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REPORT
OF THE
SECRETARY OF THE INTERIOR
FOR THE
FISCAL YEAR ENDING JUNE 30, 1888.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
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REPORT
OF
THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, November 24, 1888.

SIR: I have the honor to present the following review of the transactions and operations of this Department, and of the several bureaus, institutions, and public agencies connected with it, for the fiscal year ending on the 30th of June last, as shown by the accompanying reports of the officers in subordinate charge of the various interests committed to its supervision, together with some suggestions and recommendations which appear to me worthy of consideration.

The scope of the Department's jurisdiction is wide, and the affairs in its keeping are various and disconnected in nature. This rendered symmetrical organization difficult in the beginning; while the addition by Congress, from time to time, of further duties, and the accumulation of business by the rapid development of the country and growth of its affairs, have increased the inconvenience arising from lack of satisfactory arrangement and definition of the functions of the officers of the Department and the methods of work. By reason of this, most of the machinery is more or less needlessly cumbered, but especially the head of the Department, whose good service requires above all his freedom from such embarrassments, is laden with the performance of exhausting details of duty that could be as well or better discharged by the assistants or others, and that waste time sorely needed to suitably answer the higher and more important exigencies of supervision of the public concerns under his management.

Delays necessarily ensue in the disposition of business which work great injustice to our citizens, who are often absolutely dependent upon the action of the Department for the enjoyment of many rights or privileges to which the law entitles them. The study of cases arising in the Land and Indian Offices has inflicted on me a painful sense of this default of the Government, especially in its duty to a class who ought to have peculiar care because of the hardships and trials they endure and the general advantages to the country from their labors, the frontier

settlers, of whom many have suffered grievous losses that might have been avoided by mere diligence and business usages on the part of their Government.

In my opinion, considerable changes in the methods of the Department may be usefully made, and the functions and relations of the different offices and officials carefully defined, so that not only greater simplicity of procedure will expedite business, but power to act authoritatively, with no chance of evading correlative responsibility, will enable affairs to be finally and safely disposed of by officers who are now but agents of circuitous transmission.

I shall, however, venture at this time upon no further recommendation than that authority be given the Secretary to prescribe and define by written regulations the particular duties of the assistant secretaries and to authorize each to do, and validate by his signature as such assistant, such acts in performance of the duties incumbent on the Secretary as he may so depute them to perform. Much of this is now, perhaps, within the just implication of statutory power, but the boundaries of implied powers are so uncertain that when their exercise does not endanger rights, it often begets apprehension that greatly impairs the value of the acts. It illustrates the present inconvenience to mention, as one of many instances, that the accounting officers of the Treasury require, under existing law, the signature of the head of the Department (nor will accept an assistant's, except as Acting Secretary) in allowance of every account, requisition or warrant, that imposes obligation or requires disbursement of public money; notwithstanding the great number of these transactions and the course of their adjustment in various different offices render it impossible that the Secretary can personally know anything of the greater share of them. Perhaps, with the suggested authority, the power of the head of the Department to prescribe regulations to govern the business and officers under his charge will enable all such changes to be effected as are requisite to proper organization.

A well-devised code of regulations, exhibiting, not only to all officers and clerks but to the public who have dealings with them, the systematized frame-work of the Department and its bureaus, the methods of business and the carefully-defined functions and limitations of authority of the various officers, is an urgent desideratum. The preparation of such a body of departmental law, if intelligently and wisely done, involves the thorough analytical study of the affairs and relations of all the public agencies comprehended by the Department, as affecting to greater or less degree the Government and its interests, the subjects of disposition and the rights of individuals concerned in them, as well as the orderly and efficient transaction of the duties of the departmental force. The successful execution of such a task must afford results of great advantage, too obvious to demand enlargement on. It will prove the foundation of a bettered condition of departmental organization and accomplishment, well worthy of strenuous effort to attain.

THE PUBLIC LANDS.

The complete and elaborate report of the Commissioner of the General Land Office exhibits the work accomplished in that Bureau during the year and the present state of its affairs, and I shall extract its general features of information with a view to calling attention to some points in respect to which legislative action may appear desirable.

Patents were issued during the past year to the number of 47,180 for agricultural lands, covering an area estimated to exceed 7,500,000 acres, an increase of 22,622 patents over the number issued during the preceding year, with a greater acreage by more than 3,000,000. One thousand and thirty-four mineral patents and 114 coal-land patents, the latter for 15,988.72 acres, were issued. Of railroad lands there were patented or certified 829,162.45 acres. Under the swamp-land act title passed to States for 96,515.19 acres; and under other internal improvement and educational grants to various States 99,205.42 acres were conveyed. On miscellaneous claims, embracing private land claims, donations, Indian severalty grants, and scrip locations, patents issued covering 26,402.51 acres; making the aggregate quantity of land for which title was passed during the year, in part reckoned and estimated in part, 8,605,194.29 acres.

The several States and Territories within the limits of which these patented and certified lands fall, and the number of acres in each, are, respectively, as follows:

	Aces.		Aces.
Alabama	2-6, 776. 16	Mississippi	68, 960. 00
Arkansas.....	234, 930. 67	Missouri	167, 554. 99
California.....	172, 509. 46	Montana	107, 377. 58
Colorado.....	214, 465. 45	Nebraska	563, 172. 90
Dakota	2, 669, 718. 50	Nevada	83, 417. 04
Florida	133, 064. 53	New Mexico	40, 760. 00
Illinois.....	200. 00	Ohio	320. 00
Idaho.....	82, 720. 00	Oregon	268, 024. 83
Iowa.....	7, 280. 00	Utah.....	52, 640. 00
Indiana.....	160. 00	Washington Territory	245, 096. 24
Kansas.....	1, 400, 235. 21	Wisconsin	649, 551. 92
Louisiana.....	160, 659. 73	Wyoming	43, 446. 50
Michigan	64, 133. 01		
Minnesota.....	888, 019. 57	Total	8, 605, 194. 29

The agricultural patents were divided among the different classes of entries as follows:

	Number.		Number.
Final homesteads.....	16, 077	Private cash entries	6, 513
Commuted homesteads	5, 835	Graduation cash entries.....	28
Pre-emption cash entries	12, 403	Cash entries, act June 15, 1880..	1, 266
Timber-culture entries	754	Miscellaneous cash	2, 129
Timber and stone entries	627	Town sites	17
Desert entries	1, 187		
Warrant and scrip locations	344	Aggregating.....	47, 180

And among the States and Territories as follows:

	Number.		Number.
Alabama.....	1,772	Mississippi.....	431
Arkansas.....	1,460	Missouri.....	983
Arizona.....	68	Montana.....	655
California.....	1,000	Nebraska.....	3,500
Colorado.....	1,265	Nevada.....	19
Dakota.....	16,684	New Mexico.....	248
Florida.....	756	Ohio.....	2
Illinois.....	1	Oregon.....	1,604
Iowa.....	44	Utah.....	329
Indiana.....	1	Washington.....	1,521
Idaho.....	517	Wisconsin.....	672
Kansas.....	8,744	Wyoming.....	263
Louisiana.....	952		
Michigan.....	367	Total.....	47,180
Minnesota.....	3,322		

The 96,515.19 acres patented under the swamp land grant are apportioned among twelve States, as follows:

	Acres.		Acres.
Alabama.....	999.22	Michigan.....	257.26
Arkansas.....	1,050.67	Minnesota.....	65,530.58
California.....	496.96	Missouri.....	9,451.71
Florida.....	11,627.29	Oregon.....	1,316.13
Illinois.....	40.00	Wisconsin.....	4,278.46
Iowa.....	80.00		
Louisiana (act of 1849).....	1,386.91	Total.....	96,515.19

The 829,162.45 acres patented or certified for railroad purposes were located in four States, as follows:

States.	Acres.
Arkansas.....	280.00
Iowa.....	160.00
Wisconsin.....	537,753.46
Minnesota.....	*290,968.99
Total.....	829,162.45

* Patents issued to Northern Pacific Railroad Company.

The 99,205.42 acres of State selections under educational and internal-improvement grants were divided to the following States in the amounts given:

States.	For agricultural colleges.	For public buildings.	For school indemnity.	Total.
	Acres.	Acres.	Acres.	Acres.
California.....	2,993.94	160.00		3,153.94
Colorado.....	1,996.28			1,996.28
Louisiana.....			6,007.19	6,007.19
Nevada.....			80,377.04	80,377.04
Oregon.....			7,670.97	7,670.97
Total.....	4,990.22	160.00	94,055.20	99,205.42

The final entries made during the year number 70,468, embracing 11,340,162.53 acres. The original entries number 72,479, embracing 10,985,670.01 acres. Railroad and State selections were filed covering 7,790,851.91. Thus, in addition to the final entries, specific claims have been newly asserted to 18,776,521.92 acres during the year.

The receipts from the disposal of public lands were \$12,701,072; from sales of Indian lands \$821,113.77; a total of \$13,522,185.77. No other year since 1836 has furnished so large receipts from the public lands.

The most pressing information exhibited in this report relates to the accumulated business of the Land Office. The Commissioner states that a thorough examination has been made of all the unfinished business in his office, and that the results presented may be accepted as accurate. This information carries a heavy reproach against the Government, and seems to call for action which shall relieve the condition exhibited.

He classifies the undisposed-of business in his office under three heads; final entries, original entries, and miscellaneous claims and selections. Final entries are accompanied by proofs of settlement and improvement or other compliance with the laws which, if true, entitle the claimant to a patent; and the presumption must be allowed, until examination shall show otherwise, that patents are due to the parties who have made them. Careful examination is requisite of all of these, and a determination of the questions involved must precede action by the Land Office. Many contests arise in respect to them, and different causes of delay will, at best, protract the issue of the final evidence of title. It is obvious, however, that it is of great importance to all honest and rightful claimants that the evidence of their title should be speedily issued. Yet how dreary is the prospect opened to the settler by the figures now exhibited of the arrears of business!

Of final entries, there were pending on the 30th of June last 238,156; and the number of such entries made during the last year was 70,468. This latter number exceeds all the final entries disposed of by patent during the last year; so that instead of a diminishment of arrearages, the accumulation of cases has increased. The Commissioner expresses the hope that it will be possible to dispose of 75,000 of these cases during the current year; a number which will not diminish sensibly the mass, if, as may be reasonably expected, so many final entries shall be made during the current as during the past year. No reasonable expectation is, therefore, held out to the settler who has met all the requirements of the law, that he can receive the evidence of his title for nearly four years after his proof shall have been submitted. When it is also considered that, in many instances, defects of proof will require further action on his part, to be followed by further delays in securing a final disposition, the default of the Government to its citizens becomes glaring and painful.

Of original entries, there were on hand on the 30th of June, 350,953;

of which 217,640 were homestead entries. The work connected with this class is considerable and important, and should be promptly discharged in order to prevent injuries to the parties interested. Such entries ought to be immediately posted on the tract-books, and any objection disclosed by the records of the office at once reported, in order to prevent the prosecution of improvements which can yield the settler no advantage. Many contests arise upon these also, and a speedy determination of them is due for like reasons to parties concerned.

Of miscellaneous selections and pending claims, the Commissioner reports railroad selections aggregating 25,429,866.11 acres as unadjusted and undisposed of at the end of the year; besides 781,857.59 acres in State selections under swamp-land grants, and 1,850,000 in State selections for educational and internal improvement purposes.

Some efficacious changes of method ought to be devised and put in operation at the earliest practicable day to afford to the public the relief to which they are entitled from their Government. The Commissioner recommends an increase of the force of his office, a natural suggestion. But, although I venture it with diffidence, because of the limited opportunity afforded me for study of the subject, it is my opinion that a thorough and radical reorganization of the Land Office ought to be the first step taken, accompanied by a provision of quarters suitable to the performance of the work. Neither an increase of force nor a reorganization of the Bureau can be made with much increase of efficiency while clerks, tract-books, records and voluminous papers are huddled and crowded in the unsatisfactory apartments now occupied by the Land Office.

The building known as the Patent Office is at present occupied not only by the Bureau of Patents, but by the General Land Office, as well as by the Department proper, with its various offices and divisions. Its capacity is not more than sufficient now for the Department offices and the Patent Office; and no great length of time can pass before the Patent Office alone will demand for the proper transaction of its affairs and the storage of its records, papers and models, the entire space afforded by it. When one reflects upon the almost incalculable value of the records and documents of the Land Office, the importance of a prompt and efficient disposition of its business, and then contrasts its present condition, involving so heavy injustice and injury to the vast numbers who are rightfully entitled to beneficent consideration, the cost of providing safe and commodious quarters, in which it will be possible to efficiently reorganize the Bureau so as at least to approximate the objects of its existence, becomes so insignificant as only to intensify the reproach justly due the neglect of such action.

My attention has been drawn to no branch of governmental administration which appeals so cogently, in every aspect of wisdom and justice, for intelligent, thorough and effective Congressional action for its relief as the Land Office. The delays which exist are not to be attrib-

uted in any just measure to the officers and clerks of that bureau. The officers have been unsparing in zeal and devotion to their work, and, so far as I am able to judge, are rather to be commended for the extent of their accomplishment under all the circumstances of difficulty in which they are placed, than criticised for the arrearages against which, during so long a course of years, they have hopelessly contended.

If this business were in the hands of any private establishment of capacity and intelligence, it would be no unreasonable expectation that by proper organization and provision for its needs, the congestion might be relieved and its affairs transacted with prompt efficiency in the period of a couple of years. As it is, a backward glance over the long course of time through which its business has become more and more entangled and involved, gives little promise for the future. The inadequate salaries paid its responsible officers and chiefs of divisions, their brief and uncertain tenure, the opposition of private interest to public duty, and the want of adequate co-operative legislation so many times recommended without avail, constitute elements of weakness which can not but tend hereafter, as heretofore, to render the performances of the office unequal to the demands upon it. It ought to be made the subject of single and special examination by some commission or committee of Congress in co-operation with the officers of the Bureau and the Department, by which, perhaps, a scheme of relief may be devised, adequate to the circumstances and possible of adoption.

APPEALS AND CONTESTS.

The judicial functions of the Commissioner in review of the action of local land officers and of the Secretary of the Interior on appeal from the Commissioner or, more rarely, in original exercise of the supervisory jurisdiction imposed by law over the public lands, have gradually expanded with the multiplication of interests, development of new questions and the growth of precedents, into a strong semblance of the court of chancery, with much of the machinery, methods and peculiarities, *mutatis mutandis*, of that venerable tribunal; a likeness not lost in its consequences of expense and delay. The variety of contests and causes is naturally great, and the ingenuity of seekers for the landed wealth of the Government and their counsel provokes a seemingly limitless enlargement. These cases are brought to trial before the local land officers, the testimony all reduced to writing by themselves or clerks, or by magistrates or notaries, hearing and argument had at length, appeals taken from their decision to the Commissioner, and often from him to the Secretary; and all this procedure regulated by prescribed rules of practice as minutely particular and technical as those of any court. Gradually the judicial spirit has permeated the system through the preservation of decisions in regular volumes of reports, and the natural maintenance of their authority by counsel engaged—for few cases can safely proceed now without counsel—and the tendency to refinement of

reasoning, both on the merits and the procedure, to enlargement of jurisdiction, to increase of net-work and lessening of executive simplicity and directness of dispatch, naturally obtains. There is much of advantage, doubtless, in the higher security that cases will be ruled on principle, the greater exclusion of the risks of favor or caprice. Yet all this could not but be, unless strongly counteracted, productive of much delay, which has appeared to me capable of relief by some changes in the methods that, without impairment of the judicial qualities, would afford the acceleration of business justly demandable of an Executive Department.

During several years the number of cases appealed to the Secretary has exceeded the number decided, so that the appeal docket has carried a steadily-augmenting mass of waiting controversies, and, to some extent, the disposition of other cases in the Land Office has been checked when involving a doubtful point so depending on appeal. Upon examination, in February last, the number of cases on the docket not yet considered in any respect was 2,841, and many others were in examination by the law division under charge of the Assistant Attorney-General. Some of these had been pending for many years, for so long as eight years I am informed in respect to one group; but the greater part, including all whose examination was not begun, for not more than eighteen months. During the calendar year 1884, 617 appeals were decided; 561 in 1885, 934 in 1886, 1,175 in 1887, and in January and February of this year 176, leaving on the 1st of March the number before mentioned of 2,841 in arrears. Between the 1st of March and the end of October, 1875 decisions have been rendered, being 856 in excess of the number of appeals taken; so that the number in arrears at the beginning of this month was but 1,985. Opinions in at least 100 of these had then been prepared in the law division for consideration. This progress justifies the belief that, by perseverance in the course adopted, within another year the arrears will be dispatched and the disposition of appeals thereafter follow promptly upon their reception.

In the Land Office, the organization of the Contest Division and the separation of contested cases from the general mass of entries and claims for consideration, appear to have operated favorably to the disposition of this class of its business. The Commissioner reports the disposition of 14,408 contests during the fiscal year, leaving but 8,100 remaining on the first of July, as against 11,378 at the same date in 1887. To enable the earlier determination of them an increased force of examiners was authorized for the current year, and it is to be hoped there will soon be entire relief from delay in their adjudication.

AMENDMENT OF THE LAW OF DISPOSAL.

A bill was passed by the House of Representatives during the last session of the Congress which proposes many changes in the methods of disposal of the public lands that appear desirable. The most

important feature is the repeal of the laws providing for pre-emptions, timber-culture entries, public and private sales, and the commutation of homestead entries by cash payments. The reasons for the abandonment of these modes of disposing of the public lands have been so fully presented in previous reports of the Department and the Bureau, and in the debates in Congress, that further amplification could add little or nothing to the exigency of the demand for this legislation. The report of the Commissioner exhibits by extracts from the reports of registers and receivers so unanimous a judgment on their part in favor of immediate action of this kind, that attention is especially invited to it as an interesting addition, drawn from the regions of country immediately affected, to the sum of public opinion upon the subject.

I desire only to add that as a mere measure of administrative relief it will be of much value. The homestead law furnishes all the opportunity for settlers to obtain agricultural lands which is necessary for the period of five years at least. All such as shall be so taken up in good faith will be well disposed of for the public good, and the remainder will not be lost to the Government or the people, even if not open to sale or pre-emption; nor will their value be less. Meantime the office will be given partial ease from the severe external pressure now put upon it, and opportunity to better regain dominance of its work, while the experiment of the change can be tested, if any one now seriously doubts the folly of continued maintenance of these modes of accelerating the waste of our rapidly diminishing public domain.

IRRIGATION AND DESERT-LAND LAW.

As is well known, there lie in our western territory extensive plains or wastes of land which appear to lack nothing of natural provision to render them fertile and productive except a sufficient supply of water, which they do not even approximately receive through the rain-fall. Enough has been done in the way of experiment to give proof that proper irrigation can be employed to relieve the sterility of immense tracts of these lands and render them highly valuable; and nature, always ready with a discoverable remedy for every apparent lack, has furnished in the rivers and streams the means of applying to these the surplus rains of other regions.

It was a limited and inadequate perception of the full measure and value of this fact which led to the enactment of the desert-land law. That enactment was very empirical and but a rude attempt to accomplish what a high and civilized power, lighted by science, ought to achieve. By its confused terms it manifests but a dim and groping vision of the subject, and its practical operation appears to be so limited in good results and productive of bad effects, that it seems to be time to repeal it and proceed with more enlightened and firmer steps towards the transformation of the desert country into such a state of

fertility and capability for bearing population as the natural means at our command render possible.

The present law recognizes the principle which ought never to be lost sight of in providing for the disposition of the public domain, that it is unwise to permit large areas to pass into the hands of single persons or corporations, but rather always the distribution of ownership should be sought and the most numerous habitations. It was therefore provided that no person shall be permitted to enter more than 640 acres. Practically, however, but a moderate amount of useful irrigation can be accomplished except by large expenditure for the construction of extensive canals and ditches, which renders essential the co-operation of many owners or entrymen. Avail has been made of this law, therefore, more perhaps by persons who seek to procure large holdings for cattleranges than for any very efficient purpose of reclamation; although doubtless in many instances, limited in extent, genuine and useful reclamation has been secured.

The act appears also to have sometimes furnished a way to appropriate the public land to private use in abuse of its spirit and without any real purpose of compliance with its objects and directions. It requires the payment of but twenty-five cents per acre at the time of the preliminary entry, accompanied by a declaration of purpose to reclaim, in order to segregate the land from the public domain and place it under the control of the entryman. Three years are allowed by law in which to make reclamation and final proof. A way is thus open to persons desiring to secure lands for a cattle range to take up, in different names, large bodies of these lands extending along streams and practically to control them for years at a very limited rental, by relinquishing and renewing the entries in other names; by which means not only the tracts entered are obtained, but the water-supply to the surrounding country, often for many miles in extent, is exclusively appropriated, and thereby the opportunity gained to range those lands with little interference.

The greater objection to the desert-land law, however, is that previously remarked, its inadequacy to meet the great desideratum and to apply most beneficially the ample means of nature for the extensive relief which is possible, combined with the further consequence that under this law private rights are secured which must seriously interfere with the ultimate attempt to perform the larger work necessary upon an adequate scale. Recently this subject has received the attention of the Department and of the Congress, and at the last session an appropriation of \$100,000 was made to begin the work of exploration and investigation necessary to the development of an intelligent and comprehensive scheme for the proper use of the natural means provided to restore the desert wastes to beneficial subserviency to the support of men. The conception is worthy of the nation and the age, and deserves the immediate and potential fostering action of the legislature.

This plan of irrigation contemplates taking possession of suitable

valleys and gorges along the streams, perhaps more generally in the upper regions, for the construction of great reservoirs to be filled by the surplus flow in spring-time and freshet-time, afterwards to be distributed through canals, aqueducts and ditches, upon the great areas below. Necessarily, extensive investigation and survey of the territory is requisite to the invention of practicable modes, and much variety in the modes applicable to different regions will doubtless be demanded by varying circumstances. The cost of such investigation, still more of such constructions as must be requisite to execute any such purpose, will be so heavy as to require either a large association of private capital or direct governmental performance.

There are many and, as it appears to me, sufficient objections to the commission of this work to private corporations or associations. The Government is the owner of the lands, and the benefits to be derived are essentially public and general and ought not to be in any way embarrassed by the interposition of private interests. Although the cost may in the beginning be heavy, yet the promise appears trustworthy that the increased price at which the lands may be sold for agricultural uses will far more than re-imburse the outlay and cost of maintenance. The advantage of thus enabling these, like other agricultural lands, to become the homes of a numerous and prosperous people, instead of falling in large bodies to the control of monopolies engaged in cattle raising, appears undeniable.

The Director of the Geological Survey suggests that an indirect but most important gain will result when sufficient improvements shall have been made on the tributaries of the great rivers, by thus controlling the floods that so frequently devastate the low regions through which they flow. The expectation, which does not appear to be wholly chimerical, is proffered that even the Mississippi may be so taken in hand by these indirect agencies as to curb and restrain that vast current from its frequent destructive irruptions.

It can not but be apparent to a reflecting mind that the subjugation of the earth's surface to the uses of an overspreading population facilitates the discharge of surface-water into the natural conduits provided for its transmission to the sea to so great an extent that streams which were sufficient when the country was covered with forests are less adequate to carry off the volume precipitated into them under present conditions. Cleared fields in place of forests, paved streets with their sewers and gutters, even house-roofs in the totality of their surface, all concur to expedite the collection and discharge of falling rains and melting snows, and to overburden the carrying capacity of the rivers. I believe it is allowed that these agencies have sensibly marked the augmentation of floods upon the Ohio.

I venture no presumptuous attempt to argue or elaborate this subject, nor to indulge in any sanguine strain of prevision or prophecy; but the work suggested, great as it is, is not, perhaps, beyond what

men have already done in times past, to which we sometimes look back disparagingly; and, at all events, in view of the perception which in modern times has been acquired of the forces of nature and the dominion which has been obtained over them, there would appear no reason to hesitate in taking efficient steps to investigate and understand the subject in practical detail and to enter upon whatever plan such investigation may justify the attempt to execute. I hope, therefore, it will appear to Congress wise to appropriate such further sum as the Director of the Geological Survey estimates to be requisite for the thorough prosecution of the inquiries which he has already set on foot in pursuance of the provision made at the last session; and that, as it has been begun, there shall be no impairment of the energy with which the work shall be continued until the true possibilities of the undertaking shall be intelligently and certainly perceived. Further communications and estimates will be made for the information of the Congress at its next session.

LAND RESTORED TO THE PUBLIC DOMAIN.

The Commissioner of the General Land Office presents in his report a statement of the quantities of lands which have been restored to the public domain since the incoming of your administration, by reclaiming them under forfeiture of railroad grants by acts of Congress, by revocation of executive withdrawals for the benefits of railroads or for private land claims, by the discovery of frauds and illegalities in entries by private parties under the various laws for the disposition of public lands, whereby such entries have been canceled, as well as by cancellation for other causes, and by the rejection of selections by States for internal improvements and swamp lands invalidly made, which he states to be a correct exhibit of this work; a summary recapitulation of which is as follows:

LANDS ACTUALLY RESTORED TO THE PUBLIC DOMAIN.

	Acres.
Lands in granted railroad limits restored	2, 108, 417. 33
Forfeitures of railroad grants under acts of Congress	*28, 253, 347. 00
Railroad indemnity lands restored.....	21, 323, 600. 00
Private land claims—withdrawn lands restored.....	759, 553. 85
Entries under pre-emption, homestead, timber-culture, desert, mineral, and timber land laws canceled in regular course of examination and proceedings in General Land Office for abandonment, illegality, and other causes.....	†29, 729, 761. 48
Invalid State selections (internal improvements and swamp).....	984, 310. 85
<hr/>	
Total actually restored to the public domain and opened to entry and settlement.....	83, 158, 990. 51

* Several of the acts declaring these forfeitures were passed in 1885, prior to March 4, but the executive orders making the actual restorations were issued since that date.

† This item includes 4,500,390 acres from which unlawful inclosures were removed, thus opening the lands to settlement.

I can not refrain from remarking upon the testimony which this statement affords to the abilities of my distinguished predecessor in this office, under whose direction the most of this work was done, as well as its proof of the improvidence with which grants have been sometimes heretofore made, and of the reckless disregard of the laws on the part of so many persons who have attempted by fraudulent practices to secure ownership of lands freely offered without price to the honest actual settler.

The Commissioner makes an additional statement of the acreage of lands the recovery and restoration of which have been recommended or for which steps have been taken, which I extract as follows:

RECOVERY OF LANDS RECOMMENDED.

Lands within railroad grants recommended for recovery:	Acres.
Recovery of land recommended and pending for review of Secretary.....	12,300.00
Recovery of land recommended and pending on appeal before the Secretary.....	1,500,000.00
Suits recommended for the recovery of land	818,687.18
Railroad forfeitures under bills now before Congress	54,323,996.00
Private land claims:	
Recommendations to Congress to reject claims heretofore favorably reported.....	4,732,480.15
Resurveys ordered reducing area of claims	629,500.00
Suits recommended to vacate patents.....	635,255.00
Lands forfeited in Oregon and recommended for recovery under grants for military wagon-roads	2,368,320.00
Total recommended for recovery	65,020,538.33

The large estimate embraced under the head of bills now before Congress for railroad forfeitures can not, perhaps, be realized, because a considerable portion of these lands lie within the limits of grants in aid of railroads which have been constructed, and the principal ground for action is that the road was not built within the time originally limited. The forfeiture might have been declared had Congress taken timely action, and the lands have been restored; but, so long ago as the October term, 1874, of the Supreme Court, it was decided that these grants conveyed the title to the several States named as grantees, and left in the United States only the right to enforce a forfeiture because of the breach of the condition by proper Congressional action to that end. Such action not having been taken, it is a question of doubt whether it be now competent in law for the grantor, although a sovereign proprietor, to decree that consequence after the condition has been actually performed without interruption on its part; and, if it be legally permissible, the question of the equity of such action appears likely, judging from the past, to throw a barrier in its way. Otherwise it may be expected that if the steps which have been taken shall be pursued as they ought to be, a very considerable additional body of the public lands will be regained for the use of settlers.

UNLAWFUL INCLOSURES.

The foregoing exhibit includes lands which have been thrown open by the removal of unlawful fences constructed by usurpers of the public domain. It is somewhat astonishing to observe what enormous proportions so direct an invasion and appropriation of the public lands by private parties assumed without check, it being shown by examinations made that upwards of 7,000,000 acres were held in this manner at the time my predecessor entered upon the duties of this Department. Of these inclosures 465 were reported as each embracing more than 1,000 acres, and some of them hundreds of thousands, while in two counties in New Mexico the area so usurped was estimated at 3,000,000 acres. The purpose was to graze cattle, which, for a period, with the free and unchecked use of these immense ranges, was exceedingly profitable, and this illegal appropriation was maintained with a high hand, often by desperate methods. These practices not only prevented the taking up of the lands by homesteaders for actual settlement, but sometimes led to driving settlers from their possessions previously taken in pursuance of law.

Since your proclamation of August 7, 1885, in execution of the statute of the 25th of February of that year, the greater portion of the public lands so usurped has been freed from these trespassers and the fences removed. Over 6,000,000 acres have been, as it is reported, cleared of illegal fences through the action of the Land Office and of the inspectors of the Department, embracing a considerable area so relieved during the past year. There remains yet, perhaps, something to be done within the power of the Department; and some cases require suit, but only a limited acreage remains affected, and the great evil is already redressed.

But my object in drawing attention to the subject is now more particularly to recall attention to the recommendations in the report of my predecessor for the last preceding fiscal year respecting a peculiar abuse by which whole sections of the public lands have been included by fences actually built upon private property—an abuse which requires Congressional action for suitable relief. These instances are only found within the limits of railroad grants. Cattle companies have in some cases purchased of the railroad company which has become the owner of the land a considerable number of the alternate odd-numbered sections, and by building their fences on the borders of such sections and connecting them at the corners it is possible to embrace within one inclosure also even-numbered sections belonging to the Government, without placing the fence upon any Government land. Practically, this operates to shut out the Government sections so included from the access of intending settlers and leave them subject to the range of the cattle within the inclosure.

The subject is so fully discussed in the last report of this office that I must content myself with referring to that report and again urging

that some action be taken to redress the evil. The suggestion there made that an act should be passed establishing a public highway around every section of land is worthy of consideration. It would perhaps be sufficient if the Department were authorized to open a highway whenever needed to any section of the public lands and authority given to make whatever compensation might be justly due to any private property so taken for the public use. It is doubtless within the province of the local legislatures to remedy this evil, but as it requires the action of many different bodies, and dependence for its enforcement rests upon local officers, nothing of effective redress has been secured so far as has been reported. The Government ought to be supplied with the means of dealing with any such evil, wherever it may happen to exist, through its own agencies; and so long as this species of trespass continues successful and unpunished, the example can not but beget imitation and lead to other encroachments. Through the Department of Justice a suit was brought in the district court of Wyoming to test the right of the Government and resulted adversely there. It is now pending on appeal in the supreme court of the Territory.

RAILROAD LAND GRANTS.

The wisdom of the statute of the 3d of March, 1887, which directs the immediate adjustment of the railroad grants remaining unadjusted, and of the various provisions of that act for the protection of settlers and the Government, has been sufficiently demonstrated already by the disclosures resulting from the action of the Bureau and the Department in the execution of the law. It has imposed great labor, inasmuch as it requires for its due execution the most painstaking examination of the condition and history of each of the sections or parts of sections embraced within the grant, and of such as are claimed or have been certified in indemnity for lands lost within the grant. Considerable progress has been made in this matter, and already it has been found that lands have been certified or patented for the use of seven different railroad companies and one wagon-road company in excess of the amounts to which they were legally entitled; being in the quantities and to the roads, respectively, as follows:

	A cres.
Alabama and Chattanooga, successor to the Wills Valley Railroad Company.	72, 054
Little Rock and Fort Smith Railway Company.....	5, 224
Pensacola and Georgia Railroad Company.....	6, 406
Alabama and Florida Railroad Company, Florida.....	19, 048
Atchison, Topeka and Santa Fé Railroad Company.....	82, 688
Saint Paul, Minneapolis and Manitoba Railway Company, main line.....	20, 411
Southwest Branch Pacific Railroad.....	2, 400
Coos Bay wagon road.....	10, 359
Total.....	218, 590

In addition to the foregoing it has also transpired that there have been certified to the Burlington and Missouri River Railroad Company over

200,000 acres on the north side of its line of road in excess of the amount it was entitled to have upon that side, and thus in excess of its grant, because it was determined by the Supreme Court that its granting act was in effect two grants, a separate one of a certain quantity on each side of the line of its road, without any right of selection for a deficiency upon one side from public lands upon the other. Accordingly I have directed the necessary search and examination to specifically designate the lands which the company has received in excess of its rights and that a demand be made for the reconveyance thereof to the United States, in accordance with the statute. Should there be a refusal to comply, the facts will be laid before the Attorney-General, upon whom the law devolves the duty of bringing an action to recover the lands.

A further beneficial consequence of this examination has been the bringing to light of many instances where, under erroneous construction of the acts making grants, settlers have been heretofore denied by the Department or the Land Office the right to perfect entries made many years ago, in good faith, of lands which they have since resided upon and cultivated, and to which they have added great value by their improvements. The language defining exceptions in the granting acts long received a narrow construction in the Land Office; and it was not until the decision of the Supreme Court in the case of the *United States v. Dunmeyer* that the full scope of the excepting clauses in these grants was recognized and allowed.

The third section of the act of 1887 makes provision that when it shall appear that the homestead or pre-emption entry of any bona fide settler has been erroneously canceled on account of any railroad grant or the withdrawal of public lands from market, such settler upon application shall be re-instated in all his rights and allowed to perfect his entry by complying with the public land laws, subject to certain necessary limitations. Gratifying instances for action under this provision have been afforded by which settlers have been invested with titles to lands where they have lived for many years, clinging with the grasp of innate confidence in the power of justice long after the Land Office had canceled their entries through its mistake of the meaning of the statute and a too generous interpretation in favor of the railroad company.

Besides these instances, where settlers still reside upon the lands, are many more where, by reason of a valid appropriation, or the attachment of a subsisting pre-emption or homestead claim at the date of the definite location of the road, lands were excepted from the grant which had subsequently been certified upon the claims of the companies. Suits have been in many cases directed to recover lands disclosed to belong to the Government, or to have been erroneously certified or patented to the company. If these shall be diligently prosecuted, the

result can not but be the restoration of a considerable body of public land, or the recovery of the value thereof.

In every aspect, this careful re-examination, in the light of the decisions of the Supreme Court and the corrected rulings of the Department, can not but prove of great advantage to the public. The settlement of questions in dispute between settlers and railroad companies will continue to be the work of the Department and the courts for a long time to come. The numerous instances of injustice and injury which have resulted from the negligence of the General Government, the State governments, and the railroad companies and their agents, in the execution of the laws making these grants, as well as sometimes from rapacity in demand, are sufficient to excite high indignation in any bosom moved by sentiments of justice; and the facts ought to secure the enactment of such laws as shall speedily redress the evils engendered, and tend to prevent similar instances in the future. I emphasize the condition of this branch of the business as a re-inforcement to the suggestion at the beginning of this report for a reorganization and enlargement of the facilities of the Land Office.

The Department, under the orders of my predecessor, revoked the executive withdrawals for indemnity purposes heretofore made for most of the railroad companies. There remain some which were omitted. Steps have been taken to include them all within the general policy, and revoke every order which may remain in force at the present time operating to withdraw for such purposes. Besides these cases are some where, by the terms of the act of Congress making or enlarging the grant, the language employed works the withdrawal of indemnity lands, or withdrawal is substantially directed. These are beyond the power of the executive and formed the subject of a special communication to you during the last session of Congress, which you transmitted to that body with your recommendation for the passage of a law authorizing the revocation of the withdrawals in those as in other cases. I am advised that a bill for this purpose has already passed one house of Congress, and it is to be hoped it will soon become a law.

Another obstacle to the complete adjustment of these grants arises from the fact that the territory in which they lie remains, in many cases, unsurveyed. It is plain that no adjustment can be made of such lands; but it also happens that not only must the unsurveyed portions await survey for identification, but the final adjustment of the entire grant must remain in abeyance during the same time. Whatever else may be done upon the subject of surveys, authority should be granted for the completion of this work wherever necessary to the adjustment of any land grant, in order that settlers shall be no longer exposed to the dangers of uncertainty.

As much has been accomplished, perhaps, as could be reasonably exacted of the Land Office, where untiring labor has been bestowed. Yet such are the complications constantly arising; so conflicting are

the interests between grant claimants and settlers; and so grave are the many questions of law presented to the officers of this Department for adjudication, requiring pains to investigate and to decide, that the progress in the adjustment of the grants has by no means kept pace with my desires, nor been as rapid as the exigencies of the public service demand.

The quantity of the designated sections found in place, that is, as they lie on the surface of the earth, within the lateral limits of the road, is the sum of granted lands per mile to a railroad—not the full quantity named in the grant. This is the general rule; though there are a few exceptions to it where the grant is clearly one of quantity, not limited by the lands in place. So that if, under the ordinary grant, any of the sections described as granted were fractional, or, from any cause, not full sections, or the full number per mile was, for any reason, not on the surface of the earth within the lateral limits, such deficiency in quantity can not be made up in the indemnity limits, because as to the lands in place the grant operates directly by specific description, and indemnity can only be had for those lands which the act thus described purported to grant.

It is therefore necessary in adjusting a grant to make careful scrutiny by legal subdivisions of all the sections within the primary limits, designated as granted, and ascertain their status at the date of the definite location of the line of railroad, which is the time when the company's right attaches. Such of the tracts as are not shown by the records or otherwise to have been appropriated at that time inure to the grantee and are so certified or patented. Such of the lands as were encumbered with claims or disposed of at the date of the definite location in such a way as to be within the exceptions to the grant, the company is entitled to indemnity for. The area of this last class must be ascertained by sections and parts of sections, for indemnity to the same amount only is allowable. The examination of the tracts which appear or are claimed to be within the exceptions of the grant entails an inestimable amount of labor and research by the most painstaking, experienced and intelligent of the employés in this branch of the public service. Not only questions of fact, requiring the most critical scrutiny and the nicest discrimination, are here presented, but legal questions of grave importance are so involved in these cases as to require investigation at the hands of men of legal training, familiar with this particular branch of the law, and capable of forming a sound judicial judgment.

Innumerable contests and controversies arise between claimants to these lands under the settlement and other laws and the grant claimants. A final determination in respect thereto is often not reached until after the case has been considered on appeal and decided by the Secretary. In the mean time, pending the determination of the right of the grantee claimant to lands within the primary limits of the grant,

the work of adjustment thereof is greatly delayed and often brought to an entire stand. In fact, no grant can be fully adjusted until all such pending questions are finally acted upon; for until it is definitely determined what lands a company may obtain within its primary limits, it is utterly impossible to ascertain the deficiency for which it is entitled to select lieu lands.

It not unfrequently happens, also, that further adjustment is greatly delayed, if not brought to a halt, by the conflicting claims between companies under the same or different grants, the limits of whose roads overlap and conflict. Many embarrassing instances of this kind are in existence. Two may be mentioned: The conflicting limits of the grant to the Atlantic and Pacific Railroad Company and of that to the Southern Pacific Railroad Company cover a distance of about 200 miles, involving a very large amount of land, which being divided into six different classes presents as many different questions of grave importance; and this situation has been further complicated by the forfeiture of a portion of the grant to the Atlantic and Pacific Railroad Company under the act of July 6, 1886, raising new questions touching the respective rights of the United States and the Southern Pacific under the forfeiting act. There is little probability of any settlement of most of these points being arrived at except through the instrumentality of the courts; a remote day, even this day of judgment.

A kindred difficulty exists in relation to the Northern Pacific grant, in addition to the fact that vast areas along its line are unsurveyed, and will so remain until Congress provides the means for surveys. But in Minnesota, where the lands are surveyed, the limits of the grant to the Northern Pacific Railroad Company conflict with those of the Saint Vincent Extension of the grant now owned by the Saint Paul, Minneapolis and Manitoba Railroad Company, involving an area of, approximately, 400,000 acres. Litigation is pending between the two companies to determine their respective rights to the land in conflict. The Northern Pacific Railroad Company claims under its charter the right to select indemnity lands anywhere along its line of over 2,000 miles for lands lost at any point; that if there be deficiency in Minnesota, the right of selection to make the loss good attaches to all indemnity lands from Wisconsin to Puget Sound, regardless of the political divisions of States and Territories. Moreover, above 225 miles of the general route as "fixed" by the Northern Pacific Railroad remain unconstructed in Washington Territory, the lands opposite to which unconstructed portion are yet in reservation because of the statutory mandate in the granting act. Along this hiatus or gap the company claims the lands by virtue of its grant, and also the right to select lieu lands for those lost there or elsewhere.

Inasmuch as the grants to the Atlantic and Pacific and Southern Pacific Railroads are similar to that of the Northern Pacific, and like claims are being set up by those companies, the same difficulties beset

the adjustments of those grants, so that the present prospect for an "immediate" adjustment of those grants is very poor; and doubtless more or less aid from the courts will become necessary to a final resolution.

Nor do the difficulties and delays by any means cease with the adjustment of surveyed lands within the primary limits. When a loss within those limits has been ascertained definitely, the granting act gives to the beneficiary the right to select other lands in lieu of those lost. This selection is to be made under the direction of the Secretary of the Interior, and until approved by him the company acquires no title to the tract selected.

Numerous points of inquiry and debate arise; the company must show its specific loss; that it was for land for which the right of indemnity exists; and that the tract selected is disencumbered of any other right or claim, and otherwise subject to selection. There arise many questions of law and fact and controversies with others, requiring investigation and judgment, both by the officers of the General Land Office and by the Secretary on appeal. Testimony is to be taken, hearings to be had, arguments, oral and otherwise, to be made; motions for new trials to be considered; in short, the title to real property is involved, and very many of the proceedings incident to the trial of such a cause in a judicial tribunal have to be gone through with in relation to each grant, and in thousands of separate cases.

The number of acres of lands embraced in the claims of railroad companies which remained undisposed of at the close of the fiscal year was 25,429,866.11, an increase during the year of 5,217,572.02 acres. This increase is due to the stress laid upon the companies to attend to the adjustment of the grants by the act of 1887 and the revocation of indemnity withdrawals. It is probable that these figures represent now, approximately, the limits of demand upon the Government under grants heretofore made, if the pending bills for forfeiture of such grants as ought to be forfeited shall receive favorable action by the present Congress, as may be hoped.

Of the quantity above given, 21,660,846.88 acres are claimed by companies whose roads were not completed within the time required by the acts making their respective grants. Definitive action ought to be speedily taken in all these cases. Clearly the Department must pursue the law as it has been declared by the Supreme Court and recognize these grants as subsisting rights in the several States upon whom they were conferred and entitled to adjustment accordingly, unless Congress shall prescribe a different rule.

SWAMP LANDS.

The acts of 1849 and 1850, by which, first the State of Louisiana, and afterward "the State of Arkansas and other States," were granted the swamp and overflowed lands within their boundaries upon the pre-

text of drainage, must be awarded a high place as models for public mischief-making. The quantities which have been patented to the several States under these acts and others extending them to States not at first embraced, are shown by the following table:

Acres.		Acres.	
Alabama	410, 189. 84	Michigan	5, 667, 304. 64
Arkansas	7, 503, 356. 13	Minnesota	2, 846, 324. 88
California	1, 465, 397. 35	Mississippi	3, 258, 746. 66
Florida	16, 060, 418. 39	Missouri	3, 411, 548. 99
Illinois	1, 455, 601. 45	Ohio	25, 640. 71
Indiana	1, 257, 743. 61	Oregon	32, 627. 22
Iowa	1, 181, 878. 23	Wisconsin	3, 329, 922. 64
Louisiana, act of 1849....	8, 708, 378. 03		
Louisiana, act of 1850....	225, 172. 32	Total	56, 840, 251. 09

The claims of this character presented to the Land Office during the past year cover 781,857.59 acres, making the total amount claimed by virtue of said acts up to this time 78,189,130.65 acres.

Thus, to less than one-half of the States of the United States there has been granted by the Government an area of public lands nearly equal to the New England States and New York combined. They were granted for a specifically declared purpose, if not upon a trust; and yet, probably, the only results of much use which have been attained by the States upon which they were conferred are such as have been derived by putting the land to other purposes, especially educational. It may be summarily and safely stated that these acts were, so far as their professed purpose goes, simply the reckless dispossession of the federal title to this vast body of the public domain. Upon the other side, it may perhaps be answered that the States have sometimes achieved better results than the General Government would have done.

Among the worst aspects of this matter is the entail of mischief which lies in the words of description of the grant, from which will spring an inheritance of litigation to generations not yet born, unless some measures be taken to put a limit on the perpetuation of this evil. The original act was a grant *in presenti*, and by its own force passed the title directly to the State of every legal subdivision "the greater part whereof is [then was] wet and unfit for cultivation." This has been decided by the Supreme Court to be a question of fact to be tried by a jury; and thus there abides as a continuing menace to the holder of many a tract of land, whether by Government or by State title, the possibility of this inquiry. The files of the Land Office and Department are surcharged with these controversies, and they continually show themselves in the courts.

It seems to be within the function of Congress to enact a law requiring the adjustment of all claims under the swamp-land law, and to authorize a proceeding the result of which shall be a definitive and final determination, to be conclusive upon the Government, the States, and all private parties interested, of what lands, by specific description,

passed by virtue of this grant. The terms of such an act should comprehend not only the swamp-land grants, but all grants to the States for any purpose of internal improvement or other public object. A limitation of the time for the presentation of claims under any grant would appear to be capable of rightful imposition; and after affording just opportunity for the consideration and disposition of all such claims, the Department might be authorized, upon due notice and hearing, to enter a final order declaring the complete adjustment of a grant to a particular State, the full ascertainment of all the rights under it, and the termination of all further claims, either on the part of the United States to reclaim certified or patented lands for any reason, or upon the part of the State, or any of its grantees, to any further lands by virtue of the grants. The value of certainty in respect to the limits of these gifts and in the identification of the lands conveyed overrules by far any interest or right which ought to remain after such an examination and determination,

SURVEYS.

The report of the Commissioner gives a full and detailed account of the surveys which have been executed and of the action which has been taken in their extension during the past year. Two reasons have operated to limit surveys of the public lands. In the first place, the rates for surveying as now fixed by law are so low that the work upon a considerable portion of that which remains unsurveyed can not be procured to be done within their limits; and, secondly, the appropriation for surveys has been unusually limited.

The judgment of Congress appears to be quite fixed that no general extension of surveys is at present necessary, and I am not prepared to controvert it. There are, however, tracts of country which, some for one reason, some for another, ought not to be delayed longer. I have before expressed my opinion that enough should at least be done to enable the adjustment of all grants for internal improvements. Further reason for this lies in the fact that from want of surveys the uncertainty of the proof to support actions for trespass upon the public lands in railroad limits has sometimes operated under the rule of the courts to limit the recovery to nominal damages, it not being clearly provable whether the lands involved belonged to the Government or were carried by the grant.

In addition to such lands, there should be surveys of all Indian reservations which the President may direct for allotment in severalty. Perhaps a sufficient fund is provided for present needs of this character. Necessity also exists for the resurvey of some regions where reckless and fraudulent action has rendered the surveys heretofore made entirely valueless. But whatever be the limits placed upon the extension of surveys, there ought to be authority given to increase the price now fixed by law when it shall transpire, as it has often done, that

it is impossible to cause the work to be performed at the rates now established.

THE ATTENDANCE OF WITNESSES.

I desire to invite attention to the remarks of the Commissioner upon the lack of authority to compel the attendance of witnesses to testify on behalf of the Government in proceedings before registers and receivers, and to express my concurrence in his recommendation that some means shall be provided to this end in all proper cases of the kind. The reasons are as strong for such a law as support similar statutes in regard to witnesses in courts of justice. Under the decisions of the Supreme Court the determination of the Department upon questions of fact is final, with rare exceptions. This renders the best method of ascertainment of the facts peculiarly necessary. Practically, also, in most cases, the determination of the Department is conclusive upon all questions adjudged. The number of cases, the amounts involved, and the rights adjudicated by the Land Office and the Department exceed probably in each particular the work of any court in the country.

PRIVATE LAND CLAIMS.

No subject has, perhaps, been more persistently urged upon the attention of Congress by this Department, or furnishes greater discouragement of further recommendation to that body by reason of its neglect of all the interests involved. Yet it appears to be an obligation to again invite attention to the exigency.

There are very many of these claims—how many is not known; and inasmuch as there is no statute of limitations applicable to them, new ones are continually presented. The larger claims arise under Mexican cessions, and are of lands within the Territories acquired from Mexico. But a considerable number arise under the Louisiana and Florida purchases, and are alleged to rest upon some French or Spanish grant or law. Not a few date back to the last century, and some even beyond.

Not all of those covered by the provisions of the Louisiana cession are, strictly speaking, grants, but many rest upon a foundation of incomplete grants, concessions, warrants, orders of survey, donations, or settlement claims, springing from the laws and customs of France or Spain, and recognized from time to time by the legislation of Congress as a sufficient basis for a valid claim. These are not usually for large area, and from a variety of causes specific location can not be made of most of them. Congress has, therefore, provided that in such cases, after the claim has been satisfactorily established, "a certification of location for a quantity of land equal to that confirmed and unsatisfied" shall be issued to the claimants or their legal representatives, which certificate may be located upon any lands subject to private cash entry at \$1.25 per acre.

