

Plu
L A W S

OF

THE CHOCTAW NATION

PASSED AT THE

REGULAR SESSION OF THE GENERAL COUNCIL

CONVENED AT

TUSHKA HUMMA,

1891.

certifying that the said Jacob Jackson has attended school for and during the current year and is entitled to the benefit of the above appropriation, the Auditor be and he is hereby authorized and directed to draw his warrant for the same in favor of said Jacob Jackson, payable out of the school funds of the Choctaw Nation.

SEC. 3.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage, and that the appropriation herein provided for shall commence and be payable from and after the 1st day of October, 1867.

Approved, November 20, 1867.

AN ACT entitled an act granting to David A. Folsom, the privilege to erect a bridge across Blue River and establish a toll gate thereon.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the privilege is hereby granted to David A. Folsom to erect a bridge across Blue River, at Nail's Mill on said River, upon the following conditions and terms: That if the said David A. Folsom shall well and truly erect or cause to be erected a bridge across Blue River, he shall be entitled to demand and receive therefor, from all persons passing over the same, except from the citizens of this Nation, the rates of toll, to wit: For each wagon or vehicle drawn by four or more animals, with the driver, the sum of fifty cents; for each wagon or vehicle drawn by one, two or three animals, with the driver, the sum of twenty-five cents; for each man and horse, ten cents; for each led horse, five cents; for each person on foot five cents; for each animal in every drove of cattle, horses, mules, hogs and sheep, one cent.

SEC. 2.—*Be it further enacted*, That if any person or persons not citizens of this Nation refuse to pay the toll aforesaid, upon application, with proper proof, being made to the

United States Indian Agent for Choctaws and Chickasaws, he shall take such steps as may be necessary to secure and collect the same.

SEC. 3.—*Be it further enacted*, That the privilege to receive toll herein given shall take effect and be in force whenever David A. Folsom aforesaid shall well and truly have erected a good and substantial bridge, and so long as he shall keep the same in good order and repair and responsible for all damages to any person or persons crossing the same with their property: *provided*, that the privilege herein granted shall not continue for a longer time than ten years.

SEC. 4.—*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, November 20, 1867.

AN ACT making appropriation to pay for the expenses of cleaning the Capitol Building, etc.

SEC. 1.—*Be it enacted by the General Council of the Choctaw Nation assembled*, That the sum of fifty dollars be and the same is hereby appropriated, out of any money not otherwise appropriated, to defray the expenses of scrubbing and cleaning the Capitol building immediately after the adjournment of the present session of the General Council, and that Mrs. Jincy Jones is authorized and requested to scrub and clean said Capitol.

SEC. 2.—*Be it further enacted*, That upon the certificate of the National Secretary of such scrubbing and cleaning the Capitol building having been thoroughly and truly performed, then the National Auditor shall issue his warrant in favor of said Jincy Jones upon the National Treasurer for the above amount, and that this act shall take effect and be in force from and after its passage.

Approved November 20 1867.

ANNUAL REPORT

OF THE

SECRETARY OF THE INTERIOR

FOR THE

FISCAL YEAR ENDING JUNE 30, 1894.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.

1894

REPORT

OF THE

SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., November 21, 1894.

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

INDIAN AFFAIRS.

The work of the Indian Bureau becomes more interesting as it is better understood. Its task is that of developing a people no longer savage, but still far from civilized, into beings fit for American citizenship and capable of self-support. How can this be accomplished in the most practical manner? What steps will lead the most certainly in that direction?

There are two means chiefly relied upon—education and allotments of land in severalty.

I do not question the advisability of allotting land to Indians in severalty, but I do most seriously question the propriety of this course before the Indians have progressed sufficiently to utilize the land when taken. The allotments should be made to the Indians in severalty for the good of the Indians, for the advancement of the Indians, not for the purpose of obtaining land connected with the Indian reservation to satisfy the insatiable desire of border men, who obtain it frequently, not for homes, but for speculation.

I urge a treatment of Indian land based solely upon the purpose of realizing from it for its owners the highest possible value. What is best for the Indians—to keep their land or to sell it? If the members of a tribe have reached a state sufficiently civilized to be able to progress

still further by selling a portion of their land, then sales should be made; but the land should not be purchased from the Indians at the best bargain the United States can make. It should be sold for the Indians by the United States, the Department acting as a faithful trustee, and obtaining for the Indians every dollar the land will bring.

The policy of the Government and of the Department should be to recognize the land of the Indian reservation as the property of the particular Indians who own it. The different lands should be studied to see how best their value can be increased, and how they can be rendered most profitable. There are ample public lands in the United States for home-seekers; can we not be satisfied to allow to be administered in behalf of the Indians the little we have left them?

If it is urged that final allotments in severalty will be made with less rapidity if the course indicated is pursued, it may be well replied that agents should judiciously distribute members of the tribes upon particular pieces of land, with the view of developing a capacity to handle each piece in severalty, and with the further expectation that whenever allotments are made the Indians shall receive the land thus already taken and used.

Whenever an agent has been able to induce the Indians to occupy and use lands before the proclamation of the President opening them generally for allotment, or before allotments under the act of 1887, when the allotments have been made, the Indians upon such separate tracts have always, by the practice of the Department, had the right to take the tracts already used if they so desired.

I recommend that the general allotment act be so amended as to insure to any Indian who shall settle upon and improve a particular tract, under the direction of his agent, the permanent ownership of such tract by giving him a preference right to select it when allotments are made. Of course, it would be necessary to limit this right to the quantity of land allowed him under the allotment act.

The importance of inducing the Indians to make these selections is being urged upon all the agents. On some reservations it is meeting with marked success, and the Indians thus located are progressing toward individual responsibility, individual capacity, and a desire for individual development and acquirement.

Many of the agencies to-day, taking in connection the trust funds held by the United States for the Indians upon them, are already self-supporting. By a faithful effort to preserve the property for its real owners, and at the same time to compel the reservation Indians to work and labor for a livelihood, I believe that it is possible to make self-supporting nearly every agency. But to accomplish this, agents absolutely faithful and thoroughly capable must be placed in charge.

If an Army officer fills the place, he must do so with the enthusiasm of a soldier in line of battle. If a civilian fills the place, he is unfit

for the task unless moved by an earnest, zealous, inspired purpose to accomplish the noble work of helping to elevate a weaker race. Something of the missionary spirit should be in the heart of every employé at an Indian agency or Indian school. I can not claim that the present administration has uniformly succeeded in selecting people of the character described, but it is the earnest purpose of the Indian Bureau and the Department to study the employés throughout the entire service, to make proficiency the sole standard of retention in office, and to make apparent capacity the sole ground for new appointments.

The work of the development of the Indian is necessarily slow. Their peculiarities must be studied and understood, not as a whole, but as members of particular tribes, before those engaged in their supervision are fit for successful work. Permanency of service, therefore, is absolutely necessary to success. I believe it is possible to develop a competent, permanent, nonpartisan Indian service, and I hope before the end of another year that such progress will have been made in this direction that its realization will be assured.

In the management of the Indian schools a definite plan for the Indian, when school is finished, must always be in view, if practical results are expected from his education. The two lines of work open for Indians can be classified as being upon the reservation and in the cities and towns away from the reservation. Education should be practically directed with a view to the probable future of the Indian. If he is to remain away from his former home and to enter the struggle of life in our cities and towns, as any other citizen, then his education should be as broad and as liberal as possible. But if he is to return to the reservation, to the place of his birth, and to commence his active life in the development of the resources of the reservation, then his education should be directed especially with a view to the life he will lead upon the reservation and to the possibilities of the reservation itself.

If the lands are agricultural, he should be taught the methods and mode of life followed by the ordinary American citizen engaged in agriculture. He should not be accustomed to a life far above it, to tastes much more liberal than would there be possible. Such education would render him morbid and dissatisfied upon his return. He would find no field for his accomplishments, and therefore almost surely lapse back into a state worse than that from which he was originally taken.

If his work is to be on the reservation he should be practically instructed in pursuits similar to those which he is expected to follow, and he should be accustomed to the life which he will be able to sustain. I can not help believing that by far the greater number of Indian children are to work out their future in connection with the resources upon the reservations of their respective tribes, and that that educa-

tion, for the most part, is wisest which trains them in this direction. For such a child twelve months spent in the service of some intelligent farmer, in the section where the reservation is located, would be worth far more than the same amount of time spent in the East and devoted to higher education.

An effort is now being made as far as possible to introduce Indian children into the public day schools in the immediate vicinity of the different reservations. I hope it will also be practicable to introduce them into the industrial schools and agricultural colleges of the States where the reservations are located, that they may not only prepare for life's work, but be associated to a greater extent with the institutions of their respective States, for, in what I have said in regard to the future work of Indians upon their different reservations, I do not mean that they are to neglect the opportunity to become citizens.

Even though the education of the young Indian is devoted to preparation for work upon the reservation, it should have also in view a preparation for separate responsibility and separate management of property, to the end that he should be fitted as soon as possible to manage his own affairs free from the paternal care of the Department.

CONTRACT SCHOOLS.—The contract schools are now the subject of general discussion. I agree fully with those who oppose the use of public money for the support of sectarian schools. But this question should be considered practically. The schools have grown up. Money has been invested in their construction at a time when they were recognized as wise instrumentalities for the accomplishment of good. I do not think it proper to allow the intense feeling of opposition to sectarian education, which is showing itself all over the land, to induce the Department to disregard existing conditions. We need the schools now, or else we need a large appropriation to build schools to take their place.

It would scarcely be just to abolish them entirely—to abandon instantly a policy so long recognized. My own suggestion is that they should be decreased at the rate of not less than 20 per cent a year. Thus, in a few years more, they would cease to exist, and during this time the Bureau would gradually be prepared to do without them, while they might gather strength to continue without Government aid. This is the policy which is now controlling the Department, and unless it is changed by legislation it will be continued. The decrease in the appropriation for the present fiscal year is 20 per cent.

It could not reasonably be expected that appropriations for Indian schools would continue to increase indefinitely; and to maintain a school plant, of course, does not cost so much as to establish it. But the Indian-school plant is not yet fully established. There are gaps and omissions in all directions. For instance, at several agencies the

school accommodations of all kinds are only 50 per cent or less of the school population, as follows:

| | Per cent. |
|------------------------------|-----------|
| Colorado River, Ariz..... | 50 |
| Tongue River, Mont..... | 50 |
| Uintah and Ouray, Utah..... | 47 |
| Eastern Cherokees, N. C..... | 44 |
| Western Shoshone, Nev..... | 41 |
| Nevada, Nev..... | 41 |
| Moquis, Ariz..... | 30 |
| Pima and Papago, Ariz..... | 30 |
| San Carlos, Ariz..... | 25 |
| Navajoes, Ariz..... | 4 |
| Jicarilla, N. Mex..... | 0 |
| Southern Ute, Colo..... | 0 |

Many other tribes have but little over 50 per cent of their children provided for.

TEACHERS' INSTITUTES.—During the past year teachers' institutes have been held, at which have gathered, under the direction of the superintendent, large numbers of those employed in the instruction of the Indians. I believe that great good will be accomplished from this work, both by broadening the views of the teachers and by inspiring them with a more intense purpose to accomplish practical results.

FIELD MATRONS.—I wish to refer especially to another line of work for the benefit of the Indians, that can be accomplished at but little comparative expense. The small sum spent for field matrons has probably done more good than the expenditure of any other amount several times as large. It was started four years ago with \$3,000 a year. Now \$5,000 is allowed for that purpose. Congress at its last session was urged to increase the amount to \$19,000, but this was not done.

I have no doubt that \$50,000, spent in this way, would accomplish more than any \$50,000 spent in any school that we support. These good women, thus employed, go from house to house among the Indians, helping to instruct and to civilize the Indian women, too old now to enter school, but still young enough to learn something of womanly responsibility. They help, at once, to place some of the comforts of civilization in the Indian home. Their work influences all of the tribe, and it prepares places for the school children when they return to their parents, somewhat similar to the conditions existing at the schools.

I again cordially recommend that provision be made for enlarging the number of field matrons.

The details of the work of the Indian Bureau are given in the Commissioner's report, and it is deemed unnecessary to state them in full here; but some matters are of sufficient importance to justify mention.

APPROPRIATIONS.—The amount appropriated for the regular expenses of the Indian service of 1895 is less by \$663,240.64 than the amount appropriated for 1894. But the aggregate of the appropriation act for

1895 is \$2,886,245.65 greater than that for 1894, because it includes the following items which, while amounting to 23 per cent of the appropriation, are not, properly speaking, expenses of the Indian Service:

| | |
|---|-------------------|
| Payment of damages to settlers on Crow Creek and Winnebago reservations | \$119, 119. 19 |
| Payment to Yankton tribe for lands | 621, 475. 00 |
| Payment to Yakima tribe for lands | 20, 000. 00 |
| Payment to Cœur d'Alenes for lands | 15, 000. 00 |
| Payment to Siletz Indians for lands | 142, 600. 00 |
| Payment to Nez Percés for lands | 1, 668, 622. 00 |
| Capitalization of Shawnee funds | 100, 000. 00 |
| Face value of certain State bonds assumed by United States | 1, 330, 666. 66 |
| | <hr/> |
| | \$4, 017, 482. 85 |

A table comparing the items of the two acts is as follows:

TABLE 1.—*Appropriations for the Indian service for the fiscal years 1894 and 1895.*

| | 1894. | 1895. |
|---|-----------------|------------------|
| Current and contingent expenses | \$195, 800. 00 | \$189, 100. 00 |
| Treaty obligations with Indian tribes | 3, 170, 073. 10 | 2, 936, 846. 53 |
| Miscellaneous supports, gratuities | 690, 125. 00 | 663, 125. 00 |
| Incidental expenses | 121, 500. 00 | 114, 000. 00 |
| Miscellaneous expenses | 945, 540. 00 | 809, 785. 84 |
| Support of schools | 2, 243, 482. 38 | 2, 060, 695. 00 |
| Trust funds, principal | 30, 993. 90 | 1, 430, 916. 66 |
| Trust funds, interest | 80, 390. 00 | 78, 320. 00 |
| Payment for lands (agreements ratified) | 406, 336. 00 | 2, 467, 697. 00 |
| Total | 7, 884, 240. 38 | 10, 750, 486. 03 |
| Excess of 1895 over 1894 | | 2, 866, 245. 65 |

The 1895 appropriation is \$198,753.43 below the estimates, but many of the reductions were made at the instance of the Indian Office.

ALLOTMENTS AND PATENTS.—The progress made in allotment work since the last annual report is as follows:

ON RESERVATIONS.—Patents issued last year have been delivered to the following Indians:

| | |
|---|--------|
| Sisseton and Wahpeton Sioux in North Dakota and South Dakota | 1, 339 |
| Medawakanton Sioux on Devils Lake Reservation in North Dakota | 773 |
| Tonkawas in Oklahoma | 73 |

Patents have been issued and delivered to the following Indians:

| | |
|---|-----|
| Pottawatomies in Kansas | 151 |
| Pawnees in Oklahoma | 821 |
| Klamath River Indians in California | 125 |
| Iowas in Kansas and Nebraska | 143 |
| Chippewas, Lac du Flambeau Reservation in Wisconsin (under treaty of 1854) .. | 85 |
| Chippewas, Bad River Reservation in Wisconsin (under treaty of 1854) | 37 |
| Winnebagoes in Nebraska | 795 |

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

| | |
|---|--------|
| On Yankton Reservation, South Dakota | 1, 171 |
| Siletz Reservation in Oregon | 536 |
| Chippewas of Lac Court d'Oreilles Reservation in Wisconsin (under treaty of 1854) | 118 |
| Chippewas of L'Anse and Vieux de Sert in Michigan (under treaty of 1854) .. | 176 |

Schedules of the following allotments have been submitted by the Indian Office for the approval of the Department:

| | |
|---------------------------|--------|
| Nez Percés in Idaho | 1, 665 |
|---------------------------|--------|

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

| | |
|-----------------------------|--------|
| Kickapoos in Oklahoma | 276 |
| Yakimas in Washington | 1, 851 |

Allotments are nearly completed at Hoopa Valley and Warm Springs, have been discontinued at the Moquis, and are in progress on the Mission, Round Valley, Pottawatomie, Kickapoo, Chippewa, Fort Berthold, Ponca, Otoe, Klamath, Rosebud, and Shoshone reservations.

For the first time under the general allotment law, patents, 804 in number, have been issued to nonreservation Indians, half of them in California. Allotment applications from 1,213 other nonreservation Indians are being examined. One agent in the field has made 361 such allotments in the past year.

It is the policy of the Department to require allotting agents to select the choicest portions of Indian lands to be reserved for the Indians themselves.

If any allotting agent fails to earnestly carry out this policy, the fact is unknown to the Department and to the Indian Bureau.

AGREEMENTS.—The agreements concluded in 1892 and 1893 with the Nez Percés, Yankton Sioux, Yuma, and Siletz Indians, were ratified by the last session of Congress, and will result in restoring to the public domain some 921,000 acres of land.

Most of these agreements were thoroughly under way before the policy hereinbefore set forth with regard to Indian lands was reached by the Department, and they are not all in accord with the views presented.

An agreement, however, calculated to commend itself to those willing to do full justice to the rights of the Indians was made with the Yumas. A copy of this will be found in the appendix.

FIVE CIVILIZED TRIBES COMMISSION.—The commission to treat with the Five Civilized Tribes has been prosecuting its labors with these Indians since its organization in December last, but no definite results have been attained. Councils have been held and the objects sought have been fully presented, but the Indians have been slow to act, and

those in control have shown a disinclination to meet with any degree of favor the propositions submitted.

The appendix contains in full the report of the commissioners. While I would not recommend action which could take from the Indians of the Five Civilized Tribes one foot of land which belongs to them, still, from the report of the commissioners, confirmed, as it is, by information received through the Indian Bureau and from other sources, there can be scarcely any doubt that the time has about been reached when the United States must preserve law and order throughout the Indian Territory; and if the right to do this can not be obtained by agreements with the tribes, it must be enforced as a matter of duty without regard to the wishes of those who control in the respective tribes.

I am not prepared to say that it is necessary for the Government to organize the tribes as a Territory, subject to the same rules and laws which govern other Territories in the United States, but I do feel sure that at least the jurisdiction, without regard to citizenship, of the United States courts should be extended over the Territory.

I do not mean that this should take place with the courts held, as they are now, in Arkansas and Texas, for, if nothing more were done, the courts should be located within the Territory.

If a Territory with laws similar to those of the other Territories should be created from the Indian Territory, and the land of the respective tribes allotted in severalty to the members of such tribes, limitation should be placed upon the quantity which could be sold by each owner, and the sale should be subject to judicial approval, and the interest of each Indian should be faithfully guarded, so far as practicable, in the ownership and possession of his separate property. No effort should be made to take the Indians' lands from them.

CHIPPEWA COMMISSION.—The Chippewa commission have continued their labors, but their efforts, while diligent and persistent, have not met with that degree of success hoped for. The report of the chairman of the commission, dated June 7, 1894, shows that up to that time but 775 permanent removals had been secured. The total number of Indians subject to removal to the White Earth Reservation under the provisions of the act is about 4,000.

The removal of but 775 in four years and four months suggested that the work of the commission might continue for an indefinite period, unless their efforts toward securing further removals should shortly cease, and their entire time thereafter be devoted to making the allotments. It certainly was not contemplated by the act that the option of removing to the White Earth Reservation should be left open to the Indians for an indefinite period; otherwise the work of the commission might never close. The results thus shown were not, in my opinion, commensurate with the large expenditure of money made in securing

them, and hence the commission was instructed, in July last, to notify the Indians entitled to remove to the White Earth Reservation that they must avail themselves of the privilege before October 1, and that their failure to do so would be regarded as signifying their desire to receive allotments on the reservations where they resided at the date of the agreement.

The commission were further instructed to devote their time, until October 1, to securing removals to the White Earth Reservation, and after that to making allotments in severalty to the Indians on the various reservations. It is hoped that this course will bring to a conclusion the labors of this commission within a reasonable time. For a more detailed statement of the expenditures in connection with this work and of the results accomplished reference is made to the report of the Commissioner of Indian Affairs.

CHIPPEWA TIMBER EXAMINERS.—Twenty-seven men are engaged in the examination of the timber upon the Chippewa lands, under the act of January 14, 1889 (25 Stat., 642). During the first year of their work under the present administration, they examined 609,000 acres, while the former corps examined 435,000 acres in fourteen months.

There remains about 1,900,000 acres to be examined, which, at the rate established by the present corps, will take over three years from this time. The rate of progress will, however, largely depend upon whether the lands are heavily or sparsely timbered.

The law as it now stands provides for the sale of the timber only after all of the land shall have been surveyed, examined, and appraised, and seems also to contemplate the offering of the entire body of land at one time and place. There exists a present demand for the timber. While the timber continues in the possession of the Government it is liable to injury at any time from depredations of trespassers, accidental and intentional fires, from storms and perhaps other occurrences.

A large portion of the pine lands, comprising considerably more than 100,000 acres, have already been surveyed, examined, and segregated, and might be offered for sale, without delay, if there were legal authority for so doing. Such authority is presented in H. R. bill 5103. A copy of the bill appears in the Appendix. It has passed the House, and it is earnestly to be desired that it speedily pass the Senate.

PUYALLUP RESERVATION, WASHINGTON.—The act of March 3, 1893 (27 Stats., 612), authorized the President to appoint three persons whose duty it should be to select and appraise such portions of the allotted lands of the Puyallup Indian Reservation, Washington, as are not required for homes for the Indian allottees, and also that portion of the agency tract, exclusive of the burying ground, not needed for school purposes; to ascertain the true owners of the allotted lands; to have guardians appointed for the minor heirs of any deceased allottees; and, upon the approval of the selections and appraisements by the Secretary of the Interior, to superintend the sale of the remainder and make deeds of the

lands to the purchasers thereof subject to the approval of the Secretary, with the provision that the portion of the agency tract selected for sale should be platted into streets and lots as an addition to the city of Tacoma, etc.

These commissioners were appointed, instructions were given them, and they have been engaged in their work since November, 1893, with some degree of success. Many difficult questions of both a legal and administrative character arose in connection with this work, but they have now been disposed of and it is hoped that rapid progress will be made, in spite of the opposition of a few Indians and whites who desire to defeat the execution of the act in question.

Great pressure has been brought upon Congress to take the sale and disposition of these Indian lands from the control and supervision of this Department, but that body has steadily refused to enact any law to that effect. I do not think it advisable that there should be further legislation in connection with this matter. The Indians have come to understand the provisions of the existing law, and their objections have been almost entirely overcome. Any agitation of this matter would unsettle them and render them dissatisfied, and tend to undo the results thus far accomplished by the commission.

LEASING INDIAN LANDS.—The law of August 15, 1894, removes some of the restrictions surrounding the leasing of Indian lands. Previously, lands of allottees could be leased only three years for farming or grazing and ten years for mining purposes. Under the new law it is five years for farming and grazing and ten years for mining or "business purposes." Previously, surplus tribal lands could be leased five years for grazing and ten years for mining purposes. Now, they may be leased for five years for "farming purposes" also.

SALE OF LIQUOR TO INDIANS.—Saloons established along the boundary line of the Blackfeet Reservation and on the strip of land segregated from the Uintah Reserve are demoralizing the Indians of those agencies and the attempt is being made to break them up. Navajoes obtain liquor freely in towns of New Mexico, and it is almost impossible to prevent such sales there since a New Mexican jury will not convict a whisky seller on Indian testimony, but the request has been made that a special agent of the Department of Justice take up the matter.

A decision has recently been rendered by Judge Bellinger, of the district of Oregon, that sale of liquor to an Indian who has received his land in severalty is not in violation of law, because by allotment he has become a citizen. The Grande Ronde agent reports that since this decision many Indians of his agency have become "gloriously drunk," and the Shoshone agent expresses the utmost solicitude if this decision is to prevail. The Commissioner cites the opinion of the Attorney-General, dated January 26, 1889, to the effect that so long as an Indian agency is maintained for the oversight and guardianship of Indian

allottees they are to be considered as "under the care of an agent," and anyone selling them liquor is liable to punishment under the law. He believes this decision to be correct, despite the contrary opinion of Judge Bellinger. Unfortunately, such cases being criminal cases, it will be impracticable to appeal them to the U. S. Supreme Court and obtain its decision.

DESTRUCTION OF GAME BY INDIANS.—Much of the destruction is charged to the Indians which is probably committed by white hunters.

INDIAN DEPREDATIONS.—This subject was fully treated in my last annual report, and I still adhere to the opinions expressed therein.

INTRUDERS IN THE INDIAN TERRITORY.

CHEROKEE NATION.—In September, 1893, the commissioners began the appraisal of the improvements of intruders in the Cherokee Nation, and as their work progressed submitted several requests for specific instructions. In December their work was suspended because it was ascertained that, in addition to the \$5,000 already appropriated, an appropriation of \$4,996 would be required to complete the appraisal and \$7,500 to remove the intruders, and because Congress had failed to respond to the request that such appropriations be made immediately.

The act of August 15, 1894, appropriates the \$4,996 for appraisal, but gives nothing for removal, although Congress was repeatedly notified that one appropriation without the other would be of no use.

CHOCTAWS.—The Commissioner gives at length an account of the removal in June last of 118 intruders from the Choctaw Nation. In this the agent at the Union Agency was assisted by U. S. troops. These intruders were miners at Hartshorne, Alderson, and Krebs, and the removals were made at the repeated and urgent request of the governor of the Choctaw Nation, on the ground that they were engaging in riots and seriously endangering the peace.

PUBLIC LANDS.

The work of the General Land Office is great in quantity and varied in character. It is administrative and semijudicial. The report of the Commissioner presents in detail what has been done by that Bureau during the past fiscal year.

The public lands disposed of during the year, by cash sales, miscellaneous entries, and selections of all kinds, amounted to 10,377,224.72 acres. In addition to this, 28,876.05 acres of Indian lands were disposed of, making an aggregate of 10,406,100.77 acres. The Commissioner approximates the vacant public lands remaining at 606,040,313.71 acres. This does not include Alaska (which contains over 360,000,000 acres), military and other reservations, or railroad and other selections

yet unadjudicated, parts of which may in the future, by sale or restoration, be added to the public domain.

The total cash receipts from the disposal of public lands amounted to \$2,674,285.79; \$91,981.03 were received for Indian lands.

Over 35,000 agricultural patents were issued, granting, approximately, 5,640,800 acres. Mineral, mill site, and coal patents were issued to the number of 1,429. About 3,100 patents were issued to Indians for allotments or selections in severalty, covering 101,936.34 acres. Patents of all classes issued during the year covered about 7,700,000 acres, a decrease from the preceding year of over 2,000,000 acres.

RAILROAD LAND GRANTS.—During the fiscal year lands have been certified and patented on account of railroad and wagon-road grants as follows:

| | Acres. |
|--|--------------|
| Central Pacific Railroad Company, Utah | 1, 486. 17 |
| Florida Central and Peninsular Railroad Company, Florida | 70, 966. 60 |
| Northern Pacific Railroad Company: | |
| North Dakota | 160. 00 |
| Washington | 479, 219. 83 |
| Oregon and California Railroad Company, Oregon | 152, 409. 43 |
| Willamette Valley and Cascade Mountains Wagon Road, Oregon | 161, 314. 42 |
| Total | 865, 556. 45 |

Twenty-nine million acres of land, in round numbers, are embraced in the lists of selections made by the railroad and wagon-road companies, awaiting examination and settlement at the close of the fiscal year.

During the past year new regulations governing the mode of preparing and filing applications, under the act of Congress approved March 3, 1891 (which granted the right of way over the public lands for the construction of canals, ditches, and reservoirs), have been adopted. These new regulations require the applicant to show with certainty the location of the proposed canal or reservoir, so that the approved map will be an accurate record of the extent of the right of way, and thus define clearly the rights granted by the act, and the easement to which the land taken by future settlers along the ditch or reservoir may be subject.

SWAMP LANDS.—Under the swamp-land acts the aggregate selections of swamp lands since the passage of the act of 1849, amount to 80,456,153.51 acres. Of these the total quantity patented is 58,234,503.57 acres. About 138,159.47 acres were disposed of under patents and certificates during the year. A large number of swamp-land cash indemnity claims were adjudicated, but only \$5,674.11 were allowed. During the past thirty-nine years the cash indemnity paid has amounted to \$1,605,455.59. Indemnity claims for 2,015,772.92 acres still remain unadjusted. An effort has been made during the year to clear the records of improper selections, to better determine what legal claims remain unadjusted, and to facilitate their early and final settlement.

SCHOOL AND EDUCATIONAL GRANTS.—School and educational grants remain unadjusted to the amount of 1,250,363.81 acres. The approvals for the year covered nearly 820,000 acres.

OKLAHOMA SCHOOL LANDS.—The President, in his proclamation of August 19, 1893, opening to settlement the lands in the country known as the "Cherokee Outlet" and the Pawnee and Tonkawa Indian reservations, excepted sections 16 and 36 in each township, which sections were reserved by the act of March 3, 1893, for educational purposes, and on December 23, 1893, the governor of Oklahoma was advised that the school lands in the former "Cherokee Outlet" and in these Indian reservations could be leased, as was the case in the older portion of Oklahoma.

On May 4, 1894, in response to the recommendation of this Department, a law was enacted placing the business connected with the leasing of the Oklahoma school lands under the control of the Territorial authorities. It is now, therefore, no longer necessary to submit such leases to the Department for approval, and the jurisdiction of the Land Office has been terminated in all matters connected with the leasing of Oklahoma school lands.

SURVEYS.—The appropriation for the last fiscal year for the survey and resurvey of public lands was \$200,000. Of this, \$30,000 was authorized to be applied to the examination of surveys in the field. The Commissioner reports the apportionment of the balance of \$170,000 as follows:

| | | | |
|--------------------|---------|--------------------|----------|
| Arizona | \$6,000 | Oregon | \$11,600 |
| California | 6,000 | South Dakota | 12,000 |
| Colorado | 8,500 | Utah | 3,000 |
| Idaho | 17,000 | Washington | 24,000 |
| Minnesota | 5,500 | Wyoming | 19,000 |
| Montana | 19,000 | Examinations | 30,000 |
| Nevada | 3,000 | Reserve | 10,000 |
| New Mexico | 15,000 | | |
| North Dakota | 11,000 | Total | 200,000 |

The Commissioner reports that the large apportionment to New Mexico is made in view of the requirements of sections 16 and 17 of act of March 3, 1891 (26 Stats., 854), and amendatory act of February 21, 1893 (27 Stats., 470).

