REPORT

OF THE

COMMISSIONER OF INDIAN AFFAIRS.

OFFICE OF INDIAN AFFAIRS,
Washington, D. C., October 1, 1900.

SIR: The sixty-ninth Annual Report of the Office of Indian Affairs is respectfully submitted.

FINANCE.

APPROPRIATIONS.

The total amount appropriated for the Indian service for the fiscal year ending June 30, 1901, is $8,873,239.24. Of this amount $8,197,239.24 is appropriated by the Indian appropriation act of May 31, 1900, and $676,000 by the act of June 6, 1900, ratifying the agreements with the Indians of the Fort Hall Reservation, in Idaho, and with the Apaches, Kiowas, and Comanches in Oklahoma.

The total amount appropriated for the fiscal year 1900 was $7,749,951.94. This does not agree with the amount given in the last annual report, which is $7,678,863.19. The difference, $71,088.75, is accounted for by the fact that since that report was made appropriations aggregating the amount of the difference were made in the urgent deficiency bill of February 9, 1900, and the deficiency bill of June 6, 1900, as follows:

Current and contingent expenses	$19,938.75
Miscellaneous supports, gratuities	2,650.00
Miscellaneous	48,500.00
Total	71,088.75

The different objects of appropriation for the two years are shown by the following table:

TABLE 1.—*Appropriations for the Indian service for the fiscal years 1900 and 1901.*

	1900.	1901.
Current and contingent expenses	$831,378.75	$824,240.00
Fulfilling treaty stipulations	2,665,600.81	2,512,447.45
Miscellaneous supports, gratuities	684,775.00	646,500.00
Incidental expenses	80,900.00	92,680.00
Support of schools	2,936,080.00	3,080,367.00
Miscellaneous	402,617.38	1,041,004.79
Payment for lands	148,600.00	676,000.00
Total	7,749,951.94	8,873,239.24

The excess of 1901 over 1900 is $1,123,287.30. The difference is accounted for as follows:

Increase:		
Incidental expenses		$11,780.00
Support of schools		144,287.00
Miscellaneous		638,387.41
Payment for land		527,400.00
		1,321,854.41
Decrease:		
Current and contingent expenses	$7,138.75	
Fulfilling treaty stipulations	153,153.36	
Miscellaneous supports	38,275.00	
		198,567.11
		1,123,287.30

The estimates for 1901 submitted to Congress were as follows:

Current and contingent expenses	$794,200.00
Fulfilling treaty stipulations	2,331,369.52
Miscellaneous supports, gratuities	679,000.00
Incidental expenses	89,180.00
Support of schools	2,781,577.00
Miscellaneous	125,200.00
Total	6,800,526.52

The excess of appropriations over estimates was $2,072,712.72. The following are the principal items not included in the estimates that go to make up the excess:

Commission to Five Civilized Tribes	$524,000.00
Town-site Commission, Indian Territory	67,000.00
Suppressing the spread of smallpox in Indian Territory	50,000.00
Payment to settlers on Northern Cheyenne Reservation	171,615.44
Payment to Flambeau Lumber Company	12,039.35
Payment to Indians, Fort Hall Reservation, and Apaches, Kiowas, and Comanches	676,000.00
Total	1,500,654.79

EXPENDITURES.

The expenditures for the fiscal year ending June 30, 1900, were as follows:

Current and contingent expenses	$618,487.39
Fulfilling treaty stipulations	2,410,310.75
Miscellaneous supports, gratuities	586,474.49
Trust funds:	
Interest	1,498,651.48
Principal	216,267.04
Proceeds of land	94,869.40
Incidental expenses	62,801.82
Support of schools	2,734,245.06
Miscellaneous	1,952,999.33
Total	10,175,106.76

The amount given above as being for the support of schools represents only the expenditures from funds appropriated gratuitously by Congress for that purpose. This does not, however, represent the full amount expended for Indian schools. A large number of schools are supported out of funds belonging to the Indians, and it is estimated that of the sums reported above, as expended under the head of fulfilling treaty stipulations and interest on trust funds, $600,000 was used for school purposes; so that it may safely be said that at least $3,330,000 were devoted to the cause of Indian education.

Inquiry is sometimes made of the Office as to how much the Indians have cost the Government since its beginning. To such inquirers it will probably be of interest to know that, according to the Treasury compilation, the total expenditure on account of the Indian service from March 4, 1789, up to and including June 30, 1900, was $368,358,217.17.

TRANSPORTATION OF SUPPLIES.

For many years prior to the last fiscal year—in fact, since 1877—Indian goods and supplies were transported by contract under the act of March 3, 1877 (19 Stat., 291), which provided that thereafter contracts for transportation involving an expenditure of more than $2,000 should be advertised and let to the lowest responsible bidder. The practice was, at the annual lettings which took place in the spring of each year, to invite bids for the transportation of Indian goods, from the places where they were bought and delivered, to their several points of destination, and to award contracts to the lowest bidders, as the law required. In every case the successful bidders were individuals who contracted under heavy bond to transport whatever goods might be turned over to them at a flat rate. In no instance did railroads or other common carriers compete for the business.

The transportation of Indian goods and supplies was the subject of much discussion, both oral and written, for years, and elaborate reports were made thereon from time to time. Many acquainted with the system in vogue thought it the best, while other well-informed persons thought the Government could do better by shipping in the ordinary commercial way than by contract as it had been doing. In order that the matter might be tested, if such course were deemed advisable, Congress was asked to give the Department the option of shipping under contract or in open market. That body responded by inserting the following clause in the deficiency act of July 7, 1898:

> That from and after the passage of this act Indian goods and supplies shall be transported under contract as provided in the act of March 3, 1877, or in open market by common carriers, as the Secretary of the Interior in his discretion shall determine (30 Stats., 676).

At the annual letting of contracts in Chicago in April, 1899, bids for transportation were received as usual; but after consultation with the

Department it was finally concluded to take advantage of the discretion given by the act just quoted for the fiscal year 1900 at least. Consequently all bids for transportation were rejected and the authority of the Department requested to ship in open market by common carrier at tariff or better rates. This was readily granted and the office at once proceeded to carry out the new system. The machinery of the old system with comparatively few changes was applied to the new, and, notwithstanding the inexperience of the office, with comparatively little friction. The result of a year's experience of the new method is now before the office and may be said to be entirely satisfactory. Goods have been handled and transported at considerably less cost than before, and what is of much greater benefit to the Indians, time has been gained in the delivery of goods. Under the old system goods would not be delivered for six months after they were purchased, while under the present system no delay whatever has occurred.

The accounts for last year's transportation are nearly all in and paid and the office is in a position to make a fair comparison. The accounts so far settled show that 13,973,645 pounds of freight were transported during the fiscal year ending June 30, 1900.

Under the old system, at the rates offered by bidders in April, 1899, it would have cost to transport this	$182,025.39
Under the new system it has actually cost	135,432.91
Apparent saving	46,592.48

The old method had its advantages, one of which was the absolute responsibility of contractors. As they received goods so they had to deliver them. The Government was at no risk whatever for loss or shrinkage or breakage. All that had to be made good. Now, however, as the Government ships at owner's risk and does not insure, it runs the risk of losses. But one loss of any consequence happened last year. In November, 1899, the steamer *Conestoga*, of the Western States Line, sank at the mouth of the Chicago River laden with Indian goods valued at $7,646.24. Many of the goods were saved and forwarded to destination, but the remainder, valued at $3,937.37, were lost. Whether the loss will fall upon the carrier or the Government has not yet been determined. The matter is now before the proper officers of the Government for adjustment.

The new method has added somewhat to the clerical work of the warehouses, while the settlement of transportation accounts under the new system necessitates an increased clerical force at the seat of Government. Making allowance, however, for all of this, for hauling from railroad stations, for occasional storage charges, and other similar expenses, which were heretofore borne by the contractors, the fact still remains that a material saving has been effected. A conservative estimate is that this saving will amount to 20 per cent.

OBSTACLES TO SELF-SUPPORT.

THE RATION SYSTEM.

A matter that occupies the earnest attention of those who are engaged in Indian work and devoted to the cause of elevating the Indian race is the system that prevails and has prevailed for some time of issuing rations regularly to certain of the tribes.

The ration system is the corollary of the reservation system. To confine a people upon reservations where the natural conditions are such that agriculture is more or less a failure and all other means of making a livelihood limited and uncertain, it follows inevitably that they must be fed wholly or in part from outside sources or drop out of existence. This is the situation of some of the Indian tribes to-day. It was not always so. Originally and until a comparatively recent period the red man was self-supporting. Leading somewhat of a nomadic life, he roamed with unrestricted freedom over the country in pursuit of game, which was plentiful, or located upon those spots fitted by nature to make his primitive agriculture productive. All this is changed. The advent of the white man was the beginning of the end. From east to west, from one place to another, like poor Jo in Bleak House, the Indian has been "movin' on" until he can go no further. Surrounded by whites, located upon unproductive reservations often in a rigorous climate, he awaits the destiny which under existing conditions he is powerless to avert. Of the causes that led to this or of the wisdom or unwisdom of the policy pursued it is not necessary now to speak. The purpose of this is to discuss the present and not to criticise the past.

While much has been written about it, the extent of the ration system is probably not generally known. It may contribute to a better understanding of the subject to describe the situation just as it is.

According to the most reliable information the Indian population of the United States is about 267,900. Of this number, about 45,270 receive a daily ration. It is not meant by this that rations are given out daily, but that they are issued periodically, generally twice a month, the quantity issued being based upon a certain daily allowance for each individual. Issues are made to the heads of families, each member of the family being counted, even to the smallest infant, except the children in boarding schools. These are not included in the number receiving daily rations given above.

Except for the Sioux, who will be spoken of later, the kind and quantity of the subsistence issued is not fixed by treaty or agreement with the tribes, but is regulated by the Department according to the means and necessities of each tribe. The principal articles issued are beans, beef (or its equivalent in bacon), flour, coffee, and sugar.

According to Department regulations, the following constitutes the ration of these articles:

To 100 rations:
150 pounds net beef (or bacon in lieu).
3 pounds beans.
4 pounds coffee.
50 pounds flour.
7 pounds sugar.

This, however, is the maximum allowance, which of late years has rarely or never been issued, the policy and practice of the office being to reduce rations as far as practicable.

As has been said, the ration issued varies according to the tribe, and its value varies correspondingly. The following will show the tribes that are receiving daily rations and the per capita cost of the ration allowed to each for the current year:

TABLE 2.—*Tribes other than Sioux receiving rations, and cost of the ration.*

Agency.	Tribes.	Number requiring rations.	Cost per capita.
Blackfeet, Mont	Blackfeet, Blood, and Piegan	1,850	$33.00
Crow, Mont	Crow	1,850	29.00
Fort Belknap, Mont	Grosventre and Assiniboin	1,027	42.00
Fort Peck, Mont	Yanktonai Sioux and Assiniboin	1,654	23.00
Tongue River, Mont	Northern Cheyenne	1,354	47.00
Shoshoni, Wyo	Shoshoni and Northern Arapaho	1,400	30.00
Southern Ute, Colo	Ute	972	13.00
Ouray, Utah	do	700	17.00
Uinta, etc., Utah	do	770	12.00
Fort Hall, Idaho	Shoshoni and Bannock	1,288	13.00
Lemhi, Idaho	Shoshoni, Bannock, and Sheepeater	365	17.00
Fort Berthold, N. Dak	Arikara, Grosventre, and Mandan	1,018	17.00
Yankton, S. Dak	Sioux	1,540	13.00
Cheyenne and Arapaho, Okla	Cheyenne and Arapaho	2,500	16.00
Kiowa, Okla	Apache, Kiowa, Comanche, Wichita, etc.	3,296	9.00
Jicarilla, N. Mex	Jicarilla Apache	843	23.00
San Carlos, Ariz	Apache	2,627	24.00
Fort Apache, Ariz	do	1,789	9.00
Colorado River, Ariz	Mohave, etc	550	6.00
Total		27,393	

As the value of the full established ration at current prices is about $51, it will readily be seen to what extent the issue of rations has been reduced.

Of the 45,270 receiving daily rations from the Government, 17,876, or nearly two-fifths, belong to the great Sioux Nation, known as the Sioux of different tribes, located in North and South Dakota. These Indians are not included in the foregoing list, as their case is different from the others in that the rations and the conditions under which they are to be given are specifically named in the agreement of 1876, ratified by the act of February 28, 1877. That agreement, in consideration of the cession of certain territory and rights, obligates the United States to provide the Indians with subsistence consisting of a ration for each individual of:

1½ pounds of beef (or ½ pound bacon in lieu thereof),
½ pound flour,
½ pound corn; and

For every 100 rations—

4 pounds coffee,
8 pounds sugar,
3 pounds beans,

or in lieu of said articles the equivalent thereof; such rations, or so much thereof as may be necessary, to be continued "until the Indians are able to support themselves."

The value of the full Sioux ration varies somewhat according to the location of the agency to which the Indians belong, but at the average prices paid it is about $50 per capita per annum. The full ration, however, is not now issued, nor has it been for the last few years, it having been gradually reduced in accordance with the policy of the Office.

The following will show the bands of the Sioux Nation that are receiving daily rations, and the per capita cost of the ration allowed for the present year:

TABLE 3.—*Sioux receiving rations, and cost of the ration.*

Agency.	Band.	Number requiring rations.	Cost per capita.
Standing Rock, N. Dak	Yanktonai, Hunkpapa, Blackfeet	3,215	$34.00
Crow Creek, S. Dak	Lower Yanktonai	867	35.00
Cheyenne River, S. Dak	Blackfeet, Sans Arcs, Miniconjou, and Two Kettle.	2,440	36.00
Lower Brulé, S. Dak	Lower Brulé	374	33.00
Pine Ridge, S. Dak	Oglala	6,318	33.00
Rosebud, S. Dak	Brulé, Loafer, Two Kettle, and Wajiaziah	4,662	36.00
Total		17,876	

The average cost per capita for the whole nation is about $35.

It may give a better idea, perhaps, of what these Indians get to take the two principal items of beef and flour and show what is allowed each individual. With the sum named enough has been provided of these two articles to give over 1 pound of net beef and over 5¾ ounces of flour to every man, woman, and child on the reservations (outside of school children) every day in the year. Besides this they get the additional articles named. Improvidence may make the Indians go hungry, but with the rations issued they are certainly in no danger of starvation. Although the Sioux agreement says that rations are to continue only until they are able to support themselves, the Indians protest against any reduction and claim the full ration as a right. If this is conceded, the time when they will be self-supporting lies in the very distant future, if it comes at all, for as long as they are supported by others there is no necessity for supporting themselves, and consequently they make little or no effort.

In addition to those receiving a daily ration, a number of Indians are assisted by occasional issues, and at several agencies the old and indigent are provided for. These, however, are comparatively few in number, aggregating about 12,570. Altogether there are about 57,570

Indians receiving subsistence in some degree or other from the Government out of the total population of 267,900. This, as has been said, is exclusive of children in boarding schools, who are wholly cared for and liberally provided for there.

The total cost of the subsistence purchased for issue to Indians for the current fiscal year is about $1,231,000.

The evils likely to arise from the gratuitous issue of rations were early anticipated by the Government and steps taken looking to their prevention. In 1875, for the purpose of inducing Indians to labor and become self-supporting, Congress passed a law requiring all able-bodied male Indians between the ages of 18 and 45, in return for supplies and annuities issued them, to perform services upon the reservation for the benefit of themselves or the tribe to an amount equal in value to the supplies to be delivered, and that such allowances should be distributed to them upon condition of the performance of such labor. The Secretary of the Interior, however, was authorized to exempt any particular tribe from its operations where he deemed it proper and expedient.

In accordance with the letter and spirit of that law, the Regulations of the Indian Office make it the duty of an agent to distribute supplies and annuities according to labor. These regulations go further than this, and in order to enable agents not only to encourage, but also to enforce, regular labor among Indians, require that sugar, coffee, and tea, except in cases of old age or infirmity, shall be issued to Indians only in payment for labor performed by them for themselves or for the tribe. The regulations also make it the duty of agents to see that each able-bodied male Indian is given an opportunity to labor, and when this is done to judge whether or not the Indian is entitled to a daily ration, determining the matter rather from the spirit and disposition to work manifested than from the value of the work performed. Though agents are required to and do certify upon the issue vouchers that labor has been performed upon the reservations by the Indians to whom the supplies have been issued, it may be doubted if either the letter or spirit of the law and regulations are complied with on some of the reservations.

There has been a decided improvement in the method of issuing rations in late years. The old-fashioned way was for the Indians to assemble at a central supply station on ration day. At a given time the cattle, wild by nature, frightened and desperate by their surroundings, were turned loose to be chased by the Indians, yelling and whooping, and shot down upon the prairie in imitation of the savage method of buffalo hunting of the early days. When the animal was killed a a motley assembly of Indians, ponies, and dogs of all sizes and ages gathered around where it lay. The bucks and squaws gorged themselves upon the raw entrails and smoking blood, the hide was taken to the

traders, and the squaws divided up the carcass and took it away. To satisfy a morbid curiosity people used to travel sometimes a long distance to visit the agencies on ration day to witness these savage sights. Another evil connected with the old system which hindered the progress of the Indians was the time necessarily consumed by them in going to and from the central issue station. In many instances the distance they had to travel was so great that they were almost continuously on the road. All of that has been done away. Issue stations have been established at convenient places. Beef, with other supplies, is issued to them in a civilized way, and the necessity for so much travel no longer exists.

Notwithstanding all this, it is the consensus of opinion of those who from observation and experience are qualified to speak intelligently on the subject, that the gratuitous issue of rations, except to the old and helpless, is detrimental to the Indian. It encourages idleness and destroys labor; it promotes beggary and suppresses independence; it perpetuates pauperism and stifles industry; it is an effectual barrier to the progress of the Indian toward civilization.

Yet, objectionable as it is, the system must continue as long as the present reservation system continues. Until the Indians are placed in a position where the way is open before them to support themselves they must be assisted. A civilized nation will not permit them to starve. As a method of aiding the deserving while they are learning the art of self-support the ration system is commendable. That is its aim and object. The great evil lies in the gratuitous distribution to all alike. With the necessities of life assured without effort, the incentive to labor disappears and indolence with its baleful influence reigns supreme.

It is difficult to point out a complete remedy for the evils described, but as a beginning the indiscriminate issue of rations should stop at once, a somewhat difficult thing to accomplish as long as tribes are herded on reservations having everything in common. The old and helpless should be provided for, but with respect to the able-bodied the policy of reducing rations and issuing them only for labor should be strictly enforced, while those who have been educated in Indian schools should be made to depend entirely upon their own resources.

ANNUITY PAYMENTS.

In intimate connection with the ration system with respect to its effect upon the Indians is the payment to them annually of various sums in cash. During the fiscal year ended June 30, 1900, $1,507,542.68 were sent out to the officers of the Department for distribution among the various Indian tribes. Several of the payments were very large, others were very small, the per capita ranging from $255 down to 50 cents. The money distributed was that appropriated in pursuance of treaty stipulations, or derived from interest on trust funds in the

Treasury belonging to the tribes, or was the income from grazing. As the law or treaties provide that these treaty and trust funds shall be paid per capita in cash, the office had no other alternative. The following will show the remittances during the last fiscal year for distribution:

TABLE 4.—*Annuity payments made to Indians.*

Tribe.	Agency.	Number annuitants.	Amount.
Apache, Kiowa, and Comanche	Kiowa	2,808	$232,040.00
Cheyenne and Arapaho	Cheyenne and Arapaho	3,047	50,000.00
Cœur d'Alène	Colville	521	10,500.00
Crow	Crow	1,941	34,149.90
Chippewa	La Pointe	1,932	82,553.22
	Leech Lake	3,324	
	White Earth	4,700	
Chippewa and Christian	Potawatomi	92	2,128.02
Eastern Shawnee	Quapaw	93	500.00
Kickapoo (Oklahoma)	.....	260	1,672.18
Kickapoo (Kansas)	Potawatomi	255	34,713.23
Iowa (Kansas)	....do	212	7,377.50
Iowa (Oklahoma)	Sauk and Fox (Oklahoma)	88	7,074.66
Mission	Mission	86	2,350.00
Oneida	Green Bay	1,999	1,000.00
Omaha	Omaha and Winnebago	1,204	36,090.00
Osage	Osage	1,789	450,000.00
Kaw	....do	217	28,558.00
Oto and Missouri	Ponca, etc	372	25,096.50
Ponca	....do	566	6,000.00
Ponca	Santee	231	1,653.50
Potawatomi	Potawatomi, etc	578	19,560.39
Stockbridge and Munsee	Green Bay	528	1,599.71
Seneca	New York	2,278	11,902.50
Seneca (Tonawanda Band)	....do	497	4,347.50
Sioux	Cheyenne River	2,552	11,757.19
	Crow Creek	1,047	5,230.05
	Lower Brulé	472	5,001.65
	Pine Ridge	6,566	36,840.41
	Rosebud	5,029	37,104.34
	Santee and Flandreau	1,285	4,008.00
	Standing Rock	3,588	18,082.46
	Medawakanton	918	4,700.00
Sauk and Fox (Missouri)	Potawatomi	78	7,870.00
Seneca	Quapaw	337	5,208.98
Seneca and Shawnee	....do		757.02
Sauk and Fox (Oklahoma)	Sauk and Fox (Oklahoma)	522	38,995.94
Sauk and Fox (Iowa)	Sauk and Fox (Iowa)	390	17,382.36
Siletz	Siletz	483	6,262.97
Sisseton and Wahpeton	Sisseton	1,884	58,050.00
Sioux (Yankton Tribe)	Yankton	1,701	24,000.00
Utes	Southern Ute	998	19,866.00
	Uintah and Ouray	1,702	34,534.00
Winnebago (Nebraska)	Omaha and Winnebago	1,163	23,439.00
Winnebago (Wisconsin)	.....	1,418	26,943.25
Wichita	Kiowa	925	20,460.00
Pawnee	Ponca, etc	650	49,000.00
Tonkawa	....do	59	1,182.25
Total		.....	1,507,542.68

That much, if any, good is derived from these annual payments is doubtful. Many of them are too small to accomplish either good or harm, while others are so large as to be useful for good or powerful for evil. The latter it is to be regretted is the general result. Not having to earn the money distributed, the Indians do not appreciate its value. It either goes to the traders on account of debts contracted in anticipation of the payment or is squandered, often for purposes far remote from civilizing. The larger payments especially are demoralizing in the extreme. They degrade the Indians and corrupt the whites; they induce pauperism and scandal and crime; they nullify all the good effects of years of labor.

Even without any payment the very existence of the money is a constant menace to the welfare of the Indian. The knowledge that he has money coming to him some time leads unscrupulous people to induce him to go into debt; and then, when the debt has accumulated and the Indian's credit is gone, pressure is brought to bear by the creditors upon the Government to pay the Indian so that he can pay his honest (?) debts. If this is done, the same routine is repeated to go on until the money is exhausted. The state of affairs growing out of this around some of the agencies is a scandal and a disgrace.

There is now in the Treasury to the credit of Indian tribes $33,317,955.09, drawing interest at the rate of 4 and 5 per cent, the annual interest amounting to $1,646,485.96. Besides this several of the tribes have large incomes from leasing and other sources. It is a safe prediction that so long as these funds exist they will be the prey of designing people.

The ultimate disposition of the Indian trust funds is a subject for the most serious consideration. In some cases they are small and in others very large. With respect to the former they can, as a rule, be paid out to the Indians with little, if any, evil consequences. With respect to the latter their proper disposition is more difficult. It is admitted that great wealth is a source of weakness to any Indian tribe and productive of much evil. How to apply it so as to avoid evil consequences and produce only beneficial results is a problem which, though having occupied the earnest attention of the best and wisest friends of the Indians, seems so far not to have been satisfactorily solved.

It has been suggested that the best means of remedying the evils described are—

1. To provide for the gradual extinction of these funds. This is to be done by setting aside a sufficient sum to maintain the reservation schools as they now exist for a definite period of years—say twenty-one—and then dividing the balance per capita and paying to each member of the tribe between certain ages and to each one who shall thereafter arrive at the proper age his or her share thereof, proper provision to be made for the disposition of the shares of the old and incompetent and excepted ages.

2. As a corollary to this, to divide the land belonging to the tribe per capita.

The remedy proposed is a heroic one and is not new. If applied, the immediate result would almost invariably be to relegate the Indians affected, or many of them, to a state of poverty. The remote result might be, and this is the argument used in its favor, that finding their substance gone and themselves in actual want they would realize that they must work or starve, and so from necessity, if not from choice, put forth some effort in their own behalf. The result would be that in

time they would become industrious, prosperous members of the community. In the minds of many this is the true solution of this vexed question. Be that as it may, the sooner steps are taken to break up their interests in common and place them upon an individual basis the sooner will they come to a realizing sense of their own responsibility and prepare to find their proper place in the body politic.

LEASING OF ALLOTMENTS.

In discussing the ration system in these pages the idea is advanced, or rather the old idea is repeated, that benefits should be bestowed on Indians only in return for labor. At the same time it is admitted that it is difficult, if not impossible, fully to carry out this idea so long as they are herded on reservations and have everything in common. In treating of annuity payments a step further is taken, and it is suggested that this community of interest should be broken up and the Indians brought to understand that upon their individual effort depends their future rise and progress.

It now remains to discuss how this may be brought about. It is more difficult to create than to destroy, and it is easier to point out an evil than to afford a remedy; but it is believed that in the allotment system wisely adapted lies the true solution of the Indian problem. The idea of breaking up tribal relations and making Indians independent was early entertained, and some of the older treaties contain provisions for putting the Indian on land of his own. But like many another thing in Indian treaties it was not always carried out, and it was not until after 1887 that there was any systematic attempt to allot lands. In February of that year the act for the allotment of Indian land was passed. That act has been discussed so much that it is unnecessary for present purposes to quote it here. It is sufficient to say that it provides for the allotment of lands in severalty to Indians on the various reservations. Since then the work of allotting has gone on steadily until now a large number of the tribes are allotted—on paper at least. The operations under this act will be found reported from year to year in these Annual Reports, and the details for the current year are referred to hereafter on page 53.

The true idea of allotment is to have the Indian select, or to select for him, what may be called his homestead, land upon which by ordinary industry he can make a living either by tilling the soil or in pastoral pursuits. The essentials for success are water and fuel, but above all the former, for fuel can if necessary be procured and brought from a distance. To put him upon an allotment without water and tell him to make his living is mere mockery. His allotment having been selected he should be required to occupy it and work it himself. In this he must have aid and instruction. If he has no capital to begin on, it must be given him; a house must be built, a supply of water must be

assured and the necessaries of life furnished, at least until he can get a start and his labor become productive. The better to assist them the allottees should be divided into small communities, each to be put in charge of persons who by precept and example would teach them how to work and how to live.

This is the theory. The practice is very different. The Indian is allotted and then allowed to turn over his land to the whites and go on his aimless way. This pernicious practice is the direct growth of vicious legislation. The first law on the subject was passed in 1891, when Congress enacted that whenever it should appear that by reason of age or other disability any allottee could not personally and with benefit to himself occupy or improve his allotment or any part thereof, it might be leased under such regulations as the Secretary of the Interior should prescribe for a period not exceeding three years for farming or grazing, or ten years for mining purposes. In 1894 the word "inability" was inserted, and the law made to read, "by reason of age, disability, or inability." The period of the lease was also fixed at five years for farming or grazing and ten years for mining or business purposes. This remained unchanged until 1897, when "inability" was dropped out, age or disability alone made a sufficient reason for leasing, and the periods changed to three and five years, respectively. This law was operative until the current year, when it was again changed, "inability" restored, and leases limited to five years, for farming purposes only.

It is conceded that where an Indian allottee is incapacitated by physical disability or decrepitude of age from occupying and working his allotment, it is proper to permit him to lease it, and it was to meet such cases as this that the law referred to was made. Had leases been confined to such cases there would be little if any room for criticism. But "inability" has opened the door for leasing in general, until on some of the reservations leasing is the rule and not the exception, while on others the practice is growing. Detailed information as to existing leases on the various reservations is given on page 75.

To the thoughtful mind it is apparent that the effect of the general leasing of allotments is bad. Like the gratuitous issue of rations and the periodical distribution of money it fosters indolence with its train of attendant vices. By taking away the incentive to labor it defeats the very object for which the allotment system was devised, which was, by giving the Indian something tangible that he could call his own, to incite him to personal effort in his own behalf.

EDUCATION.

Indian education is accomplished through the means of nonreservation boarding schools, reservation boarding schools, and reservation and independent day schools, all under complete Government control,

State and Territorial public schools, contract day and boarding schools, and mission day and boarding schools.

INDUSTRIAL TRAINING.

The Indian school system aims to provide a training which will prepare the Indian boy or girl for the everyday life of the average American citizen. It does not contemplate, as some have supposed on a superficial examination, an elaborate preparation for a collegiate course through an extended high-school curriculum.

The course of instruction in these schools is limited to that usually taught in the common schools of the country. Shoe and harness making, tailoring, blacksmithing, masonry work, plastering, brick making and laying, etc., are taught at the larger nonreservation schools, not, it is true, with the elaborateness of special training as at the great polytechnic institutions of the country, but on a scale suited to the ability and future environment of the Indian. There are special cases, however, where Indian boys are, and have been, trained so thoroughly that their work compares favorably with that of the white mechanic. Specialized training, however, is not always desirable, for the reason that opportunities for following such vocations profitably on Indian reservations are not of the best; yet, on the other hand, the time frequently comes when the use of tools learned in school enables the returned pupil to shoe his own horse as well as the village smith, or repair a broken wagon as well as the agency mechanic.

That Indian boys are capable of becoming excellent mechanics and workmen is an indisputable fact. For illustration, in the harness shop of Hampton the pupils have completed an order for upward of $2,000 worth of fine harness for John Wanamaker, of New York and Philadelphia, and have shipped $500 worth to Washington. Fifty trucks have been furnished a Richmond house, and fifty more to the Seaboard Air Line Railway Company. Carlisle has for years supplied the Indian service a most superior farm wagon, while Haskell vies with the products of this school in excellence of workmanship. The school at Salem has turned out finished harness which competes successfully at the same price with regular custom work. The products of the shops at Phoenix, Haskell, Chilocco, and other schools display a character of workmanship and artistic skill which disposes of the theory that the Indian is not a mechanic and not a finished workman. He can, and will, after a proper course of instruction, and with equal opportunities, hold his own with the average workman in the useful trades. This is the objective point of his industrial training in the schools established for his benefit.

It is not considered the province of the Government to provide either its wards or citizens with what is known as "higher education." That is the proper function of the individual himself. The Indian boy or

girl who receives a literary training in these schools has laid the groundwork for future education, and can fit himself or herself for the bar, the pulpit, or the magazine pages. Their future career should always be dependent upon their own exertions, and not at the expense of the General Government.

Phoenix, Haskell, Albuquerque, and other institutions, have well-organized schools of domestic science, where the girls are practically taught the art of preparing a wholesome meal, such as appears on the tables of persons of moderate means. They are not taught the "hotel" or "restaurant" style of cooking, with the consequent education and desire to look forward to salaries similar to chefs in such institutions; but by actually themselves preparing, under proper supervision, the meals adapted to the means of an average family of five to seven persons, these girls stand excellent chances of securing places in such families at living wages, and are not constantly looking forward to continued Government support by being placed in salaried positions at the Government schools and agencies.

Supt. S. M. McCowan, of the Phoenix school, Arizona, proposes to inaugurate another practical scheme of training Indian girls which will not only be profitable to them as a money-making profession, but will be of vast advantage in their own homes and to their own people. Many Indian girls are fitted by natural endowment for nurses, and the superintendent is of opinion that by the establishment of such a training school as will practically and theoretically prepare its graduates for nursing, a new avenue of hope and life will be opened up to the Indian woman. He pleads—

> For the Indian maidens to this extent, that they be given the most thorough training in cooking, housekeeping, and nursing. These maidens will be mothers by and by. The great majority will live among their own people; and while every mother may be depended on to do the very best she knows for her children, nevertheless her value is proportioned according to her knowledge, not her desire. It is just as important to know how to relieve the ailing, to heal the wounded, to cure the sick to ease the sufferer, to cook dainty and appetizing delicacies for the indifferent, to coax back from the shadow of death the weary and heavy laden, as to spout, like a perennial geyser, of woman's rights and Indian rights.

Indian schools are doing much in the way of training the girls for just such future duties, but often, with meager or inadequate equipment, they have not been able to attain the high ideal which should be set upon such training.

NONRESERVATION SCHOOLS.

These are as a rule the largest institutions devoted to Indian education. As indicated by their designation, they are situated off the reservations and usually near cities or populous districts, where the object lessons of white civilization are constantly presented to the pupils. They are recruited principally from the day and boarding schools on

the reservations. The majority are supported by special appropriations made by Congress, and are adapted to the teaching of trades, etc., in a more extended degree than are schools on the reservations. The largest of these schools is situated at Carlisle, Pa., where there are accommodations for 1,000 pupils; the next largest is at Phoenix, Ariz., with a capacity for 700; the third, at Lawrence, Kans., and known as Haskell Institute, accommodating 600 pupils. These three large schools are types of their class, and are not restricted in territory as to collection of pupils. Chemawa school, near Salem, Oreg., and Chilocco school, near Arkansas City, Okla., are types of the medium-sized schools, and each has a capacity of 400 pupils. The remainder of the schools are of less capacity and have not been developed so highly. There are altogether 25 of these schools, distributed as shown in the following table:

TABLE 5.—*Location, capacity, attendance, etc., of nonreservation schools during fiscal year ended June 30, 1900.*

Location of school.	Date of opening.	Number of employees.[1]	Capacity.	Enrollment.	Average attendance.
Carlisle, Pa	Nov. 1, 1879	85	[2]950	1,080	981
Chemawa, Oreg. (Salem)	Feb. 25, 1880	30	400	453	402
Chilocco, Okla	Jan. 15, 1884	41	400	397	334
Genoa, Nebr	Feb. 20, 1884	24	300	408	272
Albuquerque, N. Mex	Aug. —, 1884	29	300	328	315
Lawrence, Kans. (Haskell Institute)	Sept. 1, 1884	54	600	700	562
Grand Junction, Colo	—— —, 1886	19	170	183	134
Santa Fe, N. Mex	Oct. —, 1890	27	300	380	298
Fort Mohave, Ariz	....do	17	150	165	156
Carson, Nev	Dec. —, 1890	15	150	170	147
Pierre, S. Dak	Feb. —, 1891	15	150	158	113
Phoenix, Ariz	Sept. —, 1891	44	700	686	640
Fort Lewis, Colo	Mar. —, 1892	28	300	412	307
Fort Shaw, Mont	Dec. 27, 1892	31	250	294	264
Perris, Cal	Jan. 9, 1893	17	150	205	202
Flandreau, S. Dak	Mar. 7, 1893	29	300	279	184
Pipestone, Minn	Feb. —, 1893	13	100	118	106
Mount Pleasant, Mich	Jan. 3, 1893	23	300	230	165
Tomah, Wis	Jan. 19, 1893	17	150	189	155
Wittenberg, Wis.[3]	Aug. 24, 1895	12	100	109	100
Greenville, Cal.[3]	Sept. 25, 1895	7	100	83	59
Morris, Minn.[3]	Apr. 3, 1897	14	150	156	129
Chamberlain S. Dak	Mar. —, 1898	11	100	104	92
Fort Bidwell, Cal	Apr. 4, 1898	7	100	58	44
Rapid City, S. Dak	Sept. 1, 1898	11	100	85	80
Total	.....	620	6,770	7,430	6,241

[1] Excluding those receiving $240 and less per annum.
[2] 1,500 with outing system.
[3] Previously a contract school.

Carrying out the statement made in the last annual report that "the present number of nonreservation schools is sufficient to meet all the requirements of the service," no more have been established or contemplated, but those already in existence have been either enlarged or improved and their facilities increased.

RESERVATION BOARDING SCHOOLS.

There are 81 boarding schools located on the different reservations, an increase of 5 over last year. At these institutions the same gen-

eral line of policy is pursued as at the nonreservation schools. Frequently located far from the centers of civilization, conditions are different, and their conduct must be varied to suit their own special environment. Many were formerly mission schools and army posts, unsuited to Indian school purposes, but by constant modification are being brought into general harmony with the system. Elaborate literary or industrial training is not attempted, but the work accomplished is far-reaching in its results. They stand as object lessons among the homes of the Indians and present them with ideals for emulation. The parent can visit the child, and while it is not always considered for the best interests of the child, it may visit its home and friends during vacation. Wherever possible the agency shops are coordinated with school training, and while learning to shoe a horse the education is turned to the practical benefit of the old Indian.

These schools do not exceed and only rarely come up to 200 capacity. In the small school more individuality of treatment can be given the child and its traits more closely studied than in large schools. For reservation schools it is believed the capacity should range from 100 to 150, and it is preferable to build other schools rather than to exceed these limits.

There were established during the year boarding schools on the Colville Reservation, Wash.; Fort Berthold Reservation, N. Dak., and Vermillion Lake Reservation, Minn. The following day schools were discontinued and converted into small boarding schools: Blue Canon, Hopi (Moqui) Reservation, Ariz., and Little Water, on the Navaho Reservation, N. Mex.

The following table will give brief statistics concerning the Government reservation boarding schools:

TABLE 6.—*Location, date of opening, capacity, enrollment, and average attendance of Government reservation boarding schools during fiscal year ended June 30, 1900.*

Location.	Date of opening.	Capacity.	Enrollment.	Average attendance.
Arizona:				
Colorado River	Mar. —, 1879	100	103	93
Keams Canyon	—— —, 1887	100	131	124
Blue Canyon	[1] July 1, 1899	40	47	39
Navaho	Dec. 25, 1881	175	182	150
Little Water	[1] July 1, 1899	40	48	39
Pima	Sept. —, 1881	200	194	184
San Carlos	Oct. —, 1880	100	107	103
Fort Apache	Feb. —, 1894	80	83	81
California:				
Fort Yuma	Apr. —, 1884	150	145	135
Hoopa Valley	Jan. 21, 1893	200	205	141
Round Valley	Aug. 15, 1881	70	99	81
Idaho:				
Fort Hall	—— —, 1874	150	171	134
Fort Lapwai	Sept. —, 1886	175	107	69
Lemhi	Sept. —, 1885	40	33	32
Indian Territory:				
Quapaw	Sept. —, 1872	90	114	88
Seneca, Shawnee, and Wyandot	June —, 1872	140	147	118
Iowa:				
Sauk and Fox	Oct. —, 1898	80	49	33

[1] Previously a day school.

