the special subjects requiring examination and report.

Experts not members of the academy may, if desirable, be appointed on such committees. In the case of the very important questions upon which you have asked the advice of the academy, I have appointed as an appropriate commission the following-named persons of whom one only is not a member of the academy, but all of whom are eminently qualified by previous study and active field work to prepare a report upon which legislation may be based.

The Commission started upon its work July 2, 1896, and visited most or all of the forest reservations and other public forests, devoting three

months of hard travel and careful study to the duty it had agreed to perform, without compensation. Its report is now being prepared, and will be submitted to the President through this Department during the early days of the coming session of Congress.

No forest reservation has been established by the President during the past two fiscal years, nor any since September 28, 1893, when the President established the Cascade Range and the Ashland reserves in Oregon. The following table gives the location, area, and date of establishment of all the forest reservations:

States and Territories.	Name of reservation.	Locality.	Date of proclamation creating reservation.	Estimated area in acres.
Alaska	Afognak Forest and Fish Culture Reserve.	Afognak Island and its adjacent bays and rocks and territorial waters, including, among others, the Sea Lion Rocks and Sea Otter Island. (Reserved under secs. 14 and 24, act of Mar. 3, 1891.)	Dec. 24, 1892	.....
Arizona	Grand Canyon Forest Reserve.	In Coconino County.....	Feb. 20, 1893	1, 851, 520
California	San Gabriel Timber Land Reserve.	In Los Angeles and San Bernardino counties.	Dec. 20, 1892	555, 520
	Sierra Forest Reserve.	In Mono, Mariposa, Fresno, Tulare, Inyo, and Kern counties.	Feb. 14, 1893	4, 096, 000
	San Bernardino Forest Reserve.	In San Bernardino County.....	Feb. 25, 1893	737, 280
Colorado.....	Trabuco Canyon Forest Reserve.	In Orange County.....	.....do.....	49, 920
	White River Plateau Timber Land Reserve.	In Routt, Rio Blanco, Garfield, and Eagle counties.	Oct. 16, 1891	1, 198, 080
	Pikes Peak Timber Land Reserve.	In El Paso County.....	{Feb. 11, 1892 Mar. 18, 1892}	184, 320
	Plum Creek Timber Land Reserve.	In Douglas County	June 23, 1892	179, 200
	The South Platte Forest Reserve.	In Park, Jefferson, Summit, and Chaffee counties.	Dec. 9, 1892	683, 520
	Battlement Mesa Forest Reserve.	In Garfield, Mesa, Pitkin, Delta, and Gunnison counties.	Dec. 24, 1892	858, 240
New Mexico...	The Pecos River Forest Reserve.	In Santa Fe, San Miguel, Rio Arriba, and Taos counties.	Jan. 11, 1892	311, 040
Oregon	Bull Run Timber Land Reserve.	In Multnomah, Wasco, and Clackamas counties.	June 17, 1892	142, 080
	Cascade Range Forest Reserve.	In Multnomah, Wasco, Clackamas, Marion, Linn, Crook, Lane, Douglas, Jackson, and Klamath counties.	Sept. 28, 1893	4, 492, 800
	Ashland Forest Reserve.	In Jackson County .....	.....do.....	18, 560
Washington ...	The Pacific Forest Reserve.	In Pierce, Kittitas, Lewis, and Yakima counties.	Feb. 20, 1893	967, 680
Wyoming	Yellowstone National Park Timber Land Reserve.	On the south and east of Yellowstone National Park.	{Mar. 30, 1891 Sept. 10, 1891}	1, 239, 04

The protection of these reservations is a duty of this Department, but Congress has not made sufficient provision therefor.

Appended hereto as Exhibit C will be found the draft of "a bill to protect public forest reservations," proposed by the Land Department as a substitute for House bill No. 119, Fifty-fourth Congress, first session (known as the McRae bill), which had been presented to the Department by letter from Hon. John F. Lacey, chairman of the Committee on the Public Lands of the House of Representatives, in a communication of date January 11, 1896. It is sincerely hoped that Congress, during the coming session, will not fail to enact legislation which will enable this Department to protect our forest reservations.

Public forests differ from forest reservations in that they have not been withdrawn from entry and made reservations by proclamation of the President. The depredations upon our public forests have continued from year to year, and Congress has failed to make provision for their prevention, although repeatedly requested to do so. During the last session Hon. John F. Lacey, chairman of the House Committee on Public Lands, referred to this Department for report House bill No. 40, Fifty-fourth Congress, first session, "to prevent the free use of timber on the public lands for commercial use, and for other purposes;" and also House bill No. 832, entitled "A bill to protect the forests on the public domain from destruction by fire." The replies suggested substitute bills, drafts of which are appended hereto as Exhibits D and E, and those bills are now before Congress.

The custom of issuing permits to cut timber on the public lands has many objectionable features. In my judgment, no such permits should be granted for any purpose other than to supply the needs of actual settlers in the neighborhood of the forest where the timber is to be cut.

Permits to cut timber upon the public lands for commercial purposes should not be granted unless accompanied by proper safeguards as to the quantity to be cut and the manner of cutting, and in all such cases the Government should receive fair compensation. No permits are granted to cut timber upon the "forest reservations," but many depredations are no doubt committed thereon.

The forest-reservation bill mentioned above provides for the protection of the forest reservations by the military arm of the Government, the very efficient service rendered by the detachments of the Army placed in charge of the Yellowstone and other national parks having demonstrated that that branch of the service is peculiarly well fitted for the work mentioned.

DES MOINES RIVER LANDS.

Congress, by act approved August 8, 1846, granted "certain lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River in said Territory." Much of that land had been settled upon under the homestead, preemption, and other public-land

laws, and Congress, by joint resolution approved March 2, 1861, endeavored to quiet the title to said lands.

The sundry civil act approved August 18, 1894 (28 Stat. L., 372, 396, 397), appropriated \$200,000, or so much thereof as might be necessary, to be expended by the Secretary of the Interior to adjust the claims of settlers on the so-called Des Moines River lands in the State of Iowa. The act also authorized the Secretary of the Interior to appoint a special commissioner to investigate, hear, and determine the claims of all settlers, their heirs or assigns. My predecessor appointed Hon. Robert L. Berner, of Georgia, as such special commissioner, who proceeded to investigate the claims of said settlers, and made report thereof on the 1st day of May, 1896. That report is embodied in Senate Document No. 258, Fifty-fourth Congress, first session. It shows that the amount of awards made by the special commissioner to settlers and claimants on said Des Moines River lands aggregated \$183,854.07. Of that sum claims have been allowed and paid to the amount of \$117,632.87. It is expected that the remainder will be paid by the end of the present calendar year.

IRRIGATION.

I can not too urgently impress upon Congress the necessity for legislation upon the subject of the reclamation and disposal of lands within the arid region. When it is considered that five-sixths of the vacant public lands lie within a region where the rainfall is not sufficient to produce agricultural crops without artificial irrigation, that a comparatively small per cent of this territory can be utilized by reason of the limited supply of the water subject to control, and that existing laws are ineffective to secure the reclamation of the lands susceptible of irrigation, the demand for Congressional action comes to us with irresistible force.

It is assumed by persons familiar with the subject that of the 500,000,000 acres of arid lands, about 100,000,000 acres might be reclaimed by the most conservative use of the water and by the judicious selection of the lands to be irrigated. But unless some plan is adopted "by which the waters of the perennial streams which are wasted during the winter months could be stored and reservoirs constructed upon appropriate sites to impound the storm waters," the percentage would be very much reduced.

It is impossible, under the laws now in operation, to control the reclamation of lands in the arid region so as to prevent the improvident use of water over which the General Government has no control. This can only be accomplished by a system which contemplates the reclamation of the entire territories from a common source of supply and the utilization of that supply.

In his report for the fiscal year ending June 30, 1895, my predecessor suggested that in view of the fact that the States control the water

which is more valuable chiefly in the reclamation of the arid lands, that the practical solution of this question would be 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 to the benefit of the actual settlers, to the end that the States may control both elements necessary to their development.

The act of August 18, 1894, known as the Carey Act, authorized the Secretary of the Interior, with the approval of the President, and upon proper application of each of the States in which there may be situated desert lands, to agree to donate and patent to the State free of cost such desert lands, not exceeding 100,000,000 acres to each State, conditioned upon the reclamation and settlement of the land, before title shall pass from the United States. The Carey Act, if properly amended so as to give to the State the power to pledge the lands for their reclamation, might accomplish the work of reclamation to the extent of the donation as effectually as if the lands were granted to the States unconditionally; but unless the bill could be so amended it would, in my judgment, be better to place the lands under the direct control of the States, only so far as may be necessary to secure their reclamation for the benefit of actual settlers.

But the Carey Act, using the language of Secretary Smith in the report above referred to, "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 certificate of donation as is provided by the bill capital will not easily be induced to assume such risks."

The defects in this bill, to which attention was called by my predecessor, have been to a certain extent remedied by the provision in the sundry civil bill of June 11, 1896 (29 Stat. L., 434), authorizing liens to be created by the State for the expenses of reclaiming said lands.

There is also now pending before Congress a bill, drawn in accordance with the recommendation of this Department, to the effect that after the lands have been segregated, as now provided for, the Secretary of the Interior shall cause an investigation to be made as to their character, and 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 certified to the States. It is believed that this bill, if it becomes a law, will remedy the defects herein suggested.

Under the joint resolution of March 20, 1888, 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 storage of water, practicability and cost of constructing reservoirs, and other facts bearing

on the question, 120 reservoir sites have been selected and approved by the Department. These sites were intended to constitute an important factor in the general plan of irrigation under the control and supervision of the General Government. But so far, no provision has been made by Congress for the utilization of these sites, unless the act of March 3, 1889 (26 Stat. L., 1095), granting the right of way for ditches and canals and for reservoir purposes on the public lands was intended to provide the means.

OTOE AND MISSOURIA LANDS IN KANSAS AND NEBRASKA.—The Otoe and Missouria tribe of Indians were, in 1883, removed from their reservation in southern Nebraska and northern Kansas to lands set apart for them in the Indian Territory. The Kansas and Nebraska lands owned by this tribe were of fertile soil and desirable for agriculture. A commission was appointed to appraise the lands, which were to be sold for account of the tribe and the proceeds deposited in the Treasury to their credit. The demand for the lands was so great that it was decided to sell them at public auction, and the price realized aggregated about double the appraised value. The terms of the sale were one-fourth cash and the remainder in three annual payments of one, two, and three years. Many of the settlers have up to this time failed to make any of the deferred payments. A commission was appointed under the provisions of the act of March 3, 1893, to negotiate a compromise between the Indians and the settlers, but failed to accomplish its object.

In March of 1896 the Department, after consideration of petitions from purchasers for further action on the matter, proposed to the Indians and settlers, by way of readjustment, that a rebate of five years' interest be allowed the settlers; that the balance due from them be paid in five equal installments without interest, upon the express condition that failure to meet any one of the annual payments should work forfeiture. The Indians refused to vote on the proposition until they could have a personal interview with the Secretary of the Interior. In May of 1896 a delegation visited Washington, and, as a result of the conference with the Department, agreed to a rebate of ten years' interest on amount then due from purchasers in arrears, provided the remainder due should be paid in ninety days after allowance of rebate, which action was ratified by the tribe. Local land officers notified each purchaser that if he did not accept the proposition indicated and pay amount due from him within ninety days from date of notice his entry would be canceled.

A short time before the expiration of the ninety-day period I was waited upon by representatives of the settlers, who presented petitions stating that, on account of crop failures and their inability to borrow money on farm lands at any time during the past year, they would be unable to meet the payments at the expiration of the time mentioned, and urgently requested an extension of one year. A special inspector

was sent to investigate the situation. His report, just received, will be considered and acted upon in the near future. The settlers who have not paid in full are acting in concert, and have been endeavoring to get relief through Congress.

By the act of March 3, 1893, the Secretary of the Interior was authorized and directed to give the defaulting purchasers one year in which to pay the amount of the compromise, but to extend to them no allowance or rebate that was not also granted to those purchasers who had complied with their obligations and paid in full.

My predecessor doubtless assumed the position that, having made effort to adjust the controversy under the act named, and having failed therein, the Department has the right, in its capacity as guardian of the rights and properties of the Indians, to make a settlement in their behalf, which could not be claimed as coming within the province of said act. Consequently, the rebate of ten years' interest extended to defaulting purchasers by order of August 3, 1896, did not apply to those purchasers who had already paid in full. If the application of ten years' rebate of interest had been made to all purchasers, the Otoe and Missouri tribe would have received no additional compensation for the lands not paid for, as the full amount due from defaulters does not exceed ten years' rebate of interest to the purchasers who have paid.

The situation is, therefore, a complicated one. It is true the lands were sold at double their appraised value, but many of the defaulting purchasers have resold, subject, of course, to the unpaid purchase money, and those now in possession of the lands must have agreed, when making the purchases, to pay the remainder due.

CHIPPEWA LANDS IN MINNESOTA.—The act of January 14, 1889 (25 Stat. L., 642), made provisions for obtaining the cession of the greater part of the reservations occupied by the Chippewa Indians in the State of Minnesota, for the examination of the ceded lands for the purpose of classifying them as either "pine" or "agricultural" lands, and for the disposition of the two classes of lands.

The reservations coming within the provisions of the act are twelve in number, and the ceded portions thereof are estimated to embrace 3,500,000 acres, of which 2,938,000 acres are in the Red Lake Reservation and 89,318.11 acres in the White Earth Reservation.

The examinations required by the act were begun on the White Earth Reservation in September, 1891. In May, 1893, the corps of examiners was reorganized, and up to that date there had been examined 89,318.11 acres on the White Earth Reservation and 433,860 acres on the Red Lake Reservation. This area was, however, reexamined by the present corps of examiners.

From May, 1893, to June 30, 1896, there had been examined 1,236,843.11 acres on the Red Lake Reservation and 89,318.11 acres on the White Earth Reservation, a total of 1,326,161.22 acres. Of this amount about 1,176,000 acres were classed as "agricultural" and 150,000 acres as

"pine" land, the latter containing an estimated quantity of 293,464,000 feet of pine timber.

The work of examination was suspended for nearly six weeks in 1894 and from November 14, 1895, to June 30, 1896, because of the exhaustion of the appropriations for the work.

On October 28, 1896, the Department directed the discontinuance of the work and the discharge of all the examiners until further instructed, to take effect October 31, 1896.

Complete reports of the work performed since July 1, 1896, have not been received, but from such reports as are at hand it is estimated that 150,000 acres on the Red Lake Reservation have been examined since said date.

No examinations have been made on any of the reservations except the White Earth and Red Lake.

On May 15, 1896, the "agricultural" lands on the Red Lake Reservation, which were ready for opening, were opened to settlement and entry, comprising about 1,040,000 acres, and in the month of July, 1896, the "pine" lands on the Red Lake Reservation, which had been examined and were in a condition for offering, were offered for sale. The area offered aggregated 115,342.78 acres.

NORTHERN PACIFIC RAILROAD GRANT.

In the case of the Northern Pacific Railroad Company, ex parte, decided by my predecessor August 22, 1896, it was held by this Department that the eastern terminus of the Northern Pacific Railroad had been fixed at Duluth. The effect of this decision was to exclude from the land grant of said company all lands lying east of said city. Prior to the decision referred to, lands lying east of Duluth had been appropriated by settlers and paid for at the double minimum rate of \$2.50 per acre, upon the assumption that they fell within the limits of the railroad grant, and therefore within the operation of section 2352 of the Revised Statutes.

After the promulgation of said decisions numerous applications were made by persons who had paid the double minimum price for lands to have the excess of \$1.25 per acre refunded, pursuant to the provisions of the act of June 16, 1880.

Inasmuch as the railroad company has never acquiesced in the decision of the Department, all such applications have been suspended to await the final and authoritative location of the eastern terminus of said road by a court of competent jurisdiction.

I have been unofficially informed, through counsel of the company, that a suit will in a short time be brought for that purpose.

In the meantime, while I have not questioned the propriety of the ruling of the Department, I deem it the safer course to refuse to direct the large disbursement involved in a compliance with the request of the settlers.

THE SURVEY OF PUBLIC LANDS.—The act of March 2, 1895 (28 Stat. L., 936), appropriated the sum of \$100,000, which is made a continuing "appropriation for the survey of lands within the limits of railroad grants, and any money which shall be expended of such appropriation and reimbursed and paid into the Treasury is hereby reappropriated, and said sum shall remain a continuing appropriation, and so often as any part of the same being expended shall be reimbursed by any railroad company as herein provided the same shall be again made available for the purposes aforesaid."

The act further provides that the amount expended in such survey be reimbursed by the respective companies or parties in whose interest the land grant is made. It also provides that before any lands granted to any company are conveyed and title thereto confirmed to such company there shall be first paid into the Treasury of the United States by said company, etc., the cost of survey and selection of the same, by the company or persons in interest.

The matter of the survey of the public land and of contracting for the same is under the control of the Commissioner of the General Land Office, unless exceptional difficulties are presented. The act above quoted provides that in the States of Idaho, Montana, Oregon, California, Wyoming, and Washington, and in the Territory of Arizona, there may be allowed, in the discretion of the Secretary of the Interior, for the survey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding \$25 per linear mile for standard and meander lines, \$23 for township and \$20 for section lines.

PRIEST RIVER LAND SURVEY.—The survey of public lands in the Priest River land region in Idaho now in progress was ordered by the Commissioner of the General Land Office on the application of Mr. William H. Phipps, land commissioner of the Northern Pacific Railroad Company. The application of Mr. Phipps requested the survey "of the following described townships of lands situate within the limits of the grant to the Northern Pacific Railroad Company in the State of Idaho, to wit: T. 55 N., Rs. 4 and 5 W.; T. 56 N., Rs. 3, 4, and 5 W.; T. 57 N., Rs. 3, 4, 5, and 6 W.; T. 58 N., Rs. 2, 3, 4, 5, and 6 W.; T. 59 N., Rs. 3, 4, 5, and 6 W., and T. 60 N., Rs. 4, 5, and 6 W."

The estimated cost of the survey of these lands is \$13,600, and the Commissioner was authorized by my predecessor on May 19 last to award a contract at the maximum rates for standard and meander, township and section lines, respectively, of \$24, \$22, \$18.75, and \$24, \$21.50, and \$18.50.

No report has been received by me as to the progress of this survey. The presumption, however, is, that unless stopped by severe weather the survey is now in progress.

OPENING OF WICHITA RESERVATION.—By act of Congress approved March 2, 1895 (28 Stat. L., 894), an agreement with the Wichitas and affiliated bands for the cession of their lands, made by

Commissioners Jerome, Wilson, and Sayre, was ratified and provision made for the allotment of land to them in severalty, and, after allotment, for the opening of the surplus land to homestead settlement.

This act left to the executive department discretion as to when allotments should be made. No steps have, therefore, been taken to make allotments to the Indians or to carry out the other provisions of the act.

The lands occupied by these Indians are a part of what is known as the "leased district." By treaty of June 22, 1855, the Choctaws and Chickasaws leased all their lands lying between 98° and 100° west longitude to the United States. The Wichita lands fall within this class.

By a subsequent treaty, that of June 28, 1866, the Choctaws and Chickasaws ceded the territory west of 98° west longitude, known as the "leased district," for the sum of \$300,000.

A difference of opinion arose as to whether the Choctaws and Chickasaws by the treaty of 1866 conveyed an absolute title, or whether they ceded the lands referred to only for the purpose of allowing the same to be used for locating friendly Indians thereon. This matter has been discussed in Congress. Both the Senate and House sustained the construction contended for by the Choctaws and Chickasaws, and held their reversionary interest to be good to the land between 98° and 100° west longitude, and the Government paid \$2,942,650 for a portion thereof occupied by the Cheyennes and Arapahoes.

The act of March 2, 1895, provides that the Court of Claims shall hear and determine the claim of the Choctaws and Chickasaws to the lands ceded by the Wichitas to the United States. This agreement cedes all the lands occupied by the latter, and requires the subsequent allotment to them of portions of the land thus ceded. The litigation, which is now before the Court of Claims, involves the title of the land to be allotted as well as the land to be opened.

If the allotments were made and the balance of the land thrown open before a decision is rendered upon the claim of the Choctaws and Chickasaws, the Government would be placing the Indians upon land under an agreement which involved the transfer of a good title, and would also be throwing open the land to settlement, when, in point of fact, it did not have clear title thereto.

TOWNSITE BOARDS IN OKLAHOMA.—By an act of Congress approved May 14, 1890 (26 Stat. L., 109), seven townsite boards were created in Oklahoma Territory. This number was increased to fourteen upon the opening of the Cherokee Outlet. From time to time various of these boards have been abolished and the business pending before such boards transferred to others, until at present there is but one remaining. The members of these boards are paid at the rate of \$5 per day for services rendered. Many complaints have been received from claimants to town lots that unnecessary expense is imposed upon them,

and many communications have requested the abolition of these boards. At the time these boards were created, there were no other constituted authorities in Oklahoma which could perform the work assigned to them by the statute; but since that time county and probate courts have been established by law competent to discharge the duties of these boards under the general statutes of the United States. There is no provision in the law, however, for transferring the work from the boards to the above-mentioned courts, and I consequently recommend that an act be passed authorizing the abolition of these boards, as there is no longer any occasion for their continuance.

The following summary of the Commissioner's report will show the operations of the General Land Office during the past year:

PUBLIC LANDS DISPOSED OF.—The public lands were disposed of during the fiscal year as follows: Cash sales, 465,026 acres; miscellaneous entries, 12,709,044 acres; Indian lands, 35,451 acres; aggregating 13,209,522 acres. This shows an increase of 4,802,673 acres as compared with the aggregate of disposals for the preceding fiscal year.

The cash receipts from various sources during the year amounted to \$2,106,361.67, an increase over the receipts for the preceding year of \$72,907.64. The expenses of the district land offices were reduced \$25,806.05 as compared with the year preceding.

AGRICULTURAL PATENTS.—Patents were issued during the year for agricultural lands to the number of 34,190, containing approximately 5,500,000 acres; 1,476 mineral and mill-site patents and 61 coal patents were issued during the year.

RAILROAD-LAND PATENTS.—During the year there have been certified and patented on account of railroad grants 15,527,844.98 acres, as against an area patented during the preceding fiscal year of 8,184,336.31, showing an increase of 7,343,508.67 acres.

There remained unpatented at the close of the fiscal year railroad selections to the amount of 14,195,376.98 acres, as against 22,623,051.76 acres pending and unpatented at the close of the fiscal year ending June 30, 1895, showing a decrease in lands unpatented of 8,427,674.78 acres; and of wagon-road selections there were 220,439.84 acres remaining unpatented at the close of the fiscal year ending June 30, 1896.

SWAMP-LAND PATENTS.—There were patented as swamp lands in place 279,306.82 acres, and as swamp-land indemnity lands 5,046.78 acres, a total of 284,353.60 acres, an increase of approximately 40,000 acres over the preceding year.

School lands were selected and certified during the year to the amount of 874,375.95 acres.

INDIAN AND MISCELLANEOUS PATENTS.—Patents of this class were issued during the year to the extent of 474,224.76 acres, an increase in area over the preceding year of 60,000 acres.

PUBLIC SURVEYS.—The areas covered by surveys accepted by the General Land Office during the fiscal year ended June 30, 1896, in the several States and Territories are as follows:

State or Territory.	Acres	State or Territory.	Acres.
Alaska	387	New Mexico	102,841
Arizona	857,952	North Dakota	788,434
California	1,312,766	Oregon	369,669
Colorado	29,180	South Dakota	970,817
Florida	461	Utah	255,559
Idaho	559,957	Washington	572,014
Minnesota	233,281	Wyoming	267,025
Montana	1,881,631	Total	8,908,808
Nebraska	143		
Nevada	707,391		

By the act of Congress approved March 2, 1895 (28 Stat. L., 936), making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes, the sum of \$250,000 was appropriated for "surveying the public lands," of which amount \$40,000 was authorized to be applied to the examination of surveys in the field, etc.

Deducting \$40,000 for examination of surveys in the field, \$15,000 for resurveys, and \$10,000 for the reserve fund, the amount of the annual appropriation for surveying the public lands actually available and applicable to all surveying districts was \$185,000, of which apportionment was made to the several districts as follows:

Arizona	\$3,000	Oregon	\$10,000
California	10,000	South Dakota	7,000
Colorado	9,000	Utah	13,000
Idaho	23,000	Washington	30,000
Minnesota	7,000	Wyoming	22,000
Montana	21,000	Resurveys	15,000
New Mexico	17,000	Examinations	40,000
Reserve	10,000		
Nevada	1,500	Total	250,000
North Dakota	11,000		

There were additional apportionments of \$2,500 to Arizona and \$1,452 to Nevada from the reserve fund.

The annual surveying instructions for the fiscal year ending June 30, 1896, were issued under date of October 10, 1895.

PROTECTION OF PUBLIC LANDS.—Six hundred and fifty-eight cases were referred to special agents for investigation. Hearings were ordered in 121 cases, 979 cases were held for cancellation, 823 examined and passed. Final action was taken in 1,673 cases, and there are now pending 1,796 cases.

There are 28 records of hearings now pending, and 49 registers' and receivers' reports and miscellaneous letters awaiting action.

DEPREDACTIONS UPON PUBLIC TIMBER.—Three hundred and twelve cases of depredations upon public timber have been reported during the year, involving public timber and the products therefrom to the value of \$696,521.25 recoverable by the Government.

The amount involved in propositions of settlement accepted by the General Land Office, a compromise effected under section 3469, Revised Statutes, and sales of timber and lumber is \$42,247.18, and the amount involved in fines imposed and judgments rendered is \$140,452.73.

On the 1st day of July, 1896, there were pending in the United States courts 106 civil suits for the recovery of a total amount of \$1,254,566.41, for the value of timber alleged to have been unlawfully cut from public lands, and 686 criminal prosecutions for the act of cutting or removing timber in violation of law.

In addition to the above, suits have been recommended in a number of cases which do not yet appear to have been instituted.

While the above shows good results attained, especially in respect to settlements effected, yet the efforts to suppress depredations upon public timber have been, in years past, greatly hampered by the force of special agents not being equal to the work requiring attention, and the want of proper legislation in the matter.

In respect to the matter of further free use of timber on all public lands not included within forest reservations, the Commissioner addressed a letter to the Department on February 24, 1896, reporting upon House bill 40 (Fifty-fourth Congress, first session), entitled "A bill to prevent the free use of timber on the public lands for commercial use, and for other purposes," and submitted a draft of a bill proposed as a substitute therefor. It is desired to earnestly point out the necessity for early legislation of this kind.

PERMITS TO CUT TIMBER ON THE PUBLIC DOMAIN.—Permits to cut timber on the public domain from other than mineral lands are granted by the act of March 3, 1891 (26 Stat. L., 1093), under such regulations as the Secretary of the Interior may prescribe, and those regulations are found in 13 L. D. 149. The number received during the year amounted to 86, including 21 applications for renewals, an increase of 36 over the preceding year. Fifty-four permits were granted.

The law authorizing the cutting and removal of timber from mineral lands is found in the act of June 3, 1878 (20 Stat. L., p. 88); but the law with which this Department has principally to deal in granting permits is that of March 3, 1891, above cited.

FOREST FIRES.—On January 17, 1896, the Commissioner of the General Land Office reported to the Department upon House bill 832 (Fifty-fourth Congress, first session), entitled "A bill to protect the forests of the public domain from destruction by fire," and submitted

a draft of a bill proposed as a substitute therefor. Legislation along this line should be effected at the earliest date practicable.

RECOMMENDATIONS.

The Commissioner makes the following recommendations:

1. That appropriations for surveys and resurveys of public lands be made continuous.
2. That a law be enacted creating the office of surveyor-general of Alaska.
3. That a national irrigation commission be created.
4. That a law be enacted for the compulsory attendance of witnesses at hearings in contests before district land offices.
5. For legislation relative to the proper protection and utilization of the public timber.
6. For legislation in regard to public forest reservations.
7. For legislation in respect to the use of timber on public lands not embraced within forest reservations.
8. Recommends legislation for the protection of trees and other growth on the public domain from destruction by fire.

PENSIONS.

The office of the Commissioner of Pensions was created March 2, 1833, and placed under the supervision of the Secretary of War. It was transferred to the Interior Department in 1849.

When we consider that 970,678 persons are receiving assistance from the Government, to the extent of about \$140,000,000 per annum, the importance of the Pension Bureau and the necessity for the exercise of care and discretion in the conduct of its business are apparent.

The policy of the Department in the allowance of pensions has been broad and in consonance with the liberal spirit of the laws on the subject. The purpose of the Department has been to make the pension list a roll of honor, rather than to save money to the Government; the effort has been to defeat the designs of impostors, while recognizing the claims of the needy and deserving.

Economy in the administration of Government, however, is one of the cardinal principles of the Republic, and the general public sentiment, irrespective of political affiliations, regardless of the sympathies or participation of ourselves or our ancestors in the civil strife, is that the obligation of the Government is confined to those who fought for its maintenance and those dependent upon them.

The following table, prepared by my direction, presents interesting information concerning the amounts paid by the Government for pensions during the past thirty-one years, and the cost of disbursing the same. Such a large expenditure of money is a striking evidence of the

liberality of our Government and of its gratitude to those who defended it in time of peril.

The total amount paid out by the Government in pensions and the cost of disbursing the same for the last thirty-one years is \$2,034,817,769.16. It lacks only \$346,712,525.80 of being equal to the high-water mark of the interest-bearing public debt and is nearly 2½ times the interest-bearing public debt as existing October 31, 1896.

It will be observed that the maximum annual cost was reached in 1893 when \$161,774,282.36 was paid out, but the present number of pensioners (970,678) is greater by 4,666 than in 1893 and is greater than ever before. The increase in the number of pensioners is accounted for by the death of old soldiers and the continued payment of allowances to their heirs; the decrease in the amount paid is explained by the death of invalid pensioners leaving no dependents. Furthermore, most of the deaths occurring among pensioners are of those on the list who are drawing the largest pensions, because of the greatest disabilities, and their dependent and pensionable heirs, while continuing to receive aid from the Government are not entitled to as large an allowance as the soldiers were while living.

The large amount paid out from July 1, 1892, to June 30, 1893, is accounted for by the act of June 27, 1890, under which, during the year 1892, by order of the Commissioner of Pensions, large additions were made to the pension list, it being made the special rule of the Pension Bureau to give the claims of new applicants under said act of June 27, 1890, precedence over all other claims. Under that order pensions were often granted at the rate of a thousand per day.

COST OF PENSIONS.

Statement showing disbursements for pensions, fees of examining surgeons, cost of disbursement, salaries and other expenses of the Pension Bureau, and number of pensioners on rolls each fiscal year since July 1, 1865.

Fiscal year.	Disbursements for pensions.		Fees of examining surgeons.		Cost of disbursement, maintaining pension agencies, etc.	Pension Bureau		Number of pensioners on rolls.		
	Army.	Navy.	Army.	Navy.		Salaries.	Other expenses			
1866.....	\$15, 158, 598. 64	\$291, 951. 24			* \$155, 000. 00	\$237 165. 00	\$15, 000. 00	126, 722		
1867.....	20, 552, 948. 47	231, 841. 22			* 155, 000. 00	308, 361. 49	27 615. 86	155, 474		
1868.....	22, 811, 183. 75	290, 325. 61			* 155, 000. 00	366, 186. 20	31 834. 14	169, 643		
1869.....	28, 168, 323. 34	344, 923. 93			* 155, 000. 00	366, 007. 31	43, 519. 50	187, 963		
1870.....	29, 043, 237. 00	308, 251. 78			216. 212. 86	333, 660 00	51 125. 00	198, 686		
1871.....	28, 081, 542. 41	437, 250. 21	Paid from Army and Navy pensions. No separate account kept.		431 720 03	372 378 97	58 980. 00	207, 495		
1872.....	29, 276, 921. 02	475, 825. 79			457, 379 51	436, 315 71	57, 557. 78	232, 189		
1873.....	26, 502, 528. 96	479, 534. 93			456, 323. 99	456 021. 26	90, 855. 39	238 411		
1874.....	29, 603 159. 24	603, 619. 75			447, 693. 17	444. 052 24	75 048. 72	236. 241		
1875.....	28, 727, 104. 76	543 300. 00			444. 074. 79	464. 821 21	73, 799. 35	234, 821		
1876.....	27, 411, 309. 53	474, 900. 00			467 702. 13	468 577. 80	98, 798. 88	232, 137		
1877.....	27, 659, 461. 72	523, 360. 00			\$66 057. 42	\$767. 00	445 262 08	67, 102. 78	232, 104	
1878.....	26, 251, 725. 91	534, 283 53			231. 658 26	3 310. 00	313, 194. 37	443. 096 56	41, 240. 90	223, 998
1879.....	33, 109, 339. 92	555, 089. 00			85 543. 50	993. 00	203, 851. 24	493, 255 70	54, 088. 70	242, 755
1880.....	55, 901, 670. 42	787 558. 66			73, 161. 00	2 386. 00	221, 926 76	582, 517. 84	55, 035. 68	250, 802
1881.....	49, 419, 905. 35	1, 163, 500 00	113 392. 00	3, 345. 00	222, 295. 00	686, 565. 45	46, 462. 19	268, 830		
1882.....	53, 328, 192. 05	984, 980. 00	222 995. 87	9, 600. 00	234, 544. 37	868 113. 92	130, 981. 85	285, 697		
1883.....	59, 468, 610. 70	958, 963. 11	321 966. 49	19 220. 00	285, 620 29	1, 723 285. 68	241 555. 83	303, 658		
1884.....	56, 945, 115. 25	967 272 22	247, 966 32	14 100. 00	303, 430 61	1, 936 161. 65	333, 522. 42	322, 756		
1885.....	64, 222, 275. 34	949, 661. 78	475, 031. 13	7, 150. 00	275, 976. 55	2 122 926. 54	511, 492 12	345, 125		
1886.....	63, 034, 642. 90	1, 056, 500. 00	487, 614. 76	5, 100. 00	294, 724. 14	1, 948, 285 80	509, 291. 91	365, 783		
1887.....	72, 464, 236. 69	1, 288, 760. 39	1, 089, 724. 92	16, 600. 00	248, 280. 42	1, 968 599 66	430 195. 91	406, 007		
1888.....	77, 712, 789. 27	1 237, 712. 40	833, 561. 86	11, 581. 75	263 109 87	1 986, 027 55	420 776. 24	452, 557		
1889.....	86, 996, 502. 15	1, 846, 218. 43	772, 272 72	15, 119. 00	278, 902 20	1, 978, 119 98	422, 554. 50	489, 725		
1890.....	103, 809, 250. 39	2, 285, 000. 00	876, 108. 51	19, 569. 11	292, 697. 35	1, 957, 725 43	380, 281. 73	537, 944		

* Approximate.

Statement showing disbursements for pensions, fees of examining surgeons, and of disbursement, etc.—Continued.

Fiscal year.	Disbursements for pensions.		Fees of examining surgeons.		Cost of disbursement, maintaining pension agencies, etc.	Pension bureau.		Number of pensioners on rolls.
	Army.	Navy.	Army.	Navy.		Salaries.	Other expenses.	
1891.....	\$114,744,750.83	\$2,567,939.67	\$1,591,293.76	\$49,700.00	\$380,360.14	\$2,301,721.80	\$377,560.74	676,100
1892.....	135,914,611.76	3,479,535.35	1,690,507.47	35,090.00	500,122.02	2,494,122.87	178,823.44	876,068
1893.....	153,045,460.94	3,861,177.00	1,614,392.80	43,235.50	519,292.95	2,460,044.50	230,768.67	66,0192
1894.....	136,495,965.61	3,490,760.56	652,678.50	20,000.00	517,430.37	2,403,522.75	370,344.69	989,544
1895.....	136,156,808.35	3,650,980.43	782,631.08	25,136.25	563,449.86	2,461,890.50	504,912.52	970,524
1896.....	134,632,175.88	3,582,999.10	665,313.97	7,273.50	565,027.85	2,258,959.35	494,800.94	970,678
Total.....	1,926,650,348.55	40,303,976.09	12,893,872.34	309,278.11	10,460,612.89	37,773,752.80	6,425,928.38	.....

Making a grand total expenditure of..... \$2,034,817,769.16

This does not include disbursements in recent years for "contingent expenses" (cost of maintaining the Pension building, heat, light, repairs, stationery, printing, etc.), provision for which is made by Congress in one general appropriation for such expenses throughout the entire Department; nor does it include the cost of constructing the Pension building.

PENSION APPEALS.

Applicants for pension have the right of appeal from the decision of the Commissioner of Pensions to the Secretary of the Interior. On the 1st of February, 1896, a new division was organized in the office of the Secretary, by his order, and the board of pension appeals was thereby merged in this new division, which was designated the division of pension affairs. By this means all matters relating to pensions were brought into one division and under the Assistant Secretary's supervision.

The result has been to harmonize and systematize this work and has led to its greater expedition in the hands of a competent force.

The report of Assistant Secretary Reynolds gives evidence of the painstaking care with which that official has endeavored to be both liberal and just in passing upon the many troublesome questions coming before him. To him have been assigned many questions of administrative policy in pension matters. Almost the entire time of the Assistant Secretary is required to attend to the affairs of this branch of the Department.

Important changes in the rulings and practice have been made, and leading principles heretofore announced have been followed with a view to securing equity, uniformity, and justice in the determination of appeals. Former adjudications have not been disturbed save where fraud, error in law, or mistake was apparent. These rulings are found in volumes 7 and 8, Pension Decisions.

The number of pending appeals on the docket April 15, 1893, when the Assistant Secretary took charge of this work, was 4,965. Since that date 17,755 new cases have been filed, making a total of 22,720 to be acted upon by the Department. Of this last number, 22,191 have been disposed of, leaving 529 now pending—a good record.

The action of the Commissioner of Pensions was reversed in 2,069 of the cases ruled.

The Department during the past twelve months has been engaged in the consideration of current appeals, a condition which has not existed at any time during the past eight years.

In the three and a half years last passed, 9,000 more appeals were disposed of than in any like period in the history of the board of pension appeals.

The recommendation of last year for such legislation as would secure better protection to the pension fund due incompetents and others, followed by the law directing quarterly payments to be made by check, has received the unqualified approval of those charged with the making of payments as well as hearty commendation from others interested.

Gratifying results have followed the passage of the act of March 2, 1895, as well as that of the act of March 6, 1896, relating to the commencement of pension under act of June 27, 1890.

SUGGESTED LEGISLATION.

The Assistant Secretary advises the following legislation:

An act to confer the right upon anyone, on behalf of the Government, to ask in the Federal courts for better protection to the pension fund of those laboring under legal disabilities, in order that they may not suffer from the incompetency or dishonesty of guardians or curators.

That the pensionable rights of minor children who claim under the act of June 27, 1890, should be defined with more certainty where the soldier dies leaving no widow surviving.

The act of August 5, 1892, relates to pensionable title of those women who served as nurses during the war of the rebellion. Title is confined to those who served in regimental, post, camp, or general hospitals. The refusal of the War Department to recognize those as properly employed who served in the first three classes mentioned tends to defeat their title and renders this portion of the act nugatory. Attention is invited to this in order that proper legislation may be enacted to relieve any deserving claimants of an unjust and unintentional discrimination.

By an act approved July 26, 1892, pensioners residing in foreign countries (all of whom are borne upon the rolls of the agency at Washington, D. C.) are required to establish their identity by making declarations "before a United States minister or consul or other consular officer, or before some officer duly authorized to administer oaths for general purposes, and whose official character and signature shall be duly authenticated by the certificate of a United States minister or consul or other consular officer."

The total number of pensioners of the United States residing in foreign countries June 30, 1896, was 3,781, and the total amount paid them during the year was \$582,735.38. The table herewith submitted (see Exhibit B) will show the number of pensioners in each foreign country and the amounts paid them, respectively. There resided in Germany June 30, 1896, 601 pensioners of the United States, and to them the sum of \$92,878 was paid. Some difficulty has been experienced in having proper vouchers executed for payment of these pensions in Germany on account of existing laws in that Empire, where there are practically no officers "authorized to administer oaths for general purposes."