Preference was given to the surveying of townships occupied in whole or in part by actual settlers, and the official surveying instructions further provided that townships contiguous to those for which evidence of settlement had been submitted should also receive attention, more particularly when said townships were situated within the range and progress of settlement, embraced agricultural lands, and appeared likely to be occupied by actual settlers in the near future.

The survey of the boundary line between South Dakota and Nebraska (provided for by act of August 5, 1892) has been completed and full returns furnished to the General Land Office. A careful examination

of this survey in the field will be made, and on the report of the result of this examination will be based the approval and acceptance of the survey.

Another survey of importance has been that of the southern and eastern boundaries of the Yellowstone National Park, in Wyoming, and of the lines of the public forest reservation adjoining the park. The returns for this work are at present under examination.

I fully agree with the view presented by the Commissioner that the present system of surveying the public lands is defective. The slow and tedious mode of procedure now followed is described by him. At the instance of the Department the following amendment was offered to the sundry civil bill:

"That such portions of the public lands as may from time to time be designated by the Commissioner of the General Land Office shall, upon the order of the Secretary of the Interior so directing, be surveyed under the supervision of the Director of the Geological Survey, by such persons as may be employed by or under him for that purpose, and that so much of the money herein appropriated as may be necessary to carry this provision into effect is hereby made available for that purpose; and all such surveys shall be executed under the rectangular system now provided by law, and under instructions to be issued by the Secretary of the Interior, as now provided by law.

Provided, That when any survey shall have been so made and plats and field notes thereof prepared, they shall be approved and certified to by the Director of the Geological Survey, and three copies thereof shall be returned to the General Land Office for filing in that office and in the offices of the surveyor-general and local land office of the district wherein the land is situated; and such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to like acts of surveyors-general;

Provided, That none of the moneys appropriated for the surveys of public lands shall be expended by the Director of the Geological Survey, except in the surveying of such lands as shall be designated by the Commissioner of the General Land Office, and that the Commissioner shall, in making such designation, be governed by the existing laws relating thereto;

Provided, That whenever surveys of the public lands are executed by the Geological Survey, as herein authorized, all provisions of law inconsistent with the above provisions are hereby declared to be inoperative;

And provided further, That such additional employes as may be necessary for the execution of the public surveys, when made by the Geological Survey, shall be residents of the State or Territory wherein such surveys are executed."

By this amendment it was intended that an opportunity should be given to try the experiment of the work of executing surveys through the Geological Survey. If it proved satisfactory and economical it could then be enlarged until it included the entire work and dispensed with the offices of surveyors-general. I am advised by the Commissioner of the General Land Office that such a course would save a great deal of time now consumed in making contracts with deputy surveyors in reexamining the work of deputy surveyors, and in handling reports both in the Land Office and in the offices of the surveyors general. Contracts would no longer be referred back and forth from place to place, special instructions would not be needed, but the land to be sur-

veyed would be designated by the Commissioner of the General Land Office to the Director of the Geological Survey, the work would be done, and the Department would act upon the report of the Director of the Geological Survey.

An elaborate consideration of the value of such legislation will be found in the report of the Commissioner.

If it is not deemed advisable to separate the surveying of the public lands from the General Land Office, then competent surveyors, selected through the Civil Service Commission and attached to the surveying division of the General Land Office, should be intrusted with this work. The offices of the surveyors-general could be abolished, valuable time would be saved, and expense lessened.

PROTECTION OF PUBLIC LANDS.—The report of the Commissioner shows that forty agents have been employed during the year in the investigation of fraudulent land entries, and in otherwise protecting the public lands from illegal appropriation and timber trespass. Their work also included the investigation of applications for permits under the recent acts to cut timber on public lands and upon forest reserves. Over 800 cases were referred to them for investigation, and final action was taken in 1,662 cases. There are now pending in the General Land Office over 2,000 cases.

Timber depredations have been reported during the year involving a value of over \$1,000,000. On this account \$23,521.42 have been recovered during the year, 85 civil suits are pending in the courts for the recovery of nearly \$1,500,000, the value of timber alleged to have been unlawfully cut, and 283 criminal prosecutions are also pending.

The appropriation for the expense of special agents engaged in the investigation of these cases is, for the current year, only \$60,000, the smallest amount appropriated within ten years. During the years ending June 30, 1890, 1891, 1892, and 1893, the amounts appropriated for this service were, respectively, \$212,462, \$240,000, \$220,000, and \$120,000.

There is no more important branch of the General Land Office than that which is conducted under the special-service division. Its labor is to protect the public lands and the timber thereon. The sums appropriated for this service are more than returned to the Government by the actual value of moneys recovered from cash forfeited on entries canceled by the action of the special agents and from the prosecution of timber trespasses. During the four fiscal years from 1886 to 1889, inclusive, the total appropriation for this service amounted to \$680,000, and during the same period the cash recovered from these two sources was \$1,017,414.

It is the desire of the present administration to vigorously protect the public interests represented by the public lands of the United States, and it is believed that a competent force can more than return into the Treasury the expenses incurred by their employment. Yet the

greatest value of this service lies in its tendency to check the initiation of fraudulent land entries and the commission of timber trespasses. To make this special service thoroughly proficient the territory should be divided into districts, and a competent lawyer should have charge of the special agents in each district.

PROTECTION OF FOREST RESERVES.—On account of the small appropriations for special agents it has thus far been impossible to detail any of them for the protection of the forest reserves which have from time to time been created. Practically, this great extent of reserved lands is no more protected by the Government than are the unreserved lands of the United States, the sole difference being that they are not subject to entry or other disposal under the public-land laws.

In view of the large number of depredations upon these reserves, it seems imperative that Congress should appropriate sufficient money to place at least one superintendent upon each reservation, and upon the larger reserves to provide him with a sufficient number of assistants to prevent the public property from being wantonly destroyed. Memorials of State legislatures, petitions from governors and other State officials, from State forestry associations, as well as from the American Forestry Association, proposing additional forest reserves and urging their establishment, disclose in part the public interest in this question. But, again, owing to the limited force of special agents it is ordinarily impossible for the Land Office to detail any of them to make the necessary examinations of the proposed reservations, with a view to their creation.

Owing to the extension of the act of June 3, 1878, permitting the purchase of timber lands at \$ 1.50 per acre in all public land States, the Government is rapidly losing the title to hundreds of thousands of acres covered with timber which should be properly preserved as permanent sources of timber supply rather than denuded for the immediate gain of individuals or corporations.

In my last annual report the need of legislation which might lay the foundation for a wise, comprehensive forestry system to be applied to the timber upon the public lands and forest reservations was urged upon Congress. A bill was perfected and reported upon this line from the Committee on the Public Lands, by its chairman, Mr. McRae. A copy of that bill will be found in the appendix to this report. This bill has received the commendation of the Land Office and of many forestry associations throughout the United States. The passage of some such measure would be a substantial stride in the direction of preparing for a forestry system which would preserve to the people of this country a great product now plentiful, but, from the want of intelligent care, being rapidly wasted and depleted.

A LAND COURT.—The decision of litigated cases growing out of efforts to obtain patents for Government lands should be attended with the largest amount possible of accuracy, and the least amount possible of delay or expense to the litigant. Under the present organization,

litigation over the patenting of public lands originates before the registers and receivers. All of the testimony upon which the cases are heard is prepared before these two officers. But the law does not give to them a right to compel the attendance of witnesses or the production of written testimony.

I earnestly recommend that authority to subpoena witnesses be conferred upon the register of the local land office, with a provision for the punishment of such witnesses by the district judge in case the subpoena is disregarded. When contested cases reach the Commissioner, theoretically he decides them, practically they are decided by one or more of a large force of law clerks. It is a physical impossibility for the Commissioner to examine personally, with any degree of care, all these cases. He signs between three and four thousand a year. The many purely administrative duties of his office require a very large portion of his time. He should be freed from the task of endeavoring to decide litigated cases when he has not the time for their careful consideration.

Nearly two thousand of these cases each year are appealed to the Secretary; the Secretary examines them through the Assistant Attorney-General and seventeen assistant attorneys. I do not mean that the Assistant Attorney-General and these assistant attorneys give all their time to appeals from the Commissioner. A large portion of their time, at least half of it however, is devoted to this work. The Secretary is required to decide these cases. It is an impossibility for him to give proper attention to so large a number and also to perform the other duties of his office. In a great measure, therefore, the decision of the litigated business connected with the public lands is the work of law clerks in the office of the Commissioner and of assistant attorneys in the office of the Secretary.

I recommend that the Commissioner of the General Land Office be relieved from the duty of deciding litigated land cases, and that a nonpartisan court be created in connection with the General Land Office, and that the decision of this court, so far as the jurisdiction of this Department is concerned, be made final in the class of cases referred to.

I will not present in detail a bill for the accomplishment of the object proposed. I wish, however, to suggest, in connection with the creation of such a court, that it would be well to make provision by which important questions of law might be certified at once to the Supreme Court of the United States for final decision, or else for an appeal to the court of appeals of the District of Columbia.

Such a court would still require a large portion of the law clerks now engaged in the Land Office, but it would render it possible to dispense with at least one-half of the assistant attorneys in the office of the Secretary.

PENSIONS.

At the close of the fiscal year ending June 30, 1894, 969,544 pensioners were borne upon the rolls, an increase of 3,532 pensioners during the year.

The pensioners may be classed as follows:

| | |
|--|----------|
| Soldiers and sailors..... | 753, 968 |
| Widows, orphans, and other dependent relatives | 215, 162 |
| Army nurses..... | 414 |

Of these, 16,610 pensioners are on account of Indian and other wars prior to the late war, and 15,429 widows, orphans, and other dependent relatives. Under the act of June 27, 1890, there are 375,084 pensioners and 94,260 widows and orphans.

It is interesting to note that 9 widows and 3 daughters of veterans of the Revolution constitute the pension roll for that war. Forty-five survivors of the war of 1812 constitute the remnant of that list.

The total amount expended for pensions during the past fiscal year was \$139,804,461.05, leaving a balance from the appropriation in the Treasury of \$25,205,712.65.

The estimate for the fiscal year 1896 made by the Commissioner is \$140,000,000.

The Commissioner states that, in his opinion, the year 1895, thirty years after the close of the last war, must in the nature of things see the highest limit of the pension roll which, therefore, must begin to decrease. The number of pending claims in the Bureau has decreased over 90,000 during the year. A large number of the new claims are for increase by pensioners now on the rolls. The number of certificates issued was 80,213.

The aggregate of persons added to the rolls during the year is 39,085, and the total number dropped for all causes, 37,951.

The first payments during the past year amounted to \$11,917,359.58.

The report of the Commissioner discusses the proviso of December 21, 1893, to show that the Bureau has conformed strictly to that proviso, and also to illustrate by special cases the frauds which have been perpetrated upon the Government by reason of it.

PENSION APPEALS.

The report of Assistant Secretary Reynolds, from April 15, 1893, to November 1, 1894, presents the following statements:

| | |
|---|---------------|
| Number of undisposed appeals, motions, etc., pending on docket of board of pension appeals April 15, 1893 | 4, 965 |
| Number of appeals, motions, etc., filed from April 15, 1893, to November 1, 1894 | 5, 847 |
| | <hr/> 10, 812 |

| | |
|---|--------|
| Number of appeals, motions, etc., considered and acted upon by board of pension appeals and finally adjudicated and disposed of by the Assistant Secretary from April 15, 1893, to November 1, 1894 | 9,999 |
| Number of appeals, motions, etc., considered by board of pension appeals and returned by Assistant Secretary to Pension Bureau for further action from April 15, 1893, to November 1, 1894 | 715 |
| Total number of appeals, motions, etc., that have been acted upon by board of pension appeals and Assistant Secretary from April 15, 1893, to November 1, 1894 | 10,714 |

The foregoing volume of work accomplished in eighteen and one-half months is believed to be unprecedented in the history of the Department, being more than twice the number of cases disposed of in a like period under my predecessor. That the rights of claimants have not been neglected in this mass of work is shown by the fact that the reversals of the Pension Office average only about one and one-half cases less to the hundred than under the previous administration. That it has been carefully done is shown by the fact that the decisions rendered have given general satisfaction to claimants and attorneys, and but few errors and no serious mistakes have been discovered.

It has resulted in bringing the business practically up to date, the current appeals being now decided as rapidly as reported on by the Pension Bureau, for the first time since the close of the administration of Secretary Vilas.

Just and equitable rules of practice have been laid down governing the recognition and fees of attorneys in pension cases, which have proven most beneficial to attorneys and claimants alike, and have, to a great extent, resulted in preventing disputes and appeals relating to fees.

THE PATENT OFFICE.

The report of the Commissioner of Patents upon the business of the Patent Office for the fiscal year ended June 30, 1894, shows that there were received 35,952 applications for patents; 1,050 applications for designs; 108 applications for reissues; 2,193 caveats; 1,720 applications for trade-marks, and 368 applications for labels. There were 22,546 patents granted, including reissues and designs; and 1,656 trade-marks registered. The number of patents which expired was 13,167. The total expenditures were \$1,053,962.38; the receipts over expenditures were \$129,560.80, and the total receipts over expenditures to the credit of the Patent Office in the Treasury of the United States amounted to \$4,409,366.74.

Comparative statement.

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

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

| | |
|--------------------|---------|
| June 30, 1890..... | 43, 810 |
| June 30, 1891..... | 43, 616 |
| June 30, 1892..... | 43, 544 |
| June 30, 1893..... | 43, 589 |
| June 30, 1894..... | 39, 206 |

Applications awaiting action on the part of the office.

| | |
|--------------------|--------|
| June 30, 1890..... | 6, 585 |
| June 30, 1891..... | 8, 911 |
| June 30, 1892..... | 9, 447 |
| June 30, 1893..... | 8, 283 |
| June 30, 1894..... | 7, 076 |

The Commissioner reports that the publication of the Official Gazette, covering the photolithographing of the drawings and the claims of patents, cost during the past year \$44,998. The republication of the patents which expired during the last six months of the year cost \$4,499.70. But this was not the entire cost of the Official Gazette, as the Public Printer was paid \$17,863.28 for printing letterpress, \$20,088.70 for indexes, and \$26,192.56 for titles, briefs, and claims, making the total cost \$113,642.24. He recommends that all the work on the Gazette be consolidated and produced in one place, either by contract or by the Public Printer.

This would involve no increased expense to the Government, but only the transfer of some portion of the appropriation from the printing fund of the Department to the contract work, or the transfer of the appropriation for photolithographing from the Patent Office to the fund that is disbursed by the Department in paying the Public Printer.

The Commissioner refers to the advertisement of April 14, 1894, inviting sealed proposals for photolithographing, or otherwise producing plates for the Gazette, and for other work of a similar character in producing the weekly issues of patents and reproducing exhausted copies of patents, in consequence of which the following bids were received:

| | |
|--|----------------|
| The Norris Peters Company..... | \$110, 017. 64 |
| M. D. Helm..... | 126, 137. 59 |
| The National Lithographing Company..... | 127, 915. 73 |
| Capital Publishing Company..... | 143, 799. 15 |
| Friedenwald Company (Official Gazette only)..... | 54, 983. 70 |

The bid of the Norris Peters Company was accepted. The work referred to in these bids cost in 1892-'93, \$154,787.22, and was done by the same contractors, and in the year covered by the Commissioner's report it was done at a cost of \$139,900.08 by the National Lithographing Company.

Yearly expenditures for photolithographic work by the U. S. Patent Office from 1884-'85 to 1893-'94, both inclusive.

| Year. | Patents issued. | Official Gazette. | Other photolithographic work. | Total. |
|----------|-----------------|-------------------|-------------------------------|--------------|
| 1884-'85 | 21,496 | \$39,614.40 | \$76,835.55 | \$116,449.95 |
| 1885-'86 | 24,134 | 44,351.00 | 84,063.96 | 128,414.96 |
| 1886-'87 | 21,731 | 41,868.40 | 86,786.75 | 128,655.15 |
| 1887-'88 | 20,653 | 41,183.60 | 77,907.96 | 119,091.56 |
| 1888-'89 | 21,518 | 43,999.70 | 83,284.54 | 127,284.24 |
| 1889-'90 | 25,857 | 58,992.40 | 86,292.67 | 145,285.07 |
| 1890-'91 | 25,307 | 65,966.10 | 89,998.97 | 155,965.07 |
| 1891-'92 | 23,626 | 52,969.50 | 99,992.58 | 152,962.08 |
| 1892-'93 | 23,468 | 54,998.30 | 93,788.92 | 154,787.22 |
| 18 3-'94 | 22,546 | *49,997.70 | 94,111.33 | 144,109.03 |

* This sum is made up of \$44,998 expended for current illustrated pages, \$4,499.70 for pages containing expired patents, and \$500 for the illustrated pages of certain exhausted numbers reproduced

When the time came to let the contracts for the Official Gazette and for photolithographing in the Patent Office, in the spring of 1893, the Commissioner was impressed with the fact that the prices which were being paid for the work were excessive. Largely through him, competitive bids were induced for this work. The experiment had been tried when the Hon. L. Q. C. Lamar first became Secretary of the Interior, but it then failed. This time it proved a success, and competition having once been established the beneficial results are seen, the contract for 1894-'95 being \$44,770 less than the contract for the fiscal year of 1892-'93, while the amount of work to be done is practically the same.

I desire to express my cordial commendation of the service thus accomplished by the Commissioner.

THE ELEVENTH CENSUS.

The Commissioner of Labor in charge of the Eleventh Census, for the fiscal year ending June 30, 1894, states that the total disbursements on account of the Eleventh Census to that date amounted to \$10,365,676.81.

At the close of the fiscal year the total number of persons employed in the Census Office was 679; there are at the present writing about 400

The whole number of volumes necessary to comprehend all the facts gathered at the Eleventh Census is twenty-five; the estimated and actual printed pages of these volumes being 22,290. At the close of the fiscal year there remained to be completed "copy" sufficient to make about 2,850 printed pages. All the reports, wholly or in part, were in the printer's hands at that time, thus meeting the statement made in my last annual report. There remain to be finished parts of the reports on population, farms, homes and mortgages, and vital statistics. The copy yet to be prepared is in various stages of completion, but can be ready before the close of the present calendar year,

with, perhaps, trifling exceptions. Certainly before the expiration of the time set by law for closing the Census Office—that is, March 4, 1895—all the copy pertaining to the Eleventh Census can be in the hands of the printer. After that time there will be the revision and proof reading necessary to bring out the volumes not then published.

In my last annual report I stated that something less than \$500,000 would be ample to complete the census, inclusive of printing and binding. The office has been fortunate in not being obliged to call for this amount, carrying along the work under the appropriations of last year; but now, in order to complete the census, there must be a new appropriation, as estimated by the Commissioner of Labor in charge, of about \$275,000, and there will be needed in addition such appropriation as Congress sees fit to make for the permanent preservation of the records. It is respectfully submitted at this time, whether, with the change in the form of the schedules at the Eleventh Census, it might not be well to make a new departure relative to their preservation. Prior to the Eleventh Census the population schedules consisted of large sheets containing 200 names each; these have been bound in folios. At the Eleventh Census what is known as the “family schedule” was used, which increases the bulk eight or ten times. To bind this vast amount of material would require the services, it is estimated, of 25 clerks for six months and an expense of about \$30,000 for binding.

The value of these schedules is practically lost when a subsequent census is taken. It might be well, therefore, to consider the expediency of destroying the population schedules of the census whenever the schedules of a succeeding census are collected. These schedules when preserved are occasionally useful in tracing the birthplace, age, and other points relative to an individual, and are used sometimes in lawsuits and for assisting rightful heirs, etc., but the very small value of such use compared with the great cost of preservation is one which may be carefully considered by Congress.

The question of storage of such an amount of material is also one which requires immediate consideration. The accumulation of such material is very rapid, and of course at the Twelfth Census it will be of much greater bulk than that pertaining to the Eleventh. I would respectfully suggest, therefore, that this matter be carefully considered.

As stated in my last annual report the text of the census volumes has been limited so far as possible to the analyses of the statistics presented. This method, which is in accordance with law and with the declaration of the Superintendent at the commencement of the work of the Eleventh Census, has of course caused more or less friction, and in some cases individual disappointment; but it is believed that the value of the census has been increased by it and the credit of the Government more thoroughly protected. The province of the census is to collect facts and certify them to the public; it is not its province to elaborate arguments or to present personal views. The efforts, there-

and pamphlets added to the library during the year, 9,400, over 4,000 of these being included in the "Model library," exhibited at the Columbian Exposition by the American Library Association, and presented to the Bureau of Education at the close. The total number of books in the library of the Bureau is 57,890. It is much consulted by special students in education in the several States.

A catalogue of 5,000 books, prepared by the cooperation of 75 specialists chosen from the librarians of the country, was printed and distributed. It shows the first 5,000 books that a new library ought to purchase, systematically classified and arranged.

The Bureau also published and distributed during the year 30,000 copies of the report of a national committee appointed to examine and report on the proper course of study in secondary schools, including high schools and academies. Besides these seven circulars of information were printed and distributed.

The Bureau also took charge of the work of examining the returns from the colleges giving instruction in agriculture and the mechanic arts, and upon the results of this examination the Secretary of the Interior certified to the Secretary of the Treasury, in accordance with the law, the several States and Territories entitled to the sum of \$20,000 each, the same being the installment for the year ending June 30, 1895.

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

| Year. | Pupils enrolled. | Teachers. | | Total expenditures. |
|----------------|------------------|-----------|---------|---------------------|
| | | Male. | Female. | |
| 1889-'90 | 12,722,581 | 125,525 | 238,397 | \$140,506,715 |
| 1890-'91 | 13,048,282 | 123,287 | 245,098 | 148,738,251 |
| 1891-'92 | 13,203,786 | 121,551 | 252,653 | 155,982,942 |
| 1892-'93 | 13,442,008 | 121,717 | 258,901 | 163,359,016 |

The appropriation for education in Alaska was reduced from the sum of \$50,000 per annum in 1891-'92 to \$40,000 in 1892-'93, and to \$30,000 in 1893-'94 and 1894-'95. The condition of education remains the same as in the previous year; the eighteen schools supported and controlled by the Government have been kept up to their former state of efficiency. The fifteen schools established by boards of foreign missions and under contract to the Government for the education of native children in the distant settlements have received subsidies much reduced from former amounts.

The experiment of introducing reindeer from Siberia into Alaska is reported as making favorable progress. A special subsidy of \$6,000 made by Congress became available for the purchase and care of rein-

deer in the fiscal year 1893-'94, and an additional number of 127 reindeer were purchased and added to the herd at Port Clarence.

The previous year (1892) 171 reindeer had been purchased. These had increased to 223. Owing to the difficulty in procuring suitable herders as teachers for the instruction of natives in the school at Port Clarence a number of skilled herders have been imported from Lapland, the expense being defrayed by contributions from private citizens to the amount of \$2,162. A sum of like amount from private citizens was contributed in 1891 for the purchase of reindeer. It was hoped that the beginning of the distribution of the reindeer from the central herd to the various contract schools at the missionary stations could be begun the present summer, and Dr. Sheldon Jackson, the general agent, started in May on his fifth tour to Arctic Alaska and Siberia, with instructions to purchase additional herds from Siberia and begin the distribution of the herds, placing them at convenient settlements under charge of the herders from Lapland and instructing the natives in the methods of rearing and adapting these animals to domestic uses.

PUBLIC DOCUMENTS.

The superintendent of documents of the Department received from the Government Printing Office during the last fiscal year 218,908 documents for distribution and sale. Of these 54,747 were Congressional documents, bound in full sheep, delivered to this Department for transmission to State, public, and college libraries, known as depositories of documents.

Of the publications of the Eleventh Census 83,305 volumes were received, comprising the following reports, viz:

The Compendium, part 2, containing miscellaneous statistics.

Report on the Population and Resources of Alaska, one of the series of final volumes, and monographs on—

Vital Statistics of the District of Columbia and Baltimore;

Education in the United States;

Electrical Industries in the State of New York;

Textile Industries of the United States, and

Transportation on the Pacific Coast.

The miscellaneous publications of the Department issued for official use, and to meet calls especially of libraries, numbered 83,245.

The Official Register, in two imperial octavo volumes, was completed and published during the year. This work records the name, rank, salary, etc., of all the officers and employés of the Government, amounting in the aggregate to about 190,000.

Of United States Reports four volumes were received from the reporter of the Supreme Court and distributed in compliance with the provisions of law. It is much to be regretted that Congress delays making provision for supplying United States judges with volumes of these reports in which their sets are deficient, and also for supplying

certain officers of the Executive Departments, who have constant occasion to use them in the transaction of official business. This can not be done until Congress shall respond to the recommendation of the Department and make an appropriation for this purpose.

One of the most serviceable works in connection with public documents carried on by the Department is that of exchanging these publications among the public libraries of the country, thereby rendering duplicate documents held by libraries available for the best possible use, that of supplying deficiencies in other libraries. While this work was, during the past year, largely interrupted by more pressing duties, still the number of volumes received from libraries for exchange was 28,395.

The comprehensive index of the publications of the Government for the period covered by the Fifty-first and Fifty-second Congresses, prepared by the superintendent of documents, has been completed. This index forms a quarto volume of nearly 500 pages, and is a most valuable contribution to this class of literature. It will, I trust, serve as a strong argument in favor of a similar index for all public documents.

The amount received and turned into the Treasury for documents sold during the year, under the provisions of law authorizing their sale at cost, was \$2,429.38.

Perhaps no part of the money expended by the Government is wasted to a greater extent than that which provides for the publication of public documents. These works are filled with a vast amount of valuable and interesting information, but the style of their preparation and the manner of their distribution have greatly depreciated their beneficial use.

The present superintendent of documents has for many years been in charge of the document division of the Interior Department. At my request he has recently prepared an elaborate review of the publication and handling of documents, which is full of interest. At the close of his report he suggests the following reforms:

- (1) A change in the binding of documents, so that they shall present a more attractive appearance.
- (2) The discontinuance of the practice of issuing the same document in several editions with differing titles.
- (3) A modification of the classification of documents in the interest of simplicity and general convenience.
- (4) The stopping the issue, in unbound form, of documents not required for immediate use.
- (5) The preparation of a general comprehensive index of all public documents.
- (6) The utilization of documents more largely in the interest of public libraries, and through them of the public at large.
- (7) The restriction of the gratuitous distribution of documents, and more satisfactory provision for their sale.
- (8) The establishment of a bureau of documents, by which the whole business of distributing documents shall be conducted.

I have directed that the report be published in full.

BUREAU OF RAILROADS.

The Commissioner of Railroads calls attention to the fact that, notwithstanding the effect upon railway earnings of the financial and industrial depression, the Union Pacific (which includes the Kansas Pacific) is the only one of all the bond-aided railways which, during the period mentioned, passed into the hands of receivers.

The following land-grant railroads coming under the supervision of his office are reported by the Commissioner as being in the hands of receivers: Atlantic and Pacific, Atchison, Topeka and Santa Fe, Little Rock and Memphis, Northern Pacific, St. Louis and San Francisco, Wisconsin Central.

The accounts of the bond-aided companies were examined, and the usual personal inspection of the properties of the Union and Central Pacific Railroad companies made by the Commissioner. The roads were found to be in excellent physical condition.

AMOUNTS FOUND DUE THE UNITED STATES FOR 1893.—The Union Pacific Railway Company, including the Kansas Division, shows a decrease of net earnings, as compared with 1892, of \$2,105,716.76. The amount found due the United States was \$137,895.18 less than for the previous year.

The net earnings of the Central Pacific Railroad Company for 1893 show a reduction of \$57,952.48 as compared with 1892, but the amount of transportation services rendered the Government was \$110,624.48 in excess of the previous year, consequently the amount found due the United States is \$7,726.85 in excess of 1892.

The net earnings of the Sioux City and Pacific Railroad Company in 1893 were \$106,460.41 in excess of 1892. The amount found due the United States, therefore, was \$5,779.75 in excess of the requirements for the previous year.

The Central Pacific Railroad Company shows a decrease in net earnings, as compared with 1892, of \$100,112.75, and a corresponding decrease in the amount found due the United States of \$5,010.91.

The Commissioner reports that the obligations to the Government of the bond-aided companies not having matured, no default has yet been made. In the case of the Union Pacific Railway Company, Kansas Pacific bonds to the amount of \$640,000 will mature on November 1, 1895, and between that date and January 1, 1899, the balance of the subsidy bonds, aggregating about \$32,899,512, will also mature, for the redemption of which the company has practically made no provision. The Central Pacific Company, whose liability amounts in the aggregate to \$56,000,000, has provided a sinking fund for the redemption of first-mortgage bonds. The funds at present available for that purpose amount to nearly \$6,000,000.

LITIGATION PENDING.—Referring to the suits directed to be brought by the honorable Attorney-General against certain land-grant railroad companies for the recovery of the penalty for failure to report to his office as required by law, the Commissioner reports that on October 16, 1894, he was advised by the Acting Attorney-General of the commencement of an action by the Department of Justice against the Chicago, Milwaukee and St. Paul Railway Company.

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

The Government directors of the Union Pacific Railway Company in their annual report aver that the suit, which was brought against the company by Oliver Ames and others for the appointment of receivers, had for its object the preservation of the system in its integrity.

The receivers were unable to discharge the obligations with which the company was loaded down, owing to causes which could not fairly be attributed to passing business disturbances, but which resulted in such a diminution of earnings as to prevent them from meeting the company's requirements.

The failure to prevent a dismemberment of the system was due to conditions existing at the time the receivers assumed control. The general policy observed by them in their administration of the company's affairs is approved by the Government directors. The net earnings have been applied in every instance in conformity with the equities and rights of the various defendant companies and of the holders of their securities, separate accounts of receipts and expenditures of the respective properties being kept.

The Government directors declare that the idea that the foreclosure of the Government lien would displace valuable and important interests, which could be relied on to provide means for carrying into effect any adjustment Congress might propose, is without foundation in fact. The market value of all the stock being in round numbers but \$8,000,000, it is not thought by the Government directors that the scattered stockholders would contribute a very large sum to avert foreclosure from displacing other securities. The holders of the Oregon Railway and Navigation, the Oregon Short Line and Utah Northern, the Union Pacific, Denver and Gulf, the Union Pacific sinking fund 8s, the Kansas Pacific consolidated 6s, the Kansas division and collateral mortgage 5 per cent bonds would, in the opinion of the Government directors, advance nothing to avert a foreclosure of the Government lien. The holders of the first three are understood to be inclined to the belief that better results can be produced by a separate administration of the properties.