TABLE 6.—*Location, dute of opening, capacity, enrollment, etc.*—Continued.

Location.	Date of opening.	Capacity.	Enrollment.	Average attendance.
Kansas:				
Kickapoo	Oct. —, 1871	60	70	52
Potawatomi	—— —, 1873	80	94	80
Great Nemaha	—— —, 1871	40	41	38
Minnesota:				
Leech Lake	Nov. —, 1867	50	60	44
Pine Point	Mar. —, 1892	75	91	71
Red Lake	Nov. —, 1877	50	58	52
White Earth	—— —, 1871	150	161	98
Wild Rice River	Mar. —, 1892	75	113	100
Montana:				
Blackfoot	Jan. —, 1883	150	116	86
Crow	Oct. —, 1884	150	167	98
Fort Belknap	Aug. —, 1891	100	106	100
Fort Peck	Aug. —, 1881	200	244	181
Nebraska:				
Omaha	—— —, 1881	80	91	74
Santee	Apr. —, 1874	100	114	108
Nevada:				
Nevada	Nov. —, 1882	120	70	61
Western Shoshoni	Feb. 11, 1893	50	51	50
New Mexico:				
Mescalero	Apr. —, 1884	100	130	118
Zuñi-Pueblo	Nov. —, 1896	60	72	49
North Carolina:				
Eastern Cherokee	Jan. 1, 1893	160	158	142
North Dakota:				
Fort Totten	—— —, 1874	350	303	259
Standing Rock (Agency)	May —, 1877	150	166	152
Standing Rock (Agricultural)	—— —, 1878	100	132	122
Standing Rock (Grand River)	Nov. 20, 1893	100	121	106
Fort Berthold	[2] Apr. 2, 1900	75	85	79
Oklahoma:				
Absentee Shawnee	May —, 1872	75	111	85
Arapaho	Dec. —, 1872	150	124	109
Cheyenne	—— —, 1879	150	142	132
Cantonment	May 4, 1899	100	103	82
Fort Sill	Aug. —, 1891	150	157	148
Kaw	Dec. —, 1869	50	60	54
Osage	Feb. —, 1874	175	180	149
Oto	Oct. —, 1875	75	82	80
Pawnee	—— —, 1865	125	134	125
Ponca	Jan. —, 1883	125	109	95
Rainy Mountain	Sept. —, 1893	150	98	87
Red Moon	Feb. —, 1898	75	52	47
Riverside (Wichita)	Sept. —, 1871	175	161	143
Sauk and Fox	—— —, 1868	100	88	81
Seger	Jan. 11, 1893	125	122	109
Oregon:				
Grande Ronde	Apr. —, 1874	100	89	78
Klamath	Feb. —, 1874	125	135	108
Siletz	Oct. —, 1873	100	72	64
Umatilla	Jan. —, 1883	100	111	81
Warm Springs	Nov. —, 1897	150	127	97
Yainax	Nov. —, 1882	125	107	91
South Dakota:				
Cheyenne River	Apr. 1, 1893	125	112	102
Crow Creek (Agency)	—— —, 1874	140	135	129
Crow Creek (Grace Mission)	Feb. 1, 1897	50	55	51
Hope (Springfield)	Aug. 1, 1895	60	45	37
Lower Brulé	Oct. —, 1881	150	111	107
Pine Ridge	Dec. —, 1883	200	217	205
Sisseton	—— —, 1873	130	117	102
Rosebud	Sept. —, 1897	200	209	190
Yankton	Feb. —, 1882	150	136	108
Utah:				
Ouray	Apr. —, 1893	80	59	44
Uinta (Uintah)	Jan. —, 1881	100	71	58
Washington:				
Colville[1]	July 1, 1899	200	84	74
Puyallup	Oct. —, 1873	225	268	204
Yakima	—— —, 1860	125	131	113
Wisconsin:				
Lac du Flambeau	July 10, 1895	150	172	152
Vermillion Lake	Oct. —, 1899	125	59	36
Green Bay Agency (Menominee)	—— —, 1876	150	179	125
Oneida	Mar. 27, 1893	150	150	133
Wyoming:				
Shoshoni	Apr. —, 1879	150	151	130
Total	.....	9,715	9,604	8,094

[1] Building burned December 3, 1896; reopened July 1, 1899.
[2] Building burned March 30, 1898; reopened April 2, 1900.

GOVERNMENT DAY SCHOOLS.

These are small schools with capacity for 30 or 40 pupils each. As a rule they are located at remote points on the reservations, and are conducted by a teacher and a housekeeper. A small garden, some stock, and tools are furnished, and the rudiments of industrial education are given the boys; and the girls are taught the use of the needle in mending and sewing, and of the washtub in cleanliness. The preparation of a small noonday lunch at the majority of the schools also gives the children an insight into the cooking and serving of a simple meal. They enjoy this lunch, as many are not blessed with an abundance at their homes, to which they return in the afternoon. The conductors of these day schools are usually a man and his wife, who are urged to be practical missionaries of the gospel of cleanliness and work to the parents as well as to the children.

There were 147 day schools in operation during the year, an increase of 5 over last year. Of these schools there are 7 which are independent of an agent or bonded officer, and are conducted in rented buildings or those furnished by the Indians or their friends. Located in isolated communities remote from a United States Indian agent or other bonded officer, they are furnished with teachers, books, stationery, etc., direct from this office, to which reports are regularly made.

New day schools were established, as follows: Flathead Reservation, Mont.; Salt River and Gila Crossing, on Pima Reservation, Ariz.; Pescada, Santa Ana, and Tesuque, Pueblos, N. Mex,; Bull Creek and White River, Rosebud Reservation, S. Dak.; No. 32, Pine Ridge Reservation, S. Dak. Four schools were discontinued, as follows: Spokane, Colville Reservation, Wash.; Kiowa, Kiowa Reservation, Okla,; Little Water, Navaho Reservation, N. Mex., and Blue Canyon, Hopi (Moquis) Reservation, Ariz., the last two having been converted into boarding schools.

The following table gives the location, capacity, enrollment, and average attendance of the day schools:

TABLE 7.—*Location, capacity, enrollment, and average attendance of Government day schools during fiscal year ended June 30, 1900.*

Location.	Capacity.	Enrollment.	Average attendance.
Arizona:			
Walapai (Hualapai)—			
Kingman	50	49	45
Hackberry	60	67	59
Supai	60	70	65
Pima Reservation—			
Gila Crossing	30	56	22
Salt River	30	56	36
Hopi Reservation (Moqui)—			
Oraibi	40	42	30
Polacco	40	38	30
Second Mesa	40	110	79
California:			
Baird	20	20	9
Big Pine	30	38	21
Bishop	40	66	42

TABLE 7.—*Location, capacity, enrollment, and average attendance of Government day schools June 30, 1900*—Continued.

Location.	Capacity.	Enrollment.	Average attendance.
California—Continued.			
Fallriver Mills	40	28	14
Hat Creek	30	19	10
Independence	30	23	14
Manchester	40	20	11
Mission Agency (11 schools)	319	277	197
Potter Valley	50	34	29
Ukiah	30	26	16
Upper Lake	30	27	16
Michigan:			
Baraga	40	44	25
Bay Mills	50	46	21
Minnesota:			
Birch Cooley	36	28	16
Montana:			
Flathead Agency	30	24	9
Tongue River	40	39	29
Nebraska:			
Santee—			
Ponca	34	25	16
Nevada:			
Walker River	36	39	31
New Mexico:			
Pueblo—			
Acoma	50	58	17
Cochiti	30	40	15
Isleta	50	67	34
Jemez	40	61	34
Laguna	40	41	23
Nambe	30	24	15
Paguate (Pahuate)	30	40	19
Paraje	20	35	25
Pescado	24	20	7
Picuris	15	24	16
Santa Ana	18	30	18
Santa Clara	30	38	21
San Felipe	30	58	30
San Ildefonse	40	41	26
San Juan	50	32	23
Santo Domingo	30	41	21
Sia (Zia)	35	43	33
Taos	40	85	37
Tesuque	20	17	16
North Dakota:			
Devils Lake, Turtle Mountain (3 schools)	140	185	80
Standing Rock (4 schools)	135	163	134
Fort Berthold (3 schools)	120	146	111
Oklahoma:			
Whirlwind	20	25	21
South Dakota:			
Cheyenne River (3 schools)	72	68	53
Pine Ridge (32 schools)	1,120	887	749
Rosebud (21 schools)	578	597	528
Utah:			
Shivwits (Shebit)	30	45	22
Washington:			
Colville—			
Nespelim	40	42	23
Tulalip—			
Lummi	40	47	22
Swinomish	40	52	38
Tulalip	30	30	19
Neah Bay—			
Neah Bay	56	62	37
Quileute (Quillehute)	60	51	31
Puyallup—			
Chehalis	40	19	12
Jamestown	30	28	21
Port Gamble	25	18	11
Quinaielt	40	20	15
Skokomish	40	31	11
Wisconsin:			
Green Bay, Stockbridge	50	54	24
Oneida (3 schools)	76	79	35
LaPointe (9 schools)	415	335	206
Total	5,094	5,090	3,525

Total number of schools, 147.

PUBLIC SCHOOL CONTRACTS.

Contracts for the education of Indian pupils in white public schools have been made for the past ten years, with the following result:

TABLE 8.—*Number of district public schools, showing number of pupils contracted for, enrollment, and average attendance from 1891 to 1900.*

Year.	Number of schools.	Contract number of pupils.	Enrollment.	Average attendance.	Ratio of average attendance to enrollment.
					Per cent.
1891	8	91	7	4	57¼
1892	14	212	190	106	56−
1893	16	268	212	123	58+
1894	27	259	204	101	50−
1895	36	487	319	192	60+
1896	45	558	413	294	71+
1897	38	384	315	195	62−
1898	31	340	314	177	57−
1899	36	359	326	167	51+
1900	22	175	246	118	48

This table demonstrates that, notwithstanding the incentive of $10 per capita offered by the Government for such average attendance as may be maintained under the contract, but indifferent results are obtained. Public schools are valuable for Indian pupils only when they are located in sections favorable to the coeducation of the races.

The following table shows the location of public schools with which contracts are made, and statistical information in regard thereto:

TABLE No. 9.—*Public schools at which Indian pupils were placed under contract with the Indian Bureau during the fiscal year ended June 30, 1900.*

State.	School district.	County.	Contract number of pupils.	Number of months in session.	Enrollment.	Average attendance.
California	Anahuac	San Diego	9	9	8	5−
Idaho	No. 1	Bannock	9	9	8	6+
Michigan	No. 1	Isabella	4	9	4	2−
	No. 6	Leelanau	5	9	41	10
Nebraska	No. 1	Thurston	15	10	5	4−
	No. 6	do	7	6	4	3+
	No. 14	do	10	6	4	3−
	No. 16	do	8	10	12	2−
	No. 17	do	16	10	29	10−
	No. 18	do	9	8	20	10−
	No. 36	Knox	15	10	15	9+
	No. 1	Sheridan	15	10	24	13+
Nevada	No. 6	Elko	2	10	2	2−
Oklahoma	No. 30½	Pottawatomie	5	5	5	5
	No. 82	do	7	9	7	3−
	No. 82	Blaine	4	5	4	2−
	No. 60	Cleveland	5	6	5	4+
	No. 65	Canadian	2	6	2	2−
Oregon	No. 60	Coos	5	6	7	5
Washington	No. 36	King	4	10	4	2+
	No. 87	do	9	9	13	4−
Wisconsin	No. 1 Odanah	Ashland	10	10	23	12−
Total			175		246	118

ATTENDANCE.

The following table will exhibit the enrollment and average attendance at all the schools for the fiscal year 1900 aggregated and compared with the previous fiscal year:

TABLE No. 10.—*Enrollment and average attendance of Indian schools 1899 and 1900, showing increase in 1900; also number of schools in 1900.*

Kind of school.	Enrollment.			Average attendance.			Number of schools, 1900.
	1899.	1900.	Increase.	1899.	1900.	Increase.	
Government schools:							
Nonreservation boarding	6,880	7,430	550	6,004	6,241	237	25
Reservation boarding	8,881	9,604	723	7,433	8,094	661	81
Day	4,951	5,090	139	3,281	3,525	244	147
Total	20,712	22,124	1,412	16,718	17,860	1,142	253
Contract schools:							
Boarding	2,468	2,376	[1]92	2,159	2,098	[1]61	28
Day	42	30	[1]12	29	24	[1]5	2
Boarding specially appropriated for	393	400	7	335	329	[1]6	2
Total	2,903	2,806	97	2,523	2,451	[1]72	32
Public	326	246	80	167	118	[1]49	([2])
Mission boarding[3]	1,079	1,062	17	960	946	[1]14	17
Mission day	182	213	31	154	193	39	5
Aggregate	25,202	26,451	1,249	20,522	21,568	1,046	307

[1] Decrease.
[2] Twenty-two public schools in which pupils are taught not enumerated here.
[3] These schools are conducted by religious societies, some of which receive from the Government for the Indian children the rations and clothing to which the children are entitled as reservation Indians.

Statistics of the schools for the New York Indians are not included in the above table for the reason that as they are cared for by the State of New York this office has no jurisdiction over them. Under the Curtis act the Department has been given oversight in a qualified degree of schools in Indian Territory, and statistics relating to them will be found hereafter under the appropriate caption of matters relating to that Territory. The above table collates the returns from all other schools which report to this office.

There were conducted by the Government during the year 253 schools, an increase of 10 over the preceding year. The total increase in enrollment was 1,412 and in average attendance 1,142, a gratifying and satisfactory growth. The largest increase was in the reservation schools, which indicates the zeal and interest of the superintendents and agents to see that as many children as possible are in the schools. Smallpox, either at the school or in the surrounding territory, caused a noticeable diminution in attendance at Fort Lapwai, Colville, Crow, Sauk and Fox (Oklahoma), and Sauk and Fox (Iowa), while measles, grippe, diphtheria, etc., at several others were responsible for a falling off in enrollment.

The Indian population of the United States under the control of the Indian Office (excluding the Five Civilized Tribes) was 187,312 in 1899,

which would give a scholastic population of between 45,000 and 47,000. Deduct 30 per cent for the sick and otherwise disabled, and those in white schools or away from the direct control of the office, and it would leave about 34,000 children for whom educational facilities should be provided. There are now 26,000 of them in school, leaving about 8,000 unprovided for.

The following table gives a summary of schools and attendance from 1877 to date:

TABLE No. 11.—*Number of Indian schools and average attendance from 1877 to 1900.*[1]

Year.	Boarding schools.		Day schools.[2]		Totals.	
	Number.	Average attendance.	Number.	Average attendance.	Number.	Average attendance.
1877	48	.....	102	.....	150	3,598
1878	49	.....	119	.....	168	4,142
1879	52	.....	107	.....	159	4,448
1880	60	.....	109	.....	169	4,651
1881	68	.....	106	.....	174	4,976
1882	71	3,077	76	1,637	147	4,714
1883	80	3,793	88	1,893	168	5,686
1884	87	4,723	98	2,237	185	6,960
1885	114	6,201	86	1,942	200	8,143
1886	115	7,260	99	2,370	214	9,630
1887	117	8,020	110	2,500	227	10,520
1888	126	8,705	107	2,715	233	11,420
1889	136	9,146	103	2,406	239	11,552
1890	140	9,865	106	2,367	246	12,232
1891	146	11,425	110	2,163	256	13,588
1892	149	12,422	126	2,745	275	15,167
1893	156	13,635	119	2,668	275	16,303
1894	157	14,457	115	2,639	272	17,220
1895	157	15,061	125	3,127	282	18,188
1896	156	15,683	140	3,579	296	19,262
1897	145	15,026	143	3,650	288	18,676
1898	148	16,112	149	3,536	297	19,648
1899	149	16,891	147	3,631	296	20,522
1900	153	17,708	154	3,860	307	21,568

[1] Some of the figures in this table as printed prior to 1896 were taken from reports of the Superintendent of Indian Schools. As revised, they are all taken from the reports of the Commissioner of Indian Affairs. Prior to 1882 the figures include the New York schools.

[2] Indian children attending public schools are included in the average attendance, but the schools are not included in the number of schools.

An inspection of the above table shows that there has been a steady increase of an average of 1,000 pupils each year. This is a healthy growth, and enables the office to prepare properly for the increase, to which end new schools are being built at places where required, and old ones repaired and enlarged to meet the new demands. This slow but sure growth should be annually met with increased facilities. There are places where the establishment of schools at present would be unproductive of good results under existing conditions, but in time these conditions will be changed, and then it will be proper to organize schools which will be effective.

CONTRACT SCHOOLS.

The following section of the act making appropriations for the Indian service for the fiscal year ending June 30, 1900, provided—

That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of vari-

ous denominations, for the education of Indian pupils during the fiscal year nineteen hundred, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children, and to an amount not exceeding fifteen per centum of the amount so used for the fiscal year eighteen hundred and ninety-five, the same to be divided proportionately among the said several contract schools, this being the final appropriation for sectarian schools—

Under this section contracts were made with the several contract schools in accordance with the following schedule:

TABLE No. 12.—*Schools conducted under contract, with number of pupils contracted for, rate per capita, and total amount of contract for fiscal years ending June 30, 1895, and June 30, 1900.*

Name and location of school.	1895.			1900.		
	Number allowed.	Rate.	Amount.	Number allowed.	Rate.	Amount.
Banning, California	100	$125	$12,500	26	$108	$2,808
Baraga, Michigan	45	108	4,860	10	108	1,080
Blackfeet, Montana	100	125	12,500	17	108	1,836
Bayfield, Wisconsin	30	125	3,750	10	108	1,080
Bernalillo, New Mexico	60	125	7,500	17	108	1,836
Colville, Washington	65	108	7,020	17	108	1,836
Cœur d'Alène, Idaho	70	108	7,560	20	108	2,160
Crow, Montana	85	108	9,180	17	108	1,836
Devils Lake, North Dakota	130	108	14,040	35	108	3,780
Flathead, Montana	300	150	45,000	80	108	8,640
Fort Belknap, Montana	135	108	14,580	24	108	2,592
Harbor Springs, Michigan	95	108	10,260	17	108	1,836
Odanah, Wisconsin, boarding	50	108	5,400	17	108	1,836
Pine Ridge, South Dakota	140	108	15,120	40	108	4,320
Rosebud, South Dakota	95	108	10,260	30	108	3,240
San Diego, California	95	125	11,875	25	108	2,700
Shoshoni, Wyoming	65	108	7,020	17	108	1,836
Tongue River, Montana	40	108	4,320	13	108	1,404
Tulalip, Washington	100	108	10,800	24	108	2,592
White Earth, Minn., St. Benedict's	90	108	9,720	24	108	2,592
White Earth, Minn., Red Lake	40	108	4,320	13	108	1,404
Pinole, California	20	30	600	6	30	180
Hopland, California, day	20	30	600	7	30	210
St. Turibius, California	30	108	3,240	5	108	540
Green Bay, Wisconsin	130	108	14,040	21	108	2,268
Kate Drexel, Oregon	60	100	6,000	12	100	1,200
Shoshoni Mission, Wyoming	20	108	2,160	20	108	2,160
Schools dropped from the contract list since 1895	.....	.....	155,840	.....	.....	.....
Total	2,435	.....	410,065	[2]564	.....	59,802
Hampton Institute, Virginia[1]	120	167	20,040	150	167	20,040
Lincoln Institution, Philadelphia, Pa.[1]	200	167	33,400	200	167	33,400
Grand total	2,755	.....	463,505	884	.....	113,242

[1] Specially appropriated for by Congress.
[2] Not including the two schools of Osage and one school at Sac and Fox Agency, Okla.

For the reasons set forth in the Annual Report of this office for 1897, contracts, payable out of the Osage trust funds, were made with St. Louis boarding school for 75 pupils, at $125 per capita, amounting to $9,375, and with St. John's boarding school for 65 pupils, at $125 per capita, amounting to $8,125, a total of $17,500 for these schools located on the Osage Reservation, Okla. A contract was also entered into with St. Mary's Academy for girls, on the Sauk and Fox Reservation, Okla., for 27 pupils, at $125 per capita, amounting to $3,375. This amount was payable out of the educational funds of the Potawatomi and, as was stated in the last annual report, exhausts that fund.

The amounts allowed for contract schools, aggregated and compared

with former years, and showing the names of the denominations and private parties, are exhibited in the following table:

TABLE 13.—*Amounts set apart for education of Indians in schools under private control for the fiscal years 1886 to 1900, inclusive.*

Year.	Roman Catholic.	Presbyterian.	Congregational.	Martinsburg, Pa.	Alaska training school.	Episcopal.	Friends.
1886	$118,343	$32,995	$16,121	$5,400	.....	.....	$1,960
1887	194,635	37,910	26,696	10,410	$4,175	$1,890	27,845
1888	221,169	36,500	26,080	7,500	4,175	3,690	14,460
1889	347,672	41,825	29,310	(1)	.....	18,700	23,383
1890	356,957	47,650	28,459	.....	.....	24,876	23,383
1891	363,349	44,850	27,271	.....	.....	29,910	24,743
1892	394,756	44,310	29,146	.....	.....	23,220	24,743
1893	375,845	30,090	25,736	.....	.....	4,860	10,020
1894	389,745	36,340	10,825	.....	.....	7,020	10,020
1895	359,215	.....	.....	.....	.....	7,020	10,020
1896	308,471	.....	.....	.....	.....	2,160	.....
1897	198,228	.....	.....	.....	.....	.....	.....
1898	156,754	.....	.....	.....	.....	.....	.....
1899	116,862	.....	.....	.....	.....	.....	.....
1900	57,642	.....	.....	.....	.....	.....	.....
Total	3,959,643	352,470	219,644	23,310	8,350	123,346	170,577

Year.	Mennonite.	Middleton, Cal.	Unitarian.	Lutheran, Wittenburg, Wis.	Methodist.	Miss Howard.	Lincoln Institution.
1886	.....	.....	.....	.....	.....	.....	$33,400
1887	$3,340	$1,523	$1,350	.....	.....	.....	33,400
1888	2,500	(1)	5,400	$1,350	.....	.....	33,400
1889	3,125	.....	5,400	4,050	$2,725	$275	33,400
1890	4,375	.....	5,400	7,560	9,940	600	33,400
1891	4,375	.....	5,400	9,180	6,700	1,000	33,400
1892	4,375	.....	5,400	16,200	13,980	2,000	33,400
1893	3,750	.....	5,400	15,120	.....	2,500	33,400
1894	3,750	.....	5,400	15,120	.....	3,000	33,400
1895	3,750	.....	5,400	15,120	.....	3,000	33,400
1896	3,125	.....	.....	.....	600	3,000	33,400
1897	.....	.....	.....	.....	.....	3,500	33,400
1898	.....	.....	.....	.....	.....	.....	33,400
1899	.....	.....	.....	.....	.....	.....	33,400
1900	.....	.....	.....	.....	.....	.....	33,400
Total	36,465	1,523	44,550	83,700	33,945	18,875	501,000

Year.	Hampton Institute.	Mrs. L. H. Daggett.	W. N. I. A.	Point Iroquois, Mich.	Plum Creek, Leslie, S. Dak.	John Roberts.	Total.
1886	$20,040	.....	.....	.....	.....	.....	$228,259
1887	20,040	.....	.....	.....	.....	.....	363,214
1888	20,040	.....	.....	.....	.....	.....	376,264
1889	20,040	.....	.....	.....	.....	.....	529,905
1890	20,040	.....	.....	.....	.....	.....	562,640
1891	20,040	.....	.....	.....	.....	.....	570,218
1892	20,040	.....	.....	.....	.....	.....	611,570
1893	20,040	[2] $6,480	.....	.....	.....	.....	533,241
1894	20,040	.....	$2,040	$900	.....	.....	537,600
1895	20,040	.....	4,320	600	$1,620	.....	463,505
1896	20.040	.....	.....	.....	.....	.....	370,796
1897	20,040	.....	.....	600	.....	$2,160	257,928
1898	20,040	.....	.....	600	.....	2,160	212,954
1899	20,040	.....	.....	.....	.....	2,160	172,462
1900	20,040	.....	.....	.....	.....	2,160	113,242
Total	300,600	6,480	6,360	2,700	1,620	8,640	5,903,798

[1] Dropped.
[2] This contract was made in 1892 with the Board of Home Missions of the Methodist Episcopal Church. As that organization did not wish to make any contracts for 1893, the contract was renewed with Mrs. Daggett.

The history of governmental aid to schools conducted by other parties goes back to the beginning of the present century. Under the provisions of the act of 1819 $10,000 were appropriated for the purpose of

extending financial help to "such associations or individuals who are already engaged in educating the Indians" as may be approved by the War Department. In 1820 twenty-one schools conducted by different religious societies were given $11,838, and from that date until the appropriation of $100,000 in 1870 the principal educational work in relation to the Indians was under the auspices of these bodies, aided more or less by the Government. The contract system was a natural sequence of the efforts to systematize this work and harmonize it under existing laws and regulations.

The growth of the system has been gradual since its inception and reached the maximum amount during the fiscal year ended June 30, 1892, when the contracts amounted to $611,570, more than one-fourth of the amount appropriated for regular Government schools. Since that time nearly all religious bodies have discontinued the acceptance of governmental aid. These discontinuances were either voluntary or by action of the Indian department under various Congressional requirements. About this time the agitation of the contract or sectarian school question was begun, and deferring to the sentiment that religious bodies should discontinue the use of Government funds in their educational work among the Indians, steps were taken for a gradual reduction in the amounts to be allowed. There were doubtless equities involved in the matter, and it was thought that as much hardship as possible should be avoided in the final abandonment of this plan.

In 1889 there were set aside for contract schools $529,905; 1890, $562,640; 1891, $570,218; 1892, $611,570; 1893, $533,241, and $537,600 in 1894. From this year there was a gradual decrease, the amount set aside for 1895 being $463,505. These reductions were the result of various denominations giving up or reducing their contracts.

The policy of gradually substituting regular Government schools for those conducted under contract, was discussed by the Secretary of the Interior in his Annual Report for 1894, and a 20 per cent reduction in the amount allowed contract schools was suggested.

This policy of reduction was not adopted by Congress until the appropriation act for the fiscal year 1896 provided that contracts should be made only with present contract schools and to an amount not exceeding 80 per cent of the amount so used in 1895. The amount for 1895 was $285,715, exclusive of eleven schools amounting to $177,790, which, being appropriated for specifically, were not affected by the reduction. Therefore a reduction of 20 per cent on the amount allowed in 1895 gave for 1896 the sum of $228,306, plus $142,490, for nine schools especially appropriated for. This year, Rensselaer and White's Manual Labor Institute did not desire contracts, and the Indian schools at Wittenberg, Wis., Ramona, N. Mex., Greenville, Cal., and Hope, Nebr., were either purchased or leased from the respective owners and conducted by the Government.

In 1897 the appropriation act declared it "to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian schools," but allowed contracts to be made with contract schools "to an amount not exceeding fifty per centum of the amount so used for the fiscal year 1895," which, not including Hampton and Lincoln ($53,440), was $410,065. This allowed a little over $204,488 for general distribution. No special appropriations were made by Congress this year for any schools except the $53,440 for Lincoln and Hampton Institutes.

In the appropriation act for fiscal year 1898 the same declaration was made, but still permitted the use of 40 per cent of the amount so used in 1895 for contracts with present contract schools. This reduction left $159,514 for these schools. Miss Howard's school was purchased by the Government. The aid to the two schools, St. John's and St. Louis's, on the Osage Reservation, in Oklahoma, amounting to $11,250, was omitted from the general school fund and charged specifically to the tribal funds, leaving $398,815 as the amount for 1895, upon which calculations should be based.

Congress omitted the declaration concerning the "settled policy of the Government" in the appropriation act for fiscal year 1899, and directed that 30 per cent of the amount used in 1895 should be available for similar purposes, which gave for this year $119,644 for general distribution.

For the fiscal year 1900 the appropriation was for 15 per cent of the amount used in 1895, amounting to $59,822.

Hampton and Lincoln Institutes were specifically appropriated for during 1898, 1899, and 1900 to the amount of $53,440 each year. Full data showing the basis used in making all reductions as required by law are exhibited in the annual reports for each year.

In the act making appropriations for the ensuing fiscal year 1901 no authority is given to make these contracts. Only one exception is made, and that is a specific appropriation "For support and education of one hundred and twenty Indian pupils at the school at Hampton, Virginia." This is a magnificently equipped industrial school, and for this and the additional reason that it is not considered a sectarian school, it is presumed that Congress continued its appropriation.

The above brief historical review of a system which has so long been on the statute books may prove not uninteresting to those who watch carefully every phase of the education of the Indian.

That these schools have rendered in the past excellent service to the cause of education among the several tribes is well known. The decision of the conductors of a great majority of these former contract schools to continue them in the future has been communicated to this office. None have signified any intention of retiring from the field. Their efforts in civilizing the Indians will meet with appreciative

assistance on the part of the Government, and their schools fostered as helpful adjuncts to a great work.

The following table shows the enrollment, average attendance, decrease and increase in the regular Government and contract schools for the period beginning with the reductions in the contract system to its final abandonment at the close of the past fiscal year:

TABLE No. 14.—*Attendance at contract and Government schools compared.*

Year.	Contract schools.				Government schools.			
			Decrease.				Increase.	
	Enrollment.	Average attendance.	Enrollment.	Average attendance.	Enrollment.	Average attendance.	Enrollment.	Average attendance.
1893	6,125	4,904			14,715	11,223		
1894	6,026	5,163	99	(I) 259	15,237	11,831	522	698
1895	5,880	4,998	146	165	16,584	12,804	1,347	973
1896	4,439	3,797	1,441	1,201	17,789	14,365	1,205	1,561
1897	3,158	2,785	1,281	1,012	18,603	14,876	814	511
1898	2,999	2,639	159	146	19,899	16,165	1,296	1,289
1899	2,903	2,523	96	116	20,712	16,718	813	553
1900	2,806	2,451	97	72	22,124	17,860	1,412	1,142

NOTE.—(I) indicates increase; all others in this column are decreases.

MISSION SCHOOLS.

Mission schools are a growing class of schools whose work is of great benefit not only to the children but to the adult Indians. They are operated and conducted by various religious bodies, both Protestant and Catholic, and also by philanthropic associations. Teachers, employees, food, clothing, and buildings are provided by the conductors of these schools. The Government only assuming supervisory care over them, they are visited by inspecting officials of this office and the Department for the purpose of observing the care and attention bestowed upon the pupils, their progress, health, and general condition. Agents and other Government officials are directed to "lend a helping hand," and assist the missionary efforts of the employees in securing a legitimate attendance. On those reservations where food and clothing are issued to the adult Indians, the agent furnishes such proportion of the rations and clothing to the school as he would give to the parents were the children at home. When no rations are issued, or the school is not on an Indian reservation, the entire expense of maintaining the school is borne by the association or church under whose control it is conducted.

Connected with many of these schools are small mission churches, which have a wide influence for good on the community. Children in the Government schools are advised and urged to attend the church of their choice.

There were enrolled in the mission boarding schools 1,062 pupils, with an average attendance of 946. The capacity of these schools is 1,320. Six mission day schools reported an enrollment of 213, average attendance 193, and capacity 275.

The following table shows the location, denomination, capacity, etc., of these schools:

TABLE 15.—*Location, capacity, enrollment, and average attendance of mission schools during fiscal year ended June 30, 1900.*

BOARDING SCHOOLS.

Location of school.	Supported by—	Capacity.	Enrollment.	Average attendance.
ARIZONA.				
Tucson	Presbyterian Church	175	177	170
NEBRASKA.				
Santee Agency:				
Santee Normal (training)	Congregational Church	125	105	86
NORTH DAKOTA.				
Fort Berthold Agency:				
Mission Home	Congregational Church	50	32	31
Standing Rock Agency:				
St. Elizabeth's[1]	Episcopal Church	60	77	49
OKLAHOMA.				
Cheyenne and Arapaho Agency:				
Cantonment[1]	Mennonite Church	60	61	54
Kiowa Agency:				
St. Patrick's[1]	Catholic Church	150	77	68
Mary Gregory Memorial[1]	Presbyterian Church	40	25	23
Cache Creek[1]	Reformed Presbyterian Church.	50	50	47
Methvin[1]	South Methodist Church	120	76	66
SOUTH DAKOTA.				
Crow Creek Agency:				
Immaculate Conception	Catholic Church	60	59	57
Cheyenne River Agency:				
St. John's[1]	Episcopal Church	60	40	37
Plum Creek[1]	Society for Propagation of the Gospel.	10	10	10
Oahe[1]	American Missionary Society.	40	26	24
Rosebud Agency:				
St. Mary's[1]	American Missionary Society.	50	54	52
Sisseton Agency:				
Good Will Mission[1]	Presbyterian Church	140	83	76
Yankton Agency:				
St. Paul's[1]	Episcopal Church	50	50	43
WASHINGTON.				
Puyallup Reservation:				
St. George's	Catholic Church	80	60	53
Total		1,320	1,062	946

DAY SCHOOLS.

ARIZONA.				
Pima Agency:				
San Xavier	Catholic Church	130	115	104
MONTANA.				
Fort Peck Agency:				
Poplar Mission	Presbyterian Church	25	10	6
Wolf Point	....do	30	25	19
NEW MEXICO.				
Pueblo and Jicarilla Agency:				
Seama	Presbyterian Church	40	35	30
WASHINGTON.				
Cœur d'Alene Reservation:				
Wellpinit[3]	W. N. I. A	50	28	25
Santee Normal (training)[2]				9
Total		275	213	193

[1] These schools are conducted by religious societies which receive from the Government for the Indian children therein the rations and clothing to which the children are entitled as reservation Indians.
[2] Attend Santee Boarding School.
[3] This school has been discontinued.

SCHOOL EMPLOYEES.

Indian schools are the home for practically twelve months of the year for 22,124 children. For them must be provided school, home, hospital, shops, garden, farm, stock, etc.; and for watching over these interests, training the pupils, and caring for them in sickness and health there were employed during the year 2,175 persons, of which number 1,480 were white and 695 Indian. The annual salaries range from $100 to $2,000. They are divided as follows: Supervisors, 5 white; superintendents, 100 white; clerks, 35 white, 9 Indian; physicians, 21 white; disciplinarians, 7 white, 11 Indian; teachers, 418 white, 59 Indian; kindergartners, 53 white, 2 Indian; manual-training teachers, 6 white; matrons, 97 white, 4 Indian; assistant matrons and nurses, 92 white, 54 Indian; seamstresses, 94 white, 25 Indian; laundresses, 77 white, 34 Indian; industrial teachers, 64 white, 45 Indian; cooks and bakers, 120 white, 46 Indian; farmers, 39 white, 14 Indian; blacksmiths and carpenters, 49 white, 7 Indian; engineers, 34 white, 8 Indian; tailors, 15 white, 4 Indian; shoe and harness makers, 20 white, 8 Indian; miscellaneous employees, 134 white, 44 Indian; Indian assistants, 321. In addition to these there were employed several hundred pupils, at salaries ranging from $1 to $5 per month, as apprentices in various trades, etc.

THE OUTING SYSTEM.

In the reports of this Department for a number of years past there has been mention of the "outing system" in vogue at a number of the schools. It is probable that the subject has not been emphasized to a degree commensurate with its importance in the scheme of Indian civilization. As one of the principal agents for the assimilation of the Indian into the mass of the American population it is of vast advantage and productive of the best results.

While an efficient factor of civilization, it is limited by conditions of location, and can not at every nonreservation school be completely successful. A civilized white community in the immediate vicinity in sympathy with the plan is a prerequisite. An agricultural, well-settled community surrounding the school presents ideal conditions when coupled with an interest upon the part of the people themselves.

The "outing system" is the placing of Indian pupils out among farmers and others during vacation and for a longer period, that they may earn money for themselves and learn practically, by immediate contact, those lessons in civilized life which can not be taught so perfectly in the school. A considerable number enjoy the privileges of public and other schools and are thrown into intimate relation with that sturdy yeomanry which is the strength and support of the Nation.

To Maj. R. H. Pratt, of Carlisle, is due the credit of organizing and perfecting this system. As he states—

When placed in charge of 74 Indian prisoners of war and sent to St. Augustine, Fla., in 1875, and by order of General Sherman given all authority in their management, I proceeded at once to prove by the fullest tests that wild Indians lacked only opportunity, and that having this they would quickly become civilized and useful. I soon dispensed with the military guard and trained them (the prisoners) to guard themselves, which they did for two and a half years with absolute trustworthiness. They were put to work. Not only were they taught and occupied within the walls of the fort, but a considerable number were placed out at various forms of labor, such as 2 in a sawmill, 1 as a baggageman on a railroad, a number as orange pickers, others at rowing and sailing boats for tourists, while 5 accomplished a job of grubbing 5 acres of dense palmetto land, which negro laborers, though well paid, had twice abandoned. At the end of three years all the younger men asked to remain east and go to school. Seventeen were received by Hampton, in Virginia, and I at once urged that they be sent out into good families to learn by experience and contact.

The Carlisle school was opened November 1, 1879, under the superintendence of Lieut. R. H. Pratt, U. S. A. The "outing system" was from the first the principal feature of the educational and civilizing methods of the school, and the annual reports of the institution from that date to the present give an accurate presentation of the results obtained.