This matter has been the subject of correspondence between this Department, the Department of State, and our ambassador at Berlin. It is stated that the ambassador was called upon on the 20th of June last by the Department of State for a report in regard to the execution of pension vouchers in Germany by consular officers of this Government and notarial officers of Germany. I am not advised that such report has been received up to the present time. In the meantime I have directed that hereafter the Commissioner of Pensions shall accept from pensioners residing in Germany only such "declarations and other

papers of claimants" as may be made "before a United States minister or consul or other consular officer" of the United States. The usual notarial fee charged in such cases in this country is 25 cents, and I have requested the Secretary of State to instruct our representatives abroad to perform a like service for an equal compensation.¹

The Commissioner submits the following detailed statement of cases, expenditures, and appropriations as applicable to the last fiscal year, and of estimates for the year 1898:

THE PENSION ROLL.

Number of pensioners June 30, 1895	970,524
New pensioners added during the year	40,374
Pensioners restored who had been dropped	3,873
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Aggregate on roll during the year	1,014,771
Deaths reported during the year	29,393
Dropped for other causes	14,700
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	44,093
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Number on roll June 30, 1896	970,678
Increase of pensioners at end of year	154

PENSION CLAIMS DISPOSED OF.

Number of new pension claims allowed	40,374
Increases, additional, and other changes	50,266
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Certificates issued	90,640
Number of claims rejected	97,280
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Number of claims adjudicated	187,920

CONDITION OF THE WORK.

Number of new applications filed within the year	33,749
Number of pending cases June 30, 1896, including new cases and old, claims for increase, etc	495,664

These are represented by 410,922 claimants, of whom 234,337 are now on the roll, and 176,585 are original claimants, widows, or dependents not upon the roll. The pending cases of the latter class are 34,180 less than at the beginning of the year.

The Commissioner has directed that careful examination be given to all of the pending claims in the Bureau, with a view to allowing all that may be found complete, and in the consideration of all claims,

¹ Within the past few days a communication has been received from the Secretary of State, inclosing a letter from the German ambassador, stating that the judges of district courts "are alone authorized to administer the oaths and receive the affirmations which are required in order to give validity to papers in American pension cases." Such judges are known in Germany as "Amtsrichter," and their courts as "Amtsgerichte." The order to the Commissioner of Pensions has been modified accordingly.

whether complete or otherwise, he has decided to give preference to original claimants—that is, to those who have never been on the pension roll—over those already pensioned and who are applicants for additional benefits.

EXPENDITURES FOR PENSIONS.

Appropriation for pensions for fiscal year ended June 30, 1896.....	\$140,000,000.00
Recoveries of payments.....	5,381.96
	<hr/>
Applicable to payment of pensions.....	140,005,381.96
Amount paid for pensions same fiscal year.....	138,214,761.94
	<hr/>
Surplus remaining in Treasury.....	1,790,620.02
Pension agents' salaries, clerk hire, rents, fuel, lights, and contingent expenses paid.....	573,792.54
Surplus of appropriations for these purposes.....	7,777.89
Surgeons' fees for 1895 paid from that year's appropriation.....	181,063.80
Surgeons' fees for 1896 paid.....	491,523.67
Balance of appropriation for surgeons' fees for 1896 in Treasury at end of year.....	308,505.33

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

APPROPRIATIONS.

For payment of pensions for year ending June 30, 1897..... \$140,000,000

The amount paid for pensions for 1896, \$138,214,761.94, was \$592,575.36 less than the amount paid for pensions in 1895. It is probable that the appropriation for the present fiscal year, \$140,000,000, will be sufficient, unless pensions are increased by further legislation, as pensions must otherwise decrease from natural causes.

ESTIMATES FOR 1898.

For pensions.....	\$140,000,000
For surgeons' fees.....	750,000
For salaries of pension agents.....	72,000
For clerk hire at pension agencies.....	450,000
For fuel at pension agencies.....	250
For light at pension agencies.....	500
For rents at pension agencies.....	25,830
For contingent expenses at pension agencies.....	30,000

These estimates are the same as the appropriations for the present fiscal year.

The clerical force employed at the several pension agencies was placed under the civil-service rules, by Executive order, July 1, 1895. The wisdom of this action has been clearly demonstrated in the increased efficiency of this force and the greater uniformity in the application of the incidental discipline. The rewards for faithful service are now to be expected by these clerks to as great an extent and with as much

certainly as they are by the clerks employed in the Departments in this city.

By act of Congress approved March 23, 1896, personal payments at the pension agencies have been discontinued. Some slight dissatisfaction resulted from this legislation, as was not unexpected, but the change has unquestionably been salutary. Only about 80,000, or about 8.25 per cent of the pension roll, were paid in person, and this class resided in the vicinity of the agencies, and for that reason were able to secure payments in advance of the pensioners who resided at more remote points. The present system effectually destroys this discrimination and insures the payment of vouchers in the order of their receipt, which is the only fair method to be followed. The legislation referred to has also been advantageous to the business methods of the agencies in reducing to a minimum overpayments in pensions and other liability to error. A return to the former method of paying pensioners personally would not be beneficial either to the interests of the pensioners or to those of the agency service.

The law division of the Pension Bureau consists of employees who the Commissioner reports have been prosecuting their work with intelligence and zeal. Violators of the pension laws have been rigorously prosecuted, and to good effect. During the fiscal year 1896 there were 242 recommendations for prosecution, and 339 indictments were found, it frequently occurring that several indictments will be found upon one recommendation for prosecution.

The special-examination division has adopted improved methods, by which it has been enabled to expedite the allowance of that class of pension claims referred to it.

The board of revision, which was organized in 1893, was abolished at the beginning of the last fiscal year, and that portion of its work unfinished was transferred to the board of review, where it was promptly completed. All cases considered by the adjudicating divisions are referred to the board of review before final action is taken. The work of that board has been facilitated by a simplification of methods and changes of practice made in harmony with decisions of the Department.

The work of the medical division is stated to be in a very satisfactory condition. Greater attention is thought to be necessary to the work of the boards of examining surgeons for pensions throughout the country, with a view to increasing the information derived by the Bureau from the certificates of examinations made by them of claimants to pension.

The volume of Congressional calls for the status of pension claims continues to increase. During the fiscal year ended June 30, 1896, 95,509 of such calls were received. This was an increase of 15,083 over the receipts for the fiscal year 1895. The great number of these calls retards very materially the adjudication of pension claims instead of contributing to that result, and, with a view to reducing them as

far as practicable, the Commissioner has directed that the clerical force adhere closely to the order of April 26, 1893, which is as follows:

That hereafter all Congressional calls for status in cases where the claimant is a bona fide resident of the district in which the Representative resides, or, if a Senator, a resident of the State represented by him, shall be promptly answered, provided that status shall not be furnished oftener than once in every ninety days.

RECOMMENDATIONS.

THE PENSION BUILDING.—The copper roof placed on the Pension building during the fiscal year 1895 has not been entirely satisfactory. Numerous splits and openings of seams have been found, and recent heavy storms have torn up a considerable portion of it. Extensive repairs are required, not only to the roof, but also to other parts of the building.

In view of the cost of the gas consumed in the building, recommendation is again made for the construction of an electric plant, with the necessary boilers and feed pumps, as well as 1,200 incandescent lamps, all of which it is estimated would cost not to exceed \$13,500.

PENSION LAWS.—The Commissioner recommends that an increase from \$8 to \$12 per month be granted to all survivors of the Mexican war who are wholly disabled and destitute, whether or not their names were on the pension rolls January 5, 1893, the date of the passage of the act which provided for such increase to such pensioners as were on that date on the rolls. The cost of this legislation would be inconsiderable.

Attention is invited to a bill described as "An act to codify and arrange the laws relating to pensions." The Commissioner strongly urges the passage of this bill on account of its admirable arrangement, and also on account of the great advantage which will be derived from it, not only by the Bureau, but also by those with whom the Bureau has official dealings.

INDIAN AFFAIRS.

The office of Commissioner of Indian Affairs was created on July 9, 1832, and placed under the direction of the Secretary of War, upon the passage of the act of 1849, establishing the Department of the Interior, the Indian Bureau was transferred to this Department.

The territory now occupied by the Indians in this country is estimated at about 85,000,000 acres, ample for their needs, but small when compared with the area of the national domain, of which at one time they were the sole owners and the undisputed occupants. Obligation as well as the instincts of humanity should prompt us to protect them from the sinister machinations of unscrupulous men, to teach them useful arts, to inspire them with love of right, to fit them for citizenship and its responsibilities, and to inculcate them with a wholesome ambition for individuality and advancement.

In extending the civil-service laws to include nearly all officials and

employees of this important branch of the Government marked improvement has resulted in the effectiveness of the work performed, but appointees competent in every other respect are totally unfit for this service if not imbued with a proper appreciation of the claims and character of these wards of the nation. The policy of those now in control of and those connected with the Indian Bureau has been humane, just, and elevating, and the Indians themselves have come to realize that the Government is sincerely desirous of promoting their welfare.

Experience in dealing with such a people is the best if not the only training one can undergo to become qualified to protect their interests and guide their development. The delay in their progress consequent upon a complete change in the personnel of those whose duty it is to care for them has been greatly diminished by placing most of the subordinates of the Department in the classified service, but the head of a bureau determines largely the policy of the Government in the line that bureau represents, and if every change of administration means a change of policy in the Indian Bureau the Indians will advance very slowly toward civilization.

I heartily indorse the recommendation of my predecessor that a commission of three members, two of whom shall be civilians of different political parties and one an army officer not below the rank of major, be created to take the places of the Commissioner and Assistant Commissioner of Indian Affairs. If the terms of the members of such commission should expire at different times, one of them going out at every interval of two years, the policy of the Département would not be subjected to radical changes, and the result would be a great improvement in the service and a great benefit to the Indians. A bill seeking to accomplish this end was introduced on January 7, 1896, and is now pending as Senate bill No. 1393.

The Commissioner of Indian Affairs, in his report, states that there has been no outbreak or disturbance during the year; that consequently the progress of the Indians generally in education and civilization has been uninterrupted and substantial. Every effort has been made to make the Indians independent and self-supporting. They have been given to understand that the Government will not feed and clothe them while they remain in idleness. On the other hand, encouragement has been extended them to take up a variety of occupations or to go upon allotments of land and work it with the assurance that assistance will be rendered in building a house, providing a team, agricultural implements, wire for fencing, and grain for seeding, as well as the supervision and counsel of a practical farmer to aid in the cultivation of crops.

The carrying into effect of this policy has resulted in much good, and it is encouraging to note from the reports of the various Indian agents the many different ways in which Indians are earning their own livelihood. Where it is practicable to do so the Government gives them remunerative work. The Government paid last year in salaries to

regular Indian employees over \$400,000, and in addition thereto paid still larger amounts to them for miscellaneous work and for supplies raised by themselves.

By orders of March 30 and May 6, 1896, respectively, the President enlarged the scope of the classified service by including therein the employees connected with almost every branch of the Indian service. In recognition, however, of the disadvantages under which the Indian labors in competing with the white man, permission was given by the Civil Service Commission for the appointment of Indians without examination or certification to all positions except those of superintendent, teacher, teacher of industries, kindergartner, and physician, and for the latter positions Indians could be selected upon noncompetitive examinations consisting of such tests of fitness as were approved by the Department.

Outside the Indian school service there were 365 positions filled by white persons, of whom only 83 were in the unclassified service, and to whom were paid as salaries \$546,670; of Indians in excepted places in such service there were employed 1,434, to whom salaries were paid aggregating \$258,140, or nearly half the amount paid to white employees at the agencies. In the Indian school service there were 1,364 positions in the classified service filled by white persons, to whom were paid salaries aggregating \$849,645, and there were 705 Indians in places excepted from the classification, to whom were paid in salaries the sum of \$148,766.

APPROPRIATIONS.—The appropriation for the entire Indian service for the fiscal year 1897 is less by \$574,254.45 than for 1896, and the aggregate of the amount provided for current expenses of the service is \$325,825.93 more than for 1896.

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

Appropriations for the Indian service for the fiscal years 1896 and 1897.

	1896.	1897.
Current and contingent expenses.....	\$727, 640. 00	\$738, 540. 00
Treaty obligations with Indians.....	2, 982, 147. 19	2, 933, 378. 17
Miscellaneous supports, gratuities.....	695, 625. 00	671, 725. 00
Incidental expenses.....	82, 050. 00	84, 000. 00
Miscellaneous.....	549, 903. 63	244, 588. 62
Support of schools.....	2, 056, 515. 00	2, 517, 265. 00
Trust funds, interest.....	9, 870. 42	.....
Payment for land.....	1, 660, 000. 00	.....
Total.....	8, 763, 751. 24	7, 189, 496. 79

The appropriation for 1896 contained various sums, aggregating \$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 not chargeable properly to the current

expenses of the Indian Department, leaving the sum actually provided for current expenses for that fiscal year \$6,716,712.24.

The act for 1897 contains \$146,958.62 for the payment of items such as the commission to negotiate with the Five Civilized Tribes, commissions to negotiate with other tribes, surveying particular reservations, and payment of private claims. The amount actually provided for the current expenses of the Indian Department for the fiscal year ending June 30, 1897, is \$7,042,538.17.

Comparing the two years, the account stands thus:

Current expenses for 1897	\$7, 042, 538. 17
Current expenses for 1896	6, 716, 712. 24
	325, 825. 93
Excess of 1897 over 1896.....	325, 825. 93

This excess is more than accounted for, as an examination of the foregoing table will indicate, in the item for support of schools, which was of necessity increased on account of the absorption of contract schools by the Government and the consequent extension of the Government school system.

The appropriation for 1897 for current expenses was \$47,920 less than the estimates.

EDUCATION.—The progress of the Indians in educational matters during the past year has been very satisfactory; the facilities provided for acquiring an education are equal to those given the average white child. They are afforded by means of large industrial training schools located off the reservations, boarding schools on the reservations, and by day schools situated in the immediate vicinity of the patrons. The strictly Government schools are supplemented by contract day and boarding schools and by public schools under State and Territorial supervision.

The total Indian population of the United States, exclusive of the New York Indians and the Five Civilized Tribes, according to the census of the year 1895, taken by the Bureau, is 177,235, out of which, approximately, there may be said to be 38,000 children of school age. There were in operation during the year 293 Indian schools of all classes, having an enrollment of 23,393 pupils, with an average attendance of 19,121, an increase of 357 in enrollment and 933 in average attendance. This does not include the pupils among the Five Civilized Tribes or the Indians of New York, they not being supported by funds under the control of the Indian Bureau.

Of the total number indicated, 70 were mission boarding and contract schools of a secular character. The remainder, 223, under the direct and immediate supervision of the Bureau, may be classified as follows: Nonreservation schools specially equipped for thorough industrial training, 22, having an enrollment of 5,088 pupils, an increase of 412 over last year; 77 reservation boarding schools, having an enrollment of 8,489 and an average attendance of 7,056, and 124 day schools,

mostly on reservations, having an enrollment of 4,215 and an average attendance of 2,848.

Recognizing the value of the State public schools, which are non-sectarian in character, as factors in adjusting and overcoming the barriers between the red and white children due to strange manners and customs, 558 Indian pupils were placed under contract in 45 public schools, the greater number of the latter being in Michigan, Nebraska, Oklahoma, and Washington. Decided prejudice has been shown by both Indians and whites against the mingling of the races in the same school, but as time passes and conditions change this, it is believed, will eventually wear away.

THE CONTRACT SCHOOL SYSTEM.—The Indian appropriation act for the current fiscal year contains the following provision:

And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school: *Provided*, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations, for the education of Indian pupils during the fiscal year eighteen hundred and ninety-seven, but shall only make such contracts at places where non-sectarian schools can not be provided for such Indian children and to an amount not exceeding fifty per centum of the amount so used for the fiscal year eighteen hundred and ninety-five. * * *

The carrying of this provision into effect has been a difficult matter, inasmuch as reductions had to be made contrary to the wishes of the contractors. In all cases, however, it was endeavored to make the same so that they would best subserve the interests of the Indians and work the least hardship upon those whose allowances were to be lessened. Accordingly allowances to contract schools for the current fiscal year have been reduced to \$204,488. The amount allotted in 1895 for this purpose was \$410,065.

Neither Hampton Institute, Virginia, nor Lincoln Institution, Philadelphia, Pa., was affected by this reduction, special appropriations being made for their support by Congress.

SCHOOL APPROPRIATIONS.—Appropriations for the education of the Indians for the year ended June 30, 1896, amounted to \$2,056,515; the most rigid economy consistent with the good of the service has been observed in its expenditure. The appropriation for the current year is \$2,517,265. This was an increase of 22.45 per cent over last year and was provided to meet the possible contingency of many contract schools giving up their charges when Government aid should be withdrawn.

This latter sum can not safely be decreased by Congress without impairing the usefulness and efficiency of the service.

NEW WORK.—The schools at Warm Springs Agency and Sinemasho have been consolidated, and new buildings to accommodate 150 pupils are now being constructed at the agency. The school building at Santee, which was burned during the spring, and the dormitory of the

school building at Yakima, burned during the winter, will shortly be replaced. A new school building has been provided for the Mescalero Apaches and additional buildings have been added to the Fort Sill school, increasing its capacity to 125. Arrangements have been made, or are in progress, for the construction of new industrial boarding schools for the Cheyenne and Arapahoe, Pine Ridge, Rosebud and the Kiowa, Comanche and Wichita agencies.

A number of new day-school buildings on the La Pointe, Standing Rock, and other reservations have been constructed. Day schools have been substituted for boarding schools at Neah Bay, Chehalis, Skokomish, and Quinaielt, resulting in a material reduction of expenses at those places. Arrangements are being made for the erection of several day schools with semiboarding facilities for the Navajo Indians, and for the purchase of the property of the Presbyterian Mission School at Zuñi Pueblo, New Mexico, with a view to the conversion of the latter into a Government school. Many necessary changes and improvements in the various school plants have been made.

The Commissioner recommends that a better system of sewerage, steam heat, and electric lighting be provided for many of the larger schools; also that the Phoenix (Ariz.) and the Chillocco schools, respectively, be enlarged, and that either the Salem or the Puyallup schools on the Pacific Coast receive like consideration.

SUMMER INSTITUTES.—During the past summer successful institutes were held for the Indian-school employees at Lawrence, Kans.; St. Paul, Minn., and San Francisco, Cal. Excellent papers were read, and the attendance was good. These gatherings acquaint the school workers with one another, turn them out of ruts into new lines of thought and method, bring those outside and inside the Indian service into contact, to their mutual benefit, and tend to raise the standard and efficiency of Indian-school work.

The Indian exhibit at the Cotton States Exposition at Atlanta, Ga., presented interesting and creditable specimens of industrial work from the various Indian schools, with schoolroom work from kindergarten to algebra.

FIELD MATRONS.—There has been increased interest shown in the work of field matrons. These are the only employees provided to teach the Indian women the arts of civilized housekeeping and home making. From agencies where their work has been tested requests come for an addition to the number of matrons allowed, in order that one may be assigned to each large settlement or colony of Indians. Agencies which have not been favored with such an employee upon their rolls beg that the Indian women of the tribes under their charge shall not miss the help which a field matron can render in their groping attempts to acquire the arts of complicated civilized housekeeping.

The appropriation for field matrons for the year was \$10,000, that for 1897 is \$15,000, which increase will permit of the extension of the service.

ALLOTMENTS AND PATENTS.—The progress made in allotment work during the fiscal year is as follows:

ON RESERVATIONS.

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

Kickapoos in Kansas.....	159
Pottawatomies in Kansas.....	331
Nez Percés in Idaho.....	337
Cheyennes and Arapahoes in Oklahoma.....	11
Poncas in Oklahoma.....	627
Winnebagoes in Nebraska.....	4
Chippewas in Wisconsin under treaty of 1854:	
Lac du Flambeau Reservation.....	127
Lac Court Oreilles Reservation.....	83
Bad River Reservation.....	84
Indians of the Round Valley Reservation in California.....	601

Patents have been issued but not delivered as follows:

Sioux Indians of the Crow Creek Reservation in South Dakota.....	830
Chippewas of Lac Court Oreilles Reservation in Wisconsin.....	89

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:

Southern Utes in Colorado.....	374
Warm Springs Indians in Oregon.....	969
Jicarilla Apaches in New Mexico.....	845
Quapaws in Indian Territory.....	247
Quapaws in Indian Territory (additional).....	223

Schedules of the following allotments have been received in this office, but have not been finally acted upon:

Sioux, Rosebud Reservation in South Dakota.....	185
Sioux, Lower Brulé Reservation in South Dakota.....	498
Yakima, in Washington.....	1,866
Hoopa Valley Reservation in California (partial allotments).....	395
Gila Bend Reservation in Arizona.....	679

Allotments are in progress on the Klamath, Rosebud, and Shoshone reservations, but have been suspended on the Hoopa Valley, Mission, and Lower Brulé reservations for further surveys; 606 allotments to nonreservation Indians have been approved by the Department, and 181 new allotment applications are under consideration.

CONTESTS AGAINST INDIAN HOMESTEADS.—A number of contests have been initiated by the whites against Indian homesteads and allotments upon the public domain. In a few instances Indians have initiated contests against whites for trespass upon and occupancy of their claims and have been successful in several instances in establishing their priority of right to the land involved, thereby nullifying the effort of the white man to acquire land to which he had no right or title in law or equity.

OPENING OF CEDED LANDS.—Ceded lands within the Nez Percé Reservation in Idaho were opened to settlement November 18, 1895, by Presidential proclamation.

IRRIGATION.

Congress appropriated, by a clause contained in the Indian appropriation act approved March 3, 1893 (27 Stat. L., 612), a certain sum for the construction of irrigation ditches and the development of a water supply for agricultural, stock, and domestic purposes on the Navajo Reservation, situated principally in Arizona and New Mexico. This appropriation was made upon recommendation by the Department, based upon the general plan submitted by certain United States Army officers, for the purposes indicated, fully set forth in Senate Ex. Doc. No. 68, Fifty-second Congress, second session.

Mr. E. C. Vincent, of Staunton, Va., was appointed superintendent of irrigation on the said reservation and given full instruction in the premises. It was hoped that through this means the Department would be able to develop a sufficient water supply and establish such a system of irrigation on the reservation as would justify the return thereto of roving Navajos and the restraining of those who are in the habit of going beyond its limits to secure water and grass for their flocks and herds. Mr. E. E. White, chief of the Indian division of the Secretary's Office, was directed on August 13 last to visit and inspect the irrigation work done. In his report dated September 24 last he states that he inspected nine ditches. He thinks that the money spent by Mr. Vincent for irrigation purposes has not been judiciously applied, and states that he suggested to George Butler, the present superintendent and successor to Mr. Vincent, a plan for improving, modifying, and repairing these ditches so that they may be utilized for and by the Indians when completed.

He suggests also that the Indians in the vicinity of the irrigation ditches be divided into colonies; that some one of their number be selected at a council held for that purpose as chief of the colony, and be held responsible for the proper care of the ditch and distribution of the water among the members thereof; that each member should contribute to the care of the ditch, and receive water therefrom in proportion to the amount of land which he cultivates under it. He regards this as a wise plan, and states that Agent Williams, of the Navajo Agency, expressed his entire approval thereof and would undertake to carry it out if not otherwise directed.

I am informally advised that the suggestions and recommendations made by Mr. White have been considered by the Commissioner of Indian Affairs, and that he has given instructions to Superintendent Butler and Agent Williams accordingly.

FORT HALL RESERVATION, IDAHO.—By act of Congress approved August 15, 1894 (28 Stat. L., 286-305), the Secretary of the Interior was directed to contract with responsible parties for the construction of irrigation canals and the purchase or securing of water supply on the Fort Hall Indian Reservation, for the purpose of irrigating the lands thereof.

Steps were immediately taken to ascertain the feasibility and practicability of the construction of a system of canals under Government supervision, and the securing of an ample supply of water for the irrigable lands of the reservation—both those that would probably be allotted in severalty to the Indians and those that might be opened to settlement.

Investigation showed such a course to be impracticable, owing to the prior appropriation of all the available water by individuals and corporations, under the State laws.

In consequence, advertisements were published inviting proposals for furnishing a water supply for the purpose, and the proposal of the Idaho Canal Company, which was the only one conforming in all respects to the specifications, was accepted. A contract was executed by the company on January 13, 1896, and by the Secretary of the Interior on January 25, 1896.

Under this contract the company undertook to construct and complete a canal from and having its head in Snake River at some point at or near the town of Basalt, to the Blackfoot River; to construct a canal from Blackfoot River by the highest practicable route to Ross Fork Creek, said line to be shown by a map of definite location, subject to the approval of the Secretary of the Interior, the water to be carried across and over the Blackfoot River by a flume, and to furnish in perpetuity from said canal, at such points as might be designated by the Secretary of the Interior, 300 cubic feet of water per second of time during the irrigation season of each year.

The company also stipulated to extend the canal beyond Ross Fork Creek so far as might be necessary to supply water to the main body of lands lying between Ross Fork Creek and Port Neuf River as soon as there might be a demand, or the lands be opened for settlement, and to convey perpetual water rights for \$5 per acre, with an annual maintenance charge of 75 cents per acre.

The additional quantity of water required for this purpose was estimated at 300 cubic feet per second.

The consideration for the construction of the canal and the delivery of the 300 cubic feet north of Ross Fork Creek was \$90,000, with an annual maintenance charge of \$15 per cubic foot, payments for construction to be made in installments as the work progressed.

In May last, the engineer employed by the Fort Hall agent to superintend the construction of laterals, etc., suggested certain changes in the construction of the canal, as laid down in the contract with the Idaho Canal Company, which he believed would result in greater stability of the work and a considerable saving to the Government in the construction and maintenance of the laterals that would be required to convey the water from the canal to the lands to be irrigated. His recommendations were favorably indorsed by Indian Inspector John Lane and Agent Teter, of the Fort Hall Agency. The Department declined to make any changes without further information and expert

testimony as to the advisability thereof. An expert employee from the Geological Survey was then detailed to proceed to the reservation to examine the work already done by the company and to investigate the proposition of the agency engineer, with the view of determining the advisability and practicability of the changes proposed by him, or such of them as might be for the benefit of the Government and in the interest of the Indians. Indian Inspector Province McCormick was also ordered to visit the reservation with the same end in view. These officials performed the duties assigned them, and reported favorably upon the proposed changes, with certain modifications, which they deemed necessary to insure the stability of the work as well as an adequate supply of water, and which would also result in a great saving to the Government in the construction and maintenance of laterals.

After full consideration of the subject, and of the reports and recommendations referred to, a supplemental or modified contract was entered into with the Idaho Canal Company, on October 2, 1896, providing for a modification of the terms of payment and for changes in construction, as recommended by the engineer and the inspecting officers.

These changes are:

That the water in the main canal, instead of being conveyed over and across the Blackfoot River by a flume, shall be spilled into that river and conveyed in the channel thereof to the point on the river designated in the Foote Geological Survey as the point of diversion, at which point the company is to construct a dam, with a reservoir of sufficient capacity to carry 100 cubic feet of water per second of time, to be delivered at or near Ross Fork Creek, and the additional quantity of water necessary to irrigate the main body of lands lying between the Ross Fork Creek and Port Neuf River; to convey 200 cubic feet of water per second to be delivered at a point not more than 4 miles south of the Blackfoot River, down the channel of that river to the head gate of the present constructed canal (a short-line canal on the reservation about 4 miles long, constructed and owned by the company), as shown on the map of definite location approved by the Department on January 25, 1896, and from said head gate to convey the same through the constructed canal to a point designated by the Commissioner of Indian Affairs and the reservation engineer for its delivery; also to construct a permanent dam at the said head gate, each of the dams to be of masonry base with flashboards, unless the Government engineer shall indicate other material; that all structures provided for in the supplemental and original contracts shall be constructed in a substantial and permanent manner from plans approved by the Government engineer, and to be subject when completed to his acceptance or that of some engineer representing the Government.

Additional stipulations were incorporated, which require the company to make and maintain all necessary connections between the Blackfoot River and the constructed canal; relinquishment and conveyance of the said constructed canal to the Commissioner of Indian

Affairs, by deed, in trust for the Indians for use as a part of a system of laterals; furnishing of water to the Indians during the winter season for domestic purposes, thus obviating the necessity of sinking many wells, at great expense, which otherwise would be required, and the holding of the Government harmless from all liability for land damages that might result from the building of the diverting dams on the Black-foot River or otherwise.

The company has executed a deed conveying the constructed canal to the Commissioner of Indian Affairs in trust for the Indians, and having delivered the first 100 cubic feet of water per second of time provided for, the first payment (\$30,000) has been made to them.

On the Crow Reservation 100 miles of ditch channel, covering and supplying with water 25,000 acres of land, have been constructed, the workmanship being unusually substantial. A greater part of the appropriation for irrigation on the Indian reservations was expended on the Uintah Mission, San Carlos, and Western Shoshones reservations. The appointment of a competent man to superintend irrigation work generally on the Indian reservations is earnestly recommended as a measure of economy and of securing thorough work. The provision made in the last Indian appropriation act for temporary employment at a compensation not to exceed \$75 per month of persons of practical experience in irrigation is wholly inadequate.

COMMISSIONS.

OSAGE ANNUITY ROLLS.—February 6, 1895, the acting agent of the Osage Agency recommended that an Osage delegation be allowed to come to this city to present matters concerning their interests, and stated: "The relations existing between the full-blood and half-breed Indians are of such a nature as to require a final and authoritative settlement of the rights of the half-breeds. In my opinion the full bloods will not listen to any proposition for allotment until this is done." The agent transmitted a resolution of the Osage national council appointing a delegation to visit this city, and charging that "many persons by means of false testimony have succeeded in obtaining from their national council * * * citizenship in the Osage Nation," and asking that this Department appoint a competent person to investigate their rolls to the end that all persons found to be illegally thereon should be stricken off. The council further appropriated \$2,000 to defray the expenses of the desired investigation.

Permission was granted, and the duly authorized delegation of the Osage Indians visited Washington about the 1st of March, 1895, and laid this matter before the Department. The Secretary informed them that if a list of those improperly drawing annuities should be presented to the Department and written reasons given for their being stricken from the roll, a commission would be appointed and the charges

investigated. Under date of August 19, 1895, their acting agent submitted on behalf of the Osages a list, prepared in accordance with the Secretary's directions, of the names of 446 persons claimed to be unlawfully upon their rolls. February 19, 1896, a commission was appointed, consisting of Messrs. Washington J. Houston, of Georgia, and Clarence E. Bloodgood, of New York. The latter declined, and Mr. George Y. Scott, of Mississippi, was appointed in his stead.

These commissioners proceeded to the Osage Nation, began an investigation, and reported on April 7, 1896, that the funds appropriated for the investigation were about exhausted. The Osage council was informed thereof and appropriated so much money in addition to the \$2,000 above mentioned as might be necessary to complete the work. Further instructions were given to the commissioners April 30, 1896, for their guidance. In June last the commissioners returned to Washington, having completed their work at the Osage Agency, and made reports to the Secretary under act of July 17, 1896, not agreeing in their conclusions. These reports are accompanied by voluminous testimony, one of them recommending that 146 names be stricken from the roll, and the other that only 69 be stricken therefrom. They have been referred to the Indian Bureau, and, when passed upon there, will be considered by the Secretary, who has authority to determine what names shall be stricken from the rolls.

CROW, FLATHEAD, NORTHERN CHEYENNE, FORT HALL, UINTAH, AND YAKIMA.—The Indian appropriation act for the current fiscal year authorizes the appointment by the Secretary of the Interior of a commission to consist of three persons, not more than two of whom shall be of the same political party and not more than one of whom shall be resident of any one State, to negotiate with the following Indians, viz: The Crow and Flathead Indians in Montana for the cession of portions of their respective reservations; the Northern Cheyennes and Crows for the removal of the Northern Cheyennes from their present reservation on the Rosebud River to the southern portion of the Crow Reservation; the Indians of the Fort Hall Reservation in Idaho, the Uintah Reservation in Utah, and the Yakima Reservation in Washington, for the surrender of any portions of their respective reservations, and for such modification of existing treaties with them as may be deemed desirable by the Indians and the Secretary of the Interior; any agreement thus negotiated to be subject to ratification by Congress.

This commission was appointed in August last and is now engaged in the work assigned it.

BLACKFEET AND FORT BELKNAP.—The commission appointed to negotiate with the Indians of the Blackfeet and Fort Belknap reservations for a cession of a portion of their lands concluded an agreement September 26, 1895, with the Blackfeet Indians, whereby they ceded a portion of their reservation, estimated at 800,000 acres, for the sum of \$1,500,000; and with the Indians of the Fort Belknap Reservation

October 19, 1895, whereby they ceded 40,000 acres of their reservation for \$360,000. These agreements were ratified by act of June 10, 1896, which also provides for opening the ceded lands to settlement under the mineral-land laws. The ceded lands of the latter reservation are said to contain large quantities of gold.

The work of surveying the cession of the Blackfeet Indians was begun July 8, 1896, preparatory to opening the same to settlement, but was suspended September 12 on account of heavy snows, and can not be resumed until the coming spring.

The Commissioner of the General Land Office entered into a contract, October 13, 1896, with one George K. Reador for the survey of the boundary of the ceded portion of the Fort Belknap Reservation.

THE UNCOMPAHGRE INDIAN RESERVATION has been the subject of continued discussion in the Department as well as in the halls of Congress during the past three years or more.

The Uncompahgre Utes of Colorado, by an agreement made with the Ute tribe, and ratified by Congress June 15, 1880, were removed from their reservation in that State to lands in Utah set apart from the public domain by executive proclamation for their use. Subsequently deposits of "gilsonite" or asphaltum were discovered in paying quantities within the boundaries of the reservation, and application was made to the Department to throw the same open to entry. The agreement of 1880 provided that a sufficient sum, or its equivalent in bonds of the United States, be set aside (say, \$1,250,000) in the Treasury of the United States, which, at 4 per cent interest would annually yield \$50,000 for the benefit of the Utes as part consideration or compensation for the Colorado lands relinquished by them. It was estimated that the area of these Colorado lands was in excess of 10,000,000 acres. The agreement further provided, as an additional consideration for those lands, that the Uncompahgres should be given agricultural lands on the banks of the Grand or Gunnison River in Colorado, or in the Territory of Utah. The Uncompahgres were removed to the last-named section and are now located there.

The Indian appropriation act of August 15, 1894, provided in sections 20, 21, and 22 that agricultural land should be allotted in severalty to the Uncompahgre Indians, but that they should be required to pay \$1.25 per acre for the same. A commission was appointed to allot the lands, and was instructed to inform the Secretary of the Interior what portion of the Uncompahgre Reservation in Utah was not required for allotment or was unfit for agricultural uses, in order that the same might be restored to the public domain and opened for settlement. That commission was duly appointed, but had difficulty in finding sufficient agricultural lands within the reservation to make the allotments, and was totally unsuccessful in persuading the Uncompahgres to agree to pay \$1.25 per acre for the same.

It appears from an examination of the agreement of 1880 that the Colorado land relinquished by the Utes was to be sold for their benefit and the proceeds to be applied, first, to reimbursing the Government for the expense incurred in removing the Indians from the reservation to the lands assigned them and for the farming implements furnished them; second, to reimbursing the Government for the \$1,250,000 above mentioned; third, to paying the Government \$1.25 per acre for the agricultural lands allotted to them; fourth, the remainder as a trust fund for the Utes, to be held by the Government. The charge of \$1.25 per acre, therefore, for the agricultural lands allotted is not to be paid by the Indians until sufficient money is realized from the sale of their Colorado lands to permit such payment without interfering with their trust fund of \$1,250,000, bearing 4 per cent interest.

The commission sent to negotiate with the Uncompahgres seems not to have understood the terms of the agreement of 1880, as in its report it is stated that the Uncompahgres declined to pay \$1.25 per acre for their new lands because they had sold their former lands, which were of better quality, to the Government at 12½ cents per acre. If the Indians understood that \$1.25 per acre for the new lands allotted them was to be taken out of their interest-bearing trust fund, they were justified in declining to accept such a proposition, as the agreement clearly stipulates that the trust fund is a permanent one from which the Indians shall receive \$50,000 per annum forever.

The records of the Land Office give the Colorado lands relinquished by the Utes as containing 12,467,200 acres. Of this, 698,086.57 acres have been sold, realizing \$1,323,870.10. The cost of removing and settling the Utes and providing agricultural implements, buildings, stock, etc., was \$429,557.25. Consequently, \$1,679,557.25 must be realized from the sale of the Colorado lands before the Uncompahgre Utes can be required to pay \$1.25 per acre for the lands allotted them in Utah. If the commission had explained this situation, the Utes would perhaps have consented to accept the lands allotted them and to pay \$1.25 therefor when sufficient shall have been realized out of the sale of their Colorado lands to permit such a payment without interfering with their trust fund.

The commission segregated from the Utah Reservation the northeast portion thereof and reported it to the Department as all of the reservation that could prudently be classed as nonagricultural.

The House of Representatives, by resolution of January 16, 1896, asked information of the Secretary of the Interior as to what progress had been made by the commission and also "the probable time when the provision of said sections can be executed which provides for a restoration to the public domain of certain lands within the Uncompahgre Indian Reservation in the Territory of Utah." The correspondence on that subject is presented herewith in the appendix. (See Exhibit F.)

The last report of my predecessor, under the heading of "The Geological Survey" (p. 37), states that an examination made by that Bureau has established the fact that on this reservation are large deposits of "gilsonite" or asphaltum, of great commercial value for paving and other purposes. It was thought for some time that these deposits were confined to that section of the reservation set aside by the commission as unfit for agriculture, but later it has developed that other, if not more valuable, deposits of "gilsonite" are located on that portion of the reservation not designated by the commission as subject to restoration to the public domain because not needed for allotments to the Uncompahgres.

The commission, having reported that it could not procure an agreement from the Uncompahgres to pay \$1.25 per acre for the lands allotted them, and that nothing more could be accomplished by it, was, by order of my predecessor, relieved from further duty on February 4, 1896.

It is my judgment that some legislation should be enacted whereby the people of the United States can at an early date have the benefit of these valuable and useful deposits. If the lands containing them were owned by an individual or a corporation instead of by the Government, business methods would be pursued in disposing of them; they would be sold to the highest bidder at public auction, or by sealed bids, or would be leased, or the right to work the deposits would be granted for a consideration in the shape of a royalty or otherwise. Such lands are different from agricultural, timber, or coal lands.

It is claimed that a considerable portion of the Uncompahgre and Uintah reservations, known as the "lava beds," contain a substance called "elaterite," which, with a solution recently discovered, makes a valuable paint and an insulator of incomparable quality. Such deposits of gilsonite or elaterite are of rare occurrence; in fact, I know of no other within the limits of the public domain.

As Congress took no further action on this subject after receiving the reply of my predecessor to its resolution of January 16, 1896, I have not felt justified in changing the situation as I found it.

I recommend that Congress authorize the appointment of another commission to negotiate with the Uncompahgres, explain to them how the lands allotted can be paid for without depleting their trust fund, and that authority be given such commission to sell (subject to approval of the Secretary of the Interior) the remaining portion of the lands of the reservation to the highest bidder, to lease them, or to negotiate with responsible parties for the working of the deposits, in order that the Government may be fairly compensated and to the end that the public may enjoy the benefit of a highly useful gift of nature.

If these lands were the property of the Indians, there could be no question as to the above-described method being the proper one to adopt in the disposition thereof. In my opinion, however, the Indians

have no interest in these Utah lands. If there is not sufficient agricultural land within the limits of the Utah Reservation to provide for their allotments under the agreement of 1880, the Government would be under obligation to furnish agricultural lands elsewhere for allotment to the Uncompahgres.

PUYALLUPS.—The Puyallup commission is making but little progress in its work, owing to violent opposition of certain half-breeds and interested whites, and owing also to the depressed financial condition of the country. The last Indian appropriation act provides that this commission “shall conclude its work and terminate on or before December 1, 1896.”