The difficulties under section 8 of the Reilly bill (H. R. 7798) are, in the judgment of the Government directors, impracticable. By the third sec-

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tion of the bill provision is made that the moneys and securities in the sinking fund created by the Thurman Act shall be applied in part payment or extinction of existing first-mortgage bonds, whose liens are prior to that of the United States. As, after such application, there would remain about \$21,000,000 of such prior bonds, it would be simply impossible to raise \$21,000,000 on bonds subject to Government lien.

The objections to the plan of attempting to collect the Government debt by acquiring title to the railroad property and operating it are declared by the Government directors to be insuperable.

In lieu of all pending measures, therefore, looking to an adjustment of the debt, the Government directors submit a comprehensive plan for the reorganization of the Union Pacific Railway Company. This plan is intended to include the Oregon Railway and Navigation and the Oregon Short Line and Utah Northern Railway companies, but their inclusion is not held by the Government directors to be essential to its success. Said plan involves the foreclosure, decree, and sale of the entire railroad property of the company, including the bonds and lands held in the collateral trusts. It provides for the issuing of securities, consisting of bonds and stocks, amounting to \$231,000,000, to be applied to extinguishment or redemption of outstanding obligations, including \$70,600,000 of indebtedness in the United States, as of date July 1, 1895. It is proposed to issue preferred stock at par for the capital stock outstanding, amounting to \$61,000,000, by an assessment of \$10 per share, which would yield \$6,100,000.

An annual payment by the company to the United States of upward of \$2,000,000 is provided for, which is in excess of the payments required under the Reilly bill.

THE TERRITORIES.

ALASKA.

The governor of Alaska in his report states that the census of 1890 computes the number of white people in Alaska to be 4,298; mixed race, 1,814; Indian, 23,532. The total population of the entire district of Alaska is 29,644. He states that there have been added to the white population of Alaska by immigration about 1,000 people, most of whom have settled at Juneau and the mining camps in that vicinity.

It is difficult to ascertain the exact fluctuations in the number of the Indian population, "but," the governor says, "from my individual observation and experience of seven years with them in Alaska, it would appear that they are slowly decreasing, especially on the sea coast, where they come in contact with white people. It is said that there is a decrease in the number of natives on the western coast of Alaska for the want of a proper food supply."

The experiment of shipping domesticated reindeer from Siberia and propagating them is reported to be successful. In a short time they will provide ample food for all the natives bordering on the Bering Sea.*

EDUCATION.—The beneficial influence of the Government schools in Alaska is apparent to every observer. The mission schools of all denominations in the Territory have been aided and strengthened through the U. S. Bureau of Education.

In addition to the 14 day schools supported by the Government of the United States and 15 mission schools, which receive subsidies therefrom, there are 6 Russian schools maintained by the Greek Church.

Perhaps the most successful mission and school work in Alaska has been attained at New Metlekahtla, on Annett Island, by Rev. William Duncan, missionary and teacher; 184 out of 222, between the ages of 10 and 23, read and write English.

An increase in the appropriation for the education of children in Alaska is earnestly recommended.

LIQUOR TRAFFIC.—The report states that, notwithstanding the efforts of the collector of customs, his deputies, and all the other civil officers in the Territory, intoxicating liquors are imported and sold without stint in every white settlement in Alaska. The governor recommends that the law prohibiting the importation, manufacture, and sale of intoxicating liquors be amended in such a manner as to enlist at least a portion of the people of the Territory in support of the court and the civil officers in their efforts to enforce its provisions.

FISH AND FISHERIES.—The food fishes of Alaska will no doubt prove to be the most valuable of all her marine products. The cod-fish banks are extensive and inexhaustible, and halibut exist in great numbers. More than a hundred kinds of food fishes are to be found in Alaskan waters. The number of cases packed this season by the various canneries amounts to 646,345, and 21,000 barrels of salmon were shipped from the 24 salting establishments.

The Alaskan Oil and Guano Company is located at Killisnoo. The product of this factory is 1,000 barrels of salted herring, about 400,000 gallons of herring oil, and 1,000 tons of guano. They make their own barrels out of Alaskan timber, and pay out about \$20,000 in wages to natives and others.

The law in regard to the fencing of salmon streams has been observed by the canneries.

Depredations by British and American seal hunters in Bering Sea are reported. During the month of August they took about 2,000 skins.

GOVERNMENT BUILDINGS.—The Government sustains a serious loss by the burning of Baranoff Castle, an old Russian edifice, recently con-

* On page 28 a reference will be found to the full report of the agent of the Bureau of Education upon this subject.

verted into a court-house at an expense of about \$10,000. An appropriation of \$16,000 is urgently recommended for the erection of a suitable building at Sitka for the use of the U. S. district court, and the U. S. commissioner's court, and other offices for the accommodation of public business. Other appropriations for repairs are recommended in detail, and for the erection of jails and Government buildings.

MINES AND MINING.—The mining industries of Alaska are reported to be in a prosperous condition. The Alaska Treadwell Gold Mining Company appears to have an inexhaustible quantity of gold ore which will yield from \$3 to \$4 per ton. During the year ending May 31, 1894, 240,000 tons of ore were treated, yielding \$768,000, or \$3.20 per ton.

The "Mexican Mine," under the same management, on the adjoining claim, gives about the same results. Mines are being operated at Berner's Bay, and in twelve other mining districts.

It is recommended that mail communication be established between the city of Juneau and the Yukon mining region, and that the Government engineers be directed to survey and locate a wagon road to the boundary line of Alaska by the way of the Chilkat Pass.

ARIZONA.

The governor, Louis C. Hughes, in his report estimates the population at 70,000, of which 18,593 are foreign born, 11,334 of these being Mexicans. The Chinese registration shows 1,362. The principal increase by immigration has been in the agricultural districts.

The assessed valuation of all taxable property as returned by assessors is \$27,061,974.96. This is less than that of the year 1893 by \$1,424,208, and shows a shrinkage in value in ten years since 1883 of \$8,944,912.05.

The total area of land under cultivation is estimated at 650,000 acres, 70,000 of which were added last year. Not more than 10,000 acres of this land, however, will produce crops without irrigation. There are a number of important irrigation enterprises being carried forward which when completed, will add 1,000,000 acres to the present area of choice fruit and agricultural lands.

ARID LANDS.—The governor directs attention to the national importance of the arid land problem and to the fact that Arizona has 10,000,000 acres capable of reclamation. The arid regions of Arizona and the other States and Territories can be made to give employment to 50,000 men. The governor commends the Carey bill, which cedes 1,000,000 acres of land to each State and Territory in the arid region, as the most important measure in the interest of the West. He makes the suggestion that the measure should be amended so that its provisions would apply to the Territories at once, to the end that these reclamations can be commenced immediately. As it is the act now applies only to States.

LAND GRANTS.—There are 21 Spanish and Mexican land grants in the Territory, aggregating about 6,000,000 acres of choice lands. Th

Court of Private Land Claims, created to determine title to these lands, has disposed of 5; 4 in favor of the Government, 1 for the claimants. It is believed all will be disposed of during next year. Thus far appeals have been taken in all these cases to the U. S. Supreme Court from the decision of the land court.

MINES AND MINING.—The closing of silver mines caused by the low price of silver has resulted in increased gold production and development of gold resources, with the prospect that Arizona will become a larger gold producer than any other Territory or State.

The increase in the gold output over the previous year was \$1,077,745; in silver, \$702,000; in copper, 9,557,993 pounds. Arizona now ranks third in copper production, fifth in gold, and seventh in silver.

The report states that a conservative estimate puts the gold product for this year, ending December 31, at something over \$4,000,000, and if development and production continue to increase at the same ratio as during the last six months, that the output for 1895 will reach \$8,000,000. The value of Arizona's total output of gold, silver, and copper for the last eighteen years was \$101,784,017.

Arizona has 2,270 square miles of forest. There are eighty species of forest trees. The production of lumber last year was 25,000,000 feet.

INDIANS.—There are 35,000 Indians in the Territory, enjoying prosperity, advancing in education and civilization, and at peace with the whites. One thousand six hundred Indian children are in industrial schools, an increase of 400 over last year. Some friction exists between the Navajoes and the settlers in relation to water and pasturage in northern Arizona, owing to the scarcity of the same on the reservation. There are constantly off the reservation from five to seven thousand of these Indians with their stock; but the Indian Department has made liberal appropriation for the development of water on the reservation, which it is believed will be ample to supply all their needs.

The solution of the Apache Indian problem in Arizona was reached in the removal of Geronimo and his band of Chiricahua Apaches to the Atlantic coast seven years ago. Since then comparative peace has prevailed among the other Apache tribes. Recently there has been much interest manifested by the citizens of the Territory in regard to the contemplated removal of these Indians to Fort Sill, Ind. T. A report has gained credence which is causing much public concern, that it is the ultimate purpose of the Government to return them to the White Mountain Indian Reservation.

The governor states that no greater or more fatal mistake could be made than to return these Indians to Arizona. He believes that while there is little or no danger to be apprehended from them while located in the Indian Territory, their return to Arizona would be fraught with great danger.

UNITED STATES TROOPS AND MILITARY POSTS.—There are six military posts in Arizona. The governor deprecates the policy of with-

drawing the troops from Arizona, so long as there are more than 35,000 semi-civilized Indians in the Territory as wards of the Government.

RETRENCHMENT IN PUBLIC SERVICE.—Every effort has been made to reduce the tax burdens of the people by adhering to strict economy in every branch of the service, with the following result:

The deficit for carrying on the Territorial government for 1890 was \$42,924; for 1891, \$51,355; for 1892, \$34,282; and for 1893 there was a surplus of \$5,832; the first surplus in many years. It is estimated that the total retrenchments made in administering affairs of the Territory, including schools and courts, exceed \$100,000 for the year.

The governor states that in 1890 the debt of the Territory had far exceeded the limit fixed by the Harrison act of 1889, and to remedy this Federal legislation was invoked, resulting in the enactment of the Arizona funding bill, which legalized all indebtedness incurred, "together with such evidence of indebtedness which might be issued for the necessary and current expenses of carrying on Territorial, county, municipal, and school government for the year ending December 31, 1890," and this law specially declares that "thereafter (December 31, 1890) no warrants, certificates, or other evidence of indebtedness shall be allowed to issue or be legal when the same is in excess of the limit prescribed by the Harrison act."

Notwithstanding the above prohibition, however, it is stated that several counties have exceeded the limit, and the Territory on the 1st of June last had a floating indebtedness of \$170,523.60 issued in direct violation of the law. This deficit, however, was legalized by Congress last August by passing an amendment to the funding act extending its provisions to January 1, 1896.

STATEHOOD.—The governor states that a great diversity of opinion exists among sober-thinking citizens as to the merits of the constitution framed by the Territorial constitutional convention three years ago. Although ratified by more than two-thirds of the votes cast, a number of objections have been raised to this instrument. It is claimed that certain provisions are vague and indefinite and subject to conflicting constructions. A large majority of the people would prefer admission to statehood under an enabling act, which would direct the framing of another constitution for submission to them with a full knowledge that it was to be the constitution of the State.

NEW MEXICO.

The report of the governor, William T. Thornton, states that there has been no material change in the number of the population, but that there is an increase of a very desirable class of immigrants.

The work of the U. S. Court of Private Land Claims has progressed rapidly during the past year. An estimated number of acres has been confirmed, amounting to 949,831, and 1,770,052 acres have been rejected. The private land claims surveyed during the year amounted to 218,282.10 acres.

The total entries at the various land offices of the Territory for the past year were 1,228, representing 149,770.19 acres of land.

The total assessed valuation of the real and personal property of the Territory for the year 1893 was \$43,630,244.81.

The financial condition of the Territory at the close of the fiscal year, June 30, 1894, is given as follows: The total debt (bonded \$925,000 floating \$21,891.80) is \$946,891.80; cash balance on hand, less warrants outstanding, \$139,899.24.

AGRICULTURE AND IRRIGATION.—Agriculture, it is stated, is practically a failure in New Mexico without irrigation.

The great San Juan Valley of the arid region is fortunate in that it has more water than can be utilized. It occupies the extreme north-west portion of the Territory, possesses a salubrious climate and fertile soil, and has an altitude of from 4,000 to 6,000 feet. There is now in operation in San Juan County over 425 miles of irrigating ditches, and new ones are constantly being added. Crops are reported in a prosperous condition. This year there will be about 10,000 pounds of honey shipped, a marked increase over other years. The quantity of alfalfa that will be cut will be close to 45,000 tons.

The stock-raising interests of San Juan County have dwindled somewhat. The agricultural and horticultural interests have been largely developed. The Maxwell grant property also reports prosperity in agricultural affairs. The governor states that in the Pecos Valley there has been more improvement during the past few years than in any other portion of the West. The total length of main canals is 121 miles; necessary main laterals, 273 miles; farm or sublaterals, 900 miles. Capacity of completed reservoirs, 7,000,000,000 gallons; capacity of projected reservoirs, 6,000,000,000 gallons.

Upward of half a million shade trees have been planted on streets and roadsides, a desert has been reclaimed, and a busy community settled permanently in comfortable homes. About \$4,000,000 of corporate capital has been invested, and a much greater sum in the improvement of homesteads and the stocking of farms and ranches.

The Rio Grande valley is one of the most important in the world. It is as rich as the Nile valley. Its products took many prizes at the Columbian Exposition, notably those for wheat and apples. The report calls attention to the need of an equitable distribution of the waters of the interstate and international streams. The National Irrigation Congress meets at Albuquerque in September, 1895, and this will be the principal subject of consideration. The chief of engineers of the Mexican Government will be present, with his staff, to join in the discussion.

Many new settlers have purchased and planted large orchards and vineyards. These industries are rapidly growing, and are of great importance to the Territory.

The governor states that mining in New Mexico has suffered largely from the depression of the past season, and especially from the depre-

ciation in the price of silver and lead. Notwithstanding this, however, he adds that this industry in New Mexico never had a brighter prospect, owing to the recent discovery and development of new mining districts rich in gold, silver, and copper. There are four districts where active work has largely increased, resulting in an output of paying mineral in large quantities. Three of these are gold camps.

Valuable kaolin and fire clays have been found in considerable quantities in the Territory, and a large deposit of alum has been opened on the Gila River. The native precious stones are worthy of mention, particularly the turquoise.

Coal is one of the great resources of New Mexico. The entire western side of San Juan County from the La Plata River is one enormous coal field. It covers an area of 15 by 25 miles in extent, all over which croppings of a fine bituminous coal are found. In the vicinity of the towns of Stevens, Mitchell, Coolidge, Firebough, and Miller about 1,500 tons of coal have been taken the past year entirely for home and domestic uses.

INDIANS.—There has been during the past year no material change in the condition of the Indians in the various pueblos and upon the various Indian reservations throughout the Territory. The report states that the experiment of the past year confirms the opinion expressed in a former report, that the change in the policy of the Government, in putting officers of the Army in charge, has greatly improved the Indian service.

The governor reports that the public schools are in a flourishing condition.

OKLAHOMA.

The governor, William C. Renfrow, in his report, expresses himself as highly gratified at the progress of Oklahoma during the fiscal year ending June 30, 1894. Capital has not as yet sought investment to any great extent, but there has been a real and substantial increase in wealth from the great natural resources of Oklahoma. The total population of the Territory is at least 250,000. An unusually large number of the inhabitants are engaged in agriculture, and some in manufacturing. The percentage of foreigners is very small.

The total assessed value of property is reported as \$19,947,922.83 but this does not include very much real property, save in the cities. In a great number of cases parties made final proof too late to be included in the assessments of 1894, therefore the assessment is very much less than it will be when the title of land is vested in citizens.

RAILROADS.—There are four lines of railroad in Oklahoma in active operation. No doubt, with the return of more prosperous financial times, capital will see many profitable lines of investment in railroads in Oklahoma. An east and west line is very much needed to bring into close contact Oklahoma and Indian Territories.

The assessment of railroads, telegraph lines, and sleeping cars is given as \$2,227,533.68. The public finances make a creditable showing.

EDUCATION.—There is a fine system of free schools in Oklahoma, supported by direct tax and money derived from the leasing of school lands.

The University of Oklahoma is a prosperous institution, with 147 students attending. The normal school is very efficient and well equipped and has 116 students. The Agricultural and Mechanical College has an attendance of over 100 students, and has \$55,000 in funds available this year.

The report recommends that the school lands in the western part of the Territory be located in a body and that all land not filed on at this time be donated to the Territory. The net proceeds from leasing school land for the fiscal year ending June 30, 1894, is given as \$45,586.29.

AGRICULTURE.—The governor reports satisfactory progress in agriculture. The soil of Oklahoma is in the main very fertile, consisting largely of a sandy loam, and grows to perfection wheat, corn, and kindred products.

There are many fine flouring mills and grain elevators. Oklahoma flour took second premium at the World's Fair.

MINERALS.—Fine deposits of salt and gypsum are reported. In Wichita Mountains many rich specimens of gold ore have been found; also lead, zinc, copper, coal, lignite, asbestos, asphalt, and other minerals. The mineral resources of the Territory, however, have not as yet been developed.

INDIANS.—There are on their allotments in Oklahoma the following tribes of Indians: Iowa, Sac and Fox, Absentee Shawnee, Pottawatomie, Kickapoo, Cheyenne and Arapaho, Pawnee, and Tonkawa.

A large number of these Indians are well to do and are adopting the ways of civilization. They have farms and good farm implements, horses and carriages, and dress in citizens' clothes.

STATEHOOD.—The governor says that the people are divided upon the much-agitated question of statehood. Some desire statehood for Oklahoma with its present boundaries; others prefer to have the matter of statehood deferred until such time as Oklahoma and the Indian Territory may be admitted as one State.

The opening of the Cherokee Outlet, by which 6,500,000 acres of land were added to the public domain, was fully treated in last year's report, although the actual opening occurred during the present fiscal year.

UTAH.

The report of the governor, Caleb W. West, estimates the population of Utah at 252,834. The assessed valuation of all real and personal property in the Territory is \$99,503,243. The statement of the

local land office at Salt Lake City shows that 1,255 entries have been made, covering 147,816.76 acres.

PUBLIC BUILDINGS.—The governor renews his recommendation that suitable Federal buildings be constructed at Salt Lake City and Ogden for the business of the courts, post-offices, and land offices. The convenience of the public officials and safety of the records require that ample and permanent offices be provided by the Government. The Industrial Home building, which is now occupied by the governor, secretary, and Utah Commission for their offices, is a considerable distance from the business center, and is not provided with vaults for the protection of records and papers. He recommends that this building and the old capitol at Fillmore be granted to the Territory for educational purposes.

OPENING THE INDIAN RESERVATIONS.—The governor is of the opinion that the allotment to the Indians, in severalty, of certain of the lands embraced within the Uintah and Uncompahgre reservations, and the opening for settlement and sale of the remaining lands, will prove of untold advantage and wealth to the new State. He states that it will open for settlement millions of acres of the most fertile and perfectly watered lands, and will furnish homes for thousands of young people who need no longer emigrate to the valleys of adjoining States for suitable locations. The undeveloped mineral resources will undoubtedly attract much attention, and, together with the magnificent opportunities afforded to the home seeker of the overcrowded East, will be the means of causing a material increase in the population and taxable wealth of the State.

MORMON CHURCH.—The governor renews his recommendation that the realty of the Mormon Church, valued at \$285,000, be restored to them.

AMNESTY.—The governor states that the prompt action of the President in granting amnesty to persons convicted or liable to conviction under the act approved March 3, 1887 (24 Stat., 635), for the suppression of polygamy, has met with the hearty approval of all classes of people.

NATIONAL GUARD.—In pursuance of the act of the last legislative assembly, the National Guard of Utah has been enrolled and armed.

STATEHOOD.—The passage of the enabling act for the admission of Utah into the Union as a sovereign State has given great satisfaction. While changes in the social and political conditions have been rapid they have nevertheless been complete, and no voice is now heard in opposition to statehood.

UTAH COMMISSION.

(The report of the Commission not received at the date of the report).

INSPECTORS OF COAL MINES IN THE TERRITORIES.

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

INDIAN TERRITORY.

The mine inspector, Luke W. Bryan, states that the field occupied by the coal-mining industries of the Indian Territory is located principally in the Choctaw Nation; that the general character of the coal is bituminous, of good quality, and readily mined. The total output of all mines, covering the period of but nine months, owing to an extended strike, was 966,315 tons, and the number of persons employed 3,290. The number of accidents occurring during the year was 41, twelve of which were fatal. The mining law has been uniformly observed by the various companies operating in the Territory, and none of the accidents could be attributed to neglect on the part of mine owners or their agents to comply with the law.

Early in March, 1894, the mine owners claimed that they were driven out of the market which they had previously controlled by coal from Alabama, Colorado, New Mexico, etc.; that the mines were idle many days in each month, and that they had to reduce the wages of their employes. The miners claimed that they were unable to subsist on the wages offered, and a general strike, which still continues, was inaugurated April 21. The effects of the prolonged strike have been disastrous to all concerned, and particularly to the Choctaw Nation, which has been deprived of the large revenue arising from the royalty on coal, timber, permits, etc. None of the coal mines have yet started up, but the indications are that there will be a speedy settlement of the matter in controversy and work will be soon resumed.

NEW MEXICO.

The mine inspector, John W. Fleming, reports that most of the coal mined in the Territory comes from the counties of Bernadillo, Santa Fe, Colfax, Rio Arriba, and Lincoln. The mines are in good condition, and the requirements of the United States mining law have been generally well observed. Twenty-one mines were in operation during the year and provided employment for 1,472 persons.

The output of coal from all mines was 615,454 tons, nearly 23,902 tons less than that produced during the year 1893, the decrease being due to the stoppage of operations consequent upon strikes by miners in several places. The number of accidents was greater than for the preceding year. Laws should be enacted imposing restrictions as to the handling of powder by employes, as well as to a proper system of ventilation and other matters, which would insure greater safety and protection to those connected with the mining industry.

UTAH.

(The report of the mine inspector, James B. Rawlins, not received at the date of this report.)

NATIONAL PARKS AND FOREST RESERVES.

There are now seventeen forest reserves.

The Cascade Range and the Ashland Forest Reserves have been added during the past year.

The Cascade Range Forest Reserve, Oregon, runs across the State from north to south, embracing the crest of the Cascade Range, including at either end Mount Hood and Crater Lake. The reservation is 234 miles long, with an average width of 30 miles. The area is 7,020 square miles, or 4,492,800 acres. The summit of the Cascade Mountains embraces a narrow strip of land, the altitude ranging from 6,000 to 12,000 feet. Dense forests of very fine timber cover nearly the entire tract. Snow falls to a great depth, remaining until late in the summer, and in some places snow-capped mountains are to be seen the year round. This range can be properly called the watershed of the Pacific coast, and is the source of thousands of small streams tributary to larger ones.

The principal rivers whose head waters are in this reserve are Hood River, Molalla River, the McKenzie Fork, Middle Fork and Coast Fork of the Willamette River, Metolins River, Deschutes River, Forks of the Umpqua River, Rogue River, and Klamath River from Klamath Lake. There are also numerous lakes and points of interest in the reservation.

This reserve, as stated above, embraces Mount Hood and Crater Lake, points of interest to tourists and others, and which had previously been petitioned for as separate reservations. The reserve was created upon petitions presented by citizens of Portland and of the localities directly affected.

The Ashland Forest Reserve, also in Oregon, is in the southwestern part of the State, in Jackson County, a short distance from the southern extremity of the Cascade Range Forest Reserve. It is nearly square in shape, and contains 29 square miles, or 18,560 acres. The land is mountainous and embraces the watershed and tributaries of Ashland Creek, the source of water supply for the city of Ashland, Jackson County, Oregon, and a large territory of agricultural land adjacent.

The great importance of some system of protection of the valuable timber upon these reserves is fully discussed under the general head of public lands.

YELLOWSTONE NATIONAL PARK.

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

Capt. George S. Anderson, U. S. Army, the acting superintendent of the Yellowstone National Park, reports a decrease of travel for the year, owing to various causes, notably among them being the financial condition of the country, extensive washouts on the railroads, and strikes. The number of visitors amounted to 3,076, as against 3,645 for the year previous. He says the year 1894 will probably stand as the most disastrous to business interests of any in the history of the park.

The leases of the Yellowstone Park Association are the same as last year. The superintendent is strongly opposed to any Congressional legislation permitting the passage of a railroad through the park. In this regard he says: "Six months from the entrance of the first locomotive within the limits of the park there will not be left one acre of its magnificent forests unburned."

The system of outposts remains the same as at the date of the last report.

The only improvements made at the military post during the year are the completion of the post hospital and the erection of quarters for the hospital steward. A building to be used as a jail and office for the United States commissioner is now under contract and work is just being commenced upon it. It is hoped that it will be ready for occupancy before winter.

HOTELS.—The hotels belonging to the Yellowstone Park Association have shown a marked improvement. Increase of rates to \$5 per day, authorized by the Department, has resulted in bringing them up to a very high standard. A reduction of rate to \$3 per day after a stay of ten days in the park has induced many people to prolong their trips.

GAME.—The conviction of a notorious poacher, under a recent act of Congress (May 7, 1894) for the protection of game, has done much to deter others from illegally slaughtering the animals in the National Park, and the opinion is expressed that the days of poaching in the park are nearly at an end.

Reports from the outposts on Snake River show an increasing number of moose. The elk wintered well, and all reports show a large number of young in the spring. A party sent out to Yanceys to investigate the subject in March last saw at least 3,000 of them at one time from a single point of view. This is in the portion of the park proposed to be cut off by the segregation bill now pending in Congress.

The valley of the East Fork of the Yellowstone winters more of them than any other portion of the park, and should it be cut off the superintendent says that their numbers would be diminished by at least one-half. The usual herd of 500 antelope wintered on Mount Evarts, which is their only winter range. Should it be cut off, their extinction would follow within a year. Deer are not so numerous as other varieties of game. The buffalo number 200 or more. Bears are numerous in the vicinity of all the hotels and have become very tame.

Appended to the document is an accurate meteorological record and a table of observed eruptions of geysers at Upper Basin.

YOSEMITE NATIONAL PARK.

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

Capt. G. H. G. Gale, U. S. Army, the acting superintendent, reports but few depredations of any consequence up to June 30, 1894, but states that the cattle owners in the western portion of the park drove their herds in early and were not over particular about placing them within inclosures or keeping them on their own land, and a large number of them were driven out by the patrols.

He calls attention to the fact that the homesteads occupied by a large portion of these people are surrounded very generally by land not the property of the Government, but taken up by private parties, most frequently under the timber laws. He says this land is undoubtedly private property, and grave doubt is expressed as to the authority for troops to interfere with any stock which may be found at large there upon. The owners have generally acquired this land for speculative purposes and are known only by name. The majority of them have been in the park solely for the purpose of location, and have paid little attention to the land. These lands have no marked boundaries and it is impracticable for a patrol to locate their corners in the short time he has at his disposal.

These circumstances, he states, make it most embarrassing for the troops, as, although stock may be found outside of the owner's land, it is frequently highly probable that it is not on that of the Government.

He suggests that the only way that this embarrassment can be avoided is to require that all patented land within the park limits shall be fenced, or else for the Government to acquire as soon as possible all lands not under fence. The first proposition, he says, is impracticable. The latter would leave nothing within the park boundaries without a custodian, or at least signs of improvements which would be useful as a guide to troops.

The acting superintendent recommends that all land within the limits of the park taken up and patented under the timber laws be repurchased by the Government at a fair valuation, and that hom-

stead owners be required to fence their lands and keep their fences in repair.

The patented land within the park boundaries, taken up under the homestead laws, presents a different aspect. Some of it is occupied only during the summer months, the only use of the land being for grazing purposes. The stock have to be withdrawn in the fall, as the country affords them no winter feed, and it is more economical to winter them in the lower altitudes, where they require less forage.

The acting superintendent recommends that land of this class be condemned as grazing land only, as its value is not that of land where stock can be subsisted the year round.

Another class of homestead property is that continuously occupied. This land contains more improvements than the other, and some of it has been occupied continuously for over twenty years. It would be a hardship to the holders of land of this character should the Government acquire their land under the same conditions as the other.

The acting superintendent urgently recommends the passage of laws for the government of the park, containing provisions for their enforcement and providing distinct penalties for their violation. The park regulations at present, he states, are insufficient. It is well known that they can be enforced only by ejecting the offenders, and many prefer to take their chances of detection and ejectment from the park rather than to comply with the regulations.

Game and fish are on the increase, but entirely without adequate protection during the open season.

REDUCTION OF PARK.—The acting superintendent says a large extent of territory is now included in the reserve which is of practically no interest to the sightseer, nor does it appear to be useful as a conservator of the water supply. He refers chiefly to the tract north of the Tuolumne River. There are also sections which are valuable as agricultural and mineral lands, but are virtually useless for park purposes—notably in the southeast and southwest corners. He recommends a reduction of the park boundaries, and placing them on natural lines so far as possible.

SEQUOIA AND GENERAL GRANT NATIONAL PARKS.

Sequoia Park is located in Tulare County, Cal., and contains about 50 square miles. General Grant Park is situated in Mariposa County, Cal., and contains about 4 square miles. These reservations contain the finest known specimens of the *Sequoia gigantea*, the famous "Big trees" of California.

Capt. James Parker, Fourth Cavalry, U. S. Army, acting superintendent, reports that the game in the Sequoia Park has decreased somewhat, and that, in his opinion, the park is not suited for a game reserve, on account of the heavy snows in winter. During this season, also, it is expedient to station troops in the park, although it is liable to invasion

at that time by sheepmen and professional hunters. He recommends that a guardian, preferably an officer of the Government, should be appointed who should be clothed with power to arrest for infraction of the law and regulations.

The acting superintendent further reports that, although the enormous number of sheep in the country surrounding the park have nearly denuded it of trees and grass, and made of it practically a desert, not much damage has been done by them within the limits of the park. He states, however, that much trouble is experienced in keeping cattle out of General Grant Park, and that it can be avoided only by the erection of a wire fence around the park.

Twenty thousand young trout were obtained through the Sportsman's Club, of Visalia, and the California State fish commission, and distributed through the different streams. Most of these streams contained no fish, though suitable for trout.

The acting superintendent states that the Giant Forest, by reason of its inaccessible condition, is rarely visited, but suggests that, if a good road were built and hotels erected and managed under proper leases, would be a great summer resort for those wishing to escape the heat of the San Joaquin Valley. The road to the forest is rapidly becoming impassable.