The surveyor-general of Louisiana reports that there are 1,164 such claims, covering an area of 1,000,000 acres, now suspended in his office because of difficulties attending their investigation and adjustment. I have no means to form an estimate of what may be required to satisfy similar claims in other portions of the territory ceded at the same time outside the State of Louisiana; not improbably as much more land will be requisite. The Commissioner of the General Land Office suggests that, as the area of tillable land is rapidly decreasing, what remains should be reserved for actual settlers, and recommends the repeal of the scrip provisions of said act, and further legislation to secure to meritorious claimants payment at the rate of \$1.25 per acre for lands proven to have been lost. I submit his view without feeling now prepared to concur in his recommendation; but I cordially join in the other recommendation that a period of limitation on the presentment of such claims be speedily fixed by law.

The private land claims under the Louisiana purchase are insignificant when contrasted with those asserted under the Mexican purchases. The arpent, a fraction smaller than an acre, is the unit of measure of the former; but the claimant under the latter attacks the public domain with square leagues, when he descends to a measurement by quantity instead of bounding his principality by rivers or mountain ranges. The public evil resulting from these claims has become very serious, not arising so much from the enormity of the demands and the threatened losses to the public domain as from the iniquitous effects visited upon the settlers who have undertaken with adventurous spirit to secure homes for their families upon the public lands. Certainty, if it were the certain deliverance of a Territory to the spoiler, would be better than the uncertainty which invites men who can not know the facts, but must trust the Government, to years of labor in the transformation into homes of lands upon which they may be subsequently declared to have been trespassers from the beginning.

It is a reproach to the Government, in which the Executive branch bears little share, that, after nearly forty years, the southwestern territories should lie under the shadow of clouds which portend such lightning strokes to individuals and devastation to public interests. Aside from the establishment of a commission for California, the only general legislation for the redress of this condition has been the act of July 22, 1854. That act provided that the surveyor-general of New Mexico should ascertain, under the direction of the Secretary of the Interior, the origin, nature and extent of all claims to land under the laws, usages and customs of Spain and Mexico, and make report thereon to Congress for its action, "and until the final action of Congress on such claims all lands covered thereby shall be reserved from sale or other disposal by the Government." This constitutes a model of ingenuity as a piece of legislation in the interest of claimants. It gives to the claim, so long as Congress does not act, substantially the effect of a grant; and thus

it has happened that the final action of Congress is a thing that few, apparently, seek with eagerness, even among those who have no practical experience of the remoteness of that contingency. Probably, also, the exemption from taxation, incident to federal title, furnishes a strong motive for a delay which works the holder no apparent injury.

During the thirty-four years since the passage of that act it is said that Congress has acted "finally" in no case, except at the instance of a grant claimant who has secured confirmation of his claim. Action in the public interest by the passage of an act of positive rejection is said to be a thing unknown. Meantime the lands embraced within claims have been treated as if wholly of private ownership, occupied without hinderance or apparent fear of loss, and even freely made the subject of sale and conveyance, as if title were unquestionable.

It is time a period was placed to such a condition of menacing uncertainty. These claims ought to be settled, and their settlement has already become a matter of much greater consequence than the mode of procedure or even the correctness of the decision reached. Two general methods have been proposed to bring about this result: the one that final power be given the Department, the other that a special court be created, properly equipped for the purpose. Arguments may be submitted in favor of either, but the choice is of no consequence in comparison with the doing of something decisive. I replied to an inquiry with a recommendation in favor of the passage of a bill pending before the present Congress for the establishment of a land court, and my opinion inclines to the relief of the Land Office by such a tribunal. Notwithstanding, it may be easily possible to equip the Land Office with lawyers of training and abilities to decide these cases. Experience does not give promise that adequate compensation will be allowed in the latter case to secure such qualifications as would be felt necessary if a court be established instead. But the right or wrong of particular cases has become a thing almost of comparative indifference, in view of the overwhelming and menacing wrong of their not being decided at all.

In this connection I think attention should be called to the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States." By this act jurisdiction is given to the Court of Claims in very general terms, of all claims founded upon any law of Congress or upon any contract, express or implied, with the Government, and concurrent jurisdiction to any district court of the United States "where the amount of such claims does not exceed one thousand dollars," and to the circuit courts of the United States "where the amount of such claims exceeds one thousand dollars and does not exceed ten thousand dollars;" all cases being triable without a jury.

It has already been held under this act, by one of the Federal judges, that jurisdiction is conferred by it to entertain a bill to compel the

United States to make a patent to a piece of land, entered at the local land office under the provisions of the timber-land act, notwithstanding the General Land Office denied the right of the entryman. If this interpretation be correct, it may be expected to transfer, in a very short time, the adjustment of cases pending in the Land Office to the Federal courts of the Western States and Territories, the function of the Land Office thereafter being to register their decrees and issue patents accordingly. It is apparent that it will be impossible for the Government properly to defend such suits without extraordinary and unnecessary cost. It is also obvious that the jurisdiction comprehends private land claims quite as much as claims based upon entries at the Land Office. The risk is one of such consequence that the possibility of an erroneous interpretation ought to be at once removed by the passage of an act more clearly expressing the limits of the jurisdiction intended by Congress.

INDIAN AFFAIRS.

The general condition of our Indian people and of the affairs of the Government directed to their care and improvement has during the past year continued satisfactory. No disturbances and no serious troubles of any kind have anywhere occurred. The conduct of the Indians has been almost universally quiet and orderly, and their disposition perhaps more than usually peaceable and tractable. There seems to be no reason to question that, although progress is not rapid, still the transformation of the Indian character and habits is steadily progressing, and that with continuing beneficence in the treatment of them by the Government it need not fall to the lot of this people to inflict upon them the crowning act of injustice by their annihilation, but they may yet be molded into civilized form, embraced within the folds of society, and elevated by enlightenment to a condition of development and happiness which shall to some degree atone in the Indians of the future for the injustice which has been suffered by the Indians of the past in their contact with white men.

The measure of progress attained necessarily corresponds to the intelligence, energy and steadfast uniformity with which their treatment and the work of their alleviation are prosecuted. Thus it happens that we have now in some parts of the country Indian people who are self-supporting, oftentimes industrious and successful to a gratifying degree, who have established to a demonstration the possibility of the race for the reception of all the beneficial influences and acquirements of civilized life; while, on the other hand, there yet remain some who are troglodytes in barbarism. And among the various tribes are shaded the differences between these two extremes. The varying conditions de-

pend also to a considerable degree upon fortuitous circumstances which have operated either to debar, to limit or modify, the attempts hitherto addressed to their amelioration.

It is, however, very apparent that great progress has been made in recent years in the deliverance of these people from the ideas and habits of the past. The relaxation in the grasp of barbarous customs, the improvement of morals and manners, the perception of the value of independent life and of the ways of self-support, mark their present aspect in a much greater degree than formerly. They manifest less prejudice against the acceptance of the habits of civilized life, and more readily and willingly adapt themselves to the measures designed for their improvement.

The policy of the Government, for some time past consistently pursued by the course of legislation and administration, has wholly broken up the tribal system of government among several of the tribes and bands, and with others has weakened it to a stage of disintegration. The obstructive influence of chiefs and head men to civilized methods has been largely diminished by no longer making agreements or conventions with them alone, but after soliciting the views of all adult males, by determining according to the voice of a majority or a greater number; by no longer issuing rations to the chiefs and heads of bands for distribution by them, but, instead, to heads of families, and, where expedient to so limit it, to the able-bodied adult males for services performed; and by permitting individuals to leave their reservations and take homesteads upon the public domain without prejudice to their rights in tribal annuities, funds, lands or property. By these means, individuality in Indian manhood has been encouraged and fostered, and a realization of personal responsibility extended. The punishment of lesser misdemeanors among them by the "courts of Indian offenses," organized and conducted in imitation of civilized methods, appears to have produced good results.

The extension of the jurisdiction of the courts which sit within the Territories that embrace their reservations to the trial of the higher crimes of murder, manslaughter, assault with intent to kill, rape, arson, burglary and larceny, whether upon Indians or other persons, has contributed to the same end by subjecting to punishment offenders who often escaped altogether. It would probably be well to add to the efficiency of this law by Congressional provision for the expenses necessary to its enforcement, especially when the offense is against another Indian, because, from the fact that the reservation lands and Indian property thereon are not taxable, there may be less zeal to execute the laws among the Indians at the cost of the people in the Territories.

A most substantial gain, both to the Government and to the Indians, may be justly claimed in the increase of efficiency, zeal and honesty in administration of the Indian agents. There can be no reasonable

doubt that recent years have brought about a most advantageous change in this respect; notwithstanding there may yet remain much to be accomplished in the same direction. This has been, in part, the result of civilization drawing nearer to and about the agencies, with the natural benefits of observation and criticism consequent; in part, by the better and more effective methods of examination and inspection of the agencies, bringing them more closely under the observation and government of the Indian Office and the Department; and to some extent, it is believed, by improvement in the individual character of the agents themselves.

I can not refrain from remarking on the inadequacy of the salaries generally paid to these officers. The Government seems to have marked by this means its expectation, almost its acquiescence in the expectation, that the agent, remote from the power of Government and the restraining influences of laws and society, would re-imburse himself for his exile and labor from the means it placed in his hands, and by its lack of consideration for him has invited his lack of mercy to its wards in the administration of their affairs. The condition almost authorizes acceptance of the common bruit which ascribed so many delinquencies and peculations to these officers.

But the circumstances have changed in every way, and the condition of the agent is far different. What is better, the Government now expects, as manifested by every influence which conveys to the agent its wish more powerfully than words, that he shall aim in his administration for vastly higher objects and attainments, and, necessarily, that he himself must be of superior character and ability. So long as the Indian seemed to be but an unruly animal in the hands of the agent as his keeper principally to prevent outbreaks and disturbances of white population, less in personal character and less in performance were demandable. The scale of compensation which was fixed during such a condition of the service ought no longer to obtain.

So far as mere personal agency is concerned, more hinges upon the personality of the agents than upon any other officials who are concerned with the Indians. The lever of civilization finds its prop in the agent, and the lifting of the people under his charge depends upon his value as an efficient support to the measures of Government. There are demanded high personal qualities, physical and mental; personal dignity and courage; ability, tact, wisdom; besides a missionary zeal and philanthropic self-sacrifice.

I believe that considerable pecuniary saving will result from securing the best attainable agents, at a just and adequate compensation, to govern the immediate contact of the nation with these people, and that it is time the change in the nature of the duties and the personal qualities of Indian agents should be recognized and marked in every way which may be most calculated to carry to them, as well as to the country, governmental appreciation of their consequence and value in the

solution of the Indian problem, and its expectation of constant improvement and their responsibility for it.

A beginning has already been made upon another line of policy, from which much appears justifiably to be hoped—the complete dispersion of the tribes and bands by the establishment of individuals as land-owners, and the investment of them with the dignity, rights, and privileges of citizenship in the State and nation. At another point I will exhibit what has been accomplished during the past year in the prosecution of this policy. It can not be said yet to have demonstrated practically, in any very marked degree, the fulfillment of the hope to be derived from it; but this is owing only to the fact that it has been but moderately tried, and that time is necessary to determine its effects. So far, however, as may be discerned in the results attained by individual ownership, this policy offers a brighter promise for the adult Indian race, both as at present existing and as immediately coming on the scene, than anything which has ever yet been attempted by the Government itself.

The long period of inalienability of the allotted land can not but secure the Indian from its loss through the wiles of bad men, and carry his estate to a more trusty posterity, while it seems to afford to him, in the mean time, reasonable security that he shall not want for the necessities, at least, of life, and that it will increase his supply of comforts in proportion as he shall enlarge his capacity for dealing with it, and as thickening settlement increases both the value of his land and of its products. From such observation as I have been able to make, I give with cordiality my concurrence in this policy, and hope it may be pressed with diligence to a successful execution.

There is, however, another line of conduct which the Government owes to its dignity, to the character of our people and to humanity, to press forward with a far more extensive and vigorous energy and comprehensiveness than have yet been exhibited. The schools which have been established within a few years past, more particularly those remote from the reservations and the retarding influences of Indian life, have demonstrated that if the young be taken within the kindly and helpful embrace of thoroughly efficient educational agencies adapted to their nature and condition, and be retained within these influences until the years of manhood, they become capable of mingling in the social and business life of our people without serious disadvantage; perhaps it is not too much to say, with as fair proportional probability of individual maintenance and success in life as the ordinary class of white people.

This conclusion is re-enforced by observation of the five civilized tribes and others, as well as by many individual instances in various parts of the country. It may be safely affirmed that the Indian blood can be infused among the commingled strains which make up the American type of manhood, not only without serious impairment of that charac-

ter, but perhaps bringing to it some strengthening qualities. Shortly stated, the capacity of the Indians for civilized education is little, if any, behind that of many people whom our institutions do not reject, and perhaps in advance of some of them; and the promise for the production of a useful and trusty manhood as the fruit of such education is correspondingly satisfactory.

Based upon this premise, how should the Government deal with that objection which has been so much urged, upon undeniable facts of past observation, that as soon as the educated youth returns to his tribe his gains are overwhelmed by the abiding prevalence of barbaric ideas and usages, so that the slight percentage of Indian youth already educated is swallowed up by association with the vaster proportion of uneducated Indian youth? Because it has seemed to be the fact, under past and even present conditions, that when the young man returns from the schools to tribal associations he finds himself inexpert in those accomplishments which others of his age and association have acquired, and which they value as so far superior to the accomplishments of civilized teaching that they spurn the latter with contempt.

The answer does not appear to be doubtful, unless one shares with the Indian the doubt of the value of civilized instruction. The teachings of our experience appear to me to demand simply this, that, with no further delay, but with the utmost possible expedition and energy, the agencies of education should be so enlarged as to bring within their embrace, and retain until their work is perfected, all the Indian youth of the country of teachable age; that the danger of relapse should be cured by the enlargement of the instructed proportion into manifest and undeniable superiority over the uninstructed; with the aim, unrelexed and never-failing, of carrying this beneficence to all. Let but the present generation of Indian youth be universally instructed according to their capacity, as already demonstrated, and the Indian question is settled, because there will be no Indians when the generation of youth becomes the generation of manhood.

The proof is already perfect that the thing is possible. The difficulties, and it is freely admitted that they are considerable although by no means unsurmountable, constitute, therefore, no reason for hesitation in the effort, but rather a greater reason for its persistent and steadfast maintenance. The wisdom of this course, from a merely pecuniary point of view, is striking when computation is made of the vast outlay which the Government has sustained for a century, with but poor results until since within recent years higher aims have dictated better methods of treatment. Whatever may be the expense of so comprehensive and efficient a scheme of general education, it will be of but limited duration and will discharge the Government in a short course of years from the heavy annual charges which have been maintained through so many.

But it is not in this narrow view that the most gratifying sanctions

of such a course are to be found. It is the policy of beneficence and of philanthropy; the policy which will not only redeem the Indian race, but will be some redemption of the white race from the weight of long-continued and multiplied injustice, the iniquities of oppression by wanton and reckless power, inhumanely inflicted upon a race whose weakness and whose rights have been a continual supplication for mercy and justice. It will give, at least, bread instead of a stone to the outstretched hand of moving entreaty.

Reviewing generally the present aspect of Indian affairs, it may be confidently affirmed that at last a true perception of the methods which ought to govern the national dealings with this people is being realized, that their inauguration has been most promisingly established, and that there remains the duty—an obligation of increased intensity as their value is better understood—to push with the utmost of diligence and energy these various means to their perfect work of amelioration, transformation and development of Indian character and life.

CENSUS OF INDIANS.

It was provided by the act of July 4, 1884, that thereafter “each Indian agent be required, in his annual report, to submit a census of the Indians of his agency or upon the reservation under his charge;” but no appropriation was made to meet the expenses necessarily incident to a complete census, more particularly of the larger tribes, and it could not but result, as it has resulted, that such a census should fail, except among the smaller and more civilized tribes and bands, to be a complete, actual numbering of the Indians. The reports do not, therefore, taken as a whole, furnish such reliable statistics as determine whether the Indian population increases or diminishes. The totals so reported during the past decade sufficiently prove this. Take the figures:

1878-'79.....	252, 897	1883-'84.....	264, 369
1879-'80.....	256, 127	1884-'85.....	259, 244
1880-'81.....	261, 851	1885-'86.....	247, 761
1881-'82.....	259, 632	1886-'87.....	243, 299
1882-'83.....	265, 565	1887-'88.....	246, 095

In the total number last reported as above, viz, 246,095, there is included an estimated 20,000, embracing those who are scattered over different parts of the western country, chiefly upon the Pacific coast, beyond the scope of agencies. Some of these are located upon portions of the public domain under laws granting Indian homesteads, and are making pleasing efforts for moral and social advancement; but much the larger portion are of the wandering class, who, in small bands, abide in remote localities, generally harmless and peaceable, subsisting themselves with more or less success. These figures do not embrace the Indians of Alaska.

The time for taking the eleventh national census now nearly approaches, and opportunity will then be afforded for ascertaining with precision the number of Indians, besides other valuable statistics regarding them; and I recommend that some special suitable provision be made for this end.

INDIAN COUNTRY.

The entire extent of territory now in a state of reservation for Indian purposes, including all portions of the Indian Territory, whether in fact occupied or unoccupied by Indians, is 112,413,440 acres; being equivalent to an average of 456 acres for each Indian, computed on the last reported number of the total population, including those estimated as outside the reservations. Of this area, about 81,020,129 acres are within the scope of the general allotment law of 1887, and afford an average for the population residing upon such lands, amounting to 173,985, of about 465 acres to each. It will be seen that, by the execution of the general allotment law and breaking up of the reservations, a wide area of the public domain will be opened to settlement.

The Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles, constituting the five civilized tribes, the Osages, Miamies, Peorias, and Sacs and Foxes, of the Indian Territory, and the Seneca Nation in New York, are excepted from the provisions of the allotment act. The territory occupied by them embraces 21,969,695 acres, not counting therewith the 6,024,239 acres of the Cherokee Outlet, the 1,887,801 acres known as Oklahoma, and the 1,511,576 acres lying in the Indian Territory south of the North Fork of the Red River. The number of these excepted Indians is shown by the reports to be 72,110 in all.

The other statistics derived from the annual reports of the various Indian agents disclose that, not including the five civilized tribes of the Indian Territory and the New York Indians, there are 27,394 engaged more or less in civilized pursuits; 17,203 houses are occupied; 26,223 Indians speak the English language; 62,625 wear the dress of our civilization wholly; 251,858 acres of land have been cultivated; 242,647 rods of fencing built; 2,674,000 feet of lumber sawed; 93,082 cords of wood cut; 83,426 pounds of butter made, and that there have been harvested 727,859 bushels of wheat; 600,203 bushels of oats, barley, and rye; 1,306,961 bushels of corn, and 129,171 tons of hay; and that the Indians possess 417,328 horses, ponies, and mules; 128,766 cattle; 40,343 swine, and 860,336 sheep.

INDIAN EDUCATION.

A condensed compilation of the statistics accessible in the Indian Bureau shows that there were in operation during the past year, under the supervision of the various agents, 85 day schools, located on Indian reservations in the midst or in the vicinity of the settlements or camps

of the Indians, sufficient in capacity to accommodate 3,344 pupils, in which there was an enrollment of 3,175 pupils and an average attendance of 1,929 pupils. The cost for conducting and maintaining these schools is reported to have been \$58,162.75.

In addition to the above mentioned schools, conducted directly under the management of the Indian Bureau, there are 22 other day schools, all except three on reservations, and all operated under contracts entered into by the Department with different religious societies, for which the maximum limit of pupils was 1,431; actual enrollment, 1,293; average attendance, 786; and in support of which \$14,082.17 were paid from appropriations for Indian educational purposes. In the 97 day schools conducted at an expense of \$72,244.92, there was an average attendance of 2,715 pupils, at an average cost of \$26.61 per pupil, based upon the average attendance; the average for those conducted and managed by the Indian Bureau, through and by its own officers and employes, being \$30.15, and for those operated under contract \$17.90.

During the year there were 69 boarding-schools in operation; 64 of them on reservations under the supervision of the various agents, and five (2 on reservations and 3 located away from reservations) under charge of superintendents reporting directly to the Indian Bureau. The capacity of these 69 boarding-schools is reported to be 5,372 pupils, for which there was an enrollment of 5,647 pupils, and an average attendance of 4,341 pupils; the cost for conducting and maintaining these boarding-schools is reported to have been \$580,954.29.

There were also 49 boarding-schools operated under contracts with religious associations, providing for the maximum limit of 4,207 pupils in which there was an actual enrollment of 3,015 pupils, and an average attendance of 2,498 pupils, for which there was paid under the contracts the sum of \$239,371.31. These figures show the average attendance upon these 118 boarding-schools as 6,839, costing an aggregate sum of \$820,325.60, or an average of \$119.94 per pupil, the average per pupil for the boarding-schools operated directly by the Indian Bureau being \$133.83, and for those operated under contracts being \$95.82.

There were five schools conducted as industrial training schools in buildings belonging to the United States, by officers and employes selected by the Department. These are located as follows: One in Pennsylvania, one in Nebraska, one in Kansas, one in the Indian Territory, and one in Oregon. These schools have a total capacity for accommodating 1,500 pupils, the total enrollment in them during the year was 1,570 pupils; the average attendance 1,388 pupils, and the total expenditure made therefor was \$235,899.12, or an average of \$169.95 per pupil. At the Normal Training School, at Hampton, Va., the Lincoln Institution, in Philadelphia, Pa., and the St. Ignatius School, on the Jocko Indian Reservation in Montana, Congress made special provision of law for the support and education of limited numbers of pupils, aggregating 470. The Indian Office shows that at those three institutions there

was a total enrollment of 512 pupils, and an average attendance of 478, for which the managers received \$75,278.66.

A summary of all of the 233 schools in operation during the year shows their total capacity to have been 16,464 pupils; that the total enrollment was 15,212 pupils; that the average attendance was 11,420 pupils, and that the total amount expended for the education of Indian children was \$1,203,748.30. The increase in the average attendance over the previous fiscal year is 900 pupils, while the total expenditure for each year was about the same.

There has been failure to provide much-needed school accommodations on several of the reservations for which plans and specifications for the necessary buildings were prepared under direction of the Indian Office, on estimates of cost supposed to have been within the limit of \$10,000 fixed by law as the entire cost of any boarding-school building, including furniture, to be built out of moneys appropriated therefor by Congress, but for the construction of which the proposals received, after due advertisement, were greatly in excess of such limit. It is worthy of consideration whether there may not be safely and wisely reposed in the Department a discretion to somewhat increase the expenditure for a particular building under special circumstances which seem to render it necessary in order to meet the objects of its construction.

It is calculated that there are at least 40,000 Indian youths of teachable age and within range of educational facilities which might be wisely provided, who ought now to be undergoing instruction, training and discipline; the desirability of which I have already touched upon. Assuming the average expenditure of the past year for Indian educational purposes at about \$102 per pupil, a total appropriation of over \$4,000,000 is indicated as necessary to meet the requirements of the case. Whatever be necessary ought to be furnished, even if the sum be large.

But it will be seen, of course, that much must yet be done in the way of provision of buildings and appliances and in improvement of the organization and supply of the teaching force before all these children can be brought within the pale of instruction, so that some time must elapse before the full measure of expenditure can be usefully made. And, for another reason, it is not probable that the totality of cost will reach the figure indicated by the present ratio, because the statistics clearly indicate, what might be otherwise anticipated, that with the increase of buildings and appliances, and the gain of experience and better methods, the cost per pupil sensibly decreases.

I think it may be expected that, after ample facilities shall be provided and conveniently located, the expense of collecting and transporting the children to schools may be somewhat curtailed, and that there may be reduction of the appropriation for the support of Indian tribes and bands, not guaranteed by treaty provisions, to the extent that subsistence and clothing are provided for the children of these

tribes in boarding and industrial schools; and that, in other ways, such proportionable gain per pupil in the cost of instruction may be on the whole secured as that, notwithstanding the increase in the items of appropriation for Indian education which is urgently recommended, the total cost of the Indian service need not much, if at all, exceed the average annual expenditure of recent years. The proceeds of the surplus lands of the various tribes and bands, which will remain after allotments are completed under the act of 1887, will doubtless be amply sufficient, if prudently and judiciously managed, to provide for all their needs, educational and otherwise.

The position of an inspector, authorized to act as Indian school superintendent, became vacant by resignation on the 29th of December, 1887, but there had been recommended to Congress by you the passage of an act creating the office of superintendent of Indian schools with enlargement of its functions, and the pendency of the bill for this purpose rendered it advisable to delay an appointment until the action of the Congress. By the provisions of the appropriation act of June 29, 1888, the President is authorized, by and with the advice and consent of the Senate, to appoint a person of knowledge and experience in the management, training and practical education of children to be superintendent of Indian schools, and in exercise of the authority so conferred, you nominated to the Senate at its recent session Samuel H. Albro, of New York, for appointment. No action, however, was taken upon the nomination, and therefore you have recently, during the vacation, commissioned Professor Albro to hold until the expiration of the next session of the Senate.

The urgency that this office should be filled, arising from the long continuance of the vacancy in the inspectorship and from the anomalous condition in which the authority of the Department was left since the passage of the act, finds some relief in the appointment made, while it can not but be regretted that this officer should be obliged to commence the task of reorganizing and systematizing the Indian school service under so limited a tenure. He has, however, entered upon the work with zeal, and I confidently anticipate a great gain to this service from the establishment of the office.

No report has yet been made exhibiting the present condition of the schools and school service by reason of the facts stated, but the information above presented has been gathered from the records of the Indian Office. The superintendent has, however, begun the careful collection of statistical data in order to obtain a satisfactory view of the present condition of the service, with the purpose of proper analysis and arrangement of it, and a report which shall exhibit this information is promised in time to accompany the printed edition of this report, or to shortly supplement it. The preparation of regulations for the government of the school service and the adjustment of the relations of the superintendent and officers to the Indian Bureau and the Department,

and the transaction of business, has been begun and will be completed and approved at the earliest practicable date.

It may be justly hoped that new life will be infused into every agency of Indian education by this officer, that the methods of instruction will come to be more efficiently adapted to the peculiar needs of the various localities, and that in every aspect of buildings, equipments, appliances and improvements, as well as in the character and qualifications of teachers, the gain will soon be sensibly great. The opposition which has existed on the part of the Indians to the education and training of their children, is more and more limited with each year, and there need not be expected any serious obstacle from this cause to the full extension of educational provision to these people.

Methods for instruction of Indian women may wisely supplement the efforts to reclaim the young. The children who are gathered into boarding and industrial schools, housed, clothed, fed, and trained with care in the use of books, the habits of industry, and the morals and principles of our Christian civilization, learn also something of domestic duties, and how to appreciate and enjoy the comforts of well-conducted homes. Unless encouraged, promoted and sustained by proper efforts and influences when they return to the homes of the Indians on the reservations, retrogression will be certain. The ignorance, indolence and depravity which constitute the surroundings of the reservation life of most of these people are not conditions favorable to the growth of the seeds of civilized life. With their innate love of and natural inclination for the wild life of the race Indian youths naturally throw off and abandon the newly-formed habits and the training of the school when relieved from its restraints, discipline and intelligent guidance. It is not wise that the pupils should go from the schools to such a life; it is better that they should pass from the class-room and training shops to the every-day work of self-support under the guidance and supervision of practical farmers, skilled mechanics, and other intelligent direction in useful industries, whether in the field, the workshop, or the household domestic concerns of home life.

Practical farmers and skilled mechanics and laborers are provided to direct and instruct the male Indians, but not much attention has heretofore been paid to promoting the advancement and improvement of the Indian women in their manner of living. Those who have not attended industrial training schools need to be shown how to begin and encouraged to maintain the methods and habits of the domestic home life of civilization; how to properly prepare and cook food, to wash and iron, to make and mend clothes, to manage the dairy, to raise poultry, and to surround their homes with comforts and pleasures. As the work of making allotments of land to Indians progresses many adult women who have already taken or may take up their abode in civilized habitations will need instruction in the proper management of household affairs; those who refuse or who hesitate to take this step

will require the kindly persuasion and influence of competent and discreet persons to encourage them to break away from the habits and customs of barbarism; and the young women returning from the schools should have intelligent direction and encouragement to help them to put their acquirements into practice. To provide them such help I recommended to Congress in May last that a small appropriation be made for the employment of a few matrons to visit and instruct the Indian women at their homes in domestic affairs. The matter was probably presented too late for its proper consideration by Congress in connection with the Indian appropriation bill. I hope that a small appropriation, perhaps \$15,000, will be made for this purpose during the next fiscal year.

ALLOTMENT OF LAND IN SEVERALTY.

The work of allotting lands in severalty to Indians which was begun, under the provisions of the act of February 3, 1887 (24 Stats., 388), on seven reservations, the Yankton and Lake Traverse Reservations in Dakota Territory, the Winnebago Reservation in Nebraska, the Pottawatomie Reservation in the Indian Territory, the Crow Reservation in Montana, the Fond du Lac Reservation in Minnesota, and the Siletz Reservation in Oregon, was suspended early in 1888, because the funds appropriated for employment of the special agents, and for other expenses incident thereto, had been exhausted.

On the Lake Traverse Reservation the field work had been completed, allotments were made to each Indian belonging thereon, and the schedules of the allotments were presented to this Department for approval and for instructions for patents to be issued to the allottees. Upon consideration of the subject, it was found that four patents for lands heretofore issued to Indians under the provisions of the treaty of February 19, 1867 (15 Stats., 505), had been placed in the hands of the officers engaged in allotting lands by the patentees, with their indorsements thereon, purporting to relinquish to the United States their title to the lands conveyed thereby. This was done in three of the cases for the reason that the patents did not convey to the holders thereof the lands selected and on which they have resided and made improvements, and in the other case because the patented land was found not to be good farm land, and therefore another allotment was desired of lands more useful and suitable for farming purposes. Having no authority to accept the surrender of these patents and cancel them, the matter was, on June 7, 1888, presented to Congress for appropriate legislation, and an act was passed covering these particular cases, and also granting general authority in similar cases that may arise in the progress of the allotment of lands under the general law. Under this act the Department has since approved the allotments made upon the Lake Traverse Reservation, and patents will soon issue to the Indians for their allotments.

In the Indian appropriation act, which did not become a law until June 29, 1888, an appropriation of \$10,000 is made "to enable the President to complete the work already undertaken and commenced under the third section of the general allotment act for allotting lands to Indians." Some question of the true meaning of this language has been mooted. The Commissioner of Indian Affairs reported that it would require about \$22,620 to complete the work of allotments on all the reservations on which it had been undertaken. A due execution of the purpose of Congress seemed to require the completion of the work on those reservations where it could be best prosecuted, and, with the approval of the President, it was resumed on the Winnebago Reservation in Nebraska, the Crow Reservation in Montana, and the Fond du Lac Reservation in Minnesota, and it will probably soon be completed on the three reservations named.

Since the first of September last the allotment of lands to the Indians on the Warm Springs and Grande Ronde Reservation in Oregon has been begun with funds appropriated in another item of the Indian appropriation act for the present fiscal year, which provides that "no allotments shall be ordered or commenced upon any reservation unless the allotments upon such reservations so selected and the delivery of trust patents therein can be completed under this appropriation."

The Indians occupying the reservations where the work of allotting lands is in progress are, and have been for some time past, as fully prepared to take this important step for their advancement in civilization as they would, under their existing circumstances, likely be for some years to come. Some other tribes or bands are as well fitted and qualified, and are willing to take allotments, and some of these are represented as impatient to secure them. The delay, in most instances, is caused by the time consumed in making the necessary surveys. The work of allotment should go forward as rapidly as the necessary conditions are met, and in all cases where the circumstances of the Indians are suited to it.

Many of the tribes and bands do not yet look with favor upon this law for taking their lands in severalty, and while a large portion of them are not sufficiently prepared for it by the necessary training to the habits of industry to warrant the taking of any steps for applying its provisions to them, many others are as well fitted now to make the effort to maintain themselves by their own labor upon a separate estate as they will probably otherwise become at any time in the near future. All should be taught that they should prepare to adjust themselves to the general policy of this law, and under its provisions pass from the condition of wards to that of citizens of the United States. Those who oppose the measures of administration adopted to promote their progress and advancement in this direction, and who seek to continue in a state of wardship, should be subjected to the proper restraints, regulations and training of discreet and judicious guardianship, and be compelled to remain upon their reservations and engage in some kind of useful and

profitable labor for themselves or the tribe, and not be allowed to indulge their indolent habits and roving spirit by straying off to visit other tribes, or to wander aimlessly about the country, causing annoyance and sometimes alarm to the people in the thinly settled parts of the country. By such proper restraints, with firm but kind treatment, they will be brought in time to realize that the only road open to them by which they can have and enjoy the freedom of individual action and personal liberty is along the pathway marked out by the land-in-severalty law, under which they may assert their manhood and become citizens of the United States, and entitled to all the rights, privileges and immunities of such citizens.

PURCHASE OF HAY AND GRAIN FROM INDIANS FOR ARMY USE.

It was recommended by my predecessor, in his annual report for 1886, that existing law should be so modified as to "allow the proper officers of the military posts on or near Indian reservations to purchase from the Indians, in open market, at fair and reasonable rates, not exceeding the market prices in the localities, any grain, hay, or other produce they may have for sale, and which may be required for the military service at said posts." This has been recommended by the Quartermaster-General of the Army, who has recently had the matter before him for consideration; and the Secretary of War, concurring in his views, presented the subject to Congress in January last, urging the enactment of such legislation. Nothing has yet been done by Congress in the matter. The Indians, in general, have not sufficient business capacity or education to compete for contracts to furnish such supplies to the Army, and consequently are often forced to part with their hay and grain at rates below local market prices to those contractors who supply the military posts, which are situated in many instances on the very lands owned by or reserved for the Indians; and the just fruits and rewards of the labor of the Indians go to make profits for some contractor or subcontractor, rather thus discouraging than inciting to renewed industry in the coming season.

I concur in the recommendations already made to Congress for proper legislation on this subject, under which the Indians may receive the encouragement in their industrial pursuits which may in this way properly be afforded through the needs of the military service. Such a law will not only be generally helpful, but is fairly required by our treaty obligations with certain bands of the Sioux, ratified by the act of February 28, 1877, whereby it was stipulated that "the Government will aid said Indians as far as practicable in finding a market for their surplus productions." (19 Stats., 256, Art. 5.)

INDIAN FISHING PRIVILEGES.

Congress having in the act making appropriation for the Indian service for the current fiscal year granted \$3,000, as requested by this De-

partment, for purchasing a tract of land at or in the vicinity of The Dalles of the Columbia River, in Oregon, to be held in trust by the United States for the use and benefit of the Indians of the Warm Springs Reservation, to afford them suitable facilities for taking fish in said river, the necessary investigation for the selection of the tract of land is now being made under the direction of this Department. The special agent who is intrusted with the investigation of this matter has been directed to examine such tract or tracts of land at or in the vicinity of The Dalles of the Columbia River as in his judgment are suitable for the purposes provided for in the law, and to secure from the owners options in the nature of proposals for the sale thereof to the Government at the most reasonable prices obtainable, and to report thereon to the Department, giving full description, location and area, and other particulars as to each tract, together with his views and recommendations as to which one or more will be most suitable and desirable for the Indians, with information regarding the title thereto.

A thorough investigation has been ordered to be made of the whole subject of fishing privileges guaranteed to Indians in the Northwest. In no less than eight treaties, made in 1855 and 1856 with various tribes and bands, whereby extensive cessions of lands and relinquishment of claims to territory were made to the United States by the Indians, the right was reserved and guaranteed to them of taking fish at all usual and accustomed grounds and stations in common with citizens of the United States, and of erecting temporary buildings for curing them. It is designed by the investigation ordered to ascertain how far and to what extent the tracts of lands located along and bordering on the waters which constituted the usual and accustomed fishing grounds and stations have been entered and are occupied by white settlers under the land laws of the United States or otherwise, and to what extent the Indians are excluded therefrom and deprived of the rights and privileges guaranteed to them by the treaties.

It having been reported to the Department that a scheme to secure another of these common grounds to private use was on foot, directions have been given to the proper land officers to refuse all entries attempted to be made by white men in townships 2, north, ranges 13, 14, and 15 east, in Klickitat County, Wash., until further orders of the Department, as a temporary measure to preserve the treaty rights of the Indians residing on the Yakima Reservation in Washington Territory. This should be followed, when full information of the facts discloses what action will be adequate, by a permanent reservation of so much of these lands as proves necessary and the restoration of the remainder to market.

When the Department shall be in possession of such full and definite information relating to the rights under all similar treaties as will enable it to select or purchase suitable tracts for permanent reservations for the enjoyment by the Indians of their treaty rights in the matter

of fishing privileges, the necessary action should be taken to accomplish this object. This is the peculiar natural source of life for these Indians, and it will be an accusation against the nation entirely indefensible if so simple an obligation, so easily executed, and yet so vital to these people, shall be sacrificed to private greed which disregards honor and humanity.

LOGGING ON RESERVATIONS.

Some of the reservations for the Indians in northern Wisconsin and Minnesota, and perhaps elsewhere, possess valuable pine timber and, to a more limited extent, other woods of commercial use. So far as such timber is upon the common lands of the reservation it belongs entirely to the United States and not to the Indians, and no regulations exist of which I am aware for the cutting and disposition of timber upon such lands; but, under the treaties made with the Chippewas, allotments in severalty have been from time to time during many years made to the individual Indians of the bands residing upon some of these reservations, and in order to assist them in the disposition of the timber on such allotments a series of regulations was made, under Indian Commissioner Price, a number of years ago. These regulations appear to have been the only ones prescribed upon this subject, and to have been regularly issued from year to year as instructions to the Indian agents. It requires but a moderate acquaintance with the methods of business which govern the production and manufacture of pine lumber to perceive that these regulations are illy adapted to the proper management of the subject.

This logging formed the subject of an investigation by a committee of the Senate during the last session, more particularly limited to transactions on some of the reservations connected with the La Pointe Agency in Wisconsin, and relating altogether to contracts made before my connection with the Department, and to which my attention had never been in any way directed. It was disclosed that the regulations had not been observed even from their very first issue by the Indian agents then or since in charge of the agency, but that a loose system of submitting contracts between the Indian owners and the loggers to the inspection of the agent, with little attention to them on the part of the Indian Office, had continued to prevail.

The regulations require the work to be done, as far as possible, by Indians; a requirement which, whenever put in practice, has operated to deprive the Indian allottee of a considerable share of the value of his timber, by denying him or his contractor the competition and better service of white labor. They also forbid the cutting of more than three-fourths of the pine upon a single tract, a requirement which, when executed, practically destroys the value of the remaining one-fourth, because such fourth is rarely a sufficient quantity to justify the building of a separate logging camp and furnish work during another

winter, and when worth doing at all generally a much greater cost of cutting would be imposed than would have been sustained had the timber been removed during the first season.

The practical agents at the agency, versed in affairs of the kind, appear to have habitually disregarded these requirements, in the interest of the Indians. Indeed the agents seem to have supposed that the Indian allottees were, as their patents purported to make them, the owners of the land and the pine timber in severalty; so that if they were to be allowed to sell at all, justice to them required such a disposition as to yield the largest net returns for the product of the soil which belonged to them. The present agent appears to have given even greater effect to this idea than his predecessor, and to have so conducted the business as to have yielded advantageous results to the Indian owners of the pine which was cut. Following in the line of usage and seeking only the benefit of the Indian owner on business principles, these results have been accomplished, however, by deviation from the exact path defined by the letter of the regulations.

In consequence of this, and because of exaggerated representations of alleged injury, a suspension of cutting under these contracts was ordered near the close of the logging season last winter. It probably resulted in no good to the Indians concerned, and was followed by complaints of deprivation of their usual source of supply in consequence. I have since directed a careful examination of the contracts then made and a continuance of the work under such as were upon lands to which allotments had been approved so that the Indian title was clear, and which are found to have been for a fair price, approved by the Indian Office, and hitherto faithfully performed on the part of the contractor.

In my judgment the regulations on this subject need revision, and the methods of disposition should be better adapted to the nature of the business. It is a fortunate thing for an allottee if he possesses a good body of pine timber, because he may realize from its sale a sum of money which, well employed, will furnish him with a good dwelling-house, team of horses and wagon, and otherwise fairly equip him for farming, teaming, and other employments for labor in that region. But the value of his pine consists mainly to him in being sold to the best advantage. It deprives him of a share of its value, if not the whole of it as has sometimes occurred, if his right to sell is to be limited and crippled in order to furnish other Indians with employment at excessive prices, and without the usual discipline and order of business.

If the Government interposes its protecting care to regulate his disposition of this property, which may well be done if it be well done, its supervision should be beneficent and helpful. I shall venture to suggest, as the result of some examination and study of this subject, that the general line for the Government in this business should embrace these ideas:

First. The amount of timber to be cut on any reservation during a single season should be first determined from a consideration of the

entire amount estimated to remain upon it, the number of Indians likely to work at the business if opportunity be afforded at fair prices, and the economic circumstances affecting the operation of logging, especially the location of the timber with reference to its being taken to market.

Second. A competent estimator should be employed to estimate the quantity and quality of timber on each allotment, and its situation and quantity in groups suitable for proper working together, and a report of this should be laid before the Indian Commissioner. This might be done once for all.

Third. The amount and general location of the timber to be cut having been determined—and this should in no case be later than the 1st of July preceding the winter's operations—the Commissioner of Indian Affairs should instruct the agent by order, at least as early as the 1st of August, upon what allotments and to what Indians contracts would be permitted, accompanied by the estimated quantity of timber to be cut on each, respectively.

Fourth. Sealed proposals from loggers should be invited, under suitable specifications to protect the rights of the Indian, for the timber to be cut, arranged in groups or quantities with reference to its situation upon the ground and the ways for the removal of the logs, so that the logging operations could be most advantageously carried on. The contractor should in all cases be required to cut all the merchantable timber upon the allotment, or within that convenient body set apart for cutting, including all logs that will scale one-third merchantable timber, or will measure ten inches or more in diameter at the small end; also to give preference to Indian labor on equal terms. Various provisions require to be inserted with reference to the logging laws of the States wherein work may be done, to govern the scaling, the marking, and securing the logs from liens and the owner from loss, and to protect all the rights of the Indian in many minor particulars. All contracts ought to be let and approved before the first of October, in order that the contractor may have the most advantageous methods of establishing his camps, arranging for the winter's work and providing supplies, upon all of which circumstances depends the price which he can pay the Indian owner for his logs. Finally, suitable provision should be made to secure to the Indian the proceeds of the contract, to guard him from waste or the wiles of bad men who may seek to deprive him of his money, and to assist him in its most advantageous expenditure for his own good.

These suggestions are recorded only as suggestions. The suitable regulation of this business demands expert knowledge in order to preserve the rights of the Indians most satisfactorily; and unless that knowledge shall underlie the Government's supervision, it is not right to assume any direction against the will of the owner, even if he be an Indian citizen.

DEAD AND DOWN TIMBER ON INDIAN RESERVATIONS.

Many of the Indian reservations are covered with timber, and in not a few instances the soil is not well adapted for agricultural purposes. The title to such reservations is in the United States, subject only to the right of occupancy of the Indians. It has been held by the Supreme Court of the United States, in the case of *United States vs. George Cook* (19 Wall., 591), that—

The right of use and occupancy by the Indians is unlimited. They may exercise it at their discretion. If the lands in a state of nature are not in a condition for profitable use, they may be made so. If desired for the purposes of agriculture, they may be cleared of their timber to such an extent as may be reasonable under the circumstances. The timber taken off by the Indians in such clearing may be sold by them. But to justify any cutting of the timber, except for use upon the premises, as timber or its product, it must be done in good faith for the improvement of the land. The improvement must be the principal thing, and the cutting of the timber the incident only. Any cutting beyond this would be waste, and unauthorized.

The timber while standing is a part of the realty, and it can only be sold as the land could be. The land cannot be sold by the Indians, and consequently the timber, until rightfully severed, can not be. It can be rightfully severed for the purpose of improving the land, or the better adapting it to convenient occupation, but for no other purpose. When rightfully severed it is no longer a part of the land, and there is no restriction upon its sale. Its severance under such circumstances is, in effect, only a legitimate use of the land. In theory, at least, the land is better and more valuable with the timber off than with it on. It has been improved by the removal. If the timber should be severed for the purposes of sale alone—in other words, if the cutting of the timber was the principal thing and not the incident—then the cutting would be wrongful, and the timber, when cut, become the absolute property of the United States.

Under the authority of this Department, and in pursuance, no doubt, of what was supposed to be a reasonable construction of that decision, the Indians on some of the reservations, particularly the Menomonees under the Green Bay Agency, in Wisconsin, were permitted, in the winter of 1881–82, to cut and sell for their own use the dead and down timber on their reservations, of which there were considerable quantities annually going to waste. Some question having been raised as to the authority of the Department to permit this cutting and sale of such timber, Congress, by act of March 31, 1882 (22 Stat., 36), made valid the action which had been taken as to those Indians, and authorized the sale of the timber which has been cut and prepared for market. The action of the Department in that case having received this legislative approval, the Indians have, during each subsequent winter, been allowed to prepare for market and sell for their individual benefit the dead and down timber on the reservation, and this has also been permitted to be done by other Indians, notably the Chippewas under the White Earth Agency. In all cases a percentage of sales for stumpage was reserved as a tribal fund to be used for the benefit of the old, sick, and otherwise helpless members.

The subject having been recently presented for consideration, it was laid before the Attorney-General for an opinion as to the right of the

Indians in the matter, and whether, if they had the right to cut and sell such timber, it was a common right to common property belonging to the tribe or band, or whether it is such a right as may be exercised by individual Indians belonging on the reservations for their individual benefit, and also whether the cutting and sale can be regulated by the Department so as to secure to them the greatest possible benefits for improving their condition and promoting their civilization and self-support by the methods pursued in the work. The Attorney-General holds, in an opinion of November 20, 1888, that—

The dead and fallen timber that is not needed or used for improvements, agricultural purposes, or fuel by the Indians is the property of the United States. It is to be preserved and protected as such, and disposed of only as Congress by law may provide. This rule will doubtless best preserve the timber on Indian reservations, and avoid much destruction by fires, which would occur as the timber became scarce and valuable whenever its death might become a source of gain.

In view of this opinion the Department has been compelled to refuse to permit these Indians to proceed with their usual winter work of cutting and marketing the dead and down timber. This action will work great hardship and cause much suffering, and will be a great disappointment, especially to the Menomonees, many of whom have, with the proceeds of previous seasons of such work, specially equipped themselves for it.

Requests have recently been made to this Department by persons who are on the tract of land in the southern part of the Indian Territory, sometimes called Greer County, to go over into the reservation occupied by the Kiowa, Comanche, and Wichita Indians, and cut for their use the dead and fallen timber which is there going to waste and which they are in great need of. They can not be permitted to do this, nor can the Indians be permitted to cut and sell such timber to them. As there is much of such timber on Indian reservations, of great value in the aggregate, which is annually consumed by forest fires and is otherwise going to waste, and which might be turned to profitable account for the benefit of the Indians in affording them not only a means towards their self-support, but in gaining which they will acquire some of the habits of industry and thrift so essential to their future welfare and prosperity, I submit for the consideration of Congress whether some general legislative authority should not be granted to the Department which will authorize and enable it to properly deal with the subject.

INTRUDERS UPON INDIAN LANDS.

There has been comparatively little embarrassment or trouble to the Department or to the Indians during the year because of the willful trespass by white men or other unauthorized persons upon Indian reservations except in such chronic cases as those upon the Round Valley Reservation in California, where the efforts of the Department to dislodge them have been stayed by the courts or other insurmountable

barriers. The vigorous enforcement of the laws against those offenders who have attempted during the past four years to enter and occupy Indian lands contrary to law and against the wishes of the Indians has had a wholesome effect. The most serious trouble resulting from intruders upon Indian lands arises in the Indian Territory, and especially among the five civilized tribes, where a condition of affairs has been allowed for some years past to grow up, encouraged and permitted largely by the Indians themselves, which has been and still is, the cause of considerable annoyance and embarrassment; not greater, however, to the Indian tribes or nations concerned than to many of the persons complained of by them.

The complaints and correspondence on this subject are most frequent from the Cherokee Nation, and a summary of the facts as to them will illustrate the situation generally:

By the treaty of 1828 (7 Stat., 311) the United States agreed to put the Cherokees in possession of, and to guarantee to them forever, a reservation, the bounds of which are specially designated, described and defined, which reservation was and is located within what is now known as the Indian Territory. By the subsequent treaty of 1835 (*ibid.*, 479) the United States covenanted and agreed "to secure to the Cherokee Nation the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them, provided always that they shall not be inconsistent with the Constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians; and also that they shall not be considered as extending to such citizens and Army of the United States as may travel or reside in the Indian country by permission according to the laws and regulations established by the Government of the same."

The same treaty in article 6 provides that they (the Cherokees) "shall be protected against interruptions and intrusions from citizens of the United States who may attempt to settle in the country without their consent; and all such persons shall be removed from the same by order of the President of the United States. But this is not intended to prevent the residence among them of useful farmers, mechanics, and teachers, for the instruction of Indians according to treaty stipulations."

Under these provisions the Cherokees have long since been placed in independent possession and government, under a patent conveying title of a designated tract of country as their home, and the right of self-government is guaranteed to them over the persons and property within that country *belonging to their people* or such as have connected themselves with them. This power of self-government secured to them does not extend to the person or property of any one who is not a member of said nation.