CHIPPEWA.—The Chippewa commission, pursuant to the requirements of the Indian appropriation act of June 10, 1896, has been reduced to one member, its former chairman. During the past year the commission expended \$23,026.25 and made 2,359 allotments.

LEASING OF INDIAN LANDS.—Leases of unallotted or tribal lands have been made as follows: Crow Reservation, 6; Kiowa and Comanche, 14; Omaha, 32; Winnebago, 27; Osage, 20; Kaw, 4; Navajo, 1; Kickapoo, 1; Otoe, 2. The Navajo lease is for gold and silver mining purposes and one of the Osage leases is for petroleum and natural gas. The others are for farming and grazing.

Allotted lands have been leased as follows: Cheyenne and Arapahoe, 29; Grande Ronde, 1; Green Bay, 1 (for school purposes); Nez Perce, 67; Omaha, 102; Winnebago, 378; Ponca, 97; Pawnee, 97; Tonkawa, 6; Iowa, 11; Eastern Shawnee, 38; Modocs, 6; Ottawas, 40; Senecas, 87; Wyandottes, 55; Kickapoos, 6; Sac and Fox, 5; Absentee Shawnee, 24; Pottawatomie, 8; Santee, 2; Siletz, 2; Umatilla, 8; Walla Walla, 14; Cayuse, 23; and Yankton, 9. Considerable difficulty has been experienced in breaking up a system of illegal leasing of lands on the Iowa and Sac and Fox reservations.

INDIAN LANDS SET APART FOR MISSIONARY SOCIETIES.—Twelve tracts, aggregating 704.57 acres of reservation land, have been set apart during the year for the use of societies carrying on educational and missionary work among the Indians.

RAILROADS ACROSS RESERVATIONS.—Congress at its last session granted the Arkansas and Choctaw Railway Company, Fort Smith and Western Coal Railroad, St. Louis and Oklahoma City Railroad, Kansas City, Fort Scott and Memphis Railroad, St. Louis, Oklahoma and Southern Railway, and Arkansas Northwestern Railway rights of way through Indian and Oklahoma Territories, also rights of way through the Leech Lake and Chippewa reservations to the Brainerd and Northern Minnesota Railway; through Colville Reservation, Washington, to Columbia and Red Mountain Railway; through the Winnebagoshish, Chippewa, White Oak Point and Red Lake reservations, Minnesota, to the Duluth and North Dakota Railroad, and through the Sac and

Fox and Iowa reservations, Kansas and Nebraska, to the Atchison and Nebraska Railroad, and the Chicago, Burlington and Quincy Railroad, its lessee in perpetuity.

As to rights of way previously granted railroads, and referred to in former annual reports, the Commissioner gives in detail the status of each one, specifying where payments have been made or neglected and the action or inaction on the part of said roads.

LOGGING ON THE RESERVATIONS.—Authority was granted to purchase the timber standing on new allotments of land in the Lac du Flambeau, Bad River, and Lac Court d'Oreilles reserves, and logging operations have been conducted in a satisfactory manner. The White Earth and Red Lake choppers disposed of dead timber of the value of \$51,935.30. The Menomonees cut and sold 17,000,000 feet of pine timber, at an average price of \$9.75 per 1,000 feet; also 1,870,800 feet of shingle bolts, at \$1.45 per 1,000 feet.

EXHIBITION OF INDIANS.—Messrs. Cody and Salisbury and the Zoological Society of Cincinnati, Ohio, have been authorized to take Indians from the reservations for general show purposes, bonds being required and given for the proper care of the Indians, etc.

SALE OF LIQUOR TO INDIANS.—The necessity for providing for legislation on the subject of the sale of intoxicants to Indians grows more apparent each day. The agents in charge of Indians to whom allotments have been given, especially in the West and Northwest, insist on something being done to save the Indian from the terrible effects which unrestrained liquor traffic will bring. The Commissioner directs attention to and urges the passage of a bill introduced in the last two sessions of Congress prohibiting the sale of intoxicating liquors to Indian allottees.

INDIAN DEPREDATION CLAIMS.—At the date of the last annual report there were 4,301 claims of record in the office to be transmitted to the Court of Claims in accordance with the requirements of the act of March 3, 1891. Since then the papers on file in twenty claims have been transmitted to the court. No new claims have been filed during the past year. Thirty claims have been finally acted upon by the office, leaving 4,271 claims in the office to be disposed of in accordance with the requirements of the act above referred to. Since March 3, 1891, \$902,940.48 has been appropriated for payment of the judgments of the Court of Claims in these cases, of which \$825,039.60 has been paid. In addition, \$15,000 has been paid from tribal funds in settlement of the judgments as required by section 6 of the act of March 3, 1891.

DISTURBANCES IN JACKSON'S HOLE COUNTRY, WYOMING.—The killing by white men of three members of a peaceable hunting party of Bannock Indians in July of 1895, in Jackson's Hole Country, Wyoming, a wild and almost impenetrable district immediately south of the Yellowstone Park, and the arrest, fining, imprisonment, and confiscation of property of another party of Bannocks for alleged violation of the Wyoming game laws and the subsequent escape of the Indians, was set forth in detail in the last annual report. The subsequent action of

the Bureau may be summarized as follows, to wit: In August, 1895, it appearing that the Shoshone and Bannock Indians had the right under the fourth article of their treaty of July 3, 1868 (15 Stat. L., 673), to hunt on unoccupied lands of the United States, which right they were exercising at the time of the disturbance and killing above referred to, the matter was submitted in August, 1895, to the Attorney-General for investigation and action looking to the punishment of the guilty parties. He held, however, that there was no statute of the United States under which any assistance could be afforded.

Thereafter, as the result of a conference with the governor of Wyoming, a test case was agreed upon to enable the courts to pass upon the treaty rights of the Indians to hunt in Wyoming, and two Indians were voluntarily surrendered to the State authorities for that purpose. Habeas corpus proceedings were at once instituted through the Department of Justice for the release of the Indians, and at a trial of the case in the United States circuit court in November, 1895, it was decided that the laws of Wyoming were invalid against the treaty rights of the Indian to hunt on unoccupied lands in Wyoming, in or out of season, and discharged the Indians from custody. The case, however, was at once appealed by the attorney-general for Wyoming to the Supreme Court of the United States, and on consideration of the matter that court, on May 25, 1896, reversed the judgment of the circuit court, directed the discharge of the writ, and remanded the prisoners to the custody of the sheriff. The Indians who stood for the test case were accordingly surrendered to the State sheriff and were subsequently released on bail, with the assurance, however, by the county and prosecuting attorney for Uinta County, Wyo., that, owing to the good faith displayed by the Department in the matter, he would enter a nolle prosequi in the case as soon as it could be brought before the judge of the district court for that county.

CHEROKEE FREEDMEN, DELAWARES, AND SHAWNEES.—Under various treaty stipulations the Cherokees adopted Freedmen, Delawares, and Shawnees, with the stipulation that they were to have all the rights of native Cherokees. However, in several instances the Cherokees have distributed large sums of money among citizens of Cherokee blood only, to the exclusion of their adopted citizens. The Freedmen, Delawares, and Shawnees therefore entered suits in the Court of Claims to secure their per capita share of such payments. In each case the court has decided in favor of the complainant. A summary is given of the decrees of the court in regard to the claims of these Indians to share in the Cherokee Outlet fund. The status of the fund is as follows:

SUMMARY.

Sums allowed by the court:

Freedmen.....	\$903, 365. 00
Delawares.....	205, 265. 00
Shawnees.....	168, 604. 54

 1, 277, 234, 54

Fees to be paid by Cherokees:

Delawares	\$1,701.10	
Shawnees.....	2,300.00	
Freedmen	21,317.30	\$25,318.40
<hr/>		
Money taken out of fund (to be reimbursed) for 70 allotments.....	7,840.00	
Add two years' interest, to March 3, 1895.....	627.20	
<hr/>		
		8,467.20
<hr/>		
Total		1,311,020.14

STATEMENT OF ACCOUNT WITH CHEROKEE NATION.

Amount retained in Treasury.....	\$1,660,000.00	
Amount interest accrued, at 4 per cent, to March 3, 1895.....	132,800.00	
<hr/>		
Amount on hand.....		1,792,800.00
By amount of recovery, as per decrees of court.....	\$1,277,234.54	
Fees to be paid by Cherokees not included in amount of recovery.....	25,318.40	
Sum retained out of fund for 70 allotments, reimbursable, including two years' interest.....	8,467.20	
<hr/>		
		1,311,020.14
<hr/>		
Balance.....		481,779.86

The sum of \$481,779.86 was paid to the Cherokee authorities by the Secretary of the Treasury August 12, 1896, upon a statement and order from the Department.

In pursuance of these decrees of the court a census of the Delawares was made, and upon the result thereof the money awarded was paid.

The payment was made by checks from the Treasury Department, upon an account stated by this Department in a communication dated December 6, 1895.

A census of the Shawnees has been taken, approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and the money awarded them is now being disbursed by Special Agent James G. Dickson, who was assigned to that duty October 2, 1896.

In accordance with a decree of February 3, 1896, by the Court of Claims in the case of the Freedmen, the Secretary of the Interior appointed three commissioners—William Clifton, of Georgia; William P. Thompson, of the Indian Territory (nominated by the Cherokees), and R. H. Kern, of Missouri (nominated by the Freedmen)—to proceed to the Cherokee Nation, hear the testimony, and ascertain who are entitled to share in the distribution of said \$903,365. Instructions approved February 20, 1896, were issued to this commission, which began its work April 23, 1896. It claims its work has been completed, but has made no report to the Department. An extension of time in which to make its report was granted until September 10, when another extension was granted until November 10 because of the illness of the stenographer who had taken the testimony. Another extension was

asked on the ground that the stenographer's work had been so delayed by his illness that the report could not possibly be completed within the period of the extension. Thereupon a third extension was granted until December 10, 1896, but the commission was informed that positively no further delay in presenting its report will be countenanced.

The decrees contemplated paying the claimants a lower per capita than that the Cherokees paid themselves out of the same fund, to wit, \$295.35 per capita.

The following statements show what would be required to pay the Delawares, Shawnees, and Freedmen at the same rate:

To pay the 876 Delawares \$295.35 per capita would take.....	\$258, 726. 61
The sum allowed by the Court of Claims is.....	205, 265. 00
Difference	53, 461. 61
To pay the 830 Shawnees \$295.35 per capita would take.....	245, 140. 54
The sum allowed by the Court of Claims is.....	168, 604. 54
Difference	76, 536. 00
To pay the 3,524 Freedmen (number on Wallace approved roll) \$295.35 per capita would take.....	1, 040, 813. 40
The sum allowed by the Court of Claims is.....	903, 365. 00
Difference	137, 448. 40

The Cherokee council, by act approved March 30, 1896, appropriated these additional sums to be paid the Delawares and Shawnees to make their per capita payment equal to that paid the Cherokees by blood.

The Freedmen, however, in laying the matter before the Cherokee council claimed a number largely in excess of the number enumerated on the approved Wallace roll. The Cherokee council appropriated the sum of \$400,000 to meet the unascertained claim upon them, so as to make the per capita rate \$295.35 for each Freedman found to be entitled to participate in that fund.

POTTAWATOMIES OF MICHIGAN AND INDIANA.—By treaty of September 26, 1833, the United Nation of Chippewa, Ottawa, and Pottawatomie Indians ceded all their lands along the western shore of Lake Michigan to the Government, and the Indians agreed to remove to the country west of the Mississippi. Between two and three hundred of the Indians failed to comply with the terms of the treaty and remained on the shores of Lake Michigan. Annuities were paid them until 1866 when all payments were stopped. In 1882, the Pottawatomies still remaining in Michigan and Indiana contended that their annuities should have been continued, and employed an attorney in Washington to look after the same. By act of March 19, 1890 (26 Stat. L., 24), Congress referred the claim of these Indians to the Court of Claims, with the right of appeal to the Supreme Court. A judgment was obtained in the Court of Claims for \$104,626, and affirmed by the Supreme Court.

Congress, by an act approved March 2, 1895, directed the Secretary

of the Interior to detail an inspector to take the census of the Pottawatomie Indians of Indiana and Michigan who were entitled to participate in this judgment, for which Congress made an appropriation. The United States Indian inspector, John W. Cadman, was designated by the Secretary of the Interior to take the census. He performed the duty, and submitted his report August 7, 1895. There were many claimants besides those whose names were on the roll, and in February, 1896, the Secretary of the Interior designated Special Agent Shelby to investigate the rights of such claimants. His report was rendered March 14, 1896, and admitted but two additional claimants to participation in the award. On November 2, 1896, Special Agent Shelby was directed to proceed to points in Indiana and Michigan and pay the persons enrolled. The total amount paid by him was \$118,534.52, made up as follows:

Judgment of Court of Claims, less fee	\$68, 063. 00
Annuity for 1893-1896.....	8, 525. 20
Capitalized annuity.....	41, 626. 00
One-fourth of annuity for 1897	520 32
Total	118, 534. 52

The full amount of the judgment was \$155,297.52, of which \$36,763 was set apart for the attorney, Mr. John Critcher, who had pushed the claim to a judgment.

INTRUDERS IN THE CHEROKEE NATION.—A majority of the persons known as intruders in the Cherokee Nation claim rights to citizenship therein by blood or otherwise. The right of the Cherokees to call upon the Government to remove intruders in their country and the duty of the Government to remove them when properly identified has not been questioned. In an opinion, however, dated December 12, 1879 (16 Op., 404), the Attorney-General held that, in executing the provisions of the Cherokee treaties relative to the removal of the intruders, the Department must determine for itself under the general laws of the land the existence of an exigency calling for the removal; and under the decision of the Supreme Court in the Cherokee Trust-Fund Case (117 U. S., 288) the Department held that the Government had the right to determine for itself whether or not a man was entitled by blood to rights in the Nation before complying with the demand for his removal.

Several propositions were made by the Government to the Cherokee Nation for the appointment of a joint commission to investigate and determine all claims to citizenship, which, however, were rejected by the Cherokee authorities, who strenuously insisted that the question of citizenship was one over which they had exclusive jurisdiction and was to be determined under Cherokee law and not under the statutes of the United States. Pending settlement of the differences on this question, from May 3, 1877, to August 11, 1886, agents were instructed to issue certificates to all such as could make prima facie proof of their

Cherokee blood, such certificates to enable them to remain in the nation until their cases could be finally determined, and to remove all others. On the 21st of August, 1888, the Department directed that a decision by the Cherokee authorities against a claimant to citizenship in the nation should fix his status as an intruder in the Indian country, and as such liable to removal therefrom. In September of 1888 notice was given to all those whose claims had been rejected by the Cherokees to dispose of their improvements and remove from the nation within six months. Subsequently, however, the time so fixed was extended without limit and the notice practically ignored, as not a single intruder has removed.

Congress in 1893, in ratifying the agreement of 1891 with the Cherokees, authorized the appointment of a commission to appraise the improvements of the intruders, and appropriated the sum of \$250,000 to pay for the same. In the act of Congress approved March 2, 1895, it was provided that no removals of intruders should be made prior to January 1, 1896, nor before approval by the Secretary of the Interior of the appraisals made by the commission. On the report of such commission the Department approved payment of \$68,645.36 for improvements of the intruders. Forty-nine of them accepted, and thirty-nine declined to accept such payments. Before the 1st of January, 1896, to which time Congress had suspended any steps for the removal of intruders, measures were introduced in the two Houses of Congress looking to a further postponement of removals, and no steps were taken by the office pending consideration of the question by Congress.

THE DAWES COMMISSION.—In the Indian appropriation act approved June 10, 1896 (29 Stat. L., 339), the Five Civilized Tribes commission was authorized to determine within six months all applications for citizenship in any of those nations and thereafter make a roll of citizenship in each nation, including freedmen. It also provided for appeal within sixty days from the decision of the commission to the United States district court. The commission is now engaged in the prosecution of the work contemplated by the act of Congress. A partial or complete report from this commission is expected in time to be inserted in the appendix hereto. (See Exhibit G.)

CHIPPEWA AND MUNSEE INDIANS IN KANSAS.—Attention is directed to the recommendations contained in previous annual reports, which are reiterated, that the lands allotted to these Indians be patented and vacant lands sold and trust funds be paid them. Final action is urged upon House bill No. 7569, for the relief of these Indians, introduced at the last session of Congress.

MINERAL ENTRIES ON THE NORTH HALF OF COLVILLE RESERVATION, WASH.—The act of Congress, approved February 20, 1896 (29 Stat. L., 9), authorized mineral entries on the north half of the reserve. Subsequently complaints were entered that placer claims were being staked off on the lands which were inclosed with fence and cultivated

by Indians, merely for the purpose of getting a foothold on the reservation. It was also claimed that there was very little if any mineral on the lands. A special agent of the General Land Office was directed to investigate the matter, and in his report he stated that none of the lands on the northern portion of the reservation claimed and improved by Indians contained minerals in such quantities that they could be profitably mined, and that none of them could be classed as mineral lands. Accordingly, the register and receiver of the United States land office at Spokane, Wash., were, on the 5th of August, 1896, instructed to accept no applications to make mineral entries of any agricultural or grazing lands on the Colville Reservation which is claimed by Indians upon which they have improvements, and to exercise the greatest care to protect Indian occupants of land in that reservation.

CLAIMS OF SETTLERS ON CROW CREEK AND WINNEBAGO RESERVATIONS, S. DAK.—Eighty-three claims, aggregating \$24,210.81, of settlers who located on Crow Creek and Winnebago reservations in South Dakota in the spring of 1885 were filed under the act of March 2, 1895 (28 Stat. L., 899). Of the claims so filed 12 were disallowed as being fraudulent or without merit; for the remainder \$5,675.67 was awarded. As, however, only the sum of \$5,074 was available for the purpose of paying such claims, the Treasury Department in making settlement paid each claimant his pro rata share of the amount available.

DIGGER INDIANS IN CALIFORNIA.—In the last annual report it was stated that a tract of land adapted to gardening and agriculture had been provided for the Digger Indians and that the work of settling them thereon was in progress. Subsequent developments, however, indicate that these Indians are not so much inclined as was first supposed to avail themselves of the opportunity for homesteads. Many have returned to their old haunts and their former vagrant life of idleness, want, and beggary, and the few that remain in the homes provided when able to work do fairly well, but none seem to appreciate the favors shown them or the provision made for them by the Government.

IOWAS OF KANSAS AND NEBRASKA.—Under the act of Congress approved March 2, 1895 (28 Stat. L., 902), negotiation with the Otoe and Missouri Indians in Oklahoma was authorized for the sale of a portion of their lands to the Iowa tribe in Kansas and Nebraska for the benefit of those members, forty-five in number, who could not be given allotments on their own reservation because of the scarcity of land. Negotiations with the Otoes and Missourias failed, they refusing to part with any of their lands, and it has not been found practicable at the present time to give these Indians lands which may be ceded from the Kiowa, Comanche, and Wichita reservations.

NEW YORK INDIANS.—Nothing of special importance in connection with the New York Indians has recently occurred. In the Indian appropriation act for the fiscal year ended June 30, 1896 (26 Stat. L., 887),

Congress, looking to the extinguishment of the claim of the Ogden Land Company to the lands of the Senecas and to a portion of the Tuscarora Reservation, made the following provision :

That the Secretary of the Interior be, and he is hereby, authorized to negotiate with the Ogden Land Company for the purchase of the interests said company may possess, if any, in the Cattaraugus and Allegany Indian reservations in the State of New York.

He is also authorized to negotiate with the said Indians, under such rules and regulations as he may prescribe, as to the terms upon which the said Indians will consent to the United States purchasing the interest of said company in said reservations, if such interest is found to exist, and the Secretary of the Interior shall make a full report to Congress of his proceedings under this provision.

Mr. Philip C. Garrett was appointed as a commissioner to proceed with the negotiations authorized in said act, and is now engaged thereon. A statement of all the leases on the Allegany Reservation is in course of preparation and will be submitted to Congress in pursuance of a requirement to that effect in the Indian appropriation act for the current fiscal year.

EXTENSION OF PAYMENTS FOR OMAHA LANDS.—In the last annual report attention was directed to the fact that the Omaha Indians had refused to grant the extension of time to purchasers of their land contemplated by the act of Congress approved August 11, 1894 (28 Stat. L., 276). Since that time, however, the matter has been, at the instance of the purchasers, again submitted to the Indians, and the latter in December, 1895, passed a resolution assenting to the extension of time as provided in the aforesaid act. Their adverse action in the first instance appears to have been due to the fact that they did not properly understand the matter.

PONY CLAIMS OF INDIANS ON PINE RIDGE RESERVATION.—Six hundred and ninety-six claims of Indians on the Pine Ridge Reservation for reimbursement under the provisions of Article I of the Sioux treaty of 1868 (15 Stat. L., 635) for ponies, etc., alleged to have been stolen by horse thieves or by the United States military authorities, aggregating in value \$269,705, have been presented and the testimony, taken therein before a special attorney of the Department of Justice, was completed September 30, 1895. The final report of this attorney, giving a detailed history of the matter, was submitted December 21, 1895, and is now pending before the Department.

SALE OF CITIZEN POTTAWATOMIE AND ABSENTEE SHAWNEE LANDS IN OKLAHOMA.—In the Indian appropriation act approved August 15, 1894 (28 Stat. L., 295), provision was made for the sale, subject to certain conditions therein set forth, of all the allotted lands covered by patent in excess of 80 acres per capita. Attention was invited in the last annual report to the misfortune to the Indians which would naturally result from this unwise legislation. Under this act there have been approved by the Department up to July 25, 1896, assignments of land from the Indians aggregating an area of 19,479.54 acres, and valued at \$118,304.87.

A large percentage of the land was purchased from the Indians at a consideration far below its real value, and not always for cash or current money of the United States. The decisive stand taken by the Department that no deed would be approved unless it was fully satisfied of the bona fides of the transaction and of the adequacy and payment of the consideration money has resulted in an abatement of these conveyances. But for this action a greater number of holdings of the Indians would have been wrested from them by persistent speculators.

PYRAMID LAKE AND WALKER RIVER INDIANS.—The bill (S. 3 and H. R. 7579) now pending in Congress, providing, among other things, for the relinquishment of the Indian title to the entire Walker River Reservation and to a portion of the Pyramid Lake Reservation in Nevada, and for the removal of the Walker Indians to the Pyramid Lake Reservation, appears to be solely in the interest of the white people. It would be a serious blow to the present prosperous and progressive condition of the Indians, and should not become a law.

SEMINOLE INDIANS IN FLORIDA.—Under the respective clauses in the Indian appropriation acts of August 15, 1894 (28 Stat. L., 286), and March 2, 1895 (28 Stat. L., 876), respectively, providing for support, civilization, and instruction of the Seminoles in Florida, "one-half of that sum shall be expended by the Commissioner of Indian Affairs in procuring permanent homes for said Indians." Three tracts of land in Florida, aggregating 5,760 acres, have been purchased, at a total cost of \$4,048.

LOWER BRULÉ SIOUX.—Five hundred and fifty Lower Brulés have gone to the Rosebud Reservation, in South Dakota, where, under the provisions of the Indian appropriation act approved June 10, 1896, they will receive allotments, and the Rosebud Indians will be paid \$1 per acre for all their lands thus taken and allotted, the money to make such payment being appropriated from any money in the Treasury and charged against any funds belonging to the Lower Brulé Indians in the Treasury of the United States.

SOUTHERN UTES OF COLORADO.—The progress of the commission appointed under the act of February 20, 1895 (28 Stat. L., 677), to allot lands in severalty to the Southern Utes has been substantial. Allotments have been made to 371 Indians, covering 72,811.15 acres of land. A matter of great importance to allottees on the Southern Ute Reservation is that of irrigation. Five irrigation ditches have been commenced with \$5,000 allotted for the purpose from the general appropriation of \$30,000 for irrigation on reservations, but a special appropriation by Congress will be necessary to complete the work.

STOCKBRIDGES AND MUNSEES IN WISCONSIN.—The measures taken under the act of March 3, 1893 (27 Stat. L., 774), for the relief of the Stockbridge and Munsee Indians, to ascertain the members of the tribe entitled to receive fee-simple patents for their allotted lands were adverted to in the last annual report. Since that time twenty-nine

persons have been found to be entitled to patents, but action thereon is suspended, pending consideration by the Department of a protest against recognizing the roll of the tribe approved June 12, 1874, some of those entitled to patent being on the protested roll.

TURTLE MOUNTAIN INDIANS.—Nothing has been accomplished during the year in the way of settling the Turtle Mountain question. The agreement concluded October 22, 1892, with the Pembina Chippewas would satisfactorily adjust matters, but it has not yet been ratified by Congress, though drafts of bills have several times been submitted with recommendations that the agreement be ratified. Favorable action should at once be taken by Congress in order to settle the unrest and disquietude of the Indians, and prevent trouble with the settlers.

WINNEBAGO HOMESTEADS IN WISCONSIN.—A detailed statement of the homestead laws relating to the Winnebagoes, together with a full history of the entries made thereunder by the Indians, was made in the annual report for 1895. Fifty of these entries remained upon which no steps had been taken by the Indians to make final proof, and other entries and selections needed the attention of someone familiar with the land laws; accordingly a suitable person was detailed from the Land Office to render such assistance as may be required by the Indians, and he has also been appointed special disbursing officer to make annual payments of moneys due these Indians.

WISHAM AND TUMWATER FISHERIES ON THE COLUMBIA RIVER.—Attention was directed to the fact in the last annual report that the whites were infringing on the fishery rights on the Columbia River, Washington, held by the Yakima Indians under the treaty concluded with them June 9, 1855 (12 Stat. L., 951), and that the Department of Justice had been called upon to secure the necessary redress therefor through the courts. Since that time the Attorney-General reports that a temporary injunction was obtained enjoining certain parties from interfering with the Indians in taking fish from the Columbia River at Tumwater Fisheries. The defendants filed a demurrer to the bill, which was subsequently argued, submitted, and taken under advisement by the court. Pending decision in the matter a stipulation was filed permitting the Indians and the defendants to fish in common until the final disposition of the case. The injunction as modified by the stipulation is still in force.

The Attorney-General, in March of 1896, in referring to this matter, stated, among other things, that the treaty with the Indians according them fishery rights being the supreme law of the land, the State of Washington, while the owner of shore lands with power to sell them, could not deprive the Indians, by law, patent, or otherwise, of their fishery right; that he had no doubt the courts would enjoin all persons interfering with the exercise thereof, etc.; that suits could be instituted against the past or present purchasers of land which includes places where Indians are accustomed to fish, and that all such purchasers

could be forbidden to interfere with the Indians, and suggested that the attention of the authorities of the State of Washington be called to the matter, with a view to securing legislation which would protect the Indians in the enjoyment of their rights. The matter was brought to the attention of the Department in April of 1896, with the recommendation that communication be had with the governor of the State of Washington, embodying the suggestion of the Department of Justice.

THE PATENT OFFICE.

The Patent Office was created July 4, 1836, and placed under the direction of the Secretary of State, under whom it remained until it was transferred to the Department of the Interior by the act of March 3, 1849.

The report of the Commissioner of Patents upon the business of the Patent Office for the fiscal year ended June 30, 1896, shows that there were received within that year 41,660 applications for patents, 1,641 applications for designs, 84 applications for reissues, 2,460 caveats, 2,064 applications for trade-marks, and 171 applications for labels. There were 22,791 patents granted, including reissues and designs; 1,782 trade-marks registered, and 11 prints registered. The number of patents which expired was 11,466. The number of allowed applications which were by operation of law forfeited for nonpayment of the final fees was 4,014. The total receipts were \$1,307,090.30; the receipts over expenditures were \$209,721.45, and the total receipts over expenditures to the credit of the Patent Office in the Treasury of the United States amount to \$4,776,479.18.

CURRENT WORK.—On the 30th of June, 1896, all but four of the examiners had their work within one month of date, two were between one and two months, and the other two were between two and three months from date. At the close of the fiscal year there were 8,943 applications awaiting action on the part of the office.

PHOTOLITHOGRAPHY.—The policy of advertising for competitive bids for the photolithographic work of the Patent Office was continued during this year, and two bids were received, viz:

	Official Gazette.	General work.	Total.
Andrew B. Graham.....	\$34,580	\$51,388	\$85,968
The Norris Peters Company.....	32,760	48,138	80,898

The bid of the Norris Peters Company was accepted.

The following statement shows the saving on the Official Gazette effected since adopting the policy of inviting competition for doing this

work, and also the total amounts that would have been expended, calculated on the basis of the work performed during the last year:

Year.	Per page	Number of pages.	Total.
1892-93	\$7. 45	7, 654	\$57, 022. 30
1893-94	6. 30	7, 654	48 220. 20
1894-95	5. 25	7, 654	40, 183. 50
1895-96	5. 10	7, 654	39, 035. 40
1896-97	4. 50	* 7, 654	34, 443 00

* Estimated.

For eight years prior to 1893-94 the price per page had been \$7.45. A substantial saving has also been effected in the amounts paid for the general photolithographing work.

In his invitation for bids the Commissioner included an invitation for proposals for producing the Official Gazette entire, ready for delivery to subscribers, the processes to be modern and of the most improved form, believing that better work and a greater saving would be the result. The lowest bid received was \$76,031.28, and the next lowest \$85,834.32. But it was decided by the chairman of the Joint Committee on Printing that the Commissioner had no authority under the act approved January 12, 1895, providing for the public printing, to accept either of the bids, and the contract was ultimately awarded on the old plan, i. e., the Public Printer doing a part of the work and the contractor the balance. The books of the disbursing officer of the Department show that \$53,399.12 was paid to the Public Printer and \$42,326.28 to the contractor, amounting to a total of \$95,725.40, or \$19,694.12 in excess of what the work would cost if thrown open to competition. The result for the year shows that the recommendation of the Commissioner was founded upon sound business principles, and that the performance of the work as a whole should be placed under his control, subject to the usual and proper restrictions.

COPIES OF PATENTS.—On the recommendation of the Commissioner of Patents, section 493 of the Revised Statutes was amended by the act of May 19, 1896, reducing the price of printed copies of patents and authorizing the Commissioner to fix the price for uncertified printed copies, provided the maximum cost shall be 10 cents per copy. Acting under the authority of this act, the Commissioner reduced the price for single copies from 10 cents to 5 cents, and fixed prices of copies by subclasses at 3 cents each, of copies by classes at 2 cents each, and of the entire set at 1 cent each, to be in force after July 1, 1896.

At the same time the price of the monthly bound volumes of specifications and drawings was reduced from \$12 to \$5 per volume, and from \$10 to \$3, according to the binding.

It was considered that by this reduction the authentic and valuable records belonging to letters patent would be more widely circulated

and at a price remunerative to the Government. Equally important was the direct benefit to inventors and other patrons of the office, who are entitled to the broadest publicity that can be given to patents and the inventions covered by them.

The immediate result has shown the advantage of this reduction. During the first quarter of the fiscal year 1896-97 the sale of copies increased more than 140,000 over the corresponding quarter of 1895-96.

CLASSIFICATION DIVISION.—I concur in the recommendation of the Commissioner that the Patent Office be provided with a division, to be designated a classification division. The attention of Congress has been repeatedly called to the fact that the work of the Patent Office demands a thorough revision and reclassification of all foreign and American patents. The Committees on Patents in the Senate and House of Representatives last winter unanimously recommended and favorably reported bills making provision for such a division, but they failed in conference before the Appropriation Committees. In my judgment, the exigencies of the work require this improvement in the Patent Office, and an appropriation making provision therefor would be just and wise, and is therefore recommended.

BOND-AIDED RAILROADS.

At the time the last report was made by this Department my predecessor had under consideration the land grants to bond-aided railroads, with a view to stopping the patenting of lands thereunder until the indebtedness of the said roads to the Government, then under consideration by Congress, should be adjusted. On November 19, 1895, he issued an order to the Commissioner of the General Land Office to cease listing lands for patents to bond-aided railroads "and their branches" until further orders; but subsequently modified that order on the 11th day of December, 1895, by confining it to bond-aided roads. On June 10, 1896, Congress directed that patents be issued to the Union Pacific Railroad Company "without delay" to all lands sold by said company to bona fide purchasers. The resolution was concurrent, and as follows:

That the Secretary of the Interior be, and he hereby is, authorized and directed to resume work upon and to issue patents to the Union Pacific Railway Company, without delay, to all lands which have been sold by said company to bona fide purchasers: *Provided*, That nothing herein contained shall be construed as waiving any right that the United States may have to declare a forfeiture as to the lands which have not been so sold by said company: *Provided further*, That the words "bona fide purchasers" herein contained shall not be held to include the holders of lands secured by mortgages on such land grant.

Since the passage of this resolution its letter and spirit have been observed by the Department, and it has been made to apply to the Central Pacific as well as the Union Pacific Railroad. Those roads have been required to establish the good faith of the purchasers by

affidavit from two persons in every case before the patent was ordered to issue.

As Congress had been advised of the policy of the Department with respect to patenting lands to the bond-aided railroads, I have been justified in concluding that the only alteration it desired in that policy was such as the above-quoted resolution indicated.

However, shortly after I assumed charge of this Department an application was made to me by the attorneys for the Central Pacific Railroad Company to have all surveyed lands granted by the acts of 1862 and 1864 patented to the company. It was urged as a ground of this application that under the recent decision by the Supreme Court in the case of the Central Pacific Railroad Company *v.* Nevada (162 U. S., 512) all such lands, whether patented or not, were taxable by the States, Territories, and municipal corporations through which the line of the railroad company ran; and that, to withhold the power of disposition while compelling them to bear the burden of local taxation, was unjust. On examination of the case cited, I find that these lands were made taxable by the act of Congress approved July 10, 1886. With respect to the policy of such act I have nothing to do. I can not perceive, however, how the company will escape taxation by having patents issue. The lands are taxable whether patents issue or not. The company has contended that it has the right to convey and dispose of the lands irrespective of the patents, since the title passed under the acts.

However that may be, issuing the patents would unquestionably be an admission on the part of the Government that it had no further claim to the land, and would be an abdication of the control thereof.

The Supreme Court, in the case of *Deseret Salt Co. v. Tarpey* (142 U. S., 241-251), said:

While not essential to transfer the legal rights, the patents would be evidence that the grantees had complied with the conditions of the grant, and to that extent that the grant was relieved from the possibility of forfeiture for breach of its conditions. They would serve to identify the lands as coterminous with the road completed; they would obviate the necessity of any other evidence of the grantee's right to the lands, and they would be evidence that the lands were subject to the disposal of the railroad company with the consent of the Government. They would thus be in the grantee's hands deeds of further assurance of his title, and therefore a source of quiet and peace to him in its possession.

Concerning the powers of the Secretary of the Interior, the Supreme Court in the case of *Knight v. United States Land Association* (142 U. S., 161-178), uses the following language:

The statutes, in placing the whole business of the Department under the supervision of the Secretary, invest him with the authority to review, reverse, amend, annul, or affirm all proceedings in the Department having for their ultimate object to secure the alienation of any portion of the public lands, or the adjustment of private claims to lands, with a just regard to the rights of the public and of private parties.
* * * When proceedings affecting titles to lands are before the Department the power of supervision may be exercised by the Secretary, whether these proceedings

are called to his attention by formal notice or by appeal. * * * For example, if when a patent is about to issue, the Secretary should discover a fatal defect in the proceedings, or that by reason of some newly ascertained fact the patent, if issued would have to be annulled, and that it would be his duty to ask the Attorney-General to institute proceedings for its annulment, it would hardly be seriously contended that the Secretary might not interfere and prevent the execution of the patent. He could not be obliged to sit quietly and allow a proceeding to be consummated which it would be immediately his duty to ask the Attorney-General to take measures to annul. It would not be a sufficient answer against the exercise of his power that no appeal had been taken to him, and, therefore, he was without authority in the matter.

The representatives of the Central Pacific further contended that their road is not in default to the Government, and that, if it were, the lands are not covered by the Government mortgage and can not be held to secure the same.

I do not agree with either of these statements. The tables presented below clearly show that the Central Pacific Railroad is in default to the Government; but whether so or not, it unquestionably will be on January 1 next, or about thirty days hence, when \$2,432,000 additional of its indebtedness, together with thirty years' interest thereon, will fall due and must be redeemed by the Government.

In answer to the contention that the Government lien is not secured by the lands granted the Central and Union Pacific companies, section 5 of the act of 1862 provides that on the refusal or failure of a company to redeem its bonds or any part thereof the Secretary of the Treasury may take possession of all lands which at the time of said default shall remain in the ownership of the company. The act of 1878 declares that the failure of the company to pay its bonds shall operate as a forfeiture of all rights, grants, etc., derived from the United States, and that it shall be the duty of the Attorney-General to cause such forfeiture to be judicially declared.

Section 9 of the act of May 7, 1878, known as the Thurman Act, declares that all sums due to the United States from any of the bond-aided companies shall be a lien on all the property, rights, franchises, etc., granted or conveyed by the United States to any of said companies.

For the above reasons I have declined to patent lands to the Union Pacific Railroad or the Central Pacific Railroad except in cases where it can be shown that the lands for which patents are asked have been sold to bona fide purchasers. Inasmuch as the subsidy bonds issued by the Government to aid in the construction of these roads are falling due from time to time and must be redeemed by the Government as they mature, while the roads are unable to reimburse the Treasury for the amount so paid, and for the further reason that a bill is now pending in Congress providing for a funding of this indebtedness, I deem it the part of prudence for this Department to retain whatever of the property of the roads it may have in its possession or in its control until there shall be an adjustment of the amounts due the Government.

I have addressed a communication to the Secretary of the Treasury asking whether the Central Pacific Railroad is in default to the Government, and another to the Attorney-General asking his opinion whether in the event of a default I am authorized to continue to patent the lands granted to the bond-aided railroads, even when they have been sold to bona fide purchasers.

LAND GRANTS.

The grants to these bond-aided roads, as made by the act of July 1, 1862, amended by the act of July 2, 1864, gave to them "ten alternate sections per mile on each side of said road," or twenty sections (12,800 acres) per mile. It was also provided that the company entitled to said lands under the act shall pay into the Treasury the cost of surveying, selecting, and conveying the same, as the title thereto shall be acquired.

In addition to the bonds issued in aid of the Central and Union Pacific roads, the following grants of land were made to those companies by the acts of 1862 and 1864 :

GRANTED TO UNION PACIFIC.

	Acres.
Union Pacific.....	12,000,000
Kansas Pacific.....	6,000,000
Denver Pacific.....	1,400,000
Total	19,400,000

The number of acres patented on this grant up to June 30, 1896, is as follows:

	Acres.
Union Pacific.....	4,180,914.09
Kansas Pacific.....	2,526,286.79
Denver Pacific.....	209,349.23
Total	6,916,550.11
Balance of grant	12,483,449.89

GRANTED TO CENTRAL PACIFIC.

	Acres.
Central Pacific.....	8,000,000
Western Pacific.....	1,000,000
Oregon Branch Central Pacific (California and Oregon).....	3,500,000
Total	12,500,000

The number of acres patented on this grant up to June 30, 1896, is as follows:

	Acres.
Central Pacific.....	2,205,536.51
Western Pacific.....	449,475.80
Oregon Branch Central Pacific (California and Oregon).....	2,971,215.05
Total	5,626,227.36
Balance due when conditions of grant are complied with.....	6,873,772.64

It will be observed that only about one-third of the grant of lands to the Union Pacific has been patented to it, and less than one-half of the grant to the Central Pacific has been patented to it.

TOTAL INDEBTEDNESS OF BOND-AIDED COMPANIES TO UNITED STATES.

The total indebtedness of the several bond-aided companies to the United States on June 30, 1896, was as follows:

UNION PACIFIC (including Kansas Pacific). Principal of bonds issued, \$33,539,512, on which interest has accrued to the amount of \$57,071,757.46. If on this there should be credited the sum of \$38,611,070.53, applied to the "bond and interest" and "sinking-fund" accounts and interest on the latter, the balance of debt on the above date would be \$52,000,198.93.