BOUNDARIES OF THE PARK.—It is recommended that the boundaries of the parks should be run by a competent surveyor and marked, until this is done offenders can plead ignorance of park limits. The acting superintendent also renews his recommendation for the extension of the parks to take in that portion of the forest reservation lying to the east. He says:

"This country generally is a high tableland, broken by deep valleys with precipitous sides. It is covered with timber of inferior quality. It is isolated that there are few or no permanent settlers, the district being abandoned on the approach of winter. For years the Kern River country has been a sheep range, enormous numbers of sheep are driven there annually. As a consequence the country is entirely denuded of grass and bushes and presents a barren, uninviting aspect. But this is not all the damage the sheep have done. The soil, being denuded of grass, is broken up by thousands of sheep tracks, and when the rains come this soil is washed down the mountain sides into the valleys, covering up the swamps and meadows, destroying these natural reservoirs. * * *

"The proposed addition would include a most picturesque and grand portion of the Kings River Canyon, and also the New River country, a section rich in scenery and beauty, which is visited each year by great numbers of tourists. This extension would make possible the employment of troops, and thus rid the country of sheep, a result which seems impossible at present to hope for in any other way. It would take in the source of the South Fork of the Kings River, the Kern River, and includes more of the sources of the Kaweah River than the park as at present laid out. It would simplify the sheep question by interfering with the migrating sheep herds a barrier stretching entirely across the mountain country, thus restricting their operations. It would be hailed with delight by tourists, fishermen, and sportsmen, who now find this country barren, desolate, and devoid of feed for their riding and pack animals."

No forest fires have visited the parks during the year.

FOREST RESERVATION.—The report states that while the Secretary of the Interior has forbidden the entrance of either sheep or cattle into the forest reservation, it is apparent that it is the sheep and not the cattle that are ruining the country. The few small herds of cattle now on the reserve are owned by small farmers occupying farms on the San Joaquin side of the mountains. Many of these farmers have small ranges back in the mountains, where they drive their cattle in the late spring to remain until the early fall.

This has not resulted in much more injury to the forest, the superintendent thinks, than if the animals, instead of cattle, were deer or other wild beasts. With sheep, however, it is different. A herd of 5,000 will in a month so devour and consume, tread down and destroy the grass and bushes on a section of two or three square miles that it will be almost entirely denuded of sustenance, and parts of it will not recover their growth for two or three years, perhaps never.

HOT SPRINGS RESERVATION.

The report of the superintendent of the reservation, William J. Little, shows a gratifying condition of affairs. The Government's interest in the Hot Springs, over which the Interior Department has control, includes the four mountain reservations (Hot Springs Mountain, North Mountain, Sugar Loaf Mountain, and West Mountain), comprising a fraction over 900 acres. These, by the act of June 16, 1880, were reserved from sale and dedicated to use as public parks. The hot springs, 71 in number, vary in temperature from 77° to 157°, and all issue from the west side and base of the Hot Springs Mountain.

The superintendent reports that a new 20-room bath house has been completed, and was opened to the public June 15, 1894. The necessary repairs have been made in the other bath houses, and all are kept in good condition.

LEASES.—Three leases for the use of hot water at places off the reservation have been granted during the year in addition to leases formerly granted, but no water has yet been supplied, because the buildings to be erected have not yet been completed.

Four leases of bath-house sites upon the reservation were canceled by the Department for failure on the part of the lessees to comply with the requirements of the several contracts.

HOT-WATER SUPPLY.—The superintendent states that the limit of water which can be supplied by gravity has been reached, and it will be impossible to supply the leases lately granted, or any others which may hereafter be granted, except by pumping from the impounding reservoir.

The available daily water supply is 840,900 gallons. The superintendent expresses the opinion that the two new springs which have been opened in the course of the improvement work do not add anything to the total water supply, for the reason that the same water

probably had some other outlet. Their development, however, he considers an extremely fortunate circumstance, inasmuch as there are no other open hot springs on the reservation, and it is intended to preserve these as open springs, where visitors may see the natural hot water issuing from the ground.

FREE BATH HOUSE—The free bath house has been greatly improved and is serving the useful and charitable purpose for which it was intended. It is open to bathers at 5 o'clock in the morning, and except for one-half hour in the middle of the day, during which time the pools are refilled and fresh air admitted, it is in constant use until 6 o'clock in the evening. The house is then thoroughly ventilated, disinfected and made ready for bathers in the morning. About 203,000 baths have been given during the fiscal year.

The impounding reservoir remains in good condition. It daily receives and discharges about 345,900 gallons of hot water. This is water which issues at too low a level to allow it to be used in supplying the bath houses by gravity, and it represents the only available hot water which may be used in supplying the sites not yet supplied with water, and all others to be granted hereafter.

The superintendent states that the water and ground rents, which constitute the Government's source of revenue at Hot Springs, amount to \$16,795 for the fiscal year. The expenditures for salaries, repairs and improvements were \$10,400.20, leaving a net income to the Government of \$6,394.80.

The superintendent recommends that provision be made for the continuation of the system of park improvement at Hot Springs. He emphasizes the fact that these springs are equally beneficial in winter and summer, and that the summer climate is really one of the best in the country.

IMPROVEMENT OF HOT SPRINGS RESERVATION.

Capt. Robert R. Stevens, U. S. Army, in charge of the improvement reports that the operations during the past fiscal year have been continued upon the estimate and plans of 1893.

Among the most serviceable results in the current work has been the incidental development of two new springs during excavation in a section in which no hot-water outlet has heretofore been known. One of these springs rises immediately on the border of the main drive, about 50 feet north of the Government bath house. Its strong flow and high temperature, Capt. Stevens thinks, render it undoubtedly worth preserving. Both springs have been protected with masonry work.

Capt. Stevens reports in detail the various improvements which have been perfected in the Government parks and those which are being carried out; \$27,989.16 have been expended during the year and an estimate of \$69,452.65 is submitted for the continuance of necessary work.

This important and valuable reservation, under the system of improvement now being carried out, will, it is hoped, rank with any similar resort in the world. The curative values of its waters, enhanced by attractive surroundings, will become known more generally to the people of all sections, and correspondingly extend their usefulness.

GOVERNMENT HOSPITAL FOR THE INSANE.

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

This is the only United States hospital for the insane. It provides for the insane of the Army and Navy, Marine Corps, Revenue-Cutter Service, National Home for Disabled Volunteer Soldiers, the indigent insane of the District of Columbia, and insane United States convicts and criminals. Under the law insane inmates of the Soldiers' Home at Washington, D. C., and the insane of the Marine-Hospital Service are cared for in this institution.

The annual report of the board of visitors shows that during the fiscal year 1,981 persons have been under treatment. Three hundred have died or have been discharged; 1,681 patients remained in the hospital on June 30, 1894.

The number of admissions, 361, is an excess over that of any year since the war, while the whole number under treatment during the year, 1,981, exceeds that of any other year in the history of the hospital.

The mortality of the year, 167 deaths, is a little more than 10 per cent of the daily average number under care, and something less than $\frac{1}{2}$ per cent of the whole number under treatment. This is about 1 per cent less than that of the previous year, and, considering the advanced age of so large a proportion of the inmates and the unhealthful condition of the flats on the Eastern Branch of the Potomac, is a very favorable showing.

Now, nearly thirty years after the war, there is naturally a falling off in the number of veterans admitted. The great army of the unemployed, however, has come in to swell the number received from the District of Columbia, so that during the past year the increment of hospital inmates has been considerable, and it is doubtful if the maximum number has yet been reached.

The estimate for current expenses is an annual cost of \$220 per capita for an estimated average number of 1,650.

The superintendent reports that it is necessary, in order to relieve the present serious overcrowding, to provide additional accommodations during the coming year for not less than 100 patients, in addition to the buildings now being erected for epileptic male insane. With these buildings completed, the comfortable accommodations will not exceed 1,550. Comfortable buildings for patients able to labor can be built for \$250 per capita, and the sum of \$25,000 is asked for such provision.

The cabinet and machine shop now entering on its fortieth year is no longer in a condition to be used with safety and should be rebuilt on a secure site.

An appropriation is also asked for fire escapes.

The sum of \$1,500 is asked for a laboratory extension to the pathological department. This is essential to the pathological work that has been carried on at the hospital with such satisfactory results for the past eight years. The value of the work to the student of the pathology of insanity is out of all proportion to the relatively small sum that is asked in the interest of intelligent scientific research. Special attention is called to the very valuable pathological supplement accompanying this report.

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB

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

The report of the president, Dr. E. M. Gallaudet, shows that pupils remaining in the institution on the 1st of July, 1893, numbered 92; admitted during the year, 27; since admitted, 34; total, 153. Of these, 93 have been in the collegiate department, representing twenty-six States, the District of Columbia and Canada. Sixty are in the manual department. Excellent health has prevailed throughout the year among the students in all departments. Especial attention is directed to the fact that the facilities for the acquisition of speech, by all fit and capable of such attainment, are now ample.

HOWARD UNIVERSITY.

Howard University was established by the act of March 2, 1867. It is managed by a board of trustees, on which Congress is represented by one Senator and two Representatives. It is supported in part

funds from benevolent societies and in part from appropriations by Congress. Tuition is free except in the departments of medicine and law.

The president of the institution, the Rev. Dr. J. E. Rankin, reports that the different departments of the university have been in successful operation with an attendance of 617. One hundred and thirteen persons have graduated, including five post-graduates in law.

The president states that the new library building, for which Congressional aid was asked, is virtually provided for without such assistance and will be erected immediately, but asks an appropriation of \$1,000 for shelving and fixtures in addition to the usual appropriation for books.

He recommends the employment of an additional teacher and the erection of a gymnasium.

MARYLAND INSTITUTION FOR THE BLIND.

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

In pursuance of this authority there were at the close of the fiscal year 25 blind children under instruction at this institution. In addition to the usual course of instruction in institutions of this character, the advanced pupils are trained in the theory and practice of vocal and instrumental music. They are also taught piano-tuning, chair-caning, broom and mattress making, sewing, and knitting.

The younger pupils are taught by kindergarten methods. Special attention is paid to physical training.

The superintendent reports that these beneficiaries of the Government are of average intelligence and have made commendable progress.

The cost to the Government for each pupil is \$300 a year. This is the amount charged by the State of Maryland for similar instruction. Payment for the education of the indigent blind of the District of Columbia is provided for by permanent annual appropriation.

FREEDMEN'S HOSPITAL AND ASYLUM.

The Freedmen's Hospital was appropriated for and placed under control of the Secretary of War by act of March 3, 1871 (16 Stats., 506), and transferred to the Department of the Interior by act of June 23,

1874 (18 Stats., 223). The supervision and control of expenditure and appropriation was transferred to the Commissioners of the District of Columbia by act of March 3, 1893 (27 Stats., 551). Appointive and general administrative power, however, is still vested in the Secretary of Interior.

The report of Dr. John R. Francis, acting surgeon-in-chief, shows that the number of admissions to the hospital during the year was 3,008, an increase of 382 over last year. Of these, 579 were white and 2,429 colored. Of the admissions, 123 were disabled ex-soldiers who were coming to the city to look after their pension claims, and being without means of support, were temporarily provided with food, shelter, and medical treatment. Six were ex-soldiers delayed in the city awaiting transportation to or from the National Soldiers' Home. The latter were the only class of persons from whom any revenue was derived. The board of managers of the home allowed a sufficient compensation to meet the cost of keeping them. The number of deaths was 288, and over one-third of them occurred within a few days after admission.

The acting surgeon-in-chief directs attention to the need of more liberal appropriations. He urges that immediate appropriation be made for connecting with covered ways the disconnected wards and buildings, so that it will no longer be necessary, as at present, to carry patients on stretchers through the open grounds in the winter cold and summer heat without even the protection of a tree over them.

The hospital buildings are old and antiquated, and should be replaced by modern brick buildings.

WASHINGTON HOSPITAL FOR FOUNDLINGS.

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

The report of the board of directors shows that 62 children were received during the year and that 25 were remaining in the hospital on July 1, 1894. The deaths during the year numbered 45. Twelve of these were practically in a dying condition when they arrived at the institution. Twelve children were adopted.

ARCHITECT OF THE U. S. CAPITOL.

The Architect, Mr. Edward Clark, reports that the plumbing and draining of the entire building is completed. The copper roof of the old portion of the building has been repaired and the sandstone blocks

trade repointed and painted. Partitions in the House gallery have been relocated, and the reporters' gallery of both the Senate and House of Representatives extended to meet the requirements for more space.

The statue in bronze of Gen. James Shields, presented by the State of Illinois, has been received and placed in Statuary Hall, and the busts of Aaron Burr, Martin Van Buren, George M. Dallas, and Vice-President Stevenson have been received.

He states that part of the cooking apparatus of the Senate kitchen should be moved to the adjoining room within the range of the exhaust fans and out of the range of the heat of the sun; that an additional steam boiler for the House side should be provided; that the coal vaults of the House wing should be extended and a new room for the kitchen constructed in connection therewith.

For the accommodation of the document room of the House of Representatives the stables of the Washington and Georgetown Street Railway Company, south of the Capitol grounds, have been rented.

The Architect states that the Capitol grounds are so densely shaded that the safety of persons passing through them at night requires that they should be patrolled by watchmen the entire night. To this end he recommends an increase in the force of watchmen of the Capitol grounds.

The electric-lighting system has been extended to various rooms in both wings, and wires run for electric fans to committee rooms and cloakrooms of both Houses and to the Hall of the House of Representatives. The recommendation made in previous reports of the Architect, that the Government purchase the electric-lighting plant instead of renting, as at present, is renewed.

At the Botanical Gardens the buildings have been painted where necessary, the heating apparatus repaired, and new boilers supplied.

The bay of rooms at the southeast portion of the cellar of the Smithsonian buildings has been completed, and one room is now occupied for the storage of books and for clerical purposes.

The Fish Commission building has been thoroughly repaired and is now reoccupied by the commission.

Rooms have been fitted up in the upper story of the west wing of the court-house for the Court of Appeals and its offices; also rooms in the principal story of the same wing for the equity court No. 2, and for the attorneys' reception room. An additional steam coil has been supplied with air ducts for the criminal court No. 1. Other repairs and improvements have been made.

As authorized by the joint resolution approved February 2, 1894, making an appropriation of \$3,800 therefor, there have been erected at the Government Printing Office building three fire escapes with stand-pipes and three bridges across the court yard at an expense of \$1,965.66, and at the Maltby Building two fire escapes with stand-

pipes connected at a cost of \$1,280. This leaves an unexpended balance of \$554.34.

The total amount appropriated by Congress for the work under the supervision of the Architect was \$107,274.07, of which there was expended \$96,315.44, leaving an unexpended balance of \$10,958.63.

MARITIME CANAL COMPANY OF NICARAGUA.

The company reports that upon the appointment of a receiver for the construction company, on August 30, 1893, by the circuit court for the United States for the southern district of New York, measures were inaugurated by shareholders of the construction company for the reorganization of that company on a strong financial basis.

Notwithstanding delays incident to the magnitude and nature of the work of reorganization, the construction company reorganization committee have made material progress, and they now give assurance of ability to resume performance of the contract at a day not far distant.

COLUMBIA RAILWAY COMPANY, OF WASHINGTON D. C.

President R. F. Baker reports (in pursuance of the requirements of section 16 of the act of May 24, 1870 (16 Stats., 132), that the cash on hand March 1, 1893, was \$4,337.34; the disbursements for the year ending March 1, 1894, \$117,195. Twenty-two thousand dollars of the amount were paid out in dividends.

ADDITIONAL BUILDING FOR THE DEPARTMENT OF THE INTERIOR.

The attention of Congress is earnestly invited to the urgent necessity of providing an additional public building for this Department. The increase in the business assigned to it and the larger number of employes required, has made it necessary to rent buildings from private parties for the Office of Indian Affairs, Bureau of Education, Geological Survey, the Census Office, the United States Penitentiary Agency, the Civil Service Commission, the Patent Office model exhibit, and for the storage of documents.

Though selected with care and at as reasonable rents as possible, these buildings, scattered here and there throughout the city, are not to be the depositories of the valuable archives and papers which they contain. Few, if any of them, are practically fireproof, and it is probable that great loss of life would occur in case of fire, aside from the financial and historical loss to the Government by the destruction of valuable and irreplaceable records.

During the past ten years \$352,699.18 have been expended for rent of buildings for this Department, and it can not reasonably be expected that a less amount will be required during the same term of years in the future. It is probable that a larger sum will be needed. During the current fiscal year the rent of buildings, exclusive of the Census Office, will aggregate \$42,700. This sum represents the interest at 3 per cent on a principal of \$1,423,333.33, at which rate the Government can readily borrow money.

An appropriation of a sum equal to the principal named for the construction of a fireproof building would not only be economy from a monetary standpoint, but would enable all the bureaus in rented buildings to be brought together, thus providing better accommodations for the transaction of the public business and safer depositories for the valuable records which have been accumulating since the organization of the Interior Department in 1849.

This need of proper accommodations, also recommended by my predecessors, Secretaries Lamar and Noble, grows more pressing with the accumulation of the records of each year and the natural increase of the work of the Department.

In compliance with the report of the Commissioner of Public Lands, dated April 3, 1882, temporary relief was afforded by providing for the removal of the Indian Office to a rented building. Since such removal, however, in July, 1884, the overcrowded condition of the Interior Department building has increased until the officers are hampered in their efforts to perform their duties and care for the records intrusted to them.

Upon assuming charge of this Department in 1893, I found that certain divisions of the General Land Office still occupied rented apartments, and that there was an immediate necessity for providing fireproof quarters for those divisions. In order to make room for records of inestimable value to the Government, as well as to the claimants for public lands, the Patent Office models on exhibition were moved to a rented building. The relief afforded proved but temporary.

The necessity for additional room for clerical purposes, and for the accommodation of tons of documents and records now stored in the upper portion of the building, known as the Patent Office building, appears to be as great now as before the removal of the models, and increases every year. The lower floor of this building, which was never intended for offices, is occupied by a large force of clerks, and the halls are lined with cases containing records and documents. The crowded condition of many of these rooms compromises the health of the employes and sacrifices light and ventilation.

In the interest of economy and efficiency, I concur in the earnest recommendation of my predecessors for the erection of a large fireproof building for the accommodation of the bureaus now occupying rented

buildings. Secretary Lamar gave an additional reason for bringing these bureaus under one roof which I can not too heartily commend:

"The various bureaus of the Department should be brought together for the reason that active power is often imparted to an office by the immediate contact of the officials in charge, both in a superior and subordinate character."

Respectfully submitted,

HOKE SMITH,
Secretary.

The PRESIDENT.

APPENDIX.

A.

AGREEMENT WITH THE YUMA INDIANS IN CALIFORNIA.

Whereas Washington J. Houston, John A. Gorman, and Peter R. Brady, duly appointed commissioners on the part of the United States, did, on the fourth day of December, eighteen hundred and ninety-three, conclude an agreement with the principal men and other male adults of the Yuma Indians in the State of California, which said agreement is as follows:

Articles of agreement made and entered into this 4th day of December, A. D. 1893, at Fort Yuma, on what is known as the Yuma Indian Reservation, in the county of San Diego, State of California, by Washington J. Houston, John A. Gorman, and Peter R. Brady, commissioners on the part of the United States appointed for the purpose, and the Yuma Indians.

ARTICLE I.

The said Yuma Indians, upon the conditions hereinafter expressed, do hereby surrender and relinquish to the United States all their right, title, claim, and interest in and to and over the following-described tract of country in San Diego County, Cal., established by executive order of January ninth, eighteen hundred and eighty-four, which describes its boundaries as follows:

"Beginning at a point in the middle of the channel of the Colorado River, due east of the meander corner to sections nineteen and thirty, township fifteen south, range twenty-four east, San Bernardino meridian; thence west on the line between sections nineteen and thirty to the range line, between townships twenty-three and twenty-four east; thence continuing west on the section line to a point which, when surveyed, will be the corner to sections twenty-two, twenty-three, twenty-six, and twenty-seven, in township fifteen south, range twenty-one east; thence south on the line between sections twenty-six and twenty-seven, in township fifteen south, range twenty-one east, and continuing south on the section lines to the intersection of the international boundary, being the corner to fractional sections thirty-four and thirty-five, in township sixteen south, range twenty-one east; thence easterly on the international boundary to the middle of the channel of the Colorado River; thence up said river, in the middle of the channel thereof, to the place of beginning, be, and the same is hereby, withdrawn from settlement and sale and set apart as a reservation for the Yuma and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided, however,* That any tract or tracts included within the foregoing-described boundaries to which valid rights have attached under the laws of the United States are hereby excluded out of the reservation hereby made.

"It is also hereby ordered that the Fort Yuma Military Reservation be, and the same is hereby, transferred to the control of the Department of the Interior, to be used for Indian purposes in connection with the Indian reservation established by this order, said military reservation having been abandoned by the War Department for military purposes."

ARTICLE II.

Each and every member of said Yuma Indians shall be entitled to select and locate upon said reservation and in adjoining sections five acres of land, which shall be allotted to such Indian in severalty. Each member of said band of Indians over the age of eighteen years shall be entitled to select his or her land, and the father, or, if he be dead, the mother, shall select the land herein provided for for each of his or her children who may be under the age of eighteen years; and if both father and

mother of the child under the age of eighteen years shall be dead, then the nearest of kin over the age of eighteen years shall select and locate his or her land; or if such persons shall be without kindred, as aforesaid, then the Commissioner of Indian Affairs, or some one by him authorized, shall select and locate the land of such child.

ARTICLE III.

That the allotments provided for in this agreement shall be made, at the cost of the United States, by a special agent appointed by the Secretary of the Interior for the purpose, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and within sixty days after such special agent shall appear upon said reservation and give notice to the said Indians that he is ready to make such allotments; and if anyone entitled to an allotment hereunder shall fail to make his or her selection within said period of sixty days then such special agent shall proceed at once to make such selection for such person or persons, which shall have the same effect as if made by the person so entitled; and when all of said allotments are made and approved, then all of the residue of said reservation which may be subject to irrigation, except as hereinafter stated, shall be disposed of as follows: The Secretary of the Interior shall cause the said lands to be regularly surveyed and to be subdivided into tracts of ten acres each, and shall cause the said lands to be appraised by a board of three appraisers, composed of an Indian inspector, a special Indian agent, and the agent in charge of the Yuma Indians, who shall appraise said lands, tracts, or subdivisions, and each of them, and report their proceedings to the Secretary of the Interior for his action thereon; and when the appraisement has been approved the Secretary of the Interior shall cause the said lands to be sold at public sale to the highest bidder for cash, at not less than the appraised value thereof, first having given at least sixty days' public notice of the time, place, and terms of sale, immediately prior to such sale, by publication in at least two newspapers of general circulation; and any lands or subdivisions remaining unsold may be reoffered for sale at any subsequent time in the same manner at the discretion of the Secretary of the Interior, and if not sold at such second offering for want of bidders then the Secretary of the Interior may sell the same at private sale at not less than the appraised value.

ARTICLE IV.

That the money realized by the sale of the aforesaid lands shall be placed in the Treasury of the United States, to the credit of the said Yuma Indians, and the same with interest thereon at five per centum per annum, shall be at all times subject to appropriation by Congress, or to application, by order of the President, for the payment of water rents, building of levees, irrigating ditches, laterals, the erection and repair of buildings, purchase of tools, farming implements and seeds, and for the education and civilization of said Yuma Indians.

ARTICLE V.

Upon the approval of the allotments provided for herein by the Secretary of the Interior he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the use and benefit of the Indian to whom such allotments shall have been made, or in case of his or her decease, to his or her heirs or devisees, according to the laws of California, and that at the expiration of said period the United States will convey the same by patent to said Indian or his heirs or devisees, as aforesaid in fee, and discharged of said trust and free of all incumbrance whatsoever.

And if any conveyance shall be made of the lands set apart and allotted as here provided, or any contract made touching the same before the expiration of the term above mentioned, such conveyance or contract shall be absolutely null and void. And during said period of twenty-five years these allotments and improvements thereon shall not be subject to taxation for any purpose, nor subject to be seized upon any execution or other legal process, and the law of descent and partition in force in California shall apply thereto.

ARTICLE VI.

All lands upon said reservation that can not be irrigated are to be open to settlement under the general land laws of the United States.

ARTICLE VII.

There shall be excepted from the operation of this agreement a tract of land, including the buildings, situate on the hill on the north side of the Colorado River, formerly Fort Yuma, now used as an Indian school, so long as the same shall be used for religious, educational, and hospital purposes for said Indians, and a further grant of land adjacent to the hill is hereby set aside as a farm for said school; the grant for the school site and the school farm not to exceed in all one-half section, or three hundred and twenty acres.

ARTICLE VIII.

This agreement shall be in force from and after its approval by the Congress of the United States.

In witness whereof we have hereunto set our hands and seals the day and year first above written.

WASHINGTON J. HOUSTON, [SEAL.]

JOHN A. GORMAN, [SEAL.]

PETER R. BRADY, [SEAL.]

Commissioners on the part of the United States.

BILL MOJAVE, and others.

B.

REPORT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

WASHINGTON, D. C., November 20, 1894.

SIR: The Commission to the Five Civilized Tribes, appointed under the sixteenth section of an act of Congress making appropriations for the Indian service, approved March 3, 1893, report what progress has thus far been made by it.

Immediately upon receiving their instructions they entered upon their work and made their headquarters, on reaching the Territory, at Muskogee, in the Creek Nation, removing it in March to South McAlester, in the Choctaw Nation, where it still remains.

Upon arriving in the Territory the commission immediately sent to the chief or governor of each tribe an official notice of their appointment and of their authority and the objects of their mission in accord with their instructions, and requested an early conference with him, or those who might be authorized to confer with this commission, at such time and place as might be designated by him. Such conferences were held separately with the chief and duly authorized commission of each of the tribes. At each of these conferences the commission explained with great pains the wishes of the Government and their authority to enter into negotiations with them for an allotment of their lands and exchange of their tribal for a Territorial government. They were listened to attentively, and were asked many pertinent questions, which were fully answered so far as their authority justified. No definite action was taken at either of these conferences, though the indications were adverse to a favorable result. They all asked for time to consider, and promised a renewal of the conferences.

Afterwards, at the suggestion of one of the chiefs, an international council, according to their custom on important questions, consisting of delegates appointed for that purpose from each of the tribes, except the Seminoles, who took no part in it, was held to confer upon the purposes of this commission. The commission attended this conference, and on request presented the subject to them more elaborately and fully than had been done before. The conference continued three days, and at first the views of the commission were treated with seriousness, and the impression seemed favorable in the body that a change in their present condition was necessary and was imminent, and that it was wise for them to entertain our propositions. During the deliberations, however, telegraphic dispatches from Washington reached them indicating that the sentiment of the Government, and especially of Congress, from whose action they had most to apprehend, was strongly in favor of what they maintained as "the treaty situation," and that no steps would be taken looking to a change unless they desired it. This put an effectual check upon the disposition to negotiate, and the result at this international conference was the adoption of resolutions strongly condemning any change and advising the several tribes to resist it. Each of the tribes subsequently acted in accord with this advice, and several of them took official action condemning any change, and refusing to negotiate upon

any terms looking to a change in the present condition in respect either to their form of government or the holding of their domains. This refusal has been repeated many times in these tribes in several ways since, and stands to-day as the official position of the governments of those who have taken action thereon.

It was apparent that this convention was dominated by the tribal officials and those having large holdings of land.

CREEK NATION.

On the 23d of January, a commission appointed by the chief of the Creek tribe met us at Muskogee to confer with us, but had no authority whatever, as they stated, to enter into negotiations or conclude any agreement with us. After a conference, however, they expressed a desire that we should make any appointment to meet and address their people at Okmulgee, their capitol, and explain the policy and purpose of the U. S. Government in sending us to the Territory, which we accordingly did on the 3d day of April, 1894. Our audience was large, embracing the chief, council and Creek citizens. A number of prominent citizens, who have almost absolute control of the government and a monopoly of the lands of the tribe, were present actively opposing the work of this commission.

After arriving at Okmulgee, we had frequent and free conversations with quite a number of Creek citizens, who expressed themselves favorable to the proposition we were submitting, and detailed the poverty-stricken condition of the common people, and the consequent necessity for a change. They also expressed their desire that their council should accede to the proposed changes. After we had addressed fully and in detail the meeting upon the subject of our mission, we were followed by the chief, who addressed them in the Creek language, which was not interpreted and which we therefore could not understand. But we were informed by one present, and believe truthfully, that the chief stated to them that if they acceded to the propositions of the Government and accepted allotment they would each receive a lot of land only 4 by 8 feet, and thereupon called for a vote of the meeting upon the propositions discussed by us, and all of the meeting passed over to the side against our propositions. Immediately thereafter the council met and passed resolutions declining to appoint a commission to treat with us, or take any steps looking to the allotment of lands or change of government.

That our propositions to the Creek tribe might be definite and specific, and the action of their council thereon free from doubt and misconception, we, on the 25th day of July, 1894, submitted to the tribe, through its principal chief, written propositions upon which we proposed to negotiate with them, as follows:

PROPOSITIONS TO THE CREEKS.

The commission to the Five Civilized Tribes, appointed by the President under section 16 of an act of Congress approved March 3, 1893, propose to treat with the Creek Nation on the general lines indicated below, to be modified as may be deemed wise by both parties after discussion and conference.

First. To divide all lands now owned by the Creek Nation, not including town sites, among all citizens, according to the treaties now in force, reserving town sites, coal, and minerals for sale under special agreement. Sufficient land for a good home for each citizen to be made inalienable for twenty-five years, or such longer period may be agreed upon.

Second. The United States to agree to put each allottee in possession of the land allotted to him, without expense to the allottee, that is, to remove from the allottee land all persons who have not written authority to be on the same, executed by the allottee after the date of the evidence of title.

Third. Town sites, coal, and mineral discovered before allotment to be the subject of special agreement between the parties, such as will insure to the nation and to those who have invested in them just protection and adjustment of the respective rights and interests therein.

Fourth. A final settlement of all claims against the United States.

Fifth. All invested funds not devoted to school purposes, and all moneys derived from the sale of town sites, coal, and minerals, as well as all moneys found due from the United States, to be divided per capita among the citizens, according to the respective rights under treaties and agreements.

Sixth. All moneys due the citizens of said Nation, except that devoted to school purposes, to be paid per capita to the citizens entitled thereto by an officer of the United States, to be appointed by the President.

Seventh. A board of three persons to be agreed upon, to whom shall be referred all questions of citizenship and right to allotment, to consist of one member of the commission and one Creek by blood, they to select the third member, wholly dis-

terested; and in case they shall fail to agree upon such third member, such third member shall be appointed by the President.