In the exercise of these rights the Cherokee council has, from time to time, enacted laws for the determination of claims to Cherokee citizenship, under and in pursuance of which many persons, especially from localities within the States of North Carolina, Georgia and Tennessee formerly occupied by the Cherokees, believing themselves and families to be justly entitled to citizenship in that nation, asserted and formally presented their claims for the determination of the tribunals provided, from time to time, for the purpose by the Cherokee Nation. The Cherokee executive has stated that "there was an invitation on our statutes for years asking the North Carolina Cherokees to come to this country and be numbered with us and partake of all the blessings of Cherokee citizenship."

On the rolls of the North Carolina Cherokees are numbered all the persons living in the territory formerly occupied by the Cherokees who are of kindred to that tribe, whether they now reside in North Carolina, where the home of the band is located, or in the adjacent States.

Since the time of the removal of the Cherokee Nation to the country so provided in the West, numbers of the Cherokees remaining in the East have, from year to year, gone West to join with the nation and live in their territory. The fund established under the provisions of the treaty of 1835 (7 Stat., 478) for the removal of these Indians was applied, as required by the fifth section of said treaty, to paying the expenses of such of them as removed to the Indian Territory, until 1875, when the balance remaining was, by act of March 3, 1875 (18 Stat., 447), after settlement of certain specific accounts and payments had been effected, directed to be applied to the education, improvement and civilization of those living in the East. By the act of August 15, 1876 (19 Stat., 197), the balance of the funds then remaining was placed to their credit in the Treasury at 5 per cent. interest; the interest and a portion of the principal to be expended annually for their agricultural and educational improvement.

Since 1875 quite a number of those remaining East have removed themselves, and the claims for expenses of removal have been constantly pressed upon the Department and Congress. These people are the main claimants to Cherokee citizenship. Under the invitation of the nation for all Cherokees to come and join them and partake of the blessings of Cherokee citizenship they have been suffered or permitted by the Cherokee authorities to come into their country, and, pending action upon their claims to citizenship, have been allowed to settle down, occupy and cultivate land and place valuable improvements thereon. Applications have been frequently made for the removal of such persons as intruders. The Department, in 1880, authorized the agent to permit such of them as could show *prima facie* right to Cherokee citizenship to remain in the country, to await final action in their cases, under such rules as would be adopted regarding them.

In the decision by the Supreme Court in "The Cherokee Trust Fund Case" (117 U. S. Rep., 288), adverse to the claim of the Cherokees of North Carolina to a share thereof, it is held that—

If Indians in that State, or in any other State east of the Mississippi, wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must, as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation, and be re-admitted to citizenship as therein provided.

After this decision was made instructions were given to the agent to issue no more permits or certificates to claimants to remain in the Cherokee country. The Cherokees, by act of the council of December 8, 1886, provided a commission to pass on claims to citizenship, and many of these claims are being decided adversely to the claimants, who are, by and under provisions of the law creating the commission, upon failing "to obtain citizenship," held by the Cherokees to be intruders, and are required within ninety days from promulgation of decision to dispose of their improvements and remove from the country.

There have been many complaints of serious and almost total loss of property and of great privation and hardship to persons under the operation of this law. The experience of some of these people has shown it not to be an easy matter to find among Cherokee citizens, to whom only the valuable improvements made by such claimants can be sold, purchasers for them for anything like their value, especially as such improvements could be secured if the law be permitted to be enforced, as has been sought, for much less than their value. While the Cherokee Nation may determine for itself who are, and who are not, entitled to citizenship therein, it is not invested by any treaty with jurisdiction over the person or property of any person, although within the limits of its territory, who are not entitled to such citizenship, nor is it invested with any authority to determine or order the removal of intruders. Authority and power of removal, as well as the duty to remove intruders, are by laws and treaties retained by the United States. It has been held by the Attorney-General, in opinion of December 12, 1879 (16 Op., 404), that—

In executing such treaties the United States are not bound to regard simply the Cherokee law and its construction by the counsel of the nation, but that any Department required to remove alleged intruders must determine for itself, under the general law of the land, the existence and extent of the exigency upon which such requisition is founded.

This Department, therefore, when appealed to by persons who, as claimants to Cherokee citizenship, have in apparent good faith gone into the Cherokee country upon the invitation of that nation, and who have made valuable improvements while suffered or permitted to remain there awaiting final action upon their claims, which have been prosecuted by them for a number of years and which in many cases have been favorably passed upon from time to time by officers or tribunals authorized thereto by said nation, has declined to cause or suffer their removal to be made in such summary manner as to work great

inconveniences and hardship personally to themselves and their families, or to unjustly impair their property rights; but it has required, in view of all the circumstances of their settlement under supposed invitation, long residence and labors there, that they shall have reasonable time and opportunity to gather their growing crops and to dispose of their property or remove it, with the least sacrifice of value possible.

The right of the Cherokee Nation to determine the claim of citizenship must be respected. But those whose claims are rejected are generally citizens of the United States. As such the Cherokee Nation has no jurisdiction over their persons or their property, and both are entitled to the protection of the United States. The Cherokee Nation can simply demand their removal, not the sacrifice of their property for the benefit of Cherokees. If these legal "intruders" had been intruders in fact, less consideration would be due. But as American citizens, invited to claim Cherokee citizenship, suffered to build homes and improve farms during a course of years in justifiable expectation of being invested with Cherokee rights, and now suddenly deprived by the long-delayed decision, they are entitled to a tender consideration which shall spare the utmost possible of the inevitable injury so sustained.

Section 2148 of the Revised Statutes provides "that if any person who has been removed from the Indian country shall thereafter at any time be found within the limits of the Indian country, he shall be liable to a penalty of one thousand dollars." In consequence of the inability of the offenders to pay the fine, and such generally is the condition of all such offenders, the imposition of a fine in most cases amounts to nothing; it does not even deter the intruder from repeating the offense or renewing his attempts at it. The absence of more adequate penalties renders prosecutions by the courts of little efficiency in keeping intruders off of Indian lands, and consequently the assistance of the military arm of the Government is frequently invoked for this purpose. The amendment of the law so as to provide for the infliction of proper penalties, including fine and imprisonment, has been urged by the Department for a number of years past, and was renewed at the beginning of the present Congress. Proposed legislation on the subject passed the Senate of the Forty-eighth and Forty-ninth Congresses.

RAILROADS THROUGH INDIAN RESERVATIONS.

Grants of right of way through Indian reservations were made by the first session of the Fiftieth Congress to railroads as follows:

By the act of May 18, 1888 (Public 109), to the Washington and Idaho Railroad Company, through the Cœur d'Alene Reservation; by the act of July 14, 1888 (Public 205), to the Oregon Railway and Navigation Company, through the Nez Percé Reservation, both in Idaho Territory; by the act of May 18, 1888 (Public 110), to the Fort Smith and El Paso Railway Company, and by the act of June 14, 1888 (Public No. 154),

to the Paris, Choctaw and Little Rock Railway Company, both through the Indian Territory; by act of April 24, 1888 (Public 61), to the Duluth, Rainy Lake River and Southwestern Railway Company, through the Bois Forte Reservation and the Red Lake unceded Indian lands, and by the act of October 17, 1888 (Public 320), to the Duluth and Winnipeg Railway Company, through the Fond du Lac Reservation, both in Minnesota; by the act of June 14, 1888 (Public 117), to the Billings, Clark's Fork and Cooke City Railroad Company, through the Crow Reservation in Montana Territory; by the act of July 14, 1888 (Public 204), to the Newport and King's Valley Railroad Company, through the Siletz Reservation in Oregon; by the act of July 14, 1888 (Public 206), to the Puyallup Valley Railway Company, through the Puyallup Reservation in Washington Territory; and by the act of June 4, 1888 (Public 118), to the Milwaukee, Lake Shore and Western Railway Company, through the Lac de Flambeau Reservation in Wisconsin.

The Indians occupying and interested in the Bois Forte Reservation and the Red Lake unceded Indian lands in Minnesota have refused to consent to the right of way granted through their lands; those on the Coeur d'Alene Reservation in Idaho have consented to the right of way granted to the Washington and Idaho Railway Company; those on the Lac du Flambeau Reservation in Wisconsin, through whose lands the United States have the power by general treaty provisions to grant right of way for railroads (10 Stat., 1109), after having had the matter presented to them, have failed to agree upon the amount of compensation to be paid them for the land to be occupied under the grant to the Milwaukee, Lake Shore and Western Railway Company, though they are reported to be in favor of the construction of the road.

The act requires that the amount of compensation shall be fixed by the Secretary of the Interior and be consented to by the Indians in manner satisfactory to the President, who is authorized to ascertain and fix such compensation on refusal of the Indians to accept a sum which, in his judgment, is just therefor. The President has not yet been requested to exercise this power. The right of way granted through the Fond du Lac Reservation, where no action regarding it has yet been taken, is subject to similar conditions and provisions. No consent by the Indians whose lands are crossed by the railroads provided for in the two acts granting right of way through the Indian Territory is contemplated by the statutes. Proceedings have not yet been completed for securing the consent of the Indians to the rights of way granted through the Nez Percé, the Crow, the Siletz, and the Puyallup reservations.

A right of way through the public domain was granted to the Utah and Northern Railway Company by the act of March 3, 1873 (17 Stats., 612), amended by the act of June 20, 1878 (20 Stats., 241). This corporation constructed a portion of its road across the Fort Hall Indian Reservation in Idaho Territory, but its maps of definite location, so far as the road was shown to be upon Indian lands, was not approved, for

the reason that the laws granting the right of way to the road through the public domain did not entitle it to go through an Indian reservation.

At Pocatello Station, where this road crosses or coincides with another railroad constructed through that reservation under a grant of right of way made to the same corporation by the act of July 3, 1882 (22 Stats., 148), quite a settlement, composed mainly of railroad employés, has grown up, extending beyond the space occupied by the railroad for right of way and station grounds, to and upon the reservation lands, from which it was found very difficult to keep intruders. An agreement was negotiated with the Indians occupying the reservation for relinquishment of their right and title to about 1,840 acres of land at that point for town-site and other purposes, to be surveyed in lots and sold for the benefit of said Indians. The agreement also provided for granting a right of way to the Utah and Northern Railway for the road constructed by it through that reservation from north to south, for which no authority of law had been given and no compensation made to the Indians for the land so occupied. This agreement was ratified by the act of September 1, 1888 (Public, 279), under which this Department will soon be able to adjust matters upon that reservation which have so long remained as disturbing elements to the progress of the Indians residing thereon.

In the matter of the right of way granted by the act of March 2, 1887 (24 Stats., 446), to the Chicago, Kansas and Nebraska Railway Company through the Indian Territory, the Cherokee Nation, by act of its national council, approved June 30, 1888, dissented "from the allowance of \$50 per mile or any other amount that may be offered by that railroad company to said nation as payment for right of way through its territory by virtue of the provisions of said act," whereupon the President, on September 24, 1888, appointed a referee and chairman of referees to act with like referees, one to be appointed by each—the principal chief of the Cherokee Nation and the railroad company—as provided for in the fifth section of the act, to determine and appraise the compensation to be paid said nation for the right of way through its territory. The principal chief having declined and failed within thirty days after the appointment made by the President, of which due notice was given him, to appoint a referee for and on behalf of the Cherokee Nation by reason of the adverse action taken on the matter by the Cherokee national council, the railroad company has been so notified in order that it may proceed under the further provision of the law, which provides that—

Upon failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court of the western district of Arkansas, or the district of Kansas, upon the application of the other party.

The Cherokee Nation disputes the right of the United States to permit the passage of this railroad across its country because in excess

of the number stipulated for in the existing treaty. It is difficult to justify the numerous grants of rights of way for railroads across this country upon the theory that consonance with the provisions of the treaty is required, or that without previous convention such permission can not rightfully be given. Support for these acts of Congress must be sought in the paramount power of eminent domain, under which must bow, for the advancement of great public interests, all private rights, no matter how high in character, and whether held by corporate or political associations.

I am unwilling to part with this topic without adding expression of the deep anxiety which observation in this office has awakened, that a scrupulous care shall be given to every act of this nature. Fifty special acts granting ways across Indian reservations have now been passed, and there appears no longer to be any obstacle in Congress to the granting of any such right when desired. A general railroad law for Indian reservations would probably add little practical facility to the passage of new roads, and it would probably have the advantage of applying the best safeguards universally which have been in any case made use of, and, by further subjecting the privilege to the discretion and regulation of the President, might even secure a particular care in special instances, which seems under present methods much relaxed.

Until such a law be passed, each special act should be conformed to the best model which has been devised and every provision to guard the interests of the Indians and the Government scrupulously exacted.

The idea of seclusion of Indians and exclusion of others involved in the policy of reservations is practically well-nigh abandoned when railroad trains, with all their accessories, daily pass and repass. Perhaps it is wise. These carriers of civilization may prove as useful to ameliorate the condition of Indians as of whites; but too much care can not be imposed when applying such drastic remedies that they do not cure the patient of the particular disorder at the cost of his life.

CHEROKEE OUTLET.

By the treaties of 1828 and 1833 the United States granted to the Cherokee Nation a tract of country embracing 7,000,000 acres of land, as the territory of their residence and their national home, over which their right of self-government was acknowledged. Besides that, so runs the text of the agreement, "the United States further guarantee to the Cherokee Nation an outlet west and a free and unmolested use of all the country lying west of the western boundary of said 7,000,000 of acres as far west as the sovereignty of the United States and their right of soil extend," with a provision for letters patent accordingly. By the sixth article of the treaty of 1866 it was agreed that the United States may settle friendly Indians in any part of the Cherokee country west

of 96° of longitude, the lands so used to be paid for at a price to be agreed upon; and this further language was used:

The Cherokee Nation to retain the right of possession of, and jurisdiction over, all of said country west of the ninety-sixth degree of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

This tract, embracing as now existing 6,024,239 acres of land, has been heretofore leased by the Cherokee Nation to a corporation known as the "Cherokee Strip Live Stock Association," at an annual rental of \$100,000 a year. This lease expired with the end of October, 1888, and steps have been taken by the Cherokee Nation looking to its renewal or the making of some new lease with other parties. In view of the pendency in Congress of a bill to embrace this region with Oklahoma and other tracts in a new Territory, and in view of certain at least undeniable rights of the United States in reference to it, and of previous action by the Department, it was deemed advisable that notice should be served upon the principal chief of the Nation and all parties who might negotiate any such agreement that if any such should be made it would be without the authority or consent of this Government thereto, and will be subject to cancellation, and any use or occupation by any lessee to termination, by the Department whenever such action should be regarded proper by the President or the Department, and would be subject to any legislation whatever, general or special, which Congress may enact affecting that portion of the Cherokee country or the occupancy of any Indian lands for any purpose whatever, whether for grazing, pasturage, or otherwise. Such notice was accordingly given by a letter to the principal chief, and by instructions to the Union agent, to advise, in proper manner, all parties who might attempt to negotiate any such lease.

It should be, however, clearly understood, and so the principal chief was subsequently informed, that by this notice no determination is made or assumed in reference to what may be the rights of the Government as distinguished from the rights of the Cherokee Nation in this strip; the only purpose of the notice being to protect fully the rights of the United States, whatever they may eventually be decided to be.

The principal chief, J. B. Mayes, has replied to the notice of the Department acknowledging the right of the United States to settle friendly Indians upon the outlet under certain conditions, and declaring that the Cherokee Nation will never in any way evade this agreement, but stoutly insisting that under the treaty and their patent there can be no question of the right of the Cherokees to exclusive possession and jurisdiction over the outlet and to all the advantages of its use in such form as they think proper to enjoy it. Attention is invited to this correspondence and to these claims in order to properly preserve the history of the transaction.

THE GREAT SIOUX RESERVATION.

By the treaty of 1868 with various bands and tribes of the Sioux nation of Indians—a treaty which, in all the circumstances of its negotiation, as the final composition of bloody disturbances of long continuance urged on the part of the Government by citizens and officers of the Army of the first rank and character, as well as by unusually solemn and particular expressions of engagement, is peculiarly stamped with the obligation of observance by the United States—a reservation of very large extent, then comprehending the most of the Territory of Dakota lying west of the Missouri, was established to be a perpetual home for these people, with specific guaranty on the part of the Government that no white man should be allowed to enter it, to pass through it or across it, without the consent of the Indians first had and obtained; and with the further clause in the twelfth article that—

No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same.

In 1876 an agreement was made by which the Sioux relinquished a portion of this reservation, embracing the Black Hills country and some territory to the northward, and that agreement was ratified by Congress, although it does not appear to have received the consent, by signature, of three-fourths of the Indians as required under the treaty of 1868. The reservation as so reduced, however, contains a little more than 22,000,000 acres, and there is now upon it a population exceeding 23,000 Indian people, who are rationed and governed through five agencies provided by law and located upon the reserved territory.

The act of the present Congress, approved on the 30th of April, 1888, contains elaborate provisions, the general purposes of which are to reduce the reserved area into six separate reservations and cede the remainder, above 11,000,000 acres, to the Government; to open the ceded portion to homestead settlement, except so far as shall be necessary for the uses of two railroad companies who have made agreements with the Sioux heretofore for rights of way and station-grounds; to collect from homesteaders upon making final proof, for the use of the Indians, fifty cents per acre of the lands homesteaded, to apply the proceeds to the education and civilization of the Indians, and facilitate the allotment of the separate reservations in severalty and their establishment in independence thereon, extensive advancements being, in the mean time, authorized for these purposes; and to so administer their affairs that, in the end, the people of this nation may be reclaimed from barbarism and established in citizenship.

The twenty-fourth section of the act provides that it shall not take effect until the consent of three-fourths of the adult male Indians to its acceptance shall be obtained in accordance with the terms of the treaty

of 1868; and another section directs the Secretary of the Interior to procure such assent and appropriates a sum of money for that end. Under this authority I appointed a commission, consisting of Capt. Richard H. Pratt, of the Tenth Cavalry Regiment, U. S. Army, and now the superintendent of the Indian Industrial School at Carlisle, Pa., Rev. William J. Cleveland, of New Jersey, for a long time a missionary to these Indians and so familiar with their language as to converse freely in it, and Hon. John V. Wright, of Tennessee, for the purpose of presenting the act to the Indians and procuring the acceptance of it by the requisite three-fourths. The several agents at the different agencies were joined as members of the commission in dealing with the Indians under their charge. The report of that commission is herewith transmitted, and I respectfully request that it may be submitted to Congress in connection with this report in exposition of the action taken under the authority conferred by that body.

The instructions which were issued to the commission will be found with their report. The purpose of these, and the spirit of all the proceedings and action taken in pursuance of the act and of all my directions to the commission, were, in brief, to thoroughly acquaint all the Indians upon the reservation, entitled to sign, with the provisions of the law, so that their signatures should be given intelligently and with clear understanding of its effect and objects; at the same time to present the fair arguments in support of its acceptance which had moved Congress to the adoption of the act and which seemed to afford promise from its operation of the improvement and enlightenment of these people.

To the same end, I caused the act to be printed with a map attached, upon which was clearly delineated the present boundaries of the reservation and the proposed boundaries of the six diminished reservations, which would be established upon its going into effect; and copies were furnished freely to the Indians on the reservation in order that there might be no failure of understanding of its terms. So many of the young men upon that reservation have received an English education, and trustworthy interpreters are otherwise so accessible to them, that by this means no doubt was entertained, or ever has arisen, that the various provisions of the act would be fairly understood. The purpose of the Department was in some measure supplemented by the action of the Indian Rights Association of Philadelphia, which caused a translation in the Dakota language of the more important provisions to be printed, and distributed copies of it freely to the people on the reservation.

Before the commission were dispatched on their errand I required the several agents to make lists of all the male Indians of the age of eighteen years and upwards, specifying both their Indian and English names, or translation of the Indian names, and their respective ages, so that the number of signatures and the identity of those authorized to

sign might be easily determined by the commission when they should visit the reservation. The number of such Indians, as shown by these lists, at the respective agencies is as follows :

Agency.	Above twenty-one years.	Under twenty-one years and over eight- een.
Standing Rock	982	117
Crow Creek	260	22
Lower Brulé	266	40
Rosebud	1,323	186
Cheyenne River	691	59
Pine Ridge	1,154	107
Total	4,676	531

Besides these upon the reservation, the Santees in Nebraska have adult males above twenty-one years of age numbering 204 and between eighteen and twenty-one years of age numbering 23; and the Flandreans in the eastern part of Dakota, adult males, respectively, numbering 57 and 6. It has been a question whether, under the phrase "adult males," any are to be included below the age of twenty-one, as the treaties make provisions for allotments to those of eighteen and upwards, and otherwise recognize that age. No necessity for determining this question has arisen, and the instructions were designed to obviate it by securing three-fourths of both, as would have probably been possible if that proportion of those above twenty-one had assented.

The commission proceeded first to the Standing Rock Agency, located in the northeastern part, and there assembled the Indians entitled to sign, and in repeated conferences discharged the function committed to them and sedulously sought to induce, by proper arguments, the Indians to sign either in expression of their consent to or their dissent from the act. It was, however, obvious from the beginning that all the chiefs and headmen of the tribes were united in opposition to it, and had, through active exertion previous to the arrival of the commission, combined the Indians of that agency into nearly unanimous opposition. The commission hold the belief that intimidation was practiced to maintain the dominance of this sentiment and the unanimity of opposition; as well as that other influences, inimical to the purpose of the Government, were largely applied from outside the reservation. It resulted that, after a trial extending over substantially a month's time, but twenty-two signatures were obtained in favor of the act, and no possibility appeared to exist of securing any considerable additional number.

The commission then proceeded to the United Crow Creek and Lower Brulé Agency, where a much greater degree of success followed their presentation of the act, and a much greater readiness to accept it was discoverable from the beginning. The result was that signatures to the number of 244 at the Lower Brulé Agency, out of a total of 306 authorized

to sign, and of 120, out of a like total of 282 at the Crow Creek Agency, were affixed to the instrument consenting to and accepting the act. This result was undoubtedly largely due to the character and abilities of Mr. Anderson, the efficient and useful agent there, who had, by previous explanation, prevented the formation of the unreasoning prejudice which rejected upon the part of others every argument in favor of the law.

The commission, however, had in the mean time reliably ascertained that such was the state of mind and feeling among the Indians at the remaining agencies of Cheyenne River, Rosebud, and Pine Ridge, that no substantial results of better character could be attained from visiting them than had been reached at the Standing Rock Agency. After a personal conference by me with Captain Pratt, directions were then given to convene a number of the chiefs and headmen of representative character from each of the several agencies in a general council at Lower Brulé, with a view of ascertaining whether there remained any prospect of securing such number of signatures at the various agencies as to warrant the expenditure of further time and money; and, if it were found hopeless to proceed with further effort to procure acceptance of the act as it is, what changes, if any, would make it probably acceptable to the sufficient majority of these people. That conference was accordingly held during several days, beginning on the 22d of September, and resulted in confirming the conviction and belief of the commissioners that no substantial number of additional signatures could be obtained by proceeding to execute the instructions which had been given to visit every agency.

This contingency had been contemplated in the personal conference with the chief commissioner above referred to, and verbal instruction given to procure, if possible, the views of the Indians then assembled in respect to acceptable changes and submit them to the Department; the purpose being, if any reasonable prospect of accord were thus offered, to grant authority for these delegates to visit Washington for a direct conference, a thing which they had declared indispensable to their arriving at any result. The commission, however, without having secured a definite expression of the views of the Indians on this subject, but believing from personal interviews with many of the stronger chiefs that by a visit to Washington terms for the adjustment of the differences could be easily arrived at, themselves made arrangements for the transportation to Washington of certain of the Indians from each of the agencies, amounting altogether to sixty-seven in number, including the interpreters, to be accompanied by their agents, and then proceeded in advance of the coming of the Indians to hold with me an explanatory conference. In accordance with these arrangements, this large party of Indians came hither to explain their objections, the commissioners believing they would be such as might be removed or accorded so as to secure acceptance of the act. The proceedings which transpired are fully exhibited by the report of the commission.

The objections which were presented by the Indians, and presented with temperance and clearness of understanding, chiefly turned, as it finally appeared, upon the price and the terms of payment for the lands to be ceded; although there appeared to me continually present a strong underlying resistance to surrendering any part of the reservation, which gave some appearance of purpose to raise such objections as would be insurmountable. These objections were accompanied, also, with various complaints of unsatisfactory execution, on the part of the Government and its officers, of the former treaties. Aside from the question of price and mode of payment, it appeared quite possible to so adjust such other differences as existed that the act might be regarded as probable of amendment by the Congress accordingly.

After a patient and full hearing of their objections and reasons, and careful consideration of them and of the amendments which seemed admissible to offer to relieve them, in which the advantage was enjoyed of conference with yourself and also with the chairmen of the Committees on Indian Affairs in the Senate and House of Representatives, I submitted to the delegation a draught of certain modifications of the act, which might be recommended to Congress provided they would accept the act as it is upon condition that their acceptance should be of no effect unless the act should be amended in accordance with these modifications. The following is a copy of the proposed amendments, viz :

First. That the price which shall be paid by settlers under and in accordance with the provisions of section 21 for all tracts of land which shall be entered for homestead settlements within three years from the date the act shall take effect shall be \$1 per acre, and the price for all such land which shall be entered within two years thereafter shall be 75 cents per acre, and the price for all such lands which shall be entered after five years from the date the act shall take effect shall be 50 cents per acre. But this shall not affect sales for town-sites nor the disposition of American Island, Farm Island, and Niobrara Island, as now provided in said act.

Second. That after the expiration of five years Congress may provide for any disposition of the lands remaining unsold which shall be deemed proper: *Provided*, That not less than 50 cents an acre is placed to the credit of the funds derived therefrom for the benefit of said Indians.

Third. That instead of \$1,000,000 mentioned in section 17 of said act, two millions shall be appropriated, out of which shall be paid, within six months after the said act and amendments shall take effect, \$20 to each Indian of whatever sex or age, under such rules and regulations as to the modes of payment as shall be prescribed by the Secretary of the Interior, and the remainder of said two millions shall be governed by the provisions now in said act; and this first payment of \$20 to each Indian shall not affect the right of an Indian taking an allotment to the \$20 now provided for in section 17.

Fourth. That the Secretary of the Interior shall by an order divide the funds provided by the act for, and which shall accrue from, the sale of land to the Indians belonging to the six separate reservations which are to be established, into six separate funds, according to the number of Indians receiving rations at and appertaining to the said six reservations, respectively, and thereafter each such fund shall be held independently of the rest for disposition as provided in said act for the benefit of the Indians to whom the same shall respectively belong.

Fifth. That all of section 7 of said act beginning with and following the words, "and said Santee Sioux shall be entitled to all other benefits under this act," shall

be repealed by the amendatory act, except so much as provides that all allotments heretofore made to said Santee Sioux in Nebraska are ratified and confirmed.

Sixth. That section 17 shall be so amended as to provide that whenever any adult Indian shall take his allotment under the act, he shall have a span of American mares with double harness for the same, instead of a yoke of oxen with a yoke and chain, if he shall so choose, besides the milch cows, agricultural implements, tools, seeds, and money provided in said act.

Seventh. That in addition to the land described in the sixth section, as set apart for a permanent reservation for the Indians of the Crow Creek Agency, there shall be set apart so much of the south half of township 109, range 76, as lies east of the Missouri River, and the description of lands in said section shall be amended to embrace the same.

Eighth. That it shall be provided in the act that all allotments made to individual Indians in accordance therewith shall be exempt from taxation by Federal, Territorial, State, or local authorities so long as they shall be held by the United States in trust and until the lands allotted shall be finally and absolutely patented to the allottees or their heirs, respectively.

After receiving these propositions the Indians deliberated for a considerable time among themselves, and as the result of their deliberations, two papers were transmitted to me, copies of which are as follows :

WASHINGTON, D. C., *October 19, 1888.*

SIR: We, the undersigned, Sioux Indians of the Great Sioux Reservation, Dakota Territory, delegates representing our people from the several agencies, respectfully submit the following objections to your proposition made to us on the 17th instant, regarding the act of Congress, approved April 30, 1888, and your amendments proposed on the part of the United States, viz :

(1) We thank you for the consideration you have shown us in the changes proposed, but we want \$1.25 per acre, the same to be placed direct to our credit in the United States Treasury, clear of all expense, with interest at 5 per centum per annum.

(2) The complicated condition of future payments under your proposition is not satisfactory. The complicated condition we refer to is the uncertainty of the amount of money we would receive from the sale of our lands as proposed, by receiving \$1 per acre for all land entered within three years, 75 cents per acre for all entered the succeeding two years, and 50 cents per acre for all entered after that date, with no certainty that all of it would ever be taken even at the price of 50 cents per acre, and owing to the difficulty in procuring surveys complications might arise which would deprive us of the advantage of the most favorable price proposed, namely, \$1 per acre for the first three years.

(3) Article 8 of our treaty of 1868 says :

"When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars."

Also last paragraph of article 10 of same treaty says :

"And it is further stipulated that the United States will furnish and deliver to each lodge of Indians or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow and one good, well-broken pair of American oxen within sixty days after such lodge or family shall have so settled upon said reservation."

We therefore do not want the cattle, wagons, etc., provided for in the act approved April 30, 1888, as all such are guaranteed to us by the treaty of 1868 as above quoted, upon the same conditions to be complied with.

(4) The expense of survey should be borne by the Government, as it is the one, who wishes to buy. We are not offering the land or anxious to sell it, but make this, offer to please the Great Father and his white children.

(5) The \$20 per capita you propose to give within six months would not be advisable. We prefer that it be placed at interest in the United States Treasury to our credit.

(6) We object to the school clause without a guaranty of ten additional years of schooling chargeable to the treaty of 1868, of which we have not as yet had the advantage.

(7) We desire that the right of way to railroads be confirmed by this bill according to our agreement with the railroad companies.

(8) We would also wish some slight changes in the boundaries of some of the separate reservations other than as proposed in the act, which we can explain by reference to the map.

We wish you to bring the foregoing objections before Congress with these changes, and if accepted by Congress you may then present it to the Indians for their ratification and we will do all we can to have it accepted by our people.

Respectfully submitted.

Standing Rock Agency.—John Grass, his x mark; Mad Bear, his x mark; Gall his x mark; Big Head, his x mark; Two Bear, his x mark; High Bear, his x mark; Thunder Hawk, his x mark; Bears Rib, his x mark; Fire Heart, his x mark; Sitting Bull (Sitting Bull); Gray Eagle, his x mark; High Eagle, his x mark; Hairy Chin, his x mark; Walking Eagle, his x mark.

Cheyenne River Agency.—White Swan, his x mark; Swift Bird, his x mark; Charger, his x mark; Crow Eagle, his x mark; Spotted Elk, his x mark; Little Bear, his x mark; Little No Heart, his x mark; Marcelle Nelson, his x mark; Spotted Eagle, his x mark; White Ghost (Crow Creek), his x mark; Drifting Goose, his x mark.

Rosebud Agency.—Quick Bear, his x mark; Good Voice, his x mark; Yellow Hair, his x mark; Ugly Wild Horse, his x mark; Gray Eagle Tail, his x mark; Black Wolf, his x mark; Eagle Horse, his x mark; Red Fish, his x mark; Swift Bear, his x mark, Ring Thunder, his x mark; Pretty Eagle, his x mark; Two Strike, his x mark; He Dog, his x mark; Sky Bull, his x mark.

Pine Ridge Agency.—Little Wound, his x mark; No Flesh, his x mark; American Horse, his x mark; Fast Thunder, his x mark; Yellow Bear, his x mark; Little Chief, his x mark; Pretty Lance, his x mark; Little Hawk, his x mark; Many Bears, his x mark.

Witnesses—Louis Primeau, P. F. Wells, Thomas Flood, William Larrabee.

Hon. WM. F. VILAS,

Secretary of the Interior, Washington, D. C.

WASHINGTON, D. C., October 19, 1888.

SIR: We, the undersigned Sioux Indians, also representatives of our Nation, dissent from the objections raised by the majority of the Sioux delegation under this date, and denounce the exorbitant demands made as unreasonable and unjust to a fatherly and kind Government, and we declare as follows:

(1) We fully appreciate the generous modifications of the act approved April 30, 1888, proposed by the President through the honorable Secretary of the Interior, and acknowledge they are more liberal than we had any right to expect.

(2) We are filled with a sense of shame that our brother Sioux, who came here with a distinct understanding that they, as representatives of their people, would not de-

mand at the outside from the Government more than \$5,500,000 are now demanding \$1.25 an acre for the whole eleven million acres proposed to be opened.

Our people have not taken lands as they promised under the treaty of 1868; we have not shown that commendable zeal in educational matters which would doubtless have brought us schools in abundance, and have not made that earnest endeavor to become self-supporting which we have promised in treaty compact.

When we remember that a kind Government fed us for four years after its obligations to do so under the treaty of 1868 ceased, and prior to the agreement of 1876, at a cost of probably one and a half million of dollars, and when we remember that, at great cost to the Government, seven agencies have been given for our convenience and in order to advance us towards civilization, instead of one agency, as promised by the treaty of 1868, and when we remember that for twenty years now the Government has appropriated one and a half millions a year for our assistance, and that we have made poor advancement to correspond, we protest against the ingratitude shown by the aforesaid Indians.

By the act approved April 30, 1888, we are guaranteed titles to our respective reservations and claims which have not heretofore been fixed; we are guaranteed excellent school facilities for at least twenty years longer; our reservations are made separate, and doubtless we could progress more rapidly under such conditions.

There are many poor people of our tribe left at home, whose eyes are anxiously turned towards us, and whose prayers go up to Heaven that our negotiations here may be successful and that we may procure those blessings promised by the bill and that we may start on the road to prosperity, civilization, and happiness.

In view of these facts and our ignorance, we pray Congress to legislate for us, regardless of the three-fourths vote. We rely on the wisdom and generosity of our Government and pray for its aid. Let the voice of the few be heard in behalf of our people, in the interest of progress towards self-support as against those who would hold our people back under control of the old tribal relations and kindred evils.

Respectfully submitted.

Crow Creek Agency.—Wizi, his x mark; Dog Back, his x mark; Bowed Head, his x mark; Wm. Carpenter, his x mark; Mark Welis, his x mark.

Pine Ridge Agency.—George Sword, his x mark; Standing Soldier, his x mark; Standing Elk, his x mark;

Lower Brulé Agency.—Big Mane, his x mark; Medicine Bull, his x mark; Bull Head, his x mark; Standing Cloud, his x mark; Fire Thunder, his x mark; Alex. Rencountre, his x mark.

Witness of Pine Ridge: H. D. Gallagher.

Witness as to Crow Creek and Lower Brule: W. W. Anderson.

Hon. WM. F. VILAS,

Secretary of the Interior, Washington, D. C.

The first of these papers presented an ultimatum of price so much above what Congress had indicated by the act a willingness to impose upon settlers, that it was considered beyond the province of the Executive to entertain it even in the qualified manner in which the other amendments were to be suggested. This determination appearing to be thoroughly fixed in the minds of these Indians, and their influence upon the reservation being unquestionably sufficiently decisive to forbid the hope of securing the requisite number of signatures, the Indians were sent home, the commission directed to report the proceedings up to this point, to settle their accounts and expenditures with the Treasurer, and thereafter to suspend all further proceedings until the purposes of Congress should be made known.

The opposition of these Indians to the acceptance of the act was unquestionably much strengthened, if not to a large degree fomented, by the interposition of advice and promises of assistance upon the part of persons who find a pleasure in the fancy that they are peculiar friends to the Indians, and, perhaps, on the part of some others who desire to serve them for a consideration.

It is not strange that these people should be accessible to such representations, continually pressed upon them with many assurances of assistance, and so much in accordance with their own desires. But when one sees the small capacity of the mass of these people to comprehend what is for the interests of themselves and their children, with an enlightened understanding of the circumstances under which they are surrounded; when he reflects on the chances of a wise and beneficent consideration of these interests in contest with the ignorance and selfishness of the mass and with the natural opposition of the chiefs and head-men to a cession of lands, which will also be a cession of their hereditary power and influence, and considers the accessibility of all to sentimental or interested external influences supporting their wishes, the contemplation that the wisdom of Congress is made to depend for execution upon securing by fair argument a majority in its support much beyond what is requisite to be obtained from among the civilized people of the United States for the force of laws obligatory upon them, gives rise to painful reflections.

The agreement in the eighth article of the treaty of 1868 has once failed to withstand the eagerness of desire for the invasion of the reservation. If sound policy and an enlightened and generous consideration for these people shall demand that it be disregarded again, a greater stress even may be laid upon the honor of the Government. It was an ardent desire to avoid such a contingency that led to the proposal of amendments which went so far beyond the expressed purpose of Congress and so far towards meeting the objections and wishes of these people.

As has been said, the price proposed seemed inadmissible. It would require for no more land than is now desired to be ceded the payment of nearly as much money as was paid to France for the entire territory of Louisiana, merely to extinguish the Indian right of occupancy, the fee being, according to our theory, already in the Government. It would, besides, fix a probable minimum, at least, for the several millions of acres which must, at a later period, after allotments in severalty have been perfected and their improved condition thereunder shall warrant it, be further purchased and opened to settlement.

A large portion of these lands is of a very inferior character, known as "bad lands," and affording no prospect for homestead settlement. Were so large a gross price to be paid, the Government could not regain it by the sale of the lands unless a much greater price per acre than has heretofore prevailed should be demanded of the purchasers, nor could

it be even thus regained until the lapse of many years. The policy of Congress is wisely declared by the act to require the disposition of these lands only to homestead settlers, to be paid for after the full period of five years' residence and improvement, which now entitles homesteaders upon the public domain elsewhere to a patent without price. To impose generally so large a price as prerequisite to patent, after the full term of residence and improvement required by the homestead law, would doubtless operate to seriously discourage and retard the progress of settlement. The cash payment in gross for the entire area at the full price per acre which has usually been fixed upon the best of our public lands, not within the limits of railroad grants, would be a policy entirely different from any hitherto pursued; the utmost which has previously been done in respect to the best of lands to which the Indian title has been extinguished having been, as in the case of the Osage diminished reserve in Kansas, to make sales at that price and apply proceeds when obtained to the use of the Indian people.

It is probably not even desirable to the Indians that so great a fund should be provided, the interest of which would yield so large an annual sum for distribution as to remove the incentive for their personal effort at subsistence and improvement. The experience, in the case alluded to, of the Osage Indians tends to support this view. Their riches are so great as to render them independent of exertion, situated as they are in a mild and agreeable climate, and can hardly be regarded as an unmixed blessing. These various considerations appear to render their demand not only unreasonable in amount, but the granting of it unwise as the means of best assisting them forward. The proposed amendments which were submitted to their consideration contemplated affording them the highest price of one dollar per acre for such lands as settlers should select as the best from the reservation during a period of three years after its opening to settlement, a lesser price for lands of the second grade, while the poorer quality of soil would remain for such disposition as Congress might see fit to make, in another manner than homesteading, when occasion should require. The objection which the Indians have made that the period of three years might be lost to them because surveys may not be made sufficiently early and complete to render the lands freely accessible to settlement, is, however, a just one; and, if any prospect of consent to the act had opened by its modification, a further amendment would have been offered by which the time should have been fixed to run from the date when the lands, after survey, should go into market. Attention is invited to this more particularly because, if hereafter any similar plan should be considered, that point fairly demands attention in their interest.

Strenuous objection was urged by the Indians of the reservation against the participation in the proceeds of its sale by the Santee Sioux; and the amendment upon that subject was suggested to relieve this objection for two reasons; first, because it seemed more important

to procure the opening of the reservation upon satisfactory terms while in the way of negotiation, if possible, than to defeat the result by insisting upon this point; and, secondly, because there appears to be much justice in their claim that the Santee and Flandreau band are not entitled to participate. They never have been Indians of this reservation; they have been otherwise fairly provided for. They were among the most hostile of those who engaged in war with the Government and the massacre of the white people, and the provisions of the act give them, although outsiders, advantages beyond what the Indians on the reservation receive. This superior advantage is more particularly given to the Flandreau band, who by the act are not only to share in the proceeds of the lands sold, but may also, without residing upon an allotment, have the price of one, notwithstanding they are now settled upon better lands in the eastern part of Dakota under the Indian homestead laws.

The other features of the proposed amendments require no further explanation of the reasons for making them than is suggested by their reading, to one who is acquainted with the circumstances.

In view of the unyielding temper with which their demand was insisted upon, affording no prospect of the acceptance of the act with the reasonable modifications admissible, it seemed wise to peremptorily terminate the negotiation and leave them to longer consideration of the exorbitant nature of their demand. This course is most likely to bring about their perception of their best interests and a later readiness to deal in a less grasping spirit.

Attention is invited to the interesting information and full presentment of the various aspects of the problem of opening this reservation in the elaborate report of the Commission, which is appended hereto. It appears satisfactorily that, restricted to the sole means of argument and explanation, their full duty was done in their submission of the act.

SOUTHERN UTE RESERVATION, COLORADO.

By the fourth section of the act of May 1, 1888 (Public, No. 73), ratifying the agreement with the Gros Ventre and other Indians in northern Montana, provision is made for the appointment by the Secretary of the Interior of a commission consisting of three persons, with authority to negotiate with the bands of Ute Indians of Southern Colorado for such modification of their treaty and other rights and such exchange of their reservation as may be deemed advisable by said Indians and the Secretary of the Interior; the report of said Commission to be made to and subject to ratification by Congress before taking effect.

For the purposes of the provisions of the law a commission, consisting of Hon. James M. Smith, of Wisconsin; Rev. Thomas S. Childs, of Washington, D. C., and Maj. R. B. Weaver, of Arkansas, was appointed and entered upon its duties under detailed instructions of this Department of July 18, 1888. Information has now been received that

an agreement has been negotiated and already largely signed by the Southern Utes, with the prospect of early completion, by a sufficient number of signatures, for the removal of these people to a reservation to be provided for them in San Juan County in the Territory of Utah. The labors of the commission have been long protracted and apparently arduous, but the prospect is that a satisfactory result will now be reached. No further anticipation of the work of the commission is at present justifiable. It is likely that before many days they will be able to report their transactions in full and that their report, with the results accomplished, can be laid before Congress at its coming session in time to enable such action to be taken as it shall deem expedient.

AGREEMENTS NEGOTIATED WITH INDIANS IN THE STATE OF MINNESOTA AND IN DAKOTA, MONTANA, IDAHO, AND WASHINGTON TERRITORIES.

Under the provisions of law contained in the Indian appropriation act of May 15, 1886 (24 Stats., 44), providing therefor, certain agreements were negotiated with the tribes and bands of Indians therein specified by a commission appointed for the purpose, all of which were submitted to Congress. The present status of those agreements is as follows:

THE GROS VENTRE, PIEGAN, BLOOD, BLACKFEET, AND RIVER CROW INDIANS IN MONTANA.

The agreement entered into with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, for dividing a portion of their reservation into three separate reservations for the use and occupation of the Indians belonging respectively to the Fort Peck Agency, the Fort Belknap Agency, and the Blackfeet Agency, and for relinquishment of the Indian title to the remainder, was ratified by act of Congress approved May 1, 1888. The result of this agreement is the extinguishment of the Indian title to a vast area of country, estimated at about 17,500,000 acres, for a compensation of \$4,300,000, to be expended in ten annual installments for the benefit of the Indians, apportioned according to the terms of the agreement to those on the several diminished tracts, reserved for their use, which embrace an aggregate of about 4,151,000 acres.

These Indians for whom appropriations have heretofore been made for their support, as a gratuity from the Government, will now receive the benefits of such appropriations made as payment of consideration money for the portion of their territory ceded by the agreement. Steps have been taken to gather the Indians upon the tracts reserved for their use, preparatory to the inauguration of measures looking to their instruction and assistance in ways calculated to advance them in industrial pursuits and ultimate self-support and civilization. Unfortunately these reservations lie so close to the international boundary line of the

Northwest as to make it quite difficult to keep our own Indians upon their reservations or to keep foreign Indians from coming among them. The visiting, roaming, or raiding of Indians to and from these reservations presents a serious obstacle to the civilizing efforts which are made possible among them under the provisions of the agreement recently ratified.

THE ARICKAREE, GROS VENTRE, AND MANDAN INDIANS IN DAKOTA.

The agreement negotiated with the Arickaree, Gros Ventre, and Mandan Indians occupying the Fort Berthold Reservation in Dakota was presented to Congress by the President on January 17, 1887 (see Senate Ex. Doc. No. 30, Forty-ninth Congress, second session), and a bill (S. 1950) ratifying it passed the Senate of the Fiftieth Congress, but has not yet become a law. By the terms of this agreement the Indians cede all that portion of the reservation "lying north of the forty-eighth parallel of north latitude and also all that portion lying west of a north and south line 6 miles west of the most westerly point of the big bend of the Missouri River, south of the forty-eighth parallel of north latitude."

This proposed cession is unsurveyed, but is represented to contain from 1,600,000 to 1,950,000 acres, for which the Indians are to receive the sum of \$800,000, payable in ten yearly installments of \$80,000 each, to be expended for their civilization and education and in establishing them in comfortable homes as an agricultural people upon the proposed diminished reservation containing 1,000,000 acres, more or less.

UPPER AND MIDDLE BANDS OF SPOKANE AND OTHER INDIANS IN MONTANA, IDAHO, AND WASHINGTON TERRITORIES.

The four separate agreements negotiated under the provisions contained in the act of May 15, 1886, (24 Stats., 44), with certain Indians in the Territories of Montana, Idaho, and Washington, were presented to Congress by the President on January 9, 1888 (see House Ex. Doc. No. 63, Fiftieth Congress, first session), and a bill (S. 3557) setting out the four agreements and ratifying them was passed by the Senate, but failed to become a law.

The various interests involved in these four agreements may be summarized as follows:

Upper and Middle bands of Spokane Indians.—The Upper and Middle bands of Spokane Indians cede all their right, title, and claim to any and all lands lying outside of the Indian reservations in Washington and Idaho Territories, and agree to remove to and settle upon the Cœur d'Aléne Reservation in Idaho, where they will select their farms and homes on a tract to be laid off by the Secretary of the Interior, and which selected homes and lands are to be the permanent homes of said Indians and their children forever. In consideration of said cessions it is provided that the United States will expend for the benefit

of said Indians \$95,000 as follows: For the first year \$30,000, for the second year \$20,000, and for each succeeding year thereafter for eight years \$5,000, the remaining \$5,000 to be distributed *pro rata* as they begin farming; and, in addition, to employ a blacksmith and a carpenter to do necessary work, and to instruct the Indians in those trades, and to pay each of six chiefs for ten years the sum of \$100 per annum.

Cœur d'Aléne Indians.—The Cœur d'Aléne Indians cede all their right, title, and claim to all lands in the Territories of Washington, Idaho, and Montana and elsewhere, except that known as the Cœur d'Aléne Reservation in Idaho; and upon that reservation they consent to the settlement of the Upper and Middle bands of Spokane Indians, and to the removal thereto of the Calispels and any other band of non-reservation Indians now belonging to the Colville Agency, and their settlement thereon on such terms as may be mutually agreed on by the United States and any such tribes or bands. In consideration of those things, the Cœur d'Aléne Reservation is to be held forever as Indian land, no part of which shall ever be sold, opened to white settlement, or disposed of without the consent of the Indians residing thereon; and the sum of \$150,000 is to be expended for the benefit of the Cœur d'Aléne Indians as follows: For the first year \$30,000, and for each succeeding year for fifteen years \$8,000 (the erection of a steam saw and grist mill, and payment for engineer and miller from said funds, is provided for); the United States in addition to furnish blacksmith, carpenter, a physician, and medicines. The Indians donate three sections of land on the reservation to the De Smet Mission for religious and educational purposes.

Lower Pend d'Oreille or Calispel Indians.—The Lower Pend d'Oreille or Calispel Indians agree to remove to and settle upon lands within the Jocko Reservation in Montana, and relinquish all their right, title, or claim to all lands in the Territories of Idaho or Washington or elsewhere; such of them as shall prefer to remove to the Colville or Cœur d'Aléne Reservation to be permitted to do so without forfeiting their *pro rata* share of the benefits under the agreement. The United States, in consideration thereof, agrees to remove them to the Jocko Reservation, to erect a saw and grist mill, to build houses, assist in clearing, breaking, and fencing not less than 5 acres of land for each family, furnish an engineer and miller, a carpenter and blacksmith, furnish each family two milch cows and two work horses, one wagon and harness, stoves for each house, agricultural implements; to make provision for care of the old, sick, and infirm; furnish food, clothing, and medicine until they can become self-supporting, but not to exceed five years; furnish seed for the first year, and furnish from time to time such useful and necessary articles as will promote their advancement and civilization; to pay to Chief Victor \$100 per annum during his life; one section of land on the Jocko Reservation to be selected and set

apart for educational and religious purposes, and suitable buildings be erected thereon.

Flatheads, Pend d'Oreille, and Kootenay Indians.—The Flatheads, Pend d'Oreille, and Kootenay (or Kootenai) Indians consent to the removal and settlement of the Spokane and Pend d'Oreille Indians to and upon the Jocko Reservation upon the terms and conditions contained in the agreement made with them, and agree to the use by the St. Ignatius Mission of two sections of land on which are situated their church, school buildings, etc., for educational and religious purposes. In consideration thereof the United States agrees to erect a saw and grist mill and furnish a miller for the same, to furnish a blacksmith and pay for the services of the same, and to furnish suitable tools for his use.