The following table gives in tabulated form statistics relative to the system at Carlisle from 1880 to 1900:

TABLE No. 16.—*Statistics of outing at Carlisle.*

Year.	Girls.	Boys.	Total outings.	Number out in winter.	Earnings.
1880	6	18	24	.....	.....
1881	23	61	84	.....	.....
1882	22	43	65	.....	.....
1883	58	119	177	.....	.....
1884	38	173	211	83	.....
1885	21	99	120	90	.....
1886	43	126	169	90	.....
1887	93	212	305	106	.....
1888	97	210	307	136	.....
1889	105	273	378	183	.....
1890	118	314	432	188	$15,252.39
1891	158	296	454	218	16,202.03
1892	187	344	531	247	21,868.98
1893	180	303	483	189	24,121.19
1894	185	277	462	92	16,190.56
1895	225	332	557	134	18,229.60
1896	289	350	639	158	19,238.62
1897	300	337	637	210	20,448.39
1898	315	372	687	232	21,725.50
1899	348	369	717	266	25,752.76
1900	353	454	807	316	27,255.52

When a young lieutenant of the United States Army campaigning on the Western plains in the early days, Major Pratt was a careful observer of the manners, customs, and habits of the American Indian. He instituted mentally a comparison between the colored troopers of his command in their forced association with civilized people under

hard conditions and the Indians on their native heath. His conclusion was that great things could be accomplished for the savage red man in a more favorable atmosphere. This conclusion was afterwards developed in the "outing system" at Carlisle. This plan is only a superior way of carrying out the ideas of the early settlers at many points on our coast. They declared it to be their purpose to induce the Indians to give up their wandering life in the forest, acquire a knowledge of the English language, and adopt the white man's customs. The training of Indian youth in the households of Puritan families was one method suggested to change the life of these savages. In 1618 the Virginians, with similar intention, proposed "to bring the native children to the true religion, morality, virtue, and civility," and the first legislative assembly directed that every plantation holder should procure Indian youth by just means for this purpose. In 1621 it was reported by the Puritans at Plymouth that—

> If we had means to apparel them and wholly retain them with us, they would doubtless in time prove serviceable to God and man. And if God sends us means, we will bring up hundreds of these children both to labor and learning.

Thus, as in a circle, has the Carlisle school come back to the point established by the fathers in a system of education for the descendants of those Indians who first met the European on this continent.

An important feature connected with this plan is the banking system. Each student has a bank account and the school keeps a careful record of every deposit and withdrawal. The habit of thrift and an idea of the value of money are thus practically inculcated. The boy or girl will also learn how to keep accounts, and learn the value of time and labor as well as money—something of which the Indian in his native state has very little conception. A dollar earned by his own exertions acquires an interest to the boy that a hundred given by the Government can never possess. The Indian does not naturally have forethought or thrift to provide for the rainy day. When the pupils return to the reservation or, as it is earnestly hoped they will, go among the white people, they carry with them tangible evidence of the value of work. As a rule this "saving" is appreciated, and not promptly thrown away, as is usually the case with the few dollars of annuity money given by the Government. The one elevates; the other degrades and demoralizes.

Wherever practicable the "outing system" is being inaugurated, and will prove elsewhere as well as at Carlisle that the best system of civilizing Indians is "mixing" them with the families of white citizens in their homes, in their shops, and in their fields.

COMPULSORY EDUCATION.

There has been an increase in the number of pupils at the various boarding schools during the past four years of over 4,000. The recruit-

ing of this large number under prevailing conditions has been worthy of commendation. That so much has been accomplished is due to the untiring zeal, sincerity, and tact of those engaged in the work. Few outside of those who have had experience in the collection of pupils upon Indian reservations can appreciate the difficulties which are presented.

Many and serious obstacles are met with, the principal of which is the ignorance of the average Indian mother and father.

The disposition and hereditary instincts of the old and conservative Indian can not be changed, but it is the duty of the Government to train the next generation of these people so that they may become stronger mentally, morally, and physically. Therefore, it is for this purpose that the young Indian child is taken from its home to the boarding school, where the moral influences of white civilization and culture may be thrown around it and love of the civilized home instilled in its heart, in the hope that it will bear fruit in future generations. This is the policy which induces the Government to take these children during the formative period of their lives, in order that a character may be molded which will make each boy and girl a home builder and a home maker upon those principles underlying our own civilization, prosperity, and happiness. It is a firmly fixed policy, which it is believed that succeeding generations must approve, and it is a condition which must be brought about regardless of the wishes of those parents who are unfortunately so blind as not to see the advantages accruing to their race.

Many old Indians look upon governmental school work as hostile to them and the taking away of their children as hostages; others view it as a special mark of favor that their little ones should be permitted to attend school, and they demand payment for the favor. These conflicting arguments must be combated and the opposition overcome.

Among numbers of tribes there are peculiar ideas of death, and if anyone dies in the tepee or wicki-up, the rude shelter is destroyed by fire, or else direful calamities are believed will be their portion. Therefore, if a child passes away at a school, that school receives a "bad" name among the tribes cherishing this strange belief. For this reason a rigid system of physical examination of each child before it is taken from the reservation is required to be made by the agency or other physician. But the fact is that, with all the precautions thrown around the collection of only healthy pupils, and with all the sanitary and hygienic arrangements and careful attention at the schools, death will occasionally invade them. This is of course taken advantage of by the ignorant parent, filled with superstition, and therefore the difficulty of obtaining his consent to the removal of the child is based

upon his superstitious dread of something which may happen at a school where other children have died.

Vicious white men around the reservation sometimes foster in the Indian a spirit of opposition to the education of his children. This conduct can be actuated only by self-interest in hopes that by keeping the benefits of education away from the Indian tribe, the opportunity of such persons will be greatly enhanced for making a living out of the ignorant. Such action has been particularly emphasized at several of the reservations, and in every instance stringent measures have been adopted to eliminate these malign influences so far as possible. The seed sown, however, by these people often produces evils hard to eradicate.

A presentation of these few obstacles to the successful enrolling of a larger attendance is evidence sufficient to justify stronger measures for overcoming the adverse influences to education. It will readily be seen that the gravest of the objections raised to sending their children to school is the result of ignorance, and to the intelligent man puerile in the extreme. Knowing that the main strength of the opposition lies in the ignorance of the Indian parent, Government officials engaged in the work are enjoined to have a sympathetic appreciation of the feelings of these benighted people, and to exercise tact and good nature in dealing with them so as to overcome the natural or acquired prejudice on their part.

While the designation of the particular school to which the child should go, can not for obvious reasons be delegated to the parents, ignorant of what is best, yet in all cases their wishes are given careful consideration, and if possible, carried out. The particular school attended is not of such importance as is the attendance itself on some school.

An examination of treaties made with the various tribes will disclose that in a number of the earlier ones compulsory education was provided for, and on those reservations where it exists improved conditions have resulted. It is not contended that all Indian tribes require compulsion on the part of the Government in order that their children shall attend school. Many tribes, and many individuals, recognize the great work of the Government and cooperate in the work.

The increasing number of returned pupils is operating as leaven to the whole mass. From the isolation of one or two in a tribe, they have grown in number until they are able to combat successfully hereditary prejudices. As a rule, these pupils are the unconscious, or conscious, agents who are spreading the desire "to know" among the younger generations. Superintendents report that there is a noticeable gain in responsiveness upon the part of pupils leaving school—a greater appreciation of the responsibilities which are being thrown upon their race. They find "more purpose in school life and have a keener sense of its relation to the future." The constant stream of "returned

pupils" who have come in contact with the higher civilization of the white people is establishing a valuable connection between the school and the Indian home. Their influence finds a reflex action upon their own people, rendering the collection of raw material easier than in the earlier days of the present policy; although under the present law requiring the consent of parents to send a child off to school, this action is too frequently nullified by an ancient squaw or ignorant chief.

The recommendations made in the two preceding annual reports of the Indian Department are repeated, and it is urged that some just and equitable amendment be made to existing laws which will take from ignorant parents the privilege of continuing their children in a state of savagery and will bring the children into contact with the highest types of civilization. While it is possible with the present system gradually to overcome much of the active opposition, yet the ignorance of parents delays the consummation of all our efforts looking to the discontinuance of the heavy expenditure for Indian support and education. The old Indian must die out. The buffalo, the chase, the warpath, the ghost dance, must be forgotten as actual occurrences before many of the backward tribes will voluntarily take advantage of the schools. A compulsory school law will hasten the final accomplishment of the Government plan of absorption of tribes and extinguishment of reservations. From a business as well as sentimental standpoint, every Indian child should be taught the ordinary branches and a trade, so that the earlier may he cease to be a pensioner on the bounty of his Government and be all the name of an American citizen implies.

Communities more civilized, more enlightened than the Indian have found it necessary at times to enforce attendance upon their schools. There are twenty-nine States and two Territories of this progressive nation which have compulsory school laws on their statute books. Nearly every foreign civilized country has similar laws. The penalties imposed on parents are fines or imprisonment, or both. Although to fine a father or imprison a mother for failure to keep a child in school a reasonable and proper time may appear harsh, yet such penalties are imposed by civilized laws and communities. It may, however, to the credit of parents, be said that statistics show that they are rarely imposed and more rarely executed. The fact of the law and the power to compel attendance usually operate so as to accomplish the desired ends.

It is respectfully recommended that Congress b requested to enact the following into law:

The Commissioner of Indian Affairs is hereby authorized and directed to place every Indian child of school age in some school, where there are suitable accommodations for such child, under such rules and regulations as he may prescribe for the enforcement of this law, subject to the approval of the Secretary of the Interior. As far as practicable favorable consideration shall be given to the wishes of an educated Indian parent in the selection of the school to which his child shall be sent.

The passage of this law would materially simplify the situation and not conflict with the natural desires of a parent who was sufficiently educated to understand the needs of the rising generation. On the other hand it will enable the Commissioner of Indian Affairs to extend the benefits of education to those Indian boys and girls whose parents are unwilling that they should depart from ancestral ways. The law would be broadly construed, taking into consideration the idiosyncracies of the particular tribe and the desires of the parents, but ever keeping in view the ultimate end of the policy—the civilization of the rising and future generations.

DESCRIPTION OF SCHOOL PLANTS.

The close relationship existing between a good edifice, adapted in all its parts and details to the purposes for which it is intended, and the success attending the labors of the employees within and without its walls, can not be over estimated. As well deny the mechanic the proper tools of his trade and demand perfection in the accomplished effect as to provide structures unsuited and inadequate for the divers purposes incident to the accommodation and instruction of the several communities of children under the care of this Bureau, and then demand successful and economical results from the administrative officers and employees.

Viewing the necessities of the service in the light of the foregoing, the various buildings of the school plants are substantially constructed of brick, stone, or wood, masonry being always preferable where available and funds will permit. Foundations are invariably of masonry, and the exterior walls of superstructures are furred or have a lining of hollow brick, providing an air space forming a nonconductor of heat or cold. In northern localities storm sashes are placed on all windows, adding materially to the comfort of the occupants in the rigorous winters there encountered and proving an element of economy in the consumption of fuel.

Dormitory buildings are of two descriptions—one embracing under the same roof sleeping accommodations for the two sexes, necessary attendants' rooms, recitation rooms, dining hall, kitchen, play and sitting rooms, baths, lavatories, and water-closets for the two sexes, together with laundry, bakery, necessary closets, pantries, clothes rooms, etc., in short, a complete plant with the exception of minor outbuildings. The other plan is designed for one sex only and is strictly a dormitory building, with necessary attendants' rooms, baths, lavatories, and water-closets, other requisite facilities being arranged in separate buildings. Baths, water-closets, and play rooms are usually located in the basement; lavatories convenient to dormitories, together with single emergency water-closets for night use only.

As a measure of safety, the modern dormitory buildings are limited

to two stories in height. As the sleeping apartments are principally situated on the second floor, suitable fire escapes are provided, and as an additional safeguard against fire a standpipe with hose connections on each floor is introduced.

Sanitary plumbing fixtures and principles are employed in the installation of all such adjuncts, equal to the best modern and most advanced systems in vogue. Hygienic principles are given careful consideration in the study of plans. Dormitory rooms are devised to insure between 400 and 500 cubic feet of air space for each child, which, together with a thorough system of ventilation permitting between two and three changes of air per hour, assures a healthful atmosphere for occupants.

As in the case of dormitory buildings, schoolhouses are devised in the light of the most advanced science in their construction. Recitation rooms are proportioned to seat not exceeding 50 pupils. The arrangement for light is such as to admit an abundance to every part of the room and prevent the inconvenience and danger of any excess glare or reflection or cross light. The ventilating system adopted insures at least three changes of air per hour.

The system of heating the various buildings is through the medium of steam or hot water, and either from a central station or by boilers placed in the individual buildings, the heat being distributed by "direct" radiators placed about the rooms and passages. The surplus air required for ventilating purposes is introduced by the "direct-indirect" system, being admitted through apertures in walls and conveyed through galvanized-iron ducts to radiators, where, being warmed, it is distributed to the rooms.

The inherent danger in the use of kerosene for illuminating purposes induced this Department several years ago to substitute the more modern and safer systems of lighting by electricity and gasoline gas, each of which systems has proved satisfactory and greatly advantageous to the health of the pupils and for the best interests of the service.

Attention is also paid to the ornamentation of the school grounds. Shade trees are required to be placed on the lawns and in the yards; playgrounds are provided, the design being to present a pleasing outlook to the eye and furnish an object lesson to the Indian pupil and his parents of the immense importance of adopting civilized means of living. The Indian is largely taught objectively, and when he sees the difference between the home of the white man and the tepee on the river bottom it raises in his heart a spirit of emulation, if not in the older at least in the younger who has received a taste of the benefit of these modern appliances.

The only criticism offered in opposition to the plan of making comfortable, modernized school plants arises from those people who conceive that the Indian is being educated ir a way which lies beyond the

future sphere of his life, so that after being housed comfortably with modern improvements for a number of years of his life it will be a hardship when he returns to his home. The same argument is applicable to the construction of public school buildings in our cities which are attended by the children of the slums. While it is true that it may in some cases, and in many cases does, prove such a hardship, it does not militate against the theory that to teach the Indian to become an educated citizen you must give him proper ideas of the standards by which to shape his future life and conduct. No man ever bettered his condition in life who was not first dissatisfied with his lot. To raise the plane of an Indian, he must see that which he likes better and then be taught to emulate the example.

MISCELLANEOUS MATTERS.

Aside from the few points heretofore mentioned, the principal work of the year has been in enlarging the school plants already in existence. Great stress has been laid upon proper sewer and water facilities. Reports indicate that in the earlier selections of school sites little consideration was paid to these matters, and, in consequence, as the plants are increased, such matters are forcibly obtruded upon the attention of the Indian Office. Abundance of good water is essential, and to provide this and a sewerage system has been a difficult problem at many places.

The locations of many schools in the arid regions of the West have directed attention to irrigation systems for school gardens, orchards, and farms. These should be at every such school for instruction of pupils and healthfully varying their diet. Fresh vegetables and fruits are impossible at a number of schools without expensive irrigation ditches, but it is confidently believed that every expenditure along these lines has proved of inestimable benefit to the health of all living at the schools. The amount of funds available, however, for this purpose is limited and must be taken from the appropriations for individual schools or from the general appropriation for school-building purposes.

The value of school plants, farms, etc., will reach $4,000,000. Many of these are old established ones or are abandoned military posts. They are unsuited in numberless respects for the purposes for which they are used. In early days the importance of good light, heat, ventilation, water, and sewerage was not appreciated, and therefore the mortality among Indian pupils in such structures was excessive. Rapidly, therefore, as funds are available, all such defects are being remedied by substitution of modern sanitary appliances. These appliances are expensive, but, when taken in consideration with the health and comfort of the children, no one should hesitate to approve their introduction.

The general repair and improvement of $4,000,000 worth of school

plants is in itself no small item of yearly expenditure. The appropriation by Congress for "the construction, purchase, lease, and repair of school buildings and purchase of school sites" was, for the fiscal year 1900, $300,000. This amount has practically all been used as contemplated by Congress. Other appropriations for specific schools and appropriations made under treaties have been used judiciously for the benefit of the schools intended.

Substantial improvements have been made in the shape of barn, and water and sewer systems at the Riverside, Rainy Mountain, and Fort Sill schools, and new school building at Riverside, on Kiowa Reservation, Okla.; hospital at Klamath, Oreg.; office at Lemhi, Idaho; employees' cottage at Mescalero, N. Mex.; temporary dormitory at Hopi (Moqui), Ariz.; improvement of water, sewer, and heating systems at Oneida, Wis.; commissary at Kaw, Okla.; water and sewer systems at Oto, and baths at Pawnee, Okla.; extensive repairs at Puyallup, Wash.; water and sewer systems at Quapaw, Ind. T.; barn at Round Valley, Cal.; warehouse, Absentee Shawnee, Okla.; dining room and kitchen at Siletz, Oreg.; electric light at Warm Springs, Oreg.; enlarging school building and water and sewer systems at Yakima, Wash.; laundry at Fort Shaw, Mont.; water, sewer, and electric-light systems at Mescalero, N. Mex.; sewer system at Colorado River, Ariz.; sewer system at Western Shoshoni; laundry, Greenville, Cal.; barn, and sewer and water systems at Fort Mohave, Ariz.; electric light, Flandreau, S. Dak.; warehouse, and water and sewer systems at Genoa, Nebr.; gas plant at Kickapoo, Kans.; steam-heating and electric-light plants at Salem, Oreg.

Under the provisions of the appropriation act for fiscal year 1900 the sale of the Clontarf School property in Minnesota was directed, and on February 12, 1900, it was sold for $4,600 and the school was discontinued as a Government school.

Large new brick school and dormitory buildings have been constructed at Morris, Minn. Large brick and stone dormitory for increasing the capacity of the Navaho School, New Mexico, by 75 pupils, and dormitory at Little Water, on same reservation, increasing the capacity to 60 pupils, are now under contract.

The Pyramid Lake Boarding School at the Nevada Agency having burned during the preceding year, an entirely new and modern plant for 80 pupils has been constructed.

Additions to dormitories at Oneida, Wis., have increased the capacity of that school. An addition to dormitory, new laundry, and other improvements at the Pima Agency School, Arizona, have added to its efficiency. New school building at Fort Belknap Agency School, Montana, will be completed at an early date. New dormitory and mess hall will replace similar burned buildings at Fort Yuma, Ariz. Large dormitory at Carson, Nev., will be ready for occupancy during this school

year. The plant at Fort Lewis, Colo., will be materially improved by the brick dormitory, mess hall, and hospital now being constructed.

Supt. John H. Seger, of Seger Colony School, Oklahoma, has trained a number of his boys in brickmaking, bricklaying, and stone quarrying, cutting, and laying, and they are now engaged in putting in the foundations for a new brick school building at that point.

The cesspool method of disposing of sewage matter at the Grand Junction School, Colorado, having become a menace to the health of the pupils, has been corrected by the installation of a complete system of sewerage.

The amount appropriated by Congress for an addition to the school building at Haskell Institute, Kansas, not being sufficient to make one of adequate size, it was supplemented by an additional amount, and the addition is now under contract, which, when completed, will be of great benefit and relieve the crowded schoolrooms.

The Indian appropriation act for the fiscal year 1899 set aside $35,000 for a new school plant at Red Lake, Minn., and also $20,000 for another at Leech Lake in the same State. These buildings were placed under contract during the year and are now ready for occupancy. They are modern and commodious, and will undoubtedly be filled to the limit of their capacity.

Under the provisions of the appropriation act for 1900, $20,000 were set aside for the erection of additional schools at points on the Chippewa Reservation in Minnesota, and in accordance with this item, three neat little boarding schools have been built at the following: (1) Cross Lake, at the "Narrows," on north shore of Red Lake; (2) Cass Lake, and (3) Bena. All these schools are now in operation. While they are not modern in their construction, they are considered as nuclei for larger schools whenever sufficient funds become available.

By the completion at the Tomah School, Wisconsin, of the following buildings now under contract, hospital, superintendent's quarters, dormitory, and mess hall, the capacity of that institution will be increased to 225 pupils.

In the appropriation act of 1899, $25,000 were set aside for "a new stone building," at Pipestone, Minn.; but that amount, in the opinion of this Office, was thought to be sufficient for two buildings which were preferable, consequently the appropriation was not used, and in the act for 1900 the same sum was reappropriated for one or more buildings. Plans were prepared for a dormitory and mess hall, but owing to complications having arisen as to the title of the Pipestone Indian Reservation on which the school was located, the matter was held in abeyance until a favorable decision was rendered by the Comptroller. The buildings are now under contract. When completed they will increase the capacity of this school from 100 to 175 or 200 pupils.

Congress having provided $60,000 for the erection of a school plant for the Walapai Indians, at Truxton Canyon, Ariz., the Massachusetts

Indian Association donated a tract of land for the site, which was supplemented by another from the Santa Fe Railway Company. A complete modern school, with sewer and water systems, is now under contract, and will probably be ready for occupancy by the first of next January.

A complete modern manual training building has been constructed at Phoenix, Ariz., out of a special appropriation therefor. This is the first building of this character erected for the Indian school service. The Phoenix school proposes to make this department one of its principal features.

The appropriation of $60,000 for an Indian training school at Hayward, Wis., not being sufficient to give a plant of the size required by the scholastic population contributary thereto, Congress supplemented it with an additional sum of $15,000. The buildings are now under contract, located on a site donated by the citizens of Hayward. They will be modern and complete in all their appurtenants, representing the highest type of plant devised for the special requirements of an Indian school.

The Jicarilla Apache Reservation, situated in the northwestern portion of the Territory of New Mexico, has never had school facilities for the 150 or 200 children of school age. Several years ago steps were taken to provide them, and upon the representations of several Government officials a tract of land was purchased from one Gabriel Lucero, but the funds for the erection of the school building not being available, nothing was done. Plans, however, were early in this year prepared for a boarding school with 150 capacity; but after sinking a well for domestic water purposes it was discovered by United States Indian Inspector Walter H. Graves that a more available site could be secured in the immediate neighborhood, where water could be obtained from a running stream. The site was accordingly so changed and the buildings are now in course of construction, about 2 miles northwest of Dulce, N. Mex. The Indians are anxious for the school and it will be readily filled to the limit of its capacity.

PROPOSED NEW BUILDINGS AND PLANTS.

Owing to unfavorable location of the site, it has been decided that the Indian school at Perris, Cal., can not be made the industrial school for Southern California, as was contemplated. Failure of water, unsuitableness of soil, and climatic conditions are such that while it is not the purpose of this office to discontinue the school, it is yet undesirable to ask Congress for large appropriations to transform it into a well-equipped training school. For the present it will be conducted as an Indian boarding school. The scholastic population of this portion of California is about 1,200, and it can readily be seen that here is a profitable field for the educational influence of a large training

school. Congress recognized these conditions and provided in the Indian appropriation act for the fiscal year 1901—

> For the establishment, in the discretion of the Secretary of the Interior, of an Indian school at or near Riverside, California: *Provided*, That a suitable site can be obtained there for a reasonable sum, to be selected by the Commissioner of Indian Affairs with the approval of the Secretary of the Interior, for the purchase of land, the erection of buildings, and for other purposes necessary to establish a complete school plant upon the new site, seventy-five thousand dollars.

In pursuance of this, United States Supervisor of Schools Frank M. Conser was in June, 1900, ordered to make an investigation of all available sites, and in an elaborate report recommended an ideal one on Magnolia avenue, about 5½ miles from the center of the city of Riverside, and three-fourths of a mile from Arlington Station on Santa Fe railroad. Negotiations have satisfactorily progressed, and plans are now under consideration for the plant.

The present site of the Blackfeet Agency boarding school, Montana, is unsatisfactory from a sanitary standpoint, aside from the fact that the buildings are old, dilapidated, and unsuited for school purposes. A new location at Cut Bank Creek has been selected, sewer and water systems laid out, plans prepared, and work will begin during this fiscal year.

Contract has been let for rebuilding the Winnebago Indian school, Nebraska, which was destroyed by fire several years ago. It will not be ready for occupancy before September 1, 1901.

The Indians living about Pryor Creek, on the Crow Reservation, Mont., have often petitioned this office and inspecting officials for a school for their children. Plans have been prepared and a school will be given them during the coming year.

The unsettled condition of the Apache Indians under the Fort Apache Indian Agency in Arizona has deterred the office from making any extensive plans for improving the present miserable buildings. Recent reports justify the opinion that the time is ripe for pushing school matters on this reservation, and details for water, sewer, and irrigation systems in connection with new buildings are now under consideration for the Indian children of this agency.

The Flathead Reservation in Montana and the Southern Ute in Colorado are two of the three Indian reservations which have no Government boarding school. The former has been the subject of an investigation, and as soon as a suitable site is obtained steps will be taken to give the Indians of that reservation adequate school facilities. United States Supervisor of Schools Charles H. Dickson, after an investigation of the latter, has selected an excellent site for the Southern Ute boarding school. Plans have been prepared, and as soon as sewer and water systems can be arranged the matter of making a contract for carrying out the plans will be taken up and a school given these Indians during the next year.

A contract has been made for the erection of a new dormitory at the Mount Pleasant school, Michigan. This building will replace the one destroyed by fire June 14, 1899. It will restore the capacity of this school to 300 pupils.

Owing to the difficulty of securing a suitable site for the Hopi (Moqui) training school in Arizona, plans have not been perfected for making most desirable and necessary improvements in the school for these Indians. Continued efforts will be made, however, to solve the problem.

In an act of Congress approved June 6, 1900, an agreement with the Fort Hall Indians, Idaho, was ratified, and to carry out the same it provided in section 2 of the act that $75,000 should be appropriated for the establishment of a modern school plant near the agency, and $75,000 additional may be expended by the Secretary of the Interior for the educational needs of these Indians. Upon the request of this office, June 23, 1900, United States Indian Inspector Walter H. Graves was directed by the Department to make an investigation of all available school sites near the agency. He has filed his report recommending a site about five miles from the agency. It is on a bluff about 30 feet high overlooking a broad expanse of meadow land lying to the east of Snake River, known as "Fort Hall Bottoms." Within a few hundred feet is the famous "Big Spring," which discharges not less than a million gallons of water per hour. This seems to be an ideal location, and plans are now under consideration for the early establishment of a complete modern school plant. It can not be opened for a year, however.

A new dormitory and improved water and sewer systems have been prepared for the Umatilla boarding school in Oregon and are now under contract.

Under the Tongue River Agency for the Northern Cheyenne Reservation in Montana there is no Government boarding school, only a day school with a capacity for 40 pupils. Although the educational needs of this tribe of Indians have been urgent, in view of unsettled matters concerning the reservation, it was considered unadvisable to make any move with reference to a boarding school pending certain negotiations with settlers on the reservation. United States Indian Inspector James McLaughlin in his report submitted to Congress at its last session relative to buying out these settlers referred to the educational condition of the Northern Cheyennes, recommending that a school be built for them. On a second visit to this reservation he recommended the "Busby Ranch" of 160 acres as a proper school site. This ranch is 18 miles southwest of the agency on Rosebud Creek and 32 miles from the Burlington and Missouri River Railroad. The ranch is well watered, has 100 acres under cultivation, wells for domestic water purposes, and is in every way suited for an Indian school. A plant with a capacity of 150 pupils will be erected here during this fiscal year.

SCHOOL APPROPRIATIONS.

The following table shows the amounts appropriated for Indian school purposes through a series of years:

TABLE 17.—*Annual appropriations made by the Government from and including the fiscal year 1877 for the support of Indian schools.*

Year.	Appropriation.	Per cent increase.	Year.	Appropriation.	Per cent increase.
1877	$20,000	.....	1890	$1,364,568	1
1878	30,000	50	1891	1,842,770	35
1879	60,000	100	1892	2,291,650	24.3
1880	75,000	25	1893	2,315,612	1.04
1881	75,000	.....	1894	2,243,497	[1]3.5
1882	135,000	80	1895	2,060,695	[1]8.87
1883	487,200	260	1896	2,056,515	[1].2
1884	675,200	38	1897	2,517,265	22.45
1885	992,800	47	1898	2,631,771	4.54
1886	1,100,065	10	1899	2,638,390	.0025
1887	1,211,415	10	1900	2,936,080	11.3
1888	1,179,916	[1]2.6	1901	3,080,367	.049+
1889	1,348,015	14			

[1] Decrease.

The amount appropriated for the year may appear large, but it is insignificant compared with the value of the lands of these people which have been purchased or obtained from them by treaties. It is a small sum compared with the cost of the Indian wars of the United States and with what it would cost to hold them as semiprisoners upon reservations and feed them for an indefinite term of years. Humanity and economical considerations demand these appropriations, so that all the Indians may be educated to become self-supporting producers instead of idle consumers and mischief-makers.

That the amounts set aside have been judiciously expended is evident from the results obtained and the per capita cost of maintenance. The expenditures on behalf of Indian schools will exhibit a most favorable showing when compared with those of similar white institutions, such as industrial boarding and reform schools where the pupils and inmates are housed, fed, clothed, cared for in sickness and health and taught the elementary literary branches and a trade. The annual addition of 1,000 pupils requires a moderate increase each year in the total amounts appropriated for school purposes.

INDIAN SCHOOL SERVICE INSTITUTES.

The association of Indian school employees at the annual institutes is beneficial. Schools as a rule are located far from the centers of civilization and thought, and therefore these gatherings are for the purpose of bringing together those engaged in a similar work in order that notes may be compared upon the best means of effecting the civilization of the Indian. Different localities represent different types of Indians and different theories of management. These meet-

ings open discussions of practical matters and furnish food for thought and action during the coming year.

Under the management of the superintendent of Indian schools the institute was held this year at Charleston, S. C., July 5 to 13, as a department of the National Educational Association holding its annual meeting there at the same time. The employees were thus given an ample opportunity to participate in this great gathering of educators from all sections of the country and to hear the best exponents of pedagogy. Papers were prepared and read by the teachers and others upon their various branches of the work and informal discussions held.

A collection of literary and industrial work was made from a number of Indian schools and exhibited at the institute. This exhibit served to show the marvelous improvement that has been accomplished in the education of Indian youth. The display consisted of regular schoolroom papers, fancy work, plain sewing, mending, and work in wood and iron. All of this was excellently done and the large display of practical work attracted the greatest attention and interest. Neatly made gingham dresses, woolen garments, bonnets, aprons, girls' and boys' uniforms, showed the deft fingers of the girls, while the great variety of articles in wood, iron, tin, and leather was a credit to the boys. The collections of hammers, anvils, horseshoes, model gates, wrenches, saws, bureaus, harness, and shoes illustrated the diversified industrial training at the several schools. It was altogether a splendid exhibit of the talent and capacity of Indian pupils.

There were also three other interesting gatherings of Indian educators, as follows: Chemawa, Oreg., August 14 to 17; Puyallup, Wash., August 20 to 23, and Pine Ridge in July. These summer schools were devoted to the interchange of ideas and suggestions for the betterment of the service.

A report of these institutes will be found on page 437 of this report.

INDIAN SCHOOL SITES.

Publication of the history of Indian industrial school sites, and of the title to the land upon which Indian schools are located, was commenced in the annual report for 1892, and has been continued in subsequent reports, including this one, as follows:

Arizona.—Fort Mohave, 1892, page 879; Keam's Canyon, 1892, page 879; Phoenix, 1892, page 879; Blue Canyon, 1897, page 421; Truxton Canyon (formerly Hackberry) or Walapai, 1900, page 619.

California.—Perris, 1892, page 880; Greenville, 1897, page 421, and 1900 page 620.

Colorado.—Fort Lewis, 1892, page 880, and 1896, page 496; Grand Junction, 1893, page 469.

Idaho.—Fort Hall, 1892, page 880.

Iowa.—Tama, 1897, page 422.

Kansas.—Lawrence, 1892, page 881.

Michigan.—Mount Pleasant, 1892, page 882, and 1897, page 423.

Minnesota.—Pipestone, 1892, page 882, and 1898, page 25; Morris, 1897, page 423; Clontarf, 1897, page 424; Wild Rice River, 1898, page 24.

Montana.—Fort Shaw, 1893, page 471.

Nebraska.—Genoa, 1892, page 883.

Nevada.—Carson, 1892, page 883, and 1897, page 425.

New Mexico.—Albuquerque, 1892, page 885; Santa Fe, 1892, page 886; Jicarilla, 1896, page 496.

North Carolina.—Cherokee, 1897, page 426.

North Dakota.—Fort Stevenson, 1892, page 887; Fort Totten, 1892, page 888.

Oklahoma.—Arapaho, 1892, page 889; Cheyenne, 1892, page 889; Seger Colony, 1892, page 890; Chilocco, 1892, page 890: Rainy Mountain, 1892, page 891; Fort Sill, 1893, page 473; Pawnee, 1893, page 473; Riverside, 1896, page 497; Kiowa or Washita, 1897, page 428; Red Moon, 1897, page 428.

Oregon.—Salem (formerly Forest Grove), 1892, page 891, and 1900, page 620; Umatilla, 1893, page 473.

Pennsylvania.—Carlisle, 1892, page 894.

South Dakota.—Flandreau, 1892, page 895, and 1898, page 25; Pierre, 1892, page 896; Chamberlain, 1897, page 429; Rapid City, 1898, page 26; Hope, 1900, page 621.

Wisconsin.—Tomah, 1892, page 897; Stockbridge, 1896, page 497; Hayward, 1900, page 621.

INDIAN SCHOOL EXHIBIT AT THE PARIS EXPOSITION.

A small exhibit was sent by this office last winter to the exposition at Paris, to form part of the educational exhibit of the United States.

The assigned space was three cases. One case was filled with photographs of various Indian schools showing buildings and grounds and pupils engaged in crafts taught in the schools. With these were arranged class-room papers showing the intellectual progress and ability of Indian youth from the kindergarten to the normal and business classes; also their skill in drawing and designing. The other two cases contained articles from the school workshops, sloyd, tinware, harness and shoes, horseshoes and blacksmith tools, specimens of painting and printing and of carpentry with working drawings, and a model steam engine; also school uniforms for boys and girls and fine plain needlework, embroidery and lace. On shelves below were volumes of class-room papers sufficient to furnish to any interested student of such matters a fair idea of the course and methods of study pursued in our Indian schools and the proficiency and average work of entire classes. Above the cases, to give decorative color effect and an Indian individuality to the whole exhibit, were Indian blankets, matting, baskets, plaques, and a small bark canoe. These were grouped around a fine, large crayon head of an Indian in full native regalia, the work of the young Winnebago artist, Angel Decora.

A leaflet was prepared for general distribution at the exposition and was printed at the Carlisle school. It gives a brief résumé, with statistics, of the policy, the personnel, the finances, and the educational system of the Indian service, especially the latter.

Jurors have stated that the exhibit received much attention and favorable comment, and that it was specially timely because the whole matter of race education is now uppermost among the French, and they appreciated the combination of theoretical and practical training which was exemplified. The exhibit received a Grand Prix.

No attempt was made to present any Indian school individually, but those schools whose work was represented there were Carlisle, Genoa, Haskell, Oneida, Phoenix, Pine Ridge, and Seger Colony.

POPULATION.

As pertinent to the matter of Indian civilization, the question of whether the Indian tribes are dying out becomes of considerable importance. The generally accepted theory, popularly held, is that by contact with the white man, taking on a portion of his civilization and a greater portion of his vices, the extinction of the Indian is only a matter of time; that given conditions of existence wholly different from those to which his ancestors were accustomed, the Indian question would be solved by his extinction. Had the United States Government adopted the same policy with reference to these people as that of other nations dealing with savage tribes the probabilities are that the aboriginal races would no longer exist within the bounds of the United States. It is true that upon the statute books and in modern discussions of these races the names of many tribes known to the early history of the country are noticeably absent, and this leads to the popular conclusion that the Indian is fast dying out.

This is a misconception of historical data and is based largely upon the hypothesis that the country now known as the United States was, on the advent of Columbus, populated very densely. At the time of the discovery of America the explorers from the Old World were prone to exaggerate every unusual occurrence which was presented to them in the unknown world upon which they had landed, the few being magnified into the many, and the dark, mysterious forests were peopled by fancy with myriad hosts of red men guarding the secrets to untold mines of golden wealth. Lured by fanciful imaginings and heroic tales, the hardy warriors of the age, penetrating these sylvan retreats and finding not the gold they sought, glorified their prowess by the multiplicity of aborigines they met and conquered. It must be remembered that the domain of the United States is of vast extent; that the original inhabitants seldom lived in villages; that the women tilled the soil and the men were engaged in almost constant strife with other tribes and rival bands with each other in the same tribe. Agriculture being neglected, or pursued only by the weaker sex, the chase principally provided for life's urgent necessities, and game in sufficient quantities to support a large population must have vast ranges of unoccupied land. Hence, taking the concurrent facts of history and experience into consideration, it can, with a great degree of confidence, be stated that the Indian population of the United States has been very little diminished from the days of Columbus, Coronado, Raleigh, Capt. John Smith, and other early explorers.

As stated, the age of discovery, the age when America was first made known to the civilized world, was one of exaggeration. The early colonists, sprinkling their small settlements near the coast, watching the tumbling waters of the river, with its source hidden in the great beyond and flowing past the cabin, seeing the dusky form of the Indian warrior sending his occasional arrow into their homes, and looking upon the dark and mighty forests, imagined that the vast country beyond was the empire of innumerable savage enemies, who were ready to dispute their ownership by rights of discovery and occupancy.

Early accounts, therefore, of the number of Indians in the United States at that time must be taken with due regard to the credibility of the witnesses presenting the same.

The first census of Indians was made by the General Government in 1850. Thomas Jefferson, however, in 1782, made two lists of Indians who at that date lived in and beyond the present limits of the United States. These estimates, as stated in his "Notes on Virginia," were compilations from four different lists, and present the attempt at an enumeration of such Indians as came under notice of the formulators of those lists.