Eighth. If an agreement shall be reached with the Creek Nation, a Territorial form of government may be formed by Congress and established over the territory of the Creek Nation, and such other of the Five Civilized Tribes as may have at the time agreed to allotment of lands and change of government.

Ninth. Such agreement, when made, shall be submitted for ratification to the Creek government, and if ratified by it, shall then be submitted to Congress for approval.

Tenth. The present tribal government to continue in existence until after the lands are allotted and the allottees put in possession—each of his own land—after which a Territorial government may be established by Congress.

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

These propositions were accompanied by the following letter of transmittal:

SOUTH MCALESTER, July 25, 1894.

DEAR SIR: The commission appointed by the President under the sixteenth section of an act of Congress approved March 3, 1893, has not heretofore submitted to the Creek government formal propositions looking to concluding an agreement as provided in such section. We, therefore, herewith inclose such propositions, and request that a commission be constituted by the Creek government, with full power to settle upon the terms of such agreement.

We also request a definite answer prior to 1st of October next, as at that time it is the purpose of this commission to report to the Secretary of the Interior the influences which prevent such an agreement should your government further decline to enter upon negotiations with this commission, as also all other matters which should properly be embraced in such report.

We are, very respectfully,

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

Hon. LEGUS C. PERRYMAN,
Principal Chief, Creek Nation.

The national council of the Creek Nation convened in regular session in October, 1894, and adjourned without having taken any action upon the foregoing propositions, so far as this commission has been advised.

CHOCTAW NATION.

By agreement this commission met and addressed the council of the Choctaw tribe at the capitol, Tushkahoma, on the 25th day of January, 1894, explaining the objects of the commission, and the desires and purposes of the U. S. Government in sending it to the Territory. After the international council above alluded to, a commission of Choctaws waited upon us at Muskogee and requested that members of the commission visit and address the Choctaw people at a number of points in the Choctaw tribe; which we did during the spring and summer, accompanied by a commission of three, appointed by the Choctaw council, who could speak both the English and Choctaw languages, and who were instructed to use their influence to prevent favorable consideration of the propositions submitted by this commission.

On the 23d day of April, 1894, we submitted propositions to the Choctaw tribe as follows:

PROPOSITIONS TO THE CHOCTAW AND CHICKASAW NATIONS.

We propose to treat with the Choctaw and Chickasaw nations jointly, on these general lines, to be modified as may be deemed wise by both parties, after discussion and conference.

First. To divide all lands now owned by the Choctaws and Chickasaws, not including town sites, among all citizens of the two nations, according to the treaties now in force, reserving the coal, minerals, and town sites for sale.

Second. The United States to agree to put each allottee in possession of the land allotted to him without expense to the allottee.

Third. Town sites, coal and minerals discovered to be the subject of special agreements between the parties, and such as will secure to the nation and to those who have invested in them a just protection and adjustment of their respective rights therein.

Fourth. A settlement of all claims against the United States, including those of the "leased district."

Fifth. All invested funds and all moneys derived from the sale of town sites, coal and minerals, and from the sale of the leased district, as well as all money found to be due from the United States to either of said nations, to be divided per capita among their citizens according to their respective rights under the treaties and agreements.

Sixth. All the moneys due the citizens of said nations, except that devoted to school purposes, to be paid per capita to the citizens of each nation respectively by an officer of the United States, who shall be appointed by the President.

Seventh. If an agreement shall be reached with the Choctaws and Chickasaws, territorial government shall be formed by Congress over the territory of the two nations, and such other of the Five Civilized Tribes as may have at the time allotted their lands and agreed to a change of government.

Eighth. The present tribal governments to continue until after the lands are allotted, and the allottee put in possession, each, of his own land and the money paid to those entitled to the same.

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

These propositions were accompanied by a letter of transmittal similar to the one to the Creeks above copied.

Since these propositions were submitted the Choctaw council met in regular session in October last, and adjourned without having taken any action thereon, so far as this commission is advised.

CHICKASAW NATION.

In answer to our letter announcing our presence in the Territory, heretofore alluded to, Hon. Jonas Wolfe, governor of the Chickasaw Nation, suggested the 6th day of February, 1894, at Tishomingo, as the time and place for a meeting of this commission with a commission appointed by him. At that time and place we met and addressed the commission so appointed, together with a large number of Chickasaw Indians, on the objects and purposes for which this commission was appointed, and by request of the governor and members of said commission we met the citizens of the Chickasaw tribe at a number of places and addressed large audiences on the subject of our mission during the spring and summer.

On the 23d day of April, 1894, we submitted propositions to the Chickasaw tribe through its governor, like those submitted to the Choctaw Nation and copied above, which were accompanied by a like letter of transmittal.

Since these propositions were submitted the national council of the Chickasaw Nation met in regular session and adjourned without having taken any action on such propositions, so far as we are advised.

CHEROKEE NATION.

On the 30th day of January, 1894, a commission of Cherokees met us at Muskogee, they having been appointed by the principal chief, in response to our letter heretofore referred to. They presented to us a copy of the resolutions adopted by their tribal council, under which they were appointed, which expressly forbade them from entering upon negotiations with this commission, looking to allotment of lands or change of government, and in effect instructing them to use all means within their power to prevent the accomplishment of our mission. After a conference with us, however, they invited us to make a number of appointments and meet and address the citizens of the Cherokee tribe on the subject of our mission. This we accordingly did during the ensuing spring and summer.

On the 25th day of July, 1894, we submitted to the Cherokee tribe, through principal chief, propositions as follows:

PROPOSITION TO THE CHEROKEES.

The Commission to the Five Civilized Tribes, appointed by the President in section 16 of an act of Congress approved March 3, 1893, propose to treat with Cherokee Nation on the general lines indicated below, to be modified and extended as may be deemed wise by both parties after discussion and conference.

First. To divide all lands now owned by the Cherokee Nation, not including town sites, among all citizens according to treaties now in force, reserving town sites and minerals for sale under special agreements. Sufficient land for a good home for each citizen to be made inalienable for twenty-five years, or such longer period as may be agreed upon.

Second. The United States to agree to put each allottee in possession of the land allotted to him without expense to allottee—that is, to remove from the allottee's land all persons who have not written authority from the allottee to be on the same, executed after the date of the evidence of title.

Third. Town sites, coal and minerals discovered before allotment to be the subject of special agreement between the parties, such as will secure to the nation and to those who have invested in them a just protection and adjustment of their respective rights and interests therein.

Fourth. A final settlement of all claims against the United States.

Fifth. All invested funds not devoted to school purposes and all moneys derived from the sale of town sites, coal and mineral, as well as all moneys found due from the United States, to be divided per capita among citizens according to their respective rights under the treaties and agreements.

Sixth. All moneys due the citizens of said nation, except that devoted to school purposes, to be paid per capita to the citizens entitled thereto by an officer of the United States, to be appointed by the President.

Seventh. A board of three persons to be agreed upon, to whom shall be referred all questions of citizenship and right to allotment, except freedmen, to consist of one member of this commission and one Cherokee by blood, they to select the third member, who shall be wholly disinterested; and in case they shall fail to agree upon such third member, he shall be appointed by the President.

Eighth. A board of three persons to be agreed upon, to consist of two members of this commission and one Cherokee by blood, who shall revise the roll of freedmen, known as the Wallace roll, and erase the names of such as may be improperly placed on said rolls and add such as may be entitled thereto, including such as may have been born since that roll was made.

Ninth. If an agreement shall be reached with the Cherokee Nation, a Territorial government may be formed by Congress and established over the Cherokee Nation and such other of the Five Civilized Tribes as may have, at the time, agreed to allotment of lands and change of government.

Tenth. Such agreement, when made, shall be submitted for ratification to the Cherokee government, and if ratified by it shall then be submitted to Congress for approval.

Eleventh. The present tribal government to continue in existence until after the lands are allotted and the allottee put in possession of his own land, after which a Territorial government may be established by Congress.

Twelfth. The agreement entered into by the United States, in reference to intruders, is to be in no way impaired, but is to continue in force and be carried out as originally made, if desired by the Cherokee Nation.

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

These propositions were accompanied by the following letter of transmittal:

SOUTH McALESTER, IND. T., *July 25, 1894.*

DEAR SIR: The commission appointed by you last January, upon an interview with this commission, under instructions from the Cherokee council, declined to take any steps looking to a change of land tenure and the organization of a territorial government by the United States. Believing the Cherokee people did not fully comprehend the changes proposed, and the willingness and anxiety of the United States Government to throw around them protection against any possible injury resulting from such proposed change, it was deemed advisable by this commission to disseminate among them such information as would enable them to fully understand the same, with the necessity therefor, and the reasons why the same was desired by our Government. This was promptly done, and a sufficient time has now elapsed for them to reach a deliberate conclusion.

We therefore have the honor to submit for the consideration of your government propositions outlining the prominent features of an agreement desired by the United States Government, and to request that the same be submitted to your legislative council, and that a commission on the part of the Cherokee Nation be appointed to negotiate with this commission under the provisions of the sixteenth section of an act of Congress approved March 3, 1893.

We shall be pleased to learn of the action of your government prior to the 1st day of October, 1894, at which time it will be the duty of this commission, if negotiations have not been previously entered upon, to report to the Secretary of the Interior the condition of the Cherokee people, the system of land holding now prevalent, and the influence now obstructing the policy of the Government in securing a change of both land tenure and government, and such other matters as should be embraced in said report.

We have the honor to be, governor, yours, with great respect,

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

Hon. C. J. HARRIS,
Principal Chief, Cherokee Nation.

After these propositions were submitted, it came to our knowledge that the honorable Secretary of the Interior had decided that the Cherokee tribe was the exclusive judge as to who were citizens of said tribe, and we accordingly waived the appointment of a board as provided for in the seventh proposition, and notified the principal chief of the Cherokee tribe of such decision and waiver.

After said propositions were submitted to the Cherokee tribe, Chief Harris requested that the time for an answer thereto be extended until a meeting of the Cherokee council on the first Monday in November, 1894, which we agreed to. The Cherokee council is now in session, but up to this date no response has been received.

SEMINOLE NATION.

In answer to our letter to the governor of the Seminole tribe, he suggested that the national council of the Seminole tribe would convene early in April and named the 6th day of April, 1894, as the time and Wewoka as the place he desired this commission to meet and address said council. Pursuant to such suggestion we met and addressed the council and a large number of citizens of said tribe. Afterwards the council met and adopted resolutions declining to take any action whatever with a view of negotiating with this commission. Not having done so before, we, on the 26th day of July, 1894, in order to make our propositions more specific and definite, and to obtain a clear response thereto, submitted to the Seminole tribe the following propositions:

PROPOSITIONS TO THE SEMINOLES.

The commission to the Five Civilized Tribes, appointed by the President under section 16 of an act of Congress, approved March 3, 1893, propose to treat with the Seminole Nation on the general lines indicated below, to be modified as may be deemed wise by both parties after discussion and conference.

First. To divide all lands now owned by the Seminole Nation, not including town sites, among all citizens according to the treaties now in force, reserving town sites, coal and minerals, for sale under special agreement. Sufficient land for a good home for each citizen to be inalienable for twenty-five years, or such longer period as may be agreed upon.

Second. The United States to agree to put each allottee in possession of the lands allotted to him without expense to the allottee—that is, to remove from the allottee's land all persons who have not written authority to be on the same, executed by the allottee after the date of the evidence of title.

Third. Town sites, and coal and minerals discovered before allotment, to be the subjects of special agreements between the parties—such as will secure to the nation and to those who have invested in them a just protection and adjustment of the respective rights and interests therein.

Fourth. A final settlement of all claims against the United States.

Fifth. All invested funds, not devoted to school purposes, and all moneys derived from the sale of town sites, coal and minerals, as well as all moneys found due from the United States, to be divided per capita among the citizens according to their respective rights under the treaties and agreements.

Sixth. All moneys due the citizens of said nation, except that devoted to school purposes, to be paid per capita to the citizens entitled thereto by an officer of the United States, to be appointed by the President.

Seventh. If an agreement shall be reached with the Seminole Nation a Territorial government may be formed by Congress and established over the territory of the Seminole Nation and such other of the Five Civilized Tribes as may have at the time agreed to allotment of lands and change of government.

Eighth. Such agreements when made shall be submitted for ratification to the Seminole government, and, if ratified by it, shall then be submitted to Congress for approval.

Ninth. The present tribal government to continue in existence until after the lands are allotted and the allottee put in possession, each of his own land, after which a territorial government may be established by Congress.

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

The foregoing propositions were accompanied by the following letter of transmittal:

SOUTH MCALESTER, IND. T., *July 28, 1894.*

DEAR SIR: Please find inclosed formal propositions indicating the general line upon which this Commission proposes to negotiate with the Seminole Nation.

We request that your nation appoint a commission to arrange the details of such an agreement as this commission is authorized to make under the sixteenth section of an act of Congress approved March 3, 1893.

We hope to be informed in regard to the action of your nation prior to the 1st of October next. If your nation should decline to appoint a commission as requested, we desire at that time to submit a report to the Secretary of the Interior of the condition of the Seminole people and the causes and influences obstructing the policy of the U. S. Government in regard to a change of land tenure and government, with such other facts as may seem pertinent and will enable the Government to take such further action as it may deem wise.

Information, alike accessible to all, must convince you of the earnest desire of the United States to effect a change in the condition of the Five Civilized Tribes, and of the many advantages which would accrue to your people if they shall effect such change by agreement.

We have the honor to be, respectfully, yours,

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

Hon. JOHN F. BROWN,
Principal Chief, Seminole Nation, Wewoka, Ind. T.

To the above propositions we have not, as yet, received any reply.

SOME EXPLANATIONS.

Early interviews with us by commissioners appointed by the several tribes, and with citizens, satisfied us that the Indians would not, under any circumstances, agree to cede any portion of their lands to the Government, but would insist that if any agreements were made for allotment of their lands it should all be divided equally among them. Among other reasons assigned, it was stated that a cession to the United States would likely make operative and effective the various railroad grants; that they preferred each to sell his share of the lands and receive the money for it, as if ever their lands were converted into money it would go into the hands of the officers of the tribes, who would swindle them out of a large portion of it. Finding this unanimity among the people against the cession of any of their lands to the United States, we abandoned all idea of purchasing any of it and determined to offer them an equal division of all their lands. Hence the first proposition made to each tribe.

An objection very generally urged to allotment of lands was that they would be in possession, when allotted, of noncitizens, whom they could not dispossess without interminable lawsuits, and as the Indians, especially the full-bloods, have a settled aversion to go into our courts, we, to remove this difficulty, submitted the second proposition to each tribe.

There are towns in the Territory ranging in population from a few people to 5,000 inhabitants. Nearly all of them are noncitizens. These towns have not been surveyed or platted, and streets exist only by agreement and arrangement among the people who have constructed them, and are often bent and irregular. Many large and valuable stone, brick, and wooden buildings have been erected by noncitizens of these towns, and the lots on which they stand are worth many thousands of dollars. These town sites are not susceptible of division among the Indians, and the only practicable method of adjusting the equities between the tribes who own the sites and those who have constructed the buildings is to appraise the lots without

the improvements and the improvements without the lots, and allow the owners of the improvements to purchase the lots at the appraised value, or to sell lot and improvements and divide the money according to the appraisement. Hence, the third proposition to all the tribes, town sites were reserved for disposition under special agreements.

Complaints are made by the Cherokees that many freedmen are on the rolls made under the direction of the Government, and known as the "Wallace Roll," who are not entitled to be there, and many freedmen complain that they have been improperly omitted. The chief of the Cherokee tribe suggested that they might be willing to submit all these disputes to this commission for decision, but it was believed that if an intelligent Cherokee by blood was one of such board, it would give the Cherokee people a knowledge of the good faith and correctness of the decision, and secure their confidence in the conclusions arrived at. Hence, in the eighth proposition to the Cherokees, we propose such board be composed of two members of this commission and one Cherokee by blood.

The Cherokee tribe is clamorous for the execution of the agreement in regard to intruders contained in the contract heretofore made with that tribe in purchasing the "Outlet," and we have been met by the declaration repeatedly made by those in power, that when that agreement was carried out it would be time to discuss the propriety of making another. We therefore provided that that agreement should not in any way be impaired, though it is believed the proposition numbered second is certainly the most satisfactory and effective method of settling the intruder question that has been suggested.

Our instructions were to endeavor to secure the sixteenth and thirty-second sections for school purposes. This was strenuously objected to on the ground, as was claimed, that it would be requiring them to furnish a large school fund for a people of whom they did not constitute more than one-seventh. It was therefore omitted in the propositions made to all the tribes.

The Choctaws and Chickasaws are still claiming an interest in the south part of what is known as the "Leased district," and they insisted that if negotiations were entered upon this matter should also be adjusted before the abolition of their tribal governments, and we embraced it in the fourth proposition to them that the matter might properly come before the tribe and the Government when negotiations were concluded.

In addition to these official communications, and in order that their purport might reach as many individual Indians of the several tribes as possible and their importance be fully understood, we have held frequent conferences with the citizens themselves and personally with those in authority at their respective capitols, at our own headquarters, and whenever an opportunity presented itself. We addressed frequent meetings of the Indians also for that purpose in different parts of the Territory, and have visited all parts of it to acquaint ourselves with the condition of the people and with their views upon the subject-matter of our mission. We have also presented the subject through the public press of the Territory whenever possible, and have caused our addresses, circulars, and propositions to be translated into the languages of the different tribes and circulated among those who do not understand the English language. A copy of our address to the citizens of the Five Tribes, issued soon after our arrival in the Territory, is herewith submitted.

The east half of the Territory, inhabited by the Five Civilized Tribes, is mostly covered with dwarf oak, and a belt of similar timber extends west to Oklahoma through the north part of the Chickasaw and south part of the Creek countries, and covers most of the Seminole country. In the Chickasaw, Choctaw, and Seminole countries are mountains of considerable extent covered with pine forests. The margins of streams are bordered with heavy timber, in which are jungle and vines, constituting impenetrable thickets. The remainder of the country is prairie of rich alluvial soil and admirably adapted to agricultural purposes. The land covered with oak timber is generally poor, rocky, and mostly worthless for cultivation.

Coal of superior quality abounds in the Territory, and in the Choctaw country especially are immense beds, worth many millions of dollars, which are being extensively worked by large and costly plants. These coal beds are shingled over with leases and discoverers' rights, claimed under existing law, and complications are arising which will lead to conflict and endless litigation, and which are constantly growing worse.

The abundance of game, fine spring water, and convenience of wood led the Indians to settle in the timber country when first transferred to the Territory, and where the full-bloods still remain, eking out an existence on a few acres of corn raised in the small valleys, and the hogs raised on the acorns.

The real Indian is living in this sterile country, far from the whites and from all civilizing influences.

The mountains and thickets along the water courses afford a refuge and abiding place for criminals and outlaws, whence they sally in their forays on the surround-

ing country and States, and to which they return when pursued. The immunity thus afforded from arrest and punishment, encourages lawlessness and only the presence of large bodies of armed men or the settlement of the country can extirpate this evil.

Indians living in the woods are by the admission of their wisest men less civilized and fit for citizenship than they were twenty years ago. Theirs is a case of arrested progress, and it is believed that the only hope of civilizing them is to induce them to settle on the fertile lands, rent portions to the whites, mingle freely with them, attending the same churches and schools.

The barrier opposed at all times by those in authority in the tribes, and assuming to speak for them as to any change in existing conditions, is what they claim to be "the treaty situation." They mean by this term that the United States is under treaty obligations not to interfere in their internal policy, but has guaranteed to them self-government and absolute exclusion of white citizens from any abode among them; that the United States is bound to isolate them absolutely. It can not be doubted that this was substantially the original governing idea in establishing the Five Tribes in the Indian Territory, more or less clearly expressed in the treaties, which are the basis of whatever title and authority they at present have in the possession of that Territory, over which they now claim this exclusive jurisdiction. To that end the United States, in different treaties and patents executed in pursuance of such treaties, conveyed to the several tribes the country originally known as the "Indian Territory," of which their present possessions are a part only, and agreed to the establishment by them therein of governments of their own. The United States also agreed to exclude all white persons from their borders.

These treaties, however, embraced stipulations equally clear, that these tribes were to hold this territory for the use and enjoyment of all Indians belonging to their respective tribes, so that every Indian, as is expressed in some of the treaties, "shall have an equal right with every other Indian in each and every portion of the territory," and the further stipulation that their laws should not conflict with the Constitution of the United States. These were executory provisions to be observed in the future by both sides. Without regard to any observance of them on their part, the Indians claim that these treaties are irrevocably binding on the United States. These stipulations naturally grew out of the situation of the country at the time they were made, and of the character of the Indians with whom they were made. The present growth of the country and its present relations to this territory were not thought of or even dreamed of by either party when they entered into these stipulations. These Indians were then at a considerably advanced stage of civilization, and were thought capable of self-government, in conformity with the spirit if not the forms of the National Government, within whose limits they were to remain. It was not altogether unreasonable, therefore, to conclude that it would be possible, as it was by them desirable, that these Indians could have set apart to them a tract of country so far remote from white civilization and so isolated that they could work out the problem of their own preservation under a government of their own, and that not only with safety to the Union but with altogether desirable results to themselves.

For quite a number of years after the institution of this project it seemed successful, and the Indians under it made favorable advance toward its realization. But within the last few years all the conditions under which it was inaugurated have undergone so complete a change that it has become no longer possible. It is hardly necessary to call attention to the contrast between the present conditions surrounding this Territory and those under which it was set apart. Large and populous States of the Union are now on all sides of it, and one-half of it has been constituted a Territory of the United States. These States and this Territory are teeming with population and increasing in numbers at a marvelous rate. The resources of the Territory itself have been developed to such a degree and are of such immense and tempting value that they are attracting to it an irresistible pressure from enterprising citizens. The executory conditions contained in the treaties have become impossible of execution. It is no longer possible for the United States to keep its citizens out of the Territory. Nor is it now possible for the Indians to secure to each individual Indian his full enjoyment in common with other Indians of the common property of the Territory.

The impossibility of enforcing these executory provisions has arisen from a neglect on both sides to enforce them. This neglect is largely the result of outside considerations for which neither is responsible and of the influence of forces which neither can control. These executory conditions are not only impossible of execution, but have ceased to be applicable or desirable. It has been demonstrated that isolation is an impossibility, and that, if possible, it could never result in the elevation or civilization of the Indian. It has been made clear that under its operations, imperfectly as it has been carried out, its effect has been to retard rather than to promote civilization, to impair rather than strengthen the observance of law and

order and regard for human life and human rights or the protection or promotion of a virtuous life. To such a degree has this sad deterioration become evident that to-day a most deplorable and dangerous condition of affairs exist in the Territory, causing widespread alarm and demanding most serious consideration.

All the functions of the so-called governments of these five tribes have become powerless to protect the life or property rights of the citizen. The courts of justice have become helpless and paralyzed. Violence, robbery, and murder are almost of daily occurrence, and no effective measures of restraint or punishment are put forth to suppress crime. Railroad trains are stopped and their passengers robbed within a few miles of populous towns and the plunder carried off with impunity in the very presence of those in authority. A reign of terror exists, and barbarous outrages, almost impossible of belief, are enacted, and the perpetrators hardly find it necessary to shun daily intercourse with their victims. We are now informed that, within the territory of one of these tribes, there were 53 murders during the month of September and the first twenty-four days of October last, and not a single person brought to trial.

In every respect the present condition of affairs demonstrates that the permission to govern themselves, under the Constitution of the United States, which was originally embraced in the treaty, has proved a failure. So, likewise, has the provision that requires the United States to exclude white citizens from the Territory. The course of procedure by the governments of the Five Tribes has largely contributed to this result, and they are quite as much responsible as the United States for the fact that there are 250,000 white people residing in the Territory. These citizens of the United States have been induced to go there in various ways and by various methods by the Indian governments themselves. These governments consented to the construction of a number of railways through the Territory, and thereby consented that they bring into the Territory all that is necessary in the building and operation of such railroads—the necessary depots, stations, and the inevitable towns which their traffic was sure to build up, and the large building which white men alone could develop and which these railroads were sure to stimulate and make profitable.

Besides these, they have, by their laws, invited men from the border States to become their employes in the Territory, receiving into their treasuries a monthly tax for the privilege of such employment. They have also provided by law for the intermarriage of white persons with their citizens and adopted them into their tribes. By operation of these laws large numbers of white people have become adopted citizens, participating in the benefits of citizenship. A single instance of such marriage has enabled one white man under the laws to appropriate to his exclusive use 50,000 acres of valuable land. They have, by their legislation, induced citizens of the United States to come in from all sides and under leases and other agreements with private citizens, sanctioned by their own laws, farmed out to them large ranges of their domain, as well as inexhaustible coal deposits within their respective borders, and other material interests which civilized white men alone could turn to profit. In some sections of the Territory the production of cotton has proved so feasible and profitable that white men have been permitted to come in by thousands and cultivate it and build trading marts and populous towns for the successful operation of this branch of trade alone.

In a single town of 5,000 white inhabitants, built there by their permission and also for the profit of the Indian, there were during last year marketed 40,000 bales of cotton. They have also sold off to the United States one-half of their original territory, to be opened up to white settlement on their western borders, in which, with their consent thus obtained, 300,000 white citizens have made their homes, and a Territorial government by this means has been erected in the midst of their own territory, which is forbidden by one of the executory provisions of the treaty. The day of isolation has passed. Not less regardless have they been of the stipulations in their title that they should hold their territory for the common and equal use of all their citizens. Corruption of the grossest kind, openly and unblushingly practiced, has found its way into every branch of the service of the tribal governments. All branches of the governments are reeking with it, and so common has it become that no attempt at concealment is thought necessary. The governments have fallen into the hands of a few able and energetic Indian citizens, nearly all mixed blood and adopted whites, who have so administered their affairs and have enacted such laws that they are enabled to appropriate to their own exclusive use almost the entire property of the Territory of any kind that can be rendered profitable and available.

In one of these tribes, whose whole territory consists of but 3,040,000 acres of land, within the last few years laws have been enacted under the operation of which 61 citizens have appropriated to themselves and are now holding for pasturage and cultivation 1,237,000 acres. This comprises the arable and greater part of the valuable grazing lands belonging to that tribe. The remainder of that people, largely the full-bloods who do not speak the English language, are excluded from the enjoyment of any portion of this land, and many of them occupy the poor and hilly

country where they get a scanty living from such portions as they are able to turn to any account. This class of persons in the Territory are making little if any progress in civilization. They are largely dependent on those in control of public affairs, whose will they register at the polls and with whose bidding, in a large measure, they comply without question. Those holding power by these means oppose any change and ask only to be let alone.

In another of these tribes, under similar legislation, vast and rich deposits of coal of incalculable value have been appropriated by the few, to the exclusion of the rest of the tribe and to the great profit of those who operate them and appropriate their products to their individual use. Large and valuable plants for mining coal have been established by capitalists under leases by which, together with "discoverer's claims" authorized by the tribal governments, these coal lands are covered, and under the workings of which the rightful owners are being despoiled of this valuable property with very little or no profit to them; and it is clear that this property should be restored to the common domain and protected to the common people, and the mines worked under a system just and equitable to all who have rights therein.

The vast pine forests heretofore spoken of, which are of incalculable value, if not indispensable, in the future development of the country and the building up of homes and improvements of the agricultural lands, are being spoliated and laid waste by attempts, under laws enacted for that purpose, to grant to a few, mostly adopted white citizens, the right to cut and market for their own use whatever timber they can turn to their own profit. This is an irreparable destruction of one of the most essential elements of the progress of the country in the future and should be at once arrested.

Towns of considerable importance have been built by white persons under leases obtained from Indians claiming the right to appropriate the common property to these uses. Permanent improvements of great value have thus been made by white citizens of the United States, induced and encouraged thereto by the tribal governments themselves, and have become immovable fixtures which can not be taken away. However difficult the problem of adjusting rights thus involved, nothing can be more clear than that the step can not be retraced. Towns built under such inducements can not be removed nor their structures razed to the ground, nor can the places they occupy be restored to the conditions originally contemplated by the treaties. Ruinous as any such attempt would be to those thus induced to expend their money in building these towns, it would not be less ruinous to the Indians themselves to be, by any such attempt, forced back to the methods of life existing before the coming of these white men. The original idea of a community of property has been entirely lost sight of and disregarded in every branch of the administration of their affairs by the governments which have been permitted to control this Territory under the treaty stipulations which are now being invoked, by those who are in this manner administering them, as a protection for their personal holdings and enterprises.

The large payments of moneys to the Indians of these tribes within the last few years have been attended by many and apparently well-authenticated complaints of fraud, and those making such payments, with others associated with them in the business, have, by unfair means and improper use of the advantages thus afforded them, acquired large fortunes, and in many instances private persons entitled to payments have received but little benefit therefrom. And worse still is the fact that the places of payments were thronged with evil characters of every possible caste, by whom the people were swindled, defrauded, robbed, and grossly debauched and demoralized. And in case of further payments of money to them the Government should make such disbursements to the people directly, through one of its own officers.

We feel it our duty to here suggest that any measures looking to any change of affairs in this Territory should embrace special, strict, and effective provisions for protection of the Indian and other citizens from the introduction, manufacture, or sale of intoxicants of any kind in the Territory, with penalties therefor and for failure by officers to enforce same, sufficiently severe to cause their perfect execution. A failure to thus protect these Indians will, in a measure, work their extinction at no distant day.

It is a deplorable fact, which should not be overlooked by the Government, that there are thousands of white children in this territory who are almost wholly without the means of education, and are consequently growing up with no fitting preparation for useful citizenship. A matter of so much concern to the country should not be disregarded.

When the treaties were reaffirmed in 1866, provision was made for the adoption and equality of rights of the freedmen, who had theretofore been slaves in the tribes, upon terms provided in the treaties. The Cherokees and Choctaws have appeared to comply with the letter of the prescribed terms, although very inadequately and tardily, and the Chickasaws at one time took some steps toward complying with these terms, but now deny that they ever adopted the freedmen, and are endeavoring to retrace the steps originally taken. They now treat the whole class as aliens

without any legal right to abide among them, or to claim any protection under their laws. They are shut out of the schools of the tribe, and from their courts, and are granted no privileges of occupancy of any part of the land for a home, and are helplessly exposed to the hostilities of the citizen Indian and the personal animosity of the former master. Peaceable, law-abiding, and hard-working, they have sought in vain to be regarded as a part of the people to whose wealth their industry is daily contributing a very essential portion. They number in that tribe about 4,000, while the Chickasaws number 3,500. The United States is bound by solemn treaty to place these freedmen securely in the enjoyment of their rights as Chickasaw Indians, and can not with honor ignore the obligation.