The Spokane Indians, the settlement of whose claims to lands, and whose removal and settlement upon the Cœur d'Alene Reservation is provided in the pending agreement with them, were reported in October last by an inspector of the Indian service as leading a life of squalid vagabondage around the town of Spokane Falls, which is located in the country claimed by them, and he represented them as "poor, shivering, half-starved," and otherwise in the most deplorable condition, at the threshold of civilization; "homeless, and landless, without occupation or guidance, a nuisance to this fast peopling country." He urges the importance of measures for their relief during the winter, and the speedy ratification of the agreement with them which makes provision for their support and civilization.

CHIPPEWAS OF MINNESOTA.

The two agreements negotiated with Chippewa Indians in Minnesota, under the provision contained in the act of May 15, 1886 (24 Stat., 44), transmitted to Congress by the President on February 28, 1887 (Senate Ex. Doc. 115, Forty-ninth Congress, second session), have not received favorable consideration by that body. One of these agreements was negotiated with the Chippewas of the White Earth, Leech Lake, Cass Lake, Lake Winnebagoishish, and White Oak Point Reservations, and the Gull Lake and Gull River bands of Chippewas, and provided for their consolidation upon the White Earth Reservation, the taking of lands thereon in severalty, and for the relinquishment of the Indian title to and for the sale of the land within the several reservations agreed to be surrendered for the benefit of the consolidated tribe of Chippewas; for the establishment of industrial schools, the erection and furnishing of dwellings on allotments occupied and cultivated, and for supplying necessary agricultural implements, seeds, et cetera, together with other stipulations looking to the permanent settlement and the advancement of these Indians in industrial pursuits, self-support, and civilization.

The other agreement was negotiated with the Indians on the Red Lake Reservation, whereby they consented to cede to the United States about two-thirds of the area of their reservation, with provisions for

sale of the ceded portion, the placing of the proceeds, less expenses, in the Treasury of the United States to the credit of the band of Red Lake Chippewa Indians, at interest at 5 per cent. per annum, to be expended for them for agricultural, mechanical, and educational purposes.

The consideration given to the subject-matter of these two agreements and the action taken by the respective houses of Congress have not contemplated the ratification of them, but look to further negotiations, subject to ratification by Congress, with all the different bands or tribes of Chippewa Indians in the State of Minnesota for their complete cession and relinquishment of all their title and interest in and to all the reservations of said Indians in the State of Minnesota, except the White Earth and Red Lake reservations, and to all and so much of these two reservations as is not required to make allotments to them. The cession and relinquishment of each of the reservations to be sufficient if made and assented to by two-thirds of the male adults over eighteen years of age of the band or tribe occupying and belonging on such reservations, except in the case of the ceded or relinquished portion of the Red Lake Reservation, which is required to be assented to by two-thirds of the male adults of all of the Chippewa Indians in Minnesota. The "pine lands" within the ceded tracts to be surveyed, appraised, and offered for sale at public auction, and the agricultural lands to be disposed of to actual settlers only, under the provisions of the homestead law, at \$1.25 per acre. The proceeds, less certain expenses, to be placed in the Treasury of the United States to the credit of all the Chippewa Indians in Minnesota, with provisions for disbursement of the interest thereon, and the final disbursement of the principal after fifty years.

It is very important that some definite plan should be concluded with reference to these Chippewa Indians, in order that the real work of their permanent settlement and improvement may be entered upon at the earliest practicable date, which in the mean time is necessarily fettered by the expectation of some impending measure of legislation and the uncertainty of its character.

TURTLE MOUNTAIN BAND OF CHIPPEWAS.

A band of Indians, known as the Turtle Mountain band of Pembina Chippewas, is now located in the extreme northern part of Dakota Territory, where a reservation of two townships was, by Executive order of June 3, 1884, set apart for their occupancy. They claim the uncaded Indian right to a large tract of land lying north and northwest of Devil's Lake, estimated to contain between 9,000,000 and 10,000,000 acres, which they insist has been continuously possessed and occupied by them and their ancestors for many generations. By the treaty of 1825 (7 Stats., 272), the extreme northern portion of the boundary line agreed upon as dividing the respective countries of the Sioux and Chippewas is described as from the mouth of Buffalo River "to Red River;" thence descending Red River "to the mouth of Outard or Goose Creek."

Provision was made in the act of September 30, 1850 (9 Stats., 556), "for expenses of treating with the Indians and half-breeds for the extinguishment of the title to their lands on the Red River of the North, in the Territory of Minnesota," under which a treaty was negotiated with the Chippewas whereby they agreed to cede certain lands in Minnesota, the western boundary of which is described by a line drawn from the westerly source of the south branch of Goose River, northwardly in a direct line to the British line. This treaty was never ratified by Congress. One of the commissioners who negotiated the treaty reported at the time that "not more than three hundred Chippewas roam beyond the western boundary of the present purchase, and it is thought it would not be difficult to induce them to unite with the rest of the tribe whenever it is concentrated in the manner proposed."

By the treaty of 1863 (13 Stats., 667) the Red Lake and Pembina bands of Chippewas ceded certain territory to the United States, the southwestern and western boundary of which is along the Cheyenne River, from its mouth to where it approaches the southeast point of Devil's Lake, thence bearing northeasterly and northerly to the British line; leaving for their use and occupancy the present Red Lake Reservation, containing about 3,200,000 acres. This treaty, like the unratified one of 1851, though to a greater extent, embraced within the cession lands lying west of the Red River of the North and shows that the Chippewas occupied land at that time west of that river. The Pembina Chippewas under Little Chief (or Little Shell) and Red Bear were parties to that treaty, and were reported as numbering as follows: Little Chief—27 Indians, 442 half-breeds, total 469; Red Bear—325 Indians, 221 half-breeds, total 546.

In the proceedings of the council, furnished by the commission who negotiated this treaty of 1863, it is stated with reference to the Pembina Chippewas that "they proposed to reserve all the country west of a line running from Poplar Grove to the head of Salt River, and thence due north to the British boundary, as a hunting ground." And the commission reported that "the Pembina bands who subsist by buffalo hunting also retain for themselves a tract of country claimed by them, embracing some of the present favorite pastures of that animal north and northwest of Devil's Lake." This is the first evidence of definite character that has been found of any claim asserted by or on the part of the Chippewas to the country north and northwest of Devil's Lake, where theretofore the Sioux, and also the Chippewas, had roamed and hunted. If the Sioux had any title or claim to that portion of the country—and no such claim has been set up by them—they surrendered it by the treaty of 1868, whereby they "relinquish all claim or right in and to any portion of the United States or Territories except such as is embraced within the limits" of the reservation established for them by that treaty. (15 Stats., 636.)

The Red Lake and Pembina half-breeds, who far outnumbered the

full-blood Indians, were not made a party to the treaty of 1863, except that by Article VIII thereof the mixed-blood relatives of the Chippewas, who were citizens and had adopted the habits and customs of civilized life, were permitted to take a homestead of 160 acres, or scrip therefor, as provided by supplemental articles of April 12, 1864, to that treaty (13 Stat., 689), to be located within the ceded territory, and to "be accepted in lieu of all future claims for annuities." They received, under this treaty, 464 pieces of scrip for 160 acres each, entitling them to 74,240 acres of land.

A board of visitors, appointed to the Red Lake and Pembina Indians, it is presumed under the sixth article of the treaty of 1863, reported, in 1871, that they found the Pembinas in a deplorable and almost hopeless condition, but on account of unfriendly feelings existing between them and the Red Lake Indians, were not disposed to live on the Red Lake reserve, where they have rights, but were anxious to have a reservation made for them in the Turtle Mountain country, "which had long been their hunting grounds, and have never been ceded by them to the United States." The board, while recognizing the justice of their request, did not feel that the interests of the Indians would thus be permanently secured, and consequently suggested that they be separated from the multitude of half-breeds, having no claims whatever to Government annuities, many of them residents of Manitoba, and be removed to the White Earth Reservation.

The agent for the White Earth Agency, in the following year, reporting upon their condition, urged "that the Department either recognize their right to all the territory on Turtle Mountain, and give them the means to farm there, or purchase a right on the White Earth Reservation, and order them to remove." An item of appropriation of \$25,000 for purchase of one township of land on the White Earth Reservation for use and benefit of the Pembina band of Chippewas and \$10,000 for removing them to, and establishing them thereon, was made in the deficiency appropriation act of March 3, 1873 (17 Stats., 539). The Department that year required that the Indians should come to that township selected under this law to receive their annuities. The agent reported the failure of many of them to do this, because of extreme poverty, destitution, the long distance required to travel, and evil influences of men who hoped to be benefited by payment at Pembina, and stated that "the Turtle Mountain band have virtually abandoned that distant field to the Sioux, and live, as do others, upon forbidden soil, without hope."

In view of the alleged title claimed by the Turtle Mountain band of Chippewas to the land "north and west of Devil's Lake," the Commissioner of the General Land Office directed the surveyor-general of Dakota, on September 6, 1880, to contract for no surveys within the limits of the land thus claimed.

In the first session of the Forty-seventh Congress, measures were

pending before both houses for extinguishment of the title claimed by these Indians to the land in and about Turtle Mountain, over which they were roaming, and the Commissioner of Indian Affairs in his report thereon expressed the opinion that their claims were entitled to consideration and should receive examination.

Mr. Secretary Teller did not submit the report to Congress. He expressed the opinion that the claim of these Chippewas, not exceeding 300 in number, to nearly 10,000,000 acres of land, already largely occupied by settlers, was not well founded; but if, upon careful examination, a claim should be found to exist, it would be the duty of the Government to make proper compensation to them, and he directed the General Land Office on October 4, 1882, to take steps to revoke the action by which said lands were withheld from the practical operation of the laws granting settlement rights, and to restore them to the mass of the public domain, protecting such of the Indians as have made improvements or are attempting to make permanent locations, and assisting them in securing title to their selections. At the same time a tract of the country, 32 by 24 miles, was temporarily reserved from settlement by Executive order of December 21, 1882, until a suitable smaller tract within its lines could be selected for the use and occupancy of these Indians, and by Executive order of June 3, 1884, all of that tract, except two townships selected for that purpose, was restored to the public domain.

Congress appropriated \$10,000 in the Indian appropriation act of March 1, 1883 (22 Stats., 449), "to enable the Secretary of the Interior to establish the Turtle Mountain band of Indians in permanent homes on homesteads upon the public lands, and to purchase stock, implements, and other necessities," and to defray the expenses of such of them as were then in Washington City. For each of the following two years \$5,000 were appropriated for their support and civilization, and for each subsequent year \$7,000 have been appropriated for that purpose. Owing to their destitute condition and to relieve suffering and prevent starvation and death among them, it became necessary in 1886 to use for their relief \$3,000 from the Indian distress fund (23 Stats., 379). A like sum from the same fund was used in 1887, and this year it is urged by the agent at the Devil's Lake Agency, under whose jurisdiction they are, that \$5,000 in addition to the \$7,000 appropriated for them are necessary to prevent starvation among them.

Since 1863, when they were reported as Little Chief's band of 27 Indians with 442 mixed-blood followers, their numbers have been increased, according to the report of the agent for 1888, to 346 full-bloods with a following of 1,020 mixed-bloods. But recent communications from persons in the locality who are interesting themselves in behalf of these people report that the number now on the reservation is about 3,700 persons, with enough belonging thereon, now absent hunting, to swell the total to about 5,200 souls. There can be no question that the great

increase of the number of these people is due to large accessions of their relations and friends from the British Possessions, who go there to share in the very limited food supplies furnished for the Indians on the reservation.

There are reported to be at this time 263 Pembina Chippewas on the White Earth Reservation. The native-born full blood Indians of the Turtle Mountain band of Pembina Chippewas seem to have rights in common with the other Chippewas to the land within the Red Lake Reservation, and also rights in common with the other Pembina Chippewas to the township of land purchased for them on the White Earth Reservation. Their half-breed and mixed blood relatives and followers have not, so far as I can discern, any claims to the soil which are entitled to consideration from the Government in dealing with these Indians. It has been observed that the bill now pending in Congress (H. R. 7935), "for the relief and civilization of the Chippewa Indians in the State of Minnesota," provides that the contemplated cession of land within the Red Lake Reservation shall be assented to "by two-thirds of the male adults of all of the Chippewa Indians in Minnesota."

Why should not the Turtle Mountain Chippewas be included not only in the requirement for assent to cession of Red Lake lands, but also in the requirement for removal and settlement upon the White Earth Reservation, after making cession of whatever rights, if any, they have to the two townships now occupied by them in Dakota. The prospects for their civilization on their present reservation, located within 9 miles of the international boundary line, are very discouraging. So long as they remain there humanity demands that they shall not be suffered to die from starvation and exposure, and in providing food and other necessities for them there the liberality of the Government will be imposed upon to feed and care for a large number of people not entitled to its consideration and bounty. They are in this situation also but little amenable to discipline. A short journey carries one across the border beyond reach of the authority of the Government; and their proximity to Canadian Indians exposes them to various agitations and excitement to disorder. There has even been some reason to apprehend serious trouble from this cause, combined with their distresses and some complaint of injustice in their treatment by the local authority, especially in the imposition of taxation on their lands.

I therefore earnestly urge upon Congress an early and careful consideration of the affairs and condition of the Turtle Mountain Chippewa Indians, and prompt measures to provide for the removal of such of them as are entitled to governmental care to the White Earth or the Red Lake Reservation, and their support and civilization in such new homes. It is, in my opinion, inexpedient to leave any body of unreclaimed Indians near the border. And it is inhumane and unwise to suffer any to remain beyond the influences of reclamation anywhere. Special reasons in the circumstances of these people add much to the general sanction of these principles.

ROUND VALLEY RESERVATION, CALIFORNIA.

It is to be regretted that another session of Congress has closed without the passage, by it, of some measure of legislation heretofore repeatedly asked for by the Department and so forcibly urged upon the attention of that body by the President in his special message of January 5 last, under which the removal of the intruders and trespassers upon, and also certain claimants to, lands within the Round Valley Reservation set apart for use of the Indians could be effected.

A full history of the reservation, of the legislation concerning it, out of which has grown up the existing embarrassing condition of affairs; of the efforts and attempts made by the Department to clear the reservation of the hindrances to the occupancy and enjoyment by the Indians of the lands reserved for their use, are fully set out in the correspondence found in House Ex. Doc. No. 33, Fiftieth Congress, first session.

When the Forty-ninth Congress expired without enacting legislation pending before it on this subject, a movement was made by this Department, in which was enlisted the co-operation of the War Department and the Department of Justice, to remove from the reservation all persons, with their property, having no legal status thereon. This movement came to naught through proceedings in the courts restraining the officers from executing the orders under which they were proceeding.

Major-General Howard, in reporting his action in the matter to the War Department, characterized the affairs as existing upon the reservation, growing out of the unlawful trespass and intrusion of white people thereupon, as "extraordinary and disgraceful," and added, after a recital of information gathered by him, that "the iniquity perpetrated on this reservation is so glaring, so public, that it is demoralizing in its effects upon a large community," and he urged "new legislation, and that in it some other method be taken to compensate claimants and intruders than by continuing them and their herds within the boundaries of the reservation." Without such new legislation, which, as before stated, has been repeatedly urged upon Congress, this Department is powerless to remedy the existing evils; and it can do nothing toward allotting lands to those Indians who are abundantly ready and willing to take such allotments. So long as the existing state of affairs is allowed to continue all exertions and efforts made to improve the condition of the Indians will result in only temporary, if any, good.

KLAMATH RIVER INDIAN RESERVATION IN CALIFORNIA.

"A strip of territory commencing at the Pacific Ocean and extending 1 mile in width on each side of the Klamath River for a distance of 20 miles," was set apart for Indian purposes by Executive order of November 16, 1855, under and in pursuance of a provision in the act of March 3, 1855 (10 Stats., 699), providing for the collecting, removing,

and subsisting of Indians in California on two additional military reservations which were not to contain exceeding 25,000 acres each.

By the second section of the act of April 8, 1864 (13 Stats., 39), it is provided that the President, at his discretion, shall set apart not exceeding four tracts of land within the State of California to be retained by the United States for the purposes of Indian reservations, and that said tracts may, or may not, as in the discretion of the President may be deemed for the best interests of the Indians to be provided for, include any of the Indian reservations heretofore set apart in said State.

The third section of that act provides "that the several Indian reservations in California which shall not be retained for the purposes of Indian reservations" shall be surveyed and offered for sale as therein directed. Indians have continued to reside on the Klamath River lands, and those lands have been and are treated as in state of reservation for Indian purposes, the jurisdiction of which is under the United States Indian agent for the Hoopa Valley Agency. The taking of fish in the Klamath River, which has been pursued as a means of support and subsistence for many years past by the Indians living on the reservation, has been largely encroached upon recently by white persons, who have also engaged in traffic with the Indians.

To punish violators of the Indian intercourse laws proceedings were instituted in the United States court for the northern district of California against one R. D. Hume (case entitled "United States v. Forty-eight Pounds Rising Star Tea, etc.") for trading with the Indians occupying that reservation in violation of section 2133 Revised Statutes. Upon the trial the court dismissed the libel of information, holding that—

The Klamath River Reservation not having been "retained for the purposes of Indian reservations," under the act of 1864, nor included within either of the four tracts of land set apart under its provisions, the third section took effect as a relinquishment of the lands for purposes of Indian reservations, but the United States still retained possession of the lands for the purposes of disposing of them as directed by that section. * * * If these lands do not constitute an Indian reservation, they are certainly not an Indian country. They are held by the United States for sale; and even if this were not the case, the residence of 200 Indians on a tract 40 square miles in area would not make the whole tract Indian country within the meaning and intention of the law.

After full consideration of the interests involved, I have requested the Attorney-General to cause an appeal to be taken in the case, deferring, of course, to his judgment whether upon the questions of law in the case any different determination of the matter might reasonably be hoped for by such action.

Without awaiting the decision of this appeal, however, authority ought at once to be given the President or the Department to set apart these lands as a reservation, and thus remove all doubt and secure the immediate protection to the Indians which they can otherwise hardly expect to enjoy during the pendency of the appeal, and which the Department is powerless to give them.

UMATILLA RESERVATION, OREGON.

The action taken by this Department under the law of March 3, 1885, (23 Stat., 341), providing for diminishing the Umatilla Reservation, allotment of lands to the Indians, sale of the surplus lands, and for other purposes, has progressed so far as to secure the required consent of the Indians to the provisions of the law, and the survey of the lands within the whole reservation. The law requires that the commission provided for thereunder shall determine and set apart so much of said reservation as shall be necessary to supply agricultural lands for allotments in severalty, together with sufficient pasture and timber lands "to be used by said Indians in common," * * * "and 640 acres for an industrial farm and school, not exceeding 120,000 acres in the aggregate for all purposes; and the same shall be in as compact a form as possible."

The commission appointed in the latter part of 1886 for the purpose, selected and reported such a tract, which received the approval of the Department, as the diminished reservation which the commission reported embraced the quantity (75,440 acres) of agricultural land required for allotment and for the industrial farm and school, but when this portion of the selected tract was subdivided into 40-acre tracts for allotment, the surveyor discovered and reported that there was an actual deficiency of about 10,000 acres of agricultural land. A new commission was appointed by the President in December, 1887, which was instructed to investigate the matter, and if a deficiency of agricultural land within the tract already selected was found, to so change the boundaries thereof as to embrace within it a sufficient quantity of agricultural lands. This commission reported on May 12, 1888, that an actual deficiency of 6,644 acres of agricultural land was found; that this additional quantity was selected, and that the boundaries of the tract were so changed as to include it and to meet the wishes of the Indians so far as was practicable under the limitation of the law restricting the diminished reservation to 120,000 acres, "the same to be in as compact a form as possible."

The tract thus selected—which the commission reports does not embrace as much timber land as was thought necessary—is not compact in form; it is very irregular in outline; but it is no doubt in the most regular and convenient shape found possible by the commission under all of the circumstances and the requirements of the law. Considerable dissatisfaction on the part of the Indians was reported, because certain lands—mainly mountainous, on the east part of their reservation, which they claimed were promised to be reserved for them—were not embraced within the diminished reservation. As the Indians have consented to take allotments in severalty and to the other provisions of the law, I think their wishes, which appear reasonable, ought to be respected.

For this reason and because of the very undesirable form of the tract selected to be reserved, I hesitated to adopt the report of the commis-

sion submitted to me for that purpose on July 19, 1888, and prepared the draught of a bill which was introduced in the Senate, and subsequently incorporated as a section of another bill which became a law on October 17, 1888 (Public, 320), and repeals so much of the act of March 3, 1885, as limits the total quantity of the diminished reservation proposed to 120,000 acres, and authorizes the Secretary of the Interior to set apart such further quantity of land as shall enable him to fix, define, and establish the metes and bounds of the reserved tract in a satisfactory manner, and to include therein such portions as he may deem advisable of certain lands in the eastern part of the reservation which the Indians desire shall be reserved for them; and, by order, to establish said diminished reservation accordingly.

Under the authority of this act it is believed that without further examination or outlay it will not be difficult to define by order the boundaries of a satisfactory reservation, and the subject will have early attention and action.

SEMINOLE INDIANS IN FLORIDA.

The Indians in Florida are reported to number about 269, of whom a few are Creeks but much the larger number Seminoles, being those and their descendants whose removal with their tribe to the Indian Territory has never been accomplished. They have lived in the southern portion of the State remote from white settlements, subsisting themselves upon game, fish, and other natural resources of the country, in addition to the product of small patches of ground indifferently cultivated by some of them, but for which they have no title. It is reported that some progress in civilization is noticeable among the younger men and women who have enjoyed the advantage of more frequent intercourse with the white people, contact with whom the older Indians have sought in every way to evade, and that the youth among them evince a desire to learn not only to speak our language, but to read and write it.

Under and in pursuance of a provision in the Indian appropriation act of 1884 (23 Stats., 95), appropriating \$6,000 "to enable the Seminole Indians in Florida to obtain homesteads upon the public lands and to establish themselves thereon," a special agent was appointed, who spent some time during 1887 in visiting their settlements, investigating their condition, and in persuading them to settle upon homesteads; to do which, he gained the consent of a few, for whom he then made search for suitable public lands for the purpose, but failed to find any tracts the title to which had not passed from the Government which were acceptable to those willing to locate. The lands which the Indians desired were found to be in the possession of the State or of improvement companies.

In view of these facts the matter was submitted to Congress by special message of the President on April 9, 1888, presenting for favor-

able consideration the draught of proposed legislation, prepared in the Department, to authorize the use of the balance of the \$6,000 appropriated by the act of 1884 in the purchase of suitable land, at not exceeding \$2.50 per acre, upon which to locate those Indians. The available balance of the fund was reported to be \$4,610.88. This proposed legislation has not yet received favorable action by Congress, but an item appropriating \$6,000 is contained in the Indian appropriation act for the current fiscal year "for support and education of the Seminole and Creek Indians in Florida, for the erection and furnishing of a school house, for the employment of teachers, and for the purchase of seeds and agricultural implements and other necessary articles."

The existence of yellow fever in Florida has interfered with immediate inauguration of steps necessary to carry out the provisions of this law and the proper application of the appropriation to the purposes for which it is made. Information sought through correspondence, and furnished by persons who are more or less acquainted with the portions of the State where these Indians live, has not disclosed the location of any tract of public land suitable for a site for a school building for them.

Neither the appropriation of 1884 nor that of 1888 authorizes the use of any portion of the funds for the purchase of any land either for the Indians or for schools for their benefit. No land should be purchased if there are available and suitable public lands to be had, but from the investigation heretofore made it is feared that no tract of public land suitable for a proper site for a school building to be conveniently located for the benefit of these Indians can be found, and I therefore recommend that authority of law be granted for use of so much of the balance remaining of the fund appropriated in 1884 as may be necessary, not exceeding \$1,000, for the purchase of sufficient land for the establishment of a school where the youth among these Indians may be taught not only to speak, read, and write the language of the country, but be also trained to habits of intelligent industry and usefulness.

In the meantime, measures will be adopted to secure the opening of a school or schools for them under contract with some religious society or philanthropic person, who will gather as many of the children as possible together and begin the work of their education and training, and in this way develop what is the best location for schools, where the permanent location of the Indians will be, and what is most needed by the adult Indians for the improvement of their condition.

To this end I have recently appointed Miss Lilly Pierpont as an agent to visit Florida and renew the effort to find suitable land to settle the Indians upon, and to furnish the seat of the educational establishment designed. This lady suggested and instigated the recent legislation, and possesses qualifications beyond those of any other person who has come to my attention for the task of humanizing these wretched, maltreated outcasts. In addition to experience in teaching and unusual

abilities, she possesses untiring zeal, a philanthropic heart, and the determination to devote her life, with noble self-sacrifice, to the reclamation of these unhappy beings. She enjoys the further advantage of being personally well known to some of them, and of possessing what few others of the race of their white persecutors share with her, their affection and confidence. It is to be hoped she will continue to receive cordial co-operation and support from the Government in her humane undertaking.

BRITISH CREE INDIANS.

The body of British Cree Indians, which numbers now about 160 souls, who, at or about the time of what is known as the "Riel rebellion" in 1885, came as refugees to this country, have since wandered about and near the Indian agencies and military posts in northern Montana. In July, 1886, the facts regarding them and their destitute condition were reported to Congress with recommendation for a small appropriation to enable the Department to relieve distress and suffering among them. No appropriation for this purpose was made.

Upon reports received from the officers of the military service in the locality that they were starving, the President, in February of 1887, authorized the use from the appropriation of \$50,000 made by act of March 3, 1885 (23 Stats., 379), for relieving distress among Indians having no treaty funds, of the sum of \$1,000 to purchase food to relieve their urgent necessity. Under subsequent Executive authority further sums from the same appropriation have been used for their relief, making a total expenditure so far on their behalf of \$5,065.73.

As it seems evident that this band of Indians are to remain, unless forcibly driven across the border, and even if so driven will probably return, I have been impressed with the necessity for some action by Congress to enable the Department to deal with the problem, and a full and detailed statement regarding them was presented to that body in May of this year, together with information from reports of Canadian authorities showing the humane and generous treatment accorded by their Government in setting apart a reservation and in otherwise looking after the welfare of Indians from the United States who had fled to the British possessions; to which was added the suggestion that authority be granted to place them on lands of some of our own Indians who are willing to receive them, if such can be found, and if not, to set apart a small reservation for their temporary benefit, and that the sum of \$5,000 be appropriated to be used, as far as necessary, to relieve any destitution which may exist among them during this fiscal year.

As Congress failed during its last session to enact any legislation on the subject, these refugee Indians must either be left to die from starvation, or the Department must continue to relieve distress among them by resort to the appropriation heretofore drawn upon for their relief. It is hoped that at its next session Congress will enact some appro-

appropriate provision of law that will meet the necessities of the case. Meantime you have recently authorized the expenditure of \$1,500 for their relief during the coming winter through the agency of the War Department out of the same fund as before.

INSPECTION OF INDIAN AGENCIES.

During the year, 49 of the 60 Indian agencies, and 10 industrial-training schools not under jurisdiction of Indian agencies, were visited, examined, and reported upon to the Department by the inspectors of the Indian service. Of the number inspected, 22 were twice visited and investigated by different inspectors. Those agencies not visited and examined by inspectors during the year are the New York Agency, New York; the Eastern Cherokee Agency, North Carolina; the Blackfeet, Fort Belknap, and Flathead Agencies, Montana; the Lemhi Agency, Idaho; the Western Shoshone and the Nevada Agencies, Nevada; the Hoopa Valley Agency, California; the Klamath Agency, Oregon; and the Neah Bay Agency, Washington Territory. The two last-named agencies were reported to be inaccessible, except at unusually large expense, because the usual public means of conveyance had been withdrawn from the routes of travel to them at the time the inspectors ordered there passed by on their tours of work. The two first-named agencies, located in the East, are not considered such as require very frequent examination by inspectors.

The failure to have all of the 60 agencies visited and thoroughly inspected was owing to the fact that several of the inspectors were, on account of sickness, not able to travel in the performance of the duties for which they are employed for considerable portions of the year.

PENSIONS.

The excellent and elaborate report of the able Commissioner of Pensions contains so full and at the same time so compact an exhibit of the operations of his Bureau during the year, and of its present condition, that for a proper understanding of its affairs in detail reference to the report itself is requisite. It may be interesting to extract some of the more general figures which summarize its transactions and exhibit the present aspect of this branch of Government affairs.

Original pensioners to the number of 60,252 were added to the pension rolls during the last fiscal year, and increases were granted in 45,716 cases. The names of 15,730 pensioners were dropped from the rolls for various causes, so that at the end of the year the total number remaining of all classes was 452,557, of which 323,020 were Army invalid pensioners, 90,882 Army widows, children, and dependent relatives; 3,815 Navy invalids, 2,083 Navy widows, children, and dependent

relatives; 806 survivors of the war of 1812, and 10,787 widows of those who served in that war; 16,060 Mexican soldiers, and 5,104 widows of Mexican soldiers.

At the present time one hundred and two different rates of pension prevail, ranging from \$2 per month to \$416.66 per month; but the average annual value of each pension at the close of the year is shown to be \$125.30; and the aggregate annual value of all pensions \$56,707,220.92, an increase for the year of \$3,882,579.70.

The amount paid for pensions during the year was \$78,775,861.92, an increase over the previous year of \$5,308,280.22; the difference between the actual payments and the annual value having been occasioned by first payments involving arrears. Thus there were paid to 64,282 pensioners, receiving first payments during the year, the sum of \$22,299,605.46, and there remained in the hands of pension agents 6,574 cases of this kind unpaid on the 30th of June, upon which were due \$2,465,722.59. The cost attending the disbursement of this money, embracing the pay of the officers and employés of the Bureau, its agents, surgeons, special examiners, and others, was \$3,262,524.67; making the total expenditure for all purposes by the Bureau during the year, \$82,038,386.59; being 21½ per cent. of the total gross income of the United States for that time, and nearly 31 per cent. of the total expenditures of the Government for the fiscal year. This entire business was transacted without defalcation or financial irregularity involving the Government, and there was some acceleration of the rapidity of payment.

An examination by the Commissioner seems fairly to indicate that the average age of pensioners is fifty years, and that the average duration of life extends to the age of sixty-seven.

The business of the Bureau appears to have been diligently and zealously performed, and with no increase of numbers a very large increase of accomplishment has been shown under the administration of the present Commissioner as contrasted with any equal period in our previous history. The Commissioner's statement furnishes the following figures of contrast in the business done during the last three years and those of the three immediately preceding:

Certificates issued.	Three years from July 1, 1882, to June 30, 1885.	Three years from July 1, 1885, to June 30, 1888.	Increase.
Original	108, 121	156, 303	48, 182
Increase	79, 248	191, 094	111, 846
Miscellaneous	3, 852	12, 140	8, 288
Totals	191, 221	359, 537	168, 316

During the first period of three years there were disbursed on account of pensions \$183,399,216.31, and during the last period \$219,045,903.47, being an increase of \$35,646,687.16. This is a record of honor to the

diligence, zeal, and business capacity of the administration of this Bureau worthy of special commendation.

PENSION APPEALS.

The jurisdiction of the Department in review of the work of the Commissioner of Pensions has been, during the last year, performed almost exclusively by the Assistant Secretary, David L. Hawkins, and performed with fidelity and efficiency. His report exhibits a full account of the business of the Department of this character, and I have adopted it as a satisfactory presentation of all that is necessary upon the subject.

The supervisory control vested in the Secretary of the Interior by clause 4, section 441 of the Revised Statutes, over the public business relating to pensions and bounty lands gave rise to the circumstances which led to the organization of the Board of Pension Appeals. As a consequence of this supervisory control a practice was soon established in the Department by which, upon proper application in the nature of an appeal, pension claimants who were dissatisfied with the action of the Bureau of Pensions in adjudicating their claims could have them reviewed by the Secretary of the Interior, and any errors of law or fact complained of corrected on appeal.

In the early history of this branch of the public business this appellate jurisdiction of the Secretary of the Interior involved but a small amount of labor, but in the last fifteen years its unprecedented growth, incidental to the granting of pensions to the soldiers and sailors disabled in the war of the rebellion, rendered it impossible for the Secretary to give his personal attention to the numerous appeals from the Bureau of Pensions filed with the Department.

That some idea of the enormous increase in the number of these appeals may be obtained it will be sufficient to state that for a period of fifteen years prior to January 1, 1881, the average number of such appeals for each year amounted to 286. Since that date the increase has been large and constant, as follows:

1881.....	479	1885.....	2,760
1882.....	513	1886.....	2,874
1883.....	1,097	1887.....	1,941
1884.....	2,148		

Originally, competent clerks employed in the office of the Secretary were detailed to assist him in the work of examining and reviewing these appeal claims, but this plan soon proved inadequate for the purpose, and the attention of Congress was called to the matter, and a board of pension appeals was provided, consisting of three persons to be appointed by the Secretary. The duty of this board was to examine into and pass upon all appeals to the Secretary of the Interior in pension claims, and to submit the result of their investigation in each case, in the form of written opinions, to the Secretary, when, if approved

and signed by him, they became the decisions of the Department and the final action in the claim.

This board performed satisfactory work, but found it impossible to keep pace with the rapidly growing business, and Congress again provided, in the act making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, approved July 31, 1886, for the employment of six additional persons, to be appointed by the Secretary of the Interior, to aid him in determining appeals from the Commissioner of Pensions, and from whom he constituted two additional Boards of Pension Appeals.

In pursuance of said act, six additional members of said board were appointed, and in the month of October, 1886, the Board of Pension Appeals was reorganized, consisting of nine members, divided into three divisions, of three members each, acting independently of one another, and considering certain classes of claims assigned to each division, respectively, as is fully set out in my said former report hereinbefore referred to.

This increase of working force was found, however, insufficient for the purpose of disposing of the large accumulation of pension appeals, and Congress again provided for an increase of three additional members of said board in the act approved March 3, 1887, who were duly appointed, organized into a fourth division of the board of pension appeals, and entered upon the performance of their duty during the month of July, 1887.

From that time until the close of the year 1887 the work of examining and passing upon the appeals in pension claims was pushed forward as rapidly as was consistent with a careful and conscientious consideration of the claims presented on appeal, and by the 1st of December, 1887, the gratifying result was accomplished by which the whole of the accumulation of past years was wiped away, and the board was engaged in disposing of and deciding the current appeals as rapidly as they were prepared and sent up from the Pension Office to this Department, thus occasioning no delay in the decision of such appeals beyond the time necessary for their proper consideration and determination.

This being the state of affairs upon the 1st of December, 1887, it was found that the services of three members of said board could be dispensed with, and accordingly three members of said board were detailed for work in the Assistant Attorney-General's division, leaving nine members of said board engaged in hearing and determining appeals in pension claims.

The board, as thus constituted, continued without difficulty to dispose of all appeal claims as rapidly as the same could be forwarded from the Pension Office, up to the beginning of the present fiscal year, July 1, 1888, at which time a still further reduction was made in the number of members composing said board, Congress only providing for the employment of six members upon said board, who have been found

amply sufficient to dispose of the current appeals with as much dispatch as the circumstances of the case require.

The following tabular statement shows the work performed at a glance :

Statement showing disposition of pension claims by the Department of the Interior from July 1, 1887, to June 30, 1888.

Month.	Appeals pending on the first of the month.	Appeals filed during the month.	Total.	Action of Pension Office sustained.	Action of Pension Office reversed.	Reconsidered by the Pension Office pending appeal.	Appeals dismissed.	Total appeals disposed of.	Letters sent.	Letters referred to the Commissioner of Pensions.
July, 1887.....	2,256	133	2,389	279	10	90	24	403	276	287
August, 1887.....	1,983	153	2,139	377	4	126	21	528	265	382
September, 1887.....	1,611	133	1,744	347	12	104	19	482	253	324
October, 1887.....	1,262	119	1,381	389	7	43	12	451	185	203
November, 1887.....	930	114	1,044	372	8	75	11	466	178	203
December, 1887.....	578	169	747	178	8	178	6	370	345	390
January, 1888.....	377	128	505	174	.....	24	4	202	327	255
February, 1888.....	303	197	500	202	4	20	.....	226	311	424
March, 1888.....	274	180	454	245	4	4	3	256	295	407
April, 1888.....	198	203	401	152	6	4	4	166	304	421
May, 1888.....	235	194	429	207	1	.....	.....	208	363	478
June, 1888.....	221	121	342	157	4	.....	1	162	243	324
July, 1888.....	180	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total.....	.....	1,844	.....	3,079	68	668	105	3,920	3,345	4,098

RECAPITULATION.

Appeals pending July 1, 1887.....	2,256
Appeals filed from July 1, 1887, to July 1, 1888.....	1,844
Total.....	4,100
Appeals wherein Pension Office was sustained.....	3,079
Appeals wherein Pension Office was reversed.....	68
Appeals reconsidered by Pension Office pending appeal.....	668
Appeals dismissed.....	105
Total.....	3,920
Appeals pending July 1, 1888.....	180
Letters referred to the Commissioner of Pensions.....	4,098
Letters sent.....	3,345

While it is not included strictly within the time covered by this report, it will be proper to state that upon the 1st of July, 1888, the consideration of appeals of attorneys from the decision of the Commissioner of Pensions in the matter of the adjustment of their fees in pension claims was transferred from the miscellaneous division to this board, and since said date all such appeals have been considered and determined thereby, in addition to the consideration of appeals in pension claims. The number of such pending fee appeals so transferred on July 1, 1888, was 82, and the number of such appeals filed from said date to the date of this report, October 1, 1888, was 72, making a total of 154, of which number 111 have been disposed of, leaving pending October 1, 1888, 43. It is thus seen that the current appeals of this

character are being disposed of without unnecessary delay, and this increase of business has not delayed nor interfered in any way with the rapid disposition of the appeals in pension claims, notwithstanding the reduction in the number of members composing said board.

This will be very apparent from the statement of the disposition of pension appeals by said board from July 1, 1888, to October 1, 1888, as follows: The total number of appeals pending July 1, 1888, was 180, and there have been filed from said date to October 1, 1888, 434, making a total of 614. There have been disposed of and finally determined during said period 297, leaving the number of appeals pending October 1, 1888, 317. Of this last number it will be proper to state that much the larger proportion are now pending in the Pension Office, awaiting review and report and transmission to this Department, the board having for many months been able, practically, to dispose of all pension claims on appeal as rapidly as they could be properly reviewed, reported upon, and transmitted from the Pension Office.

Recognizing the importance, if not the necessity, that there should be settled rules of procedure and well-defined and carefully-considered principles governing the adjudication of pension claims, which would be applicable to all claims of a similar nature and character, and afford precedents for the future-determination of such questions, the Assistant Secretary entered at the beginning of the year 1887 upon the plan of selection for publication, from the decisions of the Department, in pension cases, certain ones involving questions of general importance and leading principles.

The decisions of the Department, thus selected, rendered during the year 1887, were published in the volume for that year, known as Volume I, of the Decisions of the Department of the Interior Relating to Pension Claims, and the reception with which said volume has been met by the employés of the Government, as well as by attorneys and other persons interested in the prosecution of this class of claims, has been most flattering, and fully demonstrates the importance and the value of such a publication.

A further and not less important effect of the publication of the decisions of the Department, and a strict adherence to certain general lines of decisions therein laid down, has been to bring the Department and the Bureau of Pensions into closer harmony and more exact accord in the adjudication of pension claims, the natural result of which has been the decrease, to a large extent, of the number of reversals of said Bureau by this Department. A claim is now adjudicated by the Pension Office in the light of and with a view to the settled decisions of the Department as published, and consequently the number of cases which call for the exercise of the appellate jurisdiction of the Department in reversing the action of the Commissioner is necessarily very much more limited. This accounts in a great measure for the small number of re-

versals in proportion to the number of appeals taken, shown by the tabulated statement herein referred to.

The same plan is being pursued with reference to the decisions that have been rendered during the present year, and that it is the purpose to publish another volume of said decisions, containing those selected for publication during the year 1888, but whether or not this plan should be continued in the future is a matter for further consideration, as it may be questioned whether it would be necessary or useful to continue said publication for a longer period of time than would be sufficient to cover all the cases which could arise in the consideration and adjudication of claims for pension, the extent and variety of which are, from the nature of the case, necessarily limited.

This publication of decisions has met with the approval and commendation of Congress, as expressed in the act recently passed providing for their publication and general distribution.

The added experience of another year in the disposition of these appeals in pension claims has emphasized, in the opinion of the Assistant Secretary, the necessity for the changes in and amendments to the laws now controlling this branch of the public business, which were heretofore recommended by him and which he repeats *in toto* :

That section 2 of the act of Congress approved August 7, 1882, be amended to read as follows :

“That marriages such as are mentioned in section four thousand seven hundred and five of the Revised Statutes shall be proven in pension cases to be legal marriages according to the law of the place where the parties resided at the time of the marriage, or at the time when the right to pension accrued, and the open notorious adulterous cohabitation, or satisfactory proof of other lewd and lascivious acts of a like character of a widow or a dependent mother who is a pensioner, or a claimant for pension, shall operate to terminate her pension or defeat her claim from the commencement of such cohabitation or the commission of such act.”

Also that section 4718 of the Revised Statutes be amended by adding thereto the following clause :

“*Provided, however,* That if any such widow, or other person entitled to receive said accrued pension, shall have been adjudged guilty of having feloniously caused the death of such person, or of having aided or abetted therein in any manner, such widow or other person shall be debarred from any benefits of this act, and if such widow shall have been adjudged guilty as aforesaid, then such accrued pension shall be paid to the minor children of such person under the age of sixteen years, in the same manner as is hereinbefore provided where there is no widow surviving, and if such widow shall be imprisoned as punishment for any offenses against the laws, such accrued pension shall be paid, while so imprisoned, to the minor children of such person as hereinbefore provided.”

Also section 2 of the act of Congress approved March 3, 1879, be amended by inserting the word “honorable” before the word “discharge,” where the latter is used in said section, so that said section shall read as follows :

“SEC. 2. All pensions which have been, or which may hereafter be granted in consequence of death occurring from a cause which originated in the service since the fourth day of March, eighteen hundred and sixty-one, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or honorable discharge of the person on whose account the claim has been or is hereafter granted if the disability occurred prior to such honorable discharge,

and if such disability occurred after such honorable discharge, then from the date of actual disability or from the termination of the right of party having prior title to such pension: *Provided*, The application for such pension has been, or is hereafter, filed with the Commissioner of Pensions prior to the first day of July, eighteen hundred and eighty, otherwise the pension shall commence from the date of filing the application, but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under sixteen years of age: *Provided further*, That an honorable discharge from the service shall be required as an absolute prerequisite to the granting of pensions in all cases now pending, or to be hereafter granted."

The Assistant Secretary also calls attention to the necessity for some legislation to correct an evil arising from the injustice to certain classes of claimants created by different ratings being made under the general law for the same specific disabilities, such as insanity, etc. For instance, cases have arisen where the disability of insanity has been rated at \$72 per month, and in precisely a similar case at \$30 per month. He recommends that the disability of insanity be made a specific one, with a fixed rate, such as is the case with deafness, blindness, loss of leg, arm, etc.

In view of the settlement of legal principles governing the decision of pension appeals which has resulted from the work of the past few years, whereby the disposition of these cases may be more rapidly conducted, and in view also of the diminishing number of appeals, it is my opinion that one of the boards can be dispensed with after the close of this fiscal year, and that a single board of three members, with perhaps an additional clerk, will be able to render all the assistance which the Assistant Secretary will find necessary to the prompt dispatch of this business without further accumulation.

THE PATENT OFFICE.

I have already called attention to the crowded condition of the clerical force of this office in another part of the report. It is true, as the Commissioner states in his report to me, that—

The present space allotted to the Bureau in this building is wholly inadequate to secure a prompt dispatch of the business. The importance of providing more room can not be overestimated, if the business of the Bureau is to be conducted as successful commercial men conduct theirs.

Attention is invited to the reports made by various Commissioners during several years, some of which present the matter at great length. It will require but a short personal inspection on the part of any committee of Congress to satisfy them of the urgency of this recommendation.

The business of the Bureau appears to have been discharged with as much diligence as during past years, and the number of cases awaiting action at the end of the year is somewhat less than at the end of the

previous year. Notwithstanding, it is desirable that even a greater degree of promptness in performance should, if possible, be attained, a desideratum beyond reasonable expectation unless a greater provision of space for work be made. As I have before indicated, the practicable way to accomplish this is by providing other quarters for the General Land Office and assigning to the use of the Patent Office the rooms now occupied by the former.

The following statements exhibit in detail the business of the office for the fiscal year ending June 30, 1888:

	Number.
Applications for patents.....	34,570
Applications for design patents.....	1,068
Applications for re-issue patents.....	140
Applications for registration of trade-marks.....	1,309
Applications for registration of labels.....	682
Caveats.....	2,408
Total.....	40,177
Patents granted, including re-issues and designs.....	20,653
Trade-marks registered.....	1,083
Labels registered.....	365
	22,101
Patents withheld for non-payment of final fees.....	2,957
Patents expired.....	11,611

Receipts and expenditures.

Receipts from all sources.....	\$1,122,994.83
Expenditures (including printing and binding and contingent expenses).....	953,730.14
Surplus.....	169,264.69

Balance in the Treasury of the United States on account of patent fund.

June 30, 1887.....	\$3,168,401.96
June 30, 1888.....	169,264.69
Total.....	3,337,666.65

Comparative statement.

RECEIPTS.	EXPENDITURES.
June 30, 1884..... \$1,145,533.10	June 30, 1884..... \$913,345.93
June 30, 1885..... 1,074,974.35	June 30, 1885..... 970,277.58
June 30, 1886..... 1,206,167.80	June 30, 1886..... 991,829.41
June 30, 1887..... 1,150,046.05	June 30, 1887..... 981,644.09
June 30, 1888..... 1,122,994.83	June 30, 1888..... 953,730.14

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

COMPARATIVE STATEMENT.

July 1, 1884.....	9,786
July 1, 1885.....	5,786
July 1, 1886.....	6,712
July 1, 1887.....	7,601
July 1, 1888.....	7,227

RAILROADS.

The financial condition and material facts concerning the several railroads which have received aid from the Government are shown by the report of the Commissioner of Railroads, which is made an appendix to this report. There is, in general, no especial change in the condition as exhibited in the annual report of the last year, except some differences in mileage, receipts, expenditures, etc. The following is an abstract of the present condition of those deemed necessary to specially mention.

UNION PACIFIC SYSTEM.

The Union Pacific Railway Company embraces the Union Pacific, Kansas Pacific, and the Denver Pacific Companies, 1,824.06 miles in length. It also operates twenty branches owned by independent corporations, in which it has a controlling interest, with a mileage of 2,938.89, making a total of 4,763.99 miles in the system. During the past year the company expended the sum of \$623,907.87 on rails, ties, and bridges. The rolling stock consists of 382 locomotives, 319 passenger cars, and 7,672 freight cars. It had disposed of 12,944,781.19 acres of land for \$26,395,951.12, and there remained outstanding on account of time sales the sum of \$13,538,861.24.

The total debt, December 31, 1887, was \$161,300,931.22, and the capital stock \$60,868,500. The assets were \$266,451,137.38. During the year the liabilities increased \$1,801,183.91, and the assets increased \$8,858,316.15, making a net increase of \$7,057,132.24 in the surplus.

The subsidy bonds issued to this company amount to \$33,539,512 and the interest paid by the United States to \$40,851.74, aggregating a liability to the Government of \$73,682,363.74, less the sum of \$23,419,532.23 repaid by the company in transportation services and cash payments. The excess of interest paid by the United States over all credits is \$16,723,319.51, which makes the liability of the company to the Government amount to \$50,262,831.51 at the end of the calendar year 1887.

The amounts due from the company under the acts of July 1, 1862, and May 7, 1878, for the year ending December 31, 1887, were as follows:

Union Division :

Total earnings.....	\$13,497,760.35
Total expenses.....	9,426,813.58
Net earnings.....	4,070,946.77
Twenty-five per cent. of net earnings, under act May 7, 1878.....	1,017,736.70

Kansas Division :

Total earnings.....	4,145,880.68
Total expenses.....	2,093,176.60
Net earnings.....	2,052,704.08
Five percent. net earnings and half Government transportation.....	192,660.60

making a total of \$1,210,397.30, as due from the company.

The earnings of the Omaha Bridge and of Pullman cars are included in the above.

The funded debt of the Union Pacific Railway Company, December 31, 1887, was \$113,720,167, a decrease of \$1,788,472.50 from the year previous. The total revenue from the entire system was \$25,129,515.45, and the expenditures \$19,297,981.38, giving a surplus of \$5,831,534.07; an increase in the latter item of \$1,701,560.09 over the preceding year.

CENTRAL PACIFIC.

The Southern Pacific Company of Kentucky operates this road under a ninety-nine years lease dated April 1, 1885. The total length of road owned December 31, 1887, was 1,349.47 miles, junction having been made with the Oregon and California Railroad, thus giving this company a through line to Portland, Oregon. The aided portion extends from Ogden, Utah, to Sacramento, thence, via Niles, to San José, Cal., bonds having been issued upon 860.66 miles, aggregating the sum of \$27,855,680. The interest paid by the United States to December 31, 1887, amounted to \$32,641,837.81, and there had been repaid in transportation services and cash payments the sum of \$9,985,337.25, leaving \$22,656,500.58 as excess of interest paid by the United States over all credits. The aggregate liability of the company to the Government at that date was \$50,512,180.58.