The various and often conflicting statements relative to the Indian population of the United States from the earliest times, which include the estimates or "guesses" of the first enumerators to the present year, are given in the following table:

TABLE 18.—*Estimates of population of Indians in United States from 1759 to 1900.*

Year.	Authority.	Number.	Year.	Authority.	Number.
1759	Estimate of George Croghan	19,500	1876	Report of Indian Office	291,882
1764	Estimate of Colonel Bouquet	54,960	1877	do	276,540
1768	Estimate of Captain Hutchins	35,830	1878	do	276,595
			1879	do	278,628
1779	Estimate of John Dodge	11,050	1880	Report of United States census	322,534
1789	Estimate of the Secretary of War	76,000	1880	Report of Indian Office	256,127
1790	Estimate of Gilbert Inbay	60,000	1881	do	328,258
1820	Report of Morse on Indian Affairs	471,036	1882	do	326,039
			1883	do	331,972
1825	Report of Secretary of War	129,366	1884	do	330,776
1829	do	312,930	1885	do	344,064
1832	Estimate of Samuel J. Drake	293,933	1886	do	334,735
1834	Report of Secretary of War	312,610	1887	do	243,299
1836	Report of Superintendent of Indian Affairs	253,464	1888	do	246,036
			1889	do	250,483
1837	do	302,498	1890	Report of United States census	248,253
1850	Report of H. R. Schoolcraft	388,229			
1853	Report of United States census, 1850	400,764	1891	Report of Indian Office	246,834
			1892	do	248,340
1855	Report of Indian Office	314,622	1893	do	249,366
1857	Report of H. R. Schoolcraft	379,264	1894	do	251,907
1860	Report of Indian Office	254,300	1895	do	248,310
1865	do	294,574	1896	do	248,354
1870	Report of United States census	313,712	1897	do	248,813
			1898	do	262,965
1870	Report of Indian Office	313,371	1899	do	267,905
1875	do	305,068	1900	do	270,544

The above table excludes the Indians of Alaska, but includes the New York Indians (5,334) and the Five Civilized Tribes in Indian

Territory (84,750)—a total population of 90,084. These Indians are often separated from the others in statistics because they have separate school and governmental systems.

Prior to the first census of 1850 only small reliance can be placed upon the figures given, and the work of the "estimator" entered largely into the results after that date until about 1870 or 1880, when the importance of the data became apparent. All estimates of Indians must contain some element of doubt, by reason of the shifting about of the tribes, their ignorance of the English language, and disinclination to be counted except for ration and annuity purposes.

The table is an interesting one, and shows that since 1870 the Indian population has been nearly stationary. There has been a decrease, of course, but that may be accounted for by the numbers of Indians who have become citizens of the United States and lost their tribal identity, and are counted in the regular census of American people. The census of 1890 shows 58,806 Indians as residents of various States, who are not counted on the Indian rolls as such.

It is evident that with the humane treatment of this Government, and contrary to the predictions of many, the Indian is not dying out, is not becoming extinct. He is in our population, but not of it, and there is only one course to pursue, and that is so to educate each generation that it will be a stepping-stone to the final achievement of complete extinguishment of the Indian race by its absorption into the body politic of the country.

EXHIBITION OF INDIANS.

During the past year this office has refused to recommend to the Department that permission be granted for any persons or companies to take Indians for show and exhibition purposes. Among the applicants so refused was the well-known firm of Cody (Buffalo Bill) & Salisbury, which has for several years past secured Indians for its "Wild West Show."

In only two instances has permission been granted Indians to leave their reservation to take part in local celebrations. One was to attend the annual Frontier Day celebration at Cheyenne, Wyo. Indians from the Shoshone Agency, Wyo., have for several years past been allowed to participate in this celebration, and at the solicitation of Hon. Francis E. Warren, United States Senate, permission was granted August 4, 1900, for about thirty of them to do so this year. The conditions were that satisfactory arrangements would be made by the authorities having the celebration in charge for the care, protection, and expenses of the Indians; that the Government was to be at no cost whatever, and that the Indians could be spared from their homes without detriment to their interests.

August 24, 1900, permission was granted, upon the request of Hon. H. C. Hansbrough, United States Senate, for about twenty-five families with their tepees to leave the Standing Rock Reservation, N. Dak., to participate in the "harvest festival" to be held at Casselton, N. Dak. In this case the same requirements were exacted as in the former.

NEEDED PUBLICATIONS ON INDIAN MATTERS.

The suggestions made in my last report as to the need of new compilations of laws relating to Indian affairs, of executive orders concerning Indian reservations, and of treaties and agreements made with Indians are earnestly renewed. The latest edition of Laws Relating to Indian Affairs stops with March 4, 1884; Executive Orders Relating to Indian Reservations is brought down no farther than April 1, 1890, and the editions of both works are exhausted. Since these dates legislation of vital importance has been enacted, and many changes have been made in Indian reservations. Constant calls are made on the office for the old volumes and for information as to subsequent legislation and executive action. The public need can be met only by new editions of these books, which should, of course, be brought down to date.

In 1837 a compilation of Indian treaties from 1778 to date was made, under the direction of the Commissioner of Indian Affairs. An inaccurate Revision of Indian Treaties *then in force* was made in 1873. The demand for a publication that shall contain all ratified treaties and agreements made by the United States with Indian tribes is increasing. It would be in constant use in this office and would be frequently referred to by other Government bureaus and by members of Congress as well as by the public at large.

Again I urge that Congress make an appropriation to cover the expense of compiling and issuing these three publications.

CLERKS DESIGNATED AS SPECIAL DISBURSING AGENTS.

By the fourth section of "An act to legalize the deed and other records of the Office of Indian Affairs, and to provide and authorize the use of a seal by said office," approved July 26, 1892 (27 Stat. L., p. 272), one of the employees of this office was authorized to be designated by the Commissioner as the receiving clerk, who should give bond in the sum of $1,000, etc. There is another clerk in this office, who has been appointed and designated by the Secretary of the Interior as a special disbursing officer, who is required to give bond in the sum of $2,000. There is no salary, pay, or other emolument attached to these offices for the performance of the duties thus imposed upon them.

It is now the policy of the Government to require that its bonded officers execute a bond, etc., with a duly organized bond and trust

company. I respectfully recommend that Congress be requested to authorize the Secretary of the Interior to pay from year to year, out of the contingent fund of the Department, the annual cost of the bonds thus required of these or of any other clerks in the Department where no salary or compensation is allowed or paid for the services for which the bond is given.

SPELLING OF NAMES OF INDIAN TRIBES.

It has long been recognized as unfortunate that there existed no authorized standard spelling of the names of Indian tribes and bands. Treaties, laws, reports, old and recent, have spelled the same name from one to a dozen or more different ways, each individual speller being a law unto himself. Out of the variations through a long series of years many spellings, and hence pronunciations, which are known to be corrupted, have nevertheless become generally accepted, like Chippewa, for instance, which should be Ojibwa; or Sac, which should be Sauk, etc.; or incorrect names for tribes have come into general use, as Moqui for Hopi and Sioux for Dakota.

For some years the Bureau of American Ethnology has been trying to systematize its own spelling, and the Century Dictionary of Names, with the help of the Bureau, carried the matter along a little further, although in a new edition of that work many additions and changes will have to be made.

The Government Printing Office, which follows exactly the spelling promulgated by the Board of Geographic Names, asked this office to prepare for its use a similar list of names of Indian tribes to be published in its forthcoming Manual of Style Governing Composition and Proof Reading. After consultation with the Bureau of American Ethnology such a list was prepared, which both that Bureau and the Indian Bureau, as well as the Printing Office, propose to follow in the future as the "authorized version."

Attempt was made to spell all names phonetically, but it is not claimed that the spellings adopted are as scientific and consistent as might be desired. Necessarily it was somewhat a matter of compromise since it was found inexpedient to reject spellings which have long obtained in treaties and legislation and such as have been used in geographic terms or are of foreign origin. It is too late now to undertake much of a reform in the spelling of Indian names; but uniformity is still within reach, and it is believed will be secured by the adoption of this list, which has been sent out to all agencies and schools in the Indian service. It will be found on page 519 and is the same as that published by the Printing Office with a few additions. This revised spelling is followed throughout this report.

COMMISSIONS.

Chippewa Commission.—In previous annual reports of the office, commencing with 1889, will be found accounts of the progress of the work of the Chippewa Commission in carrying out the provisions of the act of Congress of January 14, 1889 (25 Stats., 642), entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota." On April 9, 1900, the commission submitted a schedule showing allotments to 4,211 Indians on the White Earth Reservation, and on July 21, 1900, a supplemental schedule was submitted, showing allotments to 160 Indians on said reservation. June 20, 1900, the Secretary of the Interior directed that the work of the Chippewa Commission be suspended and that its final accounts be closed. July 21 the commission (D. S. Hall) reported to this office that it had on that date turned over to the United States Indian agent of the White Earth Agency all its books, records, papers, etc. This closed the work of the commission.

Crow, Flathead, etc., Commission.—The appropriation for the payment of the expenses of the Crow, Flathead, etc., Commission having become exhausted, that commission was suspended November 14, 1899, in compliance with Department instructions, and the members were directed to proceed to their homes not later than the 18th of that month and to incur no money liability after that date. It was proposed by the commissioners that a deficiency appropriation be secured to continue the commission to April 1, 1900, when the same would expire by limitation of law (act March 3, 1899, 30 Stat. L., p. 1235), and also that Congress be asked to authorize its continuance for another year from April 1, 1900. The office in its report of January 5, 1900, declined, however, to recommend any further appropriation for this commission, and in Department reply of January 8, 1900, this position was concurred in and the office was instructed to so advise the commissioners. The suspension of the commission continued until April 1, 1900, when under the law it ceased to exist.

The following provision, however, was made by Congress in the deficiency appropriation act approved June 6, 1900, for continuing this commission:

> For continuing after the passage of this act and during the fiscal year nineteen hundred and one the work of the commission under the act of Congress approved June tenth, eighteen hundred and ninety-six, to negotiate with the Crow, Flathead, and other Indians, fifteen thousand dollars, and the members of said commission shall perform such duties as may be required of them by the Secretary of the Interior. (31 Stats., 302.)

In compliance with the above provision, Messrs. James H. McNeely, of Evansville, Ind.; Charles G. Hoyt, of Beatrice, Nebr., former commissioners, and B. J. McIntire, of Kalispell, Mont., were appointed on June 25, 1900, as the members of the commission, Mr. McNeely being designated chairman thereof, and Mr. Hoyt disbursing officer. There

remained of the tribes named in the act of June 10, 1896, which provided for the appointment of this commission, only the Yakima in Washington and the Flatheads in Montana with whom agreements had not been concluded. Instructions for the guidance of the commission in the conduct of negotiations with these two tribes were prepared by the office, and they were directed to proceed first to the Yakima Reservation and take up the work there.

It was stated in my last annual report that a total of $49,500 had been appropriated for this commission. Adding to this the $15,000 appropriated by the act above quoted makes a total of $64,500.

Five Civilized Tribes Commission.—Its work is referred to under the head of Indian Territory on page 103.

Puyallup Commission.—The Indian appropriation act approved May 31, 1900, contains the following clause relative to the Puyallup commission:

> For the compensation of the commissioner authorized by the Indian appropriation act approved June seventh, eighteen hundred and ninety-seven, to superintend the sale of land, and so forth, of the Puyallup Indian Reservation, Washington, who shall continue the work as therein provided, two thousand dollars. (31 Stats., p. 239.)

It will be observed that this provides for continuing the sales of the Puyallup lands for the present fiscal year. This work was continued during the last fiscal year under a similar provision in the Indian appropriation act approved March 1, 1899 (30 Stat. L., 940). Clinton A. Snowden was appointed commissioner June 22, 1897. He is still in charge of the work, and is making satisfactory progress. It should be remarked, however, that the work of ascertaining and determining the legal heirs of deceased allottees is slow, and sometimes difficult, because the heirs are scattered, some living in other parts of Washington than the reservation, also in Oregon and elsewhere, even in Alaska. This makes it difficult to reach them and obtain proper evidence as to heirship. There are, however, only a few cases delayed on this account.

ALLOTMENTS AND PATENTS.

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

ALLOTMENTS ON RESERVATIONS.

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

Chippewa of Lake Superior on the Bad River Reservation, Wis	135
Chippewa of Lake Superior on the Lac du Flambeau Reservation, Wis	152
Chippewa of the Mississippi on Deer Creek Reservation, Minn	4
Omaha in Nebraska	799
Santee Sioux in Nebraska	481
Sioux of the Devils Lake Reservation, N. Dak	3
Umatilla Reservation, Oreg	887

Allotments have been approved by this office and the Department as follows:

Colville Reservation, Wash.	646
Fort Berthold Reservation, N. Dak.	940
Klamath Reservation, Oreg.	1,174
Oto Reservation, Okla.	440
Sioux of the Rosebud Reservation, S. Dak. (including 469 previously approved which have been revised under act of March 3, 1899, 30 Stats., 1692)	3,107
Yakima Reservation, Wash. (approved September 13, 1899, but not included in last annual report)	599
Certificates issued to members of the Kiowa and Comanche tribes.	6

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

Chippewa of the Mississippi on White Earth Reservation, Minn.	4,367
Sioux of the Lower Brulé Reservation. S. Dak.	556
Sioux of the Rosebud Reservation, S. Dak.	473

The condition of the work in the field is as follows:

Cheyenne River Reservation, S. Dak.—April 7, 1900, the President granted authority for making allotments on the Cheyenne River Reservation, and Special Allotting Agent John H. Knight, who had just completed the work of allotting the Indians of the Lower Brulé Reservation, was designated to make the same. Instructions were given him April 19, 1900, which were approved by the Department April 25, and shortly thereafter he entered upon the duty. August 20 he had made 127 allotments.

Kiowa and Comanche Reservation, Okla.—The agreement concluded with the Comanche, Kiowa, and Apache tribes of Indians October 21, 1892, was ratified by Congress June 6, 1900, the original agreement as incorporated in the act being materially changed and amended. As ratified, the agreement provides for the allotment of 160 acres of land to each member of said tribes, the allotments to be selected within ninety days from the ratification of the agreement.

Provided, That the Secretary of the Interior, in his discretion, may extend the time for making such selection; and should any Indian entitled to allotments hereunder fail or refuse to make his or her selection of land in that time, then the allotting agent in charge of the work of making such allotments shall, within the next thirty days after said time, make allotments to such Indians, which shall have the same force and effect as if the selection were made by the Indian.

The act authorizes and directs the Secretary of the Interior to cause the allotment of said lands to be made by "any Indian inspector or special agent." It also provides that the time for making allotments shall in no event be extended beyond six months from the passage of the act. July 6, 1900, Inspector C. F. Nesler and Special Agents E. B. Reynolds and A. C. Hawley were designated to make the allotments. Instructions for their guidance were approved by the Depart-

ment July 12, 1900. No appropriation for this work was made by Congress. The expenses will, therefore, have to be paid out of the regular appropriation for surveying and alloting Indian reservations for the current fiscal year, amounting to $20,000, from which appropriation are paid the per diem and expenses of the allotting agents on Cheyenne River and Rosebud reservations, as well as two special allotting agents on duty in connection with allotments on the public lands. The latter work will be arranged so as to allow as much as possible for the Kiowa allotments. No effort will be spared to complete this work by the 6th of December next.

Omaha and Winnebago Reservation, Nebr.—Special Allotting Agent John K. Rankin has completed the work of making the additional allotments on the Omaha Reservation under the act of March 3, 1893 (27 Stats., 612), so far as practicable, pending the final determination of certain suits for tribal rights instituted by mixed bloods. The 799 patents referred to above have been issued on allotments made by him, and have been transmitted to the agent for delivery.

He is now engaged on the Winnebago Reservation investigating the rights of parties to whom patents were issued under the act of February 21, 1863 (12 Stats., 658), preliminary to completing the allotments under the act of February 8, 1887 (24 Stats., 394).

Rosebud Reservation, S. Dak.—Special Allotting Agent William A. Winder has completed the revision of allotments made on the Rosebud Reservation prior to March 3, 1899. By the act of that date (30 Stats., 1362) allotments of 320 acres previously made to the head of a family were to be divided equally between husband and wife. He reported September 30, 1900, that up to that date he had made a total of 4,149 allotments on the Rosebud Reservation, leaving some 700 allotments yet to be made.

Shoshone Reservation, Wyo.—Special Allotting Agent John T. Wertz, who was engaged in making allotments on the Shoshone Reservation, was suspended from duty by the Department May 15, 1900, pending an investigation of his work which was made by Inspector McConnell. Report upon the case was submitted to the Department June 26, 1900, with the recommendation that Allotting Agent Wertz be relieved from duty and ordered home. The Department concurred, and he was ordered home (Omaha, Nebr.) by telegram dated July 3, 1900. He reached there July 7, 1900. Before his suspension he had made 205 allotments.

His predecessor, John W. Clark, made 1,310 allotments on that reservation. The allotment work there has been suspended until a system of irrigation can be planned and approved. When this shall have been done the allotment work there will be resumed. George Butler is now engaged in the preparation of irrigation plans for this reservation.

NONRESERVATION ALLOTMENTS.

Helena, Mont., land district.—Having concluded his work in Minnesota and Wisconsin, so far as was deemed practicable, Special Allotting Agent Keepers was instructed April 26, 1900, to proceed to the Helena, Mont., land district to investigate 52 applications for allotments of lands therein. He found that with the exception of a few cases the applicants or beneficiaries named in the applications were Indian women married to white men and their half-blood children, and that they were not therefore entitled to allotments under the rulings and decisions of the Department. He also found that in a number of instances the women and children are enrolled at the Blackfeet Agency, and are drawing annuities as Indians of that agency, although living on the public domain with their white husbands and fathers. Mr. Keepers recommended the cancellation of all such applications, and the same have been reported to the General Land Office with the request that steps be taken to effect their cancellation. Mr. Keepers completed this work about August 15, 1900.

On account of the reduced state of the appropriation for making allotments to Indians, upon the recommendation of this office the Department directed that Mr. Keepers be furloughed without pay on August 10, 1900, until such time as it may be deemed advisable to recall him to duty. He was ordered to his home, Beallsville, Ohio, August 13, 1900. As soon as the condition of the allotment funds will permit, the office expects to recommend his return to the field.

Washington.—Special Allotting Agent William E. Casson was engaged in allotment work on the north half of the Colville Reservation from July, 1899, until early in January of the present year. January 29, 1900, he was instructed to proceed to Wenatchee, Wash., for the purpose of making allotments to the Indians in that locality. Very little suitable vacant land for allotments was found there, and but 18 allotments were made. A detailed account of his work among those Indians will be found under the head of "Wenatchi Indians," page 174.

Case of Mike Williams.—June 23, 1900, the Assistant Attorney-General for the Interior Department rendered an opinion in the matter of the application of Susan Williams, a Manache Indian, for an allotment for her minor child, Mike Williams, of certain unsurveyed public lands in T. 25 S., R. 27 E., Independence, California, land district, under section 4 of the act of February 8, 1887 (24 Stat., 388), as amended by act of February 28, 1891 (26 Stat., 794).

The opinion states that the Commissioner of the General Land Office had asked for instructions in this case, the facts being as follows: Susan Williams made application August 13, 1891, for her minor son, Mike Williams, 15 years of age. October 16, 1899, a special agent of the General Land Office reported that he had made an investigation of the facts

connected with the application and found that Mike Williams was a half-breed, his father being a white man named Ham Williams and his mother a full-blood Manache Indian. Thereupon the Commissioner of the General Land Office submitted the application to this office for such action as it deemed necessary to determine the status of the minor. This office returned the application expressing the opinion that it should be allowed to stand, because until August 3, 1896, the Department had recognized the child of an Indian woman born of a marriage entered into prior to the act of August 9, 1888 (25 Stat., 392), as entitled to an allotment under said fourth section; since August 3, 1896, such applications have not been allowed. The Commissioner of the General Land Office, on the contrary, expressed the opinion that this minor, being the son of a white man, took the status of the father, which made him a citizen of the United States, and therefore not entitled to an allotment as an Indian.

The Assistant Attorney-General's opinion is that a child of a white man married to an Indian woman follows the status of the father as to citizenship, and that there is nothing to indicate that this applicant comes under any exception to the rule. Therefore, under the rulings of the Department (Black Tomahawk *v.* James E. Waldron, 13 L. D., 683, and 19 L. D., 311, and Ulin *v.* Colby, 24 L. D., 311), this application of Susan Williams for her minor child, Mike Williams, should not be allowed.

Department approval of this opinion, dated June 23, was forwarded to this office by the Commissioner of the General Land Office on July 18, 1900.

July 25, this office requested the Department to reconsider its approval of that opinion, basing the request upon the argument contained in its letter to the General Land Office of January 25, 1900.

The Department replied, July 27, that that argument had been fully considered by both the Department and the Assistant Attorney-General, and that there seemed to be no reason for a reconsideration of the case. The views of this office upon cases of this character having been fully set forth in the Annual Report for 1899, pages 46 to 50, it is not necessary to repeat them here.

Case of Stephen Gheen.—January 25, 1899, the application (No. 28, Duluth, Minn., series) by Stephen Gheen, a half-breed Chippewa Indian, for an allotment, under said section 4 of the general allotment act (supra), of certain surveyed lands was submitted to the Department by this office. The application was made by Gheen on October 2, 1888; the lands applied for were agricultural in character, and the applicant had made settlement and improvements thereon. The office referred to the fact that the Department did not decide until August 3, 1896, that the children of an Indian mother and white father, a citizen of the United States, are not entitled to allotments under said fourth

section, and that prior to that date allotments made to mixed bloods as well as full bloods, had been approved by the Department; therefore it would appear that the decision should not be retroactive, and that it should apply to allotments made prior to that date. April 5, 1900, the office submitted an argument at length in favor of the Indian's claim, and asked that it be considered and finally determined. July 30, 1900, the Department replied that this case was similar to that of Mike Williams, and that the rule therein laid down would govern.

The office understands from these two rulings that all allotment applications made by the children of Indian women married to white men are to be rejected, and that all allotments to them not patented are to be canceled.

IRRIGATION.

The Indian appropriation act for the current fiscal year authorizes the Secretary of the Interior to employ not exceeding two superintendents of irrigation, who shall be skilled irrigation engineers. Under this authority George Butler is employed as superintendent of irrigation on the Wind River Reservation in Wyoming, and John D. Harper has recently been appointed such superintendent for the pueblos of New Mexico, several of these communities being in a distressing state of poverty from lack of water.

The amount of the appropriation available for irrigation purposes during the current fiscal year, aside from the funds of a few tribes, is $50,000.

Colorado River Reservation, Ariz.—The Indians have suffered for some years on account of insufficient irrigation. Out of 2,000 Indians belonging on the reservation only 300 were living there in 1898, some 1,500 having congregated in the vicinity of Needles, Cal., many of them subsisting by the charity of citizens and travelers.

Last year relief to some extent was afforded by the purchase of a steam engine and pump by which water was supplied to a small tract of land, enabling a few of those who had left the reservation to return.

There is an abundant water supply, said to be capable of irrigating some 300,000 acres of land, which will produce any of the fruits, vegetables, or grains that can be grown in southern California. To construct a system of irrigation for these lands will necessarily be an undertaking of considerable magnitude, but it will sooner or later become a necessity.

Pima Reservation, Ariz.—For a number of years the matter of a water supply for the Pima Indians on the Gila River Reservation in Arizona has received the attention of this office. Before the lands around the reservation were settled to any considerable extent these Indians were enabled to obtain a sufficient water supply to irrigate so much of the reservation as would enable them to raise crops enough for their support. As the country settled up, the supply in the Gila River was

appropriated by the settlers above the reservation, so that during the last few years the river has been almost dry on the reservation during the irrigation season.

The Department of Justice was asked to institute legal proceedings to stop the diversion of water from the Indians, but they are only entitled to so much of the waters of the river as they have been accustomed to use, which amount it has been found impossible to determine.

An investigation of the water supply was made under the direction of the Geological Survey. It showed that there was no method of obtaining a sufficient supply of water except by the construction of a dam and reservoir at some point on the river above the reservation. (Senate Doc. 27, Fifty-fourth Congress, second session.) Further investigation showed the best and most economical location for such a reservoir to be near San Carlos. (Senate Doc. 37, Fifty-sixth Congress, first session.)

During the last session of Congress a bill (H. R. 3733) "To authorize the construction of a reservoir near San Carlos, Ariz., to provide water for irrigating Sacaton Reservation, and for other purposes," was introduced and referred to the Committee on Irrigation and Arid Lands. This bill appropriates the sum of $1,000,000 for the purpose of sounding for bed rock at the foundations of the proposed San Carlos dam, for preparing detailed plans and estimates, and for beginning the construction of foundations and completion of said dam or dams, the money to be expended under the direction of the Secretary of the Interior, and the work to begin as early as possible and to be prosecuted to completion without delay.

The estimate of the Geological Survey for the entire work, including damages for right of way and diversion dam at the head of the Florence Canal, was $1,038,926. The reservoir is estimated to be of sufficient capacity to irrigate 100,000 acres in addition to the lands of the Indians. As the valuation of a perpetual water right is not less than $10 per acre in Arizona, the value of the lands reclaimed in addition to the Indian lands would be equal to the proposed appropriation.

April 24, 1900, this office made report upon the bill, in which it expressed the hope that it would be favorably considered by the committee and by Congress. The bill was not passed, but Congress appropriated the sum of $30,000 for the temporary support of the Indians of the Pima Agency.

It is understood to be the purpose of the Department to expend this $30,000 in the construction of ditches, with the view of having them available whenever the reservoir shall be constructed, Indians to be employed in the work. While the ditches may not be of use, it is certainly wise to require the Indians to perform labor in return for the appropriation, as otherwise they might be led to abandon their former habits of industry and become pauperized.

With a sufficient water supply the Pima Indians can support themselves in comfort with no pecuniary assistance from the Government. Without this, appropriations must be continued indefinitely. I can not too strongly urge the passage of the bill for the construction of the proposed reservoir.

Fort Hall Reservation, Idaho.—December 5, 1899, a telegram from the Fort Hall Agency informed this office that the receiver of the Idaho Canal Company had reported that the canal from Blackfoot River to Ross Fork Creek would be completed by December 12, and it was urged that a competent man be sent to inspect the same. The telegram was submitted to the Department December 6, with recommendation that Inspector Graves be instructed to inspect the work and to accept it if it had been completed in accordance with the terms of the contract with the company.

January 26, 1900, Inspector Graves reported that the condition of the canal at that time was such that it could not be accepted as having been so constructed, and that the final payment of $22,500 ought not to be made.

June 29, 1900, the Department directed that no further payment be made so long as the work fails to meet the requirements of the contract, or so long as claims on account of the work remain unsatisfied which might be enforced to the injury of the Indians.

The report of Agent A. F. Caldwell, dated May 24, 1900, showed that the following liens had been filed on the dates indicated:

Aug. 1, 1896. James Pratt	$24.00
Aug. 1, 1896. Lee Warren	6.50
Aug. 1, 1896. George Bozarth	17.00
Feb. 5, 1898. Charles D. Chapin	157.50
Feb. 7, 1898. Julian DeCoster	1,125.00
Feb. 7, 1898. Fred Wilson	525.70
Feb. 9, 1898. Joseph M. Johnson	88.50
Feb. 10, 1898. Roy Davis	121.15
Feb. 11, 1898. Joseph E. Hall	108.50
Feb. 11, 1898. G. H. Nickerson	1,189.80
Feb. 14, 1898. John A. Modine	1,805.30
Feb. 16, 1898. Murdock & Cowles	229.85
Feb. 26, 1898. George J. Wernett and William Dial	450.00
	5,848.80

The following is a list of all unsatisfied judgments, with the date of each:

Mar. 11, 1897. Jacob Teeples	$437.34
Mar. 15, 1898. J. H. Brady	6,633.12
Mar. 23, 1898. E. T. Wilson	668.50
Mar. 29, 1898. C. E. Thum, receiver	742.30
Oct. 1, 1898. Grant H. Nickerson	1,290.40
Mar. 30, 1899. John A. Modine	3,665.12
Mar. 30, 1899. E. T. Wilson	324.50
	13,761.28

All of the foregoing are simple judgments, with the exception of that of E. T. Wilson, $668.50, and Grant H. Nickerson, $1,290.40, which are foreclosures of liens. The judgment of John A. Modine for $3,665.12 includes also the liens of several other parties, viz, Julien DeCoster, John A. Modine, Fred Wilson, and Wernett & Dial. The amount of the judgments, as shown in above list, includes the actual amounts of the various judgments with the costs added.

July 27, 1900, Samuel J. Rich, receiver of the Idaho Canal Company, was notified that the defective work must be remedied and the contract fully complied with, and that no further payment would be made until it should be satisfactorily shown that all claims that had or might become liens upon the property of said company to the injury or detriment of the Indians or the United States had been satisfied or discharged. On the same date each surety on the bond of the company, Messrs. James H. Brady, Daniel Swinehart, Frank W. Smith, and Charles W. Spalding, was notified that he would be held liable for any default of the company under its contract.

The letter addressed to Mr. Smith, at his last-known residence, has been returned to this office undelivered.

In a report dated August 3, 1900, Inspector Graves refers to the irrigation situation on the Fort Hall Reservation as follows:

The ditch constructed by the receiver for the Idaho Canal Company last winter, extending from the Blackfoot River to Ross Fork Creek, is dry and useless. One or two unsuccessful attempts were made earlier in the season to flow water through it. At each attempt the water broke through the embankments and washed out unsightly gorges along the side of the mountain and deposited sand over the land below in such quantities as to ruin it for any purpose except as a sand bank.

I had some misgivings as to the capability of this canal for carrying the amount of water required by the contract last winter when I examined it and reported upon the matter, and the experience of these attempts to flow water through it has confirmed my estimate of it. The difficulty arises from the fact that the ditch is not excavated sufficiently; it is a "built-up" channel rather than an excavated one. In order to make a cheap but showy ditch only the surface of the ground was excavated for most of the distance, and the material used in making the embankments was borrowed from the surface along the outside of the channel, as it was loose and required but little, if any, plowing and breaking; indeed, it was mostly sand, and when such material was placed in narrow steep-sloped embankments it is not at all surprising that it will not withstand the pressure and washing of the water when flowing through the ditch in any quantity. I do not believe the ditch in its present condition will carry one-fourth of the quantity of water it is expected to carry and that it will be necessary to carry if the contract is fulfilled. * * * *

These Indians are so impressed with the idea that this irrigation undertaking is a deception and a fraud and pregnant with so much trouble and disaster for them when they attempt to farm and depend upon the ditch for their supply of water that they will not talk about it nor listen with patience to any explanations concerning the matter. It will take a long time to overcome the prejudice that they have acquired against this company and its ditch system.

If it were possible for the Department to foreclose the business in some manner and acquire the right and contract of this canal from the head of it at Snake River

down to the end, and eliminate the Idaho Canal Company altogether from the affairs of the reservation, it would be better for all concerned and would place the Government in position to advance and improve the condition of these Indians in some effective way.

As a matter of convenient reference the following history of the steps taken to secure a water supply for the Fort Hall Reservation is here given, being extracts from office letter of December 3, 1896:

July 1, 1891, the Acting Secretary of the Interior authorized this office to inform the Idaho Canal Company that the right of way into and across the Fort Hall Indian Reservation would be formally granted to said company when certain conditions had been complied with, and granted permission for the company to commence work on the reservation subject to these conditions and the intercourse laws.

Previously to this Commissioner Morgan had had considerable correspondence with Mr. Hall, the president of the Idaho Canal Company, concerning this right of way, and regarding terms and conditions upon which the company would furnish a supply of water for the Indians.

This action was based on the tenth section of the act of Congress of September 1, 1888 (25 Stat. L., 455), and that of March 3, 1891 (26 Stat. L., 1011).

September 6, 1891, Agent Fisher, of the Fort Hall Agency, advised this office that he had been informed by Mr. L. E. Hall, president of the Idaho Canal Company, that the proposed irrigating canal across the reservation, for which right of way had been granted as above stated, could hardly be constructed for some time to come, as the company was composed of men of limited means, and it had been ascertained that the cost of construction would be more than double the amount anticipated.

June 2, 1892, Special Agent Leonard reported to this office that it would be necessary to provide a general system of water supply for irrigation and domestic purposes on the Fort Hall Reservation, in order to induce the Indians to establish homes, cultivate the soil, and properly care for their domestic animals, poultry, etc.; that the water in the Blackfoot River had already been appropriated by the whites; and that it was only a question of time until all the water in Snake River would be appropriated north of the reservation. He expressed the opinion that the Pocatello town-site fund would be best invested in establishing a system of irrigation.

October 15, 1892, Acting Commissioner Belt directed Agent Fisher to submit a report indicating what system or systems of irrigation it were possible to construct in order to afford an ample supply of water for the Indians for all purposes, and the estimated cost of the same. He was also directed, in case he was unable to do this without the aid of a surveyor, to submit an estimate of the cost involved in the employment of such surveyor.

October 27, 1892, Acting Commissioner Belt recommended that the Department authorize the Fort Hall agent to expend $200 for the purpose of preparing plans and estimates for a system of irrigation on this reservation. This recommendation was based on Agent Fisher's letter of October 20, 1892. July 12, 1893, the Department returned the above report for further consideration and report.

Acting Agent Van Orsdale having been called upon for a recommendation in the matter, he reported under date of August 10, 1893, that it was certainly advisable to decide soon upon some system of irrigation and to begin work. He also reported that the Idaho Canal Company proposed to guarantee a perpetual flow of water at $250 per cubic foot, the Government to take at least 300 cubic feet, which would bring the original cost up to $75,000, with annual maintenance tax of $7,500 to irrigate 24,000 acres.

August 18, 1893, I renewed the recommendation of my predecessor for the employment of a surveyor, and on August 21, 1893, the Department granted the necessary authority.

December 6, 1893, Captain Van Orsdale submitted his report. He estimated the cost of the construction of a canal from the Snake River, having a capacity of 600 cubic feet per second, including four or five laterals, at $145,000.

This amount being largely in excess of the appropriation available for irrigation purposes, no action was taken upon the report, but during the session of Congress Senator Dubois secured the passage of the clause in the act of August 15, 1894 (28 Stat. L., 286), authorizing the Secretary of the Interior to contract with responsible parties for the construction of irrigating canals and the purchase or securing of water supply on the Fort Hall Reservation, and providing that the cost of the same should be paid from the funds of the Indians.

November 24, 1894, Mr. Walter H. Graves, superintendent of the construction of a system of irrigation on the Crow Reservation, was instructed under authority from the Department to proceed to the Fort Hall Reservation and investigate the matter of furnishing a water supply thereon carefully and report the result thereof to this office.

April 27, 1895, he submitted his report in which he referred to several propositions submitted to this office and to him. Regarding the Idaho Canal Company he stated that it had commenced the construction of a canal for the purpose of supplying the lands on the reservation with water; had practically finished several miles of the heaviest and most expensive work upon it; had a good location for head works; and had in place a fairly substantial head gate, etc.

Regarding the proposals of Messrs. Cusick & Hower, Superintendent Graves stated that they did not reach him in time to enable him to indicate their proposed line upon the map; that the character of such works as they had constructed was superficial in every respect, and that he doubted their ability to perpetuate the undertaking. They submitted no estimate for the construction of a canal south of the Blackfoot River.

Superintendent Graves's report not being regarded as sufficiently explicit to enable this office to intelligently consider the matter he was summoned to this city for consultation, and Mr. Hall, president of the Idaho Canal Company, who was then in Chicago asking for an answer to this proposition, was advised of that fact.

After an extended conference with Superintendent Graves and Mr. Hall, Acting Commissioner Smith, on May 22, 1895, asked Mr. Hall to submit proposals for the delivery of 300 cubic feet of water to the Indians above Ross Fork Creek and an equal quantity below, on the basis of a perpetual right, and also the price for which his company would convey to the United States all its right, title, and interest in and to the irrigating canal known as the Idaho Canal Company's short line, including the franchises, rights of way and appurtenances, and the ditch and improvements already constructed on the reservation.

To this communication Mr. Hall replied specifically May 24, 1895. His proposals were submitted to Superintendent Graves, who reported thereon June 1, 1895, expressing the opinion that the proposition of the company to deliver 300 cubic feet of water between the Blackfoot River and Ross Fork Creek was the best one that had been offered for the consideration of the Department. He made certain suggestions as to the guaranties to be exacted and as to the terms of payment, etc. One of the advantages to be secured from this proposed agreement was a perpetual water right for the lands below Ross Fork Creek at a fixed price per acre, it being contemplated that these lands would eventually be sold for the benefit of the Indians. * * *

June 19, 1895, the draft of a contract with the Idaho Canal Company embodying the provisions approved by Superintendent Graves was prepared and submitted to the Secretary, with the recommendation that if it was satisfactory to him it be submitted to the company for its acceptance and proper execution. * * *

July 10, 1895, the Secretary of the Interior approved of the terms of the proposed contract, as prepared by this office, and authorized me to have the same executed on

the part of the company, together with a bond for $50,000, conditioned for the faithful performance of the contract, the latter to be then forwarded for execution by the Department. The contract was executed by the company (L. E. Hall, president), July 30, 1895, and filed in this office August 7, 1895, by Frank W. Smith. By the informal direction of the Secretary the contract was not submitted to him, but retained in this office.

October 7, 1895, he [the secretary] advised me that after full consideration as to the interests involved in their relation to the future of the Indians, and in view of counter propositions offered by other parties prior and subsequent to July 10, 1895, which seemed to be more favorable to the Government and the Indians, and also in view of representations that had been made to him by alleged friends of the Idaho Canal Company, which were prejudicial to the character and ability of the persons who had also submitted propositions, which he afterwards found to be misleading, he had decided to reject all bids, and directed me to make the necessary inquiries as to the feasibility of obtaining a sufficient water supply, together with its probable cost, with the view to constructing the proper and necessary ditch, etc., *by the Government.*

October 7, 1895, Agent Teter, of the Fort Hall Agency, was advised of the foregoing action, and directed to obtain from the State engineer, or other officer having charge of such matters, a written statement over his official signature showing the minimum quantity of water in the Snake River available for irrigation, the quantity already appropriated, and the remaining quantity that could be acquired by the Government for irrigation purposes on the Fort Hall Reservation.