Upon this subject, as also the claims and condition of the Choctaw freedmen, referred to us by the Department, we submit with this report briefs prepared and submitted to us by Hon. R. V. Belt, and Hon. J. P. Mullen, counsel for the Choctaw and Chickasaw freedmen.

The condition of the freedmen in the Choctaw and Cherokee tribes is little better than that of those among the Chickasaws, although they have been adopted according to the requirements of the treaties. They are yet very far from the enjoyment of all the rights, privileges, and immunities to which they are entitled under the treaties. In the Choctaw tribe, the 40 acres to which they are entitled for a home has not been set apart to them and no one has any title to a single foot of land he may improve or occupy. Whenever his occupancy of land is in the way of any citizen Indian he is at once, by means sufficiently severe and threatening, compelled to leave his improvements. He consequently has no abiding place, and what he is enabled to get from the soil for his support, he is compelled to gather either furtively or by the most absolute subservieny to the will, caprices, or exactions of his former master. But meager provision is made for the schooling of his children, and but little participation in the management of the government of which he is a citizen is permitted him. He is nevertheless moral, industrious, and frugal, peaceable, orderly, and obedient to the laws, taking no part in the crimes which have of late filled the country with alarm and put in peril the lives and property of law-abiding citizens. A number of these sought an interview with us on one occasion, but were, as we were informed, warned by a prominent Indian citizen that if they called upon us they would be killed, which warning they heeded.

In the Cherokee tribe the schools provided for the freedmen are of very inferior and inefficient character, and practically their children are growing up in deplorable ignorance. They are excluded from participation in the per capita distribution of all funds, and are ignored in almost all respects as a factor in the government of a people of whose citizenship they are by the treaties in all respects made a part. Yet in this tribe the freedmen are conspicuous for their morality, industrial and frugal habits, and for peaceable and orderly lives.

Justice has been utterly perverted in the hands of those who have thus laid hold of the forms of its administration in this Territory and who have inflicted irreparable wrongs and outrages upon a helpless people for their own gain. The United States put the title to a domain of countless wealth and unmeasured resources in these several tribes or nationalities, but it was a conveyance in trust for specific uses, clearly indicated in the treaties themselves, and for no other purpose. It was for the use and enjoyment in common by each and every citizen of his tribe, of each and every part of the Territory, thus tersely expressed in one of the treaties: "To be held in common, so that each and every member of either tribe shall have an equal undivided interest in the whole." The tribes can make no other use of it. They have no power to grant it to anyone, or to grant to anyone an exclusive use of any portion of it. These tribal governments have wholly perverted their high trusts, and it is the plain duty of the United States to enforce the trust it has so created and recover for its original uses the domain and all the gains derived from the perversions of the trust or discharge the trustee.

The United States also granted to these tribes the power of self-government, not to conflict with the Constitution. They have demonstrated their incapacity to so govern themselves, and no higher duty can rest upon the Government that granted this authority than to revoke it when it has so lamentably failed.

In closing this report we may be permitted to add that we have observed with pain and deep regret that the praiseworthy efforts of the Christian church, and of benevolent associations from different parts of the country, so long continued among the tribes, are being counteracted and rendered in a large measure nugatory by the untoward influences and methods now in force among them tending directly to destroy and obliterate the beneficial effects of their good work.

Respectfully submitted,

HENRY L. DAWES,
MERIDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

Hon. HOKE SMITH,
Secretary of the Interior, Washington, D. C.

C.

AN ACT to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fifth section of the act of Congress passed January fourteenth, eighteen hundred and eighty-nine,* providing for the relief and civilization of the Chippewa Indians in the State of Minnesota, be, and the same is, amended so far as the same relates to the White Earth and Red Lake Reservations, and as to the other reservations mentioned in said act whenever all the allotments of land in severalty shall have been made to the Indians of each reservation respectively as therein provided, so as to read as follows :

"SEC. 5. That after the survey, examination, and appraisal of at least one hundred thousand acres of said pine lands have been made, the portion so surveyed, examined and appraised shall be proclaimed as in market and offered for sale in the following manner : The Commissioner of the General Land Office, under the direction of the Secretary of the Interior, shall cause notices to be inserted once in each week for four consecutive weeks in one newspaper of general circulation published in Minneapolis, Saint Paul, Duluth, Winona, Stillwater, Taylors Falls, Saint Cloud, Brainerd, and Crookston, Minnesota; Chicago, Illinois; Milwaukee, Wisconsin; Detroit, Michigan; Philadelphia and Williamsport, Pennsylvania; and Boston, Massachusetts, of the sale of said land at public auction to the highest bidder for cash at the local land office of the district within which said lands are located, said notice to state the time and place and terms of such sale. At such sale said lands shall be offered in forty-acre parcels, except in case of fractions containing either more or less than forty acres, which shall be sold entire. In no event shall any parcel be sold for a less sum than its appraised value. The residue of such lands remaining unsold after such public offering shall thereafter be subject to private sale for cash at the appraised value of the same, upon application at the local land office. And from time to time, as fast as a quantity of one hundred thousand acres of the remaining pine lands, the disposal of which is provided for in this act, or a final residuum of a less quantity, shall have been surveyed, examined, and appraised, the same course shall be pursued for the disposal thereof until all shall have been disposed of as provided for herein.

Passed the House of Representatives June 19, 1894.

Attest:

JAMES KERR,

Clerk,

By T. O. TOWLES,

Chief Clerk.

D.

A BILL to protect public forest reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all public lands heretofore set apart and reserved by the President of the United States under the provisions of the act approved March third, eighteen hundred and ninety-one, or that may hereafter be set aside and reserved as public forest reservations, shall be, as far as practicable, controlled and administered in accordance with the provisions of this act.

SEC. 2. That no public forest reservations shall be established except to improve and protect the forest within the reservation or for the purpose of securing favorable conditions of waterflow and continuous supplies of timber to the people.

SEC. 3. That the Secretary of the Interior shall make provisions for the protection against fire and depredations of the public forest reservations set aside, or that may be set aside, under the said act of March third, eighteen hundred and ninety-one, and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy, to utilize the timber of commercial value, and to preserve the forest cover from destruction: *Provided*, That no timber of commercial value shall be sold except to the highest bidder on sealed proposals after due appraisement, as hereinafter provided, at not less than the appraised value thereof.

SEC. 4. That before any sale of timber of commercial value on any forest reservation shall be made, notice thereof shall be given for at least thirty days in a news-

* U. S. Stats., vol. 25, p. 644.

paper of general circulation printed and published at the capital of the State or Territory, and shall also be published, when practicable, in a newspaper printed and published in the county and counties in which such reservation is situated, describing by numbers the tracts of land on which the same is situated and the location thereof, and designating the land office of the district in which the land is situated as the place where such sealed proposals will be received, and stating the time within which such sealed proposals will be received. All such sales shall be for cash, payable at the time of sale at the land office of the district in which the land is situated, and the proceeds shall be accounted for by the receiver of such land office in a separate account, and shall be covered into the Treasury as a special fund to be expended in the care and management of such reservations in such manner as Congress may provide.

SEC. 5. That the Secretary of War is hereby authorized to make such detail of troops for the purpose of protecting said reservations as the Secretary of the Interior may require.

SEC. 6. That any public lands embraced within the limits of the forest reserve which, after due examination, shall be found better adapted to agricultural than forest uses, may be restored to the public domain upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' public notice in two newspapers of general circulation in the State or Territory where the reservation is situated.

SEC. 7. That any timber on the public lands, not within a forest reservation, may be sold by order of the Secretary of the Interior in the same manner as is heretofore provided in this act: *Provided*, That it shall be first shown that such cutting will not be injurious to the public interests: *And provided further*, That no timber on the public lands shall be disposed of except in accordance with the provisions of this act.

SEC. 8. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

[House Report No. 897, Fifty-third Congress, second session.]

The Committee on Public Lands have had the bill (H. R. 119) to protect public forest reservations under consideration and recommend that it pass with the following amendments:

Strike out all after the word "destruction" in line 9 of section 3 and insert the following:

"And any violation of the provisions of this Act, or such rules and regulations, shall be punishable as is provided for in the Act of June fourth, eighteen hundred and eighty-eight, amending section five thousand three hundred and eighty-eight of the Revised Statutes of the United States: *Provided*, That not exceeding fifty per centum of each kind of timber of commercial value on each acre throughout any reservation may be sold: *And provided further*, That nothing in this Act shall be so construed as to prevent the Secretary of the Interior from permitting, under regulations to be prescribed by him, the use of timber and stone free of charge to bona fide settlers, residents, and prospectors for minerals, exclusively for individual use, for firewood, fencing, building, or prospecting purposes."

Strike out section 4 and insert the following:

"SEC. 4. That no timber on any forest reservation shall be sold except to the highest bidder on sealed proposals, after due appraisement, at not less than the appraised value thereof; and that before any sale of such timber shall be made notice thereof shall be given for at least thirty days in a newspaper of general circulation printed and published at the capital of the State or Territory, and shall also be published, when practicable, in a newspaper printed and published in the county or counties in which such reservation is situated, describing by section, township, and range the tract or tracts of land on which the same is situated and the location thereof, if surveyed; and if not surveyed, by other descriptions sufficient to identify the land intended, and designating the land office of the district in which the land is situated as the place where such sealed proposals will be received, and stating the time within which such sealed proposals will be received. All such sales shall be for cash, payable at the time of sale at the land office of the district in which the land is situated, and the proceeds shall be accounted for by the receiver of such land office in a separate account, and shall be covered into the Treasury as a special fund to be expended in the care and management of such reservations under the direction of the Secretary of the Interior, or in such manner as Congress may provide."

Add to the bill as originally introduced, and in lieu of the sections heretofore recommended by the Department and the committee, the following sections:

"SEC. 7. That the timber on any public lands not fit for cultivation and not within a forest reservation may be sold by order of the Secretary of the Interior in the same

manner as heretofore provided in this act: *Provided*, That it shall be first shown that such sale and the cutting and removal of the timber so sold will not be injurious but beneficial to the public interests: *And provided further*, That bona fide residents upon the public lands who have not a sufficient supply of timber on their claims or lands for firewood, fencing or building purposes, or other improvements of their claims, and prospectors for minerals may be permitted to take timber on the public lands, under regulations to be prescribed by the Secretary of the Interior, for their individual uses for such purposes only, and not for sale or speculation.

"*And provided further*, That the Secretary of the Interior may grant permits for the taking without charge of timber to be used in constructing bridges, schoolhouses, or other structures for public use in the vicinity of such timber: *And provided further*, That no timber on the public lands shall be cut and removed, or disposed of, except in accordance with the provisions of this act.

"Sec. 8. That all acts and parts of acts inconsistent with the provisions of, this act are hereby repealed."

By virtue of section 24 of the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes" (26 Stat., p. 1095), the President of the United States was empowered to reserve public timber lands from sale and disposal, and to set them aside for forestry purposes. Under this law the following tracts have been reserved upon the petition of citizens interested in the preservation of forest conditions in the localities where the reservations were desired, viz:

Alaska:

Afognak forest and fish-culture reserve

Arizona:

Grand Canyon forest reserve 1, 851, 520

California:

San Gabriel timber land reserve 555, 520

Sierra Forest Reserve 4, 096, 000

San Bernardino Forest Reserve 737, 280

Trabuco Canyon Forest Reserve 49, 920

Colorado:

White River plateau timber-land reserve 1, 198, 080

Pike's Peak timber-land reserve 184, 320

Plum Creek timber-land reserve 179, 200

The South Platte forest reserve 683, 520

Battlement Mesa forest reserve 858, 240

New Mexico:

The Pecos River forest reserve 311, 040

Oregon:

Bull Run timber-land reserve 142, 080

Cascade Range forest reserve 4, 492, 800

Ashland forest reserve 18, 560

Washington:

The Pacific forest reserve 967, 680

Wyoming:

Yellowstone National Park timber-land reserve 1, 239, 040

Total 17, 564, 800

The areas given are the estimated aggregate areas, in acres, lying within the boundaries of the reservations. The lands actually reserved are only the vacant, unappropriated public lands within said boundaries.

There are pending before the Commissioner of the General Land Office a number of applications which have not yet been passed upon.

The Afognak reserve in Alaska was established more with a view to aiding the work of the Fish Commission, being created under sections 14 and 24 of the act of March 3, 1891.

The objects for which these reservations are made or are to be made, although not defined by law, are represented to be protection of the forest growth against destruction by fire and ax and preservation of forest conditions, upon which water conditions and water flow are said to be dependent. The policy of reserving forest land has therefore been confined mainly to those localities in which agriculturists are dependent upon irrigation, and the avowed purpose of this policy is to maintain favorable forest conditions, without, however, excluding the use of these reservations for other purposes. Although by law such reservation does not appear to change the condition of these lands as far as the power of the Secretary of the Interior to protect is concerned, constructively their status seems not to be fully defined. It becomes, therefore, desirable to define their status and provide by legislation for means and methods by which to protect and administer this public property in the sense of the policy outlined.

Experience has shown that the Army can be usefully employed in patrolling and protecting such public property, as will appear from the reports of officers detailed for such service in the various national parks, but there appears to be no authority of law for such use of the troops.

The reservations are not in the nature of parks set aside for non-use, but they are established solely for economic reasons.

It becomes, therefore, necessary also to prescribe the manner and methods by which the timber growing thereon, the mineral contained therein, the water powers furnished by them, and the pasturage within the same shall be used, so as not to injure or destroy the primary objects for which these reservations have been made, namely, to secure such forest conditions as are necessary to preserve an even water flow. The present legislation, therefore, empowers the Secretary to sell, under certain restrictions, not exceeding 50 per centum of the timber of commercial value on these reservations, to regulate the occupancy of the same, and to protect the same against fire and depredation.

The President of the United States, in his message to Congress December 4, 1893, in calling the attention of Congress to the statements in the report of the Secretary of the Interior concerning forestry, said, "that the time has come when efficient measures should be taken for the preservation of our forests from indiscriminate and remediless destruction."

The Secretary of the Interior, in his annual report for 1893, in discussing this matter, used the following language:

"Pursuant to authority conferred by section 21 of the act of Congress approved March 3, 1891 (26 Stats., 1103), entitled 'An act to repeal timber-culture laws and for other purposes,' the President has, from time to time, by executive proclamation (27 Stats., 947 to 1071), reserved from entry or settlement and set apart as forest reservations certain tracts of land lying in Arizona, California, Colorado, New Mexico, Oregon, and Washington.

* * * * *

"Numerous complaints have been received by the Department of stockmen driving their sheep on these reserves, destroying the herbage and setting fire to the trees; and on the 23d of June the Acting Commissioner of the General Land Office also called the attention of the Department to the necessity for protecting these reserves, urging that details from the Army be secured to look after the same until Congress could make suitable provision.

"Accordingly the attention of the Secretary of War was directed to the facts in the case, and the request made that, if practicable, officers of the Army, with a suitable number of troops, be detailed to protect the several reservations.

"The Acting Secretary of War declined, however, to make the details desired, basing his refusal upon an opinion of the Acting Judge-Advocate-General of the Army to the effect that the employment of troops in such cases and under the circumstances described by the Secretary of the Interior not being expressly authorized by the Constitution or by act of Congress, would be unlawful.

"These reservations remain, therefore, by reason of such action, in the same condition, as far as protection is concerned, as unreserved public lands and are only afforded such protection from trespass and fire as can be furnished with the limited means at the command of the General Land Office. A bill, however, is now pending in Congress which provides adequate means for the protection and management, by details from the Army, etc., of these forest reservations; it has the hearty approval of the Department, and its early enactment as a law is desirable.

"In the opinion of the Acting Judge-Advocate-General the legality of the action of the War Department in the matter of the existing detail of officers of the Army for the protection of the national park created by the act of September 25, 1890, and the forest reservation by the act of October 1, 1890, is questioned, the details being characterized therein as 'clearly an oversight on the part of the War Department at the time.' Also that 'there is no express authorization by the Constitution or by act of Congress for the troops to be used for the purpose of executing the laws relating to these reservations, and it is therefore unlawful to do so.'

"Such being the case it is quite probable that further details for the protection of said parks will, unless specifically authorized by Congress, be denied by the War Department; and to provide against such contingency it is recommended that some such provision as the following may be enacted by Congress, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War, upon the request of the Secretary of the Interior, be, and he is hereby, authorized and directed to make the necessary details of troops to protect the national parks and forest reservations established by the acts of Congress approved September twenty-five, eighteen hundred and ninety, and October first, eighteen hundred and ninety, respectively, as well as the publiclands heretofore or that may be hereafter set apart and reserved as public

forest reservations by the President of the United States under the provisions of the act of March third, eighteen hundred and ninety-three, from trespassers or intruders entering the same for the purpose of killing the game or removing objects of curiosity therein or for any other purpose prohibited by law or regulation, and to remove such persons from such parks and reservations if found therein."

The Secretary of Agriculture in his report for 1893 called attention to the importance of such legislation in the following language:

"The condition of the forestry industry in this country still remains markedly unsatisfactory. Under our present system the efforts of the forestry division of this Department are restricted to purely educational work, and this has been carried on for over fifteen years without perceptibly abating wasteful lumbering and destructive fires, which are destroying our primitive forest supplies and inflicting permanent injury upon the lumber interests and seriously menacing agriculture. With all due allowance for the absence of verifiable statistics, it may be safely asserted that the yearly wood consumption in the United States is twice as great as our estimated forest area is capable of producing annually. In this connection it must be noted that the forestry division has not been sufficiently endowed to undertake the task of collecting reliable statistics as to the consumption and growth of wood material and the prospects of supply and demand, which should form the basis of a wise Government policy. Meantime supplies are waning and proofs are accumulating of the malign influence of deforestation.

"The policy of setting aside forest reservations from the public domain—a policy far too long delayed but now happily inaugurated and applying to a total area of 17,000,000 acres—should be followed by a well-considered supervision of the same, and the remaining timber lands on the public domain should be withdrawn from disposal. Without forests to take care of or power to shape the forest policy of the country, this Department can only suggest plans for a more rational treatment of our forest resources.

"In the absence of appropriations justifying statistical inquiry, attention was turned to the scientific side of the forestry problem by this division. The main expenditure of funds has been in the investigation of the timbers of the United States, as to their strength and mechanical properties, when grown under varying climate and in different soils. This work has been carried out, so far, in a way which has elicited favorable comment from competent critics at home and abroad. The investigation of the long-leaf pine demonstrates that the bleeding of this tree for turpentine is not injurious to the quality of its timber. This discovery has enhanced the value of the forests so treated in the Southern States by several million dollars. Legislation is furthermore earnestly recommended which shall preserve forest reservations and provide for a rational disposal of ripe timber, on Government lands, similar to that contemplated by House bill No. 119, Fifty-third Congress, amendment of section 24.

"While recognizing the differences between our system and that of European countries which are successfully applying methods of forest administration inapplicable to the United States, we must, nevertheless, turn to those that have made forest administration a success for suggestions, and the Republic of Switzerland is commended as furnishing the most practical economic data in this particular."

The following list, furnished by the Commissioner of the General Land Office, will show the persons, firms, and corporations to whom free permits have issued under act of March 3, 1891 (26 Stat., 1093), with the date and area embraced in each permit:

ALASKA.

[No permits issued.]

ARIZONA.

[No permits issued.]

COLORADO.

| Names of persons, firms, and corporations to whom permits have issued under act of March 3, 1891 (26 Stat., 1093). | Address. | Date of permit. | Date of expiration of permit. | Area embraced in permit. |
|--|----------------------|-----------------|-------------------------------|--------------------------|
| | | | | <i>Acres.</i> |
| Albert J. Carpp and George Carpp | Egeria, Colo | Apr. 14, 1892 | Feb. 28, 1893 | 3,200 |
| Julia A. Millspaugh | Gunnison, Colo | Apr. 22, 1892 | do | 1,280 |
| Henry W. Royce | Rico, Colo | Aug. 16, 1892 | June 30, 1893 | 960 |
| Mancos Lumber Co. | Montezuma County | Oct. 4, 1892 | Aug. 31, 1893 | 640 |
| Oliver Bemen | La Veta, Colo | Oct. 11, 1892 | Sept. 30, 1893 | 960 |
| Anthony W. Shawver | Scissors, Colo | Nov. 15, 1892 | do | 1,440 |
| A. A. Rust and C. W. Rust | Quarry, Colo | do | Oct. 31, 1893 | 1,160 |
| The People's Toll-Road Mining and Manufacturing Co. | Larimer County | Dec. 9, 1892 | Nov. 30, 1893 | 1,280 |
| S. C. Robinson | Gunnison, Colo | Dec. 20, 1892 | Nov. 30, 1893 | 200 |
| Halls Brothers | Mancos, Colo | Dec. 23, 1892 | do | 800 |
| Eugene S. Bailey | Dumont, Colo | Dec. 30, 1892 | Dec. 31, 1893 | 1,280 |
| John N. Hall | Gunnison, Colo | do | Nov. 30, 1893 | 1,600 |
| P. A. Rice | Dolores County | Feb. 9, 1893 | Feb. 28, 1894 | 1,400 |
| Milton H. Evans <i>et al.</i> | Concejos County | do | do | 1,280 |
| John Wright | Rockwood, Colo | do | do | 560 |
| Wilbur S. Elliott | Durango, Colo | Feb. 20, 1893 | do | 400 |
| John W. Brown | Aguilar, Colo | do | do | 1,280 |
| Sheridan & Co. | La Garita, Colo | Nov. 17, 1893 | Nov. 30, 1894 | 2,560 |
| Samuel J. Hood | La Plata County | Mar. 9, 1894 | Feb. 28, 1895 | 720 |
| H. C. Wright | Crested Butte County | Apr. 18, 1894 | Apr. 30, 1895 | 480 |

IDAHO.

| | | | | |
|--|-------------------------|----------------|---------------|---------------|
| | | | | <i>Acres.</i> |
| Small & Colby | Kingston, Idaho | Mar. 19, 1892 | Feb. 28, 1893 | 1,280 |
| William D. Williams | Berry, Idaho | Feb. 29, 1892 | do | 4,480 |
| James P. Fifield | Idaho Falls, Idaho | Apr. 26, 1892 | do | 160 |
| James Siddoway and William Naylor | Teton, Idaho | June 16, 1892 | May 31, 1893 | 5,760 |
| Joseph H. Tolman and A. P. Anderson. | Chesterfield | June 28, 1892 | do | 1,280 |
| Felix Carpenter and Nazaire Carpenter. | Garden Valley | July 1, 1892 | do | 960 |
| George Sittig | do | July 7, 1892 | do | 1,280 |
| Donald McBride | do | July 29, 1892 | July 31, 1893 | 320 |
| John McBride | do | Aug. 13, 1892 | do | 240 |
| G. A. Worden | Blackfoot | Aug. 18, 1892 | June 30, 1893 | 1,280 |
| Joseph R. Meservy | Berry, Idaho | Aug. 30, 1892 | July 31, 1893 | 1,280 |
| Marion W. Williams | Grangeville, Idaho | Sept. 2, 1892 | do | 800 |
| N. A. Just | Blackfoot, Idaho | do | do | 1,280 |
| William Morgan | do | Sept. 29, 1892 | July 25, 1893 | 1,920 |
| Elbridge G. Benham | Boise City, Idaho | Oct. 30, 1892 | Aug. 31, 1893 | 640 |
| John A. Hunt, sr., and John A. Hunt, jr. | St. Charles, Idaho | Nov. 15, 1892 | Oct. 31, 1893 | 1,280 |
| Robert Price | Bear Lake County, Idaho | do | do | 1,280 |
| Paris Mercantile Co. | Paris, Idaho | Nov. 18, 1892 | do | 1,280 |
| Nelson, Curtis & Co. | Mink Creek, Idaho | Nov. 28, 1892 | do | 1,280 |
| Wallace Stock | Fish Haven, Idaho | Dec. 9, 1892 | Nov. 30, 1893 | 1,280 |
| Joshua Jarvis and Wm. H. Piggott | Paris, Idaho | Dec. 30, 1892 | do | 1,280 |
| K. E. Hopf. | Arangee, Idaho | Feb. 9, 1893 | Feb. 28, 1894 | 1,280 |
| F. C. Wilkie | Dale, Idaho | Mar. 2, 1893 | Mar. 31, 1894 | 1,280 |
| Steam Thresher and Milling Co. | Kaintuck, Idaho | Dec. 27, 1893 | Dec. 31, 1894 | 1,280 |

MONTANA.

| | | | | |
|-------------------------------|-------------------|---------------|---------------|--------|
| Hiram S. Blanchard | Clearwater, Mont. | Jan. 16, 1892 | Jan. 31, 1893 | 640 |
| Bitter Root Development Co. | Hamilton, Mont. | do | do | 5,760 |
| Big Blackfoot Milling Co. | Missoula, Mont. | do | do | 11,280 |
| Long & Clark | Cottonwood, Mont. | do | do | 1,280 |
| J. A. Solleder | Darby, Mont. | do | do | 960 |
| Nils Larson | Boulder, Mont. | do | do | 640 |
| G. H. Butts <i>et al.</i> | Lewistown, Mont. | do | do | 960 |
| C. M. Kelley and G. H. Kelley | do | do | do | 1,280 |
| Samuel S. Harper | do | do | do | 1,280 |

MONTANA—Continued.

| Names of persons, firms, and corporations to whom permits have issued under act of March 3, 1891 (26 Stat., 1093). | Address. | Date of permit. | Date of expiration of permit. | Area embraced in permit. |
|--|--------------------|-----------------|-------------------------------|--------------------------|
| | | | | <i>Acres.</i> |
| Flathead Valley Lumber Co | Demersville, Mont. | Mar. 19, 1892 | Feb. 28, 1893 | 2,280 |
| William Butler and William Creswell | Boulder, Mont. | Feb. 29, 1892 | do | 640 |
| Narcisse Beaudin | Feeley, Mont. | do | do | 1,280 |
| J. A. Hedge | Riverside, Mont. | Mar. 19, 1892 | do | 1,440 |
| Frank S. Metzger | Puller Springs | May 5, 1892 | do | 160 |
| A. C. Sheldon | Missoula County | Jan. 16, 1892 | May 31, 1893 | 3,840 |
| Oliver S. Lowman and Christopher C. Lowman | Sheridan, Mont. | June 16, 1892 | do | 2,160 |
| W. G. Conrad <i>et al</i> | Kalispel, Mont. | do | do | 4,480 |
| J. O. Hauratty | Frenchtown, Mont. | June 21, 1892 | do | 240 |
| George Knudson | Lewistown, Mont. | July 13, 1892 | do | 960 |
| Edward Stacey and Seldon M. Simmons, | do | Aug. 16, 1892 | June 30, 1893 | 320 |
| Fred F. Kohls | Virginia City | do | do | 440 |
| John A. Wilson | Neihart, Mont. | Aug. 30, 1892 | July 31, 1893 | 1,280 |
| Frederick Cormier | Frenchtown, Mont. | Aug. 25, 1892 | do | 480 |
| Irwin Eby and John J. Turner | Virginia City | Aug. 30, 1892 | do | 960 |
| Butte and Montana Commercial Co. | Great Falls, Mont. | Sept. 2, 1892 | do | 1,280 |
| Scott Cozad | Bannock City | do | do | 640 |
| John Strong <i>et al</i> | Virginia City | Sept. 5, 1892 | Aug. 31, 1893 | 1,280 |
| David K. Buchanan | Livingston | do | do | 320 |
| Charles Bsaier | Virginia City | Sept. 8, 1892 | do | 160 |
| Harry Gassert | Park County, Mont. | do | do | 640 |
| William D. McIntire | Boulder, Mont. | do | do | 640 |
| William J. Smith | Neihart, Mont. | do | do | 640 |
| Daniel S. Watson | Boulder, Mont. | Sept. 15, 1892 | do | 640 |
| Ruby A. Walker | Cottonwood, Mont. | Oct. 7, 1892 | Sept. 30, 1893 | 1,040 |
| James C. Blanding | Neihart, Mont. | Nov. 15, 1892 | Oct. 31, 1893 | 1,280 |
| Ellen M. Woodward | Martinsdale, Mont. | do | Sept. 30, 1893 | 1,280 |
| Butte and Montana Commercial Co. | Great Falls, Mont. | Nov. 17, 1892 | Oct. 31, 1893 | 1,280 |
| Great Northern Lumber Co | Columbia Falls | do | Sept. 30, 1893 | 2,560 |
| Robataille Hogue & Co | do | Nov. 18, 1892 | Oct. 31, 1893 | 160 |
| Holter Lumber Co. | Great Falls | Dec. 3, 1892 | Nov. 30, 1893 | 1,280 |
| Lester S. Wilson and Peter Koch | Bozeman, Mont. | Dec. 19, 1892 | do | 1,280 |
| William Wright and Worthy McKee | Park County, Mont. | Jan. 6, 1893 | Dec. 31, 1893 | 1,280 |
| Hiram S. Blanchard | Clearwater, Mont. | Dec. 30, 1892 | Jan. 31, 1894 | 480 |
| George W. Brown | Neihart, Mont. | May 13, 1893 | Mar. 31, 1894 | 1,520 |
| Bitter Root Development Co. | Hamilton, Mont. | June 27, 1893 | May 1, 1894 | 2,560 |
| Nils Larson | Boulder, Mont. | Sept. 27, 1893 | Mar. 31, 1894 | 640 |
| William Butler and William Creswell | do | do | do | 640 |
| Charles C. Long | Cottonwood, Mont. | Oct. 7, 1893 | Oct. 31, 1894 | 1,280 |
| Big Blackfoot Milling Co | Bonner, Mont. | Oct. 11, 1893 | do | 2,560 |
| J. S. Hovis and A. J. Johnson | Lewistown, Mont. | Nov. 7, 1893 | do | 2,560 |
| John G. Lewis <i>et al</i> | do | Nov. 8, 1893 | do | 1,920 |
| George A. Fishburn and Jacob E. Fishburn | do | Nov. 9, 1893 | do | 560 |
| James Kyle | Neihart, Mont. | do | Nov. 30, 1894 | 640 |
| William Tierney | do | Apr. 26, 1894 | Apr. 30, 1895 | 2,560 |

NEVADA.

| | | | | |
|-----------------|--------------|---------------|---------------|---------------|
| | | | | <i>Acres.</i> |
| O. J. Heath | Austin, Nev. | Nov. 10, 1893 | Nov. 30, 1894 | 1,000 |
| Emanuel Caton | do | Nov. 17, 1893 | do | 1,000 |
| Antonio Berago | do | Dec. 5, 1893 | do | 100 |
| John M. Wallace | do | Feb. 23, 1894 | Feb. 28, 1895 | 640 |

NEW MEXICO.