The company owns 242 locomotives, 342 passenger cars, and 4,543 freight-cars. The sum of \$7,814,424.25 had been received to December 31, 1887, from sales of granted lands, and there remained outstanding on account of time sales \$1,122,393.88. There had been expended during the year \$600,418.75 in repairs of track, betterments, etc. The total debt of the company, December 31, 1887, was \$122,225,776.31, and its capital stock \$68,000,000. Its assets were \$222,065,224.27.

During the year the liabilities decreased \$1,573,501.48, and the assets \$1,356,576.01, making a net increase of \$216,925.47 in the surplus.

The amount due from the company under the act of May 7, 1878, for the year ending December 31, 1887, was as follows:

Total earnings.....	\$8,023,763.92
Total expenses.....	6,279,215.03
Net earnings.....	1,744,548.89
Twenty-five per cent. net earnings under act May 7, 1878.....	436,137.22

The funded debt of the Central Pacific Railroad Company, December 31, 1887, was \$87,735,680, a decrease of \$1,817,000 from the year previous. The total revenue for the year was \$15,232,725.30, and the expenditures \$13,723,205.50, giving a surplus of \$1,509,519.80.

CONDITION OF SINKING-FUNDS.

The sinking-funds of the Union and Central Pacific companies, held by the Secretary of the Treasury December 31, 1887, amounted to

\$11,636,557.26; the Union Pacific having to its credit \$7,893,803.12, and the Central Pacific \$3,742,754.14.

The premium paid on bonds for the sinking-fund of the Union Pacific to December 31, 1887, amounted to \$1,542,623.06, and the interest received from investments to \$827,340.98. For the Central Pacific the premium amounted to \$922,848.65, and the interest to \$174,146.72.

Under section 5 of the act of March 3, 1887, the power of the Secretary of the Treasury in making investments of the sinking-fund was extended to the first-mortgage bonds of these two companies, and the sum of \$752,000 principal, at a premium of \$131,328, was invested for the Union Pacific, and \$267,000 principal, at a premium of \$42,695, was invested for the Central Pacific.

Since this fund was established the amounts paid as premiums on investments almost double those received as interest on said investments.

SIoux CITY AND PACIFIC.

This road is operated by the Chicago and Northwestern Railway Company. The subsidized portion extends from Sioux City, Iowa, to Fremont, Nebr., a distance of 101.58 miles, upon which bonds were issued amounting to \$1,628,320. The interest paid by the United States to December 31, 1887, amounted to \$1,903,943.89, and there had been repaid by transportation services the sum of \$134,573.32. The excess of interest paid by the United States over all credits was \$1,769,370.57, and the total liability to the Government at the end of the calendar year, \$3,397,690.57.

The company owned 12 locomotives, 14 passenger-cars, and 168 freight-cars. It received a grant of 41,398.23 acres of land, all of which was sold in bulk for \$200,000. The total debt December 31, 1887, was \$5,290,121.59, and its capital stock \$2,068,400. Its assets were \$5,961,812.05.

The amount due the United States under the act of July 2, 1864, for the year ending December 31, 1887, was as follows:

Total earnings.....	\$558,054.12
Total expenses	309,065.53
Net earnings.....	248,988.59
Five per cent. net earnings and one-half Government transportation....	22,589.91

CENTRAL BRANCH UNION PACIFIC.

This road is operated by the Missouri Pacific Railway Company. The subsidized portion extends from Atchison to Waterville, Kans., a distance of 100 miles, upon which bonds were issued amounting to \$1,600,000. The interest paid by the United States to December 31, 1887, amounted to \$1,981,808.26, and there has been repaid by transportation services and cash payments the sum of \$326,759.53. The excess of interest paid by the United States over all credits was

\$1,655,048.73, and the total liability to the Government at the end of the calendar year, \$3,255,048.73. The company received a grant of about 245,000 acres of land. During the year ending December 31, 1887, the sum of \$32,228.80 was received from the sale of land, and there were outstanding on account of time sales, \$50,797.96. The rolling stock consisted of 35 locomotives, 23 passenger and 550 freight-cars. The total debt December 31, 1887, was \$5,941,294.16, and its capital stock \$1,000,000. The assets amounted to \$4,789,166.36.

The amount found due the United States under the act of July 2, 1864, for the year ending December 31, 1887, was as follows:

Total earnings	\$623, 750. 07
Total expenses	366, 044. 55

Net earnings	257, 705. 52
Five per cent. net earnings and one-half Government transportation....	20, 147. 19

NORTHERN PACIFIC.

This company operates 3,503 miles of road. It owns 423 locomotives, 285 passenger and 9,706 freight cars. It had received to December 31, 1887, by patent and certificates, 18,283,959.80 acres of land, and had sold 6,329,140.61 acres for \$22,614,405.51. There remains outstanding on account of time sales the sum of \$4,084,002.32. The total debt amounted to \$95,398,966.14, and its capital stock was \$86,634,169.20.

Total assets	\$183, 104, 147. 99
Total stock and debt	182, 033, 135. 34

Surplus	1, 071, 012. 65
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OREGON AND CALIFORNIA.

This line is now operated by the Southern Pacific Company of Kentucky, and is 447 miles in length. It has received from the Government 323,068.68 acres of land, of which 254,964.08 have been sold for \$458,836.01. There are outstanding on account of time sales the sum of \$454,952.24. The rolling stock consists of 43 locomotives, 42 passenger and 583 freight cars. The total debt amounted to \$16,548,734.55 and the capital stock to \$19,000,000.

Total stock and debt	\$35, 548, 734. 55
Total assets	34, 528, 998. 14

Deficit	1, 019, 736. 41
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SAINT PAUL AND DULUTH.

This company operates 225 miles of road. It owns 66 locomotives, 44 passenger and 2,161 freight cars. It has received from the Government 1,466,009.46 acres of land, and has sold 355,614.66 acres. There

are outstanding on time sales \$56,783.50. The total debt amounts to \$3,335,539.65, and the capital stock to \$10,037,178.11.

Total assets.....	\$13,507,731.19
Total stock and debt.....	13,372,717.76
Surplus.....	135,013.43

CHICAGO AND NORTHWESTERN.

The total length of the lines owned and operated by this company was 4,208.79 miles, of which 107.79 were constructed during the year 1887. It owns 736 locomotives, 504 passenger and 22,770 freight cars. The company has received from the Government 2,956,888 acres of land, and has sold 1,943,068 acres for \$5,163,578.59. There are outstanding on account of time sales \$851,938.75. The total debt amounts to \$105,678,580.92, and the capital stock to \$64,369,253.85.

Total assets.....	\$177,123,656.80
Total stock and debt.....	170,047,834.77
Surplus.....	7,075,822.03

CHICAGO, ROCK ISLAND AND PACIFIC.

This company operates 1,527.9 miles of road. It owns 351 locomotives, 254 passenger and 8,149 freight cars. It has received from the Government 1,261,181 acres of land. During the year 4,360.83 acres were sold for \$47,178.07. The unpaid bills receivable on land amounted to \$343,616.10, and the interest collected to \$34,712.28. The total debt amounts to \$51,647,266.16, and the capital stock to \$46,156,000.

Total assets.....	\$99,245,345.99
Total stock and debt.....	97,803,366.16
Surplus.....	1,441,979.83

CHICAGO, BURLINGTON AND QUINCY.

The actual length of road in operation December 31, 1887, was 4,693 miles, being an increase of 657 miles during the year. The rolling stock consists of 638 locomotives, 469 passenger and 26,686 freight cars. The company received from the Government 2,781,714.77 acres of land, of which 2,682,147.83 have been sold for \$12,314,922.25 net. The total debt amounts to \$126,041,361.62, and the capital stock to \$76,392,505.

Total assets.....	\$217,681,993.54
Total stock and debt.....	202,433,866.62
Surplus.....	15,248,126.92

DUBUQUE AND SIOUX CITY.

This road is operated by the Illinois Central Railroad Company, and is 142.89 miles in length. It owns no equipment. According to the

records of the General Land Office it received 1,155,957 acres of land from the Government, but the company has not made any report of its financial transactions.

IOWA FALLS AND SIOUX CITY.

This road is also operated by the Illinois Central Railroad Company, and is 183.69 miles in length. It owns no equipment. The last report received from this company was for the year ending June 30, 1886, at which time it reported that it had received 640,256.11 acres of land from the Government, and had sold 613,808.74 acres for \$4,093,738.78.

SAINT JOSEPH AND GRAND ISLAND.

This company operates 447.35 miles of road. The rolling stock consists of 26 locomotives, 18 passenger and 652 freight cars. It has received from the Government 462,573.24 acres of land. The total debt amounts to \$9,399,199.17 and the capital stock to \$4,600,000.

Total stock and debt	\$13,999,199.17
Total assets	13,971,980.55
Deficit	27,218.62

HANNIBAL AND SAINT JOSEPH.

This company operates 295.24 miles of road. The rolling stock consists of 80 locomotives, 36 passenger and 1,643 freight cars. The company received from the Government 603,186.34 acres of land, and reports its receipts from this source as \$2,337,317.61. The total debt amounts to \$8,738,995.68, and the capital stock to \$14,251,724.

Total assets	\$25,742,142.05
Total stock and debt	22,990,719.68
Surplus	2,751,422.37

MISSOURI PACIFIC.

This company owns and operates 1,273 miles of road. The rolling stock consists of 308 locomotives, 272 passenger and 11,039 freight cars. The total debt amounted to \$49,022,792.25, and the capital stock to \$43,974,850.

Total assets	\$99,084,246.74
Total stock and debt	92,997,642.25
Surplus	6,086,604.49

MISSOURI, KANSAS AND TEXAS.

This company owns and operates 1,611 miles of road. The rolling stock consists of 177 locomotives, 123 passenger and 5,544 freight cars. It received from the Government 622,953.98 acres of land, all of which has been sold or forfeited. The total amount received from the sales

of land was \$2,307,319.13, and there were outstanding on time sales \$15,352.38. The total debt amounted to \$48,649,529.48, and the capital stock to \$46,410,156.81.

Total stock and debt.....	\$95,059,686.29
Total assets.....	89,960,479.14
Deficit.....	5,099,207.15

SAINT LOUIS, IRON MOUNTAIN AND SOUTHERN.

This company owns and operates 1,142 miles of road. The rolling stock consists of 167 locomotives, 104 passenger and 4,605 freight cars. It has received from the Government 1,326,691.81 acres of land, and has sold 491,135.69 acres for \$721,851.40. There are outstanding on time sales \$562,547.49. The total debt amounted to \$42,047,914.96, and the capital stock to \$25,731,025.

Total assets.....	\$71,105,473.60
Total stock and debt.....	67,778,939.96
Surplus.....	3,326,533.64

SAINT LOUIS AND SAN FRANCISCO

This company owns 1,044 miles of road. The rolling stock consists of 153 locomotives, 117 passenger and 5,131 freight cars, a very large increase having been made during the past year. The company's report makes no mention of the operations of the land department. The total debt amounted to \$34,563,675.40, and the capital stock to \$30,000,000.

Total assets.....	\$68,323,809.60
Total stock and debt.....	64,563,675.40
Surplus.....	3,760,134.20

MEMPHIS AND LITTLE ROCK.

This company operates 135 miles of road. The rolling-stock consists of 13 locomotives, 18 passenger, and 303 freight cars. It received from the Government 190,532.68 acres of land, but by reason of legal complications no sales have been made for several years.

The road being operated by trustees, no stock or bond account is kept. The trustees' liabilities are \$193,358.28, and assets \$858,433.04, showing a surplus of \$655,074.76.

ATCHISON, TOPEKA AND SANTA FÉ.

The mileage of this company was 3,471 miles. It has also a controlling interest in 3,926 miles of road operated and controlled by the system. The rolling-stock consists of 521 locomotives, 481 passenger, and 12,918 freight cars. It received from the Government 2,934,659.68

acres of land, all of which had been sold for \$11,473,302.28. There are outstanding on time sales \$814,123.06. The total debt amounted to \$55,200,883.78, and the capital stock to \$75,000,000.

Total assets	\$138,089,504.55
Total stock and debt.....	130,200,883.78
Surplus	7,888,620.77

ATLANTIC AND PACIFIC.

This company operates 931.55 miles of road. The rolling stock consists of 49 locomotives, 21 passenger, and 1,297 freight cars. There had been patented by the Government 659,206.87 acres of land to December 31, 1887, and the total cash receipts from that source were \$696,745. The total debt amounted to \$41,922,179.82, and the capital stock to \$74,810,300.

Total stock and debt.....	\$116,732,479.82
Total assets	112,490,915.79
Deficit.....	4,241,564.03

TEXAS AND PACIFIC.

• The only portion of this road embraced in the report is the New Orleans Pacific Division, 325.09 miles in length. The rolling stock consists of 46 locomotives, 16 passenger, and 943 freight cars. The liabilities amount to \$6,985,385, and the assets to \$9,225,381.07.

SOUTHERN PACIFIC RAILROAD OF CALIFORNIA.

This company owns and operates 1,071.28 miles of road. The rolling stock consists of 83 locomotives, 129 passenger, and 1,660 freight cars. There had been patented by the Government to December 31, 1887, 1,229,135.07 acres of land, of which 1,200,690.26 acres had been sold for \$5,297,088.53, and there were outstanding on time contracts the sum of \$3,224,175.63. The total debt amounted to \$33,080,390.38, and the capital stock to \$45,994,800.

Total assets.....	\$87,882,164.51
Total stock and debt.....	79,075,190.38
Surplus.....	8,806,974.13

The relations of the bond-aided railroads to the United States formed the subject, last year, of a thorough and careful examination by a commission instructed to ascertain and present all matters of importance relating to it with a view to enable the Government to secure, if possible, repayment of the amounts due, or to become due, by reason of the loan of its credit or payments made. The thorough investigation and full exposition of their affairs by this commission appear to me to have

somewhat affected the necessity for the continuance of the full force at present maintained as the Bureau of Railroads.

The office of "Auditor of Railroad Accounts" was created in 1878 as a Bureau of the Interior Department, and his duties generally defined to be to prescribe a system of reports to be made by the railroad companies affected, to examine their books and accounts once a year at least, and oftener, if deemed necessary to determine the correctness of any report received from them, to assist the Government directors when requested, to see to the enforcement of the laws relating to these companies, to furnish information to the several Departments of the Government in regard to tariffs for freight and passengers, and in regard to the accounts of the companies, and to make an annual report of the condition of the several roads. In 1881 the designation of this officer was changed to that of "Commissioner of Railroads."

There are appropriated for in the Bureau, besides the Commissioner, an engineer, a book-keeper and assistant book-keeper, clerk, copyist, and assistant messenger. The total of the salary-roll is \$14,420. An appropriation of \$3,000 is also made for the expenses of examination and inspection of the books and accounts, roads, shops, and machinery and equipments of the companies. It will be also observed that since the establishment of the Interstate Commerce Commission much less importance attaches to this Bureau in its functions regarding the tariffs for freight and passengers, inasmuch as that Commission now performs fully all the work of regulation of the rates of carriage.

It appears to me worthy of consideration whether all the efficient service now required of the Bureau might not be performed with equal satisfaction by placing its affairs in the hands of a competent engineer, who should be chief of a division, assisted by a book-keeper and clerk. No possible criticism is entertained in thought, or implied in the least degree by this suggestion, upon the present able and efficient Commissioner of that Bureau and the useful officers under him. They have faithfully and thoroughly discharged all the duties required by law in a manner which leaves nothing further to be desired. It is, indeed, the accomplishment by the Bureau of so much which, together with the work of the Special Commission of Inquiry and the Interstate Commerce Commission alluded to, seems to render less hereafter to be necessary.

The most important function of this bureau, under present circumstances, appears to relate to the collection of the full amount belonging to the Government under the Thurman act providing for the application of 25 per cent. of the net annual earnings to the obligation of the companies to the Government, and the receipt and verification of the reports of the various companies. It may be doubted whether the annual inspection of those companies from which the Government receives nothing is a work of sufficient value to demand the maintenance of the bureau at its present annual charge.

THE INTERSTATE-COMMERCE COMMISSION.

I desire to renew the recommendation of my predecessor in office, in the last annual report, that this Commission be made independent of the Department of the Interior, required to report directly to the President or to Congress, and authorized to appoint its own officers and employés, and to deal directly with the Treasury in the expenditure of, and accounting for, the appropriations made for its support.

The character of this Commission, as indicated by the nature of the duties assigned to it by law and the manner of its appointment, which it may be safely expected will always secure maintenance of its constitution upon the present high plane, renders this a measure of personal justice. Besides that, the duty of determining upon the appointment of its officers and employés on appeal, as it were, from the Commission itself, is invidious and irksome; nor is the Secretary of the Interior able to decide the questions involved, except by requiring an exhibition of the circumstances and conditions which affected the judgment of the Commission in making appointments or expenditures. He can not well have any satisfactory or trustworthy means of independent inquiry. His duty must therefore either be perfunctorily performed, in which case it is still more disparaging to the character of the Commission, or it must be performed in the exercise of a superintending authority without means of judging as satisfactory as those possessed by the Commission whose action he reviews.

The report of the Commission for the present year has not yet been received. When it shall have been delivered to me I shall transmit a copy of it to you and also to Congress, as required by law.

BUREAU OF EDUCATION.

The work under the direction of the Commissioner of Education for the year ended June 30, 1888, is shown by his report to have been carried forward upon the lines indicated in the last report of my predecessor.

The correspondence of the office is stated to comprise more than 300,000 pieces of mail matter, and to have received careful and prompt attention. The Bureau library has been increased by the addition of 1,800 volumes and 15,000 pamphlets, and a short-title catalogue of the whole collection, now numbering 21,000 volumes and 75,000 pamphlets, has been made ready for publication.

The Commissioner suggests that the copyright law be so amended as to require the deposit in the library of the Bureau of a copy of every book, map, chart, print, or engraving intended for use in educational institutions.

¶ The annual report for 1886-'87 was completed, and that for the present fiscal year (1887-'88) begun much earlier than has been practicable heretofore. The extra edition of the report of 1885-'86, received from the printer during the present year, has been distributed. The report for 1886-'87 is entirely in type, and copies of the same will be available for distribution in a short time.

The report on Indian education, finished by Miss Fletcher last year, has been printed, and the second volume of another, relating to art and industry, has also been printed in part.

Three circulars of information have also been issued, and three monographs on the early history of education in Virginia, the Carolinas, and Georgia have been prepared and are ready for the press. Additional numbers of this series, covering the Western and Northwestern States, are in course of preparation.

The publications of the office have received many warm commendations. The contributions to American educational history have also been received with much favor both at home and abroad by teachers, school officers, and the general public.

The Commissioner reports that the condition of public and private education during the year shows a normal increase, particularly in the Southern States. More than 12,000,000 pupils were enrolled in the public schools, and of these about 8,000,000 were in average daily attendance.

The Centennial Exposition of the Ohio Valley and Central States, which opened July 4 of this year, contains, as part of the display made by this Department, an assortment of material from the library and museum of the Bureau of Education, which has been favorably mentioned in several descriptions of the collection.

The proposed removal of the Bureau of Education to the Pension Office Building caused me to examine the work and needs of this office with more than ordinary care. I think its value and usefulness have been rather depreciated than otherwise in general estimation. Its library and museum are interesting and extensive, and are inadequately shelved and stored in the present quarters. To remove it to the Pension Office Building, as was proposed, would be equivalent to a suspension of its efficiency until that Bureau shall be much reduced. If the Bureau is to be preserved, it would be wise to erect a fire-proof building of moderate cost, somewhat similar in arrangement to the new building for the library and museum of the Surgeon-General's Office. The work of this Bureau is highly esteemed by all competent educationists, both in this country and abroad, and it deserves the discriminating and cordial support of Congress.

OPERATIONS IN ALASKA.

The public schools in Alaska, controlled by this Department under the provisions of the act of Congress approved May 17, 1834, have apparently

made as much progress as the appropriations for their support would allow. Of the thirty-eight schools conducted in this Territory during the year, fifteen were supported by appropriations of the General Government, fifteen by the Russian Church, six by other religious societies, and two by the Alaska Commercial Company. The attendance on these is reported at over 1,800, of which 1,261 attended the Government schools. Several school-houses have been built, and others have been repaired.

The recommendations made by my predecessor and the Commissioner of Indian Affairs that the supervision and management of all schools supported by the General Government in Alaska be vested in the Bureau of Education, have been adopted by Congress.

The interesting colony of 1,200 civilized and Christian natives, who removed to Annette Island from Metlakahla, British Columbia, in the fall of 1887, has made remarkable progress in the preparation of its new home. These people have built dwellings, school-houses, a church, and a saw-mill during the year, and bid fair to become an important element in the industrial and social development of the Territory, under the teachings of a worthy leader, Mr. William Duncan.

The regulations for the government of the public schools approved by my predecessor have, in general, worked satisfactorily, though a few changes of detail have been found necessary. Two persons, to be selected by the Commissioner of Education and approved by this Department, are added to the Territorial board. All schools, whether private or denominational, that receive any aid from the Government are made subject to official inspection by said board as to the discipline, teaching, diet, lodging, and clothing of their pupils. The public schools directly managed by the board must conform to its directions as regards courses of study and amount and kind of industrial training. Corporal punishment is forbidden, save in moderation, and only in extreme cases, and any abuse by a teacher in this matter is punishable by removal and loss of pay. All action taken by the Territorial board are subject to the approval of the Commissioner of Education.

The Commissioner appeals for increased appropriations in behalf of education in Alaska, both on account of our treaty obligations to the inhabitants, and on account of the considerable revenue derived by the Government from the proceeds of the seal fisheries.

I also invite favorable attention to the recommendation as to the propriety of having suitable text-books prepared for the use of these schools; the officials of the Indian Office made a similar recommendation as to text-books for Indian schools.

GEOLOGICAL SURVEY.

The report of the Director of the Geological Survey shows that this Bureau, besides holding an important place among the institutions devoted to original research and the advancement of knowledge, is actively pursuing investigations which are of economic and commercial value to the people.

During the year its experts have investigated the conditions that govern the occurrence of the ores of precious metals, and of the deposition of the ores of iron, copper, lead, zinc, quicksilver, and other minerals important to the industries of the country. It has also been engaged in an examination of the deposits of coal, petroleum, natural gas, and mineral waters, and of the phosphate beds of the Atlantic slope, of the conditions under which artesian waters may be found, of the extent and character of the swamp lands of the coastal plain, and of the methods of reclaiming them, and, finally, of the economical and effective irrigation of the arid lands of the West.

In addition to the chemical and mineralogical researches auxiliary to the geological work of the Survey, several hundred assays and analyses of rocks, ores, minerals, and mineral waters have been made in the interest of local industries.

The Director has devised and adopted a classification of soils to aid in the surface tracing of geologic formations, and it is believed that by its use maps can be made more accurately and more economically. It is further hoped that this classification will be of great advantage to scientific agriculture.

In order to render the reports and maps of the Survey more systematic, consistent, and intelligible to the people, the Director is engaged in a comprehensive work on the correlation of American formations.

In the execution of the work thus outlined twelve geological divisions have been actively engaged in the field during the greater part of the year, scattered along the coast, through the valleys, and on the mountains throughout the United States. During the winter the chiefs of these divisions, with their leading assistants, are employed in the offices and laboratories at Washington in systematizing the facts which they have gathered for presentation to a great body of intelligent readers of the country.

During the season there were thirty-five field parties at work in twenty States and Territories in topographic service, the average number of employes in this branch of the work, exclusive of financial agents, laborers, cooks, etc., being 122.

New Jersey and Massachusetts have now been entirely surveyed, work in the latter having been prosecuted to completion in co-operation with the authorities of that State. The aggregate surveyed during the year was 52,062 square miles. The following table exhibits in detail

by States the present condition of the work, together with the area surveyed during the past year:

Locality.	Surveyed to date.	Surveyed in 1887.	Engraved maps.	Locality.	Surveyed to date.	Surveyed in 1887.	Engraved maps.
	<i>Miles.</i>	<i>Miles.</i>			<i>Miles.</i>	<i>Miles.</i>	
Alabama.....	9,320	3,000	6	New Hampshire.....	100		
Arizona.....	41,000		16	New Jersey.....	7,815		22
Arkansas.....	4,000	4,000		New Mexico.....	15,000	7,200	2
California.....	23,000	1,436	9	North Carolina.....	9,900	1,300	8
Colorado.....	2,500			Oregon.....	8,000	3,327	
Connecticut.....	150			Rhode Island.....	250		1
District of Columbia.....	70		2	South Carolina.....	2,300		1
Georgia.....	9,030	2,100	5	Tennessee.....	12,615		17
Iowa.....	950	950		Texas.....	20,000	4,050	12
Kansas.....	28,000	1,000	14	Utah.....	6,000		18
Kentucky.....	6,270	1,400	7	Vermont.....	100		
Maryland.....	3,080	900	4	Virginia.....	22,225	6,025	14
Massachusetts.....	8,315	2,350	7	West Virginia.....	15,150	1,800	10
Missouri.....	26,000	7,900	20	Wisconsin.....	1,000	136	
Montana.....	6,000	3,010	4	Wyoming, including Yellowstone Park..	4,000		4
Nevada.....	14,000		7				

The work of engraving and printing the maps has made reasonable progress during the year. They are constructed on three different scales, according to the needs of localities. It is the endeavor of the Bureau to have the topographic surveys so thorough that the maps shall be accurate and present all the necessary facts relating to the course of streams, the outlines of bodies of water, the contour of valleys, the form and height of hills and mountains, and shall also portray the material facts of public culture—the boundaries of political divisions, the position of villages, towns, and cities, and the lines of railways, roads, and streets. All natural and cultural features are represented in latitude, longitude, and altitude, by symbols of extreme simplicity, in order that the maps may be available to the greatest number of people.

An extraordinary showing is made by the Director of the Survey in the presentation of the statistics of the national output of metals, minerals, stones, coal, petroleum, and other inorganic substances taken from the earth during the year. This is larger than the total product of any preceding year, and the largest figure ever reached in the mineral production of any country. The details were collected and forwarded by a corps of correspondents numbering 40,000. A tabulated statement of results is here given:

Metallic products of the United States in 1887.

Material.	Quantity.	Value.
Pig-iron, spot value.....long tons..	6,417,148	\$121,925,800
Silver, coining value.....troy ounces..	41,269,240	53,441,300
Gold, coining value.....do.....	1,596,500	33,100,000
Copper, value at New York City.....pounds..	184,670,524	21,052,440
Lead, value at New York City.....short tons..	160,700	14,463,000
Zinc, value at New York City.....do.....	50,340	4,782,300
Quicksilver, value at San Francisco.....flasks..	33,825	1,429,000
Nickel, value at Philadelphia.....pounds..	205,556	133,200
Aluminum, contained in alloys.....		74,905
Antimony, value at San Francisco.....short tons..	75	15,500
Platinum, value (crude) at New York City.....troy ounces..	448	1,838
Total.....		\$250,419,283

In addition to this the value of the non-metallic mineral products was \$291,864,942, making a total of \$538,121,345.

The increase upon former years will be more distinctly shown by the following comparison :

Product.	1885.	1886.	1887.
Metallic.....	\$181, 599, 365	\$215, 364, 825	\$250, 419, 283
Non-metallic, mineral	247, 114, 544	249, 963, 063	291, 864, 942
Total.....	428, 713, 909	465, 327, 888	542, 284, 225

This shows an increase of one-sixth of our entire mineral product in a single year—a most significant comment on the still undeveloped wealth of our country and the versatile enterprise and energy of our people.

The books printed by the Survey during the year are the Sixth Annual Report, Bulletins 37, 39, 40, 41, 42, and 44, Monograph XII, and a volume of Mineral Resources.

The report of the Director includes a financial statement which exhibits the expenditures of the Survey in detail.

Nine years have now passed since the organization of the Survey as an auxiliary to the industrial and commercial activities of the country. So well has it responded to the purpose for which it was created that its functions have been repeatedly enlarged and appropriations for its maintenance have been increased year by year. Within the short period of its existence the annual mineral product of the country has doubled. Industries that were confined to a few localities are rapidly springing up in many. Communities that formerly supposed that agriculture exhausted their industrial opportunities are discovering hidden sources of prosperity beneath their farms.

The Survey has effected important results in ascertaining and revealing the conditions under which deposits of metals are made and the methods by which subterranean values can be realized. Its work tends to abolish blind experimentation and reduce to the lowest terms the cost of obtaining the earth's inorganic treasures.

Both in its geologic and topographic functions the Survey should continue to be pushed with energy, until it makes a complete conquest of the land.

BUREAU OF LABOR.

By the act of the 13th of June last, the Department of Labor was created, and the Bureau of Labor merged in it. This action disconnects for the future this Department from any further relations with that Bureau, and its reports hereafter will be made directly to the President and Congress as required by law.

No report has been made since the 24th of December, 1887, but the Commissioner submits the following account of the operations of that Bureau and the results of its investigations during the past year, more particularly with relation to the interesting subject of strikes, and I include it entire in this report as necessary to a proper understanding of what has been done.

Owing to the fact that the Bureau of Labor was established during the latter half of a fiscal year, it has not been possible for the Commissioner of Labor to make his annual reports contemporaneous with those of other bureaus. His third annual report was forwarded December 24, 1887, and related entirely to strikes and lockouts occurring in the United States and Territories during the period from 1881 to 1886, inclusive; and, so far as publication is concerned, this report constituted the work of the Bureau for the last fiscal year.

The field-work of the report on strikes was begun early in the summer of 1886, and closed late during the past summer. The report is divided into five chapters, as follows: Chapter I, analysis of the tables; Chapter II, the general tables of strikes and lockouts; Chapter III, the summary tables of strikes and lockouts; Chapter IV, strikes and lockouts occurring in the United States prior to 1881, or the beginning of the present investigation; and Chapter V, decisions of courts and legislation concerning strikes, combinations, conspiracies, boycotts, etc.

The industrial disturbances which have been so frequent in this country since 1877 constitute the period as one of strikes and lockouts. A strike occurs when the employés of an establishment refuse to work unless the management complies with some demand. A lockout occurs when the management refuses to allow the employés to work unless they will do so under some condition dictated by the management. In effect strikes and lockouts are practically the same thing, the disturbances simply originating with one side or the other in the case.

In reporting strikes the Commissioner of Labor has not given names of establishments, but has used the establishment as the unit for tabular presentation, and not the strike itself. This was necessary, because a group of establishments might be involved in a single strike.

In making the report the Commissioner states that he has been aided materially by the various labor organizations, Knights of Labor, trades unions, and others, with lists of strikes occurring during the years involved in the investigation. By the aid of these organizations, and with all the other precautions taken to secure the data relative to strikes actually occurring, the Commissioner feels that he has secured information relating to nearly every strike, if not every strike, which has occurred in the United States during the period covered. If any have escaped they have been of so little account as not to attract the attention of either the press or others. Every process was utilized to learn the locality of each strike, and every effort was made to secure the truth, and a

controversy was not left until it was fully believed that the truth had been reached.

The relative number of strikes, using the establishment as the basis, and treating therefrom what might be termed the number of group-strikes and the employés who struck and who were involved in the various strikes, is as follows:

Relative number of strikes by years.

Years.	Strikes.	Establishments.	Average establishments to a strike.	Employés striking and involved.
1881.....	471	2,928	6.2	129,521
1882.....	454	2,105	4.6	154,671
1883.....	478	2,759	5.8	149,763
1884.....	443	2,367	5.3	147,054
1885.....	645	2,284	3.5	242,705
1886.....	1,411	9,861	7.0	499,489
	3,902	22,304	5.7	1,323,203

In 1887, according to the best information which can be obtained relating to the number of strikes only, there were 853 strikes; and, using the averages for other years, this means 4,862 establishments in 1887. It is to be regretted that no data exists for 1878 and 1879, but it is very clear, from the facts just stated, that the number of establishments in the United States affected by strikes was much larger in 1880 than in any year since, except 1886 and 1887. Commencing in 1880 with 3,477, the number dropped in 1881 to 2,928; to a still lower point in 1882, viz, 2,105; while in 1883 the number rose again quite near to that of 1881, or to 2,759. A rapid fall again occurred in 1884, the number being 2,367, while in 1885 the number of establishments subjected to strikes was smaller than in any previous year named, except 1882, it being, for 1885, 2,284. In 1886 the number of establishments rose to 9,861, while in 1887 it has dropped back to less than 5,000. In 1887 the number for the first six months was, in round numbers, 3,000, leaving 1,862 establishments subjected to strike during the latter half of the present year. It thus appears that the turning point was reached in the year 1886, and that it can be emphatically stated that strikes are now on the decline.

There were 22,304 establishments involved in strikes during the whole period, 13.13 per cent. of which had strikes in 1881, 9.44 per cent. in 1882, 12.37 per cent. in 1883, 10.61 per cent. in 1884, 10.24 per cent. in 1885, and 44.21 per cent. in 1886; while of the 2,214 having lockouts during the period, 0.41 per cent. were in 1881, 1.90 per cent. in 1882, 5.28 per cent. in 1883, 15.99 per cent. in 1884, 8.26 per cent. in 1885, and 68.16 per cent. in 1886. Both for strikes and lockouts the percentage is the highest for the latter year. New York had the largest number of establishments affected, both for strikes and lockouts, there being for

the former 9,247, and for the latter 1,528. The building trades furnished 6,075 of the total number of establishments engaged in strikes.

The total number of employés involved in the whole number of strikes for the whole period was 1,323,203. The number of employés originating the strikes was 1,020,156. The number of employés in all establishments before the strikes occurred was 1,660,835, while the number employed in the establishments involved after the strikes occurred was 1,635,047, a loss of 25,788. There were 103,038 new employés engaged after the strikes, and 37,483 were brought from other places than those in which the strikes occurred, showing the per cent. of new employés after strike of the total number of employés before strike to be 6.20, and of employés brought from other places of the number of new employés after strike to be 36.38.

In the 2,214 establishments in which lockouts were ordered during the period named there were 175,270 employés before the lockouts occurred, and 170,747 after the lockouts, while the number actually locked out was 160,823. There were 13,976 new employés secured at the close of lockouts, and 5,682 were brought from other places than those in which the lockouts occurred, showing the per cent. of new employés after lockout of the total number of employés before lockout to be 7.97, and of employés brought from other places of the number of new employés after lockout to be 40.66.

The classification as to males and females of the employés involved in the strikes and lockouts is shown in the following table:

Employés involved in strikes and lockouts.

Years.	Strikes.			Lockouts.		
	Employés striking and involved.	Males (per cent.).	Females (per cent.).	Employés locked out.	Males (per cent.).	Females (per cent.).
1881.....	129,521	94.08	5.92	655	83.21	16.79
1882.....	154,671	92.15	7.85	4,131	93.80	6.20
1883.....	149,763	87.66	12.34	20,512	73.58	26.42
1884.....	147,054	88.78	11.22	18,121	78.93	21.07
1885.....	242,705	87.77	12.23	15,424	83.77	16.23
1886.....	499,489	86.24	13.76	101,980	63.02	36.98
All years.....	1,323,203	88.42	11.58	160,823	69.02	30.98

In examining the number of establishments affected by strikes and lockouts by States it was found that the number in the States of New York, Pennsylvania, Massachusetts, Ohio, and Illinois constituted 74.84 per cent. of all the establishments in the country, so far as strikes are concerned, and 89.48 per cent. of all the establishments affected in the country so far as lockouts are considered. The facts so far as the percentages for each year for the five States named are concerned are shown in the following table:

Comparison of United States with total of New York, Pennsylvania, Massachusetts, Ohio, and Illinois.

Years.	Strikes.			Lockouts.		
	Total establishments.	Establishments in the five selected States.	Per cent.	Total establishments.	Establishments in the five selected States.	Per cent.
1881.....	2,928	2,154	73.57	9	4	44.44
1882.....	2,105	1,499	71.21	42	23	54.76
1883.....	2,759	2,046	74.16	117	105	89.74
1884.....	2,367	1,896	80.10	354	306	86.44
1885.....	2,284	1,586	69.44	183	140	76.50
1886.....	9,861	7,511	76.17	1,509	1,403	92.98
All years	22,304	16,692	74.84	2,214	1,981	89.48

These five States contain 49 per cent. of all the manufacturing establishments, and employ 58 per cent. of the capital invested in mechanical industries of the United States, taking the census of 1880 as the basis of computation.

Of the 22,304 establishments in which strikes occurred, the strikes in 18,342, or 82.24 per cent. of the whole, were ordered by labor organizations, while of the 2,214 establishments in which lockouts occurred 1,753, or 79.18 per cent., were ordered by combinations of managers. The facts for each year in this respect are clearly brought out in percentages in the table which follows:

Strikes and lockouts ordered by organizations.

Years.	Strikes.	Lockouts.	Years.	Strikes.	Lockouts.
	<i>Per cent.</i>	<i>Per cent.</i>		<i>Per cent.</i>	<i>Per cent.</i>
1881.....	75.58	22.22	1885.....	70.93	71.58
1882.....	76.01	26.19	1886.....	87.53	84.89
1883.....	83.98	41.03			
1884.....	82.85	79.10	All years.....	82.24	79.18

So far as gaining the objects for which the strikes or lockouts were instituted is concerned, it is shown by the summaries that for the strikes, out of the whole number of establishments affected, viz, 22,304, success followed in 10,375 establishments, or 46.52 per cent. of the whole; partial success was gained in 3,004, or 13.47 per cent. of the whole, and failure followed in 8,910 establishments, or 39.95 per cent. of the whole number; for 15 establishments, or 0.06 per cent., the strikes were still pending December 31, 1886.

For lockouts, 564 establishments, or 25.47 per cent. of the whole, succeeded in gaining their point; 190, or 8.58 per cent., partially succeeded, and 1,339, or 60.48 per cent. of the whole, failed; for 121 establishments, or 5.47 per cent., the lockouts were still pending December 31, 1886. The percentages for each year are shown as follows:

Results for establishments.

Years.	Establishments having strikes (per cent.).			Establishments having lockouts (per cent.).		
	Succeeded.	Succeeded partly.	Failed.	Succeeded.	Succeeded partly.	Failed.
1881.....	61.37	7.00	31.63	88.89	11.11	.....
1882.....	53.59	8.17	38.24	64.29	.....	35.71
1883.....	58.17	16.09	25.74	56.41	.....	43.50
1884.....	51.50	3.89	44.61	27.97	.28	71.75
1885.....	52.80	9.50	37.70	38.25	3.28	58.47
1886.....	a 34.68	a 19.01	a 46.16	b 19.48	b 12.06	b 60.44
All years.....	a 46.52	a 13.47	a 39.95	b 25.47	b 8.58	b 60.48

a In 15 establishments in 1886 the strike was not ended December 31, 1886; hence the results for those establishments were not ascertained. The per cent. shown for 1886 amounts to 99.85, and for all years to 99.94.

b In 121 establishments in 1886 the lockout was not ended December 31, 1886; hence the results for those establishments are not included in the table. The per cent. shown for 1886 amounts to 91.98, and for all years to 94.53.

Success followed the strikes occurring in 10,375 establishments. The number of persons striking and involved in the successful strikes was 518,583. In 3,004 establishments the strikes were partially successful, and in these establishments there were 143,976 persons involved, while the whole number of persons involved in the 8,910 establishments where the strikes were failures was 660,396. While the strikes that succeeded related to 46.52 per cent. of the establishments in which strikes occurred, the number of strikers involved in the successful strikes was only 39.19 per cent. of the whole number of persons striking and involved; while the partially successful strikes affected 13.47 per cent. of the whole number of establishments in which strikes occurred, the number of persons involved in the partially successful strikes was only 10.88 per cent. of the whole number. The failures occurred in 39.95 per cent. of the whole number of establishments, and affected 49.91 per cent. of the whole number of persons involved.

Strikes for an increase of wages occurred in 9,439 establishments; of these the strikes in 6,229, or 65.99 per cent., were successful, while in 796, or 8.43 per cent., the strikes were partly successful, and in 2,414 establishments, or 25.58 per cent., the strikes for this cause failed.

In 4,344 establishments strikes were resorted to to secure a reduction of the hours of labor; in 1,055, or 24.29 per cent., success was the result; in 966, or 22.24 per cent., the strikes were partly successful; and in 2,323, or 53.47 per cent., the strikers were defeated.

There were great difficulties in ascertaining the exact loss of employers and employes as resulting from strikes and lockouts, and after overcoming these, and using the best information obtainable, it was shown that the loss to the strikers for the period involved, that is six years, was \$51,814,723, and the loss to employes through lockouts for the same period was \$8,157,717, or a total wage loss to employes of \$59,972,440. This loss occurred for both strikes and lockouts in 24,518 establishments, being an average loss of \$2,446 in each establishment, and of over \$40 to each person involved.

The assistance given to strikers during the period covered by this investigation, so far as ascertainable, amounted to \$3,324,557; to those suffering from lockouts, \$1,106,038, or a total sum of \$4,430,595. This figure is undoubtedly too low, representing only 8.38 per cent. of the wage loss incurred by the employés. Naturally, societies formed for the assistance of strikers and those suffering from lockouts hesitated to report the sums expended by them in aid of strikes, and the sum stated is indicative of the truth, but probably not the whole truth.

The employers' losses through strikes, for the six years, amounted to \$30,701,553; the employers' losses through lockouts to \$3,462,261, or a total loss to the establishments involved in both strikes and lockouts of \$34,163,814. To some extent this loss as given for employers was an actual, immediate loss; but as to its permanency it was, to some extent, of a more fictitious nature than the loss to employés, for reasons that will readily suggest themselves. No facts could be ascertained and no intelligent estimate formed concerning the losses to individuals indirectly related to establishments in which strikes or lockouts have occurred; in other words, concerning the indirect effect of strikes and lockouts on the commercial interests of the country.

The chief burden in strikes was borne by 13 industries, viz: Boots and shoes, 352 establishments; brickmaking, 478; building trades, 6,075; clothing, 1,728; cooperage, 484; food preparations, 1,419; furniture, 491; lumber, 395; metals and metallic goods, 1,570; mining, 2,060; stone, 468; tobacco, 2,959; transportation, 1,478; or a total number of establishments in these industries of 19,957, being 89.48 per cent. of the whole number of establishments subjected to strikes.

In lockouts five industries bore 79.54 per cent. of the whole burden. They were as follows: Boots and shoes, 155 establishments; building trades, 531; clothing, 773; metals and metallic goods, 76; and tobacco, 226; or a total of 1,761.

For the two classes of disturbances, strikes and lockouts, the industries that have been named affected 21,718 establishments, or 88.58 per cent. of the whole number involved.

Besides completing the field-work for this report on strikes, and the compilation of the information, the Bureau has carried on during the past fiscal year, almost to completion, the investigation begun early last year, concerning the moral, physical, and economic condition of the working-women of great cities. It has also undertaken, in accordance with Congressional instruction, the collection of the statistics of and relating to marriage and divorce in the United States. The collection of these facts is practically completed, and the report on marriage and divorce statistics will be made to Congress during the coming session. This work has been carried on with great vigor, and covers all the leading facts relating to marriage and divorce for the period of twenty years ending with December 31, 1886.

The Bureau has also been engaged for the past two or three months

of the fiscal year ending June 30, last, on an examination into all the conditions connected with railroad labor in this country.

YELLOWSTONE NATIONAL PARK.

In the last three reports of the Department considerable space was devoted to the exposition of the circumstances of the park and the measures necessary to be taken for its proper preservation and the accomplishment of the objects of its dedication. It is unnecessary now to go over the subject again, and it would probably avail nothing. Although the Secretary of the Interior is charged with the care of this property, no provision of money is placed at his disposal for the purpose, and the measures of legislation especially designed to prevent infraction of the regulations and injury to the park and so strenuously recommended, have hitherto failed of enactment.

The Park remains still under the superintendency of Capt. Moses Harris, who, with a company of cavalry under his command, was detailed for the service by the Secretary of War. So far as my information extends his management has been excellent within the limitation of means at his command, and his zeal and attention appear to have supplied in large degree the lack of proper legislative measures for its protection.

His report will be submitted as an appendix, and it is desirable that the attention of Congress should be invited to the facts disclosed and the suggestions made.

The travel to the Park during the past season appears to have been greater than during any preceding year, and the number of visitors is estimated to have been nearly 10,000.

He also reports an increase in the game within its limits. Large herds of elk have been encountered in different parts, besides deer and mountain sheep in considerable numbers. In April last a herd of buffalo was found in Hayden Valley under Long Limb Creek, and inquiry disclosed that probably 100 or more had passed the winter on the divide between the valleys of the Madison and Yellowstone Rivers. These give promise of considerable increase from the large number of calves and yearlings, and if properly protected this remnant of the cattle of the plains may be advantageously preserved.

It is at present doubtful whether there be any judicial tribunal whose jurisdiction extends over this reservation, and the peril of this condition demands early action from Congress. A robbery of the passengers of a stage-coach occurred within its limits during the past year, and the criminals were arrested and turned over to the authorities of Montana, but the jurisdiction to punish the offenses committed there appeared so doubtful that the district attorney accepted a plea of guilty of larceny, and the parties escaped with the infliction of the punishment of that offense only, although the much higher penalty for highway robbery

was the true measure of guilt. A bill passed the Senate during the past session of the present Congress, which was framed with the approval of my predecessor, and will, if enacted, doubtless tend largely to relieve the difficulties. It is to be hoped that during the next session it may become a law.

There has been persistent effort to effect an entrance into the park for the construction of railroads, more particularly through its northern regions. My predecessor, in an elaborate report to a committee of Congress, vigorously represented the objections to this action. Should any such project be renewed I invite the consideration of those objections in the hope that this interesting natural region may be scrupulously preserved from any scheme of private greed. Its value is already great because it remains in a natural condition, and increase of years will render it more and more an object of interest and instruction to increasing numbers. So soon as any invasion of the exclusive nature of this reservation is permitted it can hardly escape becoming the prey of thousands who on specious pretexts would soon destroy its value.

There appears to be necessity for a careful consideration of the hotel facilities requisite to the Park and of the best means and terms upon which they can be provided. Some hotels are there now which were constructed under authority of the Department, but do not appear to have been built upon the premises designated nor in compliance with the regulations. Application has been made to me for change of leases and consent to transfer of leases, which have been denied, because it appears wise that before any further private rights were given foot on this national pleasure-ground a comprehensive and judicious survey of all the interests involved should be made by some trustworthy person upon the spot, and such arrangements devised as will tend more thoroughly to the suitable accommodation of visitors and the promotion of the best interests of the Government and the public.

THE HOT SPRINGS RESERVATION.

As was shown by the last annual report of my predecessor, the lease for the Arlington Hotel site on the permanent reservation at Hot Springs, Arkansas, will expire on December 15, 1888. In order to show the present status of this property, it may not be amiss to advert to the action taken under former legislation affecting it.

Under the act of March 3, 1877, it became the duty of the President of the United States to appoint three commissioners to lay out into convenient squares, lots, blocks, avenues, streets and alleys, the lands now known as the Hot Springs Reservation, and to designate a tract thereon sufficient in extent to include all the hot or warm springs situate on said lands, and to embrace, as near as may be, as a permanent reservation what is known as Hot Springs Mountain, to be reserved from sale, and to remain under the charge of a superintendent to be

appointed by the Secretary of the Interior. That commission was empowered to cause to be removed all buildings or obstructions upon the said Hot Springs Reservation when necessary to carry out the provisions of the act. By act of December 16, 1878, the President of the United States was authorized to appoint, by and with the consent of the Senate, another board of commissioners composed of three persons, to hold their offices for the period of one year, from the date of their appointment, with the same authority in all respects as was provided for the commissioners in the act of March 3, 1877, which was revived and continued in force for the purpose of enabling the commissioners last appointed to do and perform all acts and duties authorized in either of said acts.

Under the ninth section of the act of March 3, 1877, the commissioners appointed were authorized to assess the value of the improvements upon the lands, and where such improvements were condemned to be removed they were to issue a certificate or certificates to all persons whose improvements were so condemned, showing the value of the same. It appears that the commission, in dealing with the Arlington Hotel, condemned it for removal and fixed a valuation upon it of \$28,000—\$22,000 in favor of S. H. Stitt & Co. and \$6,000 to H. M. Rector, and caused certificates to be issued to them for these amounts, respectively. Before, however, the order of removal could be carried into effect the act of December 16, 1878, was passed, and by it the Secretary of the Interior was directed to lease to the then proprietors of the Arlington Hotel, or their assigns, the grounds, not exceeding one acre, then occupied by them, for a period of ten years, at an annual rental of \$1,000.

This act, directing the lease of this ground, in effect nullified the action of the commissioners, which required the removal of the hotel from the leased grounds for the time being. For while other certificates, which had been issued by this commission for property which had been condemned, were to be received as so many dollars of lawful money in the entry and purchase of the lands that might be sold in the Hot Springs Reservation, the certificate to Samuel H. Stitt, DeWitt C. Rugg, and Samuel W. Fordyce for \$22,000 was excepted from such privilege. Under this arrangement the Arlington Hotel property has remained in the possession and occupancy of S. H. Stitt & Co. from that time to the present.

It has been claimed that the rental value of the grounds on which the Arlington Hotel property stands is far more valuable and should bring an annual rental much larger than that which the Government is now receiving. In 1884 a committee of the House of Representatives visited this reservation in the interest of the Government, and from their report it appears that from the testimony taken before them the majority of the committee believed the property to be of an annual rental value of \$10,000, whilst the minority thought that \$3,500 was sufficient. Various witnesses were examined before this committee, and none of them placed its value at less than \$3,000, while some believed it to be

worth \$25,000. As before shown, the present lease will expire on the 15th of December, 1888, and Congress is earnestly urged to enact such appropriate legislation in relation to it as will fully protect the interests of the Government.