CENTRAL PACIFIC (including Western Pacific): Principal of bonds issued, \$27,855,680; interest accrued, \$46,593,478.98; total credits, consisting of "bond and interest" and "sinking-fund" accounts, together with interest on the latter, \$16,167,149.56; balance of debt (if these credits be allowed), \$58,282,009.42.

SIoux CITY AND PACIFIC: Principal of bonds, \$1,628,320; interest accrued, \$2,734,387.09; credits on account of transportation, \$246,659.49; balance of debt, \$4,116,047.60.

CENTRAL BRANCH UNION PACIFIC: Principal of bonds issued, \$1,600,000; accrued interest, \$2,778,608.26; credits, \$642,884.88; balance of debt, \$3,735,723.38.

Under a decision of the Supreme Court the interest paid on these bonds by the United States does not become due from the companies until the maturity of the bonds. Up to June 30, 1896, there had matured subsidy bonds in the following amounts:

January 16, 1895, Central Pacific Railroad Company.....	\$2,362,000	
January 1, 1896, Central Pacific Railroad Company.....	1,600,000	
		\$3,962,000
November 1, 1895, Kansas Pacific (now Kansas division, Union Pacific).....	640,000	
January 1, 1896, Kansas Pacific (now Kansas division, Union Pacific).....	1,440,000	
February 1, 1896, Union Pacific.....	4,320,000	
		6,400,000
January 1, 1896, Central Branch Union Pacific Railroad Company.....	640,000	
		11,002,000

Of the \$11,002,000 matured bonds, all but \$36,000 have been presented and redeemed. Of the \$36,000 still outstanding, \$12,000 are Kansas Pacific bonds and \$24,000 are Union Pacific bonds.

On January 1, 1897, the following bonds will mature:

Union Pacific Railroad.....	\$3,840,000
Kansas Pacific Railroad.....	2,800,000
Central Branch Union Pacific.....	640,000
Central Pacific Railroad.....	2,112,000
Western Pacific.....	320,000
Total.....	9,712,000

On January 1 next \$9,712,000 of the bonds issued in aid of Pacific roads will be subject to redemption by the Government.

The tables given below will show the specific indebtedness of these roads to the Government and the maturities thereof:

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.

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
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The Government bonds were authorized by the act of July 1, 1862, but the act of July 2, 1864, permitted the Central and Union Pacific companies to issue other bonds on the same properties "to an amount not exceeding the bonds of the United States, and of even tenor, date, time of maturity, rate and character of interest, with the bonds authorized to be issued to said companies, respectively," which should be a prior lien upon the properties.

The following table gives the amount and maturities of these prior liens:

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
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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
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Grand total Union and Kansas Division	33, 532, 000
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CENTRAL BRANCH, UNION PACIFIC RAILROAD.

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

Maturity of bond: January 1, 1898.....		SIOUX CITY AND PACIFIC RAILROAD.
		\$1,628,000
Total first-mortgage bonds.....		64,613,000

The act of July 1, 1862, as amended by the act of July 2, 1864, provided that these roads should pay into the Treasury annually 5 per cent of their net earnings, and also provided that the Government should retain one-half of the amounts earned by the roads for the transportation of mails, troops, munitions of war, etc., and required that such amounts as were obtained from these sources should be annually applied, as far as they would go, toward the payment of the interest on the bonds issued by the Government in aid of the roads.

The act of 1878 authorized the Government to retain the entire earnings of the roads from the transportation of mails, troops, munitions of war, etc. That act also established in the Treasury of the United States a sinking fund, which, together with its semiannual interest, the Secretary of the Treasury is directed to invest in bonds of the United States or in other bonds, as his judgment may dictate. (See act of March 3, 1887.) The same act requires the roads to pay annually into the Treasury of the United States 25 per cent of their net earnings. The 5 per cent and one-half of the amounts due for Government transportation, as provided in the acts of 1862 and 1864, constitute what is known as "the bond and interest account;" the remainder of the 25 per cent, which shall be made up by the other half of the Government transportation and enough money in addition thereto to make the requisite amount, is called "the sinking fund." This sinking fund is to be held by the Government, according to the provisions of the act of 1878, not only for the protection of the Government in advances made by it, but for the protection of all creditors whose liens are superior to those of the Government. To use the wording of the act as found in section 8:

That said sinking fund so established and accumulated shall, according to the interest and proportion of said companies respectively therein, be held for the protection, security, and benefit of the lawful and just holders of any mortgage or lien debts of such companies, respectively, lawfully paramount to the rights of the United States, and for the claims of other creditors, if any, lawfully chargeable upon the funds so required to be paid into said sinking fund, according to their respective lawful priorities, as well as for the United States, according to the principles of equity, to the end that all persons having any claim upon said sinking fund may be entitled thereto in due order; but the provisions of this section shall not operate or be held to impair any existing legal right, except in the manner in this act provided, of any mortgage, lien, or other creditor of any of said companies respectively, nor to excuse any of said companies respectively from the duty of discharging, out of other funds, its debts to any creditor except the United States.

The following tables, compiled from the books of the Treasury, show the requirements of "the bond and interest" and the "sinking-fund" accounts, and also the credits entered in those accounts:

UNION PACIFIC "BOND AND INTEREST ACCOUNT."

Period.	Requirements.						
	Union Division.			Kansas Division.			
	One-half transportation services on aided line.	5 per cent of net earnings.	Total.	One-half transportation services on aided line.	5 per cent of net earnings.	Total.	Aggregate requirement.
Six months ended Dec. 31, 1878	\$240,139.40	\$181,462.34	\$421,601.74				\$421,601.74
Calendar year--							
1879	471,464.97	294,282.77	765,747.74				765,747.74
1880	513,010.45	364,208.30	877,218.75	\$64,548.38	\$71,670.64	\$136,219.02	1,013,437.77
1881	499,746.65	364,398.29	864,144.94	64,879.99	77,691.23	142,571.22	1,006,716.16
1882	460,878.78	406,176.49	867,055.27	57,457.13	60,884.25	118,341.38	985,395.65
1883	480,251.23	361,891.59	842,142.82	40,814.33	48,407.43	89,221.76	931,364.58
1884	382,779.82	245,771.35	628,551.17	50,508.15	57,443.78	107,951.93	736,503.10
1885	337,323.09	229,567.51	566,890.60	46,832.36	94,186.89	141,019.25	707,909.85
1886	340,174.13	186,729.43	526,903.56	42,728.30	87,186.05	129,914.35	656,817.91
1887	313,963.48	236,001.81	549,965.29	45,012.70	102,635.20	147,647.90	697,613.19
1888	338,402.72	228,719.75	567,122.47	48,150.48	67,069.18	115,219.66	682,342.13
1889	317,700.73	250,208.35	567,909.08	51,506.62	39,667.30	91,173.92	659,083.00
1890	439,624.95	199,298.67	638,923.62	51,904.60	38,723.66	90,628.26	729,551.88
1891	496,377.04	228,254.73	724,631.77	60,388.98	61,180.34	121,569.32	846,201.09
1892	500,313.02	247,281.26	747,594.28	61,689.07	75,063.02	136,752.09	884,346.37
1893	485,709.30	176,925.48	662,634.78	58,287.19	40,132.95	98,420.14	761,054.92
1894	537,455.90	98,682.32	636,138.22	65,590.31	30,464.48	96,054.79	732,193.01
1895	559,202.55	120,972.80	680,175.35	65,549.58	32,144.98	97,694.56	777,869.91
Total	7,714,518.21	4,420,833.24	12,135,351.45	875,848.17	984,551.38	1,860,399.55	13,995,751.00 12,624,689.81
Balance in favor of U. S. Dec. 31, 1895							1,371,061.19

Period.	Credits.			
	Union Division.		Kansas Division, transportation services rendered.	Total.
	Transportation services rendered.	Cash payments on account of 5 per cent.		
Six months ended December 31, 1878	\$292,343.91		\$212,153.47	\$504,497.38
Calendar year--				
1879	1,276,520.11		625,425.99	1,901,946.10
1880	571,201.85		132,614.44	703,816.29
1881	234,357.88		122,565.19	356,923.07
1882	588,694.15		193,040.21	781,734.36
1883	706,149.97		236,593.89	942,743.86
1884	973,710.79		152,998.74	1,126,709.53
1885	334,508.41	\$283,162.99	152,213.11	769,884.51
1886	345,474.44	155,246.59	106,870.49	607,591.52
1887	348,000.24		96,479.88	444,480.12
1888	324,537.79		94,379.16	418,916.95
1889	333,311.57		93,424.74	426,736.31
1890	379,418.33		103,808.52	483,226.85
1891	455,440.56		114,168.72	569,609.28
1892	551,101.77		131,009.94	682,111.71
1893	479,400.81		115,908.22	595,309.03
1894	539,515.79		106,009.18	645,524.97
1895	551,467.48		111,460.49	662,927.97
Total	9,285,155.85	438,409.58	2,901,124.38	12,624,689.81

LXXII REPORT OF THE SECRETARY OF THE INTERIOR.

UNION PACIFIC "SINKING-FUND ACCOUNT."

Period.	Requirements.			Credits.		
	One-half transportation services on aided lines.	Cash payment to equal 25 per cent of net earnings (act of May 7, 1878).	Total.	Transportation services rendered.	Cash payments.	Total.
Six months ended						
Dec. 31, 1878.....	\$240, 139. 40	\$244, 688. 26	\$484, 827. 66	\$62, 578. 45	.....	\$62, 578. 45
Calendar year—						
1879.....	471, 464. 97	230, 560. 37	702, 025. 34	200, 722. 61	.....	200, 722. 61
1880.....	513, 010. 45	430, 424. 02	943, 434. 47	414, 157. 76	.....	414, 157. 76
1881.....	499, 746. 66	462, 403. 38	962, 150. 04	221, 372. 58	.....	221, 372. 58
1882.....	460, 878. 79	704, 377. 49	1, 165, 256. 28	541, 064. 33	.....	541, 064. 33
1883.....	480, 251. 24	487, 063. 94	967, 315. 18	684, 109. 60	.....	684, 109. 60
1884.....	382, 779. 83	217, 525. 77	600, 305. 60	1, 416, 966. 27	\$788, 173. 43	2, 205, 139. 70
1885.....	337, 323. 09	243, 623. 89	580, 946. 98	726, 392. 75	633, 541. 03	1, 359, 933. 78
1886.....	340, 174. 14	55, 783. 66	395, 957. 70	659, 838. 32	.....	659, 838. 32
1887.....	313, 963. 48	316, 080. 32	630, 043. 80	717, 546. 01	.....	717, 546. 01
1888.....	338, 402. 71	238, 073. 60	576, 476. 31	693, 404. 63	.....	693, 404. 63
1889.....	317, 700. 73	365, 431. 99	683, 132. 72	727, 755. 77	.....	727, 755. 77
1890.....	439, 624. 95	.....	439, 624. 95	643, 691. 85	.....	643, 691. 85
1891.....	496, 377. 04	.....	496, 377. 04	661, 392. 66	.....	661, 392. 66
1892.....	500, 313. 03	.....	500, 313. 03	786, 896. 31	.....	786, 896. 31
1893.....	485, 709. 30	.....	485, 709. 30	735, 777. 43	.....	735, 777. 43
1894.....	537, 455. 91	.....	537, 455. 91	707, 482. 51	.....	707, 482. 51
1895.....	559, 202. 55	.....	559, 202. 55	638, 948. 42	.....	638, 948. 42
Total.....	7, 714, 518. 27	3, 996, 036. 59	11, 710, 554. 86	11, 240, 098. 26	1, 421, 714. 46	12, 661, 812. 72
Balance in favor of company Dec. 31, 1895.....	.....	.....	.....	.....	.....	951, 257. 86

RECAPITULATION.

Balance in favor of United States, bond and interest account.....	\$1, 371, 061. 19
Balance in favor of company, sinking-fund account.....	951, 257. 86
Difference in favor of United States.....	419, 803. 33

The following table will show the manner in which the Secretary of the Treasury has invested the sinking fund of the Union Pacific Railroad, in accordance with the provisions of section 3 of the act of May 7, 1878, as amended by section 5 of the act of March 3, 1887:

UNION PACIFIC SINKING-FUND INVESTMENTS.

Character of bonds.	Purchased.		
	Principal.	Premium.	Total.
Funded loan of 1881, 5 per cent extended at 3 per cent..	\$256, 450	\$9, 481. 12	\$265, 931. 12
Funded loan of 1882, at 3 per cent.....	1, 620, 000	48, 925. 00	1, 668, 925. 00
Funded loan of 1907, at 4 per cent.....	4, 478, 650	1, 017, 781. 94	5, 496, 431. 94
United States registered currency sixes.....	1, 117, 000	342, 827. 90	1, 459, 827. 90
First mortgage of prior lien to United States.....	13, 345, 500	1, 641, 767. 63	14, 987, 267. 63
United States 5 percents, 1904, registered.....	235, 750	41, 738. 92	277, 488. 92
United States 5 percents, 1904, coupon.....	680, 000	113, 594. 00	793, 594. 00
Expressage, commissions, etc.....	.....	1, 086. 48	1, 086. 48
Total.....	21, 733, 350	3, 217, 202. 99	24, 950, 552. 99

UNION PACIFIC SINKING-FUND INVESTMENTS—Continued.

Character of bonds.	Redeemed, sold, and exchanged.			Interest on investment.	Amount realized.	Present principal on hand June 30, 1896.
	Princi- pal.	Premium.	Total.			
Funded loan of 1881, 5 per cent extended at 3 per cent	\$256,450	.....	\$256,450.00	\$74,241.91	\$64,760.79	.....
Funded loan of 1882, at 3 per cent	1,620,000	.....	1,620,000.00	65,455.07	16,530.07	.....
Funded loan of 1907, at 4 per cent	4,478,650	\$934,099.73	5,412,749.73	994,642.14	910,959.93	.....
United States registered currency sixes	1,053,000	163,355.21	1,216,355.21	449,010.00	.....	\$64,000
First mortgage of prior lien to United States	179,000	.....	179,000.00	3,755,491.30	.....	a 13,166,500
United States 5 percents, 1904, registered .....	.....	.....	.....	26,521.83	.....	235,750
United States 5 percents, 1904, coupon .....	.....	.....	.....	51,000.00	.....	680,000
Expressage, commissions, etc. ....	.....	.....	.....	.....	.....	.....
Total	7,587,100	1,097,454.94	8,684,554.94	5,416,362.25	992,250.79	14,146,250

a Interest due and defaulted, \$635,160.

From these tables it will be seen that on June 30, 1896, the Union Pacific Railroad Company was in default to the Government to the extent of \$419,803.33 on its "bond and interest" and its "sinking-fund" accounts.

UNION PACIFIC MATURED INDEBTEDNESS.—The following statement will show the status of the Government claims against the Union Pacific Railway Company with respect to the matured and redeemed subsidy bonds of this company, after giving it credit for its entire sinking fund, and for that proportion of the "bond and interest" account which the matured bonds of the road bears to the whole issues of subsidy bonds.

Bonds matured and redeemed to June 30, 1896.....	\$6,400,000	
Accrued interest on same for thirty years at 6 per cent.....	11,520,000	
		\$17,920,000
Sinking fund to June 30, 1896	16,176,799	
Nineteen per cent of bond and interest account.....	3,859,759	
		20,036,558
Balance in favor of company		2,116,558

As 19 per cent of the subsidy bonds issued to Union Pacific Railroad have matured, that road is given credit in this table for 19 per cent of its "bond and interest" account. On January 1, 1897, \$6,640,000 additional bonds of Union Pacific will mature, interest on same—\$11,952,000—will be then due, and if not paid the Union Pacific will unquestionably be in default.

CENTRAL PACIFIC MATURED INDEBTEDNESS.—The following statement will show the status of the Government claims against the Central Pacific Company with respect to the matured and redeemed subsidy bonds of this company, after giving it credit for its entire sinking fund and for that proportion of the "bond and interest"

CENTRAL PACIFIC "SINKING-FUND ACCOUNT."

Period.	Requirements.			Credits.		
	One-half transportation services on aided line.	Cash payment to equal 25 per cent of net earnings (act of May 7, 1878).	Total.	Transportation services rendered.	Cash payments.	Total.
Six months ended December 31, 1878.....	\$123,852.02	\$181,329.51	\$305,181.53	\$38,587.26	.....	\$38,587.26
Calendar year—						
1879.....	226,378.36	266,894.42	493,272.78	161,343.24	\$181,329.51	342,672.75
1880.....	220,943.62	387,892.99	608,836.61	297,442.84	229,076.32	526,519.16
1881.....	216,334.22	398,479.76	614,813.98	223,207.81	144,436.74	367,744.55
1882.....	201,877.13	230,581.93	432,459.06	576,833.06	79,149.91	655,982.97
1883.....	201,620.63	125,983.29	327,603.92	514,565.37	.....	514,565.37
1884.....	239,112.60	.....	239,112.60	228,313.33	.....	228,313.33
1885.....	171,470.70	.....	171,470.70	243,540.19	.....	243,540.19
1886.....	172,347.23	.....	172,347.23	168,468.38	.....	168,468.38
1887.....	171,166.94	31,752.08	202,919.02	182,213.45	.....	182,213.45
1888.....	194,999.98	.....	194,999.98	201,034.20	.....	201,034.20
1889.....	196,393.38	.....	196,393.38	183,072.15	.....	183,072.15
1890.....	243,438.70	.....	243,438.70	217,318.87	.....	217,318.87
1891.....	253,785.26	.....	253,785.26	90,540.28	.....	90,540.28
1892.....	249,801.78	.....	249,801.78	416,018.36	.....	416,018.36
1893.....	255,114.02	.....	255,114.02	258,727.54	.....	258,727.54
1894.....	273,667.08	.....	273,667.08	257,933.43	.....	257,933.43
1895.....	295,138.92	.....	295,138.92	303,510.96	.....	303,510.96
Total.....	3,907,442.57	1,622,913.98	5,530,356.55	4,562,770.72	633,992.48	5,196,763.20
Less credits.....	.....	.....	5,196,763.20	.....	.....	.....
Balance in favor of United States.....	.....	.....	333,593.35	.....	.....	.....

RECAPITULATION.

Balance in favor of United States sinking fund account.....	\$333,593.35
Balance in favor of company, bond, and interest account.....	45,449.69
Difference in favor of United States.....	288,143.66

The following table will show the manner in which the Secretary of the Treasury has invested the sinking fund of the Central Pacific Railroad, in accordance with the provisions of section 3 of the act of May 7, 1878, as amended by section 5 of the act of March 3, 1887:

Investments which have been made by the Secretary of the Treasury to June 30, 1896, in accordance with the provisions of section 3 of the act of May 7, 1878, as amended by section 5 of the act of March 3, 1887, and the amount now held in that fund to the credit of the Central Pacific Railroad Company.

Character of bonds.	Purchased.		
	Principal.	Premium.	Total.
Funded loan of 1881, 5 per cent, extended at 3 per cent.	\$736,700	\$17,643.83	\$754,343.83
Funded loan of 1882, at 3 per cent	1,220,000	39,400.00	1,259,400.00
Funded loan of 1907, at 4 per cent	199,100	15,484.90	214,584.90
United States registered currency sixes.....	2,622,000	880,767.30	3,502,767.30
First mortgage of prior lien to United States	3,261,000	369,305.73	3,630,305.72
United States 5 per cents, 1904, coupon.....	125,000	20,883.50	145,883.50
Expressage, commission, etc.....	.....	319.67	.....
Total.....	8,163,800	1,343,804.93	9,507,604.93

On June 30, 1896, there remained in the Treasury of the United States, uninvested, to the credit of the Central Pacific Railroad Company, \$1,126,185.57.

Character of bonds.	Redeemed, sold, and exchanged.					
	Principal.	Premium.	Total.	Interest on investment.	Amount realized.	Present principal.
Funded loan of 1881, 5 per cent, extended at 3 per cent.	\$736, 700	.....	\$736, 700. 00	} \$102, 863. 72	\$45, 043. 83	.....
Funded loan of 1882, at 3 per cent	1, 220, 000	.....	1, 220, 000. 00			
Funded loan of 1907, at 4 per cent	190, 100	\$54, 752. 50	253, 852. 50	53, 733. 00	83, 000. 60	.....
United States registered currency sixes.....	492, 000	59, 090. 11	551, 090. 11	1, 448, 349. 32	.....	\$2, 130. 000
First mortgage of prior lien to United States	38, 000	.....	38, 000. 00	860, 770. 64	.....	*3, 223, 000
United States 5 percents. 1904. coupon.....	.....	.....	.....	9, 375. 00	.....	125, 000
Expressage. commission, etc.	.....	.....	.....	.....	.....	.....
Total	3, 685, 800	113, 842. 61	2, 799, 642. 61	2, 475, 091. 68	128, 044. 43	5, 478, 000

* Interest due and defaulted, \$101,130.

OFFICE OF RAILROAD AFFAIRS.

The report of the Commissioner of Railroads gives full information concerning the physical and financial condition of the railroad companies coming within the jurisdiction of this Bureau, particular attention being paid to those companies which received from the United States a subsidy in bonds.

He calls attention to the fact that, notwithstanding a continuance of the depressed condition of manufacturing interests throughout the country, there was an increase in the volume of freight hauled in 1895 over the previous year, but that owing to a reduction in rates and a falling off in the passenger traffic the gain in net earnings was small. The bond-aided roads, by the practice of rigid economies in operating expenses, are enabled to show a slight gain in net earnings, though the gross earnings show a decrease from previous year.

The properties of all the bond-aided lines and several of the land-grant lines were inspected during the year. He reports substantial improvements in the physical condition of the main lines of the Union and Central Pacific companies, consisting of the substitution of heavy steel rails for the lighter ones heretofore in use, the replacing of wood by iron in important structures, and an improvement in the quantity and quality of ballast. These improvements are mentioned in detail under the heads of the respective companies. The other properties were found to be in fair condition.

The annual examination of the books and accounts of the bond-aided companies was made, as customary, by the accountants of the Bureau.

The amounts given as due the United States from the respective companies for the calendar year 1895 compare with those of the previous year as follows:

Union Pacific Railway (including Kansas Division): Increase, \$67,423.54. (This is attributable to reduced operating expenses and a slight increase in the amount of Government transportation.)

Central Pacific Railroad: Increase, \$48,689.13.

Sioux City and Pacific Railroad: Decrease, \$1,598.10.

Central Branch Union Pacific Railroad: Increase, \$121.37. (The net earnings not being sufficient to pay the interest on mortgage bonds, the Government, under a decision of the Supreme Court, can not claim 5 per cent of the net earnings of this road.)

The case of the United States *v.* Stanford, to recover \$15,237,000 on account of his individual liability as a stockholder of the Central Pacific Railroad Company, was finally decided by the Supreme Court adversely to the Government.

The appeal of the United States in the case instituted against the Chicago, Milwaukee and St. Paul Railway Company for failure to report to the office is pending in the United States circuit court of appeals, the case having been decided in favor of the defendant in the court below.

The Commissioner states that he has continued the practice of including 25 per cent of the net earnings of the Omaha Bridge in ascertaining the amount due the United States from the Union Pacific Railway Company under the Thurman Act. He states that the company has paid this amount under protest, and in 1887 filed a petition in the Court of Claims to settle the question, but that no further action has been taken in the matter.

The Union Pacific Railway Company having made default in the payment of its first-mortgage bonds, foreclosure suits have been brought and are now pending.

He reviews the legislation pending before Congress for the settlement of the debts of the Pacific roads to the Government, and gives a summary of the provisions of the bills finally reported by the respective committees of the Senate and House pertaining to the Union and Central Pacific companies. He states that these bills were not reached at the first session, but will probably be called up at an early day in the approaching session. He suggests the desirability of a settlement being effected with the Sioux City and Pacific as soon as practicable.

The following recommendations of the Commissioner are given in full:

Elsewhere in this report will be found tabulated statements of the amounts found to be due each year from the respective bond-aided railroad companies, as ascertained by this office, and the amounts credited thereon each year for transportation services rendered the Government, as reported here by the Treasury Department, up to December 31, 1895. From these tables it would appear that the Union Pacific, the Central Pacific, and the Sioux City and Pacific railroad companies were in

arrearages on that date in the amounts required to be paid under existing laws. This deficiency, however, is apparent only, as there were accounts for transportation services before the Treasury Department, some of which had been adjusted and not yet paid, and others still unadjusted, which would perhaps equal these amounts.

This Bureau receives monthly statements from the Treasury Department, giving the amounts which have been allowed and credited to the several companies, but it is months, and often years, before such claims are acted on; and until some action is taken the Bureau has no means of knowing what accounts may be pending. If the companies were required to transmit their accounts for transportation services through this Bureau, or to furnish the Bureau with a duplicate of such accounts, and the action taken by the accounting officers of the Treasury promptly reported here, then the records of the Bureau would at all times furnish any information in regard to the accounts and indebtedness of the bond-aided railroad companies.

This method of rendering the accounts has been suggested by at least two of my predecessors, and by myself in previous reports, and I again urge the advisability and propriety of making this change in the method of accounting now in vogue.

I adhere to the opinion expressed by me in my first report, and renewed in subsequent ones, that the best and most practical way to reach a settlement with the companies is through a commission, to be appointed by the President. The vain efforts of Congress for years to arrive at an adjustment would seem to justify the belief that it is useless for so large a body to continue to attempt to settle the matter. Members are always pressed in the discharge of the duties of their respective committees, and but a very small proportion of them have ever found the time to devote to a consideration of the problem involved in the determination of the best method for the Government to pursue. The question is of vast magnitude and great importance, and involves so many interests and technical details that it is almost impossible to place its every aspect before Congress in such a manner that intelligent action could be taken thereon. The commission to be appointed should be vested with full and absolute power to settle the question by any method which seemed to them best, their action to be subject to the approval of the President. It should be empowered to compel the attendance and take the testimony of witnesses, to administer oaths, and to call for all papers and documents needed in the course of their negotiations.

So long as the present relations between the United States and the bond-aided roads continue I beg to urge the importance of providing for periodical inspections on behalf of the Government of the roadway, bridges, track, buildings, rolling stock, etc., of the companies by a man of practical experience in railroad engineering and operation. The Government is deeply interested in having the physical condition of these properties kept up to the proper standard, so that patronage will be attracted to rather than driven from the line to that of competing companies, and this is particularly important so long as the present laws under which a percentage of net earnings are paid to the Government remain in force.

A sufficiently accurate, intelligent, and careful inspection of this character can not be made by a layman, and I, therefore, earnestly recommend the restoration of the position of railroad engineer in this Bureau, which position was abolished by the Fifty-second Congress. If it is thought that these inspections would not warrant the employment from year to year of an official solely for the purpose, I suggest that the Secretary of the Interior be authorized and required to employ a competent railroad engineer for a length of time sufficient to enable him to make an annual inspection of the physical condition of these properties and to report thereon to the Department of the Interior, through this Bureau, the result of such inspections.

I do not concur in the recommendation of the Commissioner, that the settlement of the indebtedness of the bond-aided roads to the Government be delegated to a commission to be vested with full power to perform the work assigned it.

Under the act of March 3, 1887, the President is authorized to direct the Secretary of the Treasury to "redeem or otherwise clear off such (any) paramount lien, mortgage, or other incumbrance" on these roads prior to that of the United States "by paying the sums lawfully due in respect thereof out of the Treasury." He is also authorized to direct the Attorney-General "to take all such steps and proceedings in the courts and otherwise that shall be needful to redeem such lien, mortgage, or other incumbrance, and to protect and defend the rights and interests of the United States in respect of the matter in this section mentioned, and to take steps to foreclose any mortgage or liens of the United States on any such railroad property."

Congress is not likely to delegate to any commission the power to settle this indebtedness, without making such settlement subject to its approval; but whether Congress would do so or not, the delay consequent upon the appointment of a commission and its work would be so great that most or all of the bonds issued in aid of these roads would mature and the Government be called upon to redeem the same. In the meantime, other bills would be introduced seeking to effect other settlements, and in the end the Government would receive less for its claim than it would if a compromise by the cash payment of a lump sum should be effected in the immediate future and the Government become relieved thereby from all connection with these roads.

This indebtedness has been a subject of attempted legislation for many years past, and it seems impossible to frame any renewal or extension of the loan which will be acceptable both to the legislators and the indebted companies. A funding of the debt, which contemplates the Government accepting long-time bonds for its advances, will not remove this troublesome subject from the consideration of Congress, and would probably result in renewed measures for relief of the roads being proposed as those bonds approach maturity.

In my judgment, it is much better for the Government to accept a lump sum in cash for its claim against these roads, if, by doing so, that claim can be settled and the connection between the Government and the only roads it has ever aided by direct subsidy be effectually severed. Such a solution of this vexed question would meet with the hearty approval of the people generally, and relieve the legislators and all branches of the Government of a troublesome problem and a trying responsibility.

THE GOVERNMENT DIRECTORS OF THE UNION PACIFIC RAILWAY COMPANY.

The report of the Government directors of the Union Pacific Railway Company gives a comparative statement of earnings and expenses for 1896 and 1895, from which it appears that the slight decrease in gross earnings is more than offset by the decrease in operating expenses, so that the surplus net earnings are increased by \$77,045.49.

The directors report the physical condition of the property to be excellent in every respect. They state that "judicious and liberal expenditures on the roadbed for ballasting, ties, and new rails have been made and are being made, and the rolling stock appertaining to the property has been kept in excellent condition."

They report that the various foreclosure suits referred to in their last report are still pending, and that no decrees have been entered therein.

In their report for 1895 the directors suggested a plan for settlement with the companies by the Government, embracing a foreclosure of the line of the Union and Central Pacific companies, from Omaha, Nebr., to San Jose, Cal. In the present report they repeat their former suggestions, and add that if it should be found impracticable to combine the foreclosure of both roads in contemporaneous proceedings, the separate lien of the United States on the Union Pacific property should be foreclosed and the property sold.

The report concludes with the statement that if the pending litigation should require any action on the part of the Government, or if some proposition is made for a settlement on what seems to them reasonable terms, the directors will file a supplemental report with their recommendations.

THE ELEVENTH CENSUS.

The supervisory powers relating to the acts of marshals and others in taking and returning the census were given to the Secretary of the Interior by the act creating the Department. Prior to that time such powers were exercised by the Secretary of State.

On March 2, 1895, Congress abolished the "Office of the Eleventh Census," and provided that the unfinished work thereof shall be completed in the office of the Secretary of the Interior; since that time the census work has been conducted under the supervision of a chief of division in the Secretary's office.

The Commissioner of Labor, by authority of an act of October 3, 1893, was directed and authorized by the President of the United States to perform the duties of Superintendent of Census under the direction of the Secretary of the Interior.

Under the act of March 2, 1895, the Secretary of the Interior was authorized to continue the services of the Commissioner of Labor in charge of the completion of the Eleventh Census.

The Bureau of Labor was established June 27, 1884, by an act which provided for the appointment of a Commissioner of Labor, who should make annual reports, in writing, to the Secretary of the Interior (Stat. L., 23, p. 60). The Bureau of Labor was operated under this act until June 13, 1888, when Congress provided for the establishment of a Department of Labor and placed it in charge of the Commissioner of Labor. This last-mentioned act does not require reports to be made to the Secretary of the Interior, but provides that reports of the

Commissioner of Labor shall be made to the President and Congress (Supplement to Revised Statutes, 2 ed., p. 590).

The report of the Commissioner of Labor in charge of the Eleventh Census shows the operations of the Census Division for the fiscal year ended June 30, 1896, and the condition of the office and of the reports of the Eleventh Census at the present time. It is learned therefrom that the clerical work connected with the preparation of the final reports of the Eleventh Census is now practically completed, and that nothing further remains to be done beyond the necessary final revision and proof reading on two volumes. The total force borne upon the pay roll June 30 last was 34. The total amount of the appropriations for the Eleventh Census up to the present time has been as follows:

Expenses of the Eleventh Census.....	\$8, 685, 162. 50
Farms, Homes, and Mortgages.....	1, 330, 000. 00
Printing, engraving, and binding schedules, preliminary reports.....	606, 500. 00
Printing, engraving, and binding final reports.....	925, 000. 00
Total.....	11, 546, 662. 50

The total cost will be very nearly equal to the whole amount appropriated. The appropriations made by the Fifty-third Congress for the completion of the clerical work has proved to be sufficient therefor, and it is not believed that it will be necessary to increase the appropriations made by the Fifty-fourth Congress for printing and binding.

The whole number of volumes comprehending the final results of the census is 25; of these 22 have been or are in process of distribution to the public. The remaining volumes are rapidly being placed in a condition for printing. The preliminary results which have been published from time to time in bulletins were completed and published May 18, 1895, which date can with reason be considered as the date of sending the final general results of the Eleventh Census to the public.

The schedules of the Eleventh Census, in conformity with past custom, have been put in shape for permanent binding or for such use as may be considered advisable under future census legislation.

In conformity with the requirements of a joint resolution relating to the Federal census, approved March 19, 1896, the Commissioner of Labor, in charge of the Eleventh Census, will formulate and submit to Congress a plan for a permanent census service. There should be some system adopted by which the results of future censuses can be brought out with greater promptness than has heretofore been possible. The leading statisticians and economists of the country are greatly interested in the formulation and adoption of some such plan.

GEOLOGICAL SURVEY.

The office of Director of the Geological Survey was established March 3, 1879, and placed under the direction of the Secretary of the Interior.

The work of the Geological Survey in its several branches was

actively prosecuted throughout the year. The field work of 1895 was in the main a continuation of that of the previous field season. As in the previous year, the energies of the geologic corps were directed principally to areal surveying, the distribution and relations of the various rock formations, and especially the deposits of coal, iron ore, and other valuable minerals, being delineated upon the topographic base maps. The results of this work are exhibited in part in the twelve geologic folios which were published during the year. Besides the areal work, considerable attention was given to special investigations in districts containing important mineral resources. Among these may be mentioned the gold and coal resources of Alaska, the uintaite (gilsonite) deposits of Utah, the further prosecution of the investigation of the mineral phosphate deposits of Florida, Tennessee, etc.

As in the previous year, the paleontologists were engaged largely in securing paleontologic evidence in the field, to assist the geologists in the determination of the distribution and relations of the various formations. Much important work was done, however, in office and laboratory.

The chemists were engaged in making analyses of rocks and ores, to supply the geologists with information required in the solution of geologic problems. There was little time for abstract or systematic chemical research.

The work of the Hydrographic Division is being steadily expanded, under the larger opportunities offered by increased appropriations. In the field work of 1895 a much larger number of streams were measured than during the previous year, and a broader area was covered in the investigation of underground waters and artesian wells. In the development of the work, the detailed investigation of the underground structure and the permeability of the water-bearing rocks, and the study of the methods of utilizing the water supply for power, irrigation, etc., are receiving increased attention.

The area topographically surveyed and mapped during the year was 48,066 square miles, about 5,000 square miles of which consisted of revision of areas previously surveyed. Surveys were prosecuted in twenty-four States and Territories. For the control of the topography, triangulation was systematically carried on in the Atlantic, Rocky Mountain, and Pacific regions. As the result of the topographic work of the year, 70 atlas sheets, nearly all upon the scale of 1:125,000, or 2 miles to the inch, were completed and made ready for the engraver.

In Indian Territory, where a subdivision survey for Land Office purposes is being conducted in connection with a topographic survey, under a special provision of Congress, the field work begun in 1895 was prosecuted with vigor throughout the year. The progress made in the subdivision work may be summarized in the statement that 21,314 miles of lines have been run since the beginning of the fiscal year, or about 45 per cent of the Territory. This mileage includes 1,339 miles of standard lines, 3,087 miles of township exteriors, and 16,888 miles of

section and meander lines. The work thus far done completes the subdivision of 249 full townships and 36 fractional townships, embracing the Seminole Nation, nearly all of the Creek Nation, and the western parts of the Choctaw and Chickasaw nations. The mapping of the topography has followed closely the work of subdivision, with a total of about 9,800 square miles.

The experience of the past year demonstrates that the subdivision survey of the Territory can be executed more economically as well as more thoroughly and efficiently by the Geological Survey than under the contract system, while at the same time, and without additional expense, an accurate topographic map of the country is prepared.

A highly important step was taken during the year toward enhancing the usefulness of the Survey by raising the standard of its topographic maps and adding important data to them. I refer to the enactment of legislation providing for the establishment of monuments and marking of levels in connection with the topographic surveys. Under the authority conferred, base monuments will be established at some suitable point in each area under survey and wherever practicable. These will be connected with sea level. The elevation of the monuments and bench marks established in each area will be referred to the base-level monument. The provision is contained in the Sundry Civil Act approved June 11, 1896.

The geologic folios and topographic maps were all engraved and printed by the Survey with its own plant and force, no occasion arising for contracting with outside parties for any work of that character. There were 12 folios, as already stated, and each consisted of a number of maps and section sheets and an explanatory text. Topographic maps were completed to the number of 48.

In addition to the maps and folios, there have been published and distributed during the year the Fifteenth Annual Report and chapters from the same published as separates, Parts II, III, and IV of the Sixteenth Annual Report, and Bulletins Nos. 123, 124, 126, 128, 131, 132, 133, and 134. The annual volumes on mineral resources are now being published as parts of the annual reports. The volumes on mineral resources for 1894 constitute Parts III and IV of the Sixteenth Annual Report.

The civil-service rules were further extended in July, 1895, so as to make the positions of geologist, paleontologist, engraver, printer, and all other places the duties of which are scientific or technical in character subject to competitive examination, and their operation proved satisfactory and productive of good results. Every position in the Survey, except that of laborer, is now within the classified service.

BUREAU OF EDUCATION.

On March 2, 1867, Congress established a Department of Education and provided for the appointment of a Commissioner of Education. On July 20, 1868, the Department of Education was abolished, and in

its stead there was "established and attached to the Department of the Interior an office to be denominated the Office of Education," making the Commissioner of Education the chief officer thereof, and placing the same under the direction of the Secretary of the Interior.

The Commissioner of Education reports that there has been a continued increase in the work of the Bureau under his direction as compared with previous years. There has been a marked increase in the correspondence of the office. A very gratifying feature has been the growing interest manifested by foreign Governments in education in America.

The Commissioner further reports that notwithstanding this increase in the labors of the clerks in his office the work of the office is practically up to date, and his Annual Report for the year 1895-96 is in the hands of the Public Printer.

By an act of Congress approved August 30, 1890 (26 Stats., 417), an annual appropriation of \$15,000 for the year ending June 30, 1890, and of \$1,000 additional for each subsequent year until said annual appropriation amounts to \$25,000, was made out of money arising from the sales of public lands, "for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts" in each State and Territory.

The returns from the colleges giving instruction in agriculture and the mechanic arts were carefully examined, and on the results of such examination the Secretary of the Interior certified to the Secretary of the Treasury, in accordance with the requirements of section 4 of said act, the several States and Territories (forty-eight in number) as entitled to the sum of \$21,000 each, the same being the installment for the year ended June 30, 1896; and the report to Congress required by section 5 as to disbursements of this fund was submitted by the Secretary of the Interior on the 4th of March, 1896.

The comparative statistics of the public schools of the United States, showing the number of pupils, teachers, and the amount of expenditures for the six years including 1890, 1891, 1892, 1893, 1894, and 1895, will convey some idea of the magnitude of this interest and of its rate of growth:

Year.	Pupils enrolled.	Teachers.		Total expenditure.
		Male.	Female.	
1889-90..	12,722,581	125,525	238,397	\$140,506,715
1890-91..	13,050,132	123,360	245,028	147,494,809
1891-92..	13,255,921	121,573	252,653	155,817,012
1892-93..	13,483,340	122,472	260,278	164,171,057
1893-94..	13,995,357	125,402	263,547	172,502,843
1894-95*.	14,201,752	128,376	267,951	178,215,556

* Subject to correction.

On the 17th of May, 1884, the President approved an act of Congress "Providing a civil government for Alaska." Section 13 of said act

declares "That the Secretary of the Interior shall make needful and proper provision for the education of the children of school age in the Territory of Alaska without reference to race, until such a time as permanent provision shall be made for the same, and the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated for this purpose."