November 1, 1895, Agent Teter transmitted a statement furnished by F. J. Mills, State engineer, giving an approximate estimate of the flow of the waters of the Snake River, the records of the amount appropriated up to October 22, 1895, and the law governing the appropriation of the same for irrigation purposes. From this statement it appeared that water considerably in excess of the average flow of the river during the latter part of the irrigating season had been appropriated. It was therefore impracticable for the Government to obtain a sufficient water supply for the Indians independently of the parties who had secured control of the same.

Agent Teter reported that the only feasible place to get water for the purpose of irrigating the lands between the Blackfoot River and Ross Fork and between the latter stream and the Port Neuf was from Snake River. He estimated the area of these lands at 120,000 acres, and stated that the water should be taken out of Snake River at an elevation sufficient to cross the Blackfoot River by a flume and delivered on the reservation, the construction of this part of the canal and flume to be by contract to the lowest responsible bidder. From this point, he stated, the main canal, as well as other ditches and laterals, should be built by the Indians under Government supervision. November 11, 1895, I transmitted this report and statement to the Secretary for his information.

November 15, 1895, the Secretary authorized advertisement to be made for proposals for furnishing a water supply for this reservation. * * *

The papers selected were the Salt Lake Herald, semiweekly edition, and the Pocatello Herald, weekly. The advertisement was to run for three weeks, covering a period of twenty-one days, sealed bids to be received until 1 p. m. December 26, 1895, at which time they were opened and read in the presence of bidders and others attending. It appeared six times in the Salt Lake Herald, the first insertion being on November 27, 1895.

Specifications for the guidance of bidders and form of proposed contract were printed and copies forwarded to all persons who had previously indicated a desire for information in regard to this undertaking, or had manifested a wish to engage in it, and also to Agent Teter to be supplied to all persons asking for the same. Copies were also sent to all who, during the publication of the advertisement, applied to

this office for information regarding the proposed contract. Inquiries made of this office personally and by letter from various parts of the country, showed that knowledge of the proposed letting of a contract for a water supply on the Fort Hall Reservation was widely disseminated.

These proposals contemplated the construction of a canal heading in the Snake River at or above the town of Basalt, the water taken from Snake River to be carried across the Blackfoot by a flume, to be carried onto and across the reservation by the highest practicable route, said route to be indicated by a map of preliminary survey, and to receive the approval of the Secretary of the Interior. They also contemplated the extension of the canal beyond Ross Fork Creek to whatever point might be necessary to supply the main body of lands lying between Ross Fork Creek and the Port Neuf River.

Also that the successful bidder should deliver in perpetuity 300 cubic feet of water per second of time at such points as might be designated by the Commissioner of Indian Affairs along the line of the canal to be constructed between the Blackfoot River and Ross Fork Creek, for a stipulated sum, and an annual maintenance charge not exceeding $15 per cubic foot, and contract to furnish, whenever the same might be needed, a sufficient water supply for the surplus lands lying under the canal between Ross Fork Creek and the Port Neuf, and to convey a perpetual water right at not to exceed $5 per acre for not exceeding 1 cubic foot of water per second for 80 acres, the annual maintenance charge not to exceed 75 cents per acre.

The terms of payment prescribed in the specifications were as follows:

One-half upon the delivery of 100 cubic feet of water at some point or points to be designated by the Commissioner of Indian Affairs, and to be not more than 4 miles south from Blackfoot River, such delivery to be not later than the 1st day of June, 1896.

One-fourth of the entire amount upon the delivery of 100 cubic feet additional, at a point to be designated by the Commissioner of Indian Affairs, such designated point to be at or near the crossing of the proposed canal and Ross Fork Creek, which delivery was to be made at or before the beginning of the irrigation season next succeeding the date of the first payment, but such delivery not to be required earlier than three months and not later than one year from the date of the first payment.

The remaining one-fourth to be paid upon the delivery of the 100 cubic feet necessary to include the entire amount of 300 cubic feet, but not before the expiration of one year from the date of the second payment.

In case of failure to deliver the supply of water agreed upon for any twenty consecutive days during the irrigation season, the maintenance charges for the corresponding year were to be withheld and forfeited, and in case of failure to deliver the supply agreed upon for any ten consecutive days during June, July, and August, 50 per cent of the maintenance charges for that year was to be forfeited. In case of failure to deliver the specified quantity of water at the time or times specified, the contractor was to be liable to a penalty of $50 per day for such failure.

The date for the delivery of the first 100 cubic feet of water was fixed for June 1, 1896, as this was the latest date at which it would be available for the irrigating season of this year, and a failure to secure a water supply from this contract would necessitate the expenditure of $2,500 or $3,000 to procure a water supply for the Indians living under the small constructed canal of the Idaho Canal Company.

The following bids were received:

J. J. Cusick, Pocatello, Idaho, offered to construct a ditch for $74,500 and an annual maintenance charge of $14 per cubic foot, *provided* a reasonable time in which to do the work was allowed; did not deem it advisable to submit a certified check, as required of all bidders.

Frank H. Murphy, Pocatello, Idaho, offered to construct a ditch for $65,000 and annual maintenance charge of $12 per cubic foot, but did not submit certified check, owing to the impractability of doing the work within the time specified.

George Winter, Pocatello, Idaho (bid by telegram of December 26, 1895), offered to construct a ditch for $60,000 and annual maintenance charge of $12 per cubic foot. Offered to give bonds and forward certified check for any required sum if given some assurance that a reasonable time would be allowed in which to complete the work.

J. A. Murray, Butte, Mont., offered to construct a ditch for $69,990 and annual maintenance charge of $15 per cubic foot, reserving the right to a length of time beyond December 26, 1895, as might with reasonable diligence be necessary to survey the route and indicate the same by map, and also the right to such a length of time beyond June 1, 1896, as might be necessary to perform a work of such magnitude. He inclosed certified check for $7,000.

Idaho Canal Company offered to construct a ditch according to specifications and form of contract for $90,000 and annual maintenance charge of $15 per cubic foot, and deposited certified check for $9,000. This company also submitted two other bids deviating from the specifications, the lowest price named being $67,500.

It may be remarked here that none of the bidders except the Idaho Canal Company appeared on the list of appropriators of water furnished by the State authorities.

All these bids I informally submitted to the Secretary of the Interior, who, after examining them, concluded that the contract with the Idaho Canal Company should be accepted as being the only one that complied with the terms of the advertisement. January 4, 1896, these bids were formally submitted to the Secretary, in accordance with his informal directions. I suggested certain minor modifications, assented to by Mr. Smith, the representative of the company, which seemed to me to be for the benefit of the Indians. On the same day (January 4, 1896) the Secretary approved the map of definite location of the Idaho Canal Company through the Fort Hall Reservation and granted it a right of way. January 25, 1896, he signed the contract, which had been executed by the company on the 13th, "in conformity with their proposition of December 26 last, to furnish water for the above-named reservation, which was accepted by the Department on the 4th instant."

March 30, 1896, Agent Teter addressed a communication to this office in which he recommended that the first 100 cubic feet of water be delivered through the Idaho Canal Company's "low-line" canal instead of the line required by the contract, and that the penalty for failure to deliver specified quantity of water by June 1 be waived. He was advised by telegraph April 7, 1896, that no modifiation would be made in the contract and that its terms would be strictly enforced. A similar telegram was sent to Mr. Smith, who had become the president of the company, on the same day.

May 17, 1896, Agent Teter transmitted to this office the recommendation of H. B. Mitchell, the engineer employed by him, that certain changes in the location of the Idaho Canal Company should be made, by which a great expense could be saved the Government. This recommendation was favorably indorsed by Agent Teter. Inspector John Lane also stated that he had carefully examined into the proposed changes and earnestly recommended that they be adopted. The president of the Idaho Canal Company, in reply to a letter of inquiry from this office, stated, under date of May 28, 1896, that as there would be no material difference in the cost of construction, he had no objection to the proposed changes.

June 4, 1896, I reported the matter to the Secretary with the remark that I was not disposed to favor any change from the strict terms of the contract, but as the recommendation of the engineer was strongly indorsed and approved by Agent Teter and Inspector Lane, I did not feel warranted in ignoring it, having no other information on the subject, and therefore submitted it for his consideration and decision.

June 25, 1896, the Acting Secretary returned the report of June 4, 1896, with the following conclusion:

Therefore, without additional expert testimony as to the advisability of the change recommended, and further information upon the points raised in this letter, I am of the opinion that the construction should proceed upon the lines laid down in the contract with the company named.

Agent Teter and Mr. Smith were advised accordingly by telegrams of June 26, 1896.

June 16, 1896, Agent Teter reported to this office that the Idaho Canal Company was ready on June 1, 1896, to deliver the first 100 cubic feet of water at the point designated by Engineer Mitchell, under the conditions of the contract with said company. June 29, 1896, Inspector McCormick, in accordance with the verbal instructions of the Secretary, was directed to carefully examine the canal from its head in Snake River to the point designated by Engineer Mitchell, and report whether it had been constructed in accordance with the contract and on the line laid down on the map of definite location.

July 9, 1896, Inspector McCormick submitted his report, in which he pointed out material variations in the construction of the canal from the terms of the contract, as follows:

From my instructions I infer that all I am expected or required to do is to report as to whether this canal has been constructed in accordance with the contract; am not expected to make any recommendations contrary to the letter of the contract. Therefore, proceeding upon this theory, I will state the canal is not constructed in accordance with the contract and on the line laid down on the map of definite location, and I will endeavor to show wherein it differs from the contract, viz:

The contract provides that a canal shall be constructed and completed from the Snake River, at or above the town of Basalt, to the Blackfoot River, and the water conveyed by a flume across the Blackfoot River to the Fort Hall Reservation, by the highest practicable route to Ross Fork Creek; said route to be shown by a map of definite location, and to be subject to the approval of the Secretary of the Interior, etc.

Instead of conveying this water by flume, as per contract, across the Blackfoot River, the water is emptied into the *Blackfoot River*, and using the channel of the said Blackfoot for a distance of 10 to 12 miles, is carried to a point about 3 miles southeast of the town of Blackfoot, and then taken out of said Blackfoot River by a canal to a point, inside of a mile distant, on the Fort Hall Reservation, said point having been designated by Engineer Mitchell for the delivery of same. As will be seen from the above statement, this is not in accordance with the contract, in that the water, instead of being conveyed by flume across the Blackfoot to the line of definite location opposite the flume, and thence conveyed by canal on this line of definite location to a point to be designated by the Commissioner of Indian Affairs, or his accredited agent, is emptied into the channel and mingled with the waters of the Blackfoot for a distance of 10 or 12 miles, and thence conveyed in the old canal bed, which has been enlarged, to the point designated by Engineer Mitchell.

It is true that the 100 cubic feet of water has been delivered at the time specified and at the point designated by the accredited agent of the Commissioner of Indian Affairs, but it has not been delivered on the line as defined on the map. The question at issue is as to the construction of the contract, the Idaho Canal Company insisting that the contract has been carried out to the letter and in spirit, as shown by letter dated the 7th instant, herewith inclosed, which position, however, I combat, as hereinbefore mentioned. This question is one of too much importance not to be settled immediately. The expenditure of $90,000 in constructing a canal which, after it is built, may not be worth 90 cents to anybody, should be settled before further expenditure. However, as I do not claim to be an "expert," nor have I been called upon for further testimony, I have a hesitancy about offering my opinion until it is called for; nevertheless, the question at issue is so plain that any man of practical common sense can see, after going over the ground, the immense benefits to be derived by the Government by reconsidering the contract.

July 20, 1896, I made report to the Department upon a communication from F. A. Smith, president of the Idaho Canal Company, in regard to the contract of said company, in which I stated the facts in the case up to that time, but made no recommendation in the premises.

September 4, 1896, the Acting Secretary addressed a communication to this office, in which he referred to the above report of July 20, 1896, inviting attention to accompanying reports from Inspector McCormick, dated August 13, 1896, and Mr. Arthur P. Davis, hydrographer of the Geological Survey, dated August 31, 1896, both of whom had been detailed under Department instructions to proceed to the reservation to

inspect and compare the line as defined in the map of definite location with that recommended by Engineer Mitchell and Agent Teter, and desired an expression of the views of this office on the advantages or otherwise of the proposed changes, together with recommendation in the premises.

As it seemed to Acting Commissioner Smith that the cost of the construction of the canal, including the flume across the Blackfoot River on the line required by the contract, would not nearly be offset by the construction of two dams as proposed by Inspector McCormick, together with a drop suggested by Mr. Davis, and that the difference in cost should inure to the benefit of the Indians rather than that of the company, he asked Mr. Davis to make an estimate of the relative cost of the line as shown on the map of definite location, and on the lines recommended in his report and that of Inspector McCormick.

In response to this request he submitted the following estimate:

Saving to the company by abandoning the flume and 8 miles of canal	$20,000
Extra expense involved in new line suggested by Mr. Davis:	
Diverting dam	6,000
Drop of 17 feet	2,000
Land damages	6,000
Total	14,000

Or a saving to the company of $6,000.

Extra expense involved in new line suggested by Inspector McCormick:	
Two diverting dams	12,000
Land damages	6,000
Total	18,000

Or a saving to the company of $2,000.

He also stated that the company owned about 4 miles of canal on the reservation through which water had theretofore been delivered to the Indians; that practically all of this could be utilized and was then used by the Government as a part of the distributary system, and that it was what was wanted for the purpose. He suggested that if the company would agree to turn over this canal to the Indians in fee, it would partly compensate for the saving in construction effected by it under either plan. He estimated this canal to be worth $4,000.

September 9, 1896, Acting Commissioner Smith made report upon the reference of the Acting Secretary, in which, in view of the reports of Inspector McCormick and Mr. Davis and the above estimate of the latter, he recommended that the company be advised that its contract would be modified upon the lines suggested by Inspector McCormick, each of the diverting dams to be of masonry base with flush boards, unless other material should be indicated by the Government engineer, the company to permit the free and unrestricted use of the water in the small canal by the Indians during the winter season, for domestic purposes, which canal was to become the property of the Indians in fee; or it would be modified upon the lines suggested by Mr. Davis, the diverting dam and drop to be of masonry, unless otherwise directed by the Government engineer, the water power resulting from the drop, the right to construct mills, buildings, machinery, etc., necessary to the utilization of the same on the right of way of the company, and the right of ingress and egress to the same to be reserved to the Indians, the company to permit the free and unrestricted use of water through the drop during the winter season and to abate the sum of $4,000 of the contract price.

September 30, 1896, the Secretary returned the papers with the statement that he

had decided to adopt the suggestions submitted by Inspector McCormick and those of Mr. Davis, numbered "5th," on pages 15 and 16 of his report, together with those of Acting Commissioner Smith, and that the following schedule of payments had been decided upon in lieu of those provided for in the contract of January 13, 1896, viz:

1st. Thirty thousand dollars ($30,000) immediately.

2nd. Thirty-seven thousand five hundred dollars ($37,500) upon the completion of the two diverting dams herein provided for and the delivery of the second one hundred cubic feet of water per second of time additional at the point of delivery of the first one hundred cubic feet, designated by the Commissioner of Indian Affairs and Civil Engineer H. B. Mitchell, which delivery is to be made at or before the irrigating season next succeeding the date of the first payment; provided that such delivery and payment shall not be required earlier than three months, and shall not be later than one year from the first payment.

3rd. Twenty-two thousand five hundred dollars upon the delivery of the one hundred cubic feet of water per second of time necessary to include the entire amount of three hundred cubic feet of water per second, but not before the expiration of one year from the date of the second payment, this one hundred cubic feet to be delivered at or near the point where the company's proposed main canal from the Blackfoot River to the town of Pocatello will cross Ross Fork Creek.

He also stated that certain additional stipulations had been decided upon, and said:

Adopting the McCormick plan of requiring the construction of two diverting dams and a reservoir, as stated, involves an apparent expenditure by the company of the sum of $18,000, which is within $2,000 of the amount shown by Mr. Davis as the saving to the company in the cost of construction by the change of the line of location. The taking of the 4 miles of canal owned by the company on the reservation, which is valued by Mr. Davis at $4,000, would be a complete offset to the above-named difference of $2,000 and make an apparent difference of $2,000 in the company's favor, but it is deemed just and equitable under the circumstances of the changes to be made, and it is understood that the modification is made only on the express condition that this 4 miles of canal shall become the property of the Indians in fee and that it shall be maintained by the company during the season of irrigation, as stated.

He also directed that a modified or supplemental contract in accordance with the specifications and directions noted be prepared by this office, and also a deed, to be executed by the company, conveying the 4 miles of canal to the Commissioner of Indian Affairs in trust for the Indians of the Fort Hall Reservation. A contract was prepared accordingly and executed by the company, by its president, October 2, 1896, and by the Secretary of the Interior October 22, 1896. The deed was acknowledged October 12, 1896.

In accordance with this modified contract the company has been paid the sum of $30,000.

The principal reasons which influenced this office and the Department to contract with the Idaho Canal Company for a water supply, instead of constructing a system by the Government, appear to have been, first, the difficulty, if not impossibility, of obtaining a water supply, owing to prior appropriation, and second, unwillingness to construct, maintain, and operate a system of irrigation a considerable portion of which would be outside the reservation.

It now seems improbable that the Idaho Canal Company will ever be able to comply with its contract and furnish a reliable water supply for the Fort Hall Reservation. If some arrangement could be effected by compromise or otherwise whereby the delivery of a sufficient quantity of water at the reservation boundary could be guaranteed, the system within the reservation to be finished, maintained, and operated by the Government, it would probably be to the best interests of all concerned.

It is understood that the matter of protecting the interest of the Indians and the Government will shortly be fully considered by the Assistant Attorney-General.

Crow Reservation, Mont.—The work of completing the system of irrigation on the Crow Reservation under the supervision of Supt. W. B. Hill is proceeding in a satisfactory manner, his efforts being directed mainly to the completion of the "Big Horn" ditch, although he has constructed a ditch of fair size on Pryor Creek that will water from 800 to 1,000 acres, which is now practically completed and carrying water to several farms that have been planted in grain this year for the first time. The "head gate" or the main regulating or controlling weir of the Big Horn ditch—said to be the most expensive and complete structure of the kind in the United States—has been practically completed. Superintendent Hall has expended some $66,000 of Crow funds during the year.

The construction of the extensive system of irrigation on the Crow Reservation, which has been in progress during the past eight years, has resulted in great improvement and advancement among the Indians aside from providing one of the best systems in the country. The money, which belongs to the Crows, has been paid out for the most part to the Indians themselves, and this money they expend much more judiciously than that which they receive as annuity payments and which comes to them without labor or effort on their part.

Wind River Reservation, Wyo.—Inspector Graves having reported that considerable money had been wasted on this reservation in the construction of useless and worthless ditches, Mr. George Butler was appointed, October 28, 1899, superintendent of irrigation, and on November 21, 1899, instructed to examine the reservation thoroughly with the view of ascertaining what irrigation is needed and what system will best supply the greatest number of Indians with least cost to the United States. He was also instructed to examine the ditch constructed while Colonel Ray was in charge of the agency to ascertain whether it could be placed in proper condition to deliver water upon the lands situated under it, and if so to submit a detailed estimate of the cost.

May 12, 1900, he submitted a preliminary report in which he stated that the "Ray Ditch" was the most poorly executed and valueless piece of work he had ever met. He recommended that a reconnoissance of certain tracts be made, preliminary lines run, and maps prepared showing the lines of ditches, and the allotments covered by the proposed ditches, as well as those impracticable to reach or unwise to cover owing to too great expense; also that the necessary structures be shown, and that estimates of cost of the several systems be prepared in detail.

June 28, 1900, the Department concurred in the suggestion of this

office that Superintendent Butler should proceed with his surveys, plans, and estimates for the various systems of irrigation, adapting them where practicable and where the cost would not be considerably increased to the allotments already made, with the understanding that when these systems shall have been located and their construction determined upon, and not before, the allotments shall be revised so as to give the Indians as far as practicable the lands covered by the ditches. Superintendent Butler was so advised July 9, 1900, and directed to proceed with the work of preparing plans and estimates for a system of irrigation which will be capable of irrigating a sufficient quantity of land for the use of all the Indians on the reservation.

LOGGING ON INDIAN RESERVATIONS.

Chippewa Reservations, Minn.—The Indian appropriation act approved March 1, 1899 (30 Stats., 924), authorized and directed the Secretary of the Interior—

to cause an investigation by an Indian inspector and a special Indian agent of the alleged cutting of green timber under contracts for cutting "dead and down" on the Chippewa ceded and diminished reservations in the State of Minnesota, and also whether the present plan of estimating and examining timber of said lands and sale thereof is the best that can be devised for protection of the interests of said Indians; and also, in his discretion, to suspend the further estimating, appraising, examining, and cutting of timber and the sale of the same, and also suspend the sale of the lands in said reservation.

Acting under this authority of law the Department, March 30, 1899, directed this office to suspend all operations relative to the cutting or sale of timber from the diminished reserves of the Chippewa Indians in the State of Minnesota. Also by letter of the same date the Department directed the Commissioner of the General Land Office—

to suspend all further operations touching the estimating, appraising, examining, and cutting of timber, as well as the letting of further logging contracts on the ceded Chippewa Indian lands in the State of Minnesota and the sales of lands in that reservation.

As these directions applied to all Chippewa reservations within the State of Minnesota, and as they have not been revoked or modified, no logging operations were conducted during the past year on any of the Chippewa reservations in the State of Minnesota.

La Pointe Agency, Wis.—Sixty-nine contracts for the sale of timber to J. H. Cushway & Co., from allotments on the Lac du Flambeau Reservation, were approved under the authority granted in 1892. Under the authority granted Justus S. Stearns in 1893 to purchase timber from the allottees on the Bad River Reservation one contract was approved. The logging operations on these reservations have been satisfactorily conducted.

On July 28, 1897, the President granted authority for the sale of

timber from allotments on the Red Cliff Reservation, and two contracts for the sale of timber to Frederick L. Gilbert, the authorized contractor for the Red Cliff Reservation, were approved January 12, 1900. The logging on this reservation has also been satisfactorily carried on.

Menominee Reservation, Wis.—August 12, 1899, the Department, on recommendation of this office, granted authority for the agent of the Green Bay Agency, Wis., to employ Menominee Indians to carry on logging operations on their reservation for the season of 1899–1900, under the provisions of the act of June 12, 1890 (26 Stats., 146). They were to cut and bank on the rivers and tributaries of the reservation 15,000,000 feet of pine timber, or so much thereof as might be practicable, under the rules and regulations that governed similar operations the previous year.

Under this authority and under the direction of the agent they cut and banked 13,239,400 feet of logs on the Wolf River and tributaries and 1,760,600 feet of logs on the Oconto River, and on February 8, 1900, the agent was authorized to advertise the logs for sale. March 15 he submitted an abstract of bids received, and March 21 they were submitted to the Department with the recommendation that the bid of S. W. Hollister, of Oshkosh, Wis., for all the logs offered, 15,000,000 feet, at $16.25 per thousand, be accepted. The Department March 23 accepted that bid. This price, $16.25 per thousand feet, is an increase of $1.17 per thousand feet over the average price for the season of 1898–99.

November 20, 1899, the agent transmitted an authority of the chiefs and headmen of the Menominee tribe for entering into an agreement with the owner of the fee of NW. ¼ of NE. ¼, NE. ¼ of NW. ¼, SE. ¼ of NW. ¼, NE. ¼ of SW. ¼, NW. ¼ of SW. ¼, SW. ¼ of SW. ¼, SE. ¼ of SW. ¼, SW. ¼ of SE. ¼, SE. ¼ of SE. ¼, to remove therefrom a quantity of valuable pine timber, estimated at 1,200,000 feet, provided that the price to be paid for the cutting, hauling, and banking of the timber should not be less than $5.50 per thousand feet. He recommended the approval of such an agreement, as it would unquestionably be profitable to the Indians, and for the further reason that all of the pine timber on adjoining lands had been cut, and the timber on this section was badly exposed to fire. The fee to the above-described lands was claimed by Hollister, Amos & Co., of Oshkosh, Wis., having been purchased by that company from the State of Wisconsin.

December 9, 1899, Mr. E. G. Mullen, the agent of Hollister, Amos & Co., submitted a proposition for the cutting, hauling, and banking of the timber. February 14, 1900, the Department accepted that proposition and authorized this office to enter into an agreement with the owner of the lands for the removal of the estimated 1,200,000 feet of pine timber, provided as follows: That the price to be paid for the

cutting, hauling, and banking of the timber be not less than $5.50 per thousand feet; that the logs be banked on the south branch of the Oconto River; that all of the labor of cutting, hauling, and banking the timber be done by contract with the Menominee Indians under the rules and regulations in force on their reservation, and that on the delivery of the timber to the owners of the fee they should convey to the United States for the benefit of the Menominee Indians all of their right, title, and interest in and to the said lands. February 14, Hollister, Amos & Co. filed a $15,000 bond and entered into a contract with the Commissioner of Indian Affairs, which was approved by the Department February 26. Authority was also granted to add to the existing rules for the cutting of timber on the Menominee Reservation such other rules as might be necessary to meet the requirements of the contract and of the service. The terms of the contract were fully carried out, and the sum of $9,687.70 was paid by Hollister, Amos & Co. to the United States Indian agent for the cutting, hauling, and banking of the timber.

INDIAN LANDS SET APART TO MISSIONARY SOCIETIES AND CHURCHES.

Tracts of reservation lands set apart during the past year for the use of societies and churches carrying on educational and missionary work among the Indians are as follows:

TABLE 19.—*Lands set apart on Indian reservations for the use of religious societies from August 31, 1899, to August 31, 1900.*

Church or society.	Date.	Acres.	Reservation.
Roman Catholic Church	Oct. 12, 1899	[1] 40	Rosebud, S. Dak.
Protestant Episcopal Church	Dec. 5, 1899	40	Do.
Domestic and Foreign Missionary Society of the Protestant Episcopal Church.	Feb. 5, 1900	[2] 160	Fort Hall, Idaho.
Mission to the Navaho Indians	Feb. 7, 1900	160	Hopi, Ariz.
Roman Catholic Church	Feb. 16, 1900	80	Rosebud, S. Dak.
Do	do	40	Do.
Domestic and Foreign Missionary Society	Mar. 3, 1900	40	Standing Rock, S. Dak.
Mennonite Church	Mar. 24, 1900	48	Cheyenne and Arapaho, Okla.
Indian Presbyterian Church	do	160	Fort Hall, Idaho.
Women's National Indian Association	do	2.89	Navaho, Ariz.
Christian Reformed Church of America	do	5.50	Do.
Board of Home Missions of Presbyterian Church.	Apr. 6, 1900	39	Fort Peck, Mont.
American Missionary Association	Apr. 19, 1900	[3] 40	Ponca, Nebr.
Roman Catholic Church	May 7, 1900	2.69	Fort Peck, Mont.
Massachusetts Indian Association	June 5, 1900	?	Walapai School, Ariz.

[1] In lieu of 40 acres set aside November 4, 1897, to said church.
[2] Set aside in 1890 to Connecticut Indian Association and surrendered in favor of Domestic and Foreign Missionary Society.
[3] In lieu of 160 acres patented in 1891 to American Missionary Association.

SALE OF INDIAN LANDS.

Peoria and Miami lands, Indian Territory.—The last annual report of this office reported the approval by the Department, up to August 31, 1899, under the act of June 7, 1897 (30 Stats., p. 72), of 56 conveyances

by the Peoria Indians, amounting to 4,547.18 acres, at a valuation of $43,568.90, or $9.58 per acre; also 25 conveyances by the Miami Indians, amounting to 2,097.80 acres, at a valuation of $19,432, or $9.26 per acre.

Between August 31, 1899, and August 1, 1900, there have been approved by the Department 12 conveyances by the Peoria Indians, amounting to 748.10 acres, at a valuation of $6,825, an average of $9.12 per acre, and 6 conveyances by the Miami Indians, amounting to 340 acres, at a valuation of $5,540.50, an average of $16.29 per acre.

The total sales of lands by these two tribes of Indians since the passage of the act of June 7, 1897, are 68 conveyances by the Peorias, amounting to 5,295.28 acres, at a valuation of $50,393.90, or $9.51 per acre, and 31 conveyances by the Miamis, amounting to 2,437.80 acres, at a valuation of $24,972.50, or $10.24 per acre, making 99 conveyances by both tribes, aggregating 7,733.08 acres of land, at a valuation of $75,366.40, an average of $9.74 per acre.

Citizen Potawatomi and Absentee Shawnee lands, Oklahoma.—The last annual report of this office reported the approval by the Department, up to August 31, 1899, under the act of August 15, 1894 (28 Stats., p. 295), of 509 conveyances of land by the Citizen Potawatomi and Absentee Shawnee Indians, amounting to 52,915.36 acres of land, at a valuation of $294,802.11, an average of $5.57 per acre.

Between August 31, 1899, and August 31, 1900, there have been approved 70 conveyances of land by the Citizen Potawatomi Indians, amounting to 7,107.31 acres of land, at a valuation of $32,744.32, an average of $4.61 per acre; also 21 conveyances of land by the Absentee Shawnee Indians, amounting to 1,743.93 acres of land, at a valuation of $12,290, an average of $7.04 per acre.

The total sales of land by these two tribes of Indians since the passage of the act of August 15, 1894, are 600, aggregating 61,766.60 acres of land, at a valuation of $339,836.43, an average of $5.50 per acre.

The last Congress, by the seventh section of the Indian appropriation act, enacted into law the suggestions made in the last annual report, viz: It allows Citizen Potawatomi and Absentee Shawnee Indians who held allotments under the act of May 23, 1872 (17 Stats., p. 159), or their heirs, and those holding such allotments by approved deeds, or their heirs, to sell the same to any person, with the provision that the deeds of conveyance shall be approved by the Secretary of the Interior instead of, as formerly, by the President.

Congress also extended the provisions of the act of August 15, 1894 (28 Stats., p. 295), so as to permit the adult heirs of a deceased allottee of the Citizen Potawatomi or Absentee Shawnee Indians to sell and convey the land inherited from such decedent; and when there were both adult and minor owners of such inherited lands, then the minors might join in the sale thereof by a guardian, duly appointed by the proper

court, upon an order of the court made upon petition filed by such guardian, all such conveyances to be subject to the approval of the Secretary of the Interior. Where all the heirs of such decedent are minors, no authority is given to them by this act to sell their inherited land.

Lands inherited from allottees.—As construed by parties in Indian Territory, the restriction placed in the patents for allotted lands (under the general allotment act of 1887, as amended by the act of 1891), which made the allotment inalienable for twenty-five years, does not apply to the heirs of allottees, but only to allottees, and does not attach to the land. Wherever they could induce Indian heirs to sell their inherited lands they have purchased from them, and have defied the Department in the transaction, claiming that an approval of the deed by the Secretary of the Interior is not essential to pass a valid title to the land.

It is to be regretted that these parties have secured the action of the courts in support of this construction of the law by having the Indian execute a deed for the land, while the purchaser pays a small portion of the purchase money and gives a thirty days' note for the remainder, and at maturity he refuses to pay the note, so that the Indian may bring suit upon it in the proper court. When judgment thereon is obtained the judgment is promptly paid, and at the same time a quasi judicial determination of the issue involved has been secured. So far has this practice been carried that the courts have allowed purchasers of lands from Quapaw Indians to come into court by similar process, and have decreed that the Quapaw Indians have a perfect right to sell their lands and that the deeds executed by them pass a clear, valid title to the land, notwithstanding the stipulation placed in the patent that the land embraced therein shall be inalienable for the period of twenty-five years.

Late legislation has corrected this irregularity so far as it relates to conveyances of inherited land by Citizen Potawatomi, Absentee Shawnee, Peoria, or Miami Indians. A copy of that law may be found in this report under "Indian legislation," page 531.

LEASING OF INDIAN LANDS.

The Indian appropriation act for the fiscal year ended June 30, 1898 (30 Stats., 62), limits the term for which allotted lands may be leased for farming and grazing purposes to three years and for mining and business purposes to five years. The act approved May 31, 1900, however, increases to five years the term for which such lands may be leased for farming purposes only, except unimproved allotted lands on the Yakima Reservation, in the State of Washington, which may be leased for agricultural purposes for any term not exceeding ten years upon such terms and conditions as may be prescribed by the Secretary of the Interior.

ALLOTTED LANDS.

Since the date of the last annual report the following leases of allotted lands have been approved:

Cheyenne and Arapaho Agency, Okla.—Six hundred and thirty-one farming and grazing leases and one business lease. The length of term is generally three years. The consideration paid the allottees at this agency ranges from 12½ cents per acre per annum for grazing lands to 81 cents for farming lands. The business lease covers 40 acres and is for the term of three years. The consideration is $75 per annum.

Colville Agency, Wash.—Seven farming and grazing leases. The terms are from one to three years. The consideration ranges from 43 cents per acre per annum to $3.12.

Crow Creek Agency, S. Dak.—Six grazing leases for the term of one year. The consideration is 10 cents per acre per annum.

Green Bay Agency, Wis.—Thirteen farming and grazing leases. The term is three years. The consideration ranges from 50 cents to $2 per acre per annum. These leases were mentioned in the last annual report as being executed, but as yet awaiting action.

Nez Percé Agency, Idaho.—One hundred and twenty-two farming and grazing leases and seven business leases. The terms are from one to three years for farming and grazing leases and one to five years for business leases. The consideration for farming and grazing leases ranges from 37½ cents per acre per annum to $4.44. The business leases cover a fractional part of an acre each. The consideration ranges from $42 to $600 per annum.

Omaha and Winnebago Agency, Nebr.—Five hundred and forty-three farming and grazing leases on the Omaha Reservation and 328 on the Winnebago Reservation. The terms are from one to three years. The consideration ranges from 25 cents per acre per annum for grazing lands to $2.50 for farming lands. One lease on the Winnebago Reservation, for school purposes, has been approved. The term is five years. The consideration is $5 per annum for 2 acres. One hundred and thirty-five leases on the Omaha and 52 on the Winnebago Reservation are pending before the Department.

Oneida Reservation, Wis.—One farming lease. The term is one year. The consideration is $120 for 40 acres. This tract is to be used for the purpose of teaching agriculture to the boys of the industrial school.

Ponca, Pawnee, etc., Agency, Okla.—One hundred and twenty-six farming and grazing leases and 3 business leases on the Ponca Reservation; 58 farming and grazing leases on the Pawnee Reservation; 29 farming and grazing leases on the Tonkawa Reservation, and 122 farming and grazing and 3 business leases on the Oto Reservation.

The farming and grazing leases are generally drawn for three years, but some are for one and two year periods. The consideration ranges from 20 cents per acre per annum for grazing lands to $2.50 for farming lands. The price paid for business leases ranges from $10 to $15 per acre per annum. The term is five years. Four farming and grazing leases on the Ponca and 4 on the Tonkawa Reservation are pending before the Department; 143 leases on the Ponca and 21 on the Pawnee Reservation have been executed upon which no action has been taken.

Potawatomi and Great Nemaha Agency, Kans.—Eighty-four farming and grazing leases. The term is generally three years. The consideration ranges from 50 cents per acre per annum to $3.

Puyallup Reservation, Wash.—Eleven farming and grazing leases. The term is generally two years. The consideration ranges from 40 cents per acre per annum to $10.50.

Round Valley Reservation, Cal.—Thirteen farming and grazing leases. The term is from one to three years. The consideration ranges from $1 to $2 per acre per annum.

Sauk and Fox Agency, Okla.—Forty-five farming and grazing leases by the Sauk and Fox allottees, 25 by the Iowa, 25 by the Potawatomi, 47 by the Absentee Shawnee, and 8 by the Kickapoo; also one lease of 40 acres for business purposes on a Kickapoo allotment. The terms are from one to three years. The consideration ranges from 15 cents per acre per annum to $3.25 per annum for farming and grazing leases and $150 per annum for the business lease for the term of five years.

Siletz Reservation, Oreg.—Three farming and grazing leases. The term is three years. The consideration ranges from 30 cents per acre per annum to $1.50.

Sisseton Agency, S. Dak.—Two hundred and thirty-eight farming and grazing leases. The term is three years. The consideration ranges from 14 cents per acre per annum to 87½ cents. Eighty leases are pending before the Department. Forty-eight leases have been executed upon which no action has been taken.

Southern Ute Agency, Colo.—One farming and grazing lease. The term is three years. The consideration is $50 per annum for 120 acres.

Umatilla Agency, Oreg.—Nineteen farming and grazing leases. The terms are two and three years. The consideration ranges from $1.25 per acre per annum to $3.50; also two business leases for the term of five years, at a consideration of $25 per annum for 5 acres.

Yakima Agency, Wash.—Forty-five farming and grazing leases. The term is five years. The consideration ranges from 50 cents per acre per annum to $6.50.

Yankton Agency, S. Dak.—Twenty-eight farming and grazing leases. The terms are from one to three years. The consideration is 10 cents per acre per annum. Forty-six grazing leases are pending before the Department; 183 leases have been executed upon which no action has been taken.

Improvements on leased lands.—At a majority of the agencies some of the leases provide for the erection of certain improvements on the premises leased, such as fences, barns, etc., and for the breaking of new land. July 16 last, the Department suggested to this office that future leases of Indian allotments should provide for some specific improvements, such as clearing the land, the breaking of new land, the erection of fences, barns, and other necessary permanent improvements, the character and value of which should be specifically stated in the lease, with a provision for keeping the same in first-class condition and repair. The Department regarded these substantial benefits as much more essential to the interests of the allottee, and for the future good and value of his property, than the temporary or present good an all money payment for rent would do him.

Instructions to that effect have been sent to all agencies where allotted lands are being leased.

Since the above-mentioned date farming and grazing leases for three-year periods that have no provision therein for placing some substantial improvements on the lands or for breaking new lands, but are for a money consideration only, have been approved for the term of only two years. Grazing leases that are for a money consideration only have been approved for only one year, regardless of the term for which they were drawn.

UNALLOTTED OR TRIBAL LANDS.