Under the act of December 16, 1878, the Secretary was further directed to lease the bath-houses of a permanent nature then upon the reservation to the owners of the same, and to lease to any person or persons, upon such terms as might be agreed upon, sites for the building of other bath-houses for the term of five years under such rules and regulations as he might prescribe. Pursuant to this direction, leases of the permanent bath-houses and most of the sites were made, which terminated in 1883. These were renewed by my immediate predecessor for the period of five years from the dates of their expiration, respectively.

Attention is invited to the following list, showing the number of bath-houses now upon the reservation, all of which are completed, with one exception, and that is in process of erection. The dates of the commencement of the leases, the times when they expire, the number of tubs upon each, the original lessees, the present owners, and the value of improvements are shown in this table.

Leases—Hot Springs, Ark.

Name of bath-house (and hotel).	No. of tubs.	Date of commencement of lease.	Date of ending of lease.	Original lessees.	Present owners.	Value of improvements.
Arlington Hotel		1878. Dec. 16	1888. Dec. 15	Stitt, Rugg & Co., (S. H. Stitt, S. W. Fordyce, and D. C. Rugg).	No record of any change.	*\$28, 500
Old Hale (permanent bath-house).	21	1883. Dec. 15	...do ...	A. B. Gaines	A. B. Gaines, ($\frac{3}{4}$); E. Hogaboom, George N. Buckstaff (undivided $\frac{1}{4}$).	20, 000
Rector (permanent bath-house).	26	...do ...	...do ...	H. M. Rector and A. B. Gaines.	No record of any change.	40, 000
Independent 1 (site)	21	...do ...	...do ...	George G. Latta, A. B. Gaines, and S. W. Fordyce.	Ed. Hogaboom and George H. Buckstaff jointly, undivided $\frac{1}{2}$ of Gaines' interest. Other interests remain as originally.	19, 000
Big Iron (permanent bath-house).	40	Dec. 16	...do ...	A. S. Garnett	A. P. Garnett ($\frac{1}{2}$); George E. Lemon ($\frac{1}{2}$).	30, 000
Palace (site)	23	...do ...	...do ...	S. W. Fordyce	S. W. Fordyce, ($\frac{1}{2}$); L. H. Carhart, ($\frac{1}{2}$).	30, 000
Ozark (site)	22	...do ...	...do ...	George G. Latta	No record of any change.	16, 000
Rammelsburg (site)	18	...do ...	...do ...	A. B. Gaines	A. B. Gaines ($\frac{3}{4}$); Ed. Hogaboom, George H. Buckstaff ($\frac{1}{4}$).	20, 000
Magnesia (site)	30	June 1	May 31	George H. Buckstaff.	A. B. Gaines ($\frac{3}{4}$); George H. Buckstaff, E. Hogaboom ($\frac{1}{4}$).	17, 000
Horse-shoe (site)	30	June 12	June 11	F. C. Stearns	A. B. Gaines ($\frac{3}{4}$); E. Hogaboom, George H. Buckstaff ($\frac{1}{4}$).	17, 000
Lamar (site)	40	Aug. 1	July 31	A. B. Gaines	A. B. Gaines ($\frac{3}{4}$); E. Hogaboom, George H. Buckstaff ($\frac{1}{4}$).	22, 000
Superior (site)	16	1884. Jan. 2	1889. Jan. 1	L. C. Young, Robert Proctor.	R. Proctor, L. D. Cain	21, 000
Unnamed	20	1885. Dec. 18	1890. Dec. 17	J. L. Smithmeyer	George E. Lemon	(1)

*Valued by Hot Springs Commission.

†Not known; excavation only

During the past year four new bath-houses have been erected under leases granted and another is in course of construction. The superintendent reports that the completed houses are large and handsome, furnished with porcelain-lined tubs and other requisites for the ease and comfort of bathers. Including these additions there are now thirteen bath-houses, containing 312 tubs, which pay a monthly rental of \$780. Embraced in this number is what was formerly known as the "Little Rector," which, however, has now no real existence as a bath-house. The name of this bath-house is not therefore included in the list of leases hereinbefore given. Hot water is supplied to bath-houses and hotels off the reservation for 71 tubs, for which a monthly revenue of \$177.50 is received. The total receipts from water-rents and ground-rent for the Arlington Hotel site (\$1,000) during the past year amounted to \$7,241.40, and the expenses of the care and management of the reservation for the same period, including salary of superintendent and the maintenance of the free-bath-house for indigent invalids, amounted to \$7,188.73, leaving a balance of \$52.62 unexpended.

By the joint resolution approved March 26, 1888, the Secretary of the Interior is authorized to utilize the hot water upon the reservation, not necessary for the Army and Navy Hospital and the bath-houses now supplied with hot water, by permitting its use by not exceeding three bath-houses to be erected below and off the reservation; by the same resolution the annual water rent for all bath-houses is increased to \$30 per tub. A number of applications for the privileges provided for in this resolution have been received, but no leases have yet been concluded.

The superintendent reports that the number of visitors who have availed themselves of the benefits of the waters of the Hot Springs during the past year largely exceeded that of any previous year. He also reports that the number of invalid poor bathers at the free bath-house, which two years ago did not exceed three hundred per day, reached at times during the past year five hundred daily. It is gratifying to know that the need of comfortable and adequate accommodations for this class of invalids, which has been so strongly urged in the annual reports of my predecessors, has been recognized by Congress in the appropriation recently made for the construction of a suitable bath-house at the free pools.

THE TERRITORIES.

Reports have been received from the governors of all the Territories pursuant to law.

They show general increase in population, in the spread of settlement, the development of the natural resources and various branches of business and industry, improvement in social condition, educational affairs, and in almost all the respects which make up healthy modern civilization.

The Territories are peculiarly interested in the honest and efficient disposition of the public lands in accordance with the spirit of the laws; and it is gratifying to learn that from most of them approbation is expressed of the efforts of the Department to put the public lands to the uses of genuine settlement and improvement. In many of the Territories irrigation is of great consequence, and the views which I have expressed in an earlier part of the report find confirmation in the information received.

As the best presentation of the condition of these political communities, I subjoin copious summaries of the reports of the respective governors. The statements and recommendations are theirs.

ALASKA.

A further and more complete investigation of the resources of this hitherto almost unknown country has convinced Governor Swineford that in his previous reports he has not overstated their value.

No census of Alaska has been made, but the governor estimates the population as follows: Whites, 6,500; Creoles, 1,900; Aleuts, 2,950; civilized natives, 3,500; uncivilized natives, 35,000, or a total of 49,850. The data from which this estimate is made seem reliable and reasonably accurate. The town of Juneau has doubled during the past year.

No taxes being levied in Alaska, there has never been any assessment of property there, and it is consequently very difficult to form any estimate of the amount of real and personal property in this far-off possession of the United States. It is placed in this annual report at \$25,000,000, excluding the enormous business of the Alaska Commercial Company on the Seal Islands.

In this connection it should be borne in mind that, with the exception of a few titles confirmed in employés of the Russian-American Company, all the lands in Alaska are public, there being no method of obtaining title to any other than mineral claims. The general land laws do not apply to Alaska, and hundreds of thousands of dollars have been expended in improvements upon land to which the owners have no title, but are mere squatters. This is true of the towns, the fishing stations, and of the great canneries, and of course acts as a serious bar to the progress of the Territory.

Agriculture can not flourish until title to the land can be acquired, and it is in fact not beyond the garden stage, although the governor says:

There is not only a large acreage of rich tillable lands in the Territory, with a climate not at all inimical to the successful cultivation of all the hardier vegetables, but in many localities, particularly along the coast to the northwest of Sitka, on Cook's Inlet, and many of the islands, all the cereals except corn can be grown to perfection.

With the advance of mining and the great increase of laborers engaged in it, there will come a demand for all the produce that can be

raised in Alaska, and from this may be expected rapid agricultural development. While stock-raising and wool-growing may be profitably carried on in the future upon the great stretches of grazing land bearing luxuriant growth of blue-joint, red-top, and other wild grasses along the coast, unquestionably the mines and mineral resources of Alaska promise the greatest growth and profit.

The value of the seal catch and the fisheries is established and has long been known, but mining in Alaska seems yet to be in its infancy. During the past year considerable progress has been made; the great stamp mill on Douglas Island now has 240 stamps in operation, and it is the largest mill of the kind in the world, and its output is at least \$150,000 a month. The ore at this mine is improving and four undeveloped claims on this island recently sold to eastern and European capitalists for \$1,500,000. At numerous other points stamp mills are erected or in contemplation, mines are being opened and new discoveries made of promising ore beds.

Little reliable information of the placer mining in the Upper Yukon region has been obtained, but from time to time bands of miners come down to the sea with bags of gold dust and sail away. Other placer regions are reported, with the customary stampede to them of men seeking fortunes, but little is known of these. Other minerals than the precious ores are found, as graphite, copper, and iron, and the governor says:

I am of the candid opinion that future research will reveal the occurrence in Alaska of almost every known mineral.

Coal seems to abound in great varieties almost everywhere in the explored parts of the Territory. During the last year cannel coal was found, and on being subjected to various tests proved to be of the finest quality. The U. S. steamer *Thetis* replenished her bunkers from a vein of coal which measured 32 feet in thickness, and while on a cruise with this vessel the governor saw all along the coast coal veins from 1 to 15 feet thick. He thinks that "there is coal enough, of the best quality, in Alaska to supply the whole United States for centuries."

Although there are extensive forests in the Territory, the local consumption of lumber is not met by the few saw-mills, and until there is some means of acquiring title to the land, little will be done in the lumber business.

The value of the product "of one year's fishing in Alaska waters" is \$4,000,000 at a low estimate. During the past year the salmon pack is estimated at 400,000 cases, with 15,000 barrels of salted fish, and 6,000,000 pounds of cod were caught. Over forty whaling vessels plied their trade during the past summer along the shores of Alaska, and the cod fleet is large.

It is worthy of note that in the schools of the Greco-Russian Church, supported (as are their churches) by the Russian Government at an annual cost of \$60,000, English is taught. The annual report con-

tains the following conservative estimate of the market value of Alaskan products for the year:

Furs.....	\$3,000,000
Fish, oil, bone, and ivory.....	4,000,000
Gold (bullion and dust).....	2,000,000
Silver.....	50,000
Lumber.....	50,000
Total.....	9,100,000

Upon the necessity for some legislation to remove Alaska from her present anomalous and helpless condition Governor Swineford writes eloquently and forcibly, and his report should be accorded a careful reading and due consideration. He commends as bettering their condition the bill now pending in Congress for the organization of the Territory, and he urges its passage at once.

ARIZONA.

The governor reports that "the general progress and development of the Territory and the steady growth of all its varied material interests have been gratifying." A census was taken in 1882, showing a population of about 83,000 in the Territory, which was an increase of 100 per cent. over the census of 1880. This increase has been steadily maintained since 1882, and settlement is of a permanent character, insuring the safety of life and property and the supremacy of law and order.

In 1876 the taxable property of Arizona amounted to \$1,400,000, and during the past ten years it has augmented \$24,200,000. A noticeable increase of 33 per cent. has occurred in the taxable value of cattle in the past two years. The aggregate value of taxable property in the Territory is estimated at \$75,000,000, the assessment rolls showing about one-third of this. The governor commends the policy of economy encouraged by the last Territorial legislature, which has reduced the rate of taxation and raised the value of Territorial securities.

During the past fiscal year 295,841 acres of public lands were entered at the United States land office at Tucson, where the governor states business is somewhat delayed, owing to the limited clerical force.

The mileage of the Southern Pacific and Atlantic and Pacific, with some shorter lines in Arizona, aggregates 1,050 miles, but there is great need of north and south roads and further railroad development to open up remote sections with great undeveloped resources.

Upon the rare fertility of the soil and the possibility of the agricultural development of Arizona under proper and extensive systems of irrigation, the governor dwells at length, and he refers to most interesting discoveries which have been made during the past year of ancient water-ways and vast populations which sustained themselves in pre-historic times in the Salt River Valley by means of agriculture with irrigation. It appears that 300,000 persons at one time must have supported themselves here in this way. In this particular section at the

present time there are over 200 miles of irrigating canals constructed, and 100 miles projected or partially completed. This only exemplifies what will be done all over the Territory.

Under the success which has followed farming by irrigation, the products of the temperate zone and semi-tropical fruits have been brought to the highest perfection in both the north and south of Arizona. Alfalfa has proved a particularly profitable crop here, yielding from 4 to 10 tons per acre. It is surprising to one who has always regarded Arizona as a desert to read the glowing accounts of horticultural successes in that State. Strawberries, raspberries, blackberries, peaches rivaling those of Delaware, apples excelling those of Oregon, better oranges, limes, and lemons than those of California; dates that flourish as though upon their native soil of Arabia; olives, nectarines, almonds, peanuts, plums, prunes, figs, and pomegranates, all appear in the list of Arizona's products. The luxuriance of the vines and the abundance of grapes have led to the manufacture of wine which, it is claimed, with proper care in the manufacturing, will equal the best imported sherry. The freedom from fogs or rains at the season when drying is carried on has induced the production of raisins, and it appears that the fame of southern California as a fruit-growing region will soon be contested by the supposed desert of Arizona. The certainty of crops under irrigation and the great yield insure the husbandman his profits. But, as the governor points out, all this depends upon a proper system of water storage, conducted on an extensive scale, and he notes with pleasure the disposition of Congress to take action upon this great question.

The mild climate and the extensive ranges of Arizona have made stock raising a profitable industry, with a low percentage of loss; and here, as in the other Territories, greater attention is being paid to fine breeds, and much blooded stock is imported.

The rise in the price of copper during the past year has stimulated the production of this metal, and has caused the renewal of work at many disused mines. The value of the gold and silver product for the past year was \$5,771,555.

Near the center of Arizona is a great tract of timber land, over 6,000,000 acres in extent, which, owing to its remoteness from transportation facilities, has hardly been touched; and the lumber business of the Territory is not yet even in its infancy.

With the progress of education in the Territory the governor appears to be well satisfied. He urges that it would be economical for the Federal Government to construct a public building in Arizona for the accommodation of the executive, judicial, and legislative branches and also for the land officials and any other officers that might be there, as the present cost of their rents to the Government is now annually \$15,000.

He renews his recommendations that the appropriations for clerical force for the legislature be increased and that the survey of the public

lands of the Territory be extended, and he expresses his disapprobation of the bills now pending in Congress to transfer the adjustment of private land claims to a special court created for that purpose; upon what grounds it does not satisfactorily appear, as he says:

The early settlement of these grants is in every way desirable, in order that such claims, if any there be, as are just may be confirmed and such as are fraudulent may be rejected, and the honest settler who in good faith located upon and paid the Government for his land may peacefully enjoy the same.

DAKOTA.

The large area of this Territory and the drift of population westward combine to render the figures of its increase from about 135,000 in 1880 to over 600,000, as now estimated, apparently unprecedented in a single Territory. Two-thirds of the present population are natives, and a majority of the foreign born population is of Scandinavian origin.

During the past fiscal year there have been entered 1,838,142 acres of public land, and title acquired by final proof or otherwise to 1,616,650 acres more. In addition to this the sales of land to settlers by the Northern Pacific Railroad Company and by private owners have been large.

The assessment roll of the Territory aggregates \$161,420,974 for 1888, not including railroad property with a valuation of \$40,000,000 as it is taxed upon gross earnings. The governor places the actual wealth of the Territory at \$320,000,000 as a moderate estimate. The bonded indebtedness is \$1,098,800, bearing interest at from 4 to 6 per cent. The average tax levy for 1888 is 3 mills. An examination of the assessment rolls proves the remarkable and continuous growth of the Territory since 1880; for instance, the value of taxable land in 1880 was about \$9,000,000, in 1888 it was over \$91,000,000; of moneys and credits in 1880, \$745,000; in 1888, \$2,227,000.

In 1887 716 miles of new railway were built and in 1888 126 miles, making the total mileage of the Territory 4,333 miles, which is exceeded by only thirteen of the States. In addition to this, 190 miles of road have been graded.

The Territorial statistician shows that in 1887 62,553,499 bushels of wheat were raised; an amount much greater than the product of this cereal in any State. This is not surprising when the finest wheat can be raised in the Territory for an average of cost of 36 cents per bushel. The total in bushels of the following grains was: oats, 43,267,478; corn, 24,511,726; barley, 6,400,568; and flax, 3,910,944.

The governor remarks with satisfaction upon the growing tendency toward diversified farming, instead of relying as formerly wholly upon wheat raising. With such production the field for labor is large and capable laborers have no difficulty in finding employment at good wages. This opportunity to get work, combined with the great area of fertile tillable land still open to entry and settlement, makes Dakota the refuge of the home-seeker and farmer with but little capital other than

his two hands. And that this will remain so for many years to come is apparent, when it is considered that in addition to 22,000,000 acres of vacant public land open to settlement there are 27,000,000 acres of land in Dakota within the reservations of the Indian tribes, which will sooner or later be opened.

The growing attention paid to stock of all kinds presages the use to which the abundant and highly nutritious native grasses will be put. During the past year an average of 2,000 head of thoroughbred and improved stock has been brought into the Territory every month, and we can not question that, having passed through the single-crop stage, Dakota, like other Western communities, will become a great stock-raising State. Cattle from the Dakota ranges brought the highest prices in the Chicago market in September of this year. Sheep flourish among the hills west of the Missouri River, and creameries are in operation in the eastern half of the Territory.

The mines of the Black Hills of Dakota are attracting new interest after some years of comparative quiet.

The board of education for Dakota reports that "during no year of our entire educational history has so great an advance been made in all that pertains to the real work of education, no matter in what line considered."

Interest and principal of school bonds are promptly paid, and they command good prices. Institutes have been enlarged and, with the normal schools and normal departments in other educational institutions, teachers' associations and other plans in operation, have been very effective in raising the standard and qualifications of teachers throughout the Territory.

The lands set aside for school purposes in the future State of Dakota are estimated to be worth \$18,000,000, from which no revenue can now be derived. An income of 5 per cent. on this amount would pay one-half of the total annual expenditures for schools in Dakota. Some of the lands, it appears, are depreciated in value by trespassers and want of proper care. On this subject the Board of Education says:

A small income now from the school lands will be far more helpful to them than four times the amount ten years hence. We would, therefore, respectfully urge that immediate steps be taken to prevent further waste of the school lands and to give the people of the Territory some present benefit from them.

A list of various educational and humane institutions of the Territory shows that it is not behind the States in interest in these fields. They are as follows:

Name.	Location.	Name.	Location.
Dakota School of Mines.....	Rapid City.	Spearfish Normal School	Spearfish.
University of Dakota	Vermillion.	Dakota School for Deaf-Mutes.....	Sioux Falls.
University of North Dakota.....	Grand Forks	Reform School*	Plankinton.
Dakota Agricultural College.....	Brookings.	Yankton Insane Asylum	Yankton.
State Normal School	Madison.	North Dakota Hospital for Insane.	Jamestown.

* Established 1888.

There are two penitentiaries, one at Bismarek, enlarged in 1888, the other at Sioux Falls. A board of health and pharmaceutical association guard the health of the people, and two public examiners perform the same duty for the people's money in the hands of county treasurers or other officers.

The Indians in Dakota have been throughout the year peaceable and have generally extended their farming operations, which have yielded them better crops than ever before.

The governor calls attention to the difficulties of railroad taxation under the present system of taxing the gross earnings of the roads, and suggests that if the Territory has not the power to impose and collect the tax in this way under existing law, Congress may give the Territory such authority. The governor states that one-eighth of all the taxable property of the Territory has been exempted from taxation by the judicial interpretation given the gross-earning law.

He also points out the desirability of Congressional action empowering Territorial governors to veto items of appropriation bills.

He suggests such modification of the alien land law as will enable foreign lenders to do business in the Territories, thereby affording our needy pioneers an opportunity to borrow at a low rate of interest.

As in educational lines Dakota is most enterprising, it is not surprising to find that a Dakota National Guard of twenty companies of infantry and one of artillery has been established and fully equipped to teach its citizens the duties of a soldier and the art of war. For this purpose \$13,000 was the last annual expenditure.

IDAHO.

The governor places "the present population of Idaho at over 100,000," having trebled since 1880.

The assessment rolls for 1888 show a total valuation of \$21,288,000 of taxable property, which it is believed represents only about a third of its actual cash value.

The area of public lands entered during the past year in Idaho at the five land offices aggregates 338,619 acres, and final entries 117,815 acres. The predominance of homestead entries indicates an actual settlement of these lands. Complaint is made that settlement is retarded through the absence of public surveys.

The governor reports no new railroad as completed within the year, but some in process of construction, and a total of 864.32 miles in the Territory.

The agricultural interests are advancing, as the following production in 1888 indicates :

Wheat	bushels..	2, 986, 280
Oats	do	1, 264, 590
Potatoes	do	1, 476, 895
Hay	tons..	528, 965

Attention is being paid to the improvement of horses and cattle by the introduction of thoroughbreds. Of the former the assessment shows 71,984, and of cattle of various kinds 240,915, while 3,447 Angora goats and 251,634 sheep supply material for the production of fabrics.

Mining is the principal industry of Idaho and is destined for many years to come to remain one of its most important sources of wealth. During 1887 the total production of gold was worth \$2,522,209; of silver, \$3,422,657, and of lead, \$2,960,270, or a total mineral production of \$8,905,136 in value.

There are 18,000,000 acres of timber and mineral land in the Territory. Of the steps taken for the preservation of this timber the governor says:

It gives me great pleasure to be able to say that the people generally cheerfully indorse the laudable action of the Interior Department in endeavoring to protect these valuable forests from thieves and scavengers who have so long wasted and destroyed large amounts of valuable timber.

They have also endeavored to prevent the spread of forest fires, which have annually destroyed more valuable timber than has been used for domestic purposes since the settlement of the Territory.

There are in Idaho 269 school-houses, 376 schools with 9,881 scholars in attendance, for which \$129,980 were expended during the last year. The value of this school property is estimated at \$279,500. Compulsory school attendance has been attempted, but as the law was not enforced it has proved to be useless.

Forty-four thousand one hundred and seventy-three acres of university lands have been selected.

The governor regards the passage of the severalty act as the beginning of the solution of the Indian question, and comments favorably upon the advance lately made by the Indians in civilization and industry in his Territory, and thinks that they should be given their allotments as soon as possible.

Valuable mines having been discovered along the western boundary of the Cœur d'Alene Indian Reservation, a dispute has arisen between the Indians and miners as to the exact location of the boundary. The governor urges that this should be promptly resurveyed to avoid bloodshed, and if the miners are upon the reservation the Government should acquire title to this land from the Indians. There are 4,375 Indians, occupying 2,784,731 acres in reservation, in Idaho.

The Territorial capitol building is commodious and fine; there are also a United States assay office, insane asylum, and United States penitentiary, the last badly in need of extension and repair. The Territory would be willing to do this if given \$20,000 for tools and material, with the labor of the convicts, now crowded two in a cell.

The governor complains that the Territory is compelled to pay the expenses of Indian convicts and thinks that this should be borne by the Federal Government.

The growth of the Territory has made the existing mail service entirely insufficient and is a cause of complaint among the settlers. He asks that this be remedied.

On the question of dividing Idaho he says :

We only ask to be let alone, to preserve our identity as Idaho undivided and entire, until we shall enter the Union of States, not under the borrowed robes of some other State or Territory, but as Idaho.

Here, as in other Territories, the question of irrigation is of the utmost importance. Without it the land is valueless and settlement is impossible, owing to the expense. The governor dwells at length upon the advisability of Federal aid to carry it out, believing that there is as good ground for appropriations for this as for river and harbor improvements, and that there is ample water supply for the reclamation of a large part of the Territory.

He thinks that by increasing the price for public lands under water from \$1.25 to \$2.50 per acre the Government would be re-imbursed and that the settler would gladly pay it.

The governor recommends "that the Territory have the right to lease the school and university lands and apply the money thus derived to the support of the common schools."

MONTANA.

From the report for the last fiscal year of the governor of Montana it appears that the business of this Territory is in an unusually prosperous condition, and that it is rapidly developing. The population is now estimated at 140,000, an increase of 10,000 over that of a year ago, and of 100,000 over that of the census of 1880.

The taxable property of Montana this year has an assessed value of \$69,600,000, which does not include the mining properties, as they are exempt from taxation. The governor says: "The financial condition of the Territory demonstrates the fact that it is founded on a sound and stable basis. It enjoys the enviable distinction of being entirely free from debt, owing not one dollar, and there is plenty of money in the treasury. The Territorial taxes are very light, which is a persuasive inducement to immigration."

The aggregate value of the products of the Territory this year, including mines, wool, sheep, cattle, horses, and agricultural products, is \$47,000,000. The Territory abounds in building stones of fine quality, immense forests, with timber fitted for almost every use, numerous water-powers along the streams, and mines of the greatest richness. Extensive coal beds, much of which is coked and extensively used in smelting works, furnish cheap and plentiful fuel. With all these advantages Montana promises to become a center for large manufacturing enterprises. Three great railroads stretch across the Territory, affording rapid transportation to the east and west, to the north and south. A climate not to be surpassed in healthfulness and the vigor

which comes from it must be added to the other attractions of this great Territory. The average yield of small grains, of potatoes, and of cultivated grasses, is excellent.

Education, the governor reports, is supported with liberality and willingness by the people, and he says:

There is more money paid out, per capita, for public schools by Montana's people than is paid by the people (including their assistance from their great school funds) of any of the States.

In common with the other Territorial governors he reports the waste and injury to the school lands, and he urges that some Congressional action be taken by which these lands may be protected and made at once available for school purposes.

With the exception of the difficulty in the neighborhood of the Crow Agency, the Indians have created no apprehension in the Territory during the past year, and on some reservations the governor reports them as advancing rapidly in agricultural pursuits.

Greater skill in the working of the mines and ores of Montana, and improved machinery, have made the mineral production greater than ever before, and have caused the re-opening of many old mines. Extensive reduction works are now in process of erection at Helena and at Great Falls. The total output of gold, silver, copper, and lead of the Montana mines for this year amounts to \$31,400,000 in value.

The range cattle business, despite the severe losses of the winter of 1886-'87, is again upon a prosperous basis, and the number of cattle in the Territory has increased to about a million and a half. The breeding of horses is attracting more attention than formerly, and Montana race-horses are gaining a reputation in the Eastern States among the best bred horses of that section. There are now, in round numbers, 200,000 in this Territory.

The wool crop of the year is valued at \$1,000,000, and the number of sheep is very much greater than a year ago, being now over 2,000,000 in number. Of this increase the governor says:

Some fear the effects of free wool; but those best informed on this subject believe that free wool will not injure the sheep culture any more than free hides did the cattle king. Mutton alone, it is believed, will pay the cost of raising sheep in Montana, and the wool clipped and sold is all profit. The net clear profit on investments in this great industry is from 20 to 30 per cent.

Governor Leslie again renews his recommendation urging the establishment of some efficient means for protecting the timber lands of the Territory from fires and wasteful depredations. He says:

Nothing in our country is more important than our forests, and nothing so needs the fostering and protecting care of the strong arm of the Government.

He reports less destructive forest fires than during previous years, and an increased interest on the part of the people in this respect.

He recommends that, as the present United States penitentiary is too small for territorial uses and but little used by the Federal Govern-

ment, Congress donate this building to Montana in order that the territory may enlarge it to meet its present requirements; and in the two cities of Helena and Butte he points out the necessity for the construction of post-office buildings, the present accommodations being cramped and insufficient. In fourteen counties out of the sixteen in Montana good court-houses and necessary public buildings have been erected, but the Federal Government has no public buildings except an assay office and the penitentiary already mentioned.

The opening of 20,000,000 acres of the old Piegan Indian Reservation, with the construction of the Saint Paul, Minneapolis and Manitoba Railroad through this section, has been a great stimulus to settlement, and the governor recommends the establishment of an additional land office in this vicinity.

NEW MEXICO.

From the report of the governor of this Territory it appears that the two most important matters there, urgently requiring action, are the settlement of land titles and the storage of water for irrigation.

The uncertainty both of the boundaries and validity of the numerous grants to large areas of the most fertile lands in New Mexico of Spanish and Mexican origin is notorious. Such uncertainty can not fail to be a serious bar to the development of the Territory by those now resident there, and must deter any considerable immigration.

The governor urges that Congressional action is absolutely necessary, and he commends the two bills with this object now pending in the Senate, suggesting the combination of the most valuable provisions of each into a single bill.

New Mexico peculiarly demands irrigation in order to render her lands available, a subject upon which I have already expressed my views, to some extent, and find no occasion now to add more.

Of the entire area of New Mexico, 79,000,000 acres, it is estimated that 60,000,000 acres are susceptible of irrigation, carried out upon a grand scale, and, when so irrigated, would prove to be tillable.

The governor says:

It is thus becoming more and more apparent that the present system of independent ditching must be abandoned, and that in its stead the State must assume jurisdiction of the water supply and its distribution by a carefully devised and adjusted system that shall economize the water supply and guaranty to all equal rights in that supply.

How best to store that valuable and much-needed, but now destructive, surplus of water, and save it for distribution at the seasons when its value is greatest, is a problem that demands the earliest possible solution.

The governor believes that with the donation of land accruing upon the admission of the Territory as a State, such a basis of credit would result that without Federal aid "a reasonably comprehensive and effective system of water storage and irrigation" could be established.

The population is now estimated at 175,000 as compared with 119,565, when the census of 1880 was taken.

The assessed value of taxable property for 1888 is \$43,151,920, upon which the rate of taxation is for Territorial and county purposes three-fourths of 1 per cent., and for school purposes 3 mills on the dollar.

Here again the absence of proper definition of private land grants operates as an injustice to the community, as large areas pay no taxes, it being impossible to determine whether public or private lands; and again large areas are included in grants not yet patented, probably purposely so held, thus reducing the aggregate of the assessment roll some \$10,000,000 or \$12,000,000.

During the past year 384,000 acres of public land have been entered; nearly all having been taken for actual occupation and improvement. In addition to this probably as great an area has been purchased for occupancy from private owners in the older settlements.

The only new railroad built in the Territory within a year is 80 miles of the Denver and Fort Worth Railroad, crossing the northeastern portion of New Mexico and opening a new section to settlement with the establishment of thriving towns. The total mileage of the Territory is now 1,130, and with the numerous other lines now projected it is reasonable to expect that during the ensuing year this figure will be raised to 2,000. The business of the roads is reported to have been much better than during the preceding year.

Upon the agricultural possibilities of New Mexico, Governor Ross is eloquent. Wheat, oats, barley, and corn, surpassing in size and weight similar grains of the Missouri Valley, are grown here; vegetables, garden products, and fruits, especially grapes, are abundant and cheap, and even such semi-tropical products as figs, almonds, pomegranates, etc., are found. The profusion and excellence of the grapes suggest the future prosperity of the wine industry here.

In short, the improved methods and machinery, introduced during the past few years, have shown that the apparently unpromising soil of New Mexico possesses rare fertility and yields rich returns to the intelligent husbandman.

While the losses of cattle from the severity of the winters have been smaller than in the range of country to the north, yet the low price of beef during the past few years has reduced the value of the herds in New Mexico and produced a depression in the business. With an increase of 135,000 head in 1888 over 1887 the assessed valuation shows a decrease of \$1,200,000. Sheep have decreased 250,000 during the year, as shown by the assessment-rolls. On the other hand, the quality of cattle is materially improved, and ranchmen are raising more alfalfa and other feed with which superior beef for home consumption is produced and losses are insured against.

The gold output has surpassed that of any previous year; silver development is attracting attention and is going on with renewed activity; the rise in copper the world over has caused the resumption of work in the copper mines, for a long time idle. Reduction works have been en-

larged and large investments in mining machinery made, which are all in operation now. With all this activity in mining the governor thinks it especial cause for congratulation that no manifest mining swindle has been reported in New Mexico during the year. He says:

Altogether there has never in the history of the Territory been so gratifying an outlook for the mining industry. Capitalizing prospect holes and calling them mines has practically ceased, and mining has assumed the legitimate basis of a staple industry and is being prosecuted as a strictly industrial and not a speculative vocation.

During the past twelve months 618,000 tons of coal are reported as mined, with the output of some districts not reported. There are in the Territory both anthracite and coking coals, which have been but little developed. The coal measures of New Mexico aggregate "4,000 square miles of at least 10-foot veins."

Deposits of salt, fire-clay suitable for pottery and queensware, and building stones and glass sand of fine quality are found. The tannin plant, from which superior tannic acid can be made, and cacti, producing fiber for cordage and the finest kinds of paper, abound in spontaneous profusion.

There are considerable areas of well timbered lands in New-Mexico, and owing to their distance from railroads they have not as yet fallen before the lumberman's ax.

A compulsory school law has been of service in forwarding education, and substantial progress has been made in this direction, but much yet remains to be done. With the peculiar elements of population in New Mexico, careful public supervision and aid of education are of prime importance, and should be bestowed with no niggardly hand. For this reason it seems proper to recommend such Congressional action as will enable the Territorial authorities to derive immediately some revenue from the school lands set aside by Congress for the school fund of the future State of New Mexico.

There have been no Indian disturbances and the education of the Navajo and other Indian children among their own people has been productive of good results.

The completion of the fine Federal building, for which Congress made an appropriation two years ago, will afford ample accommodation for the United States courts and officials.

UTAH.

By the last census the population of Utah was shown to be 143,963. Since that time there has been a regular annual increase, which has made the population, as estimated at the present time, 210,000. The settlement of the public lands is the best indication of the development of this Territory, and it appears that since the opening of the land office in 1869 up to the end of the last fiscal year about 21,000,000 acres of Government land have been entered. The assessment rolls of the

Territory show taxable property to the value of \$46,379,000, an increase of about \$11,000,000 over the last year.

He suggests the most encouraging sign of improvement in Utah is in the organizations of business men, regardless of their religious or political opinions. This has resulted in attracting many citizens of means and much new capital to the Territory, and has at the same time, by this union of Mormons and non-Mormons, to some extent drawn together two classes of citizens who have always heretofore worked against each other. That this has been advantageous, the prosperity of old and new manufacturing enterprises and the increase in the railroad traffic, which has been 25 per cent. over the preceding year, indicates.

The unusually dry farming season interfered somewhat with agricultural sections, but the cattle industries of the Territory have been fairly successful. Sheep raising, one of the most important sources of wealth in Utah, met with a somewhat serious loss during the preceding winter, reaching, as estimated by the governor, fully 8 per cent. of the herds. Notwithstanding this, the wool clip is estimated at 10,000,000 pounds, valued at \$1,300,000.

The most important interest, however, in this territory is mining. From the governor's report it appears that since 1871 the market value of the output of the Utah mines reaches the sum of \$113,071,147. The ore product during 1887 was 156,971 tons, the export value of which was \$7,637,729. As showing the extent and system of Utah mining, the statistics given of the development of the famous Ontario mine in the governor's annual report are interesting. The total output of this mine to the end of last year is over \$19,000,000, and it has declared dividends of about \$9,000,000. The plant of the mill and mine cost over \$2,500,000, and the numerous levels would aggregate in their total distance a number of miles.

In general, this industry is in a healthy and growing condition, and the rise of prices for various metals has occasioned the renewal of work in some districts previously practically abandoned. At numerous points throughout the Territory mining is carried on, and new developments are continually being made. This development has often been retarded by the comparative isolation of the mining districts, and with the railroad building now progressing, it is reasonable to expect a large increase in the product of the Utah mines within the next few years. The railroad mileage of Utah is 1,140 miles, not including the 30 or 40 miles of new track laid this year by two local roads running from Salt Lake City, which are expected to become important factors in the commercial development of this city.

The two thousand or more Indians in Utah have during the past year been quiet and peaceful, most of them being upon their reservations, but three communities of Indians have sprung up where they have taken land and become citizens, abjuring their tribal relations.

The governor reports the selection of all the lands granted the Territory by the General Government for university purposes during the past year, and as these lands are almost valueless without irrigation he suggests some further endowment for university purposes in Utah. One effect of the joining of the Mormons with the non-Mormons for the development of the Territory during this past year is shown in the appropriations made for various public institutions. Among these are the Industrial Home, the Deseret University, Deaf-Mute Institute, a reform school, an agricultural college, and a proper exposition building. The penitentiary, for which Congress made an appropriation, has been completed, but the governor urges a further appropriation of \$100,000 as absolutely necessary, the cells at present constructed being occupied to double their capacity, and some additional buildings for the accommodation of the warden and guards are also needed. The condition of the Asylum for the Insane is reported to be satisfactory. These various improvements have necessitated the issue of \$150,000 of bonds by the Territory, bearing interest at the rate of 5 per cent. per annum. These are the first bonds ever issued by Utah, and sold at a small premium.

Upon the great question, the Mormon question, the governor says:

It is with much satisfaction that I am enabled to state that marked and decided changes for the benefit and advancement of the people and the prosperity of the Territory have taken place. To some extent there has been a bridging of the chasm that has separated the Mormon and non-Mormon people since the settlement of this Territory.

As an evidence of the greater liberality to their fellow-citizens not under the control of their church, the governor calls attention to the minority representation which has voluntarily been given by the Mormons in the municipal government of Salt Lake City and in the boards of the various eleemosynary institutions of the Territory. This change of feeling has all occurred since the enactment of the law of Congress of 1887.

It has been often asserted that this change on the part of the Mormon people and their professed abandonment of the practice of polygamy has been for the purpose of securing the admission of the Territory as a State, and with this view the governor appears to agree; but he says:

I have not been of those who feared bad results from good and meritorious actions. Every movement of merit, whatsoever the motive prompting and from whatsoever source emanating, has received from me hearty encouragement and earnest support. Yet I am most firmly convinced that there is an irreconcilable political difference, fundamental in character, between the Mormon system and the government established by the United States, and that of necessity an irrepressible conflict will wage until it is settled.

The real obstacle to the admission of Utah as a State lies in the fact that the Mormon priesthood is not simply a religious institution countenancing polygamy, but that it reaches out and controls its people in all things, secular as well as spiritual. The political, commercial, and civil life and customs of the Mormon people are as absolutely controlled

by the church as is the religion of the people. Of this Governor West says :

It is passing strange, yet true, that in this land of liberty and free government, for forty years a power more absolute and despotic than any other known to civilization has held sway and dominion over a people whose birth-right is freedom ; that here we have had, as it is nowhere else in our land, the union of church and state, the latter subordinate to the former.

This theocratic government is opposed to our republican institutions, and, as a means of arriving at some solution of the difficulty, the governor earnestly urges that Congress appoint a non-partisan committee to visit the Territory and investigate the question upon the spot, with a view to passing such legislation as will promptly and effectually dispose of the long-standing Mormon question.

UTAH COMMISSION.

The report of the Utah Commission is submitted as an appendix to this report. The principal subjects discussed therein are the recent elections in the Territory of Utah, the proceedings of a convention held by the people of that Territory to adopt a constitution and to propose to Congress the admission of Utah to statehood, as well as acts of the last legislative assembly indicating a disposition on the part of the Mormons to conform to the acts of Congress for the suppression of polygamy.

A majority (three) of the commissioners hold to the opinion based upon other occurrences, that these expressions of submission to the laws are not made in good faith, and that the teachings of the Mormon Church and the real sentiments of its members have undergone no change, while a minority (two) of the Commission express the belief that the Mormon people are in earnest in their desire for reform and that the laws of Congress and of the Territorial legislative assembly, aided by the influences of schools and colleges and the progress of civilization, are working out a reformation of the inhibited sexual offenses in Utah. The frequent discussion of this subject heretofore leaves no occasion now for more than the submission of these reports.

WASHINGTON.

The population of Washington Territory in 1880 was 66,979 ; it is now 167,982 at a low estimate, and the governor believes it is 20,000 above this figure.

The assessed value of the taxable property of the Territory is \$84,621,182, a gain of over \$65,000,000 during the past ten years, and of \$23,058,000 for the past year, due in part to the addition for the first time of railroad property to the assessment rolls.

All expenses have been paid from the Territorial revenues, and since 1878 the tax-levy has not exceeded 3 mills, and is now only 2½ mills. In 1878 a 4-mills levy produced a revenue of \$67,698, while in 1888, with a 2½-mills levy, it was \$212,734.

During the year ending June 30, 1888, 1,023,773 acres of public land were entered by various methods, and 268,700 acres were sold by the Northern Pacific Railroad Company, a total of 1,292,473 acres disposed of to individuals during the year. An extension of the surveys of public land is urged by the governor, 23,392,070 acres being the present unsurveyed area of the Territory.

The total railway mileage is now 1,197.7, an increase of 137.1 miles for the year.

The most noteworthy event commercially within the year is the direct shipment of teas from China and Japan to our Eastern States. More of the crops and ores of central and eastern Washington are shipped at Tacoma and Seattle every year, and railroads have difficulty in handling this sudden accession of new business. The banking capital of the Territory is over \$3,000,000, of which \$1,870,000 is the capital of national banks.

The governor believes that, of the lands disposed of this year, 965,084.92 acres went into the hands of actual settlers, who generally desired to use them for agriculture. Over a large part of the Territory irrigation is necessary, and when introduced it will add greatly to the agricultural development, which, as these figures indicate, is making a fine start.

Full statistics of the stock industries of Washington are not obtainable, but it appears that it is no longer profitable to raise inferior stock upon the open ranges, which are much diminished by the influx of settlers. Cultivated fields are taking the place of bunch-grass, and food and shelter are provided for the stock.

The salmon catch fell off in 1887-'88, but the importance of this industry is apparent from the annual expenditure of \$2,500,000 of the Lower Columbia salmon canneries. The pack for 1888 was 360,820 cases. This valuable product should be cared for and a hatchery established by the General Government at some point within the Territory.

Coal mining has been successfully pursued during the year ending September 30, 1888, the output being 1,133,801 tons, an increase of 608,096 tons over the last fiscal year.

The gold and silver mines of Okanogon County are now "said to be upon a permanent basis." There are now on record in this county 1,334 quartz claims. Nearly all upon which work has been done show gold or silver ore in paying quantities.

Galena mines with considerable silver are also found.

The famous forests of Washington Territory furnished 320,000,000 feet of lumber, 69,000,000 laths, 50,000,000 shingles, of which over two-thirds were shipped for foreign consumption. The shingles are said to be the best made. The governor says in this connection:

I can not forbear urging upon your attention the importance of caring for our forests. Vast areas of the continent that are practically worthless for other purposes

could be utilized for tree culture. I understand very well that it will be found impracticable to prevent the denudation of lands that are valuable for agricultural purposes, but the timber on our mountain sides and on the more elevated table lands can be preserved for a future supply, and can eventually be utilized under a system of renewals which will prevent the laying bare of the ground. In this way, not only can our timber supply be made as permanent as any other cultivated product, but our streams can be maintained at their maximum flow. A forestry commission, with enlarged power, maintained by ample appropriations, should be created before our forests become so reduced in area by wasteful methods of utilization, by fire and disease, that the lack of timber becomes a serious obstacle to our progress.

The total capacity of the saw-mills in the Territory is 1,043,596,000 feet.

Abundant resources have been provided for numerous and fine schools, which are the pride of the people. Teachers are well equipped for their duties, and numerous institutions for higher education are established. The recent act of Congress giving local authorities in Washington Territory power to lease and control school lands is commended by Governor Semple.

The exclusion of Chinese from the country is deemed favorable to this Territory, and the only labor trouble there during the year resulted from the importation of a body of negro laborers by coal companies.

This promised to create serious trouble, but it was averted by the timely action of the governor.

For some reason there was a great scarcity of hop-pickers this year, and one of the principal crops of the Territory was thus in danger of being in a large measure lost. It was feared that the introduction of coolies would be necessary, but happily this was averted by the concerted action of the entire populace, who went into the hop fields and saved the crop, even the school children being excused from attendance during the hop-picking season.

The Indians are peaceable, and some of them have become citizens and are prospering upon good farms. The General Government should pay for the trials of Indians for offenses committed by them when not tax-payers, whether upon their reservation or not, and not place this burden upon the tax-payers of the adjacent counties. Complaint is made of this.

The various public institutions of the Territory appear to be in a satisfactory condition, and \$185,000 was appropriated by the last Territorial legislature for their extension and maintenance.

Much desirable and important legislation was passed by this legislature. Among other bills was one levying one-fifth of a mill for military purposes, which thus places the national guard of Washington upon a secure foundation. "The force now consists of two regiments of infantry and a troop of cavalry."

The governor closes his report with an eloquent and enthusiastic account of the magnificent scenery of Washington and the rare opportunity which its shores and mountains offer the sportsman.

WYOMING.

The governor of Wyoming estimates the present population of the Territory at 85,000. This shows a material gain since the last census in 1880, when the population was but 20,789. A change in the character of the population is going on constantly, the farming, land-seeking, and settling population increasing, while the cowboys of the ranges decrease. This change in the population indicates also the changing condition of the Territory, which has been heretofore almost exclusively devoted to the range cattle business. This business was conducted on a magnificent scale and for a number of years with great success, until through the overcrowding of ranges, and consequent scarcity of feed, together with the severity of the winters of 1885-'86 and 1886-'87, it met with serious reverses. The low prices prevailing for beef in the Chicago market during the past two years have served to complete the depression and consequent diminution of the range cattle business, so that at the present time the tendency in this Territory is toward small ranches with smaller herds, which can be taken up and cared for in the winter. The ranchman does not rely now so completely upon his cattle as formerly, but is mixing farming and grass-raising with the cattle business. During this transitional stage there is less buoyant prosperity than existed in the flush times of the cattle business, but it is evident that it will ultimately result in more stable prosperity for the Territory.

The governor says:

The financial standing of Wyoming, as judged from her premiums received on sale of bonds for public improvements, ranks very high, and this may largely be attributed to the wisdom of Congress in prescribing a limit to Territorial indebtedness.

As an evidence of the credit of the Territory, the governor states that \$90,000 worth of bonds, bearing 6 per cent. interest, sold at an average premium of 12 per cent. The total bonded indebtedness of the Territory is \$320,000, or exactly 1 per cent. of the assessed valuation of the Territory for 1887, which has fallen, in 1888, a million dollars below this figure. The governor says:

This, I apprehend, will only be temporary, as with the increase of population and the higher prices now being paid for cattle, values will increase, and particularly in realty.

During the year ending June 30, 1888, 298,948 acres of public land were entered in Wyoming, and 148,689 acres previously entered were brought to final proof. The settlement now going on is actual, and there is less speculation in the entries of public lands. The length of time which intervenes between making final proof and the issuance of patent is quite a drawback to settlers in improving their lands, and the governor urges that this be remedied as far as possible. Public sentiment there is changing upon the land question, and the Government officers there are receiving the support of actual settlers in their endeavors to obtain an honest compliance with the public-land laws.

Three railroad corporations have built 139 miles of new road dur-

ing the past year, making a total of 891.26 miles at the present time. Two of these new lines run into the heart of the Territory and will greatly facilitate the development of the interior, which has previously been accessible only by stage or teams. With these railroad extensions, the mineral deposits of the interior are attracting attention and will undoubtedly be developed with considerable rapidity now that cheap transportation is at hand. Coal is found in every county, and during the year 1887 1,170,000 tons were mined. The Territorial geologist says that he believes the coal-fields of Wyoming cover 30,000 square miles.

Perhaps the most remarkable mineral deposit in Wyoming is the extensive deposit of soda. This appears at numerous points in so-called soda lakes in the Territory, and is remarkable for its purity and quantity. Soda works have been established at Laramie City, which are the only works in this country developing natural soda deposits. Their product is 32,000 pounds a day, and this industry promises to become one of the most important resources of the Territory. The proximity of these soda lakes to fine beds of quartz, sand, and lime-stone has led to the establishment of glass-works at Laramie City, which have been in successful operation for the past year. These are the only glass-works in the country west of the Mississippi River, and it is expected that they will command the market of the Pacific coast.

The Territorial geologist states that thousands of locations of oil claims have been made in all of the eight counties in the Territory, and that much preliminary work has been done. There has been some revival during the past year of the mining industries of the Territory, especially in copper mining. The governor says:

In many districts, where water is abundant for irrigating purposes, farming is relied upon, and the time is near at hand when all the valleys now producing only half a crop of grass will be waving fields of grain and rich with root and vegetable productions. There are many portions of Wyoming where farming is carried on successfully without irrigation, and as the soil is broken up and the ground prepared to receive the moisture and retain it there will be more of this kind of farming, now by many considered impracticable.

Stock-raising is still by far the most important industry of the Territory, and horse-raising and sheep-herding have been quite successful occupations even during the depression in the cattle business. The horses of Wyoming, owing to the peculiarities of the soil, climate, and grasses, are unusually well developed, and with the attention now paid to their high breeding may be expected ere long to rank among the finest raised in the country. There has been a noticeable increase in the number of horse ranches during the past year. The governor says:

The sheep men have been very lucky and very successful for the past three years and all are making money. The losses by disease have been very small and the flocks are healthy. The winters do not seem to have destroyed many of the young or old, and the flocks are increasing.

The necessity of preserving the forests among the mountains of Wyoming and at the same time affording settlers some means of obtaining timber supplies for lumber is dwelt upon in this report, and the governor urges some legislation to effect this. As the agricultural future of Wyoming depends almost wholly upon irrigation, and as the snows which furnish water for the streams throughout the summer are so largely held by the mountain forests, this is a matter of vital importance to the Territory.