[No permits issued.]

NORTH DAKOTA.

[No permits issued.]

SOUTH DAKOTA.

| Names of persons, firms, and corporations to whom permits have issued under act of March 3, 1891 (26 Stat., 1093). | Address. | Date of permit. | Date of expiration of permit. | Area embraced in permit. |
|--|------------------------|-----------------|-------------------------------|--------------------------|
| Benjamin F. Brown..... | Spearfish, S. Dak..... | Sept. 9, 1892 | Aug. 31, 1893 | <i>Acres.</i> 640 |
| Do..... | do..... | Nov. 20, 1893 | Nov. 30, 1894 | 640 |

UTAH.

| | | | | <i>Acres.</i> |
|--|------------------------|----------------|----------------|---------------|
| Charles J. Drury..... | Logan, Utah..... | Dec. 12, 1891 | Nov. 30, 1892 | 4,800 |
| Hyrum Newbold & Co..... | Smithfield, Utah..... | do..... | do..... | 2,560 |
| Peterson and Crowther..... | Logan, Utah..... | do..... | do..... | 1,280 |
| Hillyard Bros..... | do..... | do..... | do..... | 2,880 |
| Robinson Bros..... | Richmond, Utah..... | Dec. 9, 1891 | do..... | 2,560 |
| William Howard <i>et al.</i> | Huntington, Utah..... | June 16, 1892 | May 31, 1893 | 1,720 |
| Joseph S. Fife and William V. Walker..... | Cedar City, Utah..... | Aug. 16, 1892 | June 30, 1893 | 480 |
| Andrew Nilsson <i>et al.</i> | Monroe, Utah..... | Aug. 30, 1892 | July 31, 1893 | 960 |
| Benjamin Cameron..... | Panguitch, Utah..... | Sept. 9, 1892 | Aug. 31, 1893 | 1,280 |
| Haws and Clark..... | do..... | Sept. 15, 1892 | do..... | 1,280 |
| R. J. Jolley and John W. Seaman..... | Glendale, Utah..... | Oct. 3, 1892 | do..... | 1,280 |
| William Wilcock..... | Parowan City..... | Oct. 11, 1892 | Sept. 30, 1893 | 160 |
| Cedar City Cooperative Mercantile and Manufacturing Institution..... | Iron County, Utah..... | Oct. 14, 1892 | do..... | 640 |
| William S. Thompson <i>et al.</i> | Escalante, Utah..... | Oct. 19, 1892 | do..... | 1,280 |
| Willis Webb and Daniel Leroy..... | Garfield County..... | Nov. 15, 1892 | do..... | 1,280 |
| Bean Brothers..... | Richfield, Utah..... | do..... | Oct. 31, 1893 | 1,280 |
| Thomas W. Smith..... | Panguitch, Utah..... | do..... | Sept. 30, 1893 | 1,280 |
| Thompson Brothers..... | do..... | do..... | do..... | 1,280 |
| Crowther Brothers..... | Logan, Utah..... | do..... | Oct. 31, 1893 | 1,280 |
| Isaac Jones..... | Cedar City, Utah..... | Nov. 18, 1892 | do..... | 200 |
| D. S. Gillis <i>et al.</i> | Circleville, Utah..... | Nov. 28, 1892 | do..... | 960 |
| William L. Parks <i>et al.</i> | Annabella, Utah..... | do..... | do..... | 1,280 |
| Hans Hansen & Sons..... | Logan, Utah..... | Dec. 9, 1892 | Nov. 30, 1893 | 1,280 |
| David Collings <i>et al.</i> | Monroe, Utah..... | do..... | do..... | 1,280 |
| John Hactor and Hans M. Hansen..... | Fremont, Utah..... | Dec. 23, 1892 | do..... | 1,280 |
| George A. Peart..... | Randolph, Utah..... | Dec. 29, 1892 | do..... | 1,280 |
| Brigham Lee <i>et al.</i> | Mount Pleasant..... | Jan. 16, 1893 | Jan. 31, 1894 | 320 |
| Joseph H. Huntington..... | Beaver City..... | Feb. 15, 1893 | Feb. 28, 1894 | 640 |
| E. L. Terry..... | Fairview, Utah..... | Feb. 24, 1893 | do..... | 480 |
| John D. Norton..... | Panguitch, Utah..... | Mar. 2, 1893 | Mar. 31, 1894 | 1,280 |
| Matthew W. Mansfield and John A. Peterson..... | Thurber, Utah..... | do..... | do..... | 1,280 |
| Robinson Bros..... | Richmond, Utah..... | Jan. 24, 1894 | Jan. 31, 1895 | 2,560 |
| Rudolph N. Bennett..... | Mount Pleasant..... | Mar. 21, 1894 | Mar. 31, 1895 | 320 |
| L. T. Jessup..... | Panguitch, Utah..... | Apr. 6, 1894 | Apr. 30, 1895 | 960 |
| John W. Seaman..... | Ranch, Utah..... | Apr. 20, 1894 | do..... | 960 |
| Timothy Robinson..... | Panguitch, Utah..... | Apr. 21, 1894 | do..... | 1,280 |
| William Thompson, jr., and Oscar N. Despain..... | Wasatch, Utah..... | Apr. 23, 1894 | do..... | 320 |
| R. G. Jolley..... | Ranch, Utah..... | Apr. 26, 1894 | do..... | 640 |
| Graham D. Macdonald..... | do..... | Apr. 28, 1894 | do..... | 920 |

WYOMING.

| | | | | <i>Acres.</i> |
|--|---------------------------|---------------|----------------|---------------|
| John Perrigone and Edward L. Wheeler..... | Beulah, Wyo..... | Jan. 16, 1892 | Jan. 31, 1893 | 1,280 |
| Downer and Clapp..... | Uva, Wyo..... | do..... | do..... | 640 |
| Solon E. Lowry <i>et al.</i> | New Castle, Wyo..... | Apr. 23, 1892 | Feb. 28, 1893 | 640 |
| Emereth A. Boots and David E. Wright..... | Uva, Wyo..... | June 16, 1892 | May 31, 1893 | 1,280 |
| W. H. Kilpatrick..... | New Castle, Wyo..... | Aug. 16, 1892 | June 30, 1893 | 1,280 |
| Frank H. Kelsey..... | Dixon, Wyo..... | Aug. 15, 1892 | July 31, 1893 | 640 |
| Michael Moran <i>et al.</i> | Glendo, Wyo..... | do..... | do..... | 1,280 |
| A. M. Bunce..... | Lander, Wyo..... | Oct. 4, 1892 | Aug. 31, 1893 | 1,280 |
| John W. Hunter and W. A. Moore..... | Hulett, Wyo..... | Sept. 8, 1892 | do..... | 560 |
| Isaac E. Jackson..... | Sheridan County..... | Oct. 19, 1892 | Sept. 30, 1893 | 640 |
| Hams Fork Lumber Co..... | Hams Fork, Wyo..... | Nov. 28, 1892 | Oct. 31, 1893 | 1,280 |
| John W. Stoner..... | Cokeville, Wyo..... | Dec. 19, 1892 | Nov. 30, 1893 | 1,280 |
| Rowland & Hamel..... | Sheridan County, Wyo..... | Oct. 5, 1893 | Mar. 31, 1894 | 1,280 |
| John R. Todd..... | Alcova, Wyo..... | Dec. 5, 1893 | Dec. 31, 1894 | 1,920 |
| S. L. Iams..... | Lander, Wyo..... | Jan. 24, 1894 | Jan. 31, 1895 | 2,560 |
| A. M. Bunce..... | do..... | Feb. 6, 1894 | do..... | 800 |
| Frank M. Newell..... | Springfield, Wyo..... | Feb. 14, 1894 | Feb. 28, 1895 | 2,400 |
| William E. Grimes and Neil Cunningham..... | Beaver, Wyo..... | May 2, 1894 | Apr. 30, 1895 | 1,920 |

APPENDIX.

DEPARTMENT OF THE INTERIOR,

Washington, May 10, 1894.

SIR: Inclosed I hand you a copy of a letter from the Acting Commissioner of the General Land Office, in answer to reference of H. R. 119, of May 9, 1894. I concur in all that the Acting Commissioner says in favor of legislation of the character proposed.

Very respectfully,

WM. H. SIMS,
Acting Secretary.

HON. THOMAS C. McRAE,
*Chairman Committee on the Public Lands,
House of Representatives.*

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

Washington, D. C., May 10, 1894.

SIR: I have the honor to acknowledge receipt, by reference from the Department for report in duplicate and return of papers, of letter of the 9th instant from Hon. Thomas C. McRae, chairman of the Committee on the Public Lands, House of Representatives, inclosing three proposed amendments to H. R. 119, entitled "A bill to protect forest reservations," and asking for the opinion of this Department as to the propriety of adopting same.

I have carefully examined the proposed amendments, and will say that it has been contemplated by this office to embody somewhat similar provisions under the rules and regulations to be made by the Department when some such bill as this should become a law. I therefore respectfully recommend that they be adopted, as I see no objection to their addition to the bill as originally presented.

The provision which limits the sale of timber to 50 per cent of any one kind growing on a reservation might hamper the Department in certain cases where it was desired to remove entirely from a reservation an inferior class of timber for the sake of giving more space for the propagation of the better kinds growing within the boundaries of said reservation. At the same time this restriction would prevent the removal of all of the better kinds of timber, should it ever be contemplated to sell in that way. It will be observed that the first six sections of this bill relate exclusively to timber upon forest reservations, and that this bill gives authority to the Secretary to make such rules and regulations as are needful, and also provides a method for utilizing the timber on these reservations, from the sale of which timber will arise a fund that can be utilized in their preservation and improvement.

The provision which authorizes the Secretary of War to make details of troops for their protection is especially important until some civil protection can be accorded the reservations. It has been heretofore the view of the War Department that such duty as this was "not military," and that, therefore, such details could not be authorized without specific authority from Congress.

Section 7 is especially important as substituting a method of sale, under proper restrictions, of the timber on the public lands generally, and does not relate at all to timber upon the reservations. This will do away with the present methods of granting permits to large corporations, associations, or individuals, as is now done under the act of 1891.

There seems to be no good reason why these concerns should not pay a proper stumpage value for the timber which they cut from the public lands for the purposes of sale, instead of, as at present, obtaining it as a gift from the Government, and I would especially urge that this section be added to the bill as is proposed in the third amendment transmitted by the chairman of the Committee on the Public Lands of the House of Representatives.

I return herewith all the papers.

Very respectfully,

EDW. A. BOWERS,
Acting Commissioner.

THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, October 4, 1893.

SIR: Inclosed I hand you a copy of a letter from the Commissioner of the General Land Office, in answer to reference of H. R. 119. I concur in all that the Commissioner says in favor of legislation of the character proposed. I can not say that I think it necessary to change, in section 4, line 16, the provision for the expenditure of money raised by the sale of the timber.

Very respectfully,

HOKE SMITH,
Secretary.

HON. THOMAS C. McRAE,
Chairman Committee on the Public Lands, House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 23, 1893.

SIR: I am in receipt, by reference from the First Assistant Secretary, for report, of a letter from Hon. T. C. McRae, dated the 10th instant, inclosing a copy of House bill No. 119, "to protect public forest reservations."

The provisions of this bill meet with my approval, but I would suggest one change in section 4 and the addition of two sections, as follows:

In section 4, line 16, after the word "expended," insert "under the direction of the Secretary of the Interior;" and after the word "reservations," in line 17, strike out the words "in such manner as Congress may provide." This will make funds for the superintendence of the reservation more promptly available than to wait for further legislation by Congress; and it is the evident purpose of the bill to have the proceeds derived under its provisions expended in the utilization and preservation of the reservation.

I think it wise and proper to add the following sections to the bill:

"SEC. 7. That any timber on the public lands, not within a forest reservation, may be sold by order of the Secretary of the Interior in the same manner as is heretofore provided in this act: *Provided*, That it shall be first shown that such cutting will not be injurious to the public interests: *And provided further*, That no timber on the public lands shall be disposed of except in accordance with the provisions of this act.

"SEC. 8. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed."

The above will accomplish the repeal of the permit act of March 3, 1891 (26 Stat., 1093). The rules and regulations prescribed by this Department under this act have never been observed to any great extent by the people, and it has been found almost impossible to enforce them.

It was hoped the act of March 3, 1891, would place the cutting of public timber under the control of this office and prevent trespassing; but it must be admitted that it has resulted in failure to do so for want of proper agencies in the field of operation.

Permits to cut public timber have been issued, the privilege in many instances being worth thousands of dollars, to corporations who are in the business for speculation and profit only; and, if public necessity demands the use of public timber, it seems to me that it is eminently proper and businesslike that some revenue should be derived from such a valuable commodity, especially when the proceeds could be applied with such great advantage to the supervision and improvement of the forest reservations and the proper use of timber within them and the protection of public timber generally.

This office has received information from various sources, including men engaged in the lumbering business, that a law permitting the sale of public timber at stumpage value would be acceptable.

Prompt and effective legislation on this subject can not be too strongly urged. Forest reservations have been made which are such only in name. For lack of means they are no more protected by reason of reservation than any other public lands. Information comes almost daily showing continued trespassing and depredating within the reserves, committed by lumbermen, prospectors, sheep-herders, and others, and forest fires, caused by the careless and vicious, resulting in irreparable damage, especially those started by sheep-herders in the mountain districts in the fall to create new pasturage for the following season.

In conclusion I call attention to the fact that the provisions of this bill are applicable to all the public-land States and Territories, and not restricted to a few States and Territories, as public-timber privileges have been heretofore.

I respectfully urge that this bill, with the amendments suggested, become a law, and I herewith return Mr. McRae's letter with the inclosed bill.

Very respectfully,

EDW. A. BOWERS,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 26, 1893.

SIR: I have the honor to acknowledge the receipt, by reference from the Department, for report thereon in duplicate and return of papers, of H. R. bill No. 10101 for the protection of public forest reservations.

Any discussion of a bill of this nature involves recognizing at the outset the fact that legislation in respect to the timber on public lands should be framed to meet the urgent need existing for a general law which shall authorize the judicious and economic use of so much of the public timber as is absolutely required for the advancement of settlement and the development of the natural resources of the several public-land States and Territories, and shall at the same time insure the preservation of the public timber in localities where it is essential as a conservative of the water supply, or for other climatic or economical purposes; and which shall also repeal all existing acts or parts of acts inconsistent therewith.

The near approach, however, of the close of the present session of Congress appears to render extremely doubtful the advisability of undertaking, at this time, the preparation of a law of this nature, since the matter is one requiring serious and deliberate consideration.

It does not, accordingly, appear advisable to attempt, at this juncture, more than to direct efforts toward securing legislation on the same general lines as that at present in operation, with a view to making the same more effective.

With this end in view a careful consideration of the existing statute providing for the establishment of public forest reservations (act of March 3, 1891, 26 Stats., 1095) reveals that a serious hindrance to the operation of the act lies in the lack of machinery required to administer the same, owing to the fact that Congress, in enacting the law, failed to make provision to carry the same into effect.

Hence, the present need requiring to be met in the matter of public forest reservations appears to be the lack of proper provision for the administration of the reservation created, which need the bill in question purposes apparently to meet.

I am, however, of the opinion that certain modifications or alterations of the bill are required for the following reason: While the same places in the hands of the Secretary of the Interior the power to make required rules and regulations and to establish such service as will insure the objects of the reservations created, the fact appears to be overlooked that such service can not be established without due provisions for defraying the expenses incident thereto.

At present the only apparently contemplated provision for expenses in connection with caring for public timber is found in the sundry civil bill, which provides for the detailing, from time to time, of clerks from the General Land Office "for protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof." It is clear that the ends in view in the protection of public forest reservations would not be adequately met by service of such a nature. It would accordingly seem advisable that the bill under consideration should either make provision for a special appropriation for the establishment and maintenance of the service therein referred to, or else it should be so amended as to make available for the purpose indicated the proceeds arising from the sales of timber therein provided for.

The further matter of the proposed use of the military as a constabulary force in connection with forest reservations commends itself as a measure which would doubtless serve a good purpose in providing an efficient guard for the property, and which would, moreover, go far toward emphasizing to the public the fact that such reservations are under the immediate care of the Government, and, such being the case, all intruders thereon are liable to be summarily dealt with. I am accordingly of the opinion that it would serve the interests of the public to provide a guard of this nature in connection with public forest reservations.

In conclusion, I would state that while, as indicated above, the scope of the bill appears to be far from providing adequate legislation in the matter of public forest reservation, yet, since at this particular juncture it seems inadvisable to attempt more than to secure, in a measure, the proper administration of the reservations created, which is a matter imperatively demanding attention at this time, I have the honor, referring to the above indicated desirable amendments, to recommend the passage of this bill.

The referred paper is herewith returned.

Very respectfully,

W. M. STONE,
Commissioner.

The SECRETARY OF THE INTERIOR.

[Senate Report No. 1002, Fifty-second Congress, first session.]

The Committee on Agriculture and Forestry, having had under consideration the bill (S. 3235) to provide for the establishment, protection, and administration of public forest reservations and for other purposes, submit the following report:

(1) *The United States Government retains somewhat less than 70,000,000 acres of public domain which is designated as timber or woodland, mostly situated on the slopes and crests of the western mountain ranges.*

So little regard to the character and condition of the public lands has been given that it is impossible without much labor to determine how much woodland is comprised in them. An estimate was made in 1883 which places the woodlands at 73,000,000 acres, of which, of course, an unknown quantity has since been disposed of. There are still some woodlands undisposed of in Minnesota, Wisconsin, probably a small amount in Michigan, Louisiana, Mississippi, Alabama, and, perhaps, Florida, but the bulk lies on the Rocky Mountains, Pacific coast, and Sierra Mountain ranges, mostly of coniferous growth (pines, spruces, firs, cedars, and redwoods) and mostly in subarid regions.

(2) *This property is at present left without adequate administration, nor is there in existence any practicable system of management by which the timber on it can be utilized without detriment to the future condition of the forest growth.*

The public lands are all held for the purpose of disposal to private holders, hence no further administration or management of the same beyond that incident to their disposal has ever been attempted. In the case of timber lands, however, it was recognized, to a small extent, that there was some additional value to them that needed consideration and special legislative measures. These measures have, however, been rather detrimental than otherwise to the future of this property, besides discriminating unjustly and imposing conditions which can not practically be enforced.

In California, Washington, and Oregon the law permitted the purchase of 160-acre tracts each by private citizens *for their own use*. The object of this law, which was evidently to encourage small holdings of timber lands in connection with agricultural lands and insure consequent protection and management of the same, has never been attained. It is alleged that millions of acres have been taken up under this act, without intention to hold them for the use of the entryman, and immediately transferred to lumber companies, often foreigners, and immense tracts are being thus held for the same wasteful lumbering operations that have exhausted the forests of the East.

In the Rocky Mountain States timber lands could not be sold, but the citizens were authorized "to fell and remove timber on the public domain for mining and domestic purposes from mineral lands." In addition, railroad companies are allowed to take timber for construction along their right of way. The impossibility of purchasing in a straightforward, honest way from the Government either timber or timber-bearing lands, has compelled the citizens of these nine States and Territories to become trespassers and criminals on account of taking the timber necessary to enable them to exist.

"Settlements upon timber lands in these States and Territories under the homestead and preemption laws are usually a mere pretense for getting the timber. Compliance with those laws in good faith, where settlements are made on lands bearing timber of commercial value, is well-nigh impossible, as the lands, in most cases, possess no agricultural value, and hence a compliance with the law requiring cultivation is impracticable. As to cutting timber from mineral lands, perhaps not 1 acre in 5,000 in the States and Territories named is mineral, and perhaps not 1 in 5,000 of what may be mineral is known to be such."

By the provisions of the law approved March 3, 1891, the Secretary of the Interior is empowered to further regulate and restrict this cutting of timber for domestic and railroad use, but in the absence of officers to control and enforce these regulations and restrictions they are practically meaningless, especially since it is almost impossible to obtain convictions where all are equally violators by necessity, arising from absence of adequate and equitable legislation.

And even if it were possible to enforce the regulations, there could hardly be expected any method in the cutting performed by an unknown number of independent individuals, and such a system comes as near deserving the name of management as the pillaging of a city by a band of soldiers in war times deserves the name of municipal administration. To verify the general existence of these conditions the reports of the Secretaries of the Interior, the Commissioners of the Land Office for the last fifteen or twenty years, and the report of a special commission laid down in a volume called "The Public Domain," published in 1884 (House Ex. Doc. No. 47), may be consulted, or Bulletin 11 of the forestry division, Department of Agriculture, on the forest conditions of the Rocky Mountains.

(3) *In consequence of the absence of a well-developed system of administration, the value of this forest property is annually decimated by fire and by illegal and wasteful cutting.*

It is not necessary to argue this point, for it is a necessary corollary of the preceding.

The Senate Irrigation Committee, traveling two years ago in the Western mountains, was for weeks precluded from any view by dense clouds of smoke from forest fires, and it is asserted that in that year more timber was burned than has been used legitimately since the settlement of that country.*

The worst damage of these fires is not so much to be sought in the destruction of the standing timber, but in the destruction of the forest floor, by which the chance for germinating of seeds and natural reforestation is annihilated, and the water regulating capacity of the forest is destroyed.

As to the amount of depredations, the following table, prepared from reports of the Land Office, is instructive, not only in showing the enormous amounts thus lost to the public treasury, compared with which the cost of a well-organized administration would be a mere bagatelle, but also by corroborating the statement that the loss is rarely recovered in the courts.

It should also be borne in mind that the cases reported do not by any means cover all cases of trespass, presumably only a small part, since the number of agents to ferret out the cases are ridiculously out of proportion to the area to be covered.

Depredations on the public timber during eleven years.

| Year. | Estimated value of timber reported stolen. | | Amounts actually recovered, partly by compromise. | Appropriations for protection service. | Agents employed (number calculated on the basis of twelve months each per annum). |
|-------------|--|------------|---|--|---|
| | Market. | Stumpage. | | | |
| 1881 | \$891,888 | \$225,472 | \$41,680 | \$40,000 | 17 |
| 1882 | 2,044,278 | 511,069 | 77,365 | 40,000 | 31 |
| 1883 | 8,144,658 | 1,709,824 | 27,741 | 75,000 | 25 |
| 1884 | 7,289,854 | 1,093,178 | 52,108 | 75,000 | 26 |
| 1885 | 2,862,530 | 489,255 | 49,151 | 75,000 | 23 |
| 1886 | 9,399,679 | 1,726,516 | 101,086 | 75,000 | 21 |
| 1887 | 6,146,935 | 1,138,320 | 128,642 | 75,000 | 26 |
| 1888 | 8,397,500 | 840,145 | 128,522 | 75,000 | 25 |
| 1889 | 3,603,534 | 1,182,987 | 185,062 | 75,000 | 23 |
| 1890 | 3,067,152 | 832,420 | 100,942 | 75,000 | 29 |
| 1891 | 2,347,473 | 349,441 | 116,704 | 100,000 | 35 |
| Total | 54,135,481 | 10,098,627 | 1,009,243 | 780,000 | a 25 |

a Average.

(4) *It is a well-known fact, demonstrated by European experience and practice, that by a proper system of cutting not only can a forest be reproduced without the necessity of expensive replanting, and kept continuously productive, but its yield per acre and year, in quantity and quality, can by proper management be increased considerably beyond that of the virgin forest left without management.*

* The acres burned over and values destroyed during the census year 1880 were reported as follows:

| States and Territories. | Acres burned over. | Value destroyed. | States and Territories. | Acres burned over. | Value destroyed. |
|---------------------------|--------------------|------------------|-----------------------------|--------------------|------------------|
| California | 356,895 | \$440,750 | Utah | 42,865 | \$1,042,800 |
| Washington | 37,910 | 713,200 | Colorado | 112,820 | 935,500 |
| Oregon | 132,320 | 593,850 | Arizona | 10,240 | 56,000 |
| Total Pacific Slope | 527,045 | 1,747,800 | New Mexico | 64,034 | 142,075 |
| Montana | 88,020 | 1,128,000 | Total Rocky Mountains | 432,464 | 6,780,371 |
| Idaho | 21,000 | 202,000 | Grand total | 959,509 | 8,528,171 |
| Wyoming | 83,780 | 3,255,000 | | | |
| Nevada | 8,710 | 19,000 | | | |

The methods of management for natural reforestation, or "regeneration methods," are practiced, especially in France and Germany, in broad-leaved as well as coniferous forests. The cutting of the old timber is done with a view of giving chance for seeds of the desirable species to sprout and for the young growth to develop satisfactorily. These methods prevail especially in the mountain regions, where planting would be expensive and sometimes impracticable.

Since in the well-managed forests only such species as are valuable are allowed to grow to the exclusion of the inferior kinds, which the forester treats as weeds, the composition of the forest is improved, the growth is kept at the most favorable density for development, not only more individual trees, but those of more serviceable shape are growing, so that at the harvest the percentage of waste and useless material is reduced, and it is for these reasons that the yield, not only in quantity but also in quality, is increased.

While in our virgin forests the percentage of useful saw material is estimated to rarely exceed 20 or 25 per cent, the percentage in the French Government forests is over 50, which in pine and spruce of 130 years of age in Germany may reach the high figure of 60 to even 70 per cent; that is to say, the management of the crop is such that the firewood, branches, and waste material are kept down to from 30 to at most 50 per cent of the total crop of wood.

Most of the timber cut and sawed in the United States is from trees more than 200 years of age, while the rotation, i. e., the time during which the crop is allowed to grow in Germany, for most timber, is not more than 100 years. Comparisons of absolute yield are therefore impossible to make.

But if we allow the high estimate of 10,000 feet, board measure, per acre to be an average for the United States, we learn from the large statistical material on hand for the German forest administrations that the yield of the German forests is at least three times as large, and that produced in a shorter time. We leave out of consideration, of course, the yield of the Pacific slope forests, which is beyond any average computation.

That it is judicious for the Government to keep in view the question of timber supplies and to give, at least as far as its own holdings are concerned, timely attention to the future, if for nothing else than an example and object-lesson, may be inferred from the following statement in regard to the outlook of available supplies and demand, which, while not claiming to present actual conditions, for which statistics are lacking, discusses possibilities or probabilities.

The chief of the forestry division, in an address before the real-estate congress at Nashville, Tenn., in 1892, says:

"The area of timber land in the United States, although changing daily by clearing of new farms and by relapsing of old ones into woodlands, may roughly be placed at 500,000,000 acres. Even if we were to class as timber land all the land not occupied by farms or known to be without tree growth, this figure can not be increased more than 60 per cent; that is, the utmost possibility of the area of natural woodlands in the United States must be within 800,000,000 acres. The former figure, however, comes probably much nearer the truth. How much of this area contains available merchantable timber it is impossible to tell, or even to guess at. We only know that supplies of certain kinds are waning. For instance, the white pine of the North shows signs of exhaustion, the white ash has become scarce in many localities, the tulip poplar will not last long, and the black walnut has ceased to be abundant. All we can do is to estimate the range of possibilities.

"With the utmost stretch of imagination as to the capacity of wood crops per acre, if we allow even the entire area of half a billion acres to be fully timbered, and keep in mind the enormous yield of the Pacific coast forests, 1,250 or 1,500 billion cubic feet of wood is all that could be crowded upon that area. This figure would far exceed the most highly-colored advertisement of a dealer in timber land, except on the Pacific coast; in fact, he would be afraid to assert one-half as much, for it would make the average cut of timber per acre through the whole country 10,000 feet, board measure.

"The above figure in cubic feet represents wood of every description, allowing as high as 33½ per cent for saw timber.

"Since we consume between 20,000,000,000 and 25,000,000,000 cubic feet of wood of every description annually, fifty to sixty years would exhaust our supplies, even if they were as large as here assumed and if there were no additional growth to replace that cut and no additional increase of consumption. Regarding the latter, it may be of interest to state that, according to as careful an estimate as I have been able to make upon the basis of census figures and other means of information, the increase in the rate of consumption of all kinds of forest products during three census years, expressed in money values, was from round \$500,000,000 worth in 1860 to \$700,000,000 worth in 1870 and \$900,000,000 in 1880, while for 1890 it may probably reach \$1,200,000,000, an increase of about 30 per cent for every decade, or somewhat more than the increase of population, which may in part be explained by higher prices.

"It will also aid us in our conception of the situation to know that the sawmill capacity of the country in 1887 was round 200,000,000 feet (board measure) daily, which gain may be figured equivalent to a probable consumption of wood of all kinds to the amount of at least 20,000,000 cubic feet round.

"It remains to be seen what the chances are of supplying ourselves from the natural reproduction of our present forest area.

"I have shown elsewhere that, while under the careful management of the German forest administrations, the average yearly new growth is computed at 50 cubic feet per acre, or 2.3 cubic feet for every 100 cubic feet standing timber, we can here, where there is no management at all, where fire and cattle destroy not only young growth but also the fertility of the soil, in spite of the originally greater reproductive power, expect no such annual crop.

"From my observations I would not admit that more than one-half such annual growth is realized on the average over the whole area of 500,000,000 acres, and the likelihood is that much less is reproduced per acre.

"Hence, while 500,000,000 acres reserved as forest at the very best would satisfy our annual consumption of 25,000,000,000 cubic feet—we need some 5,000,000,000 feet to supply our annual conflagrations—we are presumably cutting into our capital at the rate of at least 50 per cent of our annual consumption; that is to say, only one-half the annual cut is represented in annual new growth. What do these figures mean with reference to the subject in question? Simply this, that while as yet prices for timber lands, and still less the price of lumber, are by no means advancing in proportion to the constantly growing reduction of standing timber supplies, when the general truth of these figures is recognized, which can not fail to occur soon, timber lands will appreciate rapidly in value, and lumbermen, especially in the South, will regret their folly of having marketed their best supplies at unprofitable and unsatisfactory margins."

Nevertheless, it may be possible by a common-sense management and more rational methods of utilizing the timber, having some regard to the young growth, inaugurated now, to avoid the necessity of replanting at great cost to maintain the present forest resources of the United States in sufficient and ever-increasing productiveness.