Since the date of the last annual report the following leases of tribal lands have been approved:

Kiowa, Comanche, and Apache Reservation, Okla.—Ten grazing leases and one mining permit (for red sandstone only, at 75 cents per cord), described as follows:

TABLE 20.—*Leases on Kiowa, Comanche, and Apache reservations.*

Lessee.	Acres.	Term.	Annual rent.
Grazing leases:		*Years.*	
Chicago, Rock Island and Pacific Railway Co	1,280	1	$128.00
Amos A. Hallowell	800	1	50.00
Nellie Jones	3,140	1	314.00
James Myers	5,000	3	400.00
Do	5,000	3	400.00
Poh a way	1,500	1	150.00
H. G. Williams	28,767	1	2,876.70
P. S. Witherspoon	10,000	1½	800.00
Florence J. Hall	13,866	1	1,386.60
Mining lease:			
John W. Light, for red sandstone only, at 75 cents per cord mined	.....	1	.....

Wichita Reservation, Okla.—Twenty-one grazing leases, each for the term of three years from April 1, 1900, described as follows:

TABLE 21.—*Leases on Wichita Reservation.*

Lessee.	Acres.	Annual rent.	Lessee.	Acres.	Annual rent.
Reuben M. Bourland	45,043	$4,504.30	Chas. H. Flato	20,261	$2,532.63
Burrell B. Bridges	1,362	136.20	Wm. B. Gray	5,000	400.00
Rube W. Burrus	5,000	505.00	Haley & Mowrer	2,816	354.82
Lyon K. Bingham	17,150	1,715.00	Lucas & Blackburn	5,000	400.00
Chas. H. Carswell	1,436	143.60	Lucy J. Pruner	2,500	312.50
Cox & Tuttle	54,658	5,465.80	Jay H. Stine	5,000	530.00
Robert Curtis	4,121	412.10	Thad Smith	10,139	1,013.90
Chas. B. Campbell	14,554	1,455.40	Wm. G. Williams	18,577	1,857.70
Dobie & McLemore	70,088	10,513.10	Willis C. West	5,189	518.90
Margaret L. Downing	1,503	150.30	Walters & Longmire	4,509	450.90
Chas. H. Flato	8,700	870.00			

Omaha and Winnebago Reservations, Nebr.—Ten farming and grazing leases on the Omaha Reservation and sixty-eight on the Winnebago Reservation, each for the period of one year from March 1, 1900, described as follows:

TABLE 22.—*Leases on Omaha and Winnebago reservations.*

Lessee.	Acres.	Annual rent.	Lessee.	Acres.	Annual rent.
OMAHA RESERVATION.			WINEBAGO RESERVATION—continued.		
Thos. R. Ashley	38.93	$11.68			
Sam Baxter	24.36	17.10	Jos. A. Lamere	40	$22.00
A. W. Craig	6.02	3.61	Do	895.22	724.07
Walter T. Diddock	460	150.00	Gus. Lindstedt	40	104.00
Frank Grant	12	6.00	Oliver Lamere	119.36	65.78
Lewis P. Homan	7.08	7.08	Ashley Landrosh	160	181.20
A. G. Hurst	80	24.00	Henry Lemon	80	104.00
Milton Levering	38.33	11.50	Do	411.84	366.96
Stewart Walker	40	40.00	Jno. F. Myers	431.45	399.85
E. B. Wilcox	320	114.00	Tim. Murphy	160	64.00
			Chas. C. Maryott	751.54	980.99
WINNEBAGO RESERVATION.			Timothy Murphy	80	24.00
			S. E. Morgan	40	17.20
John Ashford	40	15.60	A. M. Nixon	141.33	178.08
Do	110.73	57.99	Samuel Nixon	200	132.00
John Alam	20	6.00	T. J. O'Connor	268	117.92
Jas. W. Boyd	250	226.90	Do	80	35.20
Oscar Bring	160	217.60	C. J. O'Connor	581.20	337.09
Garrison Bare	40	46.00	Do	1,633.52	1,014.76
Harmon Barber	12.57	7.54	St. P. Owen	80	25.20
Frank A. Beals	101.40	45.42	R. H. J. Osborn	120	96.80
Davis & Waggoner	200	292.00	S. R. Reninger	552.34	196.08
Jos. Doorak	80	105.60	Michael Regan	120	154.00
Robt. Dingwall	40	30.00	S. E. Renando	120	152.00
Gottfried Fuchser	440	264.00	August Renando	120	162.00
Do	80	120.00	H. G. Stark	600	342.00
Nick Fritz	1,117.12	446.85	Oscar Stephenson	480	173.20
Jos. S. Farrens	77.63	81.51	Do	160	48.00
Jno. Forrest	81.69	98.37	E. J. Smith	440	302.40
Wm. Frazier	27.01	59.71	E. E. Sandberg	80	144.00
C. C. Frum	80	40.00	J. W. Starkey	360	162.00
Chas. Frenchman	80	44.00	Craig L. Spencer	513.50	192.26
Gust. Grahn	40	102.00	Do	275.89	91.84
Geo. Harris	80	160.00	T. L. Sloan	74.96	113.56
Robt. J. Hamill	40	48.00	David St. Cyr	119.57	35.87
W. Holmquist	120	181.20	Henry Twyford	111.92	117.51
Chas. Haughton	20	10.00	Frank Tebo	40	12.00
Jno. Jordan	182.01	83.27	Phil. Van Cleve	320	176.00
Do	240.25	135.59	A. S. Wendell	1,439.95	590.38
Jno. J. Kellogg	229.02	151.15	Jno. McKeegan	440	440.00
Frank Kubik	40	61.40	Oscar Stephenson	140	84.00

Osage Reservation, Okla.—Forty farming and grazing leases, each for the period of one year (except lease of L. Appleby, for two years) from April 1, 1900, described as follows:

TABLE 23.—*Leases on Osage Reservation.*

Lessee.	Acres.	Annual rent.	Lessee.	Acres.	Annual Rent.
Ben F. Avant	1,600	$160.00	Leahy & Mosier	10,321	$103.21
E. L. Barber	2,000	200.00	Morphis & Price	4,000	400.00
Elizabeth Baylis	1,360	136.00	Prudom, Denoya & McGuire	1,480	148.00
G. S. Chambers	1,420	142.00	R. H. Rowland	6,880	688.00
Geo. R. Carter	1,200	120.00	F. N. Revard	2,000	200.00
Jno. Collins	5,500	550.00	Alex. Revard	4,135	413.50
L. L. Denoya	9,390	939.00	S. J. Riddle	9,000	900.00
Jno. L. Ely	2,120	212.00	Louis Rogers	7,000	700.00
Do	3,290	329.00	J. C. Stribling, jr	9,500	950.00
Honea & Ferguson	4,500	450.00	D. C. Sager	2,500	250.00
J. H. Gilliland	2,681	268.10	S. J. Soldani	6,840	684.00
Virgil Herard	2,500	250.00	J. C. Stribling, jr	5,170	517.00
A. W. Hoots	970	97.00	C. N. Sloan	5,053	505.30
Eugene Hayes	4,000	400.00	Short & Brown	1,780	178.00
E. Hooper	5,000	500.00	Chas. M. Vadney	4,000	400.00
Chas. Jennings	3,137	313.70	N. O. Watkins	3,347	334.70
B. M. Kennedy	2,000	200.00	William W. Irons	8,000	800.00
Wm. Leahy	3,000	300.00	D. N. Wheeler	1,968	196.80
Wm. T. Leahy	3,000	300.00	L. Appleby	1,300	130.00
Do	5,790	579.00	L. Appleby (two years)	1,000	100.00

Crow Reservation, Mont.—One grazing lease, for the period of five years from July 1, 1900, as follows: Samuel H. Hardin, 371,000 acres, annual rent $7,420.

Shoshoni Reservation, Wyo.—Two grazing leases, for the period of four and one-half years from October 1, 1899, as follows: James Dickie, 283,000 acres, annual rent $5,660; John E. Landis, 100,000 acres, annual rent $2,000.

Uinta and White River Ute Reservation, Utah.—Three grazing leases, for the period of five years from April 1, 1900, as follows: Charles S. Carter, 280,000 acres, annual rent $7,000; James W. Clyde, 320,000 acres, annual rent $8,275; Murdock & Clyde, 100,000 acres, annual rent $3,205.

Ponca Reservation, Okla.—Eight farming and grazing leases, each for the period of three years from April 1, 1900, described as follows:

TABLE 24.—*Leases on Ponca Reservation.*

Lessee.	Acres.	Annual rent.
Geo. H. Brett	8,800	$1,881.00
Robt. M. Bressie	3,508	818.53
Jno. E. Carson	80	20.00
A. G. Denmark	4,067.11	813.42
Rush Elmore	400	112.00
Sylvester Flitch	160	48.00
Zack T. Miller	5,692	1,195.32
W. H. Vanselous	735	154.35

San Carlos Reservation, Ariz.—Four grazing permits, each for the period of one year from April 1, 1900, described as follows:

TABLE 25.—*Leases on San Carlos Reservation.*

Lessee.	Number of cattle.	Annual payment.
J. H. Hampson	5,000	$2,500
Jno. W. Mattice	200	100
J. H. Porter	500	250
B. E. Parks	1,000	500

TELEPHONE LINES ACROSS RESERVATIONS.

By act of Congress of June 6, 1900 (31 Stats., 658, and p. 533 of this report), the Seneca Telephone Company was authorized and empowered to construct and maintain telephone lines from Seneca, in the State of Missouri, to the Quapaw Agency, and to Wyandotte, Grand River, Fairland, Oseuma, Afton, and Vinita, in the Indian Territory, subject to the rules and regulations prescribed by the Secretary of the Interior, and to be approved by him, provided that cities and towns into or through which such telephone lines may be constructed shall have the power to regulate the manner of construction therein, and the company shall be subject to such municipal and Territorial taxation as may be provided for by law.

RAILROADS ACROSS RESERVATIONS.

In the last annual report (page 63) the office spoke of the importance of the general right-of-way act approved March 2, 1899, which grants right of way for the construction of a railway, telegraph, and telephone line through any Indian reservation, or through lands held by any Indian tribes or nations in the Indian Territory, or through any lands reserved for an Indian agency, or for other purposes in connection with the Indian service, to any railroad company duly organized under the laws of the United States or of any State or Territory which shall comply with the provisions of the act and with such rules and regulations as may be prescribed thereunder (30 Stats., 990). The act provides that the right of way shall not exceed 50 feet in width on each side of the central line of the road, except where there may be heavy cuts and fills, in which case it shall not exceed 100 feet, and that companies may also acquire station grounds adjacent to the right of way not exceeding 100 feet in width by a length of 200 feet.

Under the provisions of this general act and subject to the regulations of the Department of April 18, 1899, authority has been granted, since the date of the last annual report, for railroad companies to locate and survey lines of road through Indian lands, as follows:

Arkansas and Oklahoma Railroad Company.—December 21, 1899, the Department accepted the proofs and papers in the application of the

above-named company and tacitly granted authority for it to locate and survey a line of road through a portion of the Cherokee Nation, commencing at the Missouri State line near Southwest City, Mo., in sec. 27, T. 25 N., R. 25 E., in the Cherokee Nation, and extending thence in a general westerly direction to and across Grand River, in sec. 24, T. 25 N., R. 25 E., a distance of 14.87 miles. The map of definite location of said line of route was also approved by the Department on the same date.

January 13, 1900, the Department designated Special United States Indian Agent Samuel L. Taggart, to make the appraisement of damages for right of way of said company through the Cherokee Nation, as shown by the company's approved map of definite location; and also to assess and determine the compensation that should be paid to the individual members of the Cherokee tribe for right of way through their personal holdings. April 21, 1900, the Department approved the assessment of tribal damages for right of way of the road through the Cherokee Nation as made by Special Agent Taggart, and also approved the assessment of damages in behalf of eight of the individual occupants with whom amicable settlement had been effected. May 9, 1900, the Department authorized the collection of a draft for $919.54, the amount assessed as tribal damages. May 28, the Department accepted and approved receipts of twenty-four individual occupants showing settlement by the company for right of way through their lands.

May 29, 1900, the Department appointed Dew M. Wisdom, Robert B. Ross, and W. G. Nelms, a commission to assess damages for right of way through the lands of individual occupants with whom amicable settlement could not be effected under the negotiations by Special Agent Taggart. July 24, 1900, the board of referees submitted their report and findings in behalf of the Indian occupants. This report was submitted to the Department September 7, and September 10 the office was authorized to notify the parties in interest of their rights in the matter of appealing from the award and findings of the board of referees. The office was also authorized to collect the several amounts awarded and to pay the same to the allottees rightly entitled thereto in case an appeal was not taken. This notice was given to the interested parties on September 14.

Arkansas Western Railroad Company.—January 19, 1900, the Department tacitly granted authority for the above-named company to locate and survey a line of road from a point on the Kansas City, Pittsburg and Gulf Railroad near Heavener, Choctaw Nation, extending thence eastwardly to the west line of Arkansas, a distance of 9.848 miles. On the same date the Department approved the map of definite location of the company's line of road.

January 27, 1900, the Department designated Special Agent Samuel

L. Taggart to make the appraisement of damages for right of way of the company through the tribal lands, and also to act with and for the individual occupants of the Choctaw Nation in securing amicable settlements from the company for right of way through their personal holdings. March 28, 1900, the Department approved the schedule of appraisement of damages for right of way of the company through the Choctaw Nation as shown by its map of definite location. Special Agent Taggart's report shows that there were no lands of individual occupants crossed by the line of the road. The Department also authorized this office to call upon the company for the payment of tribal damages as assessed by Special Agent Taggart, amounting to $492.40. July 30, 1900, the company tendered a draft for $492.40, which was accepted by the Department August 14, and the office was authorized to collect the same and to pay the proceeds thereof to the Choctaw and Chickasaw Nations in the proportion of three-fourths to the Choctaws and one-fourth to the Chickasaws.

Chicago, Burlington and Quincy Railroad Company.—January 22, 1900, the Department waived the formal proof of incorporation of said company and the further requirements of the rules and regulations of this Department under rules 3 and 4 relative to the filing of a copy of the State or Territorial laws under which the company was organized, and directed that the company be permitted at once to file its map of definite location through the Crow Indian Reservation, in Montana, from Toulca, on the main line of the road, extending thence in a southerly and southwesterly direction to the north boundary of the State of Wyoming. March 27, 1900, the Department accepted the proofs and papers and approved the maps of definite location and plats of station grounds of the company in the Crow Reservation.

The Department on the same date designated and appointed John E. Edwards, United States Indian agent of the Crow Agency, to assess the tribal damages for right of way of the company through the tribal or unallotted lands of the Crow Indians, and also to act with and for the individual allottees in determining the damages that should be paid to each by reason of the construction of the road through his land. June 16, 1900, the Department approved the schedule of appraisement of damages as made by him. The assessment of tribal damages amounted to $1,156.25. The assessment of individual damages amounted to $3,861. July 2, 1900, the company submitted a draft for $5,017.25 in payment of said damages. July 6, 1900, Agent Edwards was directed to co lect the same and to deposit $1,156.25 of the proceeds to the credit of the Crow tribe of Indians, and to pay the remaining $3,861 to individual members of the Crow tribe rightly entitled thereto.

Columbia Valley Railroad Company.—December 21, 1899, the company submitted formal application for the location and survey of its road along the north bank of the Columbia River from a point opposite

the town of Wallula, Wash., extending thence in a general westerly direction to Vancouver, in Clark County, said State. Owing to an apparent conflict between the company and the Columbia Railway and Navigation Company for right of way practically along the same route, the Department, on September 7, 1900, declined to approve map of section No. 6, of the line of road through T. 2 N., Rs. 13, 14, and 15 E., in Klickitat County, Wash.

Columbia and Klickitat Railway Company.—March 31, 1900, the Department granted permission for this company to file its maps of definite location and to make a showing as to the purposes, intent, and ability of the company in the matter of constructing its proposed line of railroad across certain Indian allotments between Lyle and Goldendale, in the State of Washington, and to submit proofs of service of copies of the maps of definite location upon the individual Indians whose lands are crossed by the proposed line of road, without making a relocation or resurvey of said line. It appeared that the company had made a survey of its line of road across certain Indian allotments without the knowledge that it was necessary, under the rules of the Department, first to secure specific authority therefor. On September 4, 1900, the Department accepted the proofs of service and approved the map of definite location over and across the lands of certain Indians in Klickitat County, Wash., said line of road as represented on the map commencing at the town of Lyle and extending in a general northeasterly direction a distance of 20 miles. On the same date Frank M. Conser, supervisor of Indian schools, was designated to act with and for the Indians in negotiating amicable settlements with the company for right of way through their respective lands. September 10, 1900, the office duly instructed Mr. Conser in the matter of conducting said negotiations.

Kiowa, Chickasha and Fort Smith Railway Company.—September 15, 1899, the Department temporarily suspended the regulations of April 18, 1899, and granted authority for the above-named company to locate and survey a portion of its line of road from the town of Chickasha, Chickasaw Nation, in a southeasterly direction to a point at or near Pauls Valley, in said nation; thence in an easterly and northeasterly direction through the Indian Territory to the east boundary thereof at or near the town of Fort Smith, in the State of Arkansas. October 9, 1899, the company filed its formal application to make survey in accordance with the previous authority, and inclosed the necessary proofs and papers required by the regulations of the Department. October 17 the Department accepted these proofs and papers as a complete fulfillment of the conditions under which the original authority was granted the company to make a preliminary survey of its line of road. November 17, 1900, the company filed for approval maps of sections Nos. 1 and 2 of its line of road, commencing at a

point on the Chicago, Rock Island and Pacific Railway near Chickasha, in the Chickasaw Nation, and extending in a general southeasterly direction a distance of 40 miles; also four plats of station grounds along that portion of road. December 26, 1899, the Department approved said maps and plats subject to all the conditions, limitations, and provisions contained in the act of March 2, 1899, and subject also to all vested rights. June 22, 1900, the Department accepted and approved the relinquishment of said company to the United States and the Choctaw and Chickasaw nations of all its right, title, interest, and claim in and to the right of way of its projected line of railway in the Indian Territory between a point in sec. 27, T. 7 N., R. 7 W., Indian meridian, which is 1,222 feet north of the south line and 1,256 feet east of the west line of said section, and the west line of sec. 10, in T. 4 N., R. 4 W., of the Indian meridian, all in the Chickasaw Nation, as evidenced by certain maps of definite location theretofore approved by the Department.

The Kansas Southwestern Railroad Company.—October 14, 1899, the Department granted authority for said company to locate and survey a line of railroad through the Kansas and Osage Indian reservations, in Oklahoma, as provided in the company's charter, upon condition that if the proposed location be parallel to and within 10 miles of a railroad already constructed or in course of construction at the date of location, it must be shown to the satisfaction of the Secretary of the Interior, before the maps of definite location will be approved, that the public interests will be promoted by the construction of the road. No maps of definite location of the company's line of road have yet been submitted for approval.

The Kansas Southeastern Railroad Company.—December 27, 1899, the Department granted authority for the above-named company to locate and survey a line of railroad along the route mentioned in its charter, namely, commencing at or near Dawson, on the St. Louis and San Francisco Railway, in T. 20 N., R. 13 E., and extending thence in a southerly direction about 5 miles, and thence in a southeasterly direction to the Missouri, Kansas and Texas Railway near Wagoner, in the Indian Territory. No maps of definite location of the company's line of road have yet been submitted for approval.

North Arkansas and Western Railroad Company.—July 2, 1900, the Department granted authority for the above-named company to locate and survey a line of road, as mentioned in the company's application, commencing on the eastern line of the Indian Territory, in T. 13 N., R. 33 W., fifth principal meridian, and extending thence in a general westerly direction to a point on the Missouri, Kansas and Texas Railway between a point just north of Wagoner and a point just south of Muscogee, Ind. T. No maps of definite location of the company's line of road have yet been submitted for approval.

Oklahoma, Okmulgee and Southern Railway Company.—August 16, 1899, the above-named company submitted formal application for the location and survey of a line of railroad through lands in Oklahoma and the Indian Territory, from Arkansas City, in the State of Kansas, through Kay, Noble, and Pawnee counties and the Osage Indian Reservation, in Oklahoma, and thence through the Indian Territory to a point on the St. Louis and San Francisco Railway near Red Fork, in the Creek Nation, and extending thence in a southerly direction, by way of Twin Mounds and Okmulgee, in the Creek Nation, to McAlester, in the Choctaw Nation. September 6, 1899, the Department returned the application and all the papers inclosed unapproved, and directed this office to allow the company an opportunity to show cause why its said application should not be rejected because of a conflict with other located lines of railroad. The company was allowed thirty days to show cause why its application should not be rejected, and to serve upon the proper officers of the St. Louis, Oklahoma and Southern Railway Company its arguments and statements in behalf of the location and construction of its line of road. So far as known, no further action was taken by the company.

Oklahoma City and Western Railway Company.—October 21, 1899, the Department granted authority for the above-named company to locate and survey a line of railroad through Indian lands in Oklahoma and Indian Territories, commencing at or near the southwest corner of Oklahoma City, Okla., and extending thence in a southwesterly direction to South Canadian River; thence crossing said river about 14 miles southwest of Oklahoma City at or near what is commonly known as Rock Crossing; thence in a southwesterly direction by the most practicable route through the Chickasaw Nation, Indian Territory, crossing the Chicago, Rock Island and Pacific Railroad at Chickasha; continuing thence in a southwesterly direction by way of the Keechi Hills, in the Kiowa and Comanche Reservation; thence southwesterly to a point at or near Fort Sill; thence southerly and westerly near the foot of the Wichita Mountains to the North Fork of the Red River, crossing said river about 13 miles due east of Altus, in Greer County; thence by the way of Altus in a southwesterly direction through Greer County and crossing the Red River at a point about 12 miles northeast of Acme, Tex. January 10, 1900, the Department approved the maps of definite location of the company through the Kiowa and Comanche Reservation and through the Chickasaw Nation; also the general map showing the entire line of the company's road from Oklahoma City to Acme.

Shawnee, Oklahoma and Missouri Coal and Railway Company.—November 9, 1899, the Department granted authority for the above-named company to locate and survey a line of railroad, commencing at Shawnee, Okla., and extending thence in a northeasterly direction to the

west line of the Indian Territory, and on November 10 authority was granted for the company to locate and survey its line of road from the west line of Indian Territory, at or near the town of Keokuk Falls, Okla., and extending thence in a northeasterly direction through the Seminole, Creek, and Cherokee nations, in the Indian Territory, to the east line thereof, near the town of Seneca, Mo. June 2, 1900, the Department granted further authority for the location and survey of an extension of said company's line of road, commencing at a point on the main line at or near the township corner between Tps. 13 and 14 N., Rs. 15 and 16 E., in the Creek Nation, near the post-office of Lee, and extending thence in a southeasterly direction over and along the most feasible and practicable route to the city of Fort Smith, Ark.; such authority, however, being coupled with the express proviso that if the maps of definite location of said extension shall show that the line of road lies within 10 miles of an already constructed line, or a line in actual course of construction, the company will be required to show how the public interest will be promoted by the location and construction of its said extension before maps of definite location of the same will be approved. September 5, 1900, the Department accepted the proofs of service and approved the maps (in duplicate) of definite location of sections Nos. 1, 3, and 5, and also approved one part of each of the sectional maps of sections Nos. 2 and 4. The Department declined to approve the other parts of said sectional maps Nos. 2 and 4 because the certificates attached thereto were incorrect. These maps were returned to the company on September 8 for amendment and correction.

Seattle-Tacoma Railway Company.—November 8, 1899, the Department granted authority for said company to locate and survey a line of railroad across the Puyallup Indian Reservation, in the State of Washington, along the line of route mentioned in its application, namely, beginning at or near the northerly line of the Puyallup Indian Reservation, intersecting said line between secs. 31 and 32, T. 21 N., R. 4 E., Willamette meridian; extending thence in a general southerly direction to the subdivisional line between the NE. ¼ of the SE. ¼ and the SE. ¼ of the SE. ¼ of sec. 6, T. 21 N., R. 4 E., Willamette meridian; thence following the said subdivisional line westward to a point where the same intersects with the western boundary line of the Puyallup Indian Reservation in sec. 3, T. 20 N., R. 3 E., Willamette meridian. May 2, 1900, the Department accepted the proofs of service of copies of the map of definite location upon the Indian allottees of the Puyallup Reservation whose lands are crossed by the line of the road and approved the company's map of definite location of the line of road through the Puyallup Indian Reservation.

The Department on the same date designated Clinton A. Snowden, Puyallup commissioner, to assess the tribal damages for right of way of the company through the unallotted lands of the reservation,

and also to act with and for the individual allottees in negotiating amicable settlements with the company for right of way through the allotted tracts. Mr. Snowden's report of appraisement of damages has not yet been received.

Wichita and Southern Railway Company.—February 3, 1900, the Department granted authority for the above-named company to locate and survey a line of railroad commencing at a point on the south line of the State of Kansas at a point at or near 15 minutes west of the ninety-sixth degree of west longitude, and running thence by the most feasible and practicable route in a southerly direction to the south line of the Osage country; thence in a southerly and southeasterly direction through the Creek Nation, by or near Okmulgee, to or near McAlester or South McAlester, in the Choctaw Nation; thence in a southeasterly direction through the Choctaw Nation to a point on the southeasterly boundary thereof near Texarkana, Tex. No maps of definite location of the company's line of road have yet been submitted for approval.

Gulf, Chickasaw and Kansas Railroad Company.—August 21, 1900, the Acting Secretary granted authority for the above-named company to make a preliminary survey for a line of railroad through the Indian Territory, commencing on the south line of the State of Kansas, directly south of the town of Peru, in Chautauqua County, and running thence in a southerly direction through Oklahoma and the Indian Territory to a point on the north line of Grayson County, State of Texas; also to locate and survey a branch line running westerly from a point on the main line at or near Colgate to a point near Washita; also a branch line, according to an amended charter of said company, extending southeasterly from Woodville, in the Indian Territory, to the Red River.

Eastern Railway Company of Minnesota (formerly the Duluth, Superior and Western Railway Company).—September 12, 1900, the Department approved the map showing the definite location of a portion of the Stony Brook branch of the company's proposed line of railroad from a junction with the constructed line of road in lot 5, sec. 28, T. 51 N., R. 18 W., on the Fond du Lac Reservation, Minn., extending thence northeasterly to the middle of the channel of the St. Louis River on the northern line of lot 8 in said section 28, a distance of 0.82 miles. The Department also designated and appointed S. W. Campbell, United States Indian agent of the La Pointe Agency, to assess the tribal damages for right of way of the company through the unallotted lands, and also to act with and for the allottees in negotiating amicable settlements with the company for right of way through the allotted tracts. September 15 the company was advised of the action of the Department and Agent Campbell was given instructions for making the assessments.

Minnesota and Manitoba Railroad Company (Special Legislation.)—By act of April 17, 1900 (31 Stats., 134, and p. 522 of this report), the above named company was granted right of way for the construction of a railway, telegraph, and telephone line through the ceded lands of what was formerly the Red Lake Indian Reservation, commencing at a point at or near the terminus of the Manitoba and Southeastern Railway, on the boundary line between the State of Minnesota and the Province of Manitoba; thence in a southeasterly direction through townships 164, 163, 162, 161, and 160 to a point on Rainy River, forming the northeastern boundary of the State of Minnesota, at or near the mouth of Baudette River.

GRANTS REFERRED TO IN PREVIOUS ANNUAL REPORTS.

Indian and Oklahoma Territories.—*Arkansas Valley and Gulf Railroad Company.*—Mention is made in the last annual report of the granting of authority on March 7, 1899, for the above-named company to locate and survey a line of road through Oklahoma and the Indian Territory. On November 21, 1899, the company submitted a map of the preliminary survey of the line of road through the Kansas Indian Reservation, Oklahoma, a distance of about 22 miles. Certain defects appeared in the execution of the map and the same was returned to the company on December 5, 1899, the defects being pointed out. No further action has been taken.

Eastern Oklahoma Railroad Company.—November 15, 1899, the Department approved the maps of definite location of sections 1 and 2 of the company's line of road, commencing on the line of road of the Atchison, Topeka and Santa Fe Railway opposite the northern end of the passenger depot of the company at Guthrie, Okla., and extending in a general easterly direction a distance of 44.33 miles. The Department on the same date designated Special United States Indian Agent Taggart to assess the tribal damages for right of way through the unallotted lands of the Indians and also to act with and for the allottees in negotiating amicable settlements with the company for right of way through their lands. December 27, 1899, the Department approved the schedule of damages as assessed by Special Agent Taggart for right of way of the company through the allotted lands of the Sac and Fox and Iowa tribes. No tribal lands were crossed by the line of the road. The entire assessment through the lands of allottees was $1,405.44. This amount was tendered by the company in settlement of said damages, and the Department on the same date authorized the payment of the same to the Indian allottees rightly entitled thereto.

January 27, 1900, the Department approved the maps of definite location of sections Nos. 1 and 2 of line No. 3 of the company's line of road from a connection with line No. 1 south of Cimarron River in the SW. ¼ of sec. 20, T. 18 N., R. 4 E., and extending in a general northerly and

northeasterly direction to a point on the subdivisional line between the NE. ¼ and SE. ¼ of sec. 32, T. 22 N., R. 5 E., a total distance of 34.71 miles; also one plat of station grounds located on the NE. ¼ of sec. 31, T. 22 N., R. 5 E., on the allotment of Big Bear near the town of Pawnee, Okla. February 7, 1900, the Department designated Special Agent Taggart to act with and for the allottees of the former Pawnee Indian Reservation, Okla., in negotiating amicable settlements with the company for right of way through their respective allotments. March 26, 1900, the Department approved his schedule of appraisements, amounting to $717.90. This amount was tendered by the company, and the Department, on the same date, authorized the distribution of the same to the Pawnee allottees rightly entitled thereto. May 2 Special Agent Taggart submitted a schedule of receipts showing the payment to the several allottees.

Fort Smith and Western Railroad Company.—The above-named company, by act of Congress approved March 3, 1899 (30 Stats., 1368), was granted right of way for the construction of a railway, telegraph, and telephone line through the Choctaw and Creek Nations. By act approved May 24, 1900 (31 Stats., 182, and p. 524 of this report), section 8 of the above act granting the company right of way was so amended as to permit the company to commence the construction of its road upon the filing and approval of its maps of definite location from Fort Smith, Ark., to a crossing of the Missouri, Kansas and Texas Railroad. June 8, 1900, the Department approved the company's maps of definite location from a point on the eastern boundary of the Choctaw Nation, near Fort Smith, Ark., extending thence in a general westerly direction to a crossing of the Missouri, Kansas and Texas Railroad, in the eastern part of sec. 14, T. 7 N., R. 35 E., I. M., a distance of 80.49 miles. June 14 the Department designated Special Agent Elisha B. Reynolds to act with and for the individual occupants of land in the Choctaw Nation in negotiating amicable settlements with the company for right of way through their individual holdings. July 16, 1900, Special Agent Reynolds was relieved from further duty in connection with making these appraisements and was directed to turn over all maps, papers, and letters of instruction to Agent Shoenfelt, of the Union Agency, Ind. T., and the latter was instructed, either in person or by some competent and trustworthy employee, to continue the work of negotiating with the company for right of way through the lands of the Indians.

Gulf and Northern Railroad Company.—The last annual report, at page 63, speaks of the granting of authority for the above-named company to make a preliminary survey for the location of its road through the Osage, Ponca, and Oto and Missouri reservations in Oklahoma, and also through the lands of the Five Civilized Tribes in the Indian Territory. September 30, 1899, the company filed for

approval a map of definite location of its line of road from a point on the Arkansas River, in sec. 36, T. 25 N., R. 3 E., I. M., and extending in a southeasterly direction crossing the southwestern portion of the Osage Reservation, a distance of 13.76 miles. A number of errors occurred in the execution of the map, and on October 12, 1899, it was returned to the company for amendment and correction, the defects being specifically pointed out. The map has not yet been refiled for approval.

Choctaw, Oklahoma and Gulf Railroad Company.—September 28, 1899, the Department approved a plat showing the definite location of station grounds along the line of the company's road in the Choctaw Nation, designated "Howe," from survey station 316 + 28 to station 346 + 28; also the plat showing the definite location of station grounds along the line of the road in the Choctaw Nation, designated "Monroe," from survey station 360 to station 390. The plat designated "Howe" was approved in lieu of and as a substitute for the station grounds theretofore designated "Choctaw Junction," the plat of which was approved by the Department on February 24, 1898, and said plat was canceled and annulled.

October 9, 1899, the Department accepted audit voucher No. 408 of the company for $112.50, tendered in payment of the annual tax of $15 per mile for 11.17 miles of the road from Howe to the east line of the Indian Territory, for the fiscal year ending June 30, 1899, and also the full annual tax at the rate of $15 per mile for 6.57 miles of road from Wister to Howe, in the Choctaw Nation, for the like period. October 10, 1899, the Department accepted voucher No. 26 of the company for $32 and voucher No. 27 for $55. Voucher No. 26 was tendered as additional payment for 0.61 mile of road, commencing on the main line at or near Hartshorn and extending to Gowen or Shaft No. 3, the total mileage of that branch line being 3.67 miles. Voucher No. 27 was tendered in payment of the annual tax at the rate of $15 per mile on that branch line for the total mileage of 3.67 miles for the fiscal year ending June 30, 1899.

February 17, 1900, the Department approved the map of definite location of the branch or spur line of the company's road from survey station 255+92 on the main line, near Howe, in the Choctaw Nation, extending in a southeasterly direction to the mines of the Mexican Gulf and Transportation Company in the NW. ¼ of sec. 2, T. 5 N., R. 25 E., a distance of 0.92 miles. March 26, 1900, the Department approved the map of definite location of the company's branch line of road from survey station 1620+80 on the main line, near Wilberton, Choctaw Nation, extending thence in a northwesterly direction through sections 8, 7, and 6, in T. 5 N., R. 18 E., a distance of 3.08 miles. June 21, 1900, the Department approved the map of definite location of the company's line of road through the Wichita Reservation west

from Bridgeport from survey station 1420+42.7 to station 2422+00, a distance of 18.9 miles; also plat of station grounds at Bridgeport from survey station 1349 to 1379 and plat of station grounds at Caddo, on said reservation, from survey station 1890 to 1920.

June 27, 1900, the Department accepted the company's voucher No. 2383, for $154, and voucher No. 2384, for $46, tendered in payment of right of way for the Wilberton Branch, a distance of 3.08 miles, and for the "Mexican Gulf Branch," a distance of 0.92 mile. July 10, 1900, the Department accepted the company's voucher No. 4, January, 1899, for $890.50, tendered in payment of right of way for 17.80 miles of road through the Wichita Reservation, Okla.; also voucher No. 2950, May, 1900, for $2,357.85, tendered in payment of the annual tax of the company's line of road through the Indian Territory, between Arkansas-Indian Territory State line and Oklahoma-Indian Territory State line. September 4, 1900, the Department accepted the com pany's vouchers Nos. 3877, 3878, and 3879, for $52.62, $16.14, and $1.80, respectively, tendered in payment of the annual tax to June 30, 1900, upon the "Wilberton Branch" and "Mexican Gulf Branch" and as additional tax on the main line of the road.

Chicago, Rock Island and Pacific Railway Company.—July 15, 1899, the Department approved three sectional maps of 25 miles each of the second southwestern branch line of the company's road from a point in the NE. ¼ of sec. 13, T. 13 N., R. 8 W., Indian meridian, on the main line of the road, to a point in the SW. ¼ of sec. 8, T. 2 N., R. 31 W., Indian meridian, in the Kiowa and Comanche Reservation, Okla.

July 19, 1899, the Department approved the plat of additional station grounds desired by the company on the main line of the road near Chickasha, Ind. T., situated in the NW. ¼ of sec. 34, T. 7 N., R. 7 W., of the Indian meridian, embracing 7.57 acres. As the governor of the Chickasaw Nation declined, on behalf of the nation, to accept the statutory amount of $25 per acre for said additional station grounds, the company, on August 19, 1899, asked for the appointment of a board of referees to determine the tribal damages that should be paid the Chickasaw and Choctaw nations for said additional station grounds. March 28, 1900, the Department appointed Dew M. Wisdom, of Muscogee, Ind. T., Ed Burney, of Chickasha, Ind. T., and D. N. Robb, of Atoka, Ind. T., a commission to make the appraisal. June 25, 1900, the board reported, placing the damages at $25 per acre, amounting in the aggregate to $189.25. July 7 their report was accepted and approved by the Department. July 30 and 31, respectively, the governor of the Chickasaw Nation and the principal chief of the Choctaw Nation signified the willingness of their respective nations to accept the amount of the award of the board of referees. August 30 report of the matter was made to the Department, with which was submitted a draft for $189.25, tendered by the company in payment of said damages. Sep-

tember 4 the Department accepted the draft and authorized this office to collect the same, and to pay the proceeds thereof to the Choctaw and Chickasaw nations.

November 25, 1899, the acting agent of the Kiowa Agency, Okla., submitted certain vouchers of the company showing that payment had been made by the company for right of way of its road through the lands of the individual occupants of the Kiowa and Wichita reservations whose lands were crossed by the first southwestern branch line of the company's road. March 9, 1900, the Department approved the map showing the definite location of the fourth 25-mile section of the first southwestern branch line of the road from a point in the NW. ¼ of sec. 12, T. 6 N., R. 19 W., on the Kiowa and Comanche Reservation, to a point in the NE. ¼ of sec. 24, T. 6 N., R. 23 W., in Greer County, Okla.

July 7, 1900, the company tendered a draft for $1,712.50 in payment of right of way of the company, at the rate of $50 per mile, for the remainder of the southwestern branch line of road through the Kiowa and Comanche Reservation, aggregating 34.25 miles. July 18 the Department accepted said draft and authorized this office to collect the same and to pay the proceeds thereof to the Kiowa, Comanche, and Apache Indians. July 12, 1900, the Department accepted the company's draft for $2,438.89, tendered in payment of the annual tax for each mile of road constructed by the company through Indian lands for the fiscal year ending June 30, 1900.