On the 2d of March, 1885, the Secretary of the Interior decided that "the nature of the duties assigned by section 516 of the Revised Statutes to the Commissioner of Education would seem to point him out as the proper officer through whom the purpose of Congress should be carried into execution," and placed the management of schools in Alaska with that officer.

There have been maintained in Alaska 17 day schools under the immediate supervision of the Bureau of Education, with 19 teachers and an enrollment of 1,008 pupils. School buildings were erected at Unalaska and at Saxman during the summer of 1895, and this season a much needed schoolhouse has been completed near the Treadwell gold mine, at Douglas, in southeast Alaska.

In 1890, Dr. Sheldon Jackson was sent by the Commissioner of Education to establish schools among the arctic Eskimos of Alaska. Finding that through the destruction of the whale and walrus in the sea, and the fur-bearing animals on land, the Eskimos were being deprived of their accustomed food supply and in danger of starvation, the necessity for providing a new food supply, as well as schools, became apparent. Accordingly on his return to Washington he advocated the introduction into Alaska of the domestic reindeer of Siberia, and the instruction of the natives in their management and raising deer, as the only domestic animal that can be utilized in those high northern latitudes.

The reindeer subsists upon the moss which is everywhere found in that region and is useful for food, clothing, and transportation.

In 1891, Dr. Jackson commenced the importation of reindeer with funds furnished by benevolent people. In March, 1893, Congress made an appropriation of \$6,000 for carrying forward the work so commenced, and has since made appropriation therefor annually.

This introduction of reindeer into Alaska has proved a success. Herds are now located at four places in arctic Alaska. Taking the statistics of Norway and Sweden as a guide, arctic and subarctic Alaska could support 9,000,000 reindeer, furnishing a supply of food, clothing, and means of transportation to a population of a quarter of a million.

The Government herd numbers at present about 1,000 reindeer. The annual increase is from 40 to 60 per cent. There is immediate demand for reindeer for use in transportation in the gold-mining region on the upper Yukon. A Government herd of 5,000 reindeer; while it would be no larger than some of the herds of private owners in Lapland,

would be large enough to furnish annual herds of two hundred each to the ten points best adapted for the raising and training of the reindeer. The Commissioner strongly urges an increase in the appropriation for reindeer and the perfecting of arrangements for purchase of at least 1,000 per annum from Siberian herds.

In view of the increased interest in the reference library and pedagogical museum manifested by persons engaged in educational work, the Commissioner asks an increase in the next annual appropriation made by Congress, to be expended in the purchase of books, manuscripts, and apparatus for the library and museum of the Bureau.

ASSISTANT ATTORNEY-GENERAL'S OFFICE.

The report of the Assistant Attorney-General for the Department of the Interior will be found in the appendix hereto (marked Appendix A), and shows the character and extent of the work of the law division.

Fifteen hundred and fifty-seven more cases were decided from March 4, 1893, to November 1, 1896, than for the same period of the preceding administration, while 378 less items of miscellaneous business were transacted, and 80 less opinions were given by the Assistant Attorney-General.

The complex nature of the questions to be passed upon by this Department and the magnitude of the interests involved render the work of this division very onerous and the responsibility great.

Hon. John I. Hall, of Georgia, was appointed Assistant Attorney-General for this Department early in the present administration, but resigned, and was succeeded on May 1, 1896, by Hon. William A. Little, of Georgia, who resigned in October, and was in turn succeeded by Hon. Isaac H. Lionberger, of Missouri.

It is said that the issues pending before the land and law branches of this Department exceed in money value and in the number of cases those under consideration by any court of last resort in the United States. Title to a homestead, the ownership of a cash entry of land, together with all of the improvements thereon, or of a mining claim, questions arising out of the adjustment of railroad grants, and other controversies of great importance, after being tried before the registers and receivers of land offices, are brought before the Commissioner of the General Land Office, and in a great majority of cases his decision is appealed from to the Secretary of the Interior. It is the duty of the law force of the office of the Assistant Attorney-General for this Department to examine the records of these cases (often amounting to thousands of pages) and to familiarize themselves with the laws and decisions relating thereto, and to formulate decisions thereon.

Some time ago there was established a board of review, composed of three of the assistant attorneys in the office. Its duty is to examine and pass upon the individual work of the assistant attorneys in such cases, after which the findings, if approved, are submitted to the first assistant attorney, and then to the Assistant Attorney-General himself, and, if approved by him, they are brought to the Secretary for final action. It is a physical impossibility for one person to read the records in all of these cases, and consequently strict integrity and a high order of ability, as well as comprehensive legal attainments, are required on the part of the attorneys who prepare, revise, and review the decisions.

My predecessor, and also the Commissioner of the General Land Office, recommended the establishment of a court in the Department with power to pass upon such cases, its decision to be final, at least so far as the power of the Department is now final. The President approved the recommendation, but Congress has not seen fit to carry it into effect.

It has been my desire and effort to make the trial of these controversies, the decisions thereof, and the promulgation of those decisions have, to the extent possible, the character of proceedings and findings of a court of law. The rules of practice formed for the guidance of litigants and their representatives in the Department are strictly enforced. They admit of no favoritism by special or previous information, and are intended to inculcate confidence in the integrity of the findings, as well as respect for the authority which has such important interests committed to its keeping.

PUBLIC DOCUMENTS.

By act of January 12, 1895, it is provided that the Executive Departments shall deliver to the Superintendent of Documents, Government Printing Office, all documents in their charge not required for official use. In compliance with this requirement 126,523 volumes were delivered by this Department to the above-named officer prior to July 1, 1895, leaving still in its care about 25,000 volumes which the Public Printer declined to receive because of lack of accommodations for their storage. Such accommodations having, however, at length, after more than a year's delay, been provided, these documents have recently been delivered to the Superintendent.

By the same act this Department was relieved of the custody and distribution of the leather-bound Congressional documents designed for transmission to designated depositories of documents in the several States, which duty was imposed upon the office of Superintendent of Documents. Its service, therefore, in the matter of public documents has been in the main restricted to its own publications.

The following number of Department publications were during the year, received at the offices named:

Office of the Secretary	229,793
Patent Office.....	411,070
General Land Office.....	70,862
Office of Indian Affairs.....	4,300
Pension Office.....	4,000
Office of Commissioner of Railroads.....	1,000
Bureau of Education.....	64,400
Geological Survey.....	250,114

Of those received by the office of the Secretary, 159,430 were reports of the Eleventh Census, comprising the Abstract, second edition; Monograph on Social Statistics of Cities, and of Final Reports, Transportation, part 1 (Land); Manufactures, parts 1, 2, and 3; Wealth and Taxation; Crime, Pauperism, and Benevolence, part 2; Agriculture, Irrigation, and Fisheries, and Real Estate Mortgages. The entire number of reports of the Census of 1890 received to the close of the fiscal year amount to 481,267 volumes. The following are yet to be published: The Compendium, part 3; Population, part 2; Vital Statistics, parts 1, 2, and 4; Insane, Feeble-Minded, etc.; Farms and Homes, and the Statistical Atlas. It will therefore probably be from six to nine months before all are received from the Public Printer.

The publications received by the Patent Office consist chiefly of the Official Gazette, issued weekly; the indexes, issued quarterly and annually, and of annual reports; those by the Land Office, of maps, annual reports, and circulars, and those by the Indian, Pension, and Railroad offices and Bureau of Education of annual reports. Those received by the Geological Survey embraced annual reports, bound, and excerpts therefrom in pamphlet form, geological folios, and topographical map sheets.

Volumes 157 to 161 of United States Reports were received from the reporter of the Supreme Court and distributed as provided by section 683 of the Revised Statutes and by act of February 12, 1889. A bill making more adequate provision for supplying courts and officers of the Government with these reports passed the Senate at the last session of Congress. It is hoped that at the next session the bill may become a law and the Department thus be enabled to respond to the appeals made by judges and officers now unsupplied who have occasion to make frequent use of these volumes in their official work.

The sum of \$1,733.12 was received from the sale of documents during the year by the office of the Secretary, and \$1,220.85 by the Geological Survey. A large number of its own publications were also sold by the Patent Office, and the money turned into the Treasury by that office.

THE TERRITORIES.

ALASKA.

The governor, James Sheakley, reports prosperous times in the District of Alaska. There has been an increase in the product of the gold mines previously developed, and many new ones have made encouraging returns for the capital invested and labor performed.

The salmon fisheries have been successful, fish being abundant; schools and missions have advanced, and the condition of the native has been improved. Law and order have prevailed to a degree that will compare favorably with older communities.

The mail service has been extended to the Yukon mining region.

A most interesting statement is given of the condition of the fur seal. Fifty-four British and 12 American vessels engaged in pelagic sealing secured 20,712 skins, of which 12,641 were from females. The lessees of the Pribilof Islands were allowed by the Government to take 30,000. The number of fur seals frequenting Bering Sea are becoming steadily less every year.

The governor reports that the commission appointed by the Secretary of the Treasury and the commission appointed by the British foreign office to investigate the present condition of the seal herd on the Pribilof and Commander Islands, and also to report on all questions of fact concerning the killing of seals, "were on the seal islands in the Behring Sea during the whole of the sealing season this year and performed the duties assigned them with zeal and ability." He also urges the adoption of effective measures for protecting the fur-seal herd.

Two million three hundred thousand dollars in gold bullion have been taken from the gold mines within the Territory of Alaska during the year ending October 1, 1896. Confidence in Alaska as a gold-producing country increases as her resources are developed. The gold placers of the Yukon region still continue to attract the attention of gold miners and fortune seekers.

It is important that a small military post or police force be located in the Yukon Valley. At Fortymile Creek the Canadian government maintains a police force consisting of a company of twenty men, the captain of which is clothed with the powers of a trial magistrate. Authority is exercised with fairness and discrimination, and is productive of great good on both sides of the line.

During the year some 2,000 miners visited the Cook Inlet district. But little gold was realized, and the larger number have returned to the States. There undoubtedly is, however, gold in this part of the Territory. Large quantities of quartz rock have been found which will justify investigation.

Six hundred and nineteen thousand three hundred and seventy-nine cases of salmon were caught and packed during 1895. In addition to the 23 canneries in operation during 1895, 6 new canneries were added this summer, making in all 29 canning establishments in Alaska. These canneries employ 2,000 white men, 1,600 Indians, and 2,000 Chinese. The Indians received \$60,000 in cash for labor and fish during this season.

The cause of education throughout the Territory has been well sustained by the Bureau of Education with an able corps of teachers. The Indian children have been more punctual in attendance and have made gratifying progress in acquiring a knowledge of the elementary branches of learning. The Sitka Industrial Training School, founded by Dr. Sheldon Jackson in 1880, is now a permanent institution, supported by the Presbyterian Board of Home Missions. On the verge of civilization, where neither the moral nor civil law has its accustomed restraining power, the school and the church, the teacher and the missionary, are the great conservators of peace, morality, and good government, and should be sustained by the Government and the people. It is earnestly recommended that the appropriation for school purposes in Alaska be increased to \$40,000.

The importation, under the supervision of Dr. Sheldon Jackson, of the United States Bureau of Education, of domesticated reindeer from Siberia into western Alaska appears to be successful. The herds already in the Territory are in a flourishing condition, and a large number are expected to be added this year. This will be a valuable source of food and clothing for the natives of that part of the country.

The large influx of miners into the Yukon district furnishes an additional reason why the introduction of reindeer should be vigorously pushed. In that subarctic region reindeer transportation is necessary for supplying the miners with provisions.

The Indian police have proven to be an efficient auxiliary in the preservation of order and the execution of the law. There are but twenty-two Indian policemen in the Territory. A greater number is necessary.

In theory Alaska is a prohibition country; in practice it is not. The grand juries refuse to indict saloon keepers or even to allow evidence to be presented of violations of the prohibitory law. This, however, only applies to sales to white men. The grand juries of Alaska have never failed to indict nor petit juries to convict anyone proven guilty of selling whisky to Indians or of selling intoxicating liquor without first having paid the United States internal-revenue tax.

As the matter now stands, this prohibitory liquor law is most demoralizing in its effects. It begets a disregard for all law, fosters smuggling, and causes a large class of citizens who ought to aid the civil authorities to be against them. Meanwhile the sale of liquor goes on openly, and but few of the people in the district seem to be opposed to it.

Provision should be made by Congress for taking care of insane persons. Several cases of insanity now exist in this Territory, some of which are dangerous to the public and have to be restrained of liberty. Two of these dangerously insane men are confined in the jail at Sitka at the expense of the United States marshal, as no appropriation or other means have been provided for their support.

Juneau is a seaport and mining town of 2,000 inhabitants. It has schools and churches, three well and ably conducted newspapers, waterworks, electric light plant, two good and substantial wharves, large mercantile houses, good hotels, paved streets, and fire and hose companies; yet it has no municipal government, and can obtain no corporate existence either under the laws of the United States or those of the State of Oregon. The governor recommends that Congress pass an act without delay making provision for the incorporation of municipalities by the United States district court for the District of Alaska; also an act authorizing the governor of the Territory to appoint a commission, consisting of three or five members, who shall be residents of the district, whose duty it shall be to prepare amendments to the organic act, and to draft a code of laws, civil and criminal, for the government of the district, to be submitted to Congress for its approval.

ARIZONA.

The governor, Benjamin J. Franklin, states in his report that, though the Territory has shared in the general depression which has prevailed throughout the country, it nevertheless has been favored with a marked degree of prosperity. The population is estimated at 101,240, an increase over that reported last year of 24,240.

The aggregate value of the taxable property is \$28,047,176.40; the total bonded indebtedness is \$2,102,000, and the floating indebtedness is \$242,144.68.

The banks of the Territory are all in a safe and prosperous condition and are ably and successfully managed; five national banks and eight Territorial banks have resources amounting in the aggregate to \$2,585,059.63. Twelve railroads are operated in the Territory, with a total mileage of 1,295, not including $9\frac{1}{4}$ miles of street railway.

The Territory is an attractive mining field; it has coal, lime, iron, lead, and copper, as well as gold and silver. Several large deposits of excellent onyx and fine marble of various colors have been found, and building stone of the best quality is produced in large quantities. The gold output was \$5,200,000, an increase of \$940,000 over that of 1895; silver, 1,650,530 ounces, gave a return of \$1,105,855.10, a decrease of \$31,644.90 from the reported product of last year; copper, 71,210,331 pounds, valued at \$7,121,033.10, and lead, 21,255,000 pounds, valued at \$531,575.

Agriculture is rapidly becoming a great industry, and yearly thousands of acres of land are being reclaimed by the development of water

for irrigation purposes. Excellent returns from the proper cultivation of these lands are had, the latter producing almost every fruit, vegetable, flower, etc., known to the temperate and semitropical zones. The value of the farm products exported is estimated at \$1,650,000; the production of lumber was slightly less than 35,000,000 feet.

Stock raising is being remarkably developed, and thousands of sheep, horses, mules, and cattle are yearly fed on its grazing lands, the latter aggregating more than 40,000,000 acres. Two hundred and twenty thousand five hundred and eighty-three head of cattle were exported, yielding a return of \$2,757,287.50, and over 26,000 head were slaughtered in the Territory for home consumption.

The reclamation of arid lands is referred to as being a matter of vital interest to the Territory. The water supply of the Territory is sufficient, if properly utilized and developed, to irrigate all the agricultural lands within its borders. There are also many excellent reservoir sites which, through proper legislation, should be secured to the people and not be left open to be seized upon for private speculative purposes. If the construction of a dam at what is known as the Buttes, on the Gila River, were authorized, over 500,000 acres of most excellent land could be reclaimed.

The educational institutions are in a flourishing condition. There are in operation 23 district schools, with an enrollment of 12,883 and an average daily attendance of 7,660 children; 324 teachers were employed, to whom the aggregate of salaries paid was \$149,805.04, and the total valuation of school property is \$428,945.49. There are five public buildings in the Territory, for the repair and maintenance of which the legislature makes appropriations, namely: The University at Tucson, Normal College at Tempe, insane asylum at Phoenix, reform school and penitentiary. With the exception of the reform school, the buildings are completed and being used for the purposes for which erected. The Territory is, however, without a capitol building, and the governor recommends that Congress appropriate \$25,000 toward the construction thereof, inasmuch as expenditures of like character have been authorized for other Territories.

There are 38,000 Indians in the Territory, who occupy five reservations, aggregating 618,397 acres. This land should be allotted in severalty and the Indians be encouraged to cultivate the soil so as to enable them to become self supporting. Until such a plan is adopted, however, the Indians should be kept upon their respective reservations under the most stringent regulations and not be allowed to wander therefrom, as has been the case in the past, and commit depredations upon the property of the settlers, entailing a loss of thousands of dollars. Three hundred and seventy-one Indian children attended the schools established by the Government. The service has been productive of very gratifying results and should be enlarged and extended. The cost of maintaining the schools during the year was but \$42,909.96.

The governor sets forth in detail the claims of the Territory to Statehood, and recommends that Congress at an early day pass a proper enabling act under which it will be authorized to enter the Union of the States.

NEW MEXICO.

The report of the governor, William T. Thornton, shows that there is no material change in regard to the population in the Territory during the past year. No census has been taken since 1890, but it is estimated that the present population is about 224,562. Immigration into the Territory during the year was about 5,000. The financial depression and business stagnation that so seriously affected this Territory in common with all parts of the Union during the years 1894 and 1895 have continued, and largely prevented development. Considerable development is being made in irrigation, and a large acreage of land has been placed under ditch.

The season has been a fairly prosperous one, with more than the average rainfall, insuring good crops in portions of the Territory adapted to agriculture and producing an abundance of native grasses in the greater part of the Territory; more than an average yield of alfalfa, wheat, corn, oats, and other cereals has been harvested, but there has been a failure in many parts of the Territory of the fruit and grape crops, occasioned by frost.

The assessed valuation of property in the Territory is in excess of \$40,500,000, upon which an assessment has been made for all purposes of 7.75 mills on the dollar. The total amount of indebtedness of the Territory is \$909,500.

The Court of Private Land Claims has accomplished very little during the year so far as the decision of cases is concerned; of the 163 cases pending the majority are prepared for trial, and many important decisions will no doubt be made during the present term.

The necessity for amending the provisions of the act establishing the Court of Private Land Claims so as to permit persons having small holdings to file their claims within a reasonable time after the rejection of grants is shown. The injustice is urged of the provision compelling owners of grants which are confirmed to relinquish to the Government such portion of the land as may have been sold, and accept in satisfaction therefor \$1.25 per acre. Attention is further called to the fact that the act does not vest the title of the minerals in the owners of the land, but that they remain the property of the Government, to be hereafter disposed of, but provides that none of the minerals situated upon those vast areas of land shall be subject to location and sale or to be worked until Congress has provided a mode therefor, except by the owners of the grants. This provision gives an undue advantage to the owner of the grant to extract precious minerals to which he has no right, while restraining the general public from this privilege, and until some Congressional action is had the precious minerals

known to be contained in many of the grants confirmed, must remain undeveloped and useless to the general public, thereby greatly retarding the material development of this Territory.

There has been no railroad building in the Territory during the year, and there are no indications that any immediate construction will be made, with the exception of the extension of the Pecos Valley road from Roswell, in New Mexico, in a northeasterly direction to Amarilla, in Texas.

The mining industry of the Territory can not be said to be in a very flourishing condition, except in camps exclusively devoted to gold mining and the silver mines in Sierra and Grant counties. There has been some considerable advancement in this class of mines in the counties of Rio Arriba, Grant, Socorro, and Santa Fe. Six hundred and sixty-six thousand six hundred and nineteen tons of coal were produced, having an estimated value of \$1,046,400.

The general condition of the Indians is favorably noted. They are fast becoming domesticated and devoting themselves to some extent to agriculture, and are now taking a very great interest in the cause of education.

An extensive report of the public-school system and Territorial institutions is given, showing that all the latter, embodying educational, eleemosynary, and penal, are well conducted and amply supplied with funds necessary for their maintenance. The public schools have been kept open from four to nine months in most of the districts throughout the Territory, the shorter terms being in the country districts. There has been expended for educational purposes between 1891 and 1895 the sum of \$1,236,000.35.

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 the waters of the Rio Grande by the citizens of the Republic of Mexico who had acquired water rights prior to the American occupation. It is recommended 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.

OKLAHOMA.

The report of the governor, William C. Renfrow, shows that the growth of the Territory has been equal to if not greater than that of other portions of the United States. It is solid and substantial, arising from the development of natural resources and not from borrowed capital, to be paid back in the future with interest added.

The climate is delightful, and the Territory is fast gaining an

extended reputation as a health resort for all persons affected with throat and lung troubles, or rheumatism and kindred diseases.

The population has steadily increased from 212,625 to 275,587 during the last two years, and is composed of thrifty, industrious citizens, largely American by birth. The principal occupation is agriculture. The acreage of land in cultivation has materially increased, and has now nearly reached the proper ratio of farm land to pasture. The taxable property is valued at \$24,815,711.36 and the rate of tax is 4.6 mills on the dollar valuation, not including county and common-school tax.

The total outstanding indebtedness on the 30th of June, 1896, including both bonds and warrants, was \$211,240.94.

There are fifty-two banks doing business and several building and loan associations.

No new lines of railroad have been built during the year 1896, though several new lines have been surveyed and no doubt will be constructed in the near future. The four lines in operation are doing a very profitable business. The increase of south-bound freight has been very marked. With deep water at Galveston, Tex., Oklahoma is placed more than 1,000 miles nearer an export point. Until recently, freight rates to the Gulf were such that exports and imports very largely went North and East, but recent cuts in rates to the Gulf have done much to turn the course of trade. Deep water at Galveston is a matter in which the people of the Territory are greatly interested. The saving of freight will amount to millions annually, in addition to raising the price of agricultural and other products at home.

The act of Congress approved May 25, 1896, fixing the time of residence in the Territory necessary to enable a person to file a suit for divorce, at one year, will in the future spare the courts of Oklahoma the unpleasant duty of considering the domestic infelicities of the citizens of the States.

The public-school system is in a flourishing condition. Common schools are in operation in every district. There are three Territorial colleges well equipped and several denominational schools. The number of children of school age is 88,093. The net proceeds from leasing school lands was \$59,768.94, and was apportioned among the several counties in the rates of their school population, the same being 61 cents per capita.

There are no public buildings belonging to the Territory in which its officers can be accommodated, and they are provided for in rented quarters. Most counties have, however, court-houses, and the Territory is well supplied with commodious schoolhouses.

The social and religious development of the Territory has kept pace with its material progress, and an excellent showing for the churches and lodges is made.

The governor states that "cotton is king," and predicts an enormous crop for the present year and that the Territory will soon be classed

as one of the great cotton States. Wheat, corn, fruit, peanuts, and castor beans are sources of large revenue.

The governor recommends the early opening to settlement of the Wichita, Kiowa, and Comanche Indian reservations, believing that the immediate allotment in severalty of Indian lands furnishes the best solution of the problem of the civilization of the Indian. He also recommends that the lands occupied by the Five Civilized Tribes be included in Oklahoma and the whole be admitted as a State.

UTAH.

The report of Caleb W. West, late governor of Utah Territory, covers the fractional part of the year 1895 from the date of his last report up to the admission of the Territory into the Union of States, on the 4th day of January, 1896, and the inauguration and installation of the governor and other State officers two days later.

The season of 1895 brought good crops to the farmers, an ordinary volume of business to the merchants, and, considering the continued financial depression all over the Union, a fairly good output from the mines. The population steadily increases, educational facilities improve, and statehood has brought the different sects and creeds into a much closer relation toward each other and the State than ever before.

The all-absorbing topic among the people was the campaign, which involved not only the adoption of the State constitution, but the election of all the State officers, a Congressman, and a legislature charged with the duty of electing two United States Senators. The result showed the adoption of the State constitution by a vote of 31,305, while but 7,687 votes were cast against it. Upon the certification of the facts to the President of the United States, and his intimation that if the constitution complied with the requirements of the enabling act he would issue the proclamation of admission on January 4, extensive preparations were made for the inaugural ceremonies. As the constitution provided that the State officers should enter upon their duties on the Monday following the date of admission, it became necessary for the Territorial officials to continue in office, as provided in the enabling act, until that day.

On Saturday, January 4, 1896, at about 11 o'clock in the morning, the telegraph brought the word that at 10.03 a. m., Washington time (8.03 a. m., Salt Lake City time), the President had signed the proclamation admitting Utah into the Union of States. The national salute was fired, flags were hoisted, business was generally suspended, and the people contented themselves with general heartfelt rejoicing.

On Monday, January 6, 1896, after imposing ceremonies, the new State officers were duly installed in office. Immediately thereafter the State legislature met and organized, the supreme and district courts began to transact business, and the new State government was in perfect operation in all its departments.

THE UTAH COMMISSION.

By the act of Congress, approved March 22, 1882, known as the Edmunds Law, provision was made for the punishment of bigamy, etc., the vacation of all registration and election offices of Utah Territory, and the duties relating to the registration and conduct of elections devolved upon a board of five persons to be known as the Board of Registration and Election (commonly called the Utah Commission), to be appointed by the President by and with the advice and consent of the Senate. Appropriation was made therein for the expenses of such commission, and further appropriations for the same purpose have been made from year to year.

The final report of the Board of Registration and Election constituting the Utah Commission contains a detailed account of its work up to the 4th day of January, 1896, the date of the admission of the Territory of Utah as a State. The various subjects treated therein and relating almost exclusively to matters pertaining to the electorate are embraced among the following general divisions, to wit: Appointment of the election officers; contests in court as to the right of women to register and vote under the enabling act and constitution; the political campaign of 1895, with address of the Democratic party in opposition to "church domination;" the general election; canvass of the returns; determination of contests and table of votes; the adoption of the State constitution; presentation of the same to the President; the admission of the State and inauguration of State officers, together with special reports as to the disposition of the records of the Commission, etc.

The following statement shows the appropriations and expenditures for the fiscal year ended June 30, 1896:

APPROPRIATIONS.

Compensation to the five Commissioners.....	\$5,000.00
Contingent expenses.....	3,500.00
Total.....	<u>8,500.00</u>

DISBURSEMENTS

To members of Utah Commission.....	\$5,000.00
To clerical services.....	2,247.00
Printing and stationery.....	496.23
Traveling expenses.....	407.27
Telephone.....	56.85
Fuel, light, and sundry expenses.....	172.65
Janitor.....	120.00
Total.....	<u>8,500.00</u>

Congress having failed to make an appropriation for the compensation of the officers of election (1895), and an insufficient sum to defray the contingent expenses of the Commission having been appropriated, statements of the amount necessary to meet such outlays

were duly forwarded to the proper committees and embodied in the deficiency appropriation bill passed June 8, 1896, as follows:

COMPENSATION, OFFICERS OF ELECTION.

For pay of county registrars	\$3,377.40	
For pay of deputy registrars	13,637.13	
For pay of judges of election	5,730.35	
For pay of canvassing board	710.00	
		\$23,454.88

CONTINGENT EXPENSES.

For traveling expenses	\$506.58	
For salary of clerks	355.00	
For pay of assistants	230.00	
For stationery and printing	33.10	
For telephone	25.00	
For fuel	14.00	
For janitor	11.00	
For water tax	52.00	
For annual report, 1896	50.00	
Miscellaneous	143.00	
		1,419.68
Total		24,874.56

In accordance with the provisions of the enabling act and the subsequent admission of the Territory as a State, the functions of the Utah Commission ceased on January 4, 1896, and the election laws framed by the legislative assembly of the new Commonwealth superseded the acts of Congress and those of the former Territory.

INSPECTORS OF COAL MINES IN THE TERRITORIES.

By 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 three of such officers, inspectors were appointed for the Territories of New Mexico, Indian Territory, and Utah. Upon the admission of the Territory of Utah as a State on the 4th day of January, 1896, the office of mine inspector for Utah ceased to exist.

INDIAN TERRITORY.

The mine inspector, Luke W. Bryan, reports that the law has been quite generally observed by mine owners; that in addition to complying with the specific requirements of the act of Congress his suggestions looking to the welfare of miners had been adopted and necessary rules for the safety of workmen put in force. Some new shafts and slopes have been sunk and various improvements made; especially in the use of electric and compressed-air mining machinery. The facilities for

producing coal have thereby been greatly increased, but owing to the growing competition and depression in business the total output for the current year only exceeds that of the preceding year by about 6,893 tons.

The production of coal for the year ended June 30, 1896, was 1,235,333 tons, of which 90 per cent was produced by the five larger companies operating in the Territory, to wit, the Choctaw, Oklahoma, and Gulf Railroad Company; the Osage Coal and Mining Company; the Atoka Coal and Mining Company; the Southwestern Coal and Improvement Company, and the Kansas and Texas Coal Company. The total output of coke was 3,795 tons. Its production during that time was materially increased by the establishment of a plant having a battery of 50 ovens at Alderson, Ind. T. The average number of men employed during the year was 3,686; there were 58 accidents, 12 of which were fatal, indicating an increase of 12 accidents over the preceding year; a large proportion, however, of the nonfatal accidents were of a slight character. The price for mining coal was 75 cents per ton for screened coal and 60 cents per ton for mine run. Day hands were paid from 90 cents per day for trappers to \$2.75 per day for shot firers.

NEW MEXICO.

The mine inspector, John W. Fleming, reports that all the mines in the Territory are operated in conformity with the requirements of the law for the protection of miners. The sanitary condition of the mines is generally good. In a few instances a deficiency in the supply of air in working places was discovered, but upon notice such defects were at once remedied. All mines inspected were found to be provided with a second outlet, the roadways kept well sprinkled in order to avoid dust explosions, and safety lamps used where carbureted hydrogen gas was known to generate. The number of mines in operation was twenty; those not worked were seven, three of which may be regarded as abandoned. The production of coal during the year was 666,619 tons, being about 641 tons less than that of the preceding year. The estimated value of the entire output was \$1,046,390. The total number of men employed was 1,438, a decrease of 221 from that of the previous year; the number of accidents, 29 in all, and 7 of which were fatal, was considerably less than for the year 1895. The defects in the existing law for the protection of miners are pointed out and various amendments thereto suggested.

NATIONAL PARKS AND RESERVATIONS.

THE 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, or 2,142,720 acres; its area is greater than that of

the States of Delaware and Rhode Island combined. The average altitude is about 8,000 feet.

Capt. George S. Anderson, U. S. A., the acting superintendent, reports that the past winter was not severe, though there were heavy falls of snow. The spring was stormy and backward, and snow fell every day from the 2d to the 21st of May. Owing to the great depth of snow a working party was sent out on May 15 to open the roads over the circuit and were so occupied up to June 16 in making the rounds. The road over the divide between the Lake and Upper basin could not be used by tourists until after June 20.

The season opened with promise of heavy travel, which, however, was not fulfilled, owing no doubt to the financial depression and disturbances of a political campaign. Two thousand eight hundred and sixty-six tourists made the regular tour, stopping at the hotels, and 2,588 went through the park in camping parties with their own or hired transportation. The increase in the volume of travel has been comparatively small. There have been no changes in the hotel accommodations in the park, expenditures having been confined to necessary repairs. Small hotels are needed, and should be constructed at Norris and at the Thumb of the Lake, and a good and substantial one should be erected at Upper Geyser Basin. There is a reasonable prospect that accommodations at the points indicated will be furnished in the near future by the Yellowstone Park Association.

For the last five years the management of the hotels of the Yellowstone Park Association has been particularly satisfactory, and each year there is a noticeable improvement. In every part they are thoroughly neat and clean and the service is in every respect excellent. No complaints of any kind have been made about the way they are conducted; on the contrary, they are the subject of almost universal praise. In addition to hotels previously mentioned as being needed, one should be constructed near Tower Falls or at Yanceys as soon as the road over Mount Washburne is completed. Yancey's is a small place mostly resorted to by fishing parties, and the accommodations furnished are not of such a character as to generally attract guests. Many tourists in the park would no doubt stop over at this point for a few days if satisfactory hotel accommodations were provided.

The violation of the regulations by camping parties has been reduced to a minimum by the complete and rigid system of registration enforced, but there is still considerable difficulty in supervising such visitors. The conductors of the parties are careless about cleaning up their abandoned camp grounds as well as about extinguishing their fires, and as a rule have no sentimental regard for the preservation of the wonders and objects of beauty in the park.

The license issued to W. W. Wylie to conduct camping parties and establish four permanent camps is regarded by the superintendent as ill advised, being a return to old methods of doing business in the park which proved objectionable in the past, and the suggestion is made

that all the interests in the park should be placed under one management. With a schedule of prices held at a minimum and accommodations the best possible, no charge of monopoly could justly be made. The Yellowstone Park Transportation Company, it is stated, very naturally desires to hurry tourists through on a regular schedule time, for it gets the same amount of money as when they grant stop-over privileges. On the contrary, the hotel people (the Yellowstone Park Association) wish their guests to remain at each place as long as they are disposed. This leads to a direct diversity of interests, which can only be avoided by having the management of both industries in the same hands. The superintendent avers that, if this were authorized and the best possible service required at the lowest price consistent with a reasonable profit for money invested, it would result in the greatest satisfaction and comfort to the traveling public. He suggests the boat on the lake should also be included in this scheme of consolidation, and the one price for the tour give an option of going from the Thumb to the Lake Hotel either by land or water.

A store and post-office building has been constructed by Mrs. Ash on the site leased her at Mammoth Hot Springs, and a building (in which to prepare specimens) is almost completed on the site leased Ole Anderson at the same place. Licenses have not been granted to outside parties to carry other than campers through the park, except to the Bassett Brothers, who have been authorized to transport tourists from Beaver Canyon to the hotels, a route not covered by the regular transportation company's coaches.

In every respect the transportation is conducted the same as last year. Horses, harness, and vehicles are the best procurable in the country. They are kept clean and in thorough repair and running order. There is no overcrowding; there are no avoidable discomforts. An occasional complaint is made of the lack of stop-over privileges. The business is conducted at a profit, and is the only enterprise in the park that has so far reaped any material reward. It is only natural that the company should object to granting excessive stop-overs, as it materially increases expenses. In every other respect there is nothing but praise of the company and its management.

The Yellowstone Lake Boat Company is conducted under the same management and by the same parties as last year. The trip is most satisfactory to all who make it, and a very large percentage of tourists take it. Last autumn the company was granted authority to construct small landing places at several points on the shore of the lake—one on Dot Island and one for "ways" near the site of its present landing in front of the hotel. It has also placed on Dot Island a few bison, mountain sheep, and elk. Upon each trip the passengers are landed at this point in order that they may see the game, which adds not a little to their enjoyment. All these animals were obtained outside the park and shipped into it by the company.

One of the most important works in the park yet to be accomplished is the determination and marking of its boundaries. Lieutenant Bromwell, Engineer Corps, United States Army, has been detailed for such duty, and is now engaged in finding the east and south boundary lines. Before the season is over it is believed that all the boundaries of the park will have been determined and so marked that they may be recognized whenever crossed.

The correct latitude and longitude of a point near the lake has been carved upon the monument fixed in place there, and monuments have been erected to mark the east and south points of Yellowstone Lake, one at the west point of Shoshone Lake and one at each of the initial points of the boundaries of the park.

Though last season was very dry, there was no serious destruction of the forests from fire, owing to the constant vigilance of the patrol. More than one hundred smoldering fires, many due to the carelessness of campers, were extinguished. A few parties were arrested for such neglect, tried, and sentenced, and a number of others were cautioned, resulting in a more careful observance in such respect of the park regulations.

All the roads in the park have been thoroughly repaired and 20 miles of new road have been built; that crossing the Gibbon to the Firehole and up the Firehole to the mouth of the Nez Perce is entirely completed and is a vast improvement over the one previously used. The work on the others is progressing favorably. They are as follows: Down the Firehole to the mouth of the Gibbon, thence down the Madison to Riverside; from the Canyon Hotel to Yancey's, over Mount Washburne; from Lewis Lake down to Snake River to the south boundary of the Timber Reserve; from the east boundary of the park, near Cooke City, to Soda Butte.

Good bridges have been built at the mouth of the Gibbon and at the lower crossing of the Snake rivers. Plans are now being prepared for a sightly steel and iron span bridge to be constructed across the Yellowstone River above the Upper Falls, over which tourists may pass to view the canyon from the eastern bank.

No report has been received regarding the fish planted in the waters of the park during the past year, but from the lake trout sent here and distributed in 1889-90, and of brook trout put in Shoshone Creek two years ago, an abundant number are found. In all of the streams heretofore stocked the fish have multiplied beyond conception. The adoption of a regulation is suggested establishing the minimum length of fish that may be taken as 5 or 6 inches.

Strenuous efforts have been made to arrest poachers within the park, but frequently without success, owing to various causes. One James Courteny was arrested for killing a buffalo in the southwest corner of the park; he was tried before the commissioner, but was acquitted or lack of satisfactory evidence. The trial, however, proved so expensive

to the accused that its effect upon him and his marauding neighbors has been excellent. Four arrests were made for killing game in the 2-mile strip north of the Wyoming line, and the poachers were fined \$50 each.

The game continues to increase, and all varieties except the bison are found in great numbers. There is a fair certainty of the existence of possibly fifty bison. During the spring months the elks are found in their several winter ranges in herds of thousands. Deer wander through the post, going within a few feet of the buildings and often as near to the men who are about their work. The usual herds of mountain sheep and antelope have wintered on Mount Evarts, and show great increase of number. The carnivora have also increased, and have proved objects of interest to tourists. Collections have been made during the year for the National Zoological Park in Washington, and there are now ready for shipment a number of birds, six elks, six antelopes, four beavers, and two black bear cubs. The corral built at the expense of the Smithsonian Institution for the purpose of inclosing a portion of the buffalo herd was visited in January and February by a small herd of about eight, and also by many elks. It was intended to shut the herd up and retain them, but this was not done, as it was hoped that more would eventually winter there. They did not do so, however, and in the course of time this small herd wandered away and was not captured. Reports indicate that the majority wintered in the extreme southwest corner of the park in Falls River Meadows, and that there are a number east of the Yellowstone River. Whether it will be practicable to save the few remaining bison seems a doubtful problem, as the forces of nature and the hand of man appear to be alike against them.

The claims of Mr. Baronett on account of a bridge built by him over the Yellowstone River and those of Messrs. McCartney and McGuirk, respectively, for improvements made within the park prior to the act of dedication are equitable and just, and payment of them should not be longer delayed. A recommendation was made in the last annual report that Congress make proper appropriation for the adjustment of their claims, which is renewed.

The acting superintendent of the park suggests that as it is not probable that he will remain in charge of the park long enough to receive the benefit of the next year's appropriation, that an extra allowance be made him for services as superintendent of the park. This principle, he states, was recognized many years ago in extra rations given to post commanders, and especially at certain posts where the burden of entertaining was great; and more recently it has been recognized by extra rank, pay, or allowances given to certain officers stationed at West Point, Military Prison, and at the Carlisle Indian School. He adds further, that there is no station in the Army where so much is expected of an officer; that letters of introduction are sent to him by

the hundreds, and the smallest measure of hospitality requires the expenditure of his entire pay in very meager entertaining. The attention of Congress is directed to this matter, with the recommendation that suitable allowance be made Captain Anderson, in addition to his pay as an officer of the Army, for the valuable services rendered by him in superintending the matters relating to the Yellowstone National Park during the past six years. It is recommended that liberal appropriations for the completion of the road system be made and that the same be continued until the roads in the park are macadamized and put in a satisfactory condition; that the completion of the work of locating and marking the boundaries of the park be provided for, and that accommodations be furnished for another company to be stationed at the military post, Fort Yellowstone.

RECOMMENDATION.—The employment of an experienced landscape architect, whose taste and skill would enable him to design a comprehensive and harmonious plan for the improvement of the park, is at this stage of its development very desirable. The improvements hitherto made can not be unfavorably criticised in themselves, but every road constructed and every structure erected should be parts of one harmonious whole. I strongly recommend, therefore, that Congress authorize that department of the Government which is charged with the improvement and care of this wonderful natural park to secure the services of one or more architects whose judgment and talent can be utilized to this end. By this method the beauties of the park can be enhanced and exhibited to advantage, its unsightly scenes made picturesque, and the marvelous work of nature not only preserved but be made to serve as a monument to man's genius and the nation's liberality and foresight.