The public schools show an attendance of 5,622 pupils, with 231 teachers. The University of Wyoming, which occupies a fine building, was opened September 1, 1887, and the first year is pronounced to have been very successful. Additional bonds were authorized for the completion of the university building and a further sum for its endowment was appropriated by the last Territorial legislature. The act passed by Congress authorizing the leasing of school and university lands in Wyoming will doubtless prove of much assistance in furthering education. This act also authorized the selection of indemnity school sections and this Department has the matter now under consideration.

The governor's report shows the existence and construction during the past year of a number of humane institutions, which is most commendable in so young a Territory.

The most important feature of legislation, he states, affecting this Territory is that of water storage, and he urges further surveys of public lands in regions already settled by thriving and prosperous farming communities.

THE CAPITOL AND PUBLIC GROUNDS.

The Architect reports that in the Capitol building considerable work has been done to adapt some of the rooms to changes of occupants. Additional shelving for books has been provided in the Library of Congress and in the Law Library, and the walls and ceiling of the latter have been painted. Vault-rooms in the south terrace have been fitted up for the storage of documents. The Architect suggests these will be liable to mold from dampness if allowed to remain any length of time, and he recommends that for their better protection and to save expense in handling, a brick store-house be erected for the storage and folding of documents and books to be distributed by Congress.

The new elevators of the Senate and House wings have been completed and are working satisfactorily, and the heating and ventilating apparatus is reported to be generally in good condition. An electric-light plant of 650 lights, for which appropriation was made in the act of August 4, 1886, has been placed in the Senate wing and is now in use.

Fair progress has been made in the work upon the Capitol terrace and grand stairways. The south terrace has been roofed with granolithic pavement and the vaults in this section have been paved and made available for store-rooms and workshops. The north stairway is nearly completed and the materials for the south stairway are now being received. The contractors for this work attribute the delay in its completion to the stoppage of work in their marble and granite quarries in Vermont and Maine, and the interference with water transportation occasioned by the severely cold weather during the last winter. The material for the marble balustrade of the north and south area wall and returns to the same, is now being delivered. The contract price for this work is \$9,972.

In the Capitol grounds the work done during the year consisted in grading, dressing, and planting the grounds near the terrace as rapidly as the advance of the masonry work would allow. It is complete at the north and south ends and on the west face of each of the corner pavilions. The tunnel heretofore in use for conveying fresh air from the ventilating tower to the House wing of the Capitol has been replaced by one adapted to the changes of grade resulting from the introduction of the terrace. Wrought-iron lamp frames and railings have been placed at the Maryland avenue entrance to the grounds. Attention is directed in the report to the condition of the carriage-way on the east front of the Capitol, which requires frequent repairs, and an appropriation is recommended for re-laying this pavement.

In the act of March 3, 1885 (sundry civil appropriation act), an appropriation of \$15,000 was made to enable the Public Printer, with the approval of the Secretary of the Interior, to purchase a site in the vicinity of the Public Printing Office and to erect thereon, under the supervision of the Architect of the Capitol, a store-house for the reception of certain material belonging to the Printing Office. The Architect reports that the amount expended in purchase of the site, including amount paid for conveyancing and legal services, was \$3,125, and the cost of the building, \$10,955.62, leaving an unexpended balance of the appropriation of \$919.38. The building has been completed and is now in use.

At the Botanic Garden a store-house for plants was erected in the grounds south of Maryland avenue, and provided with steam-heating apparatus; the gardener's lodge has also been supplied with steam heating; the buildings and pavements in the main grounds have been repaired and resurfaced, and the staging in several of the propagating houses has been renewed.

ELEEMOSYNARY INSTITUTIONS.

The reports from the educational and charitable institutions under the general superintendence of the Department are all favorable in character, and indicate the useful performance of the noble functions

assigned to them. There is no one of these institutions that is not worthy of the highest care and of all the assistance and aid necessary to enable it to meet the demands that may be pressed upon it. I cordially commend their reports and the estimates for appropriation for their support and growth to the consideration of Congress. Brief recapitulation of the prominent features of the several reports is added, but for more satisfactory understanding of their condition and needs I respectfully invite particular attention to the documents themselves herewith accompanying.

GOVERNMENT HOSPITAL FOR THE INSANE.

The whole number of patients under treatment in the hospital during the year was 1,620 (the daily average being 1,325), the highest number yet reached in the history of the institution. The changes in population and the results obtained during the past year are shown by the following table:

	Males.	Females.	Total.
Remaining June 30, 1887.....	991	311	1,302
Admitted during the year ending June 30, 1888	247	71	318
Whole number under treatment.....	1,238	382	1,620
Discharged:			
Recovered.....	59	10	69
Improved.....	52	14	66
Unimproved.....	3	1	4
Died.....	95	25	120
Total discharged and died.....	209	50	259
Remaining June 30, 1888.....	1,029	332	1,361

The board of visitors estimate that \$302,500 will be required for current expenses of the institution and \$15,000 for general repairs and improvements for the fiscal year ending June 30, 1890. For special repairs and improvements they recommend the appropriation of \$1,200 for a gate-keeper's lodge at the lower entrance to the hospital grounds; \$2,400 for a green-house for propagating bedding plants for the grounds and to provide flowers for the infirmary; \$1,300 for alterations of the stable, including provision for a poultry-house; \$9,600 for renewing heating apparatus of west wing and lodges, including two new boilers; \$800 for a new boiler for engine-house, and \$5,200 for a steam fire-engine and house. They also renew the recommendation heretofore made in their reports of an appropriation of \$6,000 for the purchase of additional land to provide pasturage for the herd of cattle—now numbering over 200—from which the hospital derives its milk supply. The need of each of these special improvements is so forcibly presented in the report of the board of visitors that their recommendations would seem to be entitled to careful consideration by Congress.

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

The president and board of directors report that 137 pupils have been under instruction in this institution since July 1, 1887; in the primary department 72; collegiate 65; male 103, female 34.

During the year 27 pupils from the District of Columbia, admitted under the provision of section 4864, Revised Statutes, were under instruction, and the number in the college from the States and Territories for whose instruction provision is made in section 4865, Revised Statutes, was 54, though the number of students of this class in attendance at any given time did not exceed the limit of 40, as fixed by the statute.

It is stated in the report that the courses of instruction have not been changed from those outlined in the last annual report, and that the pupils and students have made satisfactory progress. The facilities for teaching natural science have been greatly increased by the fitting up of the laboratory, and a number of the students have become practical chemists. The experiment of receiving young women into the college was continued during the past year with good prospect of success in this new departure.

The receipts from all sources, for the purposes of the institution, were \$64,684.86; expenditures, \$64,559.57, leaving an unexpended balance of \$125.29. The board of directors ask for an appropriation of \$57,500 for the fiscal year ending June 30, 1889, and for \$5,000 to cover a deficiency in the appropriation for the current year.

INSTRUCTION OF THE BLIND.

Provision for the instruction of blind persons of teachable age who are not able to command the means to secure an education is made in section 4869 of the Revised Statutes, wherein the Secretary of the Interior is authorized to cause such persons to be instructed in Maryland or some other State, at a cost not greater than is paid, for the time being, by the State. This expense is defrayed out of a permanent annual appropriation for that purpose. At the close of the fiscal year ended June 30, 1887, there were 9 persons receiving the benefits of the statute in the Maryland School for the Blind at Baltimore; 9 were admitted and 3 discharged during the past year, leaving 15 under instruction on the 30th of June, 1888.

The superintendent of the school reports that the branches taught in the school are reading, writing in New York point, grammar, spelling, arithmetic, algebra, instrumental and vocal music, piano-tuning, broom and mattress making, chair caning, sewing and use of sewing-machine, and plain and fancy knitting, and that the Government beneficiaries have made commendable progress therein.

FREEDMEN'S HOSPITAL AND ASYLUM.

The whole number of patients treated in this hospital during the year, as shown by the report of the surgeon in charge, was 2,254, and

in addition 3,841 received attention in the dispensary attached to the hospital. The changes in the number of inmates is shown by the following table :

	White.			Colored.			Grand total.
	Males.	Females.	Total.	Males.	Females.	Total.	
Remaining June 30, 1887.....	49	30	79	81	97	178	257
Admitted	423	112	535	672	639	1,311	1,846
Born	3	8	11	73	67	140	151
Total.....	426	120	546	745	706	1,451	1,997
Total in hospital.....	475	150	625	826	803	1,629	2,254
Discharged.....	422	126	548	612	630	1,242	1,790
Died.....	25	9	34	121	91	212	246
Still-born.....		1	1	8	4	12	13
Total.....	447	136	583	741	325	1,466	2,049
Remaining June 30, 1888.....	28	14	42	85	78	163	205

Of the number admitted for treatment 180 were persons who had served in the Army and had come to the city to look after their claims for pension without the means of providing for their maintenance while here, and 28 were ex-soldiers who were permitted to enter the hospital while awaiting transportation to National Soldiers' Homes. The expense of providing for the latter class is re-imbursed to the hospital by the directors of the Homes.

WASHINGTON HOSPITAL FOR FOUNDLINGS.

The report of the board of directors shows that their receipts from all sources during the year were \$8,665.05; of this amount \$7,000 was appropriated by Congress, and the balance was derived from membership dues, private contributions, and interest on the endowment fund. The whole amount was expended for the purposes of the institution, of which a detailed statement is given in the report. They ask for an appropriation of \$7,000 for maintenance for the fiscal year ending June 30, 1889, and for \$3,000 for repairs and for completing the furnishing of the building. The number of children in the institution on the 30th of June, 1887, was 11; admitted during the year 44; of these 5 were adopted and 30 died, 10 deaths occurring during the month of June last from an epidemic of cholera infantum.

EDUCATION OF FEEBLE-MINDED CHILDREN.

During the year eight children from the District of Columbia received instruction at the Pennsylvania Institution for Feeble-Minded Children, in accordance with the provisions of the act of June 16, 1880.

The superintendent of the institution reports that seven of the children belong to the educable class, and are receiving the full benefits of both the school and industrial departments.

Applications have been made to the Department on behalf of a number of other children, who are represented to be worthy to receive the benefits of the act, but admission has necessarily been denied them, as the appropriation (\$2,500) for such instruction was not sufficient to provide for any addition to the number of beneficiaries. The claims of these applicants have been so urgently presented that I repeat the recommendation in the last report of my predecessor, that the appropriation for this charity be increased to \$4,500.

THE DEPARTMENT BUILDINGS AND ACCOMMODATIONS.

The Bureau of Indian Affairs, the Bureau of Education, the Geological Survey, and a portion of the General Land Office are in buildings not belonging to the Government, and for which an annual rental of \$21,000 is paid, besides \$360 for a store-room for documents. The appropriation for the building occupied by a portion of the General Land Office has been heretofore \$1,800, but the owner of that building reduced its rental from \$1,800 to \$1,500 for the current year, and the appropriation may be probably reduced accordingly hereafter. A building for the pension agent at Washington has heretofore been rented at \$1,800 per annum, but, believing the price to be extravagant, I insisted upon a reduction, and the owner has leased it for the current year at \$900 per annum.

It has seemed to me worthy of consideration whether, in view of the plan which was adopted for the construction of the Congressional Library looking to a building which might have a capacity for many years to come, and furnish as needs required an expanding supply of room, it would not be wise to construct a portion of it with reference to present use by some of the various Government offices scattered through the city in rented quarters. The Geological Survey and the Bureau of Education, at least, might be there temporarily provided for without impairment of its ultimate use according to the plan, when required, and could conveniently discharge their functions in that locality.

I have already sufficiently called attention to the necessity for the removal of the General Land Office from the Patent Office building. Otherwise the Patent Office building is in excellent condition. Upon a careful inquiry I ascertained that the appropriation made some time since for an electric-light apparatus would prove adequate to the needs of the Department if properly expended, and therefore withdrew the request for a larger appropriation. Arrangements were made, with the valuable and learned assistance of Lieutenant-Commander Bradford, of the U. S. Navy—among the most expert and practical of electricians—after inviting proposals by advertisement, with the Brush Electric Light Company of Cleveland, Ohio, for the construction of the necessary ma-

chinery, and the arrangement of wires, appliances, and lamps for the Patent Office building, in order to light it completely. New boilers and a new engine have also been provided, and the Department will be able to furnish its own light at so great a diminished cost that it is believed the saving from the average annual outlay heretofore sustained will in three years re-imburse the expenditure for the plant. Especial advantage is secured in safety. There are such vast piles of public papers, records, and documents in the various rooms, halls, and cellars of the Department, many of these so dark as to require light throughout the day, that a mode of illumination which is consistent with their safety becomes of prime importance. It is believed that this object has been most satisfactorily secured by the arrangements made under the direction of Lieutenant-Commander Bradford. I avail myself of this opportunity to express my sense of obligation, official and personal, for the great advantage enjoyed in the generous contribution of his expert and valuable knowledge, from which I have reason to believe the electrical equipment of the Department will hardly be equaled in the country for safety and efficiency, procured upon the most economical terms.

The expenditure of the appropriation for contingent expenses and for stationery has been considerably reduced by the introduction of methods designed to check waste and lavish use, so that the estimate for the contingent expenses has been submitted for the next fiscal year at \$75,000, being \$45,000 less than the sum appropriated for the current year, and abundantly sufficient if no lavish rule of expenditure be indulged; and the estimate for stationery is reduced from \$72,000 to \$50,000, also a sufficient amount upon the same condition of use. For the most helpful assistance in these particulars, as well as in the general administration of his functions as chief clerk and superintendent, I owe grateful acknowledgments to Maj. George A. Howard.

And, in concluding my first and last annual report for this Department, I have great pleasure in expressing my sense of personal obligation and official satisfaction with the general efficiency and kindly cooperation of the officers, clerks, and employés of this Department. Their labors have been characterized by intelligent zeal and a patriotic desire to advance the interests in their charge, and their personal bearing and demeanor been most agreeable and courteous.

Very respectfully,

WILLIAM F. VILAS,
Secretary.

The PRESIDENT.

APPENDIX.

INDIAN INDUSTRIAL SCHOOL,
Carlisle, Pa., November 24, 1888.

SIR : The Commissioners appointed by you to submit the act of Congress (copy appended marked A) entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder to the different bands of the Sioux Nation of Indians occupying or interested in the reservation, mentioned in said act, for the purpose of securing the acceptance thereof, and consent thereto, by at least three-fourths of the adult male Indians, as required by the twelfth article of the treaty between the United States and said Indians, concluded April 29, 1868," have the honor respectfully to report.

In obedience to your written instructions (copy appended, marked D), the commissioners proceeded at once to the execution of the duties assigned them. Commissioner Cleveland arrived at Bismarck, Dak., on Wednesday, the 18th of July, and arranged for transportation from that point for the commission and its secretary and clerks to Standing Rock Agency, a distance of about 65 miles. Commissioner Pratt arrived at Bismarck, accompanied by Dr. Charles H. Hepburn, chief clerk, Robert A. McFadden and Guy LeR. Stevick, stenographers, on Thursday, July 19. On consultation, Commissioners Pratt and Cleveland determined to make Standing Rock the first point at which to present the act to the Indians. The fact that a larger number of the Indians at that agency than any other gave their consent to the proposed agreement of 1882, which agreement had many features similar to the one to be presented by us, had much weight in bringing them to this conclusion. The additional fact that Agent McLaughlin, of the Standing Rock Agency, was the oldest in service, the best known, and most experienced agent on the reservation, and that, consequently, he was supposed to have acquired a greater influence over the Indians under his charge than had the agents of less experience, was also a consideration of considerable weight to the commissioners in pointing out this course.

The requirement that the consent of at least three-fourths of the Indians of the reservation should be obtained in order to make the agreement valid rendered it indispensable that the consent of the Standing Rock Indians should be obtained in any event; for if the consent in full of the Indians at all the other agencies had been first obtained, there were nearly enough male adults at Standing Rock to defeat the ratification of the act.

NOTE.—The proceedings of councils held by the Commission with the Indians and of the conference held in Washington by the Secretary of the Interior with a delegation of the Sioux Indians, together with other papers submitted with this report, are not printed herewith, but are held subject to the direction of Congress.

On Friday, July 20, Commissioners Pratt and Cleveland, with the clerks and stenographers, by the Northern Pacific Railway, proceeded to Mandan, from which place the party went in wagons to Standing Rock. At Cannon Ball River, a distance of 33 miles, they were met by Maj James McLaughlin, who furnished transportation, as arranged by telegraph, from that point to Standing Rock, a distance of about 30 miles. The party traveled on what is known as the river road, which passes through the farming settlements of the Indians north of the agency, and thus had an opportunity of observing the nature and extent of the farming operations carried on by these Indians.

On their arrival at Standing Rock Agency Colonel Townsend, commanding at Fort Yates, kindly furnished the commissioners and party comfortable quarters in a building belonging to the post, which we continued to occupy during our stay at this place.

On Saturday, being the day for the issue of beef, nearly all the Indians of the agency had gathered there, and public announcement was made that the commissioners would hold their first council with the Indians on Monday morning following.

Commissioner Wright preceded Commissioner Pratt to Harrisburgh, Pa., at which place he expected to join him. By some misunderstanding as to the place of meeting, Commissioner Pratt passed through Harrisburgh without meeting Commissioner Wright, and the latter took the next train, arriving in Bismarck two hours after the departure of the other commissioners. He took the first steamer down the Missouri River and reached Standing Rock on Saturday evening, July 21. The commissioners met all together for the first time on Monday morning, July 23. The Indians on the Standing Rock Agency are settled principally on the Missouri River and up and along its tributaries. They are in close proximity to the white people who live on the opposite side of the river. Many of them belong to what is known as the hostile party, and are led by men who, at former periods, have been engaged in hostilities against the white people of the United States. They are in no way hostile now, in the true sense of the word, but their feelings towards the white people and towards the Government are not so agreeable as the feelings of those who have never occupied a hostile attitude.

Whilst, numerically, this party at Standing Rock Agency is not the stronger, it is manifest that its leaders have a controlling influence over all of the Indians on this reservation. The leading men of this party, prior to the coming of the commissioners, had determined to oppose the wishes of the Government, and, if possible, prevent the acceptance of the act. We had undoubted evidence of this. Copies of the act, with colored maps appended, showing the proposed reservations and portions of land to be ceded, sufficient for all the Indians entitled to vote, had been previously sent by you to the several agents, with instructions to withhold their distribution until further advices. A translation of the principal portions of the act into the Dakota language, to which was added a summary of its advantages and an exhortation to accept it, made by the Rev. William J. Cleveland at the request of the Indian Rights Association, had, by that association, been quite freely circulated among the people of this and other agencies, thus giving them, before the arrival of the commission, a knowledge of the provisions of the act. Consultation with Agent McLaughlin, however, revealed the fact that a strong opposition to the measure had already taken root in the minds of the Indians, and that, although there was no doubt of their willingness to treat the commissioners with due respect, great tact and patience would be necessary on their part in order to secure anything like a fair hearing of their message.

We found also that a general council of leading men from all the agencies concerned had been held some time before at the Rosebud Agency, and that all had there entered into a solemn compact to reject the offer of the Government. This being the case, Agent McLaughlin felt sure that his Indians, through loyalty to the Indians of the other agencies, would consider themselves so bound by that compact as to be immovable on the subject of the act, until the compact should somehow be broken by some of the other parties to it. Not until this should happen did he think they would believe themselves free to act as their own judgment should dictate, and be able to give the act thoughtful consideration. He also repeatedly expressed the opinion that no favorable action could be obtained unless the leaders were permitted to visit Washington.

In addition to this, considering the constant disposition of the red man to oppose, on general principles, if not actually to mistrust and fear, everything new to him, several features of our undertaking being entirely different from anything these Indians had been accustomed to, made it clear that the task in hand was one of no ordinary difficulty. Among these may be named the following as of chief importance:

First. That we had not come to make a bargain with them, but were to present for their acceptance or rejection an act of Congress which had already received the approval of the President, and was not open to the least change by which it might be accommodated to their wishes.

Second. That they, though asked to become parties to its ratification, had not been consulted when the act was framed.

Third. That we were required to verify the roll of adult males entitled to vote—a proceeding so similar to that of making a census as to be very distasteful to them, even giving occasion for fear to their untutored minds that answering to their names at roll-call would be construed into an acceptance of the act. (See proceedings, Tuesday, July 26, and also, for childlike display of similar timidity when asked to take copies of the act.)

Fourth. That every man over eighteen years of age, and not the chiefs and headmen only, would be required to vote.

Fifth. That two papers, instead of one, as was always the custom in the past, were to be presented to them on which both the affirmative and the negative votes were to be taken.

Sixth. That in order to success it was necessary to secure three-fourths of all those entitled to vote.

Seventh. That the Indians felt no necessity for doing anything to secure themselves against want or loss at the time, but regarded the whole measure as inspired solely by those who wished to possess themselves of more of the Indians' land, and so as framed wholly in the interest of the Government as against themselves.

Eighth. The complicated nature of the act, its great length, and the diversity of interests intended to be served by it; several of these being matters of which the Indians had no knowledge and in which they felt themselves in no way concerned.

Notwithstanding the fact that the features were all good in themselves, designed as they were only to make more evident and certain the honest intention of the Government, and trifling as it will appear to intelligent minds for the Indians to object to them, we have no doubt they were to them matters of great import, and all persons who have had much experience in dealing with these simple-hearted though wily children of nature, will readily see how they might easily be so regarded by them.

COUNCIL AT STANDING ROCK.

Fully impressed by these facts, and aware of the many difficulties to be encountered, the commission opened the first council on Monday, July 23, at 12 o'clock. It was estimated that there were on this day about five hundred male adult Indians present. The Indians were made fully acquainted with the character of the business we had come to transact, and with the orders of the Government as to the manner of proceeding. They were told that all must be present, that they might choose their own interpreters, and that nothing would be binding on them unless the full assent of three-fourths was obtained. The list of adult Indians furnished by the agent was verified by calling each name and requiring them to indicate their presence by answering, rising, or holding up the hand. The list was found to be substantially correct. A few names had been improperly, and unintentionally, placed on it, and a few had been omitted, all of which was, when discovered, properly corrected. The absentees were satisfactorily accounted for. At the end of the second day's proceedings the general nature of the business, with all its details, had been fully explained to the Indians. The printed copies of the act, with maps attached, had been offered to the Indians, and, notwithstanding the assurance was given them by the commissioners and the agent that the taking of a copy did not imply an acceptance of the act, nearly all sullenly refused to take them.

On the 25th of July the provisions of the act were fairly and clearly placed before the Indians, there being present about eight hundred male adults. They were told in the plainest language that the act had been framed after much thought and due deliberation on the part of Congress; that it had received the sanction of the President and the scrutiny of his wisdom; that it had been carefully examined by their friends outside of Congress and had received their approval; that it embodied the wish and purposes of the Government, and if they refused to accept it, "it would leave their future condition and further action which may be taken in regard to the reservation problematical and uncertain." It was clearly and repeatedly shown to them that their present situation rendered the measure imperative to provide for their support and happiness, and that the provisions of the act were generous and beneficent to them.

The vast extent of the territory (larger than the State of Indiana) occupied by them, the small number of Indians compared with the size of the reservation and the uselessness of this vast tract to them, their great need of additional stock, implements, and other things was portrayed to them fully. It can not reasonably be doubted, and it is not doubted by any person acquainted with the transaction, that all this was fully understood by them. They were given to understand, and did understand fully, that no character of threat, menace, or force was to be used to induce them to assent; that it was a matter which was to be left to their own free will.

They were forcibly reminded that by the treaty of 1868 their schools were to be continued for twenty years only; that the time for which this provision was made was nearly out, and that some new arrangements about schools were now imperative. They were also reminded that in 1876 they had solemnly pledged themselves to take land in allotments and use their best efforts to learn to cultivate them; that the provisions in the treaty of that year which gave them their rations by which they were now living were dependent on their compliance with the promises made by them, and a refusal to accept this act might cause the Govern-

ment to take action looking to the enforcement of that clause in the treaty. A large map, furnished by the Department, on which the proposed reservations and the lands proposed to be sold were shown in well defined lines, was exhibited so that it could be seen and understood by all. The act was taken up, and section by section was fully and clearly explained. This was repeated day after day, the Indians being called upon to state whether there was anything not fully understood, and if so, they were told that it would be explained again. It can not be doubted that the great body of the Indians had ample opportunity to fully comprehend the whole matter. They themselves admitted this.

CONTROLLING POWER OF CHIEFS.

It was evident to your commissioners, in a very short time after negotiations began, that the chiefs and leaders had managed to have the whole disposition of the negotiations placed in their own hands. Day after day four men took the front seat and declared that the Indians had selected them to speak the thoughts of all. In their own councils they had, by threats and menace, excited fear in the minds of all that it was dangerous to express an opinion favorable to the wishes of the Government, and dangerous for any other man than those four to attempt to speak at all. One of the leaders of the hostile party had declared that if any Indian should sign the deed of acceptance he ought to be killed at once. It was also threatened that any Indian who favored the acceptance would be expelled from the agency, put across the river, and forced to remain with the whites. (See interviews.) When asked by the commissioners to get up in open council and tell the people that they were free to do as they pleased, and that no harm should come to those who desired to sign the agreement, the chiefs sullenly refused to say a word. The question was pressed upon them until they ingeniously brought about an adjournment of the council. A cunning plan was devised by the chiefs to avoid what they felt to be an untenable position, and at the next meeting, after an interval of four days, one of them got up in a pompous way and announced that he was going to repeat four times that the people might do as they wished. He then proceeded to execute this well protected farce with a display of dramatic ability worthy of a nobler cause; but an old Indian, who in his heart favored the act and was afterwards the first to sign the deed of acceptance, told the commissioners that it made him laugh, meaning that he knew the hypocrisy and deceit which lay beneath the words of the speaker. This view was abundantly sustained by the conduct of the same chiefs, who a few days afterwards objected to having the commissioners announce to the people by a erier that they would receive the signatures of the Indians at their quarters. When reminded of his four-times repeated announcement to the Indians in open council that they might do as they pleased and fear nothing, he said that he only meant to allow them to do so at that time. The leave to do as they pleased, he said, was not to last "forever."

OBJECTIONS OFFERED BY THE CHIEFS.

A reference to the proceedings in the councils will show that the main objections offered to the act by the Indians were—

First, that it was an attempt to pay out of money already due them under former treaties for the land proposed to be ceded by the act.

Second, that the Government had failed to comply with the treaty

stipulations in the past, and that therefore it would not comply with the promises to the Indians made in the act.

Third, that certain of the boundaries of their present reservation, as given in this act, did not correspond with what they understood their former treaties to have fixed for them.

Fourth, that by the act the Santees at Flandreau are permitted to come and take land on their territory, and that the Santees in Nebraska are permitted to take a share in the proceeds of the sale of the proposed ceded lands.

Fifth, that work oxen are offered them when they wished American mares.

Sixth. That half of the land proposed to be sold to actual settlers as homesteads was not suitable for farming and could not be sold at all for that purpose.

Seventh. That they did not have more land than would be needed by their children, and they did not wish to part with any of it.

Eighth. That 50 cents per acre was not enough for the land. The Government sells land at \$1.25 and they ought to have that price for their land.

ANSWERS TO OBJECTIONS.

In answer to the first objection it was said by the commissioners that, by this act, all former treaties not in conflict with it were to be continued in full force and executed in full.

To the second, it was conclusively shown that the Government had done much more than was promised under the treaties of 1868 and 1876; and that at least \$30,000,000 had been expended by the Government up to this time in the execution of these two treaties.

To the third, it was said that the boundaries as set forth in the treaties were all the evidences the Government had, and that these boundaries could not now be changed and, in addition, the interpreters who were employed when the treaties were made were put upon the stand before the whole council and stated that the boundaries named in the treaty were precisely given as represented by the United States commissioners when the treaty was made.

To the fourth, it was answered that the Indians mentioned were their kinsmen, of their own blood, that these Indians had been present and took part in the making of the treaties of 1868 and 1876, and that they thereby acquired rights which the Government felt bound to protect and which the Indians on the reservation ought to respect, and besides they were reminded that there was plenty of land for all.

In answer to the fifth objection, they were told that the act gave a discretionary power to the Government, by the use of the word "teams," which could be exercised in giving mares instead of oxen.

To the sixth, it was stated that after all the land suitable for homesteads had been taken up, the Government could, and doubtless would, provide means for the sale of the residue at not less than the stipulated price of 50 cents an acre.

To the seventh it was shown that their present territory was larger than the State of Indiana, that the latter has a population of about two millions, and that there was much unoccupied land still in the State, and that the people in Indiana were not alarmed about a want of land for their children, and that the Indians should have no fears on this question.

To the eighth and last objection it was replied that whilst it was true that the Government when it sold land sold it at \$1.25 per acre;

that it gave away much without receiving any pay for it; that this alone made land cheap, and that the price now offered was as much as Congress would agree to; that by disposing of the surplus land and allowing railroads and settlements to be made in the reservation the balance of the surplus land, of which they would have much after making allotments, would be rendered of greater value, and that it would be thus greatly to their advantage to open their reservation. They were also forcibly and frequently reminded that they did not own the land in fee simple but had only a right of occupancy; that the fee was in the United States, and hence they should not on that account require so much for the land.

The controversy continued for many days, until the Indians had offered every conceivable objection to the act, many of them trivial and not well defined, but the principal ones are given. The commissioners were deeply impressed with the belief, which they still entertain, that many if not all of their objections were mere excuses, some of them put into their minds by interested persons inside and outside the reservation. Some of the latter class were perhaps acting under pay as attorneys for the Indians, some acting for or in behalf of individual and corporation interests which they thought adverse to the act, and most if not all the former actuated by no real desire to promote the welfare of the Indians, but from purely selfish motives. Outside of the influence of the agent the commission had no support from persons in or about the agency; in fact, to us every one seemed not only disinclined to back the wishes of the Government, but those who said or did anything seemed to be opposed to the measure.

The Indians repeatedly refused to sign either the paper of assent or dissent, and the commissioners, according to your instructions, as persistently insisted that they should sign the one or the other. We were painfully impressed with the belief that the real, underlying cause of the refusal of the Indians to accept the provisions of the act was due mainly, if not wholly, to an unwillingness on the part of a great majority of them to give up Indian ways and adopt the modes and habits of the white men. The objections urged by them to the provisions of the act were mere excuses framed by or for them and having no real significance or weight in their minds. And who can wonder at this? Furnished by the Government with all the necessities of life and some of the luxuries without any exertion on their part, housed, fed, clothed, and supplied with all needed stock and agricultural implements, why should they make a struggle to get rid of those and place themselves in a situation in which they would be compelled to earn them all by the sweat of the brow? Fully impressed as they are with the belief that an exhibition on their part of ability to support themselves at once brings with it a deprivation of ease, comfort, and a life of idle roaming over the vast plains, and will compel them to stay at home and work for a living, it is not to be wondered at that they hesitate and refuse to consent to a change.

Finally it became manifest that further exertions were vain. One of the chiefs dismissed the Indians from the council. Many started away, but were called back by the agent, and then the commissioners adjourned the council by telling the Indians that when they wished to see them again they would make it known to them. The commissioners then undertook the work of trying to get the Indians to consent to the proposition as individuals, and notice was given that any Indian desiring to sign either of the papers might come to the quarters of the commission and do so. Several, numbering in all twenty-two, took

advantage of this offer and came in and signed. This was the cause of much dissatisfaction to the chiefs, and they charged the commission with an attempt to do that secretly which they said they would do openly. Spies were posted to watch the Indians and our quarters to intercept them and prevent them from coming. Finally, Sitting Bull followed a young Christian Indian, Herbert Welsh, who was coming into the room where the commissioners were, and asked him what right he had to sign the agreement. One of the commissioners replied that it was none of his, Sitting Bull's, business; that the young man had as much right to his opinion as he, Sitting Bull, had to his; and he was told, further, that he had made threats as to what would be done to the men who wished to sign the agreement, and that if any Indian or his property was interfered with on this account he, Sitting Bull, and the others who had made threats would be held responsible.

CROW CREEK AGENCY.

Remaining at Standing Rock until Tuesday, August 21, a period of one month, and after communicating with the Department for advice, the commission went by steamer on the Missouri River to Crow Creek Agency. Whilst on the boat, and before leaving the landing, two chiefs came on board and expressed a desire to sign the deed of acceptance, which they did. We arrived at Crow Creek on Friday, August 24, and were met by Agent Anderson at the landing.

When the boat reached the Cheyenne River Agency, on our way down, Agent McChesney, Major Wheaton, and Mr. Kinney came aboard and communicated freely with the commission as to the temper and disposition of the Indians at that agency.

The Indians at Crow Creek presented quite a contrast to those at Standing Rock. At Standing Rock from the beginning they appeared sullen and suspicious. Not a single Indian called to see the commissioners until Agent McLaughlin reminded them of their want of politeness, when Sitting Bull made a short and formal call. On the contrary, at Crow Creek all the chiefs, both those for and against the act, made friendly calls on the commissioners, and some of them, notably Wizi, Bowed Head, Dog Back, and many others, voluntarily spoke freely on the subject-matter of our visit. Monday was spent in becoming acquainted with the Indians and in ascertaining the situation. We found a majority of the Indians here settled on farms which they had taken under the treaty of 1868. They will nearly all do so as soon as the land can be surveyed and allotments assigned. Generally they have good houses, their farms are inclosed, and many of them show evidences of industry and thrift. In passing from the Indian to the white settlements no great contrast is noticeable. These Indians are friendly, loyal to the Government, and expressed a desire to become self-supporting and to live as white men.

COUNCIL AT CROW CREEK.

The first council was held in a grove a short distance south of the agency, and assembled on Tuesday, August 28, at 12 m. The list of Indians was verified and a general outline of the objects of our visit and the nature of our business given, all of which was received with marked attention and respect. On the next day a large map of the whole reservation and a separate one of the Crow Creek Reservation, both of which had at our request been furnished, by Maris Taylor,

surveyor-general of Dakota (and herewith transmitted), were placed in sight of all present and the act was carefully explained and interpreted section by section. After the adjournment many Indians visited the commission, expressed their approval of the act, and said they would, when the time came, sign the deed of assent.

As at Standing Rock, the Indians were called upon to express themselves fully as to the act and state any objections to it which they might have. The principal objection offered was that by the act their best land would be taken from them, and that which would be left was not enough for their children, and, generally, the same objections that were given at Standing Rock. The chiefs and Indians were divided in sentiment, and each side presented their views, though there were rumors afloat that the opponents of the act would punish any person who favored it. The Indians were, however, at an early period given to understand by the agent that no character of force or threats would be tolerated. This had the desired effect, and it soon became apparent that one-half, if not a majority, of the people favored the act. This was particularly noticeable among the young men who had been educated, and those who had imbibed religious principles. Prominent among these was James Williams. When it became apparent that the Indians fully understood the measure, and that no more argument was needed or would prove effectual, the Indians were called on to sign one or the other of the papers. One hundred and twenty signed the deed of acceptance, none signed the deed of rejection. As each man signed he received an illustrated certificate (copies of which are herewith inclosed) to that effect, bearing on its face his own name, the date of signature, and the names of the commissioners.

During our deliberations at this place, White Ghost, a prominent chief, presented a copy of a petition to the President, signed by his whole tribe, which several years ago was sent to Washington, and which we suppose is on file in the Indian Office. The main feature of the petition is that the Yankton Indians, without the knowledge and consent of White Ghost and his people, the Yanktonais, sold their country to the United States. They claim that the Yanktons had no right or authority to do this, and requested that the attention of the Government be called to the subject. We promised him to do so, and we respectfully refer to the paper on file for further information. The boundaries of the land as given in the petition are described as "on the north by the forty eighth parallel, on the west and south by the Missouri River, on the east by the Red River of the North and Big Sioux River." The petition also expressed doubt as to their title to their present land. We explained to them that if the act of Congress met with their approval their titles would be secure.

LOWER BRULÉ AGENCY.

Leaving with Agent Anderson a copy of the agreement, in order to obtain signatures of other Indians who might wish to sign it, we proceeded to Lower Brulé Agency, by way of Chamberlain. In making this trip we passed through that portion of the Crow Creek country south of the agency where many Indians have their farms, and from our observations here and above the agency we gathered the information on which we base our remarks on the farming operations of these Indians. Having left Crow Creek September 5 at 10 o'clock a. m., stopping for dinner at Chamberlain, we arrived at Lower Brulé at 7 o'clock on the same day. Thursday was spent in getting acquainted with the

Indians and making preparation for a council. On Friday morning at 11 the first council assembled. These Indians had been well informed as to the nature of the act prior to our arrival. Agent Anderson, Chief Clerk Tippets, in charge of the Lower Brulés, and the corps of employés, had taken pains to give the Indians correct information and good advice, and though we met with much determined opposition on the part of some, the aid which we thus received from the employés was of great value.

These Indians have generally taken separate homes, and are ready for land in severalty. About three-fourths of them have progressive ideas. The balance, led by the principal chief, have made but little advancement, and were opposed to the act from first to last. The chief himself is an honest man, of good intentions, but is now in his dotage, and from being so long in the Indian ways is unhappy at the thought of giving them up.

As at other points visited, the act was fully and fairly explained, carefully interpreted, and well understood. Soon it was known that at least one hundred Indians were ready to accept. The number continued to increase until, on a final vote, two hundred and forty-four signed the deed of acceptance. Some refused to sign either paper, and fourteen signed the deed of rejection. Some who at first rejected the act came in and changed their votes and signed the deed of acceptance. The line between the progressive and non-progressive parties was clearly defined, when old Iron Nation and his blanketed, eagle-feathered following, numbering about one-fourth, arose and marched away from the council, leaving behind the educated, the Christian element and the progressive old men, who looked more in pity than in anger on their benighted brethren as they turned their faces towards the old ways and vanished in Indian darkness. It was a scene worthy of a painter, and to be understood must have been witnessed.

Three of the six agencies had now been visited, with the results as given. Three more of the largest remained untouched. It was apparent that even if at the three agencies yet unvisited we were able to obtain at least the required three-fourths, the one-fourth not obtained added to the number who refused to vote at Standing Rock and at Crow Creek, with the small negative vote at Lower Brulé, would defeat the ratification of the act. Reliable information from Cheyenne River, Rosebud, and Pine Ridge represented the state of affairs at these three agencies to be as bad as at Standing Rock. In view of this, on Saturday evening, after the close of the second day's council, Commissioner Pratt, after consultation with the other commissioners, determined to visit the Secretary of the Interior at Madison, Wis., where the Secretary was then on a visit to his home. Accordingly on that evening he took the train for Madison, leaving Commissioners Cleveland, Wright, and Anderson in charge of affairs. These latter proceeded with the business, with the results as detailed above. The consultation between the Secretary and Commissioner Pratt resulted in an order for a general council of agents and representative Indians from all the six agencies, to be convened at Lower Brulé Agency on Saturday, September 22, 1888.

Due notice of this assembly was given to the commissioners at Lower Brulé and to the respective agents. The number and character of Indians expected to attend was designated. On September 19 Commissioner Pratt returned. On Thursday, September 20, Agent Gallagher with his delegation arrived, followed on Friday by Agent Spencer and his delegation, and on Saturday by Agents McChesney and McLaugh-

lin with their delegations. Agent Anderson had the Crow Creek representation on the ground also.

CONFERENCE BETWEEN THE COMMISSIONERS AND AGENTS.

In the evening a full conference between the commissioners and agents was held, in which there was a free and full interchange of opinion as to the situation of affairs. A complete copy of the proceedings of the conference is appended (marked E), to which you are respectfully referred. Commissioner Pratt explained that the object of the conference was to confer fully with each other in regard to the act, its present condition, its future, the temper of the Indian mind, and what means, if any, could be devised to carry the work intrusted to us through successfully. The agents at none of the agencies, except Crow Creek and Lower Brulé, had ever explained the act to the Indians or advised them to accept it. They said they were under instructions from the Department not to use their influence in favor of the act until the arrival of the commissioners. They made reference to a letter received by them from the Indian Office, on which they based their statements. A copy of the letter referred to is hereto appended (marked F). It was also ascertained that Indians at Pine Ridge had been afraid to express themselves favorably to the act; that the great body of the Indians there were "desperately opposed" to it and would not accept it, even if explained fully to them. The agent at Cheyenne River Agency thought there were about ten Indians on his agency who favored the act; there might be as many as twenty or thirty. The opposition had increased much in the last month. He thought that at one time as many as one-third or one-half favored the act. The increase of opposition was owing to the action of the Standing Rock Indians. He did not think the Indians would agree to part with any of their land at any price. They regarded the act as of no importance to them, but entirely in the interest of the Government.

GENERAL COUNCIL.

At 10 o'clock a. m. Monday, September 24, the general council, composed of the commissioners, the agents, and delegations of the Indians from each of the six agencies, with their own interpreters, was convened. There were also many other Indians present, making in all an assembly of one hundred and fifty persons.

The chief commissioner addressed the council and explained the reasons which had led to a general council, and the purpose and nature of the business it was called on to transact. He explained the relations which they bore to the Government, and what they were expected to do in complying with their part of past treaty stipulations. After this the act was explained, section by section, and the different reservations pointed out on the large map, as had been done in the agency councils.

The agents then called on the Indians to come forward and express their views of the act. Each delegation put its chosen men forward to speak. The objections to the act were, in substance, those which had been made at the different agencies, as given before. Some also spoke in favor of the act, and expressed their desire to accept it as it was.

On Thursday, the 27th, Commissioner Pratt replied to the Indians, noting their objections to the act. He said, "The important objection, and the only one which is really worthy of much consideration, is the one

in regard to the price of the land. If that could be settled we feel that the others might be, in some way, arranged." Further on, he said: "But the price, \$1.25 per acre, that you ask is simply beyond all possible hope of securing an acceptance of. Congress would at once laugh at it, and would undoubtedly take some steps contrary to your wishes. That which you have proposed to us, as something which you would like to submit to Congress and the President by a trip to Washington, we can not accept, because it would lead to nothing. If we should telegraph to the Secretary that you made such a proposition he would simply say 'No.' If we could feel that your objections were reasonable, as the Secretary instructed us, it might be that he would say to us, 'Well, bring a party to Washington, and let us talk to Congress, and we will see what can be done?'" This closed the last council. The commissioners felt they had exhausted all honorable efforts to secure a ratification by the Indians of the act, but the Indians through their agents asking for further consultation, it was arranged that the delegation should, with their agents, consult and agree upon a proposition. The proposition in substance was that a delegation from each agency be permitted to visit Washington and lay their objections before the President and Secretary of the Interior and ask for some modifications of the act similar to those presented in council. It was, however, clearly, distinctly, and unequivocally agreed on the part of the Indians that, as to the price, they would not demand more than 50 cents an acre for the land proposed to be ceded, but would ask for a change as to the mode and time of payment. The proposition was accepted, and they were informed that on those terms a visit to Washington might be made.

VISIT TO WASHINGTON.

Arrangements were then perfected which resulted in the visit to Washington and the consultation with the Secretary of the Interior. In this consultation the Indians, in substance, made the same points of objection which had been made in council with the commissioners. The honorable Secretary, in reply to their objections, made reasonable and liberal propositions, covering every point of objection. To have been consistent the Indians should have accepted them unhesitatingly. To every one acquainted with the history of the transaction, the terms proposed by the Indians prior to going to Washington, and the conditions surrounding these people, their rejection of the proposition was a cause of surprise and mortification. This ended the matter, and the Indians, after shaking hands with the President, returned to their homes on the reservation.

During their stay in Washington these Indians were constantly beleaguered by persons, male and female, who claimed to be par excellence the friends of the Indians, that they are the especial guardians of these unhappy people, and their protectors against the oppressions and wrongs sought to be imposed upon them by the Government. Every possible argument was used to induce the Indians to reject the offers of the Government. These people had abundant opportunity to influence the Indians and did not hesitate to tell them in our hearing that this was a scheme on the part of the Government and your commissioners to rob them. A commissioner asked one of these people: "What would you have the Government do with these Indians?" The reply was: "Let them alone." "What," said the commissioner, "Do you mean that the Government should withdraw from them its protection, and cease to feed, clothe, and provide for them?" "Oh, no;" was

the reply, "Continue to do all these things, and allow the Indians to do as they please."

There are few things so absolutely barren of romance when studied in detail as the Indian and his home. In the endeavor to instill beauty, order, cleanliness, thrift, health, and the like, where their foul and poisonous opposites are in full possession, it is necessary to be rid of the false glamour of enchantment lent by distance to the view. It is better also that sentiment be entirely absent than that its presence should in the least degree hamper the free action of common sense—that is, if our object be to save the Indian from death and not the indulgence of vague sentimental views.

These Indians are the wards of the Government. For the past twenty years they have been dealt with liberally, justly, and humanely. The Government has met all the expenses necessary to their support. Justice to tax-payers, however, and sound policy for the Indians demand that they be made to support themselves. The Government should formulate, adopt, and execute with firmness measures calculated to bring about this end, and no interference from outside ought to swerve it a hair's breadth from this line. These measures should be just and humane, but the end to be obtained, self-support, should never be lost sight of.

FARMING OPERATIONS.

In your instructions we were directed, "if convenient, to obtain some information in respect to the amount of land cultivated, the houses occupied, stock and other property owned by the various individual Indians, and the extent to which they and their children have enjoyed the opportunities of school attendance and education; and, so far as it may be found convenient and practicable, to obtain such or similar information without delaying or interfering with the work of the commission, it is requested that it may be procured and reported separately." Circumstances, as detailed in this report, having prevented us from visiting all parts of the reservation, as contemplated originally, we have deemed it advisable to embody all the information we derived on these various subjects, together with a full account of the entire proceedings in council, in a single report.

By article 7 of the treaty of 1868, the Indians pledged themselves to compel their children, male and female, between the ages of six and sixteen years to attend school. By the treaty of 1876, article 9, the Indians solemnly pledged themselves, individually and collectively, to select allotments of land as soon as possible after their removal, and to use their best efforts to learn to cultivate the same. The Government, in consideration of the cession of territory then made, and upon full compliance with each and every obligation assumed by the Indians, including of course the obligation assumed to compel their children to attend school and to select allotments of land as soon as possible and use their best efforts to learn to cultivate the same, assumed on its part certain obligations which have caused the expenditure of more than \$30,000,000 for their support between 1868 and this time. And yet the great body of this people have refused, and still refuse, to take their land in allotments, even making hostile demonstrations when surveys have been made; and it has been with great difficulty that agents by the aid of police have succeeded in getting their children in school.

It is true that some have taken homes under the treaty of 1868 and some have sent their children to school willingly, but these are the ex-

ceptions and not the rule. While it is true that it has been a favorite policy of the United States in dealing with the Indians to secure a reduction of their large and unused reservation, it is equally true that the promotion of education and habits of self-support, in order to relieve the country of the expense of supporting the Indians, has been the great object in view. A continuation of the practice of feeding and clothing these people in idleness at the expense of millions of dollars per annum will prove a needless burden upon the tax-payers of the country and the ruin of the Indians themselves. It is probable that any other Government than ours, in the face of the fact that these Indians have failed to comply with their treaty obligations, would have declared the obligations of the Government at an end, and would long since have refused to comply on its part. If the United States had been dealing with any people but Indians it would not have submitted so long to a willful refusal on the part of the other contracting party to comply with its solemn obligations. Considerations induced by pity and humanity alone have, up to this time, served to prevent prompt action in enforcing that, which was not only a duty on the part of the Indians, but which could have but resulted in their own good. These Indians say, in excuse for their failure in the past, that at the time these treaties were made their people were ignorant and did not know the nature and extent of the obligations which they assumed. Doubtless there is much truth in this, and no doubt considerations of this nature have had much to do in shaping the generous and humane action of the Government. However this may be, these Indians, by the help of the Government, have arrived at a point when this excuse is no longer of force. They are now sufficiently enlightened to understand the nature of their obligations.

FEEDING INDIANS.

By the terms of the treaty of 1876 rations were to be issued "until the Indians *are able to support themselves.*"

This can not be construed to mean that rations are to be issued to all Indians until the whole body are self-supporting. If that construction is to prevail, the United States will continue to feed these Sioux people forever; for it is certain that there will never come a time under the present system when everyone is able and willing to support himself. There are many Indians now living on the Great Sioux Reservation who are as able to support themselves and their families as are most white men, and yet they continue to draw their rations and annuities as the others. This was not contemplated by the treaty, and besides it has a most baleful effect in encouraging idleness, profligacy, and improvidence.

In the instructions given the commissioners who negotiated the agreement of 1876, by the then honorable Commissioner of Indian Affairs, approved by the President and the honorable Secretary of the Interior, will be found these words:

One of the most important subjects of negotiation is that represented by the fifth clause, and the President is strongly impressed with the belief that the agreement which shall be best calculated to enable the Indians to become self-supporting is one which shall provide for their removal at as early a date as possible to the Indian Territory.

The fifth clause, above alluded to, says :

To enter into such agreement or arrangement with the President of the United States as shall be calculated and designed to enable said Indians to become *self-supporting*.

Further on the instructions says :

These appropriations (meaning the appropriations for the three years prior to 1876) have been a matter not of obligation but of charity, and the Indians should be made to understand distinctly that they can hope for continued appropriations only by *full submission to the authority and wishes of the Government, and upon full evidence of their disposition to undertake in earnest measures for their own advancement and support.* Their main dependence for support must ultimately be the cultivation of the soil, and for this purpose their own country is utterly unsuited.