August 29, 1900, the Department approved the plat of station grounds on the ninth 10-mile section of the company's southwestern branch line of road, situated in the SE. ¼ of sec. 4, T. 6 N., R. 18 W. September 4, 1900, the Department approved the plat of station grounds filed on April 5, 1890, by the Chicago, Kansas and Nebraska Railway Company (the above-named company being the successor of said company), situated along the main line of the company's road in the E. ½ of sec. 28, T. 10 N., R. 7 W., Indian meridian, in the Indian Territory. September 6, 1900, the Department approved three plats of station grounds on the southwestern branch of the company's line of road through the Kiowa and Comanche Reservation, situated on the 7th, 8th, and 10th 10-mile sections of said branch line of road, in the NE. ¼ of sec. 22, T. 7 N., R. 16 W., the SW. ¼ of sec. 27 and the SE. ¼ of sec. 28, T. 7 N., R. 17 W., and the SW. ¼ of sec. 18, T. 6 N., R. 19 W., respectively.

Denison and Washita Valley Railway Company.—July 12, 1900, the Department accepted the company's draft for $150, tendered in payment of the annual tax of $15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1900.

Gulf, Colorado and Santa Fe Railroad Company.—June 25, 1900, said company tendered audit voucher No. 14607, in the nature of a

draft on Hutchings, Sealy & Co., of Galveston, Tex., for $1,500, in payment of the annual tax of $15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1900.

Kansas and Arkansas Valley Railway Company.—June 29, 1900, the company submitted a draft for $2,444.55, which was tendered in payment of the annual tax of $15 per mile for each mile of road constructed by the company through Indian lands for the fiscal year ending June 30, 1900.

Kansas City, Pittsburg and Gulf Railroad Company (now Kansas City Southern Railway Company).—May 24, 1900, the company tendered a draft for $2,137.35 in payment of the annual tax of $15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1900.

Kansas, Oklahoma Central and Southwestern Railway Company.—October 26, 1899, the Department declined to approve the company's map of section 1 of the main line of the road filed in lieu of a former map of said section which had theretofore been approved, and also declined to approve the company's maps of definite location of the southern branch line of sections Nos. 1 and 2, filed in lieu of former maps of said sections which had theretofore been approved. The Department declined to approve the maps on account of certain defects in their execution. July 19, 1900, the Department approved maps of definite location of sections 1 and 2 of the southern branch filed in lieu of maps of those sections which had theretofore been approved. The line of road as shown upon said sectional maps differed slightly from the line as shown upon the original maps. The company, however, relinquished to the United States and to the Cherokee Indians all of its rights, title, and interest in and to the former right of way acquired by it by reason of the approval of the first-mentioned maps of definite location. July 25, 1900, the company tendered drafts aggregating $3,588.08 in payment for right of way of 57.79 miles of road and annual tax thereon up to June 30, 1900.

Missouri, Kansas and Texas Railway Company.—July 13, 1900, the Department declined to approve the map of additional station grounds desired by the company at Muscogee, in the Creek Nation, for reservoir and stock-yard purposes, the approval being asked for under the provisions of the act of Congress of July 25, 1866 (14 Stats., 236). The Department held that if the company desired to secure additional station grounds at said place application should be made under the provisions of the act of April 25, 1896 (29 Stats., 109). After a careful review of the above decision the Department, December 5, 1899, adhered to its former ruling.

March 17, 1900, the Department approved the map of definite location of the company's branch line of road known as the "Atoka Branch," commencing on the main line of the road near Atoka, in the Choctaw

Nation, and extending in a general northwesterly direction to a connection with the Denison and Washita Valley Railway in Sec. 14, T. 1 S., R. 10 E., a distance of about 10 miles. On the same date the Department designated Special United States Indian Agent Taggart to assess damages for right of way of the company through the tribal lands crossed by the line of the road and also to act with and for the individual members of the Choctaw Nation in negotiating amicable settlements with the company for right of way through their individual holdings.

May 5, 1900, the Department declined to approve four plats showing additional grounds desired by the company adjacent to its line of road in the Creek and Choctaw nations for reservoir purposes, designated "Liliaetta Reservoir Reserve," "Turkey Creek Reservoir Reserve," "McAlester Reservoir Reserve," and "Limestone Gap Reservoir Reserve," the approval of said plats having been asked for under the provisions of the act of Congress of July 25, 1866 (14 Stats., 236). As in the case of the application for additional station grounds at Muscogee for reservoir and stock-yard purposes, the Department held that if the company desired to secure additional grounds for railway purposes, application therefor must be made under the provisions of the act of Congress of April 25, 1896 (29 Stats., 109).

May 25, 1900, the Department approved the map of definite location of the Krebs and Edwards branches of the company's lines of road, the Krebs branch commencing at a point on the main line at McAlester station reserve in the Choctaw Nation, designated as survey station 25351+84.5, and extending in a general easterly and southeasterly direction, with numerous spurs and branches extending from the main branch line to the company's coal mines; and the Edwards branch, commencing at a point on the main line of the company's road a little south of the McAlester station reserve and extending in a general westerly and southwesterly direction a distance of 1.20 miles, both of said branches, with their spurs, aggregating a total distance of about 11.20 miles. The Secretary, on the same date, designated Special United States Indian Agent Taggart to appraise the damages for right of way of the company through the tribal lands and also to act with and for the individual allottees of the Choctaw Nation in negotiating amicable settlements with the company for right of way through their individual holdings.

June 18, 1900, the Department approved the schedule of appraisements for right of way of the Atoka branch as submitted by Special Agent Taggart. The total amount of the appraisement for right of way and for station grounds at Lehigh was $1,185.50. July 7, 1900, the company tendered a draft for $1,185.50 in payment of the damages for said Atoka branch and Lehigh station grounds.

Southern Kansas Railroad Company (leased to the Atchison, Topeka and Santa Fe Railway Company).—June 29, 1900, the company submitted a voucher in the nature of a check, payable at the Mechanics National Bank of New York, for $85.50, in payment of the annual tax of $15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1900.

St. Louis and Oklahoma City Railroad Company.—June 21, 1900, the St. Louis and San Francisco Railroad Company, lessee of the above-mentioned company, tendered a draft for $558.75 in payment of the annual tax of $15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1900.

St. Louis, Oklahoma and Southern Railway Company.—September 13, 1899, the Department approved a map in eight parts showing the preliminary survey for the definite location of the company's line of road from Sapulpa, in the Creek Nation, extending thence in a general southerly and southwesterly direction through the Creek, Seminole, and Chickasaw nations to Red River, near the town of Willis, a distance of 185.18 miles. April 13, 1900, the Department approved the maps of definite location of the first and second sections of 25 miles each of the company's line of road from its connection with the St. Louis and San Francisco Railroad, near Sapulpa, in the Creek Nation, extending thence in a general southerly and southwesterly direction a distance of 50 miles. These maps were approved in lieu of the maps of definite location of the first 50 miles of the line of road which were approved on September 13, 1899. April 25, 1900, the Department designated Special United States Indian Agent Taggart to act with and for the individual allottees of the Creek Nation in negotiating amicable settlements with the company for right of way through their individual holdings for the first 50 miles of the road.

May 24, 1900, the Department accepted the relinquishment by the company to the Creek Indians of all rights acquired or claimed by it under the original map of definite location of the first 50 miles of its line of road through the Creek Nation as approved September 13, 1899; and also accepted and approved the relinquishment of the company to the United States and to the Creek, Seminole, and Choctaw Indians of all rights acquired or claimed by it under the original map of its line of road through said nations, also approved September 13, 1899.

On the same date the Department approved the company's maps of definite location showing the entire line of the road through the Indian Territory from Sapulpa, in the Creek Nation, extending in a general southerly and southwesterly direction through the Creek, Seminole, and Chickasaw nations, to a point on Red River at or near the crossing of the same by the Missouri, Kansas and Texas Railroad. These maps of definite location were approved in lieu of the former maps of preliminary survey which were approved by the Department on September

13, 1899. May 29, 1900, the Department designated Special Agent Taggart to conduct negotiations with the company for right of way through the individual holdings of the Indians of said nations for the entire line of the road. July 5, 1900, the Department accepted a draft for $4,638.50, tendered by the company as payment in full for right of way through the Creek Nation, covering a distance of 92.77 miles.

St. Louis, Tecumseh and Lexington Railway Company.—Reference is made in the last annual report to the fact that on March 9, 1899, the Department granted authority for the above-named company to locate and survey its line of railroad over and across Indian lands and reservations lying between the St. Louis and San Francisco Railway at or near the town of Stroud, in Oklahoma, and extending thence in a southwesterly direction, by way of Tecumseh, to the town of Lexington, Okla. Such authority was granted, with the express provision that formal application for the location and survey of the road would thereafter be made and that the proofs and papers required by the regulations of the Department would thereafter be submitted for approval. December 5, 1899, the Department accepted the proofs and papers submitted by the company as a full compliance with Department regulations and as a fulfillment of the conditions under which the original authority was granted the company to make a survey of its line of road.

Shawnee, Oklahoma and Indian Territory Railway Company.—In addition to the authority previously granted the above-named company for the location and survey of a line of road as mentioned in the last annual report (p. 64), on September 22 the Department granted authority for the location and survey of a line of road commencing at the termination of the line, for which authority had already been granted, at or near Stroud, in Lincoln County, Okla., and extending thence by the most feasible and practicable route in a northerly and northwesterly direction through Lincoln, Payne, and Pawnee counties and the Osage and Kaw Indian reservations to the southern boundary of Kansas. No maps of definite location of the line of road have yet been submitted for approval.

Tecumseh and Shawnee Railroad Company.—For data respecting the granting of authority for said company to locate and survey a line of railroad through Indian lands in Oklahoma, see annual report of this office for 1899, page 64. No maps of definite location of the line of road have yet been submitted for approval.

Nez Percé Indian lands.—*Clearwater Valley Railroad Company.*—July 31, 1899, the Department approved four maps showing the definite location of the line of road of the above-named company through the former Nez Percé Indian Reservation and one plat of station grounds along the line of the road situated in lot 5 and the SW. ¼ of the NE. ¼ of sec. 3, T. 36 N., R. 1 W., Boise meridian. March 17,

1900, the Department approved the schedule of damages for right of way of the company as assessed by Inspector Beede through the allotments of thirty-five allottees. The total amount of the award to the allottees was $3,848.65. This amount was tendered by the company, and on the date of the approval of the schedule was accepted by the Department as payment in full. Inspector Beede's report also showed that seventeen allottees refused to consent to the awards made in their behalf. Upon the recommendation of this office the Attorney-General has directed the United States district attorney for Idaho to bring suits in the proper courts of that State for the settlement of damages in behalf of the dissenting allottees.

Clearwater Short Line Railway Company.—July 31, 1899, the Department approved the map of definite location of the company through the former Nez Percé Indian Reservation, Idaho, from mile 62.819 at a point in the south line of sec. 20, T. 32 N., R. 4 E., Boise meridian, to the southeastern boundary of the reservation, at mile 76.14. October 7, 1899, the Department approved a plat of station grounds along the Lapwai branch of the company's road in secs. 14 and 23, T. 35 N., R. 4 W., Boise meridian. November 20, 1899, the Department accepted the relinquishment of the company to the original right of way shown upon the map of definite location between mile 58.578 and mile 61.801 eastward from the mouth of Big Potlatch Creek, and approved the amended map showing the relocation of the company's line of road between said points. The map was approved as follows:

> Approved in lieu of and as a substitute for that portion of the line of road between mile 58.578 and mile 61.801 eastward from the mouth of Big Potlatch Creek, which original map of definite location was approved June 9, 1899, said amended location being approved only so far as the line of road shown herein lies on and within Indian lands, subject to all the requirements and limitations contained in the act of Congress approved March 1, 1899 (30 Stats., 918), and subject also to all valid existing rights.

January 19, 1900, the Department approved the plat showing the definite location of station grounds selected by the company in Indian allotment No. 1833, in sec. 35, T. 37 N., R. 2 W., Boise meridian, located on the 10-mile section between the seventh and seventeenth mileposts; also the plat showing the definite location of station grounds desired by the company upon the Lapwai branch in Indian allotments Nos. 674 and 679, in secs. 14 and 15, T. 35 N., R. 3 W., Boise meridian, located on the 10-mile section between the tenth and twentieth mileposts of said branch line.

March 6, 1900, the Department referred to this office an opinion of the Assistant Attorney-General for the Department, dated March 3, 1900, in which the Department concurred, wherein it was held that the company may erect or permit others to erect upon its right of way and depot grounds suitable structures or buildings, such as ware-

houses and elevators to facilitate the convenient receipt and delivery of freight, so long as the full exercise of the franchise granted is not interfered with and a free and safe passage is left for the carriage of freight and passengers.

March 31, 1900, the Department approved the plat showing the lands selected by the company for station purposes in the N. ½ of sec. 1, T. 33 N., R. 3 E., Boise meridian, said station grounds being located on the 10-mile section between the forty-second and fifty-second mileposts of the main line of the road. April 3, 1900, the Department approved the map of definite location of a portion of the Lapwai branch from mile 12 to mile 17.923. April 23, 1900, the Department approved the map of definite location of a portion of the Lapwai branch of the company's road from mile 17.923 to mile 28.651. June 6, 1900, the Department approved the plat showing the definite location of station grounds selected by the company upon the 10-mile section between the twenty-seventh and thirty-seventh mileposts located in secs. 6 and 7, T. 36 N., R. 2 E., Boise meridian; also the plat showing the definite location of station grounds selected by the company upon the 10-mile section between the seventeenth and twenty-seventh mileposts located in secs. 33 and 34, T. 37 N., R. 1 E., Boise meridian. June 19, 1900, the Department accepted the relinquishment of the company of all its right, title, and interest acquired by reason of the approval on July 31, 1899, of a certain map of definite location of its line of road from mile 62.819 to the southeastern boundary of the reservation at mile 76.14, and approved an amended and corrected map of definite location showing the company's line of road through that portion of the former Nez Percé Reservation from mile 62.819 to the southeastern boundary of the reservation, at mile 75.884, the line of definite location shown upon the latter map lying along the south fork of the Clearwater River and up Three Mile Creek to the south boundary line of the reservation. The Department canceled and annulled the first-mentioned map and approved the latter map in lieu thereof.

June 22, 1900, the Department approved the schedule of damages for right of way of the company through the allotments of 79 allottees and the lands of two institutions—the Presbyterian Church at Spalding and the Presbyterian Church at Kamiah—as assessed by Inspector Beede, the total amount of the assessment being $14,068.95. The negotiations, however, represented by said schedule did not include the entire line of the road through the former Nez Perce Reservation, but covered only the main line from the mouth of Big Potlatch Creek to the end of construction up to May 29, 1900 (date of the report), and also only the first 12 miles of the Lapwai branch. This left the remainder of the main line and the remainder of the Lapwai branch to be covered by subsequent negotiations.

July 9, 1900, the company, through its local attorneys, submitted to the office a draft for $14,068.95. July 13 this draft was indorsed

payable to the order of Agent Stranahan, of the Nez Percé Agency, and he was directed to collect the same and to pay the proceeds thereof to the Indian allottees rightly entitled thereto.

Inspector Beede's report also showed that there were 17 allottees with whom amicable settlement could not be effected. Upon the recommendation of this office, the Attorney-General directed the United States attorney for the district of Idaho to bring actions in the proper courts of Idaho for the settlement of damages in behalf of the dissenting allottees.

August 14, 1900, Agent Stranahan, who had been designated to conduct the further negotiations between the Indians and the company, requested that authority be granted him to prepare a supplemental schedule of damages in behalf of these allottees and to allow them to sign a schedule of awards in case satisfactory terms could now be agreed upon. He stated that in his judgment there was an inclination on the part of some of the dissenting allottees to treat with the company for right of way through the lands rather than to risk the results of a suit in the courts of Idaho for the determination of the damages. September 6, the Department granted such authority, and on September 10 the office fully instructed him.

Southern Ute Indian Lands, Colorado.—*Rio Grande, Pagosa and Northern Railway Company.*—August 3, 1899, Agent Knackstedt was directed to assess tribal damages, if any, for right of way of the company through the former Ute Indian Reservation, and also to act with and for the individual allottees in negotiating amicable settlements with the company for right of way through their respective allotments. January 15, 1900, the Department approved the schedule of appraisement of damages for right of way of the company through the lands of the Southern Ute allottees. The total amount of the assessment was $375.76. The report showed that no tribal lands were crossed by the line of the road. Agent Knackstedt's report also showed that the company had already paid certain of the allottees $150 as an advance payment for said right of way. January 29, 1900, the company submitted New York exchange for $225.76 in payment of the remainder of the damages. February 6 this draft was indorsed, payable to the order of Agent Knackstedt, and he was directed to collect the same and to pay the proceeds to the allottees rightly entitled thereto. March 24 Agent Knackstedt submitted a schedule of receipts showing the payment of the amounts assessed to the allottees whose lands are crossed by the line of the road.

Yankton Sioux Indian Lands, South Dakota.—*Chicago, Milwaukee and St. Paul Railway Company.*—October 17, 1899, the Department approved the company's map of definite location of its line of road through the allotted lands of the Indians of the former Yankton Reservation, S. Dak. September 8, preceding the approval of the map, the Department designated Agent Harding of the Yankton Agency

to act with and for the allottees in negotiating amicable settlements with the company for right of way through their respective allotments. November 28, 1899, the Department approved the schedule of damages for right of way through the lands of the Indians as assessed by Agent Harding. The total amount of the assessment was $1,720.86. December 1 the company tendered a draft in said amount as payment in full of the damages assessed. December 6 the draft was indorsed, payable to the order of Agent Harding, and he was directed to collect the same and to pay the proceeds to the allottees rightly entitled thereto. February 5, 1900, Agent Harding submitted a schedule of receipts showing the payment of damages to the allottees.

Leech Lake Reservation, Minn.—*Brainerd and Northern Minnesota Railway Company.*—October 10, 1899, the Department approved the schedule of appraisement of damages for right of way of the above-named company through the Leech Lake Reservation, Minn. The price per acre for both tribal and allotted lands was placed at $7. The tribal damages amount to $39.76. The total damages were $241.90. October 14 the company was called upon to make payment of this amount to this office. The amount assessed in behalf of the individual Indians was paid direct to Acting Agent Mercer, of the Leech Lake Agency, and by him was distributed among the Indians entitled thereto. October 17, 1899, the company submitted a draft for $39.76 in payment of the tribal damages. November 27 Acting Agent Mercer submitted a schedule of receipts showing the payment of damages to the individual Indians.

Colville Reservation, Wash.—*Washington Improvement and Development Company.*—Mention is made in the last annual report of the approval by the Department of three maps of definite location of the company's line of road through said reservation, commencing at the southerly end of Curlew Lake and extending in a general southerly direction to the Columbia River, near the mouth of Sans Poil River. November 27, 1899, the Department approved two maps of definite location showing the remainder of the line of the road through the Colville Reservation. The line of road as shown upon said maps commences at the southerly end of Curlew Lake and extends in a general northerly and northwesterly direction to the international boundary line between the United States and British Columbia, a distance of 30.98 miles. No action has been taken in the matter of settlement of damages for right of way of the company through the reservation.

SEMINOLES IN FLORIDA.

Under the several annual appropriations for that purpose, the following lands have been purchased for the use of the Seminole Indians in Florida:

From the Plant Investment Company: Sec. 25, T. 47 S., R. 32 E.; secs. 23, 25, and 35, T. 48 S., R. 32 E., 2,560 acres, for $1,600.

From Frank Q. Brown, trustee: Sec. 36, T. 48 S., R. 32 E.; secs. 12, 18, and 24, T. 48 S., R. 33 E.; secs. 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, 34, and 36, T. 48 S., R. 34 E., 10,240 acres, for $5,760.

From the Disston Land Company: Secs. 7, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35, T. 48 S., R. 34 E., 8,341.72 acres, for $4,267.52.

From the Florida Commercial Company: Sec. 32, T. 47 S., R. 33 E., 640 acres, for $448.

From the Florida Southern Railroad Company: Secs. 24 and 26, T. 48 S., R. 32 E., 1,280 acres, for $1,280.

A total of 23,061.72 acres, for $13,355.52.

THE CHAMBERLAIN FAMILY.

In my last annual report I referred to the matter of the removal of the Chamberlain family from the Cœur d'Alène Reservation, Idaho, and stated that they had returned thereto and instituted action in the United States court to determine their rights. The United States Indian agent of the Colville Agency, Wash., transmitted to this office on January 27, 1900, a certified copy of an amended complaint filed in the United States circuit court for the district of Idaho in the case of Bartholomew Chamberlain et al. against himself. The agent was directed, January 31, to give the amended petition his attention, in connection with the United States district attorney for Idaho, under instructions theretofore given relative to the case, taking any steps necessary to dismiss, demur, or plead to the amended bill; also to keep this office fully advised of any other action taken in the case.

April 27 the agent forwarded to this office copy of his answer to the amended complaint, and stated that the case would be tried during the May term of the United States court for the district of Idaho, which would convene at Moscow, Idaho, on May 14, 1900. The office has not been advised of the action taken upon the case at that term of the court.

RATIFICATION OF FORT HALL AGREEMENT.

June 6, 1900 (31 Stats., 672), Congress ratified the agreement entered into with the Indians of the Fort Hall Reservation, Idaho, by the Crow, Flathead, etc., Commission, on February 5, 1898. By the terms of that agreement about 400,000 acres of land are ceded to the United States, in consideration for which the Indians are to receive $600,000, of which $75,000 is to be expended by the Secretary of the Interior in the erection of a modern school plant, and the balance is to be paid to them in ten annual installments—the first one to be $100,000, the next eight $50,000 each, and the last $25,000. The first installment of $100,000 is now being paid to the Indians, the agent being assisted in making the same by Special Agent Samuel L. Taggart.

Article 3 of the agreement provided that the Indians who reside on the lands ceded might remain thereon and receive allotments of the lands occupied and improved by them, or remove to the diminished reservation, as they might elect. Section 4 of the act ratifying the agreement provides that before any of the lands ceded shall be thrown open to settlement the Commissioner of Indian Affairs shall cause allotments to be made to the Indians who may desire them. Where Indians prefer to remove within the limits of the reduced reservation, it provides that the Commissioner of Indian Affairs shall cause a schedule of the lands abandoned to be prepared, giving a description of the improvements and the names of the Indian occupants, and before any entry shall be allowed of the lands so scheduled the Secretary of the Interior shall cause the improvements thereon to be appraised and sold to the highest bidder, no sale to be for less than the appraised value. The purchaser of such improvements is to have a preference right of thirty days within which to make an entry of the lands upon which the improvements purchased are located.

The work of making the allotments has been assigned to the United States Indian agent for the Fort Hall Agency, A. F. Caldwell, and he is now engaged in making them in compliance with instructions dated July 11, 1900, and August 15, 1900. United States Indian Inspector W. J. McConnell has been detailed to make the appraisement of the improvements on the ceded lands of the Indians who elect to remove to the diminished reservation.

INDIAN TERRITORY UNDER THE CURTIS ACT AND SUBSEQUENT LEGISLATION.

In my annual reports for the years 1898 and 1899, the provisions of the act of Congress approved June 28, 1898 (30 Stats., 495), "For the protection of the people of the Indian Territory, and for other purposes," generally known as "the Curtis Act," were fully discussed.

Section 27 of the Curtis Act is as follows:

> That the Secretary of the Interior is authorized to locate one Indian inspector in Indian Territory, who may, under his authority and direction, perform any duties required of the Secretary of the Interior by law, relating to affairs therein.

Acting under this authority, the Secretary of the Interior, August 17, 1898, assigned United States Indian Inspector J. George Wright to the Indian Territory, who reports to the Department through this office on matters coming within his jurisdiction.

The following table gives the estimated population of the several nations and the areas of their reservations as shown by the tract books in this office:

TABLE 26.—*Population and area of reservations, Five Civilized Tribes in Indian Territory.*

Tribe or nation.	Population.	Number of acres of land.
Cherokee:		
Indians	30,000	.....
Freedmen	4,000	.....
Delawares	1,000	.....
Total Cherokee	35,000	4,420,070.75
Creek:		
Indians	10,000	.....
Freedmen	6,000	.....
Total Creek	16,000	3,079,086.46
Choctaw:		
Indians	16,000	.....
Freedmen	4,250	.....
Total Choctaw	20,250	[1]6,957,460.90
Chickasaw:		
Indians	6,000	.....
Freedmen	4,500	.....
Total Chickasaw	10,500	[1]4,653,145.90
Seminole:		
Indians	1,500	.....
Freedmen	1,500	.....
Total Seminole	3,000	365,851.57

[1] The recent establishment of the true meridian by the resurvey of the ninety-eighth meridian west, will add to the Choctaw and Chickasaw lands 55,765.65 acres not included in these figures.

As in last year's report, the discussion of affairs in the Indian Territory will be divided, for convenience, into three parts, the first being matters over which the United States Indian inspector for the Indian Territory and the United States Indian agent for the Union Agency have supervision, and this subject may properly be divided into four general subdivisions, to wit:

1. Educational matters.
2. Mineral leases.
3. Collection of revenues.
4. Timber.

The second division includes matters coming within the province of the Commission to the Five Civilized Tribes, and the third relates to the surveying, platting, appraising, and selling of town sites in the different nations, and is followed by some miscellaneous subjects.

EDUCATION.

The provisions of the nineteenth section of the Curtis act are as follows:

That no payment of any moneys on any account whatever shall hereafter be made by the United States to any of the tribal governments or to any officer thereof for disbursement, but payments of all sums to members of said tribes shall be made under direction of the Secretary of the Interior by an officer appointed by him. * * *

It was construed as conferring authority upon the Secretary of the Interior to assume such charge of the several schools and orphan asylums as would insure better management and more economical administration of these institutions.

An agreement with the Seminole, approved July 1, 1899, contained this provision:

> Five hundred thousand dollars of the funds belonging to the Seminoles, now held by the United States, shall be set apart as a permanent school fund for the education of children of the members of the said tribe, and shall be held by the United States at 5 per cent interest, or invested so as to produce such amount of interest, which shall be, after extinguishment of tribal government, applied by the Secretary of the Interior to the support of Mekasuky and Emahaka academies and the district school of the Seminole people, * * *

By its terms this provision did not seem to contemplate present control by the Department of the schools.

The agreement with the Choctaw and Chickasaw nations, embodied in the Curtis law as section 29 thereof, contained these provisions:

> It is agreed that all the coal and asphalt within the limits of the Choctaw and Chickasaw nations shall remain and be the common property of the members of the Choctaw and Chickasaw tribes (freedmen excepted), so that each and every member shall have an equal and undivided interest in the whole. * * * The revenues from coal and asphalt, or so much as shall be necessary, shall be used for the education of the children of Indian blood of the members of said tribes. * * *
>
> All coal and asphalt mines in the two nations, whether now developed or hereafter to be developed, shall be operated and the royalties therefrom paid into the Treasury of the United States, and shall be drawn therefrom under such rules and regulations as shall be prescribed by the Secretary of the Interior.

This section conferred ample authority upon the Department to assume control of the schools in the Chickasaw and Choctaw nations wherever they should be supported out of the coal and asphalt royalties. The governor of the Choctaw Nation early expressed his desire that the Secretary should assume control of their schools, and the legislature of the nation, carrying out these wishes, made no appropriations for their support. Therefore immediate direction was undertaken through proper Federal machinery.

The Chickasaw Nation, however, made appropriations and attempted to conduct their own schools out of their own funds, which has resulted in lamentable financial embarrassment.

The national authorities of the Creek and Cherokee nations continued to make their own appropriations for the schools of the respective nations, and the Department has only assumed supervisory control of them.

During the fiscal year ending June 30, 1899, regulations concerning education in the Indian Territory were prepared, approved by the Department, and promulgated for the conduct of these schools. They provided for an executive head, known as the "superintendent of schools in Indian Territory," to which John D. Benedict, of Illinois,

was appointed. His reports are transmitted to this Bureau through the United States Indian inspector stationed in Indian Territory. Under his direction are four supervisors of schools for the several nations (with the exception of the Seminoles), as follows: Benjamin S. Coppock, of Oregon, for the Cherokee Nation; John M. Simpson, of Wisconsin, for the Chickasaw Nation; Calvin Ballard, of Illinois, for the Choctaw Nation, vice E. T. McArthur, transferred July 9, 1900, to the regular Indian service, and Miss Alice M. Robertson, of Indian Territory, for the Creek Nation, the last-named appointed July 23, 1900, vice Calvin Ballard. Headquarters for the several supervisors were established as follows: Vinita, Cherokee Nation; Muscogee, Creek Nation; South McAlester, Choctaw Nation, and Ardmore, Chickasaw Nation.

These nations early in their history were charged with their own government, and schools were established, and full corps of teachers and employees were appointed under the different laws of the respective nations. As set out in the last annual report of this Bureau, all branches of their public service were tainted with favoritism, nepotism, a reckless mismanagement of finances, and in many cases corruption was rampant. These flagrant breaches of good government were no more severely felt than in educational matters. The schools under the control of various missionary bodies were efficient agents of civilization; but in those entirely placed under tribal authority deterioration, if nothing worse, was everywhere felt. Possessing ample means for maintaining an adequate system of public schools in those places where the greatest need existed, the money was expended on large academies, seminaries, and colleges, where the ornamental curriculum of a white fashionable boarding school was given to the favored few, leaving the full bloods and poorer classes of mixed bloods to depend upon poorly equipped, miserable little schools, usually erected by subscriptions or donations. It is said that fully 90 per cent of these small neighborhood schoolhouses have no furniture except the old-fashioned wooden benches.

Owing to limited powers, the Department has been unable to make as radical changes as the conditions warranted, yet numberless improvements have been inaugurated. The superintendent of schools in his report says:

> As a result of our past year's work we can already note some improvements. When we entered upon our duties here more than a year ago it was openly charged that various native school boards were selling teachers' positions at from $10 to $25 each. No such charges have been made during the past year. With but few exceptions the Indian school boards have cooperated with us heartily. Teachers are manifesting a livelier degree of interest in their work and are endeavoring to improve their qualifications. Some of the poorest teachers have been dropped, not having been able to pass reasonable examinations.

In his last annual report Superintendent Benedict called attention to the necessity and desire upon the part of a great majority of teachers for better normal training. They expressed themselves as anxious to become better prepared for instructing their pupils by the more modern methods adopted in white schools and in other Indian schools. The normal schools heretofore held by some of the superintendents, being little more than farces or sources of revenue for officials, fell so much into disrepute as to be valueless. This has been changed under the new order, and Superintendent Benedict says:

Several months ago I applied to the authorities at Washington for an appropriation with which to conduct summer normal schools for the teachers of the Territory, but owing to the uncertain condition of the numerous bills then pending in Congress relating to Territorial affairs we were unable to secure any financial aid. Knowing something of the great value of normals and institutes to the teachers and to the schools, and knowing that the teachers of the Territory were specially in need of some normal training, we determined to accomplish something along that line. After consultation with the school supervisors and some of the tribal school officials, it was agreed that such normals should be held during the month of June in the Cherokee, Creek, and Choctaw nations. These normals were held in the large academies and a fee of $12 was collected from each teacher in attendance for board, room, and tuition for the term of four weeks. After paying actual cost of board the balance of the funds received was distributed among tne instructors who were employed to conduct the recitations. The plan of boarding the teachers, of keeping them together n isolated academies for a month, was a new one, and it was not without some feelings of doubt and anxiety that we undertook this task. We succeeded, however, beyond our expectations. The teachers realized the need of improvement and were eager for the normals. Supervisors Coppock, Ballard, and McArthur spent the entire month of June in the normals of their respective nations and rendered valuable aid to the instructors who were employed during the term. Each of these supervisors taught some classes daily and were ever ready with valuable suggestions concerning school methods and management.

As educational conditions vary with the several tribes, there being no uniformity of laws, customs, or methods, the work among the different nations will be treated separately.

Choctaw Nation.—As the control of the schools of this nation has been assumed by the Department under its construction of the Curtis law, "Rules and regulations concerning education in Indian Territory" were directly applicable to this nation. These regulations provided for opening and maintaining the day schools, academies, and orphan asylums of the nation. As soon after the 1st of July, 1899, as possible necessary steps were taken for opening all schools. Teachers and other employees were provided and contracts made for the maintenance of the boarding schools. While the contract system of running the boarding schools and orphan asylums was open to many objections, yet for various reasons no change has been deemed advisable in the method.

The schools were promptly opened in the early portion of the school

year, when the first murmurs of discontent with the plan were heard. The Hon. Green McCurtin, principal chief of the nation, under date of October 27, 1899, in a letter to the Department, questioned the authority of the Secretary of the Interior in assuming control of their schools under the Curtis law. A resolution of similar tenor was also passed by the Choctaw Council. These actions were undoubtedly due to certain influential persons whose personal interests had been antagonized by the new regulations, especially those relating to appointments being made solely on merit. In a letter of April 6, 1899, addressed by Governor McCurtin to the inspector, he used the following language:

> Mr. Benedict (superintendent) showed me recent rules prescribed by the Secretary of the Interior concerning the education and management of schools in the Choctaw Nation. He also gave the board of education a brief outline of his plans and policy regarding the school work in this section which were *satisfactory to me.*

The inspector conferred with the governor and a special committee of the council, and apparently reached a satisfactory conclusion, as the original plans of education have been followed during the year. In a special report of February 5, 1900, the superintendent of schools gave the following succinct account of the friction which had unavoidably arisen:

> I was sent to the Territory about a year ago, and found that vast sums were being expended for schools, but with very poor results. It was not unusual to find a boarding school of 100 pupils in charge of an ignorant Indian as superintendent, with his wife (who in some instances could not speak the English language) as matron.
>
> No effort has been made in any of the schools of the Territory to give the boys or girls any training in manual labor or domestic economy of any kind. The academic training has been exceedingly poor.
>
> Some years ago the Choctaw schools became so poor that their council appropriated $12,000 per year for the education of 40 Choctaw children in State colleges. Scarcely any of their citizens are fairly well educated, except those who were thus sent away to State colleges.
>
> Under instructions of the Secretary of the Interior, based upon the Curtis Act of June, 1898, I took entire charge of the schools of the Choctaw Nation, their board of education, headed by their principal chief, voluntarily turning their schools over to me in April last.
>
> With their consent, I held examinations of teachers at seven different places in their nation, and, with the approval of the Secretary of the Interior, I appointed all teachers and superintendents for the year beginning September 1, 1899. In making appointments I have given preference to all Choctaw citizens who were at all competent.
>
> Our examinations were very reasonable, yet a good many citizens who had been trying to teach realized their incompetency and made no effort to pass the examination. During all the spring and summer my relations with the members of the Choctaw school board were very cordial, and I was in constant communication with them, they supporting my work very heartily.
>
> We opened the boarding schools and day schools of that nation on September 1,

with bright prospects and with a corps of superintendents and teachers at least 50 per cent better than had been employed in previous years.

The school work moved along nicely and harmoniously until the Choctaw council met in October last, when the politicians, who had heretofore manipulated the schools in their own personal interests, protested against Government control of their schools. Notwithstanding this protest and the threats of their politicians to break down our schools, the schools are progressing nicely, and I have received many letters from Choctaw parents expressing the hope that we may not relinquish control of their schools.

I desire to emphasize the fact that the attendance of pupils in all the Choctaw academies is better, the educational training is better, while the cost of maintaining these schools is less than when they were controlled by their own authorities.

In the natural course of events these children must soon be thrown upon their own resources, will soon become American citizens, and it is imperatively necessary that they be given that thorough educational training that is necessary to prepare them for this new life and prospective citizenship. Under Choctaw management it is impossible for the children to receive thorough training, and the interests of these children demand that the Government retain control of their schools.

Inspector Wright says that both he and Superintendent Benedict have received many expressions of approval of the action of the Government in assuming charge of these schools, and none except interested politicians have given contrary opinions. Continuing, he says:

If submitted to a vote of the people, I have no hesitancy in expressing the belief that a large majority would be in favor of the Government control.

After the adjournment of the council above referred to, school matters became comparatively quiet. The academies have had a larger attendance during the year, and more competent employees, while the cost of maintenance has been materially reduced.

In regard to industrial training Superintendent Benedict says:

We introduced some work along the line of manual training and domestic science, although we were hampered by the lack of the necessary tools and appliances. At first the pupils were not inclined to look with favor upon this departure from their accustomed routine, and declared that they did not come to school to work. Before the year closed, however, many of the boys were proud of the various articles of furniture made by their own hands, such as tables, picture frames, stools, etc., while the girls at the close of school made a very creditable exhibit of their fine needlework.

There were conducted 6 boarding schools and 110 neighborhood schools in the Choctaw Nation. They were opened on September 1, 1899, and closed May 31, 1900. Sickness, inclement weather, indifference of parents, and distance from the day schools interfered with the attendance, but, considering these difficulties, as good progress was made as could be expected.

The following table shows the enrollment, average attendance, etc., of these schools for the year:

TABLE 27.—*Enrollment, average attendance, etc., of schools in Choctaw Nation, Ind. T.*

School.	Enrollment.	Average attendance.	Months of school.	Annual cost.	Average cost per pupil.	Number of employees.
Jones Academy (male)	110	81	9	$12,771.54	$157.67	11
Spencer Academy (male)	105	81	9	12,345.48	152.41	11
Tushkahoma Academy (female)	111	98	9	12,656.99	129.15	9
Armstrong Orphan Academy (male)	78	78	9	10,093.96	129.41	7
Wheelock Orphan Academy (female)	87	78	9	9,573.97	120.18	8
Atoka Baptist Academy	58	55	9	5,569.10	101.25	.....
Total	549	471	.....	63,011.04	133.78	.....
120 neighborhood schools	2,170	1,812	9	27,570.91	12.70	.....
Total	2,719	2,283	.....	90,581.95	.....	.....

The Government officials are working zealously to avoid all friction in these schools, to promote kind feelings on the part of the tribe, and eventually to accomplish reforms which will meet the hearty approval of those who now oppose their efforts through a misunderstanding of the actuating motives.