It is not desired that works of art should be created in this park to be admired as man's handiwork, but that modern ingenuity should be exercised toward promoting the comfort and facility with which sight-seers can view primitive nature, which the Government has wisely decided to preserve in its beauty and grandeur. No nobler specimens have ever been discovered than those in Yellowstone Park.

YOSEMITE NATIONAL PARK.

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

Lieut. Col. S. B. M. Young, Fourth Cavalry, U. S. A., acting superintendent, reports that he entered upon the discharge of his duties on May 19, having under his command, for the purpose of patrolling, guarding, and enforcing the regulations of the park, Troops B and K of said regiment, aggregating a force of 112 officers and privates. The main camp was established on the South Fork of the Merced River,

near Wawona, with an outlying camp near Crockers, on the Big Oak Flat road, the main thoroughfare entering the park from the west. Heavy snows obstructed the various passes leading to the northern and eastern townships, but, notwithstanding, patrols were sent out and in the southeastern township found sheep to the number of about 7,000. The owners thereof as well as the herders were arrested and brought into camp under guard and the sheep driven outside the boundary and scattered. All sections of the park were thoroughly patrolled, and no evidence of trespass by cattle or sheep was found except in the instances mentioned.

Evidence of the destruction of game was found north of the Yosemite Valley and in the Hetch Hetchy Valley, the depredations having been committed by market hunters and trappers who entered the park grounds in the winter and early spring months; in some instances nesting fowls (duck, grouse, and quail) were destroyed by said hunters as well as the campers and tourists. To prevent as far as possible trespass and flagrant violation of the rules of the park during the close-season laws of California, permits to carry firearms within the park boundaries were refused, all persons being required to surrender the same on entering the park at points where guards were permanently stationed. Persons entering by trails from the north and east on which there were no permanent guard posts, were, when discovered, disarmed by patrol parties. Notwithstanding the adoption of such stringent measures firearms have been occasionally smuggled in by campers. In addition to the depredations upon the game and song birds above referred to evidence was found indicating the destruction of fish in spawning beds by shooting and the use of explosives.

The majority of the campers are careless and negligent about extinguishing their fires and policing their camp grounds when leaving, and have to be carefully watched. Six fires occurred in July, caused by intention or neglect of campers, and one by lightning; four were discovered by patrol parties, and extinguished before any great damage was done. In one instance the fire had burned over an area of 5 or 6 acres before the guard, which made a rapid night march for the scene, was able to reach it. No trees of value were destroyed. The smoke of the other fire was first observed from camp, and being only 2 miles distant the entire available force was soon engaged on it; but it had gained such rapid headway that it required three days to check the spread and hold it within bounds, and a strong guard and patrol party was necessary for four days afterwards to prevent any possible spread until it was entirely exhausted and extinguished. This fire covered an area of about 500 acres, and did considerable damage in killing the young growth of trees; had it occurred 20 or 30 miles distant from camp it would have caused immeasurable destruction. The one caused by lightning was extinguished soon afterwards by a heavy fall of rain.

During the present season the spirit of section 2 of the act of Congress

approved October 1, 1890, setting apart these lands in the State of California as forest reservations, that the original woods and lands be restored to their pristine condition, the flora, trees, animals, birds, and fish be carefully preserved from any interference whatever, has been enforced in every particular, excepting as to fish.

The California board of fish commissioners has established a hatchery on the northern border of the park at Wawona, and has distributed therefrom to the main streams and lakes large stocks of trout. Some of the waters of the park were stocked through enterprising citizens and sportsmen before its establishment. Trout of over 5 pounds in weight have been taken this season. Upon proper application therefor permits are issued to all tourists, pleasure seekers, and others who may desire to fish. Those discovered fishing without permit or violating the conditions of the latter are summarily ejected from the park with the loss of their tackle.

Over two hundred stand of arms have been taken from persons entering the park by the two main thoroughfares, including those taken from parties found inside, and as a probable resultant young broods of quail and grouse abound throughout the park. The deer, bear, lynx, fox, coon, tree squirrel, and chipmunk, although not scarce, are not so plentiful as they should be in their natural home in the park. If firearms, hunters, and trappers are kept out of the park they will multiply and become plentiful, and their instinctive fear of man will gradually so lessen in a few years that visitors will be enabled to see and study them in their natural state.

Two men, who without authority were placer mining in Neds Gulch on the Merced River, were ejected from the park and their sluice boxes destroyed. Two parties found fishing were deprived of their tackle and ejected from the park. Owners and lessees of patented lands within the park have with few exceptions complied with the rules as to keeping the lands under fence and the driving of the stock thereto over the park lands. Measures have been taken that will either remedy the exceptions or result in the ejection of trespassers. The present satisfactory condition of matters in the park has been due to the firm stand taken in enforcing the rules and particular instructions received from time to time from the Department. While such strict enforcement of the rules may cause some little annoyance and hardship to bona fide owners and settlers, such course is believed to be the only one possible, and exceptions become dangerous precedents so long as the present custom obtains of annually changing the superintendent and guard details according to the military roster for ordinary field service. Troops should be in the park, or near enough to send small patrol parties into the southern and western sections in the month of April to protect game and arrest trespassers. The bridge on the Tuolumne River in the Hetch Hetchy Valley, and which is the only means of communication in the park with the section north of that river, is in

such a condition that it must be either repaired or abandoned by next season.

The attention of Congress is called to the necessity for the acquirement of the title by the Government to all private lands within the boundaries of the reservation; this matter has been urged by every acting superintendent of the park since its establishment and is again reiterated, for so long as settlers own land in the park and live thereon trespass on the park lands can not be entirely prevented. Certain amendments of the existing park regulations in regard to the carrying of arms and the driving of stock into the park, etc., as suggested in the previous report, are renewed. The passage of a law is urged providing a penalty of fine or imprisonment for violation of the park regulations; also that suitable appropriations be made by Congress for the surveying and properly marking of the boundaries of the park, for the construction of necessary bridges, and the proper repairs of roads.

There are four toll roads leading into the Yosemite National Park which were built under the laws of California and owned by individuals and corporations, to wit: First, the Big Oak Flat road, 33 miles long, 20 miles of which are in the park; its estimated cost is \$46,650. Second, the Coulterville road, 37 miles long, 23 of which are in the park; its estimated cost is \$85,000. Third, the Wawona road, 65 miles in length, 25 of which are in the park; its estimated cost is \$75,000. Fourth, the Great Sierra wagon road, commonly known as the Tioga road, 56 miles in length, 48 of which are in the park; its estimated value is \$62,000. The latter road is in such bad repair as to be no longer passable by wagon. It leads through nature's ideal park, and should be repaired and kept in good condition for traveling carriages and baggage wagons. It has been practically abandoned by its owners, no repairs having been made on it since the establishment of the park.

If, as stated in the annual report of my predecessor for the fiscal year ended June 30, 1893, it is the policy of the Government to purchase these roads and make travel over them free, as the State of California has done of similar roads in the Yosemite Valley grant, an annual appropriation of at least \$12,000 to keep them in repair will be necessary.

SEQUOIA AND GENERAL GRANT NATIONAL PARKS.

Sequoia Park is located in Tulare County, California. Its area is about 250 square miles. General Grant Park is situated in Mariposa County, California, and contains about 4 square miles. In these reservations are found the finest known specimens of the *Sequoia gigantea*, the famous "Big Trees" of California.

Capt. George H. G. Gale, Fourth Cavalry, U. S. A., acting superintendent, reports that the command which was detailed to patrol the parks during the season consisted of two troops, C and I, of the Fourth Cavalry; the former, stationed in the south half of the Sequoia Park,

reached its temporary camp near Three Rivers on May 25, and remained there until July 1, when it removed to its permanent camp at Weishars Mill, about 3 miles below Mineral King, and was assigned to the guarding of that portion of the park south of the Middle Fork of Kaweah River. Troop I established its camp at General Grant Park on May 31, and with a detachment at the Halstead Meadows was assigned to the policing of that portion of the two parks north of the Kaweah. This plan of operations was carried into effect, and constant patrols kept up after the melting of the snows made it practicable to subsist stock in the higher portions of the park. Two cases of trespass were discovered in the southern portion of the Sequoia Park. The first was without doubt done unwittingly, as the shepherd himself guided the soldiers to his flock, in a place entirely unsuspected, and immediately removed it when told that he was on the park reserve. In the other case a flock was discovered just within the southern border of the park, but the herders succeeded in concealing themselves and evading the guard. These sheep were scattered by the patrol, and a visit to the place on the following day showed that they had been driven out.

No actual trespassers were found in that part of the park north of the Middle Fork, but a few stray cattle and horses were discovered within the park limits and promptly expelled at remote points. But one forest fire occurred in the park during the season, caused no doubt by lightning; it was extinguished by heavy rain before the troops were able to reach it.

In addition to the patrol duties performed by the troops, the men were employed in clearing out the old trails and in building some new ones. In the southern portion of the Sequoia Park the trail from Mineral King, through Farewell Gap, Hocketts Meadow, and Cahoun Meadow, to Three Rivers, via the Salt Creek Trail, a distance of about 40 miles, has been thoroughly cleared and repaired, beside similar work done on shorter portions of existing trails. A new trail known as the Tar Gap Trail, opened from near Mineral King to Hocketts Meadow, saves a distance of about 10 miles between the two points. This trail will be much used during the month of September. Numerous sign-boards have also been placed at the intersections of trails for the convenience of new troops and tourists, and as far as practicable all the principal forks of trails will be similarly marked with direction boards before the troops are withdrawn in the fall. Similar work has been done in the northern portion of the park.

Permits to cross and camp in the Sequoia Park have been freely granted during the summer, and it is not believed that they have been abused. There is an abundance of game in the mountains. Many deer have been seen, which did not appear in the least disturbed until near approached. There are fresh bear signs on the public road between Three Rivers and Mineral King, and a great quantity of grouse and mountain quail. The trout in some of the streams are inexhaustible.

Trespass within the park limits has been effectively prevented during the present season; but there has been an immense amount of it within the Sierra Forest Reserve, which enfolds the parks on all sides except the west. Thus these lands present the curious anomaly of parks with guards, but no law to punish, and a forest reserve, land under practically the same conditions as the parks, with ample law to punish, but no guard to enforce. It is suggested that in future a civil officer of the Government, with authority to make arrests and to punish offenders, be stationed with troops guarding the parks, and that a law be enacted providing for the punishment of trespassers in the national parks. Sheepmen and others trespassing on the forest reservations have, when discovered, been warned that they were transgressing the laws, but such warning has produced but little good effect.

Lands within the park which are not needed for Government purposes should be leased for the grazing of horses and cattle, but on no account should this privilege be accorded to the raisers of sheep. Should such leases be granted a small income would accrue therefrom which might be expended in the policing of the grounds so leased, and the enforcement of the conditions of the contract therefor, and the balance, if any, could be utilized in improvement of the trails and the parks generally.

It is highly desirable that private lands within the limits of these parks be acquired by the Government. This recommendation has heretofore been made by former superintendents of the park and is now reiterated. The land now used for camping purposes by the command in the park is private property. Its use is gratuitously extended by the owner, who may withdraw his permission at any time. A permanent camp should be provided. The most eligible site therefor is at Atwell's Mill, on patented lands, which, if acquired by the Government, would afford excellent facilities in every way for a camp, which might be occupied continuously while the troops are on duty in the park. An additional reason why the Government should purchase this land is the fact that it contains a small grove of *Sequoia gigantea*, which, being on a public road, should be preserved.

This growth, which is now being felled, contains some of the finest specimens of "big trees" ever found. One very remarkable tree forms a single trunk for about 30 feet from the ground, and then divides into two perfectly developed trunks, each about 300 feet in height. It is known as the "Siamese Twins," and if not purchased and preserved by the Government will soon be converted with its fellows into indifferent lumber. An appropriation of at least \$1,000 should be made for the providing of log huts and stables for the accommodation of the troops. The lands of the parks should be accurately surveyed and permanently marked, and Congress should make adequate appropriation therefor.

Tourists who have visited these parks and been the guests of the

army officers detailed to act as superintendents thereof bear testimony to the hospitality dispensed by such superintendents. No appropriation having been made for such purpose, the entertainment was at the expense of the officers, whose limited pay will not long endure such heavy drafts upon it. The hotel accommodations in these parks are very indifferent, and consequently the tourists unite in recommending that a fund for entertainment be placed at the disposal of the superintendents.

HOT SPRINGS RESERVATION.

The superintendent of the Hot Springs Reservation, William J. Little, reports that during the year the work accomplished has been, to a larger extent than heretofore, finishing in character, and has added greatly to the beauty and completeness of the improvements heretofore inaugurated.

The permanent reservation at Hot Springs consists of four mountain reservations—Hot Springs Mountain, North Mountain, Sugar Loaf Mountain, West Mountain—and Whittington Avenue Reserve, having an aggregate area of 911.63 acres.

The hot water issues from the base and side of the Hot Springs Mountain, and the actual quantity thereof 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, making a total quantity of hot water under control of about 857,000 gallons a day.

No new bath houses have been erected, and but few applications have been made for new leases. The Horseshoe and Magnesia bath houses have been renovated and repaired and add materially to the general high standard of the bath houses on the reservation. The capacity of all the houses now in operation is sufficient to provide about 7,000 baths daily; they are kept neat and clean and in good sanitary condition; the prices of the baths at the different houses are sufficiently varied to meet the reasonable demands of all classes of persons. 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, 1896:

Name of bath house.	Lessee.	Tubs.	Date of lease.	Expiration of lease.
<i>On the permanent reservation.</i>				
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

Name of bath house.	Lessee.	Tubs.	Date of lease.	Expiration of lease.
<i>On the permanent reservation—continued.</i>				
Lamar	Morris C. Tombler.....	40	Jan. 1, 1892	Dec. 31, 1896
Magnesia.....	Charles B. Platt	30	Jan. 1, 1895	Dec. 31, 1909
Horse Shoe	Albert B. Gaines	30	do	Do.
Maurice	Charles E. Maurice and Charles G. Converse; a two-sixth interest assigned to William G. Maurice Mar. 3, 1892.	21	Jan. 1, 1892	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. 14, 1896
Palace.....	Samuel W. Fordyce.....	23	Jan. 12, 1893	Dec. 31, 1906
Rammelsberg.....	George H. Buckstaff.....	18	Jan. 1, 1892	Dec. 31, 1898
<i>Off the permanent reservation.</i>				
Rockafellow's	Charles N. Rockafellow	20	July 1, 1895	June 30, 1898
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
Cheshire.....	Cheshire Improvement Co., Limited.....	8	Aug. 7, 1895	Aug. 7, 1905
Sumpter.....	John J. Sumpter.....	8	Mar. 7, 1894	Mar. 7, 1904
	Hot Springs Medical Co. (500 gallons daily).	.....	July 24, 1894	July 24, 1904

The demands upon the free bath house have been somewhat less than last year, presumably on account of the general decrease of travel to the Hot Springs. The capacity of the house has been sufficient to supply baths to all applicants entitled thereto under the regulations, the average number per day furnished during the year being 347.

No repairs or improvements have been made to the impounding reservoir; it continues to answer well the purposes for which constructed. The machinery and boilers of the pumping station are kept clean and dry and protected from rust as much as possible with machinery that is not in operation; the building, however, is in need of considerable repairs.

The Hot Springs Creek arch along the reservation front has been repaired and is now in excellent condition.

Bath House Park has now been brought to a high state of cultivation, and is one of the most attractive features in or about Hot Springs.

It extends along Central avenue, in front of the bath houses, from Reserve avenue to Fountain street, a distance of some 1,600 feet. Its entire length is traversed by a broad concrete walk or promenade, from which other walks lead off to the different bath houses. Distributed along this promenade are all the hot-water drinking fountains, which, together with the neatly clipped grass, the rare shrubbery and flowers, the trees and comfortable seats, make it not only a distinctive feature of Hot Springs, but a matter of great convenience and pleasure to invalids regaining health through the medium of the hot water amid these beautiful surroundings.

Five drinking fountains, designed and constructed under the direction of Capt. Robert R. Stevens, have been completed and fixed in place. The most elaborate is the "John W. Noble Fountain;" another very handsome fountain to be known as the "Hoke Smith Fountain" will be shortly constructed.

Of the total number of hot springs, four remain open so as to show the natural flow of the hot water as it issues from its source; two of these, the Hale and the Stevens springs, have been properly improved. The alum spring, one of the most important of this group, is 12 feet below the surface, difficult of access, and liable to pollution, but it will be shortly placed in good condition.

The Hot Springs Mountain Reservation, on which most of the bath houses are located, has heretofore received practically all the improvements. There is now in progress, however, work on the Whittington Avenue Reservation, authorized by the act of August 5, 1892, and for the prosecution of which \$20,000 was set aside from the reservation fund; on the completion thereof the improvement of North Mountain and West Mountain will be considered. The roads and drives on the Hot Springs Reservation have now been extended $3\frac{1}{2}$ miles in length, and are all in excellent condition.

The report gives the total receipts from bath-house leases and hot-water rents for the fiscal year ended June 30, 1896, as \$17,190.88; disbursements for salaries, superintendence, repairs, fuel, lights, water, etc., \$14,768.62. Thirty thousand seven hundred and ten dollars was allotted from the reservation funds in the Treasury for the prosecution of the work on the Whittington Avenue Reserve and completion of improvements on the permanent reservation, of which the sum of \$7,045.01 has been expended.

CASA GRANDE RUIN.

The Casa Grande Ruin, located near Florence, in the Territory of Arizona, is one of the most noteworthy relics of a prehistoric age and people remaining within the limits of the United States. The land on which it is located is part of 480 acres reserved from settlement by Executive order dated June 22, 1892. It was discovered already in a

ruinous condition by one Padre Kino in 1694, and since that time has been a subject of record by explorers and historians. This structure, like others erected by the most advanced among the native races in the Southwest, is of perishable material, being built of cajon—that is, of puddled clay, molded into walls dried in the sun.

In the sundry civil act approved March 2, 1889 (25 Stat. L., 961), \$2,000 was appropriated for the repair of this ruin. It was expended in works urgently required to prevent the falling of the walls and the final destruction of the building, and included metal stays for the walls, with brick work for the support and protection of the walls at their bases.

The custodian of the ruin, Rev. Isaac T. Whittemore, in his report, calls attention to the necessity for further repairs to the ruin, and recommends that appropriations be made to provide a cover to the building, to keep it from further decay; that the reservation be inclosed by a suitable fence, and that excavations be made of all the mounds in the vicinity, for the purpose of learning the history of the people who once lived in that country and erected the building.

The Director of the Bureau of American Ethnology, who at the instance of this Department caused an examination of the ruin to be made, concludes his report in the matter by stating:

In view of the slow yet ever-increasing rate of destruction of the ruin and of its great interest as a tangible record of the prehistoric inhabitants of this country, no hesitation is felt in recommending that the structure be further protected and practically perpetuated by a suitable roof, so designed as to shield the walls from rain and sun and at the same time permit an unobstructed view of the ruin from any direction.

ELEEMOSYNARY INSTITUTIONS.

THE 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 it is supported in part by Congressional appropriations and in part by receipts from pay patients, the expenditure of which is under the general supervision of the Secretary of the Interior (sec. 4858, Rev. Stat.). 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 an extent upward of 450 acres. The 14 hospital buildings can comfortably accommodate about 1,400 patients.

The title to the entire property is in the United States, and its estimated cost is something over \$1,000,000.

It is the only hospital for the insane in the United States which is exclusively under Federal control. It provides for the admission thereto of the insane of the Army (including civilians becoming so diseased while in the employ of the Quartermaster's and Subsistence

departments) on the order of the Secretary of War; the Navy and Marine Corps on the order of the Secretary of the Navy; the Revenue Cutter Service and Marine-Hospital Service on the order of the Secretary of the Treasury; inmates of the National Homes for Disabled Volunteer Soldiers on the order of the president of the Board of Managers of the Homes; inmates of the Soldiers' Home at Washington, D. C., on the order of the president of the Board of Commissioners of the Home; insane United States convicts; persons charged with crime before the courts of the District of Columbia, and those charged with offenses against the United States and in the actual custody of its officers when found to be insane, on the order of the Secretary of the Interior; and the indigent insane of the District of Columbia on the order of the Commissioners of the District of Columbia. The words "insane persons" and "lunatic" are defined in the Revised Statutes of the United States as including every idiot, non compos, lunatic, and insane person; hence imbecile and weak-minded persons are frequently sent to the hospital from the District of Columbia.

The annual report of the Board of Visitors shows that during the year 2,072 persons have been under treatment, 337 have died or been discharged, and 1,735 remained in the hospital on the 30th of June, 1896.

The number of admissions, 370, is 1 less than that of the previous year, but the daily average has been higher, and the number remaining under treatment at the close of the year, 1,735, exceeds that of any year since the hospital was opened.

The mortality of the year, 187 deaths, is over 11 per cent of the daily average and about 9 per cent of the whole number under treatment. Paresis and organic brain disease without their intercurrent disease, numbered 44 or approximately one-fourth of the whole number of deaths from all causes. One hundred of the deaths were of ex-soldiers and ex-sailors. Attention is again directed to the unsanitary condition of the flats adjoining the hospital grounds on the shores of the Eastern Branch of the Potomac River. The filling of these flats some time since was commenced by the Government and should be pushed to completion, since St. Elizabeth, the site of the hospital, otherwise a most salubrious locality, is rendered unhealthy by the malarial emanations constantly arising from these marshes. The river and harbor bill of the last session of Congress carries \$100,000 for the improvement of the Potomac River, a part of which should be devoted to the reclamation of the flats, or if such course is not practicable, specific appropriation for such work of an adequate sum should be made by Congress at the coming session.

The report gives a compendium of the different laws under which patients are received and cared for at the institution, these statutes being scattered through the legislation of a number of years. Appended thereto is a most interesting medical report by the superintendent, outlining, among other things, advanced treatment of paresis, as well as valuable reports by the pathologist and dentist of the institution.

The estimate for current expenses of \$374,000 is based on an annual cost of \$220 per capita for an estimated average number of 1,700 persons of the classes indicated. Appropriations are also solicited of \$15,000 for general repairs and improvements; \$7,000 for rebuilding the carpenter and machine shop, the one now standing being unfit for occupation; \$18,000 for the construction of a new laundry building, the number of inmates having so increased that the present structure is entirely inadequate for the work required; \$75,000 for an infirmary building to accommodate 150 inmates of the National Home for Disabled Volunteer Soldiers, the same being demanded by the crowded condition of the present buildings and the increasing number of admissions from the Homes of inmates who require special care by reason of age and infirmity; and \$5,000 toward the erection of a chapel building for divine worship. The reasons for these expenditures are more fully set forth in the report and are commended to the favorable consideration of Congress.

The superintendent of the Government Hospital for the Insane has from time to time had deposited with him, as custodian, moneys and private effects of patients, to be expended or used in their behalf as the occasion may require. These effects of the inmates, whether clothing, watches, jewelry, money, etc., are matters of trust to the superintendent of the hospital, and his responsibility therefor is that of reasonable care only. This "patients' fund" on the 30th of June, 1890, amounted to \$19,291.52, and has been augmented by additions thereto from year to year until on the 30th of June, 1896, the fund aggregated \$50,326.76. For the proper expenditure of these moneys, etc., the superintendent is in nowise responsible under his bond as a United States disbursing officer of public funds.

Recently one of the assistant physicians at the hospital, who was acting as chief clerk and assistant of the superintendent, and who had charge of the accounts and disbursement of this patients' fund, wrongfully appropriated therefrom to his own use about \$14,454.58 and left this jurisdiction. The superintendent, however, reports that the wife and friends of the physician in question have deposited with him securities and moneys sufficient in value to cover the amount embezzled, and the superintendent declares that no patient or heir of a deceased patient shall lose a cent by the said embezzlement.

Moneys of this character, received by the superintendent, to be held in trust for the benefit of the various patients, are not strictly under the control of this Department and the Government is not legally responsible for any loss thereof. It is desirable, however, that provision should be made for the proper care of such deposits. It is impracticable for the superintendent to give a separate bond for the safe-keeping of every deposit made. I recommend that Congress enact a law requiring the superintendent of the Government Hospital for the Insane to deposit in the United States Treasury the balance of this

so-called patients' fund, and any further sums paid to him for a like purpose, and that the same be drawn from the Treasury on requisition of the superintendent when approved by the Secretary of the Interior; and that such sums be disbursed and accounted for in all respects as are all public funds. I also recommend that the superintendent be required to give an additional bond for the faithful care and disbursement of such trust funds.

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, etc. 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. It occupies 100 acres of ground located in the District of Columbia, 2 acres of which were at the organization of the institution donated by the Hon. Amos Kendall and the balance purchased by Congressional appropriations. The title of the entire property is vested in the United States as trustee. There are seven administration buildings and six dwellings used by the corps of instructors. The estimated cost of all is about \$500,000.

The report of the president, Dr. E. M. Gallaudet, sets forth the following statement: The number of students remaining at the institution July 1, 1895, was 97; admitted during the year, 41; since admitted, 37; 106 being males and 69 females, making a total of 175. Of these, 108 have been in the collegiate department representing thirty States, the District of Columbia, and Canada, and 67 in the primary department. With the exception of one case of typhoid and two of gastric fever and several cases of measles, excellent health prevailed among the students and pupils. The progress of most of the students has been satisfactory. Special attention is called to the increased facilities afforded at the institution for instruction in speech. Pupils connected therewith are afforded every opportunity to develop, preserve, and improve their powers of speech and speech reading, and those who have acquired the power of vocal utterance elsewhere are given every needed help to retain and improve their speech.

Successful work was done in the normal department; one young woman and four young men completed the prescribed course, and have secured satisfactory positions as teachers. The young man from India, to whom reference was made in the last annual report, and who was trained at this institution, has returned to Calcutta to devote himself to the work of teaching the deaf and dumb in India. The college conferred the degree of bachelor of arts on seven graduates, that of master of arts on five, and one honorary master's degree. An interesting meeting of the alumni of the college was held at the institution in June

last, at which representatives of twenty-three classes were present. Receipts for current expenses were \$96,292.21, of which \$64,000 was appropriated by Congress. The expenditures were \$69,227.98. Additions to the buildings were made at a cost of \$26,000, all of which were provided for by Congressional appropriation. The board of directors of the institution submit estimates for next year of \$65,000 for current expenses of the institution and \$3,000 for repair and improvement of the water supply.

Section 3709 of the Revised Statutes of the United States directs that all purchases and contracts for supplies in any Department of the Government, except for personal services, shall be made by advertising and contract. Congress makes appropriation for the maintenance of three institutions in this District connected with this Department: The Government Hospital for the Insane, the Howard University, and the Columbia Institution for the Deaf and Dumb. The first two procure their necessary supplies in the method named, that is, by advertisement and contract. During the past year the Secretary informed the president of the Columbia Institution for the Deaf and Dumb that it was also subject to the provisions of the aforesaid section, and directed that schedules be submitted for such supplies as might be required during the current fiscal year, in order that proposals therefor might be solicited by advertisement. The reply was made that under the organic act the Columbia Institution for the Deaf and Dumb, in purchasing its supplies for subsistence, was not subject to the general laws regarding proposals and contracts, and this position was held by some of the directors as well as the president of the institution.

The Congressional appropriation for current expenses, etc., and for buildings for this institution during the last fiscal year amounted to \$93,500; the receipts from other sources aggregated only \$5,292.21, so that in effect the institution is almost wholly supported by the Government. The appropriations made by Congress are disbursed by an officer of the institution, who, though under bond to the United States for the faithful performance of his duties, is at the same time a purchasing as well as a disbursing officer, and makes payment for supplies, material, etc., without consulting the Secretary of the Interior as to the propriety and advisability of any proposed expenditure. His accounts of disbursements, accompanied by vouchers, are forwarded to the Secretary of the Interior for approval as an administrative act, thereafter to be transmitted to the auditing officer of the Treasury. As under the law the Secretary is charged with the proper expenditure of this appropriation, he should be vested with full authority to determine the legality as well as propriety of all proposed expenditures before the same are made.

In view of the difference of opinion as to the operation of the law as above indicated, it would seem advisable that Congress should provide by proper legislation that this institution be made entirely independent of this Department, thereby relieving the Secretary of the Interior of

the responsibility now imposed upon him by law regarding expenditure of the appropriations therefor, or that the law be so amended as to explicitly provide that hereafter appropriations made by Congress for the support of the Columbia Institution for the Deaf and Dumb be subject to the provisions applicable to expenditures for like purposes for similar institutions. Comparison of the prices paid for articles in open market for the Columbia Institution for the Deaf and Dumb with contract prices for like articles for the Government Hospital for the Insane shows a marked difference in favor of the contract system.

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 (1895) 21 blind children under instruction in the Maryland Institution for the Blind at Baltimore, Md.; 2 were admitted and 2 discharged during the year, leaving 21 beneficiaries at the institution on the 30th of June, 1896.

The pupils are reported to be of average intelligence and making satisfactory progress. The regular course of study, which commences with the kindergarten for the younger children, includes spelling, reading by touch, arithmetic, history, grammar, algebra, geometry, mental and moral philosophy, political economy, rhetoric and composition, physiology and chemistry, instrumental and vocal music, harmony and orchestral instruction, 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 line most likely to be serviceable to each individual. Special attention is paid to physical training. The school is nonsectarian in character, and the discussion of religious questions forbidden. Pupils, however, are required to attend, on Sundays, such churches and Sunday schools as are selected by their respective parents or guardians.

The equipment of the institution is equal to any of similar character in the country, both in appliances and teaching force.

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.

HOWARD UNIVERSITY.

Howard University was established by the act of March 2, 1867 (14 Stat. L., 438), "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 that the university is in a flourishing condition. During the year the students in all departments aggregated 629 and the graduates 116. They come from the several States and Territories, the District of Columbia, and countries of the world, including Mexico, the West Indies, Africa, and Korea. The standard for admission in the professional departments has been advanced, but the aggregate attendance is larger than for any previous year. Tuition is free in all branches except the medical, and toward the support of the latter the trustees make an annual contribution. The board of students is guaranteed not to exceed the sum of \$8 per month.

Since its organization the university has graduated 1,354 persons, of whom 1,253 are reported to be living. The institution never had a public or denominational constituency and has none to-day. On its board of trustees and in its several faculties ten different religious denominations are represented. Appeals have not been made to the benevolent except for funds to assist indigent students and the erection of needed buildings, and its aid funds have been distributed without regard to denomination. The university is open to all races, but persons of African extraction have most largely availed themselves of its advantages. It is the only institution where the Government has succeeded in providing equal facilities for a higher education of all classes of its students without distinction of race or color. From its invested funds the university has an income of about \$15,000 per annum, and during the past seven years has expended therefrom more than \$50,000 for permanent improvements.

During the past seventeen years the Government has partially supported the university and required its officers to properly account for the sums appropriated. The trustees invite the closest scrutiny into their methods of administration and are especially grateful for the interest taken by Congress at its last session in this subject.

Congress appropriated for the current expenses for this institution during the last fiscal year the sum of \$34,500, and its receipts from other sources were about \$23,140.55. For the current fiscal year there has been appropriated the sum of \$32,600, subject to the following new proviso, to wit:

Provided, That no part of this appropriation shall be used, directly or indirectly, for the support of the theological department of said university, nor for the support

of any sectarian, denominational, or religious instruction therein: *And provided further*, That no part thereof shall be paid to said university until it shall accord to the Secretary of the Interior, or to his designated agent or agents, authority to visit and inspect such university and to control and supervise the expenditure therein of all moneys paid under this appropriation.

The annual appropriations for this institution appear to be pure gratuities, as the Howard University, unlike other beneficiaries of the Government, is not obliged by law to render any equivalent to the United States or the District of Columbia for the moneys appropriated for its use. The president of the university states in his report that tuition is free in all its departments except the medical. There is, however, nothing in the charter of the institution that prohibits the board of trustees from charging for tuition whenever they may so decide. It is therefore recommended that future appropriations in aid of this institution be so made that no part thereof can be applied to the maintenance of those departments of the university in which tuition fees are charged. Also that the president and directors of the institution report to the Secretary of the Interior the condition of the institution on the 1st of July of each year; embracing in the report the number of pupils received and discharged during the preceding year and the number remaining; also the branches of knowledge and industry taught and the progress made therein, together with a statement showing the receipts of the institution and from what sources, and its disbursements, and for what objects. Furthermore, that all appropriations by Congress for the Howard University shall be drawn from the Treasury on requisitions of the Secretary of the Interior, and be disbursed and accounted for in all respects according to the laws regulating ordinary disbursements of public money.

THE 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). It occupies 3½ acres of leased ground in the District of Columbia, on which there are eight buildings. Six were constructed by the lessors and two, at a cost of \$4,000, under appropriation by Congress therefor. Five buildings used for hospital purposes have a capacity for 250 patients; the remainder, three, are administrative buildings. The title of the property is in the trustees of the Howard University, and its estimated value is \$304,000. The supervision and control of expenditure of appropriations was transferred to the Commissioners of the District of Columbia by act of March 3, 1893 (27 Stat. L., 551). The appointive and general administrative power, however, is still vested in the Secretary of the Interior.

Dr. Daniel H. Williams, surgeon in chief, reports that the number of patients remaining in the hospital June 30, 1895, was 188. During the

year 2,395 patients were admitted, 201 children were born in the hospital, and 581 operations were performed; 2,428 patients were discharged, and 222 died, leaving 134 remaining in the hospital on the 30th day of June, 1896.

Attention is called to the satisfactory results to the hospital of the inauguration of the system of internes and trained nurses during the last year. Each interne, who must be a graduate from some medical college, is appointed for one year, after competitive examination, and is provided with board and lodging, together with a small compensation to meet incidental expenses during the term. They attend to the routine work of the hospital under the directions of the superior officers.

The establishment of a training school for nurses and the substitution of qualified nurses therefrom for those persons heretofore employed having no special skill has caused a marked improvement in the care of the inmates, and as a result of the changes indicated the mortality rate in the wards of the hospital, it is stated, has decreased 17 per cent during the year.

A modern ambulance, fully equipped and ready to answer calls on the instant, has been in active service. Two hundred and two patients were brought in it to the hospital. Appended to the report is a statement of the superintendent of nurses, showing the progress, etc., made by pupils in the training school for nurses.

The surgeon in chief recommends that a superintendent or warden, with an assistant and staff of nonsalaried attending physicians and surgeons and a corps of internes and a superintendent of the nurses, be substituted for the surgeon in chief and two assistants now provided for by law. He renews the recommendation contained in his last report for an appropriation of \$100,000 for a new building and equipments.

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 land in the city of Washington, D. C., to be held as a site for a hospital for the reception and care 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 contributions from benevolent persons and societies, and in part by appropriations by Congress.

The report of the board of directors shows that 108 children were provided for during the year, of whom 42 were remaining in the hospital June 30, 1895. The adoptions during the year were 10, and the number of deaths 70; of the latter, 20 children under 1 month of age were in a dying condition when received. The total receipts from all sources during the year was \$7,923.43 and the expenditures \$7,770, leaving a cash balance on hand June 30, 1896, of \$153.43. A continuance

of the present appropriation of \$6,000 is urged by the board in order that the large number of children received in the institution may be properly cared for.

THE ARCHITECT OF THE CAPITOL.

By act of September 30, 1850 (9 Stat. L., 538), the appointment by the President of an architect to execute the plan for the extension of the Capitol was authorized. The supervision of the Capitol extension and the erection of the new Dome was by act of April 16, 1862 (12 Stat. L., 617), transferred from the War Department to the Department of the Interior, and all appropriations therefor required to be expended under the direction and supervision of the Secretary of the Interior. By the act of March 30, 1867 (15 Stat. L., 13), all repairs and alterations of the Capitol were required to be made under the direction and supervision of the Architect of the Capitol extension. By the act of March 8, 1879 (20 Stat. L., 391), the disbursement of all moneys appropriated for the United States Capitol and grounds was placed under the supervision of the Secretary of the Interior, and the disbursing clerk of the Department of the Interior was specifically required to disburse such moneys.

The Architect, Mr. Edward Clark, reports the following improvements made on buildings and grounds during the fiscal year:

The post-office of the Senate has been removed from the hall of the northeast basement story to the room adjoining that formerly occupied by the Committee on Patents, affording increased postal facilities. The walls and ceilings of the Senate Chamber and of the north corridor have been painted. The heating and ventilating machinery has been thoroughly repaired, the legislative bell service put in perfect working order, and a large amount of painting of walls, corridors, and committee rooms has been completed.

The kitchen of the House wing has been enlarged by the construction of an additional room, extending into the corridor of the sub-basement, and new cooking apparatus of modern approved character provided. The restaurant accommodations have been increased by the addition of a lunch room, and new and suitable fittings have been fixed in place. The boilers and supply tanks of the Members' bath-rooms have been repaired, and all power and machinery of the several elevators, as well as the steam heating and ventilating department of the House wing, have been put in excellent condition.

The cleaning and repairing of works of art has been continued. Four of the large pictures in the Rotunda, to wit, Washington Resigning his Commission, The Landing of Columbus, The Embarkation of the Pilgrims, and The Discovery of the Mississippi River, have been taken down and restored. The large picture of Lincoln and his Cabinet was in bad condition and required rebacking. The painting on the

wall of the west stairway of the House of Representatives, entitled, *Westward the Star of Empire Takes Its Way*, was cleaned and restored. The work, though difficult of accomplishment, was skillfully performed. The various portraits in oil of the Speakers of the House of Representatives as well as of those who have been Chief Justices of the Supreme Court of the United States, were retouched. The work of restoring the decorations of the walls of the Senate corridor, basement story, is in progress. The busts of Vice-Presidents John C. Calhoun and William R. King have been delivered and will be placed in the Senate Chamber.

In pursuance of the joint resolution of Congress, the statue of Père Marquette, presented by the State of Wisconsin, has been placed in the National Statuary Hall.

An electric-lighting plant, provided with 4 engines and dynamos of the direct-connecting type, having a total capacity of 5,000 lights of 16-candlepower each, has been installed in the Capitol building and is now in operation. Wherever possible gas has given way to electric illumination, to the betterment of the atmospheric conditions in the building, and affording illumination to points in the corridors and basement rooms hitherto unprovided for. In connection with the electric-light plant in the House wing, a new water tube boiler of the forged-steel type has been placed in position. Under instructions of the Senate Committee on Rules, the electric-light plants have been run day and night, including Sundays. Preparations are now being made to further extend electric lighting to the Capitol Grounds and to the ceilings over the Senate Chamber and the Hall of the House of Representatives. Four thousand three hundred and eight superficial feet of artificial stone walks have been completed in the Capitol Grounds near the air tower in the southwest portion of the reservation. A more thorough policing of the Capitol Grounds, it is hoped, will result from the increase of the Capitol police force in connection with the fact of the lighting of the grounds by electricity. The growth and plantings upon the grounds have been given required attention by pruning, fertilizing, training, and trimming. Necessary repairs have been made to the engine house, the Senate and House stables.

New boilers and necessary pipe connections have been fixed in place in the main conservatory and plant houses of the Botanic Garden. All the plant and propagating houses have been thoroughly repaired and painted, and glazing done where required. The Bartholdi fountain has been repainted and the fixing in place of new valves in connection with the main water-supply pipe has resulted in considerable increase in the water supply to the fountain.

The court-house, or city hall, has been placed in good condition, and necessary repairs made to the steam boilers, heating coils, etc., in the building. The rooms for the accommodation of the surveyor of the District are being fitted up, and will soon be ready for occupancy.

The expenditures are as follows: Repairs to the Capitol, \$34,000; improvements of the Capitol Grounds, \$12,900; special repairs, Senate, \$4,424; flags for the Capitol, \$68.60; lighting United States Capitol Grounds, Botanic Garden, etc., \$31,414.88; electric-light plant, Senate \$18,217.57, House \$15,392.63; extension of electric-light plant, House and Senate, \$20,000; and the repairs of engine house, Senate and House stables, \$500.

COLUMBIA RAILWAY COMPANY OF WASHINGTON, D. C.