The opinion thus expressed as to the productive qualities of Dakota soil has been shown to be without foundation. If industrious white men can make a living in Dakota by farming and grazing stock, industrious Indians can do it. The white men of Dakota on no better land than that of the Sioux Reservation are doing it. Industrious Indians on the reservation are doing it. Major Anderson, agent at Crow Creek and Lower Brulé, asserts that if the Government will agree to furnish the Indians under his charge with a sufficient amount of work-stock and agricultural implements, he can and will make them self-supporting in four years. This is stated to show that Indians can, if they will, make themselves self-supporting in their reservations.

DAKOTA AS A FARMING AND GRAZING COUNTRY.

Let us see now what has been accomplished by the white people of Dakota. The climate, soil, and seasons are the same on both sides of the Missouri River, which divides the white settlements from the great body of the Indian reservation. They have received no aid from the Government. "Single handed and alone they put the ball in motion," and have continued amid snow-storms, blizzards, heat, and drought to keep it rolling. In 1860 they made 945 bushels of wheat. In 1870, six years before the time when the Government was thinking of sending the Sioux to the Indian Territory because it was believed that a farmer could not make a living in Dakota, the whites made 170,662 bushels of wheat. Notwithstanding the bad seasons and other drawbacks which Indian agents give for a failure on the part of the Indians to make crops, in 1886 the yield of wheat in Dakota ran up to 30,704,000 bushels, more than was that year produced in any other State or Territory except five, to wit: Iowa, California, Indiana, Ohio, and Minnesota. In 1887 the production of wheat amounted to 62,553,499 bushels. In 1886 Dakota white farmers produced 15,805,000 bushels of corn, more than was produced in any one of twenty-three States and Territories, and in 1887 the amount of corn raised reached 24,511,726 bushels. In 1886 20,651,000 bushels of oats were produced, more than in any one State or Territory except eleven, and in 1887 there were produced 43,276,478 bushels.

In addition to the farm products mentioned, flax, rye, barley, and buckwheat were raised in considerable quantities. Native hay grows nearly everywhere, and cultivated grass can be made to grow without much difficulty. No country can excel Dakota in the production of root vegetables. In 1887 the value of live-stock amounted to \$43,495,236, whilst in 1880, seven years prior, it amounted to \$463,276 only. The value of dairy products and wool clip is not estimated in the above. The success in raising live-stock has been wonderful.

Year.	Description.	Value.
1860.....	Oxen, cows, and other cattle.....	\$21, 445, 302
	Horses.....	17, 618, 192
	Mules.....	1, 194, 622
	Hogs.....	2, 314, 013
	Sheep.....	623, 100

INDIANS AS FARMERS.

Twenty years have elapsed since the treaty of 1868 with the Sioux Indians. During these twenty years they have had possession of, and been urged to cultivate, land equal in fertility to the land occupied by the white people of Dakota. They have been fed and clothed at the expense of the Government. They have been furnished with teams, harness, wagons, plows, reapers, mowers, threshing-machines, and other agricultural implements. They have had physicians to treat them when sick, agents to instruct and direct them, carpenters and blacksmiths to do all their work, farmers to teach them how to cultivate, and wire fences to inclose their fields, all at the expense of the Government. Houses have been built for some of them, and others have received aid from the Government in the construction of log dwellings. Their children have had school facilities greater than the demand made by the Indians for them. The purpose of all this has been to bring them into a condition of self-support, so that further taxation for this purpose might cease.

An examination of the reports of Indian agents from the six Sioux agencies will show discouraging results. No figures are given in the report of 1887 showing the amount of farm products made at Crow Creek and Lower Brulé. The agent at Pine Ridge says: "It must be conceded that the Indian makes slow progress as a farmer." He gives no figures showing the result of their farming operations, and says a large majority of them have a strong prejudice against taking land in severalty. At Rosebud the agent says: "They have plowed no inconsiderable amount of land, but have cultivated but little." At Standing Rock there are 4,545 Indians. They planted in different kinds of crops 3,500 acres, much less than one acre for each Indian. The agent estimates, and we have no doubt that he made a full estimate, that they had in wheat, 400 acres; oats, 300 acres; potatoes, 200 acres; corn and vegetables, 2,600 acres. He thinks they made in all as follows:

Articles.	Quantity.	Approximate quantity to each Indian.
	<i>Bushels.</i>	<i>Bushels.</i>
Corn	15,200	3½
Oats	6,800	1½
Wheat	3,670	¾
Potatoes	11,280	2½

This is the result of twenty years of effort on the part of the Government at Standing Rock Agency.

The Cheyenne River Agency contains 12,000 square miles. The agent says there are of this 1,600,000 acres of tillable land. He says that since 1872 the amount of money spent by the Government for these Indians in the purchase of implements, fence-wire, and seeds alone many times exceeds the value of all that has been raised by them. There are 2,936 Indians here. These nearly 3,000 Indians seeded 1,900 acres in all kinds of crops. The seasons were more favorable than the average, says the agent. They made—

Wheat	275	Potatoes	4,500
Corn	7,300	Turnips	140
Oats	550	Onions	275

This was the entire crop raised by the laboring portion of 2,936 people. We venture to say in Dakota this entire crop could have been raised on much less than 400 acres of land, and that twenty ordinary farmers could have cultivated the whole of it. Unless by some means results more in proportion to the expenditure made annually by the Government to assist them in farming are attained, well may the agent (as he does) recommend a cessation of efforts to have these Indians cultivate any large area of land. (See report of agent at Cheyenne River Agency for 1887.) He says there are 5,406 cattle at the agency. Of these cattle 2,700 are owned by eight half-breeds and the 2,928 other Indians own the balance, not one to each. These half-breeds are of that class of men referred to in another part of this report (and the same state of affairs exists on every other agency) who continue to draw rations and annuities for themselves, their wives, and children, though amply capable of self-support. Necessarily, from motives of self-interest, such men do not desire and will oppose any reduction of reservations. They want large bodies of land which cost them nothing on which to pasture their vast herds of cattle and horses. Necessarily, also, they will exercise a great control over Indians when questions between the Government and the Indians arise. They are neutral as between the Government and the Indians ostensibly, but in practice always favor that policy which makes the Indian an easy victim for them to trade with and which leaves the largest pastures for their own herds.

BEEF AND BACON.

By the terms of the treaty of 1876 bacon may be given as rations in place of beef. It would be an economical reform and far better for the Indians if the Government would gradually but firmly reduce the amount of beef issued and substitute the treaty equivalent in bacon. We do not mean the total deprivation of beef, but it should be reduced to a reasonable, decent, and healthy standard. The amount of cattle slaughtered yearly on this reservation is simply enormous, averaging 1 steer each ten days for every thirty persons. This gives for the usual estimate of 23,000 Indians 767 beef cattle every ten days, or a grand total for the year of 28,000 cattle. At some agencies every two weeks, at others a shorter period, comes what is called beef-killing day. Many of the Indians live as far as 60 and some 100 miles from the agency. Once in every two weeks or less they leave home, carrying their tents, wagons, wives, and children, some of them their droves of ponies, to the beef-killing. They consume, in many instances, from two to four days in reaching the agency. They remain there from one to three days, and not unfrequently five, and it then requires from two to four days for them to return. They dry the beef on poles, suspended in the open air, greatly reducing both the quantity and the quality of the beef, and what they fail to consume on the journey they carry home with them. It thus requires from three to ten days out of every fourteen in which to make this trip for beef, all this time being lost from their farms. At some agencies the beef-killing and ordinary ration days coming at different times require of them separate trips for each.

How can people thus occupied ever become successful farmers, stock-raisers, or anything else? The blame for this, and for the methods of killing, rests largely on the Government, since it still adheres to the plan of issuing rations at short intervals, a plan well enough adapted to the condition which obtained at all the agencies when the Indians were clustered about them in rude camps, and the great object in view

was to hold them there, while making it inconvenient, if not impossible, for them to absent themselves for long periods on the hunt or the war-path.

But since both of these practices have been abandoned, and in response to the advice of the Government, the Indians are now widely scattered over their vast country, ostensibly to farm and to make homes, it becomes the duty of the Government to also abandon its old lines and adapt its system of issuing rations, by giving them for several months at a time, to the changed and more hopeful condition under which its wards are living.

The semi monthly trips also tend to keep up their old habits of roaming instead of encouraging them to remain at home and attend to their farms.

A beef-killing day on an Indian reservation is a spectacle which is a disgrace to our civilization. It can not but serve to perpetuate in a savage breast all the cruel and wicked propensities of his nature. It is attended with scenes enacted in the presence of the old and the young, men, women, and little children, which are too disgusting for recital. A substitution of bacon and pork, in a large degree, for beef will avoid this, will be more economical, and will add to the health and strength of the Indians as a race. The bacon and pork are easily transported to the agencies, and from thence to the homes of the Indians. There will be less waste, and, besides, bacon and pork can be used in the cooking of all vegetables, the eating of which ought to be encouraged. It will doubtless be urged that without full rations of beef the Indians will become unhealthy. There is no sound reason in this theory, and all experience teaches the contrary. In thinly-settled regions, from which have sprung some of the most healthy and hardy specimens of our race, beef is used only occasionally. The negro race of this country, for scores of years, were fed almost exclusively on corn bread, bacon, pork, vegetables, and milk. No stronger or more healthy or hardy people than the negroes inhabit this country. If the beef rations should be reduced one-third and bacon substituted for the first year, and for the second year a reduction of one half of the beef rations, substituting bacon, or a still further reduction, as circumstances might indicate, it would be a most desirable reform. The beef should be issued to the Indians from the block, and the whole system of killing in their presence should be prohibited.

OPENING THE RESERVATION.

The failure of the commission to obtain the assent of the Sioux Indians to the act of Congress leaves the question of opening the reservation of now useless, because uncultivated, territory open. This question had much weight in the preparation and passage of the act, and it remains one of great importance to the white people of the country, and especially to the people of Dakota and the West. The Territory of Dakota is one of the best portions of our country now left open to settlement. The increase in its population has been rapid and steady, having now a sufficient number to entitle it to four Representatives in Congress if admitted as a State. The increase in its productions has been wonderful. Settlements and railroads have extended on the north, south, east, and west to the very borders of the great Sioux Reservation. Cities and towns on either side of it have been founded and built, and worthy and enterprising citizens have invested their capital in them, relying, as they had a right to do, on the will and power of

the Government to give them passway over the reservation, in order that lines of freight and travel may be profitably and economically connected.

This reservation, larger than the State of Indiana, contains not less than 22,000,000 acres of land, occupied by 23,000 Indians, stands in the way of the advancement and progress of civilization and commerce. These lands are now needed for agricultural and grazing purposes, and yet its occupants, who will not cultivate it themselves, owning a right of occupancy only, the fee-simple title being in the Government, stubbornly and perversely refuse to accept an act, liberal in its terms; but, when all their objections are heard and propositions still more liberal made, they refuse these also, and still continue to block up and impede the natural progress of the people. They believe now that they can continue in this course with impunity, that the Government will continue to feed and clothe them, furnish them agricultural implements and almost everything they want, and allow them to lead an indolent and unprofitable life at the expense of the tax-paying people of the United States.

To accomplish the end suggested by experience and demanded for the civilization of these Indians and bringing them to self-support, it is required—

First, that the reservation should be surveyed at the earliest practicable time.

Second. The Indians should be required, in accordance with the treaty stipulations, to take their lands in allotments at once and go to work on them, and all lands in excess of allotments should be disposed of.

Third. They should be required to compel their children to attend school.

Fourth. Rations, annuities, and all benefits under former treaties should be firmly withheld from those who willfully refuse to comply with these requirements.

Fifth. All Indians who do comply should receive promptly their necessary rations and annuities, implements, and all aid promised, and they should be assisted in the building of comfortable houses.

Sixth. All dealings between the Government, its agents, and employés, with the Indians should be with them as individuals, and chiefs, as such, should in no way be recognized.

The reservation should be opened to settlement, so that railroads and other public improvements may be encouraged, and the civilizing influence of these and the example of the whites in farming and raising stock may be near at hand to tell, as it certainly will, with good effect upon the Indians.

Notwithstanding the stubborn opposition offered by the majority of these Indians to the wishes of the Government and the final failure of negotiations, their failure in the past to observe in good faith their solemn treaty obligations, their trifling advance in agriculture and self-support, the question of bringing them to civilization and self-support yet remains, and with that question the Government of the United States must, of necessity, deal. However discouraging may be the outlook, it is a question which "will not down" at our bidding. A firm, just, and humane policy will still be pursued. It must be remembered, that there is a considerable minority of Indians on this reservation, who, in spite of ridicule, threats, and personal danger, have arrayed themselves on the side of progress and civilization. They are worthy not only of the highest commendation, but the Government should see to it that every encouragement and support be given them, that they

may be retained as a nucleus around which the whole body of the tribe may be drawn. To this end, we repeat, let the Government scrupulously observe and execute all its treaty stipulations and firmly require like compliance on the part of the Indians.

CONSENT OF THREE-FOURTHS.

It is due and proper that we should say that if the consent of three-fourths of the male adult Indians is required in order to effect the sale or cession of any considerable part of their territory, in our opinion any negotiations on any terms which would meet with the approbation of Congress and the people of the United States will fail of success. This opinion is maturely formed from our experience, gained whilst in daily contact with those Indians in and out of council, from the opinions expressed by the agents who have been with them for years, and by their conduct in refusing a liberal and generous proposition made to them by you when their leading men were in Washington.

They believe they own the full title to the land, that it will soon appreciate very much in value, that the Government and the white people are so anxious to obtain possession of it that by offering firm and stubborn resistance to any proposition looking to a sale or cession of it, a fabulous price can be extorted from the Government. They do not believe that their former refusal to comply with their treaty stipulations, or any refusal in the future, will have the effect of stopping their rations or annuities or any other obligations which the Government has assumed in consideration of their promises or agreements. A radical change in their minds as to these questions will be necessary in order to bring them to a proper sense of their duty and obligations. Were it alone a question of bargain and sale of their right of occupancy to this country, the Government could afford to wait until time and circumstances should awaken them to a full knowledge of the situation. But the prosperity and advancement of the American citizens who are affected directly by this great blockade in the pathway of civilization, and the happiness, prosperity, civilization, self-support, and continued existence of the Indians themselves are involved. Certain it is that a continuation of existing circumstances makes it absolutely sure that for many long years to come the people of the United States will have to bear the burden of feeding, clothing, and taking care of them, with but little hope of relief.

Under the most favorable circumstances and with even the most extravagant offers of compensation we believe that more than one-fourth of these Indians would object and refuse to sign a deed of cession. It therefore remains to be considered whether wise, just, and humane legislation for these people solely as the wards of the Government, and not through consultation with them as independent people or communities whose assent to measures for their good is required, shall be enacted and enforced. Whilst dealing with this question it would be neither wise, fair, nor just to lose sight of the fact that a majority or nearly so of the Indians at Crow Creek Agency and about three-fourths of those at Lower Brulé signified their willingness to accept the offer and wishes of the Government, and that they recognized the benefits to be derived from all measures designed to carry them to self-support. There are somelike-minded on all the other agencies also, though they are not numerous. There would be many more of this class were it not for fear of their leaders. We repeat, most earnestly, that a wise and just policy demands that such as these should receive the early and continued notice of the Government, and that every reasonable en-

couragement should be given them which is calculated to advance them. This would prove a wholesome lesson to those who have been and now are thwarting the purposes of the Government and holding back their people.

INFLUENCE OF CHIEFS.

Agents should be unquestionably known as the allies and supporters of progressive individuals, whosoever they may be, as against the political leaders of the tribe. Looking to the emancipation of these people from the bondage of tribal relations and communistic systems, the pernicious effect of allowing the head men, recognized as leaders, to exercise a controlling influence in the dealings of the tribe with the Government, can hardly be overstated. Naturally the first consideration of such leaders is, how best to postpone the day when their people shall be free to act for themselves. It was everywhere apparent that the agents and, back of them, the Department itself managed the affairs of the Government on the reservation, in great measure, under this influence. Too often they are guided as to the best course to be pursued by men who show no disposition to conform to the wishes of the Government and the requirements of the treaties, yet because they have influence among the people are treated with undue consideration.

On the other hand, men who have adopted the ways of the white men and are making praiseworthy efforts towards self-support, if they hold no position of influence by which the tribe can be managed, are ignored. Such worthy men are too often left to fight their battles alone, and to do so under the disheartening impression that in their struggle to conform to the wishes of the "Great Father" they have to contend against their own environment as members of an uncivilized tribe and even against the Government itself. The rejection of this act was clearly due, in a great measure, to the fact that the non-progressive element, led by the old-time chiefs, control in shaping and directing public sentiment. In general those who favored the ratification of the act were men not recognized leaders in public affairs, but those who desired to cut themselves off from the mass and were trying to secure for their families a better future. Such men soon accumulate capital and become softened in character, both of which operate as parents of timidity. When called to face a widespread public sentiment under control of men whose fierce natures give them success in the chase and in war, and who have nothing to lose, they are naturally disposed to shrink from the contest.

This control of public sentiment by non-progressive men results practically in giving them control of the government itself, defeating not once only, as in this instance, but again and again its measures for the elevation of the Indians. These facts suggest the propriety of requiring Indian agents to treat with especial consideration those who comply with their treaty obligations, and without respect of persons to enforce the terms of the treaty on every individual who lags behind its requirements. The few who try to conform to the treaty are disheartened, as now the minority who have shown a readiness to accept this act are, by seeing the rebellious element still in power, and the Government apparently lukewarm in an enforcement of compliance with their solemn obligations. The unruly element everywhere rejoices in the sluggish movement of the Government, waiting expectantly to be pushed forward, and wondering meanwhile why they are left free so long to enjoy the benefits without being compelled to conform to the requirements of their treaties. The closing history of the sun dance illustrates well

this whole subject. The better element longed to have it broken up, but dared not say so. Hence it seemed as though the whole tribe were a unit in wishing it perpetuated, and those who declared they would rather die than part with this time-honored and universal custom of their people seemed to voice the only existing sentiment. No sooner, however, was it broken up (by the authority of the Government) than those who before were too timid to speak, needing only this assurance that the Government stood with them as against the chiefs, were discovered to be no inconsiderable portion of the whole people.

REAL CAUSE OF OPPOSITION.

It was a mistake to suppose the Indians competent to judge of the value of their land, either as farming land or in money. They have no skill or experience to guide them in either. The reasons which move them in opposing a sale lie far back of this. They are rooted in attachment to their present condition, and fear they may be forced out of it into some other which will demand greater exertion on their part. Though the division is not drawn closely on this as its only line, the prevailing disposition among the educated, the progressive, and especially the Christian, Indians was in favor of accepting the act. The opposition was under the direction, chiefly, of men who saw in it only another blow at those things which they learn around the camp-fires from those who live still in the past, viz, the feast, the dance, horse-racing, gambling, plurality of wives, and the like. Support for the maintenance of such a life on their part they believe to be demanded from the Government as long as it does not fulfill, to the letter and according to their understanding of them, all provisions of past treaties, and has not, in their judgment, fully compensated them for lands heretofore ceded.

In brief, the defeat of this act was a victory for indolence, barbarism, and degradation as against the influences of the farm, the work shop, the schools, and the Gospel.

We failed to get behind these chiefs and bring the provisions of the act to the consideration of the people in general. At three of the six agencies, viz, Standing Rock, Crow Creek, and Lower Brule, we had the people together, and they listened with fairly respectful attention, but the chiefs were in front and in open council domineered the people into silent submission to their voice; while outside, and in their own councils, we had the most abundant evidence of their imperious control, extending to acts and threats against the property and the lives of those who should dare to go against their authority. One object of this measure was to break the control of such leaders by securing to the whole people a freedom to exercise the right to vote as guarantied to them in their treaty of 1868. Your commission found that the failure of the Government to conform to this feature of that treaty has rather strengthened than weakened the power the old tribal customs gave to the chiefs. Although a canvass of all the agencies would, undoubtedly, have enabled us to secure two or three times as many votes as we did, it was conclusively demonstrated that it was not possible for us to obtain the three-fourths vote required by the treaty. Lower Brule, which most favored the act, still lacked six votes of the three-fourths.

OUR OBLIGATION.

The failure to secure the consent of these Indians to the much more favorable propositions made to them by yourself ought, at least, to

have the good result of calling both them and us back to the terms of the treaties of 1868 and 1876, by which alone we are under obligations to maintain friendly relations.

The feature of the act which strikes your commission as most open to criticism is its provision for a fresh installment of means whereby the Indians may continue their life of living without work, with no additional requirements laid upon them to better their condition by their own exertions. If our only duty is to compensate them for their cession of land, then the terms of the act are probably more generous than any other government would have consented to under the circumstances. In the providence of the Almighty there is laid upon us the further obligation to save this weaker race and hand over to them the blessings of enlightenment and culture. If, however, in doing so we extinguish in them the ambition to improve by their own exertions we do them an injury instead of a good.

This obligation was clearly had in view when former treaties were made with these people, especially the agreement of 1876. Article 9 of that agreement says:

The Indians, parties to this agreement, do hereby solemnly pledge themselves, individually and collectively, to observe each and all of the stipulations herein contained, to select allotments of land as soon as possible after their removal to their permanent homes, and to use their best efforts to learn to cultivate the same. That they will loyally endeavor to fulfill all the obligations assumed by them under the treaty of 1868 and the present agreement, etc.

In its fifth article it provides that—

In consideration of the foregoing cession of territory and rights, and full compliance with each and every obligation assumed by said Indians, the United States does agree to provide all necessary aid to assist the said Indians in the work of civilization; to furnish them schools and instructions in mechanical and agricultural arts, as provided for in the treaty of 1868. Also to provide the said Indians with subsistence, consisting of a ration for each individual of, etc. * * * Such rations, or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves.

Below, the same article provides that no children between the ages of six and fourteen shall receive rations unless they regularly attend school, and—

Whenever the said Indians shall be located upon lands which are suitable for cultivation, rations shall be issued only to the persons and families of those persons *who labor*.

Here, then, are three clearly defined classes, such, in fact, as may be found to-day, and probably forever in any community, white or red, viz: first, those who are self-supporting; second, those who are laboring to become so, but have not yet reached that point; and third, those who are not self-supporting and do not try to become so.

We fail to discover on what principle these distinctions are wholly ignored and both the obstinate idler, with his family, and the men whose herds of cattle and ponies have passed into the hundreds, ranging in present value from \$1,000 to \$20,000, with annual increase equal, in some cases, to a well to-do white man's income, are both still drawing rations and are in all other respects made equal with the man who is faithfully striving to comply with the treaty. The Government has a double opportunity here which should no longer be frittered away; an opportunity by which the communism which prevades Indian agency life and is the most obstinate opponent of progress, may be broken. This can be accomplished by, first, withholding rations from the idle; thus creating a class who from being much in want will soon come to be despised by the more well-to-do. Thus they will lose their prece-

dence and influence for evil gained by blatant and successful defiance of the treaties and the Government. Second, by issuing no rations to those who are reasonably able to take care of themselves, and so creating another class who, in self-defense, will soon find and give expression to reasons why the being rationed by the Government at all is degrading. There could thus be set in motion a public sentiment now wholly unknown among our Indians and which would prove of inestimable value in freeing them from their willing bondage to the present system.

Certainly if this clause of the agreement is construed to mean that the Government is to continue to ration these Indians until the whole body of them is self-supporting before it can withdraw rations from any, then it can expect soon to be feeding some of the wealthiest men in our western territory, and to continue to feed their descendants forever. Indeed it is now feeding some such. In view of the obligations assumed by these people, and what has been done by the Government to aid and enforce their compliance for the past twenty years, it was ludicrous to hear one of their recognized statesmen say, as your commissioners did, in the general council at Lower Brulé Agency, when, pointing to stalwart, able-bodied men in the prime of life, but still wearing the paint daubs and blankets of idleness, he exclaimed—

Look at us! We do not know how, and we are not able yet to take up land and go to farming.

IGNORANCE OF TREATIES.

Our councils with the Indians and general conference with the agents at Lower Brulé revealed that both the Indians and those who are in the employ of the Government among them are but indifferently acquainted with or pay little attention to the definite treaty requirements by which both the Government and the Indians are bound. In fact, but little direct effort seemed to have been made by the Department itself to keep the subject-matter of these treaties alive in the minds of those who are charged with the fulfillment and execution of them. Hence there prevails a lamentable forgetfulness and vague sense of reality regarding them on the part of the Indians, and a wide swerving aside from their only legitimate interpretation and purpose on the part of the Government. Some systematic plan by which the Indians will be kept informed of these, the only conditions on which the security of their possessory title to their reservation and the friendship of the Government towards them rest, would be of great value as a safeguard against difficulties with them in the future. Especially do we recommend that article 7 of the treaty of 1868, and articles 5 and 9 of the agreement of 1876, be strictly adhered to by the Government and kept continually before the minds of the Indians.

DISPUTED BOUNDARIES.

The misunderstanding by which the Indians repeatedly accused the Government of not following the boundary lines agreed upon may often be accounted for by the disposition of the Indians to construe into a promise words spoken by officials of the Government during negotiations with them. The wish being father to the thought, they attach to such words greater importance than to the treaty stipulation itself.

The country in question has never been surveyed, and the various streams, hills, etc., well known to the Indians are not located in their proper places on the map. To this day the location of many such

points on the maps of the Great Sioux Reservation is a matter of guess work, and when accurate surveys are run they are often found to be actually far distant from the parallel which was intended to be followed in fixing a certain boundary, and to give the Indians an approximate idea of the location of which these known geographical features of their country were pointed out to them on a map.

INDUSTRY AND SELF-SUPPORT.

The low estate in which the Sioux Indians are to-day, and in which they are destined inevitably to continue so long as more thoughtful and vigorous efforts are not made to raise them out of it, is a degradation which does not belong to them solely on account of hereditary barbarism. It has been in great measure superinduced and practically forced upon them by the position into which they are brought by unfortunate treaty relations with ourselves. By these we are under obligations to furnish and the Indians to accept a living, instead of some honorable way to make a living. We deprived him of his own way of making a living. He did not lose it and become a helpless dependent except through our interference. In lieu of self-maintenance by hunting, we offered and he accepted rations and annuities. To this degrading condition he is bound for the present at least to submit. He must draw rations or forfeit all that is offered to him in payment for the relinquishment of the cherished life and the happy hunting-grounds of his fathers. There is left for him no choice at all, no minor provision inviting his manhood to assert itself and again be free from the degrading formality of ration-day and the issue of such clothing and other supplies as our Government thinks fit to provide. He can not say, as he ought to say, if he ever becomes what we claim our endeavor is to make him, an independent citizen:

I will by my own exertions find such food and clothing as I and my family need. Pay me what is my due as men everywhere receive their pay, in honest money.

Our treaties with him leave no such door open before him. Hence he is under no incentive except that which works always to convince him that the more he does for himself the less share he will get in what is his right as a member of the tribe; that the longer he is helpless and careless the longer he will be cared for and kept. He feels that the only way to keep in the line of those who are to reap the benefits from past cessions of land is to use up as fast as possible, all that is doled out to him and to present at each recurring issue day the same unmodified picture of impotency and want.

The difference between men held under the bondage of such a system and men struggling, however humbly, to find their own support, is very great. Unfortunate everywhere is the individual who has a living furnished to him off-hand. How much more mischief must result when a whole people are lumped together and so treated? It takes but a short period under such methods for the simple mind of the Indian to lose sight of the real issue. It produces in him all the evil effects of supposing he is getting something for nothing. Hence, too, the chiefs and head-men, who fear civilization as a force working to undermine their leadership, find willing support among the people, who also are opposed to it on the same principle that ambitionless comfort is ever opposed to being aroused to action. The problem, as the Indian sees it, is how longest to keep progress in check and hold in reserve land enough by which he and his children can make other bargains and secure long periods, like that he now enjoys, of freedom from exertion

and care. The decree, "In the sweat of thy face thou shalt eat bread," is set aside and the Indian is really led to think that the Divine decree, for him, at least, reads rather, "If you sweat you will starve." The same effort and money now spent in feeding and clothing, if expended in providing work and opportunity by which the Indians should be obliged to earn these things for themselves, would be money well invested and prove the cheapest policy in the end. It would be leading both them and us out of the woods with fair hope of landing them in the open. We should by that process be gradually making a man and a producer of the Indian, while now we compel him to be a pauper, and encourage him to remain a consumer.

We should undo, as far as possible, the effects of our blunder, by throwing around him every preventive to idleness and incentive to industry. We should put into practice the provision in Article 5 of their agreement of 1876, which says:

The Government will aid the said Indians as far as possible in finding a market for their surplus productions, and in finding employment, and will purchase such surplus as far as may be required for supplying food to those Indians, parties to this agreement, who are unable to support themselves, etc.

The Indian is eager for money and works for it when under the same wholesome pressure which governs all other men. He must be first brought to see that want will surely come if he remains inactive, and then that honest labor will bring its rewards. Show him in actual practice that all produce of his farm and his hands has a cash value, and there will not much longer be a question as to whether Indians will work. They are, to be sure, not yet able to compete with the settlers, and hence the provision of the agreement by which the Government is pledged to purchase and aid him in selling his produce is a wise one. Let it be a live one.

SCHOOLS.

From what has already been said it appears that the Sioux Indians have not availed themselves of the opportunities afforded them by the Government for the education of their children, and that what has been accomplished has been done by constant and persevering efforts on the part of agents and others, and, in the main, against the wishes of the Indians. They have had day, boarding, industrial, and missionary schools. They have had school facilities far in advance of what they have appreciated. They have not demanded additional facilities, but these have been given in spite of their indifference and opposition.

By article 7 of the treaty of 1868, heretofore quoted, the Government has bound itself to furnish them a school-house and teacher for each thirty children, and the Indians agreeing to compel their children to attend. These day-schools contemplated in the treaty, from their isolated situation in the midst of Indians and from having, as a general rule, indifferent teachers, have proven to be unsatisfactory. Even with competent and faithful teachers the difficulties of educating Indian children in camps are insurmountable. Valuable results are impossible where the civilized teaching in the schools during the day is counteracted by savage examples and conversation in the camps and at home with the family.

The boarding and industrial schools on the reservation are to some extent free from these evils. Here the children for a longer period are kept under the vigilance of the teachers and partially removed from the influences of home surroundings, but they are still in contact with Indian manners, customs, and language, and discipline can not so readily be

maintained as if the schools were entirely out of reach of these. The children are constantly running away, and the aid of the police is required to return them to school. When it is remembered that all human beings gather knowledge from association with others, from observation of things transpiring before them, and learn habits, modes, both of action and speech, from what is seen and heard, and that in order to produce the best and highest results advice and teaching must be accompanied by corresponding examples, then it is easy to see that no system of schools which is intended to alienate the Indian from his language, his habits, his thoughts, and his modes of life can be effective on an Indian reservation. If every Indian child were removed from his surroundings, and placed in school where he could have civilized surroundings, the question would be settled in a comparatively short time. Here, teaching both in books and in civilized pursuits can be conducted without the interference of the Indian, and the overpowering presence of civilization at once takes hold and molds the mind and body into shapes of its own.

Properly qualified teachers, both in the day and boarding schools, should be employed, all schools subjected to rigid and frequent inspections, and no teacher in any school be employed or permitted to continue in office who does not plainly and correctly speak the English language. The education of the Indian should not be confined to day, mission, or boarding schools on the reservation, nor to the industrial schools off the reservation. When fitted for it by these or any means, encouragement and opportunity should be offered them to enter the schools and colleges of our own country, associating with our own people, thus qualifying them not to return to a reservation but to remain among us and take their chances in all the diversified pursuits of life.

Instead of this our laws, sentiments, and we may say, our prejudices, perhaps our want of thought on the subject, tends continually to remand him back to Indian and reservation life. We deal with him, talk to him, and think of him not as a man and brother, but as a strange and anomalous creature who has no other place, is fitted for no other, and can not be made fit for any other, than an Indian reservation, the only place for which his education and training have unfitted him. If his education and training have prepared him for self-support and independent citizenship, why not allow him equal chances with us, to enjoy these benefits in any and all parts of our country if he so desires? Under existing sentiments and laws he is not permitted to do so without making a sacrifice of everything he owns on the earth. It matters not what inducements may stand out before him, nor how great his desire to utilize them, he must go back to the reservation or forfeit his estate. Not only must he go back, but he must remain there for a period of twenty-five or thirty-five years in order to secure such title to his inheritance of real estate as will enable him to dispose of it, and remove and settle himself and family, if he has one, to association with industrious, Christian, and civilized people. This is the general allotment act which is now in force in every Indian country. Wise as the provision may be which holds for a term of years the allotted land for the great body of the Indians, it is neither wise nor just to impose this restriction on those who are now, or who before the expiration of the twenty-five years, shall become capable of taking and caring for their property.

Of what use is it that we take the young Indian away from his home, educate, drill, and prepare him for usefulness to himself and others, if we, at the same time, deny to him the privilege and opportunity to util-

ize his knowledge? Have we qualified him to become a farmer, a carpenter, a harness-maker, a teacher, a missionary only to remand him to the reservation and its camps, and confine his faculties into the narrowest bounds conceivable? With the exception of two of the avocations named, no place on earth is less inviting or promises less reward to industry, skill, and ambition than an Indian reservation. Outside of it every industrious pursuit is open, and energy, industry, and skill will succeed. The educated and trained Indian has no other alternative, unless he voluntarily abandons his patrimony, a requirement not made of any other man or race on earth.

He desires to commence business as a farmer, a blacksmith, a harness-maker, a carpenter, or a trader, and to remain and pursue his business among civilized people like himself. He wishes to bring up his children under the influences of Christianity and good society. He has an inheritance, but no ready capital. He is not allowed to exchange his land on the reservation for a home elsewhere. He is not allowed to sell it and invest the proceeds in tools with which to commence his work as a mechanic, nor in trade of any kind. No, he must consent to return to the reservation, take his allotment, and remain there a prisoner for twenty-five or thirty-five years, and at the end of that time he is graciously allowed, when his head is gray and his eyes dim with age, to sell out and move into the glorious sunlight of civilization.

He is not dealt with according to his own condition, acquirements, qualifications, and desires, but he must await until every laggard on the reservation is deemed worthy of liberty and citizenship. Is this what philanthropists are striving for, legislators are aiming at, Christians are praying for? This is but another of the unnumbered evils which flow from the accursed reservation system. We are continually trying to deal with this unfortunate people in the aggregate, and not as individuals; we deal with them as Indians and not as men. Instead of allotting lands to each one as he becomes qualified and willing to receive it, we march on the whole and ask their consent as a tribe to the measure. If by treaty stipulations we have bound ourselves to furnish rations until *they* are able to support themselves, we go on feeding those who are able until *all* are able. And so it is in nearly all our dealings with this unhappy race.

Numerous instances illustrating what we are saying might be cited. There are already many civilized, educated, industrious, and capable Indians who desire to remain among white people and make their own living and raise their children among civilized people. If these could realize the value of the land which they own on Indian reservations it would give them a start in life and enable them to succeed. Under existing laws this can not be done, and they are thus chained to the reservation and continually drawn back to it and to its mode of living.

The remedy is to be found in an amendment to the general allotment law providing for the purchase at a fair and reasonable price of selected allotted lands from all Indians who are in the class alluded to, the money to be re-invested according to the circumstances and the desire of the Indian. This would relieve the Government of feeding, clothing, and taking care of such Indians; would continue to draw away from the reservation and Indian life many worthy and industrious people. At the same time the lands thus purchased could be sold to white farmers as homesteads, thus planting in various parts of the reservation citizens whose example would prove of great benefit to the remaining Indians. Such an arrangement would in no way be a violation of any treaty stipulation, as it is only the land which is held in common,

and not allotted land, to which the three fourths clause has application. Indians thus disposing of their allotments would still hold their interest in the lands which remained in common to the tribe, and participate in the proceeds when sold.

This and other enactments which can afford a remedy for the evils of tribal and reservation life, and which tend to individualize and Americanize the Indian, will solve one of the most difficult questions involved in Indian civilization.

Any policy which brings him into the honest activity of civilization, and especially into the atmosphere of our agricultural, commercial, industrial examples, assures to him mutual, moral, and physical development into independent manhood. Any policy which prolongs the massing, inactive, herding systems continues to lead to destruction and death. It is folly to hope for substantial cure except there be radical change in the treatment.

Respectfully submitted.

R. H. PRATT.
WM. J. CLEVELAND.
JNO. V. WRIGHT.

Hon. WM. F. VILAS,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, July 9, 1888.

GENTLEMEN: In execution of the authority conferred upon the Secretary of the Interior by the act of Congress, approved April 30, 1888, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder," you are hereby appointed a commission to submit the said act of Congress to the different bands of the Sioux Nation of Indians occupying or interested in the reservation mentioned in said act, for the purpose of procuring the acceptance thereof and consent thereto by at least three-fourths of the adult male Indians as required by the twelfth article of the treaty between the United States and said Indians, concluded April 29, 1868.

Each of you will be allowed his railroad fare and transportation expenses, and \$5 per day during the time of actual service, in lieu of all other personal expenses, and each of you not otherwise in the service of the United States will receive a compensation at the rate of \$10 per day during the time of your actual service. Capt. R. H. Pratt, Tenth Cavalry, U. S. Army, will be chief commissioner, and, as such, by a previous letter has been authorized, and hereby is authorized, to employ two stenographers, an orderly, interpreters, and other assistants, and to make such other necessary expenditures in the prosecution of the object proposed as shall be in his judgment required. The agent at each of the several agencies will be associated with you, under instructions of the Department, in presenting the act to the Indians residing upon the land appertaining to his agency or receiving rations thereat.

You will proceed to the execution of the duty assigned at the earliest practicable moment, and will diligently prosecute the task until it shall be completed by the procurement of the signatures of the Indians as hereinafter directed.

The twelfth article of the treaty of 1868 referred to reads as follows :

No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in article 6 of this treaty.

I. The deed of acceptance and consent must be signed and sealed personally by each Indian agreeing thereto. The question whether those under twenty-one are to be regarded as adults will be reserved for such consideration as may be necessary hereafter; and to enable that to be done you will cause to be noted the age of each Indian opposite his name at the time of signing, and the signatures of all male Indians of the age of eighteen or upwards will be taken. Each signature will be made in the presence of the commission and certified as hereinafter directed.

The agent at each of the respective agencies has been instructed to prepare a list of the names of all male Indians of the age of eighteen years and upwards, distinguishing those under twenty one, for the use of the commission, and replies have been received that these lists will be ready by the 15th of July. When the Indians of each agency shall have assembled in council, as hereinafter directed, this list of names should be submitted to the council, and careful inquiry made whether it be correct and complete; to ascertain first, if any names have been omitted which should be upon it, and, secondly, whether any names have been erroneously placed upon it of Indians not within the limited description. Care should be taken to see that all the lists together embrace the names of all male Indians of the age of eighteen years and upwards occupying or interested in the whole reservation.

II. You will visit each agency, taking them in such order as you shall deem expedient, and will cause to be assembled in council, by the agent and his assistants or police, all the male Indians of the age of eighteen years and upwards, capable of attending, appertenant to each agency. At each such council you will cause the act to be read and interpreted to the Indians, and its provisions fully, fairly, and plainly explained so as to be understood by them. For this purpose you will be provided with a sufficient number of copies of the act, accompanied by a map printed in colors, showing the present reservation and the proposed changes, to enable each Indian entitled to vote to have a copy, which you will cause to be furnished to him at such time as you deem most convenient to the end. You will afford them opportunity at the council to discuss the question of acceptance, and you should present the considerations which have governed the adoption of this act by Congress and its approval by the President and which appear to require the assent of the Indians thereto for their own advancement and prosperity. The time, manner, and duration of this conference and discussion you will regulate, and you will determine what persons, if any, shall be permitted to attend it, other than yourselves and your assistants and the Indians; but there should be no abridgment of time or opportunity for fair and full understanding on the part of the Indians of all the provisions of the act, or of such discussion as they may desire.

You will, however, require, at the conclusion of the council, that each male Indian of the age of eighteen years or upwards shall sign the deed of acceptance and ratification in the form already prepared and here-

with accompanying, or the instrument of dissent and rejection, in the form likewise prepared and herewith accompanying, and you will advise the Indians in council that the signature of each will be required to the one or the other instrument, according to his opinion and desire. In order that no misunderstanding may arise, the deed of acceptance and ratification will be printed in black ink and the instrument of dissent and rejection in red; the difference in the color, as indicative of the operation and effect of the different instruments, will be carefully explained in the council.

Should any other council of the head-men or chiefs, generally, or otherwise, be deemed by you advantageous before the assembly of the Indians in the councils above directed, at the agencies, you are at liberty to call the same in your discretion; and, generally, the preliminary steps in the submission of the act to the Indians will be left to your discretion.

At each of the councils or conferences which you may have with the Indians, or any band or portion thereof, the stenographers must make an accurate report of all the proceedings, including all that is said and done by any one present, in relation to the matter under consideration, and the report of the proceedings of the council, so literally taken and fully transcribed, must be returned by you, certified by your signatures as correct.

If any Indian entitled to vote be absent by reason of sickness or otherwise his signature to one or the other instrument, according to his opinion and wish, may be taken by its presentment to him wherever he may be, under witness of one of the commissioners or the agent; but if his signature shall not be so procured his name and age shall be entered on a separate roll of those who were entitled but failed to vote, under these instructions, and opposite thereto the reason why his signature was not obtained stated and certified.

III. This act must be accepted or rejected as a whole, as it has been passed by the Congress. The many considerations, in return for the cession by the Indians, which it contains, and the other stipulations on their part, the act discloses upon its face: but these should each be particularly and carefully exhibited and explained to the understanding of those entitled to sign. Other considerations of a more general nature you will be able to present without particular instructions. But it should be stated to them that this act has received elaborate and painstaking care on the part of Congress in its preparation and passage, and that the President has given to it before his approval of it the scrutiny of his wisdom, and that the act embodies now the desire and purpose of the Government of the United States for the advancement and civilization of these people. The conditions under which the reservation was originally established have become so changed by the progress of settlement and the institutions of civilization around them that it no longer subserves the ends for which it was originally designed, while the destruction of game and the deprivation otherwise of the means of support which the Indians enjoyed in the aboriginal condition render other measures imperative to provide for their support and happiness. The provisions now made by Congress in this act are generous and beneficent to the Indians, and, while it is left to depend for its effect upon their acceptance of it, their failure so to accept it will necessarily leave their future condition and the further action which may be taken in regard to the reservation problematical and uncertain.

While all these considerations should be brought to their understanding, it should be, at the same time, fairly presented to them that it is their privilege to express individually, man by man, their judgment

and wish, and no other means than the fair presentation of these arguments should be employed to induce their acceptance.

IV. While engaged in this work it may be convenient for the commission to obtain some information in respect to the amount of land cultivated, the houses occupied, stock and other property owned by the various individual Indians, and the extent to which they and their children have enjoyed the opportunities or advantages of school attendance and education, and, so far as it may be found convenient and practicable to obtain such or similar information without delaying or interfering with the work of the commission, it is requested that it may be procured and reported separately.

V. You will report your action in this matter over your signatures, accompanied by the deed of acceptance and ratification of the act, as it shall be signed, by the instrument of dissent and rejection, as it shall be signed, and by the list of those not signing, embracing in the signatures to such instruments and in such lists the names of all male Indians, occupying or interested in the reservation, of the age of eighteen years or upwards, and also accompanied by the accurate report of the proceedings of the councils required, and of all other matters of interest which you may think proper to present. The agent at each agency, acting as commissioner thereat, will sign the certificate of the proceedings and that appended to each instrument and list, so far as applicable to his agency, as well as yourselves.

The certificate must be at the foot of the signatures to the deed of acceptance and ratification obtained at each agency, respectively, to the effect that the signature or mark of each Indian appearing thereon was, together with his seal, affixed thereto by him personally in your presence or the presence of at least two of the commissioners, at the agency council, on a certain day or days to be named; that each and every Indian so signing is, to the best information obtainable and the belief of the commission, of the age set down opposite his name, respectively, in the proper column therefor; that he is one of the class mentioned in the act of April 30, 1838, and the treaty of April 29, 1868, as entitled to sign, and that he signed and sealed the same freely and voluntarily, with fair and full understanding of its purport, operation, and effect.

A similar certificate should be attached to the foot of the instrument of dissent signed at each agency, and a certificate should be attached to the list of those at each agency who fail to sign, that such list contains the names and ages, respectively, of all Indians who receive rations at or are connected with such agency, who have not signed either the deed of acceptance or the instrument of dissent, with the true reason for such failure as to each, respectively, according to the best obtainable information and to the belief of the commission.

VI. Capt. R. H. Pratt, U. S. Army, as chief commissioner, will direct the time and place of the first meeting of the commission at which the other members will attend, and thenceforward proceed with as much diligence as possible to the completion of the duty assigned. Capt. R. H. Pratt, Tenth Cavalry, U. S. Army, is also appointed a special disbursing agent for the purpose of the act; and Rev. Wm. J. Cleveland is appointed official interpreter for the commission, and will superintend and assure the correctness of interpretation by such other interpreters as may be employed.

Very respectfully,

WM. F. VILAS,
Secretary.

Capt. R. H. PRATT, U. S. Army.
Rev. WM. J. CLEVELAND, of New Jersey.
Hon. JOHN V. WRIGHT, of Tennessee.

DEPARTMENT OF THE INTERIOR,
Washington, July 9, 1888.

SIR: In execution of the authority conferred upon the Secretary of the Interior by the act of Congress approved April 30, 1888, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder," I have appointed a commission consisting of Capt. R. H. Pratt, Tenth Cavalry, U. S. Army, chief commissioner, and Rev. William J. Cleveland and Hon. John V. Wright, associate commissioners, to submit the said act of Congress to the different bands of the Sioux Nation of Indians occupying or interested in the reservation mentioned in the said act for the purpose of procuring the acceptance thereof and consent thereto, by at least three-fourths of the adult male Indians, as required by the twelfth article of the treaty between the United States and said Indians, concluded April 29, 1868.

You are also hereby associated with said commission and will co-operate with them in presenting the act to the Indians residing upon the lands appertaining to your agency or receiving rations thereat; will contribute under direction of the chief commissioner your services and aid to the accomplishment of the purposes of Congress and the Department in this business. The general instructions to the commission have been furnished to the members thereof mentioned, and a copy is hereby transmitted to you for your information.

You will take timely measures to assemble the male Indians of the age of eighteen years or upwards at the agency, at such time as the commission shall require, so that no unnecessary delay shall be sustained by them in the prosecution of their duty; and you will also make such special provisions, if any, as may be necessary to properly care for and feed the Indians when assembled during the period of the council, as well as such other measures as may be found necessary or required by the commission.

Yours, respectfully,

WM. F. VILAS,
Secretary.

JAMES McLAUGHLIN, Esq.,
Indian Agent, Standing Rock Agency, Dak.

(A similar letter was sent to each of the agents on the Great Sioux Reservation.)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 19, 1888.

SIR: I inclose for your information a copy of the act of Congress approved April 30, 1888, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder." You will perceive for section 24 that the act takes effect only upon its acceptance in the manner and form prescribed by the twelfth article of the treaty with the Sioux Nation of Indians, concluded on the 29th of April, 1868, by which it was provided that no treaty for the cession of any part of the reservation should be of any validity or force, as against the Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same.

The Secretary of the Interior, to whom the execution of the act is committed, directs me to instruct you to prepare, at the earliest possible date, complete and perfect lists in duplicate of all the adult male Indians, present or absent, belonging to the territory appertaining to your agency, giving separately a list of those of the age of twenty-one years and upwards, and those of the age of eighteen years or over and under twenty-one, and arranging the lists so that the Indians of each band, respectively, shall, subject to the division in respect to age, be placed together. The age of each Indian at his last birth-day, if known or according to your best information, will be entered in the proper column; the English name, if any, as well as as the Indian name will be entered. You will take especial pains to make this list complete, so as to include the name of every adult male Indian subject to your agency.

One of the duplicate lists you will retain at the agency for the use of the commission, which within a short time will present the act to the Indians for acceptance; the other duplicate list you will transmit to this office so that it shall be received not later than the 15th of July proximo.

Blank forms for the purpose are herewith transmitted.

Any information which you may deem it material to communicate to this office touching the disposition of the Indians in respect to this act, or otherwise material for consideration by the Secretary in connection therewith, you will also communicate; but no discussion of the subject with the Indians should be especially evoked before the arrival of the commission, of which you will be expected to make a part as to the Indians within the compass of your agency, and with which you will receive at a later time instructions to co-operate.

So far as it can be done without causing irritation, the Indians of your agency should be kept from unnecessary absence, so that they can be easily convened to meet the commission.

Telegraph your receipt of this letter, and how soon you can probably complete the lists.

Very respectfully,

A. B. UPSHAW,
Acting Commissioner.

W. W. ANDERSON,
United States Indian Agent, Crow Creek Agency, Dak.

(A similar letter was sent to each one of the agents on the Great Sioux Reservation.)

The following is a list of the papers referred to:

Papers signed at Standing Rock.

Papers signed at Crow Creek.

Papers signed at Lower Brulé.

Proceedings in council at Standing Rock.

Proceedings in council at Crow Creek.

Proceedings in council at Lower Brulé.

Conference with the Secretary at Washington.

Conference between commissioners and agents.

Interviews.

Letters, telegrams, certificates to Indians.

Copy of map, with agreement.