(5) *It is also established beyond controversy that the forest cover, and especially the forest floor of leaves, twigs, decaying vegetable matter, underbrush, and root system, influence the regularity of waterflow in springs, brooks, and rivers, as well as the state of the ground water level, the presence or absence of an efficient forest cover determining the percentage of subterranean or superficial drainage. Whatever the theories or facts regarding the influence of forest areas upon meteorological phenomena and climatic conditions—and these are partly at least still in controversy—there exists but little doubt, if any, among students and observers in regard to the influence which a forest cover exerts upon the water drainage and soil conditions.*

Since it is in part upon the assumption of the existence of such an influence that the Government is called upon to look to the preservation of forest conditions, and since the ideas regarding such influence are still more or less confused, it may be proper to explain more at length the action of the forest in this direction.

So far as formation of springs is concerned, no doubt, geological conditions and structure are of primary importance. This does not, however, exclude that the vegetable cover of the soil has at least a secondary influence upon the feeding and regular flow of springs. Even if we exclude any action of the forest upon the increase of precipitation, such as is claimed and partly sustained by observation, there are various ways in which the supply of springs is influenced by forest cover.

The forest floor and the foliage breaking the force of the raindrops prevent a compacting of the soil, it remains porous and permits the water to percolate readily, changing a large amount of it from surface drainage into subterranean channels; the root system, no doubt, works in the same direction. Forest floor and foliage also prevent rapid evaporation, and although the trees consume a large amount of water in their growth, evaporation is the worst dissipator of moisture, and the balance between the consumption and the saving of evaporation by forest growth is largely in favor of this kind of vegetation, as compared with any other vegetable cover or with naked ground, provided the forest floor of decayed leaves, twigs, etc., is not destroyed. Furthermore, the melting of snows is retarded under the forest cover, and finally the mechanical retardation of the surface-water flow promotes subterranean drainage, insuring to springs a greater supply for a longer time.

This observation, very generally made, used to be explained by popular writers as due to the sponge-like condition and action of the forest floor, being able to take up water and then gradually to give it up to the soil below. Fortunately the forest floor is rarely like a sponge, for a sponge never gives up water below, but always by evaporation above after the supply has ceased. The simile was an unfortunate one.

The open runs, i. e., brooks, rivulets, and rivers, receive their supply mainly from springs, but also from the surface waters which flow without definite channels down

the slopes. The more the supply is derived from springs the more even is the water flow of the river; the greater the supply of the surface drainage, the more dependent is the water flow on the changeful rains and on the melting of the snow, and the more changeful is the water flow. While, then, in the first place, the water flow in rivers is dependent upon the amount and frequency of rainfall and snow, the manner and time in which the water reaches the channels determines the greater or smaller extremes of water stages.

The retardation of the melting of the snow, which, in a well-covered mountain district, may be prolonged for two or three weeks under a forest cover, is of great significance in reducing the spring floods. The main influence, however, lies in the mechanical impediment which the forest floor opposes to the rapid surface drainage, promoting filtration to the soil and preventing the rapid filling of surface runs and lengthening the time during which the water is to run off. Observations in one of the reforested parts of the French Alps showed this retardation to be in the ratio of 5 to 3.

Thus, while in extreme cases, with excessive rainfalls or sudden rises of temperature in early spring, with steep declivities and impermeable rock formation, even a forest cover may have no practical effect in preventing a flood, it may be accepted as a generally true proposition that a forest cover has a tendency to lengthen the time of run off, and hence to reduce in amount and frequency flood conditions and to maintain the water flow more even with fewer excessively low and high stages.

Lastly, but of greater importance than has often been conceded to this influence, the forest cover prevents erosion of the soil and formation of the so-called detritus of rocks, gravels, and sands, which, carried into the rivers, increase the danger from floods, impede navigation, and if deposited on fertile lands may, as in France, destroy the soil value of whole districts. Along the coast and in the sandy plains the protection of the loose soil and dunes against the disturbing action of the winds, and in the mountains which are liable to avalanches and snowslides, as in Switzerland, the protective value of a forest is also well established. If there were any doubts regarding the influence of forest cover upon water and soil conditions before, they have been entirely dispelled by the extensive reforestation work undertaken by the forest department of France.

These 17 departments or counties had been impoverished and depopulated by the washing of the soil, torrential action of the rivers, and repeated floods, due to deforestation of the mountains, when the Government adopted the policy of reclothing the denuded slopes with tree growth and sod. The population in these counties had diminished from 10 to 20 per cent within less than twenty years, and fertile fields had been covered up for more than 100 miles from the source of the soil, with the debris brought from the mountains by the rushing torrents.

The French Government has expended for reforestation of these mountains during the last thirty years over \$35,000,000, and expects to have to spend more than the same amount in addition before the damage is repaired. The result of this work, some of which is now long enough established to show effect, perfectly justifies the anticipations of its efficiency. In the "perimeters" which have been recaptured the waters are carried off more slowly and without damage. These works in their result must quiet all theoretical discussion of the efficiency of forest cover in this particular. They present ocular proof not only of the fact that deforestation invites floods, erosion, and untold damage, but that reforestation is the method of remedying the damage, and proper attention in time to the forest cover, the method of obviating it.

Recognizing the value, then, which a forest may have in preserving proper water conditions and soil conditions, and perhaps, too, in some degree in climatic conditions, the conception in Europe of "protective forests" as distinguished from the "economic forests," that is, a forest which has value only from a material point of view, a policy has grown up in the higher developed nations of placing the first class of forests, which have a significance as a natural condition rather than as a source of material supply for the whole community, under government control, direct or indirect.

(6) *Aside, therefore, from the undesirability of destroying or unnecessarily impairing a valuable resource of material, which can be continuously reproduced on land otherwise useless, there is strong reason why, especially in regions dependent upon irrigation for their agricultural development, favorable forest conditions should be carefully maintained.*

Modern experience and scientific research have confirmed the experience of antiquity, namely, that plant production is primarily dependent upon water, and that the management of water supplies is much more essential to the farmer, even in the humid regions, than management of mineral constituents of the soil, for the latter can be supplied with ease, but the former can be regulated and supplied properly only with difficulty. If, then, water management becomes more and more important in all sections of our country it is particularly so in those regions where, from natural causes, the supply is scanty. No artificial reservoirs can supply the more easily and cheaply maintained natural reservoir of the forest floor.

In this connection it will be well to quote the following language from a memorial recently transmitted to the President of the United States by the Colorado State Forestry Association, to which the secretary of state, State engineer, State treasurer, attorney-general, and other leading officers of the State, together with the chambers of commerce of Denver and Colorado Springs, and some 500 leading citizens of the State have appended their signatures, recommending the reservation of all the timber lands in their State:

"To His Excellency the President of the United States:

"Your memorialist, the Colorado State Forestry Association, respectfully represents that the agriculture of this State, now rapidly increasing in magnitude and importance, is almost entirely dependent upon systems of irrigation. At least \$13,000,000 are invested here in reservoirs, canals, ditches, and other works for the storage and distribution of water. No less than 13,000 miles of irrigating canals and main ditches are in operation or in course of construction in the State.

"The agricultural yield of Colorado (exclusive of live stock) for the year 1891 amounted to \$53,900,000; the mineral output for the same period was \$33,549,000—a large sum, but greatly inferior to the one first named.

"It will thus be seen how vitally important to the growth and continued prosperity of this Commonwealth is an abundant supply of water for irrigation. In fact it may be said that henceforth the agricultural yield of the State will be limited only by its water resources.

"The streams upon which the irrigation systems of Colorado depend are fed by the springs, rivulets, and melting snows of the mountains, which in turn are nourished and protected by the native forests. Where the forests have been destroyed and the mountain slopes laid bare most unfavorable conditions prevail. The springs and the rivulets have disappeared, the winter snows melt prematurely, and the flow of streams, hitherto equable and continuous, has become fitful and uncertain. Floods and drought alternating clearly indicate that the natural physical conditions of the region have been unduly disturbed. In winter and early spring, when heavy masses of snow have been accumulated on treeless precipitous slopes, snow and landslides frequently occur with disastrous result to life and property. Even thus early in the present season a considerable number of valuable lives have been sacrificed in this manner.

"The main Rocky Mountain range extends throughout the State, from north to south, and is flanked on either side by numerous spurs and minor ranges. The average or mean elevation of Colorado, 7,000 feet above the sea level, is greater than that of any other portion of North America. The high and rugged interior region contains 140 peaks or more exceeding 11,000 feet elevation, and comprises about one-fourth of the area of the State. Small portions of this region are used for agriculture and grazing, but in the main it is unsuited for such purposes. Its surface, below timber line, was originally quite generally covered with a coniferous forest growth, but has subsequently been marred and disfigured by fire and the ax. Vast areas have been thus desolated. Above timber line proper there are many gulches and sheltered plateaus, in some of which exist a stunted growth of trees and shrubs, where the drifting snows find lodgment, melting only during the summer months.

"At certain of these greater elevations are found morasses, Alpine lakes, and, during portions of the year, ice fields of limited extent. The region is mainly one of cold and humidity for long periods of each recurring season. This is one of the principal, if not the chief, of the distributing centers of the continental water system. It contains the sources of the North Platte (in part), the South Platte, Arkansas, Rio Grande, Dolores, Gunnison, Grand, White, Yampa, and other powerful streams, the preservation of which is not only important to Colorado but to neighboring States and Territories. New Mexico would be uninhabited were it not for the life-giving waters of the Rio Grande, which flow from the snow mountains of Colorado.

"In view of the above, and in consideration of many recognized evils which follow the reckless and inconsiderate denudation of timbered areas, we respectfully ask that you will, under the act of March 3, 1891, cause to have withdrawn from disposal and constituted a forest reserve all public lands along the crests of the mountain ranges and spurs in this State, as above mentioned, and upon either side thereof for a distance of 6 miles, more or less, according to the width of the timber belts in different localities and as may be deemed advisable after due official examination of the same.

"We beg to represent further that in our opinion the rights of prospecting and mining and right of way for public roads within the territory in question should remain inviolate, and that the General Government should inaugurate at the earliest practical period a careful and conservative administration of such public lands. We also believe that, under proper regulation, a prudent and economical use of the forest resources may be had without endangering the perpetuity of the forests. Forest conservation should promote rather than retard all legitimate industries."

In this connection it is also worth while to quote the language of the chief of the forestry division from the annual report of the Secretary of Agriculture for 1891:

"WATER MANAGEMENT THE PROBLEM OF THE FUTURE.

"Before even attempting the control of precipitation, our studies, in the opinion of the writer, should be directed to secure better management of the water supplies as they are precipitated and become available by natural causes. How poorly we understand the use of these supplies is evidenced yearly by destructive freshets and floods, with the accompanying washing of soil, followed by droughts, low waters, and deterioration of agricultural lands.

"It may be thought heterodox, but it is nevertheless true, that the manner in which most of the water of the atmosphere becomes available for human use (namely, in the form of rain) is by no means the most satisfactory, not only on account of the irregularity in time and quantity, but also on account of its detrimental mechanical action in falling, for in the fall it compacts the ground, impeding percolation. A large amount of what would be carried off by underground drainage is thus changed into surface-drainage waters. At the same time, by this compacting of the soil, capillary action is increased and evaporation thereby accelerated. These surface waters also loosen rocks and soil, carrying these in their descent into the river courses and valleys, thus increasing dangers of high floods and destroying favorable cultural conditions.

"Here it is that water management and, in connection with it or as a part of it, forest management should be studied; for without forest management no rational water management is possible."

(7) *Experience in the United States has shown that under private ownership forest conditions are almost invariably destroyed or deteriorated, for the simple reason that the timber for present use is the only interest which private enterprise recognizes in the forest, not being concerned in the future or in the consequences of mismanagement to adjoining, who have to suffer.*

It is therefore undesirable to transfer the ownership of the public timber lands to individual owners in the expectation of having them managed with a view to the broader interests of the community.

If there were need of other demonstration of this point beyond the history of the Eastern forest lands, which have been for many years in the hands of private owners, we need only refer back to the working of the law in the Pacific coast States, where such disposal to private holders has utterly failed in accomplishing its object. There is neither the interest nor even the knowledge to be found among the many to let us anticipate forest management by small holders. Besides, forestry thrives best on large consolidated areas, from financial as well as technical considerations.

It will be necessary, in order to promote rational forest management, to do the same that all other nations have found necessary to do, namely, for the Government to set the example and furnish the object lesson and opportunity for the others to follow.

The fact that a tree crop takes from fifty to one hundred years and more to grow to usefulness requires a patience and stability of ownership which our people have not yet attained, and hence the Government must furnish the conservative elements where needed, as in our forest policy.

(8) *The cession of the public timber domain to the individual States, with a view of having the States devise methods of conservative management, would fail in accomplishing the object for various reasons. Experience in the past with such cessions has not proved it practicable to place restrictions or conditions upon such cessions or to enforce them.*

Even if a cession, under condition that the State provide efficient management, could be practically effected, lack of unity in the various systems and clashing of interests where watersheds are situated in more than one State make retention of these lands in the General Government desirable, or at least more promising of conservative results.

Other reasons of expediency make such a wholesale cession of timber lands impracticable. Among these may be mentioned the difficulty of segregating the timber lands from public lands of other description or transferring obligations of the General Government toward railroad companies, resting upon such lands.

Nevertheless, cooperation with the State authorities in inaugurating a sound forest policy is most desirable, and should be made a prominent feature in whatever measures the General Government may devise.

(9) *The present proposed legislation keeps in view the following principles:*

(a) *That the retention of the public timber lands in the General Government, and their administration as such, is the only proper policy for all wooded areas of the public domain which do not stock on agricultural land.*

(b) *That only a fully developed and separate system of management and administration,*

carried on by competent men under expert advice, can accomplish the objects of a rational forest policy.

(c) That the object of the public forest reservation is twofold, namely, to maintain desirable forest conditions with regard to waterflow and at the same time to furnish material to the communities in their neighborhood.

(d) That while the service of protection of watersheds would warrant an expenditure out of other funds for such service it should, nevertheless, pay for itself by the sale of surplus forest material.

It is only necessary to add a few words of explanation on this latter point. Says the chief of the forestry division in discussing the practicability of a Government forest administration:

"To meet any objections on the score of expense, a rough estimate of this question may be made as follows:

"Allowing 50,000,000 acres of timber land reserved, I find that a tolerably efficient administration may be provided for a round \$2,500,000, or 5 cents per acre. It would be satisfactory, of course, if only this expense be covered by the revenue. While the annual growth of wood per acre on the reserved area would exceed in value the assumed cost of administration, the local market and consumption is restricted. But when we consider that the present sawmill capacity of the region affected is over 3,000,000,000 feet, B. M., and the resident population 3,000,000, requiring at least 50 cubic feet of wood material per capita, sufficient margin is assured even if only half of these amounts are furnished from the Government reservations and the average charge for stumpage is taken at 10 cents."

And in another place (see Annual Report, 1886):

"(7) The cost of the total service depends, of course, on the number of districts to be formed. Take Colorado alone, which we will assume contains about 5,000,000 acres of public domain. For this we may require 300 rangers and 10 inspectors, and the expense may be placed in round figures at \$300,000. This amount could be saved by preventing only one-third of the forest fires, which seem to destroy over \$900,000 worth of public property in that State yearly, and the 50,000,000 cubic feet or so of timber which may be cut to satisfy the needs of the country for its development, would certainly, without hardship to anyone, yield enough to help pay the expense of less favorable localities and of the central bureau. The expense of the latter, with the necessary staff of clerks, etc., could certainly be kept within the sum of \$50,000. Even if the whole forest area were as thoroughly organized as proposed for Colorado, the expense of the service would not be more than 30 per cent of the income which might be derived from this domain, or which could be saved, by preventing one-half of the fires that yearly destroy about an equal amount."

Referring to the operations of several European forest administrations we find that their expenditures represent from 37 to 58 per cent of their gross income, or from \$1.33 to \$5 per acre, the net revenue being 96 cents to \$4.40 per acre. These are results under conditions of very intensive management and under highest economic development. Taking Prussia alone, with a round 6,000,000 acres of forest and much poor and undeveloped country, the cut in 1890 amounted to round 333,000,000 cubic feet of wood, of which 215,000,000 feet went into cord wood and 118,000,000 feet in saw logs, or round 56 cubic feet of wood representing the annual growth per acre per year over the entire 6,000,000 acres, with a proportion of 45.6 per cent in saw timber and wood for manufactures. The price received for this material in the woods, butt cut, was at the average rate of \$10.63 per M feet, board measure, and \$3.69 per cord, or both together about 5 cents per cubic foot of wood, the total income from wood being \$16,225,000, of which 62 per cent came from saw timber. Other revenues of the forest administration amounted to \$17,632,810, or about \$2.63 per acre, as against \$10,888,893 in 1870.

The expenditures, amounting to \$8,796,740, or, if special appropriations not recurring are deducted, to \$8,582,268, represented 47.38 per cent of the gross income. It may be of interest to indicate in what direction this large amount is expended:

| | |
|---|--------------------|
| There are 122 officers in higher branches of administration, aggregating salaries to the amount of..... | \$154, 350 |
| 681 district officers or managers..... | 588, 276 |
| 3,753 underforesters or guards..... | 1, 162, 867 |
| 114 financial agents..... | 73, 141 |
| Other temporary employes and personal expenses..... | 1, 073, 587 |
| Total personalia..... | 3, 052, 221 |
| Cost of harvesting wood crop (lumbering at a little less than 7 cents per cubic foot)..... | 2, 266, 030 |
| Buildings..... | 599, 834 |
| Roads and waterways..... | 410, 102 |

| | |
|---|-------------|
| Surveys | 110, 226 |
| Injurious insects..... | 60, 454 |
| Culture..... | 1, 230, 882 |
| Sundries..... | 280, 073 |
| Total salaries and administration..... | 8, 009, 822 |
| Forestry schools and scientific research..... | * 48, 130 |
| Purchase of lands..... | 304, 156 |
| Sundries..... | 434, 632 |
| Grand total..... | 8, 796, 740 |

Or \$1.33 per acre, leaving a net revenue of \$1.30 per acre, as against 97 cents in 1870, when the expenditure per acre was 34 per cent less.

(10) *The proposed legislation contemplates a segregation of the timber lands that are stocking on nonagricultural soil from the other public lands and the transfer of their administration from the Department of the Interior, where lands are held only for disposal, to the Department of Agriculture, which is designed to look after agricultural matters, and where a bureau in charge of forestry matters already exists.*

To save expense in the beginning, and to create as quickly as possible an efficient protective service, the Army may well be employed for such duty. This service has been conferred upon the Army in the Yellowstone and the California parks, to the full satisfaction of both officers and men, with the anticipated results as far as the protection of the forest property is concerned.

Cooperation with State authorities, such as forest commissions or commissioners, is provided for, with a view of enlisting the authorities of the States in the upholding of a rational forest policy.

Since these forest reservations are not to be in the nature of parks, they are to remain open to public use and entrance for all purposes, excepting so far as restrictions appear necessary in order to protect the property from damage and depredation. Prospecting and mining are to be permitted under proper regulations.

The main features of the legislation, however, are its provisions for the cutting of timber under a system of licenses and the creation of the necessary force of officers to attend to the business of a regular forest administration properly. The attempts hitherto of regulating the cutting of timber have remained futile for the lack of an organized system, and of the necessary force to maintain a system.

The license system here provided recognizes the various demands of settlers, prospectors, miners, and lumbermen as legitimate, and necessary to be provided for differently according to the nature of their business and in an equitable manner.

When all needs of the population can be legitimately satisfied, with a sufficient force of officers to attend to the wants of the public in a businesslike manner, there is no reason why the existing vandalism with which the public timber domain has been wasted should not cease, destructive fires be reduced to a minimum, a system of proper forest conservancy gradually be developed, and the American nation add to its civilization by a rational treatment of the forests of the public domain at least.

In conclusion, the fact is recalled that as long ago as 1879 the writer of this report took occasion to refer to this subject before the Senate in the following language (see Congressional Record, February 10, 1879):

"There is another subject, Mr. President, not strictly agricultural, and yet so closely allied to that interest as to demand consideration always when agricultural questions are under discussion. I refer to the preservation of our forest lands from denudation. Those who have investigated and given much thought to the matter declare that the wholesale destruction of the forests of a country, without providing for a new growth, not only seriously affects the material interests, but impairs the health and comfort of all the inhabitants thereof. Bitter experience long ago taught the people of the Old World that they could not with safety wage indiscriminate war against their trees. Nature is, indeed, a kind mother to those who exercise an intelligent regard for her habits and her laws, but she is at times terrible in her wrath against those who blindly defy her decrees. The laying waste of the forests of a country rudely disturbs that harmony between nature's forces which must be maintained if the earth is to be kept habitable for its teeming millions.

"We have ourselves heretofore sadly neglected these considerations, but our Government can not and must not much longer refuse to give to them its most serious attention. If we may not with propriety restrain the individual from injuring his

* We appropriate for a similar purpose, namely, the forestry division in the Department of Agriculture, whose function it is to build up an interest in the subject and to supply information on forestry matters where none existed before, less than one-half this amount.

own property, we can and should at least furnish information and devise plans, through intelligent legislation, which shall incite him to coöperate with his neighbor to protect their common interests. Most European governments have elaborated methods whereby they exercise a supervisory control over the forests of their dominions, and one day the public welfare will demand that our Government shall follow their example. The subject is a practical one; it is not a dream of the theorist; it concerns the pockets of the people and their welfare in many ways."

Considering the very great importance of this measure, early passage of the bill is recommended.

At the annual meeting of the American Forestry Association, held December 15, 1893, the following resolution was passed:

"Whereas it has been brought to the attention of the members of this association, both by the debates in Congress and by discussions in the public press, that a misapprehension as to the purposes of the provisions of House bill No. 119 exists: Be it

Resolved by the American Forestry Association in annual meeting, That its hearty indorsement of the provisions of this bill be conveyed to the members of the Public Lands Committee of the House of Representatives, as we recognize that the said bill is right in principle, and is an important first step toward the establishment of a rational policy in the management of the public timber lands of the United States; and be it further

Resolved, That the thanks of this association are due to the Hon. Thomas C. McRae for his intelligent and energetic support of this measure.

Resolved, That a committee of the association wait upon the Public Lands Committee of the House of Representatives for the purpose of presenting these resolutions."

J. STERLING MORTON,
President A. F. A.

At the meeting of the Forestry Congress, held in Albany, N. Y., March 7, 1894, the following resolutions, offered by Robert Underwood Johnson, and seconded by William A. Stiles, were unanimously adopted:

Resolved by the Forestry Conference, in convention in Albany, March 6-8, 1894, and including representatives of the American Forestry Association, State forestry organizations of New York, Massachusetts, Pennsylvania, New Hampshire, Connecticut, and New Jersey, the Adirondack Park Association, the Genesee Valley Forestry Association, and other bodies, That we regard with approval the policy of national protection to the public forests, auspiciously begun under President Harrison and Secretary Noble by the creation of large forest reservations in California, Colorado, Arizona, and elsewhere, under the act of March 3, 1891, and continued by the administration of President Cleveland, and we hail this policy as marking a more intelligent and patriotic era in the care of American forests; and we respectfully urge upon the President the opportunity which this act offers, and the responsibility which it imposes upon him for the defense of national interests, by enabling him to reserve such other mountain tracts as may be desirable for the conservation of the timber or water supply or for the protection of great scenic features; and

Resolved, That we indorse the bill (H. R. 119), of Mr. McRae, chairman of the Public Lands Committee of the House of Representatives, as an important forward step in forestry legislation; at the same time we strenuously urge upon the President and Congress the pressing necessity of an immediate and thorough inquiry into the scientific, commercial, climatic, and economic bearings of the forestry question, with a view to establish a systematic and permanent policy concerning the national forests in accord with the highest expert knowledge of the subject, and thus avert the serious disasters now threatened by the absence of proper laws.

Resolved, That the secretary of the American Forestry Association be requested to communicate these resolutions to the President and the members of the Senate and House of Representatives individually, and to have them offered as a petition in the open session of each House."

J. D. W. FRENCH,
Corresponding Secretary American Forestry Association, Boston, Mass.

COLORADO.

Resolution of the Colorado State Forestry Association adopted at the annual meeting of the association at Denver, December 28, 1893.

Resolved, That this association respectfully call the attention of the honorable Secretary of the Interior to the fact that the timber on the Government lands in Colorado is being rapidly removed by unauthorized and lawless parties, and to the

imperative need there is for special agents on the ground, or other efficient means to prevent such destruction, and his early action in the matter is earnestly requested.

"The secretary of this association is instructed to send a copy of this resolution to the honorable Secretary of the Interior, and to the chief of the Forestry Division, as well as our Representatives in Congress."

GEO. H. PARSONS,
Secretary.

COLORADO SPRINGS, January 6, 1894.

Whereas under the act of March 3, 1891, authorizing the President to set aside and reserve from sale or entry certain of the public timber lands, a number of extensive forest reserves have been established in this and other of the Western States and Territories, although several years have elapsed since the first of these reservations was created, Congress has failed to make provision for their administration, so that they have been almost entirely without protection and no apparent check has been given to the waste and destruction of their timber, while the streams upon which irrigation systems depend have suffered in proportion; therefore, be it

"Resolved, That these facts be again brought to the attention of our members of Congress, and that they be earnestly requested to obtain without unnecessary delay such legislation as will cure the evil complained of. We believe that H. R. 119, called the McRae bill, is a suitable measure to urge in this connection."

Resolution of the Colorado State Forestry Association passed at their annual meeting held at Denver, Colo., on December 28, 1893.

Whereas there is now pending in Congress a measure entitled "A bill to protect public forest reservations" (H. R. 119), introduced by Hon. Thomas C. McRae, chairman of the Committee on the Public Lands, authorizing the Secretary of the Interior to make due provision for guarding such reserves from fire and depredation, regulating their occupancy, utilizing the timber of commercial value, permitting the detail of Federal troops for police purposes, and for restoring to the public domain any such lands as may be found better adapted to agricultural than forest uses;

"Resolved, That this association heartily commend this measure, and respectfully urges the Congressional delegation from this State to promote, by every proper means, its passage. It would suggest, however, that the clause providing for the occupancy of the reservation and use of timber be made sufficiently definite to permit, under proper regulation, prospecting, mining, construction of irrigation works, and due development of all natural resources upon the reserves in question.

"Resolved, That the secretary of this association be directed to forward a copy of these resolutions to each of our Representatives in Congress and to the author of the bill referred to."

MASSACHUSETTS.

At the annual meeting of the State board of agriculture, held at Boston, February 6, Mr. J. D. W. French presented the following resolutions, which were unanimously passed:

"Resolved, That the State board of agriculture approves House bill (H. R. 119), 'A bill to protect public forest reservations,' and urges the immediate passage of said bill.

"Resolved, That a copy of these resolutions be sent to the Senators and Representatives of this State in the United States Congress."

Very respectfully,

WM. R. SESSIONS,
Secretary.

The following is the form of permit now used by the Department of the Interior:

PERMIT TO CUT PUBLIC TIMBER.

UNITED STATES OF AMERICA,

Department of the Interior, General Land Office:

Whereas in conformity with the provisions of an act of Congress approved March 3, 1891, entitled "An act to amend section 8 of an act approved March 3, 1891, entitled 'An act to repeal timber-culture laws, and for other purposes,'" and rules and regulations promulgated by the Secretary of the Interior for the execution of said act, ———— has made application to cut and remove timber from a portion

of the public lands, fully and specifically in said application described, for necessary agricultural and mining purposes and for manufacturing lumber for domestic uses; and

Whereas it is deemed necessary for the public interest that permission be granted unto the said _____ to cut timber on the lands hereinafter described;

Therefore, under and by virtue of the authority vested by law in the Secretary of the Interior, and subject to all the conditions, restrictions, obligations, and limitations herein contained, permission is hereby granted unto the said _____ to cut timber on the public lands for immediate use in the _____ of _____, which said timber may be cut on public lands in the county of _____ in said _____, within limits particularly described as follows, to wit: _____

Provided, however, It is expressly stipulated and agreed, that the permit hereby granted shall be, and the same is hereby, made subject to the following conditions, restrictions, and limitations, to wit:

1. That this permit and all rights and privileges hereunder shall expire on the _____.
2. That no trees shall be cut or removed that are less than _____ inches in diameter, except such as may be absolutely necessary for making needed roadways through the timber.
3. That in the cutting of timber in the manner and for the purpose set out in the application of said _____, not to exceed 50 per cent of the timber of each class now growing thereon, and taken as nearly as may be from each acre of the tracts above described, shall be taken from the lands embraced in this permit.
4. That the said _____ shall submit monthly, through the register and receiver at _____, a statement, under oath, showing the amount of each kind or kinds of timber cut or removed during each month, giving a description of the particular tract or tracts from which such timber was cut, and stating how such timber was disposed of and to whom.
5. That no timber cut or removed under this permit shall be so cut or removed for transportation out of the _____.
6. That in acting under this permit no timber is to be cut or removed from any tract or tracts covered by the settlement or occupation of any bona fide settler, intending to perfect title to such tract or tracts under any of the laws of the United States, nor from any tract or tracts embraced in any reservation of whatsoever kind, created by operation of law or proclamation of the President.
7. That all of each tree cut that can be profitably utilized shall be used, and that the said _____ shall cut, remove, burn, or otherwise safely dispose of the tops and brush of trees, and the tails, slabs, sawdust, and other refuse from _____ saw-mills, with a view to preventing the same remaining food for flames, and that the said _____ stand liable in damages for the starting or the spread of any fires attributable to _____ neglect or that of _____ employes in any manner to comply strictly with this provision.
8. That during the continuance of this permit the said _____ agree not to purchase timber cut on public land of the United States of any person or persons not having a permit from this Department to cut timber from said public lands, except as provided in section 4 of the circular of May 5, 1891, and _____ further agree to ascertain affirmatively that persons offering timber for sale have the necessary permit to cut the same if taken from the public lands.
9. That nothing in this permit shall be construed to give to the said _____ the exclusive right to cut or remove timber from the lands described herein, nor shall the granting of this permit in any way be held to withdraw the lands embraced herein from settlement or occupation and entry by any qualified bona fide claimant.
10. That the right is hereby reserved to modify or revoke at any time the permission hereby granted.
11. That the said _____ shall be subject to all the rules and regulations under the said act of March 3, 1891, as well as the conditions, restrictions, and limitations herein set forth and such additional rules and regulations as may hereafter be promulgated.
12. In consideration of the granting of this permit, it is expressly stipulated and agreed that the said _____ will use all available means to prevent forest fires, and should such fires be started to endeavor to extinguish the same within the limits herein described.
13. That this permit is not transferable and any attempt to transfer the same will render it void.

Approved: _____

_____, 189—

_____,
Secretary of the Interior.

_____,
Commissioner of the General Land Office.