The secretary and treasurer, James B. Adams, 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 transported as 4,240,595; average passengers carried daily 11,618+, and the average daily receipts as \$366.20.

The receipts from all sources were \$433,633.63. In this sum is included the cash balance of \$5,901.48, from traffic operations only, on hand March 1, 1895, and mentioned in the report for last year, as well as \$158,308.89, part of proceeds of sale of \$500,000 first-mortgage bonds issued for construction of cable plant, and not reported at that time, owing to the unfinished state of the cable-construction work. The disbursements during the year ended February 28, 1896, amounted to \$410,727.64. Twenty thousand dollars of this amount was paid out in dividends; balance in the hands of the treasurer March 1, 1896, \$22,905.99.

PENITENTIARY BUILDING, STATE OF WASHINGTON.

In the deficiency appropriation act approved March 3, 1893 (27 Stat. L., 661), an appropriation for the purchase of a site in the State of Washington and for the erection of a penitentiary thereon was made in the following terms:

Penitentiary building, Washington: To carry into effect section fifteen of an act entitled "An act to provide for the division of Dakota into two States and to enable the people of North Dakota and South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union and on an equal footing with the original States, and to make donations of public lands to such States:" For the purchase of grounds and the erection thereon of a penitentiary in the State of Washington, under the direction and supervision of the Secretary of the Interior, and upon such tract or parcel of land in said State as shall be designated by said Secretary, thirty thousand dollars: *Provided*, That the money hereby appropriated shall be devoted exclusively to the purchase of the necessary grounds and to the erection of a penitentiary in said State; and the penitentiary of the State of Washington is hereby located at or near the city of Walla Walla, Wallawalla County, in said State.

Shortly after the passage of said act the governor of the State of Washington and the secretary of the board of directors of the Washington State Penitentiary called attention to the appropriation by

Congress for the purposes above mentioned and claimed that it had been appropriated for the purpose of erecting a wing to the State penitentiary at Walla Walla, in which conclusion, however, the Department did not concur, inasmuch as the act in question did not in terms so provide or grant to the State of Washington the lands to be purchased or the penitentiary building to be constructed thereon nor authorize the transfer of the same to the State by the Secretary of the Interior when completed.

Subsequently, in September, 1893, in response to an inquiry, the United States Senator from Washington (Hon. Watson C. Squire) was advised as to the view of the case aforesaid, and it was suggested, as the appropriation for the penitentiary was small it might be advisable in the interest of economy to construct the same as a wing to the existing State penitentiary building, provided the United States could purchase the necessary ground and have the use in the construction, if required (without cost to the Government), of a part of said penitentiary wall, the absolute control, however, of the new wing to remain, upon completion, in the United States. No response having been made to such proposition, in June, 1894, the Department, as a preliminary to the commencement of the work contemplated in the act, appointed a commission for the purpose of examining and recommending a suitable site near Walla Walla, Wash., on which to construct the penitentiary building. The tract selected by this board, consisting of 40 acres of land near the city of Walla Walla, was accepted by the Department, the title of the vendor thereof was approved by the Attorney-General, and thereafter, upon the conveyance of the land to the United States, the consideration named in the deed therefor, to wit, \$4,000, was paid.

Thereafter plans and specifications for the penitentiary to be constructed near Walla Walla were prepared, but no contract for the work was let nor has any building been constructed, for the reason that the Attorney-General, who had been requested to direct an officer under his supervision in Washington to designate on the site purchased a suitable location for the building, declined to do so, holding in effect that it was evidently not the intention of Congress to provide, in the act of March 3, 1893, for the construction of a Federal penitentiary at Walla Walla, but merely one for the State of Washington. Subsequently that officer was requested to advise the Department whether the land purchased in the name of the United States as a site for such penitentiary building, and the building to be constructed thereon, after its completion, could be transferred to the State of Washington without further legislation, to which the following reply was made:

I have the honor to acknowledge your letter of the 9th instant, and to say in reply that I think further legislation is required in the matter of the penitentiary at Walla Walla, Wash. For the reasons stated in my letter of the 9th instant, I think the situation is anomalous. The appropriation (27 Stats., 661) under which you purchased grounds and propose to erect a penitentiary in the State of Washington, is in terms made "to carry into effect section 15" of the enabling act under which the two Dakotas, Montana, and Washington were admitted into the Union. The act of

March 2, 1881 (21 Stats., 378) had appropriated \$30,000 for the erection of a penitentiary in the Territory of Dakota. Section 15 of the enabling act expressly granted to the State of South Dakota the lands acquired under the act of 1881 and any unexpended balances of the moneys thereby appropriated; and, having also transferred to Montana the penitentiary and all lands connected therewith at Deer Lodge City, provided:

“And the States of North Dakota and Washington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March second, eighteen hundred and eighty-one, for the Territory of Dakota.”

This was merely a promise to make the four States equal by providing North Dakota and Washington with penitentiaries, as had been done with South Dakota and Montana. The act of 1893 (27 Stats., 661) was merely in the line of performing that promise. But, as I am advised that Washington already has a penitentiary, it seems to me the attention of Congress should be called to the matter before any further expenditure of money is made. Certainly there is no authority at present for the transfer of the land you have already bought with the money appropriated by the last-named act.

The attention of Congress should be directed to this matter to the end that if such was its intention originally, the act should be so amended as to authorize the construction of the penitentiary building provided for in the act of 1893 as a wing to the penitentiary building of the State of Washington at Walla Walla; furthermore, that authority be conferred upon the Secretary of the Interior to convey the land already purchased under said act to that State and to transfer to the latter the penitentiary wing when completed.

Of the appropriation of \$30,000 for the purpose stated in the act of March 3, 1893, there has been expended for expenses of commission to select site for building, preparation of plans and specifications, and purchase of 40 acres of land, the sum of \$4,553.07, leaving an available balance at this time of \$25,446.93.

DEPARTMENT EXHIBIT AT THE COTTON STATES AND INTERNATIONAL EXPOSITION.

The report of Prof. Frank W. Clark, of the Geological Survey, Department representative on the board of management of the Government exhibit, shows that of the total appropriation of \$150,000 provided in the sundry civil act of August 18, 1894, for an exhibit by the Government of the United States at the Cotton States and International Exposition at Atlanta, Ga., \$21,976.56 was allotted to the Department of the Interior. This sum was expended as follows:

Amount actually available	\$21, 976. 56
General installation expenses charged to Department.....	2, 113. 10
Exhibit Patent Office	5, 037. 71
Exhibit Geological Survey	5, 049. 44
Mounting exhibits	5, 942. 34
Exhibit Bureau of Education.....	2, 061. 72
Exhibit Indian Bureau.....	1, 464. 85
Exhibit General Land Office.....	307. 40
Total expenditure.....	21, 976. 56

The exhibits of the Department of the Interior occupied the north-eastern corner of the Government building. A space of about 6,600 square feet was assigned to it, of which 2,100, approximately, were devoted to aisles, leaving 4,500 square feet available for exhibition purposes. The wall space on the northeastern side was mainly occupied by windows, and in these, forming an almost continuous line of glass, the photographic transparencies of the Geological Survey were displayed with excellent effect. The partitions and walls separating the space allotted to this Department from that of the Navy and Agriculture, respectively, were painted a dull brown red, a black cornice molding being placed at the top. Above this the walls of the building were covered with tightly drawn canvas tinted a pearl gray with a narrow frieze of red just below the roof. This scheme of coloring gave an admirable background for the wall exhibits, making a most excellent finish for the display, considered in its entirety. The general effect was that of a room approximately 80 feet square with windows on two sides, in which the exhibits, while so classified as to preserve the individuality of the several bureaus, were so arranged as to preserve an essential unity of design and purpose. Apart from a large map of the State of Georgia, made for the occasion and displayed by the General Land Office, the exhibits of the Department were confined to the following bureaus:

The Patent Office exhibit consisted largely of models taken from the cases at Washington, illustrating the development of those arts in which the people of the South were more particularly interested, supplemented by private exhibits of bicycles, cash registers, coal-tar dyes, and cotton presses, furnished by prominent manufacturers in the particular lines in the United States. A special exhibit consisting of inventions made by women was placed in the Woman's Building of the Exposition, and another consisting of the inventions made by negroes was placed in the Negro Building.

The exhibit of the Bureau of Education consisted among other things of bound volumes of its publications, collections of statistical charts, showing the condition of education in its various phases in the United States and foreign countries, as well as the distribution of educational institutions and the percentage of illiteracy in this country, together with a large wall chart indicating the progress of education in the South during the last twenty years, etc. An attractive feature of the exhibit was a series of twenty water-color drawings illustrating the various forms of punishment in schools. Education in Alaska was represented by a number of drawings by the natives, together with articles showing the habits and customs of the natives, with photographs of the latter, etc.

The Indian Office exhibit illustrated the results of educational work among the Indians, and included specimens of the work in school-rooms, sewing rooms, and from the industrial departments of the various schools.

The exhibit of the Geological Survey included a collection of seventy-two photographic transparencies, twelve relating to Indian subjects,

and the others, of which thirty were colored, representing geological scenery with particular reference to the Southern States, and two large relief models of the United States, made with proper curvature as segments of a globe, one topographic only, the other showing the ice sheet of the glacial period, setting forth the essential difference between the northern and southern portions of the country, together with cases of minerals, fossils, etc. In the mineral exhibit a comprehensive showing was made of the mineral products of the South, their quantity, quality, and the conditions governing their production and those now limiting the usefulness of the economic minerals, etc.

In addition, the department of mining of the entire exposition, as shown in the building devoted to mining and forestry, was organized and controlled by representatives of the Survey, with Dr. D. T. Day in charge. In this exhibit the economic geology of the Southern States was comprehensively shown.

THE MARITIME CANAL COMPANY OF NICARAGUA.

By an act approved February 20, 1889 (25 Stat. L., 673), the Congress chartered the Maritime Canal Company of Nicaragua "to facilitate commercial intercourse by water between the Atlantic and Pacific States, as well as with foreign nations." The act provided, however—

That nothing in this act contained shall be so construed as to commit the United States to any pecuniary liability whatever for or on account of said company, nor shall the United States be held in anywise liable or responsible in any form or by any implication for any debt or liability in any form which said company may incur, nor be held as guaranteeing any engagement or contract of said company, or as having assumed by virtue of this act any responsibility for the acts or proceedings of said company in any foreign country, or contracts or engagements entered into in the United States.

The act requires the company to make a report on the first Monday in December in each year to the Secretary of the Interior, to be verified on oath by its president and secretary. A preliminary statement has been submitted by the canal company showing that no work has been done on the canal since August, 1893. The corporation has held its regular annual meetings at its office in the city of New York, and at its last annual election on May 7, 1896, selected Messrs. Joseph Bryan, James Roosevelt, Hiram Hitchcock, and Thomas B. Atkins as directors to serve for three years and to fill the places made vacant by the class whose term of office expired on that day.

It appears from the statement that the Maritime Canal Company entered into a contract with the Nicaragua Canal Construction Company for the construction of the canal, but that the latter company became financially embarrassed in August, 1893, and subsequently made an assignment of its construction contract and all its assets to the Nicaragua Company, a corporation chartered by the State of Vermont. The latter company "has not yet found itself in a position to resume the work of construction under its contract."

The statement of assets and liabilities is not clear, but it sets forth that the Maritime Canal Company has since its organization had 10,145 shares of its capital stock subscribed for at par (\$1,014,500), of which \$1,007,840 has been paid into the treasury in cash; that "there has been paid into the treasury from other sources" \$114,353.77, making a total amount of cash received \$1,122,193.77, of which \$1,121,460.07 has been paid out for "property, work and labor done, and materials furnished in the execution of the work of construction of canal, and in administration expenses." For the purposes named the company has also issued 31,990 shares of its full-paid capital stock, par value \$3,199,000, and has also entered into obligation to deliver \$6,855,000 of its first-mortgage bonds. It has also issued 180,000 shares of its capital stock, par value \$18,000,000, "in payment for concessionary rights, privileges, franchises, and other property."

Of the cash paid out, \$225,000 appears to have been an advance made to the Nicaragua Canal Construction Company "on account of purchase of equipment," to secure which claim, or in liquidation thereof, the Maritime Canal Company appears to have received from the Nicaragua Canal Construction Company "obligations representing" \$518,500 of the first-mortgage bonds and 2,420 shares of the capital stock of the Nicaragua Canal Construction Company. The last-named securities were transferred and delivered to Thomas B. Atkins in liquidation of the Maritime Canal Company's claim against the Nicaragua Canal Construction Company for cash advances made, and are now held by said Atkins as trustee for the Maritime Canal Company.

The preliminary statement gives the liabilities of the company as consisting of "the amount still due under the concessions granted to the company," but does not name those amounts; the \$6,855,000 of bonds which the Maritime Canal Company as above mentioned has obligated itself to deliver to the Nicaragua Canal Construction Company, the latter company having transferred that obligation to its assignee; and cash liabilities outstanding and unpaid to an amount not exceeding \$50,000.

The statement lists the assets of the company as consisting of "its unissued capital stock; \$518,500 first-mortgage bonds, and 2,420 shares of the capital stock of the Nicaragua Canal Construction Company; the concessions, rights, privileges, and franchises which it now owns;" "the plant, equipments, materials, lands, buildings, structures, railways, steamboats, telephone and telegraph lines, bridges, locomotives, cars, machinery, stores, machine shops, supplies, and other property in Central America, including the lands situated between the lake and the Pacific, purchased from the Government of Nicaragua for the route of the canal, in accordance with the provisions of the Nicaraguan concession."

The Maritime Canal Company avers that its contracting company has not yet found itself in a position to resume the work of construction under its contract, owing to the disturbed condition of the financial world.

AN ADDITIONAL BUILDING FOR THE DEPARTMENT OF THE INTERIOR.

This Department has almost if not 4,000 attachés in the city of Washington. Of the buildings occupied by that force, but two, namely, the Department building (sometimes known as the Patent Office) and the Pension Office, belong to the Government. The rooms occupied by the Indian Office, the Civil Service Commission, the Geological Survey, the Bureau of Education, the Census Office, the Washington Pension Agency, and a room for the storage of documents and others for the storage of Patent Office models are rented, at a total annual cost to the Government of \$46,080, 3 per cent on \$1,536,000.

The erection of the present Interior Department building was begun in 1836, but was not finished until 1867. It appears to have cost \$1,273,000. It was originally designed for occupation by the Bureau of Patents, was called the Patent Office until the organization of the Department of the Interior, in 1849, and by many is still known as the Patent Office. In 1884 the Indian Bureau was removed to other quarters in order to provide space for the growing demands of the Patent Office and the increasing business of other branches of the Department. In 1893 many models of the Patent Office were removed to another building to make room for the increasing business of the General Land Office.

The building as at present occupied is greatly crowded; its sanitary qualities are not good; many of the rooms are used partly for storage and partly for the accommodation of the clerical force. The structure is not more than large enough to accommodate the Patent Office alone. The Bureau of Patents is one of the few self-sustaining branches of the Government. It has paid into the public Treasury \$4,500,000 more than has been appropriated for its maintenance.

Some of the outside buildings occupied by branches of this Department are not fireproof; the distance between the Secretary's office and the bureaus and divisions having occasion for frequent communication therewith causes great inconvenience and unavoidable delay in the transaction of public business.

The great interest committed to the keeping of the Interior Department, the health, comfort, and convenience of its officers and employees, as well as the credit of the Government, require the prompt erection of another commodious building. Secretaries Lamar, Noble, and Smith each demonstrated the necessity for such an improvement and strongly urged its consummation. Since 1888, when the annual rental paid by the Department was \$21,000, the demand for room has increased so rapidly that \$46,000 is now inadequate to provide what is needed. The business of the Department is not likely to decrease in the immediate future, while the room required for the storage of documents and the preservation of records will undoubtedly continue to

increase. The value of property surrounding the present building of the Interior Department is more than likely to enhance as the years go by; consequently no more opportune time than the present will be found for the inauguration of a movement which will result in supplying the want for which there is no remedy other than the one proposed.

The Government buildings in Washington are a credit to the nation and a source of pride to every citizen who visits the national capital. I earnestly recommend that Congress take immediate steps looking to the purchase or condemnation of a block or more of ground adjacent or contiguous to the Interior Department building for the erection thereon of another structure to meet the present necessities of an important branch of the Government which must expand and grow with the development of the country's resources.

The area of our country, the variety of its products, the diversity of its interests, the trade and social relations between localities and classes of people, make its internal commerce of enormous magnitude, and must from time to time necessitate enlargement of its existing Government bureaus and the establishment of additional ones. Provision for the accommodation thereof should no longer be delayed. Let it be a building of that distinctive and dignified character of architecture which is observed in the National Capitol, the Treasury, and the Interior Department buildings.

Very respectfully,

DAVID R. FRANCIS,
Secretary.

The PRESIDENT.

APPENDIX.

EXHIBIT A.

REPORT OF THE ASSISTANT ATTORNEY-GENERAL.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, October 26, 1896.

SIR: I submit herewith, for such use as you may deem proper in the preparation of your annual report, a statement of the work done by this office during the past year.

Since the last report of this division Hon. John I. Hall, who had been Assistant Attorney-General for the Interior Department since April 6, 1893, has resigned, and was succeeded by the present incumbent, who entered upon his duties May 1, 1896. Inasmuch as my resignation, tendered some time since, has been accepted, to take effect upon this date, I have the honor to submit herewith a report of the work of this division during my connection therewith.

Inasmuch as this is the last annual report which this office will submit to you before the close of the present Administration, it would seem expedient and proper that it should include a brief statement of the work done thereby from the incoming of the Administration until the present date (October 26, 1896), and also a comparison of the same with that of the preceding Administration during the corresponding period.

Appealed cases examined and decided:

March 4, 1889, to July 1, 1889.....	429	
March 4, 1893, to July 1, 1893.....	610	
Increase		181
July 1, 1889, to July 1, 1890.....	1,293	
July 1, 1893, to July 1, 1894.....	2,041	
Increase		748
July 1, 1890, to July 1, 1891.....	1,772	
July 1, 1894, to July 1, 1895.....	2,215	
Increase		443
July 1, 1891, to November 1, 1891.....	646	
July 1, 1895, to November 1, 1895.....	825	
Increase		179
November 1, 1891, to November 1, 1892.....	2,037	
November 1, 1895, to November 1, 1896.....	2,658	
Increase		621
Total gain to date.....		1,557

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Items of miscellaneous business:	
March 4, 1889, to July 1, 1889.....	206
March 4, 1893, to July 1, 1893	362
Increase	156
July 1, 1889, to July 1, 1890.....	1,045
July 1, 1893, to July 1, 1894.....	979
Decrease.....	66
July 1, 1890, to July 1, 1891.....	1,254
July 1, 1894, to July 1, 1895	1,098
Decrease.....	156
July 1, 1891, to November 1, 1891.....	419
July 1, 1895, to November 1, 1895	432
Increase	13
November 1, 1891, to November 1, 1892.....	1,119
November 1, 1895, to November 1, 1896.....	728
Decrease	591
Total decrease to-date.....	378
Opinions by the Assistant Attorney-General:	
March 4, 1889, to July 1, 1889.....	14
March 4, 1893, to July 1, 1893.....	32
Increase	18
July 1, 1889, to July 1, 1890.....	59
July 1, 1893, to July 1, 1894.....	80
Increase	21
July 1, 1890, to July 1, 1891.....	89
July 1, 1894, to July 1, 1895.....	69
Decrease	20
July 1, 1891, to November 1, 1891.....	50
July 1, 1895, to November 1, 1895.....	19
Decrease	31
November 1, 1891, to November 1, 1892.....	123
November 1, 1895, to November 1, 1896.....	55
Decrease	68
Total decrease.....	80

The list of "appealed cases examined and decided" includes only appeals from the decisions of the Commissioner of the General Land Office. It embraces, at a rough estimate, about two-thirds of the entire work of the office.

The term "miscellaneous business" is very comprehensive, including motions for review of cases previously decided by the Department on appeal, applications for certiorari, railroad adjustments, claims by States for swamp-land or school-land indemnity, examination of reservoir and canal plats, applications for surveys, reports on bills pending before Congress, answers to letters of inquiry relative to cases pending before the Department, etc.

It will be seen that there has been a large increase in the number of appealed cases disposed of, in comparison with the corresponding year of the preceding Administration, and a considerable decrease in the number of miscellaneous matters disposed of. The decrease in the latter will account in large part for the increase in the former. In October, 1895 (shortly before the date of the last annual report of

this division), one of the assistant attorneys was appointed Chief of the Division of Lands and Railroads; and thereafter much of the miscellaneous business that had previously been performed by the Assistant Attorney-General's Office was transferred to that division. Such transfer of duties relieved the law force of this office to some extent, although by no means wholly, from the labor of considering and preparing decisions and letters relative to miscellaneous matters, and enabled them to devote more time and attention to the work of considering and deciding appealed cases.

The record of "Opinions by the Assistant Attorney-General," of course, includes only those where the Secretary or one of the assistant secretaries has requested that his opinion should be formally submitted in writing. Answers to questions so submitted are sometimes prepared by the Assistant Attorney-General in person; more frequently they are handed by him to some member of the law force for preparation. These opinions frequently involve much labor and days of research, inasmuch as they would not have been called for if the matters therein referred to had not involved difficult and intricate questions of law.

The above record of opinions by the Assistant Attorney-General, however, includes only a very small proportion of the opinions actually submitted by that officer. In addition to opinions formally prepared in writing, he almost daily, whenever his opinion is asked for, verbally and informally advises the Secretary or Assistant Secretaries relative to the immense variety of questions coming before them. It is also customary for the chiefs of divisions charged with the preparation of letters, instructions, etc., to consult with him informally, and upon his opinion thus verbally rendered communications are prepared by them and submitted to the Secretary for his signature. The number of written opinions prepared by the Assistant Attorney-General, therefore, constitutes no criterion by which to judge of the amount of work performed by him or his office.

In addition to the duties above referred to, a very large proportion of the opinions prepared by the force of assistant attorneys—indeed, all those involving the more difficult or doubtful questions of law—are personally examined by the Assistant Attorney-General before being sent to the Secretary for his action. Much time is also necessarily given to interviews with attorneys and others having business before the Department.

The ordinary labor of this division was seriously interrupted during the earlier part of this administration by the necessity of attending to matters other than the decision of cases coming before it in the ordinary course of business. Thus, in August, 1893, when that portion of the public domain known as the "Cherokee Strip" was opened to settlement and entry, one of the assistant attorneys was detailed to supervise the opening, and was absent a month. In the fall of 1894 the same assistant attorney was detailed to represent the Government in the prosecution of alleged frauds and conspiracy in connection with lands in the Ashland district, Wisconsin, which occupied him a month. Another assistant attorney was detailed to represent the Government in the matter of the claims of certain Indians at the Pine Ridge Agency. This occupied him three months.

In October, 1894, small pox broke out in the division, as a result of which the entire force was for imperative sanitary reasons prohibited from even entering the building from October 26 to November 4, inclusive. On account of the condition of the rooms infected by the contagion, the necessity for fumigating, renovating, recarpeting, etc., it was another week before work could be resumed by any portion of the force. Two of the assistant attorneys who acquired the disease were absent seventy days each. A third, in whose family it appeared, was absent thirty days. The aggregate time necessarily lost from this cause amounted to 368 days, or considerably more than the equivalent of one year's work of one member of the force.

During the period covered by the present administration the work of this division has been more than usually difficult and arduous. A considerable portion of the cases appealed have arisen between claimants for Oklahoma lands or town lots.

Frequently there have been from three to a dozen claimants for the same quarter section or lot, and in numerous cases the testimony has covered from five hundred to a thousand typewritten pages of legal-cap paper. Numerous other cases of peculiar difficulty and intricacy have arisen. I might instance the case of the Aspen Consolidated Mining Company *v.* Williams et al. The record in this case embraces the equivalent of several thousand pages of typewritten legal-cap paper; an oral hearing was had occupying four days; reading of the testimony and the examination of the record and the preparation of the opinion occupied the equivalent of the diligent labor of one member of the force for ten weeks. And the end is not yet, for a motion for a retrial has been filed and is now pending before the Department.

An important modification has recently been made in the conduct of business before this office. Rule 114 of practice required parties or counsel, in filing motions for review, to make a plain case upon the face of the motion itself, without argument, and without service on the opposite party, which motion was examined with a view to ascertaining whether or not it could be entertained; and if entertained, it was returned for service, after which both sides were permitted to file argument. This plan was very unsatisfactory to attorneys practicing before the Department, inasmuch as they very naturally were desirous of sustaining their allegations of error by arguments, citation of authorities, etc.; indeed, it may properly be said that there is never a time in the course of litigation when an attorney in a case feels it more important that he should be afforded an opportunity to place before the court his reasons why the action he asks should be granted than when he moves for a review.

On the other hand, the Department can more intelligently decide whether or not the review should be granted when the applicant therefor not only specifies what he believes to have been the errors in the former decision, but adds his reasons for so believing. Therefore a change has been made in Rule 114, so that it now reads, "Such motion must state concisely and specifically the grounds upon which it is based, and may be accompanied by any argument in support thereof." If upon examination the Department considers that proper grounds are shown, "the motion will be entertained, and the moving party notified, whereupon he will be allowed thirty days to serve the same, together with the argument in support thereof, on the opposite party, who will be allowed thirty days thereafter in which to file and serve an answer; after which no further argument will be received." The rule as thus amended affords much better satisfaction to parties applying for review, and is found to facilitate greatly the business of this office and the Department.

During the year ending June 30, 1896, two volumes (XXI, XXII) of "Decisions of the Department of the Interior relating to Public Lands," 590 and 759 pages, respectively, containing the decisions rendered during the period, which involve leading and important principles of law or practice, were published. The advantage both to the assistant attorneys of this office and the attorneys practicing before the Department of having such decisions in printed form for convenience of reference can hardly be overestimated.

To sum up in a sentence, the magnitude of the interests which pass through this division under your supervision, while it is impossible to estimate or even approximate their value in dollars and cents, it is safe to say that during the administration now closing they have been at least as important, both in a pecuniary and a moral sense, as those passed upon in the same length of time by any other Department or tribunal known to our laws.

Respectfully submitted.

WM. A. LITTLE,
Assistant Attorney-General.

THE SECRETARY OF THE INTERIOR.

EXHIBIT B.

Statement showing the number of pensioners in each State and Territory of the United States and in each foreign country on the rolls June 30, 1896, and the amount paid for pensions during the fiscal year 1896 in each State and Territory and each foreign country.

United States.	Number.	Amount.	Foreign countries.	Number.	Amount.
Alabama	3,925	\$475,882.60	Algiers	2	\$432.00
Alaska	28	2,997.08	Argentina	4	372.00
Arizona	559	84,924.26	Australia	32	4,945.29
Arkansas	10,014	1,339,167.00	Austria-Hungary	24	3,708.95
California	15,308	2,150,175.29	Azores Islands	1	90.00
Colorado	6,247	898,257.53	Bahama	2	296.60
Connecticut	11,837	1,377,609.62	Belgium	12	3,096.00
Delaware	2,709	422,291.72	Bermuda	5	660.33
District of Columbia	8,236	1,388,471.30	Brazil	3	168.00
Florida	3,145	320,593.90	British Columbia	24	3,708.97
Georgia	3,854	483,727.76	British Guiana	1	288.00
Idaho	1,070	148,425.84	Bulgaria	1	240.00
Illinois	68,688	9,844,792.57	Canada	1,889	289,403.74
Indiana	68,836	10,581,861.29	Central America	4	303.00
Indian Territory	2,488	332,957.74	Chile	9	836.13
Iowa	37,798	5,403,976.32	China	13	1,308.10
Kansas	42,433	6,321,389.42	Comora Islands	1	120.00
Kentucky	28,457	4,147,193.61	Costa Rica	2	276.00
Louisiana	4,431	682,789.44	Cuba	6	792.00
Maine	20,717	3,082,780.58	Danish West Indies	3	619.60
Maryland	12,683	1,757,841.15	Denmark	18	2,781.72
Massachusetts	38,340	5,480,614.91	Dutch West Indies	1	.....
Michigan	45,335	6,937,745.26	East Indies	1	96.00
Minnesota	16,194	2,361,078.81	Ecuador	1	90.00
Mississippi	3,796	507,228.54	Egypt	1	120.00
Missouri	53,812	7,272,320.67	Finland	1	96.00
Montana	1,213	165,379.34	France	61	9,428.94
Nebraska	16,625	2,499,507.98	Germany	601	92,878.00
Nevada	273	35,454.71	Great Britain	665	102,769.17
New Hampshire	9,169	1,262,799.68	Greece	3	481.00
New Jersey	20,017	2,445,465.16	Guatemala	3	226.00
New Mexico	1,200	175,293.09	Hawaii	20	3,090.80
New York	87,006	12,409,269.19	Honduras	3	1,404.93
North Carolina	3,954	519,809.28	India	2	210.00
North Dakota	1,677	237,339.34	Italy	29	4,481.69
Ohio	103,921	15,432,462.79	Japan	10	2,751.87
Oklahoma	4,959	712,891.23	Korea	1	360.00
Oregon	4,577	629,959.23	Liberia	3	186.00
Pennsylvania	98,837	12,459,588.87	Madeira	2	360.00
Rhode Island	4,402	493,178.86	Malta	2	288.00
South Carolina	2,669	203,213.46	Mauritius	1	120.00
South Dakota	4,702	614,315.41	Mexico	85	13,135.90
Tennessee	17,918	2,572,899.19	Netherlands	8	1,866.00
Texas	7,863	1,000,045.24	New Zealand	6	552.00
Utah	766	106,922.24	Nicaragua	1	72.00
Vermont	9,734	1,521,651.84	Norway	37	5,717.97
Virginia	8,139	1,268,609.77	Peru	4	441.73
Washington	4,963	676,446.04	Portugal	5	383.60
West Virginia	12,932	2,073,066.67	Republic of Colombia	3	192.00

CXXXVIII REPORT OF THE SECRETARY OF THE INTERIOR.

Statement showing the number of pensioners in each State and Territory, etc.—Continued.

United States.	Number.	Amount.	Foreign countries.	Number.	Amount.
Wisconsin.....	27, 775	4, 048, 706. 70	Roumania.....	1	.....
Wyoming.....	666	95, 435. 51	Russia.....	6	1, 243. 33
			Seychelles Islands.....	2	648. 00
			Siam.....	2	168. 00
			South African Republic..	2	216. 00
			Spain.....	10	2, 133. 33
			Sweden.....	44	6, 799. 76
			Switzerland.....	79	12, 208. 66
			Taniti.....	1	48. 00
			Turkey.....	6	971. 27
			Uruguay.....	1	450. 00
			Venezuela.....	1	42. 00
			West Indies.....	10	1, 563. 00
			Total in foreign countries.....	3, 781	582, 735. 38
Total in States and Territories.....	966, 897	137,466,805.03	Grand total.....	970, 678	138, 049, 540. 41

EXHIBIT C.

A BILL to protect and administer public forest reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the objects for which public forest reservations shall be established under the provisions of the act approved March third, eighteen hundred and ninety-one, shall be to protect and improve the forests for the purpose of securing a continuous supply of timber for the people and insuring conditions favorable to water flow. And it is not the purpose of this act to authorize the inclusion, within such forest reservations, of lands more valuable for mining or agricultural purposes than for the timber thereon.

SEC. 2. That the Secretary of the Interior shall make such rules and regulations and shall establish such service as shall be required to regulate the occupancy and use of forest reservations which have been heretofore, or shall be hereafter, created under the said act of March third, eighteen hundred and ninety-one, and to preserve the timber and other natural resources, and such natural wonders and curiosities and game as may be therein, from injury, waste, fire, spoliation, or other destruction. And it is further provided that all such forest reservations shall be controlled and administered in accordance with the provisions of this act and the rules and regulations so prescribed hereunder; and all acts and parts of acts inconsistent with the provisions of this act and the rules and regulations prescribed hereunder are hereby repealed in so far as the same relate to public lands embraced within such forest reservations.

SEC. 3. 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. 4. That for the purpose of preserving a sufficient supply of living and growing timber and facilitating its growth, and with a view to proper utilization of same, the Secretary of the Interior may, under rules and regulations prescribed by him, permit the cutting, removal, and disposal of so much of the dead or mature timber on such reservations as may, in his judgment, be expedient. That in disposing of such timber the Secretary of the Interior shall cause the same to be properly marked and designated and thereafter appraised and advertised for sale to residents of the State or Territory in which the lands to be cut upon are situated.

Such advertisement shall be made for not less than thirty days in a newspaper of general circulation throughout the State or Territory in which the said lands are situated, and like publication shall also be made, for the same period, in a newspaper published in the county or counties in which the lands lie. Such advertisement shall offer the timber for sale at not less than the appraised value and in limited quantities to each purchaser; specifying that payments therefor shall be made to the receiver of public moneys of the local land office of the district wherein the said timber is situated, subject to conditions prescribed by the Secretary of the Interior. No timber so purchased shall be removed until payment in full therefor has been made and receipt for such payment has issued by the receiver of public moneys. And no timber shall be either cut or removed under the foregoing provisions of this section except under the immediate personal supervision of some person or persons appointed or designated for that purpose who shall not be in the employ of the party or parties securing the timber, nor interested in any way whatsoever in the purchase or removal of the timber. And said supervising party or parties shall, upon completion of the cutting and removing of the timber, make a full report in writing to the Commissioner of the General Land Office in regard to the transaction. The proceeds of all such sales shall be accounted for by the receiver of public moneys in a separate account, and shall be covered into the Treasury of the United States as a special fund, to be expended in the care and management of public forest reservations under the direction of the Secretary of the Interior, or as Congress may provide. And it is further provided in behalf of miners, prospectors, agriculturists, and other bona fide settlers occupying lands within forest reservations who have not a sufficient amount of timber on their own claims or lands for use in developing the natural resources of same, or for firewood, fencing, or building purposes, that the Secretary of the Interior may permit such parties, under rules and regulations prescribed by him, to procure from the public lands within such reservations, by purchase, so much timber as may be needed for their own individual use in developing the natural resources of their own claims or lands, or for firewood, fencing, and building purposes. In each instance the terms of purchase shall be subject to such conditions as the Secretary of the Interior may prescribe, in the exercise of a sound discretion, upon due consideration of a sworn statement by the claimant, duly corroborated, setting forth full particulars respecting the claim and his compliance with the law in regard thereto, the facts and circumstances that create the necessity for procuring timber from other public lands, and good and sufficient reasons for concluding that the removal of the desired timber will not injuriously affect the water supply or any other public interests. Such sworn statement shall be subject to official investigation and report whenever such action shall be deemed necessary. The terms "miners," "prospectors," "agriculturists," and "other bona fide settlers," as above used, shall be confined to apply strictly to individual parties, and nothing herein shall be construed to extend the meaning of said terms to firms, companies, or corporations engaged in operating claims or mines.

SEC. 5. That nothing herein shall be construed to prohibit in any wise any person or persons from free ingress and egress in respect to such reservations, or from crossing the same, or from constructing through the same necessary wagon roads: *Provided*, A strict compliance with the statutes and rules and regulations thereunder governing such reservations is observed.

SEC. 6. That the settlers and other residents within the boundaries of such reservations, or in the vicinity thereof, may maintain schools, churches, and cemeteries within such reservations, and for that purpose may occupy any of the unappropriated and unoccupied lands in said reservations, not exceeding two acres for each school building and for each cemetery, and one acre for each church.

SEC. 7. That nothing herein shall be construed to prohibit the use of any and all water on such reservations for domestic purposes or for general irrigation purposes under the laws of the State or Territory wherein such reservations are situated.

SEC. 8. That in cases in which a tract covered by an unperfected bona fide claim, or by a patent, is included within the limits of a public forest reservation, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of vacant land open to settlement, not exceeding in area the tract covered by his claim or patent; and no charge shall be made in such cases for making the entry of record, or issuing the patent, to cover the tract selected: *Provided*, In cases of unperfected claims, that the requirements of the laws respecting settlement, residence, improvements, etc., are complied with on the new claims, credit being allowed for the time spent on the relinquished claims.

SEC. 9. That all public lands withdrawn from settlement and entry for such forest reservations which, upon due examination by personal inspection on the part of a competent person, or persons, appointed or detailed for that purpose by the Secretary of the Interior, shall be found to be more valuable for mining or agricultural purposes than for forest uses shall be duly restored to entry under the general mining or settlement laws. The restoration to entry of such withdrawn lands shall be made only after due publication of proclamation of restoration by the President based upon recommendation by the Secretary of the Interior. Publication in such cases shall be made for not less than sixty days in two papers published nearest the lands in question, and which are of daily issue and of general circulation in the State or Territory wherein the said lands lie. It is further provided, That prospectors and mineral claimants shall have free access to such forest reservations for the purpose of prospecting, locating, and developing the mineral resources thereof.

SEC. 10. That the State or Territory wherein such forest reservations are situated shall have civil and criminal jurisdiction over persons within such reservations.

SEC. 11. That every person who, either directly or indirectly, unlawfully appropriates, removes, cuts, injures, wastes, or causes the destruction, by fire, grazing or herding of sheep or other live stock, or in any other manner whatsoever, of the timber, herbage, or other natural resources, or of the natural wonders or curiosities, or of the game, or of any other public property whatsoever on or within any public lands embraced within such forest reservations shall, upon conviction, for every such offense be fined in a sum of not less than one hundred dollars, nor more than five thousand dollars, or shall be imprisoned not exceeding twelve months, or shall suffer both fine and imprisonment, in the discretion of the court; that in addition to the criminal proceedings herein provided, the United States shall be entitled to recover in civil suit the value of all property so unlawfully appropriated, injured, wasted, or destroyed, and shall also be entitled to recover in such cases nominal or exemplary damages. It is further provided that the United States shall be entitled to the injunction of waste by way of prevention of trespass upon public property within such forest reservations.

SEC. 12. That every person who breaks into the close and unlawfully occupies, for any purpose whatsoever, public lands within such forest reservations shall be subject to ejectment and, upon conviction, shall for every such offense be fined in a sum not exceeding one thousand dollars, or shall be imprisoned not exceeding twelve months, or shall suffer both fine and imprisonment, in the discretion of the court.

EXHIBIT D.

A BILL to regulate the use of timber on public lands not embraced within public forest reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the exclusive object for which timber on public lands not embraced within public forest reservations may be disposed of hereafter shall be to supply in a legitimate manner the actual necessities of the people dependent on public timber in settling and developing the country.

SEC. 2. That after the passage of this act it shall be unlawful to dispose of or appropriate for any purpose whatsoever any timber on such public lands except as herein provided and as authorized by Congress for railroad and telegraph purposes.

SEC. 3. That the Secretary of the Interior is hereby authorized to dispose of by sale, from time to time, upon proper application therefor, so much of the timber growing or being on public lands not embraced within forest reservations as may be, in his judgment, demanded to supply the actual necessities of bona fide settlers and others engaged in legitimately developing the resources of the country, provided the removal of such timber will not injuriously affect the water supply or other public interests. It is further provided that such applications shall be made in the form of sworn statements, duly corroborated, setting forth in full the facts and circumstances that create the necessity for the use of the timber and the reasons for concluding that the removal of the same will not injuriously affect the water supply or any other public interests.

SEC. 4. That no timber, lumber, or other timber products shall be disposed of under the provisions of this act except for use within the State or Territory where cut, and that no sales of such timber or other material shall be made except to bona fide residents of such State or Territory.

SEC. 5. That the Secretary of the Interior shall prescribe such rules and regulations as shall be necessary to carry into effect the provisions of this act.

SEC. 6. That before any timber, lumber, or other timber product shall be disposed of as herein provided the Secretary of the Interior shall cause the same to be appraised and advertised for sale for not less than thirty days in a newspaper of general circulation throughout the State or Territory in which the lands, on which the timber or other material stands or lies, are situated; and like publication shall also be made for the same period in a newspaper published in the county or counties in which the land lies. Such advertisement shall offer the timber or other material for sale at not less than the appraised value and in limited quantities to each purchaser, specifying that payments therefor shall be made to the receiver of public moneys of the local land office of the district wherein the said timber or other material is situated, subject to conditions prescribed by the Secretary of the Interior. It is further provided that no timber or other material disposed of as herein provided shall be either cut or removed until payment in full therefor has been made and receipt for such payment has issued by the receiver of public moneys. It is further provided that the proceeds of all such sales shall be accounted for by the receiver of public moneys in a separate account, and shall be covered into the Treasury of the United States as a special fund to be expended in protecting the timber on public lands not embraced in forest reservations, under the direction of the Secretary of the Interior or as Congress may provide.

SEC. 7. That in disposing of timber, lumber, or other timber products under the foregoing provisions the sale shall be made conditional upon the removal of the timber or other material within a period of twelve months from the date of purchase. It is further provided that the limit of twelve months herein named may be extended by the Secretary of the Interior, in his discretion, upon good and sufficient reasons for such action being shown.

SEC. 8. That homestead claimants who have made bona fide settlement upon public land, and who are living upon, cultivating, and improving the same in accordance with law and the rules and regulations of this Department, with the intention of acquiring title thereto, may cut and remove, or cause to be cut and removed from the portion thereof to be cleared for cultivation, so much timber as may be actually necessary for that purpose or for buildings, fences, and other improvements on the land entered. It is further provided that in clearing for cultivation, should there be a surplus of timber over what is needed for the purposes above specified, the entryman may sell or dispose of such surplus. But nothing herein contained shall be construed to permit the cutting or removing of timber from lands covered by unperfected homestead entries for purposes of sale or speculation.

SEC. 9. That it is further provided in behalf of miners, prospectors, agriculturists, and other bona fide settlers occupying public lands not embraced within forest reservations, who have not a sufficient amount of timber on their own claims or lands for use in developing the natural resources of same, or for firewood, fencing, or building purposes, that the Secretary of the Interior may permit such parties, under rules and regulations prescribed by him, to procure from unreserved, unoccupied public lands, by purchase, so much timber as may be needed for their own individual use in developing the natural resources of their own claims or lands, or for firewood, fencing, and building purposes. In each instance the terms of purchase shall be subject to such conditions as the Secretary of the Interior may prescribe, in the exercise of a sound discretion, upon due consideration of a sworn statement by the claimant, duly corroborated, setting forth full particulars respecting the claim and his compliance with the law in regard thereto, the facts and circumstances that create the necessity for procuring timber from other public lands, and good and sufficient reasons for concluding that the removal of the desired timber will not injuriously affect the water supply or other public interests. The terms "miners," "prospectors," "agriculturists," and "other bona fide settlers," as above used, shall be confined to apply strictly to individual parties, and nothing herein shall be construed to extend the meaning of said terms to firms, companies, or corporations engaged in operating claims or mines.

SEC. 10. That every person who, either directly or indirectly, in any manner whatsoever, except as allowed by the provisions of this act, appropriates, cuts, boxes, chips, injures, removes, wastes, or causes the destruction by fire or in any other manner whatsoever of timber growing or being on any of the public lands other than those embraced within public forest reservations, shall, upon conviction for every such offense, be fined in a sum of not less than one hundred dollars nor more than five thousand dollars, or shall be imprisoned not exceeding twelve months, or shall suffer both fine and imprisonment in the discretion of the court. That in addition to the criminal proceedings herein provided, the United States shall be entitled to recover in civil suit the value of all property so unlawfully appropriated, cut, boxed, chipped, injured, wasted, or destroyed, and shall also be entitled to recover in such cases nominal or exemplary damages. It is further provided, in regard to timber on such public lands, that the United States shall be entitled to the injunction of waste by way of prevention of trespass.

SEC. 11. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed in so far as they relate to timber on public lands other than those embraced within forest reservations.

EXHIBIT E.

A BILL for the protection of trees and other growth on the public domain from destruction by fire

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall willfully or maliciously set on fire, or cause to be set on fire, any timber, underbrush, grass, or other inflammable material upon the public domain, or shall carelessly or negligently leave or suffer fire to burn unattended near any such timber or other inflammable material, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any district court of the United States having jurisdiction of the same, shall be fined in a sum not less than fifty nor more than five thousand dollars, or be imprisoned for a term not less than six months nor more than two years, or both.

SEC. 2. That any person who shall, for useful or needful purposes, build a camp fire, or other fire, in or near any forest, timber, or other inflammable material upon the public domain, shall, before breaking camp or leaving said fire, totally extinguish same. Any person failing to do so shall be deemed guilty of a misdemeanor,

and, upon conviction thereof in any district court of the United States having jurisdiction of the same, shall be fined in a sum not less than twenty-five dollars nor more than one thousand dollars, or be imprisoned for a term of not less than thirty days nor more than one year, or both.

SEC. 3. That in all cases arising under this act one-half of the fines collected shall be paid to the informer, who shall furnish evidence to secure conviction, and the remaining half shall be paid into the public-school fund of the county in which the lands where the offense was committed are situate.

EXHIBIT F.

DEPARTMENT OF THE INTERIOR,
Washington, January 30, 1896.

SIR: I have the honor to acknowledge the receipt of the following resolution of the House of Representatives, dated 16th instant:

Resolved, That the Secretary of the Interior is hereby requested to inform the House in detail as to the proceedings had and expenditures made by his Department in carrying out the provisions of sections 20, 21, and 22 of an act making appropriations for current and contingent expenses of the Indian Department, etc., approved August 15, 1894; with the names and residences of commissioners appointed under the provisions of said sections; with copies of instructions given by his Department to said commissioners, and with a statement, if not incompatible with the public service, of the probable time when that provision of said sections can be executed which provides for a restoration to the public domain of certain lands within the Uncompahgre Indian Reservation in the Territory of Utah.

In response thereto, I transmit herewith copy of a communication of the 21st instant from the Commissioner of Indian Affairs, and its inclosures, to whom the matter was referred.

I also transmit copies of the reports of the commission, referred to in the Indian Office letter, dated January 8 and December 21, 1895.

It seems from these papers that there is not within the limits of the Uncompahgre Reservation sufficient agricultural or grazing lands to provide those Indians with allotments, and that even if the lands were there the Indians will not agree to take allotments with the condition attached that they should pay \$1.25 per acre therefor. These reports contain a full statement of all the facts in this matter, and contain some strong arguments in favor of relieving the Indians of the payment of \$1.25 per acre for land taken by them as allotments.

I am of the opinion that further negotiations should be had with the Indians on the Uncompahgre Reservation upon the lines indicated by the Commissioner of Indian Affairs.

I transmit herewith a copy of a recent report from the acting agent in charge of these Indians, giving some further facts as regards the present condition of affairs on these reservations.

Very respectfully,

HOKE SMITH,
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 21, 1896.

SIR: I have the honor to acknowledge the receipt, by Department reference for immediate report, of the following resolution of the House of Representatives, adopted January 16, 1896:

Resolved, That the Secretary of the Interior is hereby requested to inform the House in detail as to the proceedings had and expenditures made by his Department

in carrying out the provisions of sections 20, 21, and 22 of an act making appropriations for current and contingent expenses of the Indian Department, etc., approved August 15, 1894, with the names and residences of commissioners appointed under the provisions of said sections; with copies of instructions given by his Department to said commissioners, and with a statement, if not incompatible with the public service, of the probable time when that provision of said sections can be executed which provides for a restoration to the public domain of certain lands within the Uncompahgre Indian Reservation in the Territory of Utah.

In reply, I have the honor to state that under date of November 28, 1894, S. S. Scott, of Uchee, Ala., William S. Davis, of Little Rock, Ark., and Timothy A. Byrnes, of Atlantic City, N. J., were appointed commissioners "to allot lands to the Uncompahgre Indians in Utah according to the treaty of 1880, and to negotiate with the Indians of the Uintah Reservation in Utah for the relinquishment of certain lands in both cases under the provisions of the act of Congress approved August 15, 1894."

Under date of December 7, 1894, instructions for the guidance of this commission in the discharge of its duties were prepared and submitted to the Department, which instructions were approved by the Secretary December 8, 1894.

December 10, 1894, copies of these instructions were handed Messrs. Scott and Davis, and a copy mailed to Mr. Byrnes, at the Uintah Agency.

Under date of January 8, 1895, the commissioners submitted a report relative to the progress of their work on the Uncompahgre Reservation, and referred to the provisions in the act of June 5, 1880 (21 Stat. L., 199), ratifying the agreement with the Ute Indians, which requires the Uncompahgre Indians to pay \$1.25 per acre for the lands allotted them.

They stated that the Indians were unable to see why they should be required to pay for their allotments while the Uintahs living alongside them were not required to make this payment. They (the commissioners) anticipated great difficulty in satisfactorily explaining this matter to the Indians, and suggested whether it would not be best for the Government to relieve the Uncompahgres of this payment.

In reply, the commissioners were advised, under date of February 4, 1895, that I had submitted a copy of their report, together with the report of Major Randlett, acting Indian agent, addressed to them upon the same subject, to the Department, with recommendation that the same be transmitted to the Senate Committee on Indian Affairs and request that a section be added to the Indian appropriation bill the effect of which would be to relieve the Indians of this payment.

I added that I did not know whether there would be any chance of obtaining this legislation, but that they would be able to assure the Indians that they had done all in their power to relieve them of this requirement, and that this office had cooperated with the commission in this matter.

Under date of March 22, 1895, the commissioners submitted the following statement:

Your letter of the 15th instant was received by last mail. In it you state that "the Secretary of the Interior is desirous of knowing how soon a report may be reasonably expected from you as to 'what portions of said reservation (Uncompahgre) are unsuited or will not be required for allotments,' as contemplated by section 20 of the act of August 15, 1894, under which you are operating."

The commission begs to say in reply that no exploration of the reservation has been possible since it reached this place. The snow has been of such depth as utterly to prevent all travel over the reservation; and even had such travel been practicable no fair idea could have been formed as to the character of lands so heavily coated, as they have been, with snow. This covering is, however, at last beginning to disappear, and although it is still, judging from the outlook in the vicinity of this place, at considerable depth in certain portions of the reservation, it is supposed that the way will be sufficiently open for the commission to undertake the exploration required within a few days. It is thought, too, that this work can be finished in three or four weeks. You may be sure that it will be pushed with due rapidity. Immediately upon its completion a report will be forwarded embracing the information desired.

Under date of May 6, 1895, the commissioners submitted a report as to "what portions of said reservation" (the Uncompahgre) "are unsuited or will not be required

for allotments," and which under the provisions of the act of August 15, 1894, were by proclamation to "be restored to the public domain and made subject to entry."

June 3, 1895, this report was submitted to the Department, with a description by legal subdivisions of the lands which might be restored.

On the 19th of August, 1895, Commissioner Davis died, and his place has not been filled.

December 21, 1895, Commissioners Scott and Byrnes submitted a report in which they stated substantially that it was impossible to induce the Uncompahgres to take allotments in severalty as contemplated by the act of August 15, 1894, in view of the requirement that they must pay \$1. 25 per acre for any and all lands allotted them.

Under date of January 14, 1896, I submitted this report to you, and after discussing the matter at some length and reviewing the work of the commission up to that time, remarked that the following questions suggested themselves:

(1) Shall the commission make any further effort to induce the Uncompahgres to take allotments in severalty under existing conditions?

(2) Is it your desire that they shall make further report of lands not suited or required for allotment, in order that such lands may be restored to the public domain?

(3) Shall the commission suspend work among the Uncompahgres and proceed to negotiate with the Indians of the Uintah Indian Reservation for the relinquishment to the United States of the interest of said reservation not needed for allotments in severalty to said Indians, and if possible procure the consent of said Indians to such relinquishment, and for the acceptance by said Indians of allotments in severalty within said reservation, etc.?

I also suggested that the best way out of the difficulties met with in carrying out the present law would be to obtain some such legislation as the following:

To enable the Secretary of the Interior to negotiate with the Uncompahgre tribe of Indians and with the Indians residing on the Uintah Indian Reservation, in Utah, for such modification of existing treaties and agreements with said Indians and such change in their reservations as may be deemed desirable by said Indians and the Secretary of the Interior, ——— thousand dollars, or so much thereof as may be necessary; but no agreement made shall take effect until ratified by Congress.

The expenditures by the commission, including the sum of \$1,403 advanced for the present quarter, amount to \$14,440.45.

In reporting on the resolution I have not confined myself strictly to its terms, but have also given in brief the action taken by this office in carrying out the provisions of the act of August 15, 1894.

In view of the recommendations contained in office reports of June 3, 1895, and January 14, 1896, which have not yet been acted upon by you, I have not deemed it advisable to express any opinion as to "the probable time when that provision of said sections can be executed which provides for a restoration to the public domain of certain lands within the Uncompahgre Indian Reservation in the Territory of Utah."

I inclose copies of the letter of instructions given the commission, its report of January 8, 1895, of the report of this office thereon of January 26, 1895, of the report of this office dated June 3, 1895, and of office report of January 14, 1896.

The reports of the commission of May 6, 1895, and December 21, 1895, are in your office.

Very respectfully, your obedient servant,

D. M. BROWNING,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
COMMISSION FOR ALLOTMENT OF LANDS TO INDIANS IN UTAH,
Fort Duchesne, Utah, December 21, 1895.

SIR: You will please pardon the statement, by way of introduction, of a few facts well known to the Indian Office, as it is simply made in order that all which follows in the main body of this report may be clearly understood.

By the treaty of 1880 with the confederated bands of Ute Indians in Colorado the whole of their reservation in that State, containing over 10,000,000 acres, was ceded to the United States for \$1,250,000, or about 12½ cents per acre, which was about the price per acre received by them for the block of nearly 4,000,000 acres previously cut out of the reservation in the cession under what is known as the Brunot treaty of 1873; and said bands, except the Southern Utes, who were otherwise provided for, agreed to take allotments of lands in severalty, paying for the same \$1.25 per acre, on the Grand River near the mouth of the Gunnison, if a sufficiency of land for the purpose could be had there; if not, the residue were to be supplied with lands at the stipulated price over the line in Utah.

The commission, acting under this agreement, located none of these Indians near the mouth of the Gunnison, but carried all of them to Utah—the White Rivers into the Uintah Reservation and the Uncompahgres to land on the Green, White, and Duchesne rivers, near the mouths of the two last-named streams. No lands were allotted to any of these Indians by that commission. Subsequently, to wit, January 5, 1882, the lands upon which the Uncompahgres were placed, with certain parts of the adjacent country, embracing about 2,000,000 acres, were set apart as a reservation for them by Executive proclamation.

By the Indian appropriation act approved August 15, 1894, it was provided, among other things, that the requisite steps should be taken to allot lands in severalty to these Uncompahgre Indians according to the terms of the treaty of 1880. The present commission appointed under this law have met with grave difficulties in the attempt to carry out its provisions. Along with the effort to induce the Uncompahgre Indians to accept of lands in severalty it was of course necessary to find lands suitable for them to take among those especially set apart for the purpose. There were over 1,000 Uncompahgre Indians to be supplied.

Upon investigation it was discovered, and so reported to the Indian Office, that the lands of the White and Green rivers on the reservation (except a few thousand acres near the mouth of the former), which were supposed by the commission of 1880 to be susceptible of "easy irrigation" and adapted to "cultivation by inexperienced labor," were wholly unfitted for the purpose, as, with the exception given, there were no bottoms that amounted to much on the White, and the bottoms of the Green were subject to periodic overflows. It should be said now that subsequent investigation by an army officer and an accomplished civil engineer has shown that even the exception heretofore given of the few thousand acres at the mouth of the White was incorrect, as the difficulty of reaching the main channel of the river, especially on the south side, where most of the best arable land is found, with a canal high enough up the stream to bring irrigating water to the surface of the bottoms below, with the heavy expense that would attend the work, renders the acceptance of even these bottoms for agricultural allotments to Indians improper and unwise. So it may be affirmed that while certain parts of the Uncompahgre Reservation proper are suitable for grazing allotment none of it east of Green River, and but little of it, comparatively speaking, west of that stream, is fitted for agricultural allotment to Indians.

But there are several thousand acres subject to agricultural allotment to these Uncompahgre Indians, and perfectly adapted to the purpose in every respect, on both sides of the Duchesne River, extending from its mouth to a point 8 miles above its confluence with the Uintah. These lands are extremely rich, well wooded in places, are not subject to overflow, and can readily be irrigated—parts of them, indeed, have already been irrigated—as will appear hereafter. It is rather difficult to indicate with any certainty how many acres can be secured here for the purpose suggested, perhaps enough to furnish agricultural allotments to two or three hundred Indians. Above the 8-mile limit, however, on the Duchesne, say for 12 or 15 miles, on the south side to the place where the elevated mesa first strikes the river, extends an area of rich bottom, varying from a half mile to 2 miles in width, that can be brought under cultivation with little trouble, and which, with certain lands

in the immediate vicinity of the north side, and with the lands on the lower Duchesne referred to, would be sufficient to supply farms and homes in rather a compact body to the entire Uncompahgre band. But this land being above the 8-mile limit belongs to the Uintahs and can only be secured by negotiation with them. No difficulty as to its purchase on reasonable terms is anticipated, as the Uintahs are very friendly with the Uncompahgres and would be glad no doubt to have them on their reservation.

The lands referred to on the Duchesne, lying between its junction with the Green and the 8-mile limit above the mouth of the Uintah, are the ones to which the attention of the commission has been especially directed, as being the only lands available for agricultural allotment to the Uncompahgre Indians under the law of August 15, 1894. Before taking any steps for the allotment of these lands there were serious difficulties to be met and removed by the commission. About fifteen years have elapsed since the treaty of 1880. A new generation of Indians now largely make up and control the Uncompahgre band; and to them the treaty is merely a tradition. During the twelve or more years that they have been occupying the reservation they have been accustomed to use it as their property, and the idea thus formed of its being such has been still further strengthened by their knowledge of the ownership, on the part of their brothers, the Uintah Utes, of the reservation close by. And besides, the older living Uncompahgre Indians who signed the treaty claim that they did not agree to pay for the lands which might be allotted to them in severalty, \$1.25 per acre, but that the lands were to be given them in part payment for the better lands which they had so reluctantly relinquished in Colorado.

The contention of these Indians against this payment, so persistently and decidedly made in all talks had between them and the commission, seems really to spring from honest opinions and impressions. Arguing upon the hypothesis of good faith in Government agents when dealing with them, the commission has attempted to show in previous reports that the channel of communication was no doubt the cause of disagreement in the matter—that the agents either failed to make themselves understood by the interpreters or that the interpreters failed to make themselves understood by the Indians, and cases were cited in which one or the other of these things evidently occurred in previous negotiations with these very Indians. For these reasons, and others set forth in those reports, the commission urged a waiver on the part of the Government of the right to exact this sum of \$1.25 per acre in the prosecution of the work of allotment.

Another point that should be mentioned in connection with this matter of waiver and the good policy of its being made is the difference between the price received by these Indians for their lands in Colorado and that which is claimed of them for the lands under the contemplated settlement, along with the difficulty of making any satisfactory explanation of the subject to such a people. As has been stated, they received for their lands in Colorado only about 12½ cents per acre. Now, they say, they are called upon to pay \$1.25 per acre—just ten times as much—for lands to live on here in Utah, where they never wanted to come. If their wishes, they continue, had been consulted at all, they would have taken their allotments on the Grand River near the mouth of the Gunnison, as the treaty of 1880 provided. It is not pretended to intimate that the above is the proper way to regard the transaction in all of its parts, but simply to indicate that such is the way these Indians look at it, and it is by no means easy to satisfy them of the justice and rightfulness of the proposed action on the part of the Government.

These Uncompahgre Indians had to be dealt with very cautiously by the commission. They have been distrustful of it from the beginning. The fires of this distrust have been kept burning, it is believed, by the talk of persons who have no love for the Indian, and perhaps no love for anything save mischief.

The commission has sought by all due methods to overcome this feeling—has striven to satisfy these Indians that the Government is their friend and is working in every way for their benefit and advancement. Any other course than one of

conservatism and conciliation under the circumstances would have been likely to produce trouble, and the trouble might have become widespread.

The Uncompahgres are the leading and controlling band of the Ute Indians. Their influence with the other bands is great. While trouble with them would have certainly broken down their growing interest in schools and farming operations, and have set them many years back in the march of civilization, it might have so extended as to produce in the other bands the same evil effects; indeed, it might have gone even further and culminated in an outrage that could only have been put down after the sacrifice of many lives and the expenditure of more treasure than a half dozen such reservations are worth. But whether any undue pushing of the work of allotment might have been followed by such disastrous results or not, it would, as before said, undoubtedly have had a damaging effect upon the civilization of the Uncompahgres and, what is not likely to be regarded, would have rendered any attempt in the near future at negotiation with the Uintahs looking to their acceptance of lands in severalty and the release of any part of their reservation an impossibility.

The commission having therefore found it impracticable to induce the Uncompahgres to take the proposed allotments of lands upon the stipulated terms, decided for the grave reasons heretofore suggested to stand to the policy of getting the leading Indians of the band to accept lands for farming purposes, so situated and in such quantities—regular subdivisions of sections—as would make subsequent allotment to them easy should Congress in its wisdom determine to let them have the lands without the payment of the \$1.25 per acre so strenuously objected to by them. The commission could only work in this way through the agent for these Indians. As agent he had the right to locate them upon lands for purposes of cultivation, etc. His cooperation in the matter has been cheerful, energetic, thorough, and has been followed by most beneficial results. Already under the arrangement many farms have been opened on the Duchesne River, well fenced with wire and cedar posts, having necessary ditches for irrigation, and good comfortable houses all occupied by Uncompahgre families, who are working to advantage and profit.

Steps have also been taken to provide a canal for a body of land on the south side of the lower Duchesne, containing about 4,000 acres, which, when houses and fences for it are constructed, will accommodate many other families of this band that are ready and waiting to take possession. So that, as before intimated, when these Indians can be induced to accept allotments a large part of them will be able to receive the same from lands on which they have already been settled and engaged in cultivating. It should also be stated here that the Uintahs are also being prepared for severalty allotment, when the time shall come for negotiating with them, by the settling of many of this band upon well-watered and well-improved farms with excellent dwelling houses in the large and fertile valley of the Uintah River.

Respectfully submitted.

S. S. SCOTT,
T. A. BYRNES,
Ute Indian Commission.

Hon. D. M. BROWNING,
Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
COMMISSION FOR ALLOTMENT OF LANDS TO INDIANS IN UTAH,
Fort Duchesne, Utah, December 23, 1895.

SIR: When your letter of the 10th instant was received I had just prepared a report with regard to the whole Uncompahgre situation here that furnishes the information desired in the first clause. The report is herewith forwarded.

With regard to the second and last clause, permit me to state that from an examination of the books it appears that, with the commission as at present constituted,

the funds of the appropriation will not be exhausted, allowing, as you suggest, for payment of expenses of the commission in returning home, until the 25th day of May next.

Very respectfully,

S. S. SCOTT,

Chairman Ute Indian Commission.

Hon. D. M. BROWNING,

Commissioner of Indian Affairs, Washington, D. C.

UINTAH AND OURAY AGENCY,

White Rocks, Utah, January 14, 1896.

SIR: Referring to instructions directing me to cooperate with the board of commissioners appointed under the provisions of section 20, act of Congress approved August 15, 1894, for service connected with the Indians and the reservations of this agency, I have the honor to report that I have rendered to said commissioners all the assistance in my power, and that I believe they have accomplished as much of the purpose required of them as a proper regard for the best interest of the Government and a just and humane respect for the rights of the Indians concerned has permitted. It is a truth known to all that have cared to inform themselves in the premises, that the Uncompahgre Reservation contains insufficient land capable of being made agricultural for supplying the individual allotment allowance provided for by law for the Uncompahgre Utes now residing upon it, and that the cry that white home seekers are waiting in disappointment and distress the opening of the surplus lands of this reservation for them to settle upon is simply clatter that has originated with the impatient, greedy capitalists and their unprincipled employees, who have been for years waiting and watching for expected events that would give to them opportunities to grab and gobble up the asphalt mineral deposits that are located on the lands that will not be required in locating homesteads for the Indians.

During the service of the commissioners herein referred to the lands of the Uncompahgre Reservation that are so located as to be made available for agricultural purposes have been carefully observed, and in the plans working for the allotment of these lands to Indians full consideration has been given to the importance of providing canals and ditches for the conveyance of water thereto for irrigating purposes. Such canals and ditches have been commenced and their construction so far advanced that they will practically be completed by the end of the present fiscal year, and embrace a system capable of irrigating all the lands of this reservation worth considering as agricultural and suitable for allotment. Besides this, a large number of homesteads with legal allotment of acreage have been laid out on sections and inclosed with fence constructed of barbed wire on cedar posts that may be expected to last forty years. Upon 20 of these farms substantial log houses for dwellings have been constructed. These houses have paneled doors, double-sashed glass windows, shingle roof, and brick chimneys; they are respectable looking cottages. In my judgment the allotment of lands to the Uncompahgre Utes in the manner described has been commenced in a practical, humane, and common-sense way, and considering the peculiar provisions of the law under which the commissioners for such allotment are serving, no more could have been accomplished, and to have attempted more would have jeopardized the best interest of the public service.

Referring to the instructions for me to try and convince the Indians properly residing on the Uintah Reservation of the advantage that would accrue to them by relinquishing a portion of their lands, I have to state that from time to time during the past year I have presented this matter to representative men of these tribes, and feel authorized to state that the way is clear for the commissioners to commence their work of negotiating with these Indians, as prescribed for them in section 22 of the act of August, 1894, hereinbefore referred to, and I have no doubt that for a just and fair compensation these Indians can be induced to relinquish to the United States from the west side of their reservation 1,000,000 acres of their lands.

About the same number of farms have been laid out on the Uintah Reservation with same improvements as has been done on the Uncompahgre Reservation, and the preliminary work of allotting lands advanced fully as much, perhaps more, than has been accomplished with the Uncompahgres. I feel confident that if Congress removes the provisions for the Uncompahgres to pay for lands allotted to them, that when the spring opens the largest portion of that band can be located; that the Uintahs will cheerfully consent to give up sufficient of their lands to supply whatever deficiency may exist in suitable lands to locate the Uncompahgres upon, and that the commissioners now serving with these Indians will be able to make a great showing in their report of next season's work.

Very respectfully,

JAMES F. RANDLETT,

Major, U. S. A., Acting United States Agent.

The COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

EXHIBIT G.

FIVE CIVILIZED TRIBES COMMISSION'S REPORT.

FORT SMITH, ARK., November 28, 1896.

SIR: The Commission to the Five Civilized Tribes, appointed to negotiate with the Cherokees, Creeks, Choctaws, Chickasaws and Seminoles, respectively, in the Indian Territory, for changes in the holding and management of their tribal property and modification of their tribal governments, report the progress made in the work since the last report.

In addition to the duties with which the Commission were originally charged, Congress, at its last session enlarged their powers, and required of them other duties of a very important character in the following provision, made a part of the Indian appropriation bill of this session, viz:

That said Commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be admitted and enrolled.

Provided, however, That such application shall be made to such Commission within three months after the passage of this act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said Commission shall respect all laws of the several nations or tribes not in conflict with the laws of the United States, and all treaties with either of said nations, or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: *And provided further,* That the rolls of citizenship of the several tribes, as now existing, are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes, and whose right thereto has either been denied or not acted upon, or any citizen who may, within three months from and after the passage of this act, desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said Commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits, and other evidence in any form whatsoever taken, where the witnesses giving said testimony are dead, or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of said citizenship in said several tribes: *Provided,* That if the tribe or any person be aggrieved with the decision of the tribal authorities or the Commission provided for in this act it or he may appeal from such decision to the United States district court: *Provided, however,* That the appeal shall be taken within sixty days and the judgment of the court shall be final.

That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations, or tribes, subject, however, to the determination of the United States court, as provided herein.

The Commission is hereby required to file the list of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said Commission shall also make a roll of freedmen entitled to citizenship in said tribes, and shall include their names in the list of members to be filed with the Commissioner of Indian Affairs. And said Commission is further authorized and directed to make a full report to Congress of leases, tribal and individual, with the area, amount, and value of the property leased, and the amount received therefor, and by whom, and from whom, said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribe and others.

It is hereby declared to be the duty of the United States to establish a government in the Indian Territory, which will rectify the many inequalities and discriminations now existing in said Territory, and afford equal and needful protection to the lives and property of all citizens and residents thereof.

The Commission entered immediately upon the discharge of these duties, and for that purpose established their headquarters at Vinita, in the territory of the Cherokees, as the most convenient of access by those interested in their new duties, as well as for the transaction of their own business. At the outset they directed the following communication to the chief officer of each of the several tribes, and caused the same to be made public by publication in newspapers, and as generally known as possible, in order that the new enactment might be understood by all, and that there had been at the same time no intention on the part of the Government to abandon the original purpose of seeking by negotiations changes in the management of their tribal property and their governments.

VINITA, IND. T., July 1, 1896.

SIR: The Congress of the United States at its recent session enacted a law requiring the Commission to the Five Civilized Tribes to continue the exercise of the authority already conferred upon them by law and endeavor to accomplish the objects heretofore prescribed to them, and report from time to time to Congress. And it further enacted:

That said Commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however,* That such application shall be made to such Commission within three months after the passage of this act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said Commission shall respect all laws of the several nations or tribes not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations: *And provided further,* That the rolls of citizenship of the several tribes, as now existing, are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes, and whose right thereto has either been denied or not acted upon, or any citizen who may, within three months from and after the passage of this act, desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

“In the performance of such duties said Commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers and all depositions and affidavits and other evidence in any form whatsoever taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their power for the purpose of determining the rights of persons claiming such citizenship or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct roll of persons entitled to the rights of said citizenship in said several tribes: *Provided,* That if the tribe or any person be aggrieved with the decision of the tribal authorities or the commission provided for in this act it or he may appeal from such decision to the United States district court: *Provided, however,* That

the appeal shall be taken within sixty days, and the judgment of the court shall be final.

"That the said Commission after the expiration of six months shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nation or tribes, subject, however, to the determination of the United States court, as provided herein.

"The Commission is hereby required to file the list of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said Commission shall also make a roll of Freedmen entitled to citizenship in said tribes, and shall include their names in the list of members to be filed with the Commissioner of Indian Affairs. And said Commission is further authorized and directed to make a full report to Congress of leases, tribal and individual, with the area, amount, and value of the property leased, and the amount received therefor, and by whom and from whom said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others.

"It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory, and afford equal and needful protection to the lives and property of all citizens and residents thereof."

In the execution of the duties thus required of them the Commission again appeal to you through the constituted authorities of your nation to authorize some person or persons to meet and confer with them upon the subject-matter embraced in their original appointment, fully set forth and explained in communications heretofore addressed to your duly constituted authorities. To that end they request that they may be notified at an early day at what time and place and with whom such conference may be held.

Before entering upon the execution of the additional duties required of them by this act, the Commission takes this occasion to reassure the people and the government of each of the Five Civilized Tribes that the United States Government is most anxious to accomplish the results contemplated by this legislation through negotiations, and whatever changes in present conditions may be attained may be reached with the consent and cooperation of those who are to be most affected thereby, and on terms that shall be by them deemed most honorable and just. Any communication addressed to the Commissioner at Vinita will be duly acknowledged.

Respectfully,

HENRY L. DAWES, *Chairman*,
FRANK C. ARMSTRONG,
A. B. MONTGOMERY,
T. B. CABANISS,
A. S. MCKENNON,
Commissioners.

The Commission also made public, in like manner, after careful consideration, the following notice of mode of procedure, best calculated to secure a just consideration of all claims over which Congress had given them jurisdiction:

VINITA, IND. T., July 8, 1896.

To whom it may concern:

The Congress of the United States, at its recent session, enacted that the Commission to the Five Civilized Tribes:

"Is further directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however*, That such application shall be made to such Commission within three months after the passage of this act. The Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said Commissioners shall respect all laws of the several nations or tribes not inconsistent with the laws of the United States and all treaties with either of said nations or tribes: *And provided further*, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be added to said rolls as a citizen of either of said tribes, and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

"In the performance of such duties said Commission shall have power and authority

to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence, in any form whatsoever heretofore taken, where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: *Provided*, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities, or the Commission provided for in this act, it or he may appeal from such decision to the United States district court: *Provided, however*, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

"That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made the rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

"The Commission is hereby required to file the list of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for the use as the final judgment of the duly sworn authorities. And said Commission shall also make a roll of the freedmen entitled to citizenship in said tribes, and shall include their names in the list of members to be filed with the Commissioner of Indian Affairs."

Any person desiring that said Commission shall pass upon his claim for citizenship, in any of said tribes, under the provisions of this act, must make application in writing, signed and sworn to, containing a particular statement of the grounds upon which his claim is based, and accompanied by such evidence, in the form of affidavits, depositions, or record evidence, as he may desire to have considered in support of his claim, all to be forwarded under seal to the Commission, at Vinita, Ind. T., before the 10th day of September, 1896.

The application should state facts sufficient, if true, to show that the applicant is entitled to citizenship. The applicant must, at the same time, furnish the chief or governor of the nation in which citizenship is sought a copy of such application and evidence, and shall furnish to the Commission evidence of that fact. Such chief or governor must, within thirty days thereafter, furnish the Commission with answer thereto, signed and sworn to by some duly authorized officer of his government, and accompanied by such evidence in the form of affidavits, depositions, or record evidence as he may desire the Commission to consider in support of his answer.

All arguments shall be in writing.

HENRY L. DAWES, *Chairman*,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,

Commissioners.

The opportunity thus afforded for a final settlement of all claims for citizenship in the respective tribes was at once very generally availed of, and the Commission believes well nigh universally, by all who had claims of that character still unsettled.

There were filed with the Commission, for their determination, within the time limited by law, 7,300 applications for hearing, many of which representing families depending on the same facts, of three, four, five, and sometimes more. Of this whole number of claims, 7,300 in all, the Commission has, up to date of this report, considered and determined 5,869, leaving yet to be decided 1,431. They are sparing no effort to finish this part of their work before December 10, 1896, the time fixed by law for its completion.

The Commission has received gratifying evidence from all parts of the Territory, while in the discharge of their duties, since their last report, of a great change among the people of the several tribes in their attitude toward the Commission and its work. There seems to be a growing desire among the people constituting the mass of the citizenship of the Territory for a change from their present condition of affairs, both in respect to the tenure and use of their tribal property and to the manner in which their government is being conducted. Very many are anxious for individual ownership and such political changes as shall secure each equality of participation in their government and greater security to life and property.

This is not universal, however, for there are still those who are unwilling to consent to any modification in either tribal holdings or governments, except upon condition of a fixed period that present control shall not be interfered with by the United States Government. The effect of pressure from the people for an immediate change is, however, plainly visible on those who have heretofore treated with denial or indifference all overtures and propositions from the Commission looking to negotiations.

At a recent general election in the Choctaw tribe allotment was made a distinct issue, and the ticket representing it prevailed, and the government of that tribe in its several branches is now in control of those favorable to negotiations with this Commission for the individual holding of their tribal property and some modification of their tribal government. Their council has recently enacted a law appointing a commission for that purpose, the second and third sections of which are as follows, showing the ample authority with which the commission is clothed:

SECTION 2. *Be it further enacted*, That the said Commission shall enter into negotiations with the Dawes Commission, appointed under an act of Congress approved March 3, 1893, touching the equal division of our lands, coal and mineral interests, the perpetuation of our present form of government for as long a period as possible, the right to decide our own citizenship cases, the settlement of the claims of the Choctaw Nation touching lands, moneys growing out of treaty stipulations with the United States, and the preservation of our patent inviolate

SEC. 3 *Be it further enacted*, When said negotiations have been completed between the commission on the part of the Choctaw Nation and the Dawes Commission then the principal chief shall select two members of said commission to proceed with him to Washington to assist the Dawes Commission in having said agreement ratified by Congress. After such ratification said agreement shall be submitted to the Choctaw council and by the council to the people

On the 29th of October the principal chief communicated a copy of this law to the Commission and notified them that the Commission so appointed "would meet this Commission at Fort Smith, Ark., November 16, to negotiate along the line indicated in said act."

In accordance with this notification this Commission proceeded to Fort Smith and met the Choctaw commission at the time appointed, who signified their desire to proceed at once to the consideration of the objects contemplated by the conference. This conference is now in progress in this city, the Choctaw commission preferring to come here rather than to go to Vinita, where the headquarters of the Commission have been up to this time. This has necessitated a removal here of all papers and files of the Commission, that the portion of its work required by law to be completed by December 10 might proceed while a conference is being held. Consequently the headquarters of the Commission have been removed from Vinita, Ind. T., to this place. While this conference has not proceeded far enough to justify any expression of opinion as to the result, it may not be improper to say that the Commission is gratified at the spirit in which it is conducted.

Each of the other tribes, except the Seminoles, have recently enacted laws authorizing the appointment of commissions to confer with this Commission. Some of these commissions were clothed with authority to negotiate and then report to their councils the result, while others were only authorized to confer, and then after report await further action of their council. Each of these commissions has had informal communications with this Commission upon the subject-matter within the scope of their appointment and in reference to a formal meeting at some early day after the present conference with the Choctaws shall have been concluded. The Chickasaw delegates, after such informal conference, addressed to this Commission the following note:

To the Honorable Commission to the Five Civilized Tribes: Hon. Henry L. Dawes, Hon. Frank C. Armstrong, Hon. A. S. McKennon, Hon. T. B. Cabanis, Hon. A. B. Montgomery.

GENTLEMEN: The delegates representing the Chickasaw Nation, before departing for their respective homes, desire to express to you their sincere thanks for the many

courtesies accorded to them by you. We hope that no act of ours has caused you unnecessary trouble or annoyance; that the kindly feeling you have manifested for our nation will go with you in the further discharge of your onerous duties.

We deeply regret that the language of the law under which we are acting does not confer upon us the necessary power to negotiate with you upon the important questions affecting the welfare of our people; but trust that the wisdom of our legislators will direct the return to you of a commission sufficiently empowered to finally settle the destiny of a defenseless people, relying alone upon the justness of their cause, the honor of your Government, and the integrity of yourselves. In all of these we have implicit confidence.

With our best wishes to each of you, we beg leave to subscribe ourselves as your friends,

OVERTON LOVE, *Chairman.*
RICHARD McCCLISH, *Secretary.*
WM. L. BYRD.

W. B. JOHNSON, *Attorney.*

FORT SMITH, ARK., *November 25, 1896.*

This action of each of these tribes is a marked contrast with the attitude of these governments toward this Commission and its work, heretofore mentioned, and which have been submitted in previous reports of the Commission.

The work of determining all questions of disputed citizenship among these Five Tribes, required by law to be completed in ninety days after September 10, 1896, the limit of time for filing such application, has exceeded all expectations. It is a judicial proceeding, and requires a separate judicial examination and consideration of the evidence filed in support of each, upward of 7,000 cases, as well as the answers made by the tribes, respectively, to each of such applications.

It requires also an immense amount of clerical work in correspondence, filing papers, numbering and indexing cases, and putting in form for permanent record and preservation all the proceedings pertaining to each case, far in excess of any anticipation or provision for assistance to the Commission. At the request of the Commission, the Department detailed one clerk to assist in this work; still it was found that the most diligent and assiduous application of this one clerk and this assistant could not, within the time required by law, complete the necessary work, and the Commission has been compelled to call in another assistant, for whose compensation provision is yet to be made. The amount of necessary labor thus performed by these three clerks, and the manner in which it has been done, will, in the opinion of the Commission, fully justify the expenditure thus incurred.

The Commission will, as soon as it shall have completed its work pertaining to citizenship in the Five Tribes, and the negotiations with the official in progress, proceed without delay to the discharge of the other duties which recent legislation has devolved upon them.

All of which is respectfully submitted.

HENRY L. DAWES, *Chairman,*
FRANK C. ARMSTRONG,
A. S. MCKENNON,
T. B. CABANISS,
A. B. MONTGOMERY,

Commission to Five Civilized Tribes.

Hon. D. R. FRANCIS,
Secretary of the Interior, Washington, D. C.