Chickasaw Nation.—Owing to the hostility of the governing portion of the tribe to the control of the schools by the Department, the Chickasaw council has undertaken to conduct these institutions as formerly, supporting them by appropriations from their own revenues. As the coal and asphalt royalties were not to be used, the "Regulations for education in Indian Territory" did not apply to this nation, which attempts out of its common funds to manage the scholastic interests of its people. Its legislature appoints a superintendent of schools, who in turn selects a local trustee for each school, which superintendent and trustees constitute the school board of the nation. The local trustees being the creatures of the national superintendent are removed by him at will. The present superintendent is a half-blood of some education, but is said to have little force of character. The trustees generally are full-bloods, the majority of whom are members of the nation's legislature. The neighborhood schools are located in isolated communities, patronized principally by full-bloods when patronized at all. The children, in many instances, and teachers also, use the Chickasaw vernacular to the almost total exclusion of English.

The supervisor of schools for that nation, in his report on conditions, says that the schoolhouses are mostly small frame buildings, furnished with a few rough board benches, with rarely a desk, blackboard, or writing materials. Many of the houses are "too filthy for swine to occupy, never having been cleansed since they were built; many of the children in squalor and rags." Teachers are not chosen for merit, but by favoritism, preference being given to Chickasaws "when the

local trustee does not have a noncitizen friend who wishes the appointment." Antiquated books are furnished by the superintendent at $25 per annum to each school. The approximate cost of the neighborhood schools is $36,115, or an average cost of $93.54 per pupil, children attending these schools being allowed $8 per month for board. As an illustration of the financial methods adopted, it is reported that this $8 is paid in duebills or scrip on the nation. The owner of the scrip, if poor, is compelled to discount it at the stores for the necessaries of life at from 25 to 50 per cent. These evidences of indebtedness are subsequently presented to the auditing committee of the nation's legislature at its next assembling, to be passed upon; if allowed, a warrant is issued therefor, which, unless held by a favored one, is subject to further discount at the pleasure of the banks or money lenders.

There were seventeen of these neighborhood schools operated during the year.

Five boarding schools, with an enrollment of 346 pupils, cost the nation $57,115. These are supported under five-year contracts with the superintendents, and the supervisor for the nation says: "Of the five superintendents only two are competent to teach the common school branches." Under the terms of the contract the superintendent receives a stipulated sum per annum for the board, tuition, medical attention, and maintenance of pupils, based upon a specified number, without regard to the average attendance. This opens wide the door for fraud and malfeasance on the part of those so inclined. The authority of the superintendent is paramount in all appointments of his employees, and frequently nepotism prevails to an alarming extent. Sanitary conditions are entirely neglected, but it is remarked that some of these superintendents are well-meaning men who do the best they can for the children, while others are unfit morally and educationally for the positions they hold.

Supervisor Simpson reports that, while he is unable to get accurate data concerning expenditures for schools, yet he is informed that the outstanding warrant indebtedness of this nation is between $95,000 and $110,000; that the Chickasaw superintendent has issued certificates during the year to 175 Chickasaw children to attend noncitizen schools in the nation, each of which would be entitled to $8 to $14 per month, approximating $16,800; for support of 5 academies, $57,115; for 17 neighborhood schools, $36,115; or a total expense for schools for the year of $110,030, which it has since been discovered will exceed their revenues available.

In consequence, this nation has already inaugurated steps looking to securing a portion if not all of the coal and asphalt royalties now in the Treasury of the United States for the purpose of liquidating this outstanding indebtedness for schools. They are seeking in this indi-

rect way to control the expenditure of a fund placed solely under the direction of the Secretary of the Interior, and placed under his control for the express purpose of having it applied to the legitimate purposes of education, and eliminating that control which has heretofore been represented as inimical to the best interests of the rising generation of the nation. To accede to their desires would be a perpetuation of the folly of years, and would rob the children of the benefit of funds held sacred for their use.

The enrollment, average attendance, etc., of the schools in the Chickasaw Nation are given in the following table:

TABLE 28.—*Enrollment, average attendance, etc., of schools in Chickasaw Nation, Ind. T.*

School.	Enrollment.	Average attendance.	Months of school.	Annual cost.	Average cost per pupil.	Number of employees.
Chickasaw Orphan Home	59	47	10	$8,500	$180	7
Wapanucka Institute (male)	79	60	10	13,000	216	10
Collins Institute (female)	38	38	10	6,600	173	8
Harley Institute (male)	80	75	10	13,200	176	12
Bloomfield Seminary (female)	92	86	10	15,180	176	12
Total	348	306	.....	56,480	184	49
Seventeen neighborhood schools	489	386	10	36,115	93	17
Total	837	692	.....	92,595	.....	66

Cherokee Nation.—Over the schools of this nation the Department exercises only a supervisory direction, the direct control being vested in a board of education, the members of which are elected by the national council, the council reserving the authority to determine the number of schools and make appropriations for their support, fixing all salaries of teachers. The board of education conducts examinations for employees and teachers and issues requisitions upon the principal chief for warrants in favor of the teachers and other parties to whom payments are due. This board appoints three school directors in each neighborhood, who are to provide suitable buildings, furnishings, etc. Teachers are required to report at the close of each session the enrollment, average attendance, and other statistical information as to the schools, which reports are used as bases of requisitions upon which warrants for their salaries are made.

There are 124 ungraded schools, 28 of which are denominated full-blood, and 15 freedmen, the latter separate from the others. The male seminary and female seminary at Tallequah, the colored high school near Tallequah, and an orphan asylum near Pryor Creek are the four boarding institutions of the nation. The Cherokees are considered the most enlightened and progressive of the Five Civilized Tribes, and for fifty years have maintained schools, their seminaries being founded in 1846 and opened in 1850. They are magnificent buildings of the old classic style of school architecture.

The educational life of this nation has had its ebb and flow through the past half century. At times progress and wise policy were the rule, when their institutions of learning flourished, only to languish after awhile by neglect and inefficiency of management. Prior to the passage of the Curtis law the schools of the nation were declining; incompetency, inefficiency, favoritism, and fraud at times marked the official control of educational matters. The action of the Secretary of the Interior in establishing a directing control of their system has awakened the nation to a realization of the low state into which this great branch of their work had fallen. A new school board has been formed, whose character and standing are the antitheses of their predecessors. They seem willing and anxious to correct abuses and improve methods. A higher standard of ability and morality among teachers has been set and the supervisor of the nation has cooperated with the tribal authorities in securing employees on meritorious qualifications.

Under orders of the Department, all school warrants for this nation are registered and indorsed by the United States supervisor as having been regularly issued for legitimate purposes before payment, and in his report he says:

> I have looked carefully into the character and quality of service rendered or goods furnished and have generally found the money has been prudently expended.

It is also said the officers and teachers are willing to cooperate for the benefit of the service, and appreciate advice, suggestions, and guidance.

The 124 neighborhood schools are in session twelve weeks in the fall and sixteen weeks in the spring, making seven months' term for the year. The seminaries are in session nine months in the year. An important change has been made in the system, which is the abolition of a winter vacation, which formerly extended through the months of January and February.

The following table shows the enrollment, average attendance, etc., at the schools of the Cherokee Nation for the past year:

TABLE 29.—*Enrollment, average attendance, etc., of schools in Cherokee Nation, Ind. T.*

School.	Enrollment.	Average attendance.	Months of school.	Annual cost.	Average cost per pupil.	Number of employees.
Male Seminary	120	80	9	$11,390	$131.75	7
Female Seminary	135	105	9	15,840	150.84	8
Orphan Home	138	124	9	15,125	121.95	8
Colored High School	45	23	9	3,400	147.78	3
Total	438	332	.....	45,755	137.81	26
124 neighborhood schools	3,290	2,195	7	30,380	13.98	.....
Total	4,358	2,527	.....	76,135	.....	.....

Creek Nation.—The status of the schools of this nation so far as Federal control is concerned is similar to that of the Cherokees.

These schools are managed by the Creek superintendent of education, who is appointed by the principal chief. The superintendent appoints teachers and superintendents of boarding schools. This nation has been lavish in its appropriations for schools without commensurate results. An objectionable feature of their laws is the making of superintendents of boarding schools officials of the nation, and consequently they are required to be citizens. Under their old régime educational qualifications were not considered essential for a man holding such a position, hence it became necessary for the United States superintendent of schools to insist that only educated men should be appointed. Through his influence a better tone has been given the service and he has succeeded in effecting the removal of some of the superintendents who were charged with drunkenness and incompetency. This nation has 9 boarding schools, the largest number in the Territory. It also maintains 55 neighborhood schools. All of these schools except seven of the latter were in session from September 4, 1899, to May 11, 1900.

Seven schools were discontinued on April 10 by reason of the prevalence of smallpox. Unsettled and conflicting conditions operated during the early part of the session in preventing full attendance. Rumors that the nation would fail to appropriate for schools and would soon close them were partial reasons for the decrease. As the session progressed confidence was restored, the national superintendent cooperated, and a comparatively successful year was had.

The United States school supervisor is required to investigate and approve all school warrants before payment, and as a result of his careful oversight there has been a material reduction in expenditures, to an amount of $5,000, with an increase of efficiency.

The following table gives the enrollment, average attendance, etc., at the schools of the Creek Nation for the past year:

TABLE 30.—*Enrollment, average attendance, etc., of schools in Creek Nation, Ind. T.*

School.	Enrollment.	Average attendance.	Months of school.	Annual cost.	Average cost per pupil.	Number of employees.
Eufaula	100	80	9	$7,784.76	$104.81	10
Creek Orphan Home	60	55	9	6,562.16	130.22	8
Euchie	80	58	9	6,668.15	123.76	10
Wetumka	100	82	9	8,614.76	112.37	14
Coweta	50	38	9	4,483.55	131.15	8
Wealaka	50	39	9	3,999.48	115.37	9
Tallahassee (colored)	100	80	9	8,057.88	108.22	7
Pecan Creek (colored)	65	50	9	4,262.73	95.25	6
Colored Orphan Home	35	24	9	2,000.18	104.13	6
Total	640	506	.....	52,433.65	103.62	78
55 neighborhood schools	1,745	1,042	9	13,223.42	12.68	55
Total	2,385	1,548	.....	65,657.07	.....	133

Comparative cost.—As previously stated, only the schools in the Choctaw Nation have been directly under the control of this Department,

while in the Creek and Cherokee nations the control has been merely supervisory. The Chickasaws have operated their own schools and resented governmental assistance. Under these conditions it is interesting to compare results of the past year with previous years, and with the several nations themselves, as will appear in the following table:

TABLE 31.—*Enrollment and average attendance during the fiscal years 1899 and 1900, showing increase in 1900; also average annual cost per pupil each year.*

School.	Enrollment.			Average attendance.			Average cost per capita, 1899.	Average cost per capita, 1900.	Increase (+) or decrease (−) in cost.
	1899.	1900.	Increase.	1899.	1900.	Increase.			
Cherokee Nation:									
Male Seminary	90	120	30	78	80	2	$149.00	$131.75	−$17.25
Female Seminary	125	135	10	105	105	.....	176.00	150.84	− 25.16
Orphan Home	129	138	9	110	124	14	136.00	121.95	− 14.05
Colored High School	25	45	20	20	23	3	175.00	147.78	− 27.22
Total	369	438	69	313	332	19	159.00	137.81	− 21.19
Choctaw Nation:									
Jones Academy	85	110	25	75	81	6	200.00	157.67	− 42.33
Spencer Academy	84	105	21	70	81	11	214.00	152.41	− 61.59
Tuskahoma Female Institute	90	111	21	75	98	23	.....	129.15	.....
Armstrong Orphan Academy	65	78	13	62	78	16	145.00	129.41	− 15.59
Wheelock Orphan Academy	60	87	27	50	78	28	160.00	120.18	− 39.82
Total	384	491	107	332	416	84	180.00	133.78	− 46.22
Creek Nation:									
Eufaula	100	100	.....	71	80	9	135.00	104.81	− 30.19
Creek Orphan Home	60	60	.....	52	55	3	140.00	130.22	− 9.78
Euchie	70	80	10	65	58	− 7	118.00	123.76	− 5.76
Wetumka	100	100	.....	85	82	− 3	110.00	112.37	− 2.37
Coweta	50	50	.....	37	38	1	135.00	131.15	− 3.85
Wealaka	50	50	.....	45	39	− 6	118.00	115.37	− 2.63
Tallahassee	80	100	20	66	80	14	144.00	108.22	− 35.78
Colored Orphan Home	35	35	.....	24	24	.....	138.00	104.13	− 33.87
Pecan Creek	60	65	5	52	50	−2	100.00	95.25	− 4.75
Nuyaka	100	.....	.....	89	.....	.....	100.00	.....	.....
Total	705	640	65	586	506	80	124.00	103.62	− 20.38
Chickasaw Nation:									
Chickasaw Orphan Home	60	59	− 1	.....	47	.....	150.00	180.00	+ 30.00
Wapanucka Institute	60	79	19	.....	60	.....	160.00	216.00	+ 56.00
Collins Institute	40	38	− 2	.....	38	.....	150.00	173.00	+ 23.00
Harley Institute	60	80	20	.....	75	.....	166.00	176.00	+ 10.00
Bloomfield Seminary	80	92	12	.....	86	.....	156.25	176.00	+ 21.00
Total	300	348	48	.....	306	.....	157.00	184.00	+ 27.00
Seminole Nation:									
Mekusukey Academy	100	.....	.....	65	.....	.....	160.00	.....	.....
Emahaka Academy	100	.....	.....	80	.....	.....	131.00	.....	.....
Total	200	.....	.....	145	.....	.....	291.00	.....	.....

An inspection of the above table shows that the average cost per capita for education in the boarding institutions of the Cherokee Nation was $137.81 in 1900 and $159 in 1899, a decrease of $21.19; in Creek Nation $103.62, as against $124, a decrease of $20.38; in the Choctaw Nation $133.78, as against $180, a decrease of $46.22; in Chickasaw Nation $184, as against $157, an increase of $27. These figures are pregnant with suggestions which can not fail to impress the intelligent, disinterested citizen. In the nation completely under governmental con-

trol there was a very marked reduction in cost and an equally marked increase in efficiency. While the Cherokee and Creek nations have a less per capita expenditure, it was due to the watchful care of the Government in supervising the same. That the Chickasaws are incompetent guardians of their own educational funds is fully apparent from the above figures and the reports of the deterioration of their schools.

No comparisons with reference to the Seminoles can be made for want of sufficient data.

White children without schools.—No accurate census of the white people living in Indian Territory is available, but the number, approximately, is 200,000. These people are scattered all over the country, in towns, villages, and fields, engaged in all occupations, from that of loafing or something worse, up to banking, merchandising, etc. This section was in the early days a haven for persons whose presence was undesirable in the civilized portions of the country. Many have left orphans with no homes, no known kindred, who are dependent upon a charity which is not always sufficient to keep them from want and vice. These children are growing up in ignorance, as in the present order public schools are unknown. There are, however, a great many white people of culture and wealth who appreciate the necessity of educating their children, and therefore about a dozen of the cities and villages of the Territory have attempted to establish schools, but unless they live in incorporated towns they can not levy a tax for maintenance or issue bonds for putting up school buildings, hence their efforts have not met with much success. The title to all lands being vested in the Indians no lands can be appropriated for school purposes, hence outside the incorporated cities and towns there is no legal way by which public school districts can be organized. There are therefore thousands of children of white parents who are thus deprived of education, growing up in vice and ignorance, already feeding the United States jails at Muscogee and other points with youthful criminals. The cost of education will not be excessive compared with results of permitting this class to continue in their present unhappy and unavoidable course. Congress should take some steps to remedy this great evil, and give schools to the 50,000 white children of this Territory.

Freedmen.—There are 4,250 freedmen in the Choctaw Nation and 4,500 in the Chickasaw. These people are excluded from the benefits of the coal and asphalt royalties, and are therefore without adequate or even inadequate school facilities. The majority are poor and ignorant, and therefore unable to bear the expense of educating their children. Debarred alike from white and red schools, Congress should provide some means by which they may be given the benefit of schools. Provision is made for the freedmen in other nations.

Population.—The population of Indian Territory may be subdivided into full bloods, mixed bloods, freedmen, intermarried whites, whites, and negroes.

The superintendent of schools and his assistants, not having the necessary facilities for securing an accurate school census of the Territory, have, however, been able with the assistance of the teachers to compile an estimate of the number of children between the ages of 6 and 18 years in the several nations, as shown in the following table;

TABLE 32.—*Scholastic population in Indian Territory.*

Nation.	Indians.	Negroes.	Whites.	Total.
Cherokee	8,340	950	10,000	19,290
Creek	1,850	1,300	3,500	6,650
Choctaw	4,000	1,000	16,000	21,000
Chickasaw	1,500	1,000	25,000	27,500
Seminole	400	400	100	900
Total	16,090	4,650	54,600	75,340

From this estimate it appears that there are 75,340 children of school age in Indian Territory, of whom 16,090 are Indians, 4,650 negroes, and 54,600 whites.

Suggestion.—A survey of the work of education among these four civilized tribes indicates that it has been more satisfactory than in the past. In the Choctaw Nation under Department control there has been marked progress in methods and reduction of expenses, while in the Cherokee and Creek the watchful eye of the Government has seen that methods have been improved and a more economical system adopted. The dual control is, however, unsatisfactory, in that there is a constant tendency to shift responsibility, and attribute to one or the other the mistakes of the others. The unsatisfactory conditions in the Chickasaw Nation indicate that the sooner the Government assumes control of their schools the earlier will results of good service be apparent.

MINERAL LEASES.

The leasing of lands for mineral purposes must be treated in two parts, one relating to leasing under the Choctaw and Chickasaw agreement, and the other to leasing under section 13 of the Curtis Act.

Choctaw and Chickasaw leases.—The Department, October 7, 1898, prescribed regulations governing the leasing of mineral lands in the Choctaw and Chickasaw nations in accordance with the provisions of the agreement.

Coal and asphalt.—By the agreement the leasing of mineral lands in the Choctaw and Chickasaw nations is under the supervision and control of two trustees appointed by the President, one, a Choctaw by blood, appointed on the recommendation of the principal chief of the Choctaw Nation, and the other, a Chickasaw by blood, appointed on the recommendation of the governor of the Chickasaw Nation. The principal chief of the Choctaw Nation nominated Mr. Napoleon B.

Ainsworth, and the governor of the Chickasaw Nation nominated Mr. Lemuel C. Burris. These gentlemen were appointed by the President and their commissions were issued October 8, 1898, but they did not enter regularly on their duties until about the 1st of December, 1898, All official acts of these mining trustees are subject to the approval of the Department.

By the regulations prescribed October 7, 1898, the royalty on coal was fixed at 15 cents per ton for each ton of coal produced weighing 2,000 pounds, and at 60 cents per ton for each ton of asphalt produced weighing 2,000 pounds. In November of 1898 the coal producers in the Indian Territory petitioned the Department to give them a hearing relative to reducing the rate of royalty on coal produced. The Department, by letter of January 6, 1899, reduced the rate of royalty to 10 cents per ton on each ton of coal produced weighing 2,000 pounds after it had been passed over a screen the meshes of which were one inch square. Considerable difficulty was experienced in having the coal properly screened, and much of the coal was shipped mine run, and the coal operators, in February of 1900, petitioned the Department to reduce the rate of royalty to $6\frac{2}{3}$ cents per ton, mine run, and the rate was fixed by the Department, at 8 cents per ton, mine run, to take effect March 1, 1900.

The regulations prescribed October 7, 1898, having been modified in many particulars, the Department, May 22, 1900, caused them to be reprinted, embodying the modifications subsequent to the date of their original promulgation. The revised regulations provide for royalties for the different classes of minerals as follows:

On coal, 8 cents per ton of 2,000 pounds on mine run; or coal as it is taken from the mines, including that which is commonly called "slack," which rate went into force and effect on and after March 1, 1900.

On asphalt, 60 cents per ton for each and every ton produced weighing 2,000 pounds of refined, and 10 cents per ton on crude asphalt.

The right is reserved, however, by the Secretary of the Interior in special cases to either reduce or advance the royalty on coal and asphalt on the presentation of facts which, in his opinion, make it to the interest of the Choctaw and Chickasaw nations, but the advancement or reduction of royalty on coal and asphalt in a particular case shall not operate in any way to modify the general provisions of this regulation fixing the minimum royalty as above set out.

Provided, That all lessees shall be required to pay advanced royalties, as provided in said agreement, on all mines or claims, whether developed or not, to be "a credit on royalty when each said mine is developed and operated and its production is in excess of such guaranteed annual advanced payments," as follows, viz: One hundred dollars per annum in advance for the first and second years, $200 per annum in advance for the third and fourth years, and $500 in advance for each succeeding year thereafter; and that, should any lessee neglect or refuse to pay such advanced royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and all royalties paid in advance shall be forfeited and become the money and property of the Choctaw and Chickasaw nations.

The regulations were also modified so as to require the applicants for leases to make applications under oath to the United States Indian inspector located in the Indian Territory instead of, as previously, to the mining trustees. Parties who secure mineral leases in the Indian Territory must show that they are experienced miners, and that they have capital sufficient to develop mines properly. This has had the effect of reducing speculative applications to the minimum.

Since my last annual report coal leases in the Choctaw and Chickasaw nations have been submitted by this office and approved by the Department as follows:

1. One lease with Messrs. Edmund McKenna and Charles H. and Eldridge C. Amos, submitted October 18, 1899, and approved October 24, 1899.

2. Two leases with the McAlester Coal Mining Company, submitted February 16, 1900, and approved February 19, 1900.

3. Six leases with the Choctaw Coal and Mining Company were submitted April 10, 1900, and the Department on May 4, 1900, approved three, known as leases Nos. 3, 4, and 5, and disapproved the others.

4. Six leases with the Sans Bois Coal Company, submitted June 22, 1900, and approved June 25, 1900.

5. One lease with the Central Coal and Coke Company, submitted August 13, 1900, and approved August 27, 1900.

6. One lease with William Busby, of Parsons, Kans., submitted August 15, 1900, and approved September 6, 1900.

March 1, 1899, the Department approved 30 leases with the Choctaw, Oklahoma and Gulf Railroad Company; April 27, 1899, 8 leases with John F. McMurray, and August 22, 1899, 3 leases with Messrs. D. Edwards & Son. This makes in all 55 coal leases approved by the Department since the passage of the Curtis Act.

The applications of several other companies for coal-mining leases are pending before the Department, but have not yet, so far as the office is advised, been acted upon. During the year numerous applications were refused by the Department, for the reason that the parties applying were not able to make a satisfactory financial showing, or because they were not experienced coal miners.

Asphalt leases have also been approved as follows:

1. One lease with the Brunswick Asphalt Company, submitted March 15, 1900, and approved March 20, 1900.

2. One lease with the Caddo Asphalt Mining Company, submitted April 18, 1900, and approved April 21, 1900.

3. One lease in favor of the Elk Asphalt Company, submitted April 23, 1900, and approved May 3, 1900.

This makes in all three asphalt leases that have been approved since the passage of the Curtis Act.

Contested coal and asphalt leases.—In my last annual report mention

was made of the application of the Sans Bois Coal Company for twenty-eight leases, and of the contest existing between that company and the Kansas and Indian Territory Coal Mining Company, represented by Mr. W. S. Nelson, as to certain tracts embraced within some of the applications, the matter being then pending before the Department. Subsequently the subject was referred by the Department to the Assistant Attorney-General for an opinion, and October 18, 1899, he rendered an opinion, which was approved by the Department the same day, in which he held that—

neither of said companies is, as a matter of law, entitled to a preference right to a lease of these lands, and that in instances of such rival applications the Secretary of the Interior must, in the exercise of a sound discretion, determine to which application a lease will be given. The Kansas and Indian Territory Coal Company having the only improvements on these lands, and having made a prior application for a lease, seems to me to be in a position to reasonably argue that its application be first considered.

Subsequently, George Hayden, attorney for the Sans Bois Coal Company, requested the Department to refer the matter to the Assistant Attorney-General for an opinion as to whether or not the San Bois Coal Company "has not, by fair interpretation, legally earned its right to the leases asked for." The leases involved in the contest, however, were not included in those which Mr. Hayden desired to have submitted. The Assistant Attorney-General rendered an opinion December 14, 1899, which was approved by the Department the same day, in which he held "that the applicant is not in position to demand as a matter of right the approval of the leases in question." Subsequently six leases were granted to the San Bois Coal Company, and the Kansas and Indian Territory Coal Company was advised that it could submit an application for one lease.

Another contest mentioned in my last annual report was that generally known as "The Davis Mining Company contest." This controversy arose over asphalt lands in the Chickasaw Nation. The Davis Mining Company had been granted a charter or license by the Chickasaw Nation to mine asphalt on a certain tract. A lease was made by that company to other parties, who sublet to the Rock Creek Natural Asphalt Company, which company made a lease to other parties, who in turn sublet their right to the Gilsonite Roofing and Paving Company.

The Assistant Attorney-General, March 10, 1900, rendered an opinion in this case, which was approved the same day by the Department, in which he held that none of the parties had acquired any legal right to have the land and that the granting of a lease rested in the discretion of the mineral trustees subject to the approval of the Secretary of the Interior. The opinion says:

As pointed out by the Commissioner of Indian Affairs, the Choctaw and Chickasaw nations are joint owners of the lands occupied by them, respectively, the Choc-

taws holding a three-fourths interest in the lands occupied by the Chickasaws and the Chickasaws holding a one-fourth interest in those occupied by the Choctaws. Because of this joint interest it was held that both nations should join in the agreement ratified by the act of June 28, 1898, by which a change in the tenure of their lands was to be effected. The leases or contracts ratified and confirmed by said agreement were those made by the "National agents of the Choctaw and Chickasaw nations," and not those made by the representative of one nation alone. It was not intended by that agreement to recognize any contract or lease made by one of these nations alone through its representatives.

As said by the Commissioner of Indian Affairs, it is not shown or claimed that the Choctaw Nation ever gave its assent to the Chickasaw act under which the Davis Mining Company claims existence. I am of opinion that no claim based upon that act is entitled to recognition under the agreement. If a charter or license granted under that act is affected by said agreement, it is not by way of ratification or confirmation, and hence no claim to a preference right to a lease of ground covered by a charter issued under said Chickasaw law can be successfully asserted by virtue of any provision of said agreement. The matter of leasing mineral lands is fully covered by the provisions of said agreement and unless an applicant claiming a preference right to a lease can bring himself within its provisions and the regulations issued thereunder his claim must fail. The Davis Mining Company, not having a lease that comes within the confirmatory provisions of said agreement, has no preference right to a lease for the land in question.

Neither of the other applicants claims to hold under a contract made directly with the national agents of the Choctaw and Chickasaw nations, or either of them, and hence neither has any claim falling within the confirmatory provisions of the agreement ratified in 1898. They, in each instance, went upon the land in pursuance of and under the authority of the license to the Davis Mining Company. That license, being given without authority, conferred no right upon the Davis Mining Company, and that company could not grant any right which it never had.

Even if it be admitted that parties who are in possession of lands under such license, lease, or contract as those presented here may have a right that should be recognized, the fact still remains that neither of these parties is entitled under those instruments to exclusive possession of the lands in question. The license to the Davis Mining Company was to mine "all minerals, gases, oils, coal, and asphaltum, or all minerals known to the law." The lease to Dennis, transferred by him to the Rock Creek Natural Asphalt Company, was of "all the asphaltum and petroleum" under and upon the same land, and the lease to Baxter, transferred to the Gilsonite Roofing and Paving Company, was of "all the lime-rock asphaltum under and upon said land." In this instrument a right was reserved to the Rock Creek Company "to use any and all lime asphalt rock for its own use and to do its own mining." If these instruments are to be consulted to determine the rights of these applicants the conclusion would be that neither is entitled to a preference right as against the other to a lease by reason of possession, because neither has a right to the exclusive possession of the tract in controversy between them. In no phase of the case can either of these applicants successfully assert a preference right to a lease of said lands by reason of the instruments under which they went upon it. I concur in the conclusion reached by the Indian Office that these parties are upon the land in question without any right to be there recognized by the law, and that neither of them can, as a matter of legal right, demand a lease thereof.

In paragraph 9 of the regulations governing mineral leases in the Choctaw and Chickasaw nations it is provided that persons or corporations who have, under the customs and laws of the Choctaw and Chickasaw nations, made leases with the national agents for mining coal, asphalt, or other minerals, and who, prior to April 23, 1897, had taken possession of and were operating any such mine in good faith,

should be protected in the right to continue the operation thereof and have the right to renew the same. A further provision of said paragraph is as follows:

* * * And all corporations which, under charters obtained in accordance with the laws of the Chickasaw Nation, had entered upon and improved and were occupying and operating any mine of coal, asphalt, or other mineral within said Chickasaw Nation shall have a preference right to lease the mines occupied and operated by such corporations, subject to all the general provisions of said agreement and of these regulations: *Provided*, That should there arise a controversy between two or more of such corporations, the respective rights of each shall be determined after an investigation by the inspector located in the Indian Territory, subject to appeal to the Commissioner of Indian Affairs, and from him to the Secretary of the Interior.

In paragraph 10 of said regulations it is pointed out that all leases made prior to April 23, 1897, by individual members of said nations were, by the agreement, declared void, and hence that no preference right could be asserted by reason of such a lease, and then it is said:

But parties in possession of mineral land who have made improvements thereon for the purpose of mining shall have a preference right to lease the land upon which said improvements have been made under the provisions of said agreement and these regulations.

While these provisions of the regulations as to claims not based upon a lease ratified by said agreement are not specifically authorized by any provision of the law, yet the Department having charge of the matter of mineral leases had authority to adopt the plan to the end that parties who had in good faith expended money in the development of mining claims might secure the benefit of such expenditures. These applicants not having any claim to the land which is confirmed and ratified by said agreement, the granting of a lease rests in the sound discretion of the mineral trustees, acting under and in conformity with the regulations and subject to the approval of the Secretary of the Interior. There being a controversy as to a part of the land, the right to a lease of the tract thus in controversy, or to the different subdivisions thereof, should be considered and determined in the mode prescribed by the regulations, and in accordance therewith. If, upon the investigation by the inspector, as provided in the regulations, no reason is disclosed for refusing a lease to either of these parties for land not claimed by the other, the application should be allowed to that extent, and as to the land about which there is a controversy, the facts as to possession and improvements should be ascertained, to determine the equities of the parties, to the end that each may be given a lease to cover, if possible, the ground upon which he has in good faith made improvements.

Another contest arose in the application of the Brunswick Asphalt Company for a lease to certain lands in the Chickasaw Nation. W. S. Nelson, of Kansas City, Mo., protested against the lease being granted to said company. He represented that the lease, if granted at all, should be made in the name of the Hays, Turner & Cooper Mining Company, in which company he claimed an interest, and of which company it appears the Brunswick Asphalt Company is the successor. From the papers submitted by Mr. Nelson it appeared that he entered into a contract with H. A. Kemble & Co., the owners of the stock of the Hays, Turner & Cooper Mining Company, to sell the stock of that concern, and that he went to New York for that purpose; that he was about to make a sale of said stock, and so advised H. A. Kemble & Co.; that one Mr. D. J. Calkins, who was a member of the firm of Kemble & Co., went to New York and agreed with Mr. Nelson that if he would surrender his contract with H. A. Kemble & Co. for the sale of the stock of the Hays, Turner & Cooper Mining Company, the

owners of the stock would give him $20,000 worth of fully paid up nonassessable capital stock of said company; and that he accepted that proposition, but that the stock was never delivered to him. Therefore he urged that the lease should not be granted, for the reason that the Brunswick Asphalt Company was organized for the purpose of defrauding him (Nelson) out of his share of the capital stock of said Hays, Turner & Cooper Mining Company.

In office report dated November 22, 1899, it was stated:

Concerning Mr. Nelson's protest, the office is of the opinion that if H. A. Kemble & Co., who were, it seems, the sole owners of the stock of the Hays, Turner & Cooper Mining Company, owes him anything by reason of his contract to sell the stock of said company, that he (Nelson) would still have a right of action against said Kemble & Co., if he ever had any such right, and that their stock in the Brunswick Asphalt Company would be liable for any judgment obtained against them by reason of said contract, and that the same is also true as to any judgment he might obtain against said Kemble & Co. by reason of the agreement entered into by the provisions of which it appears that in consideration of his surrendering said contract to sell the stock of the Hays, Turner & Cooper Mining Company, that said Kemble & Co. agreed to give him $20,000 worth of the full paid up nonassessable capital stock of said Hays, Turner & Cooper Mining Company.

The office further stated that it doubted whether the lease should be granted at that time, for the reason that the Department was then considering the rate of royalty that should be paid on asphalt, and for the further reason that while the law undoubtedly vested power in the Department to increase or decrease the rate of royalty to be paid under any mineral lease whenever it was deemed "for the best interests of the Choctaws and Chickasaws to do so," it was doubtful whether such authority was reserved in the form of lease then in use.

By Department letter of December 18, 1899, the office was advised as follows:

While the Department adheres to the opinion that the lessee is under obligation to pay the rate of royalty that may be prescribed by the Secretary at any time during the term of the lease, even if the rate be increased over that expressly stated therein, yet out of abundant caution so that there may not be a possibility of a doubt as to the true intent and meaning of the lease, it is considered advisable that the form of lease prescribed by the Secretary of the Interior on October 7, 1898, under the provisions of section 29 of the act of Congress approved June 28, 1898 (30 Stat. L., 495), be amended so that the last paragraph on page 10 shall read:

And the part— of the second part agree— that this indenture of lease shall be subject in all respects to the rules and regulations heretofore, or that may be hereafter prescribed, under the said act of June 28, 1898, by the Secretary of the Interior relative to mineral leases in the Choctaw and Chickasaw nations; and said part— of the second part expressly agrees to pay to said United States Indian agent any additional rate of royalty that may be required by the Secretary of the Interior during the term this lease shall be in force and effect; and further, that should the part— of the second part, —— executors, administrators, or assigns, violate any of the covenants, stipulations, or provisions of this lease, or fail for the period of thiry days to pay the stipulated monthly royalties provided for herein, then the Secretary of the Interior shall be at liberty, in his discretion, to avoid this indenture of lease, and cause the same to be annulled, when all the rights, franchises, and privileges of the part— of the second part, —— executors, administrators, or assigns, hereunder shall cease and end, without further proceedings.

The Department held that it would be necessary to have the lease and bond reexecuted. The lease was subsequently granted to the Brunswick Asphalt Company.

The inspector, April 9, 1900, submitted ten applications of the Southwestern Coal and Improvement Company for leases of certain lands in the Choctaw Nation, and also filed applications of the Milby & Dow Coal and Mining Company for leases of certain lands in that nation; and some of the tracts described were included in both applications.

Office report of April 14, 1900, stated that—

> It appears that neither of the companies has made any improvements upon the lands in controversy, and the question raised by Inspector Wright as to whether or not the Southwestern Coal and Improvement Company has the right to commence operations on any of the tracts of land in controversy, at any time prior to the expiration of its national contract, seems to come within the provisions of the agreement above quoted.
>
> It appears that this company was, on April 23, 1897, operating upon the territory covered by its national contract. The contract entered into by this company with the national representatives of the Choctaw and Chickasaw nations July 1, 1889, and renewed November 2, 1895, described certain tracts of land by indicating the names by which they were known, and these tracts seem to be embraced within the area applied for by this company.
>
> It is the opinion of this office that the Southwestern Coal and Improvement Company's contract with the national authorities was approved by the Choctaw and Chickasaw agreement; that said company has the right to begin operations on any of the tracts covered by said national contract at any time prior to the expiration thereof; that the company may at any time, up to and including the date of its national contract, make application for leases for the tracts covered by its national contract; and that the Milby & Dow Coal and Mining Company has not in any particular established its right to leases to the lands in controversy, as against the rights of the Southwestern Coal and Improvement Company.

It was therefore recommended that the inspector be instructed to advise the Southwestern Coal and Improvement Company to have its leases prepared and forwarded for consideration.

The Department, however, in a letter of June 14, 1900, advised the inspector that as soon as the Attorney-General should render an opinion on the subject he would be informed. So far as this office is advised, the opinion has not yet been rendered.

Other minerals.—October 3, 1899, the inspector requested to be advised relative to the leasing of minerals in the Choctaw and Chicasaw nations other than coal and asphalt. His report was submitted to the Department with office report of October 11, 1899, in which attention was called to the following recommendation contained in the annual report of the inspector:

> It appears by treaty that all mineral land, other than coal and asphalt, is not reserved from allotment in the Chickasaw and Choctaw nations. Therefore, to avoid complications later, it would appear desirable that no leases, other than coal and asphalt, be made in such nations, though the treaty provides leases shall include all minerals.

In this recommendation the office heartily concurred, for the reason that while the language of the agreement as construed by the Department provides for the leasing of lands for the mining of all minerals, it is the belief of the office that such was not the intention of the contracting parties.

The Department replying to the inspector October 16, 1899, quoted from office report of October 11, and said:

It was scarcely necessary for the Acting Commissioner to reiterate its concurrence in said quotation from your annual report. The Department had supposed that the proper construction of that portion of the agreement set out in section 29 of the act of Congress approved June 28, 1898 (30 Stat. L., 495), was fully adjudicated by the repeated rulings of the Department which, under the provisions of sections 441 and 463 of the Revised Statutes of the United States, the Secretary is authorized to make. And said rulings are binding upon all subordinate officers of this Department, notwithstanding said rulings may be contrary to the individual opinions of said officers.

In a letter dated September 7 last, the Department acknowledged the receipt of your annual report, and called your attention to the fact that "it would appear from some statements therein that you have overlooked the rulings of the Department upon the question whether leases for mineral lands in the Choctaw and Chickasaw nations may include other minerals than coal and asphalt," under said agreement in said act of June 28, 1898. Reference was made in said letter to the rulings of the Department in its letters of February 27 last, wherein the Department concurred in the opinion expressed by the Commissioner of Indian Affairs, that the clause in said agreement, namely, "All leases under this agreement shall include the coal or asphaltum, *or other mineral*, as the case may be, in or under nine hundred and sixty acres," warranted the construction contained in departmental regulations dated October 7, 1898.

Reference was also made in said letter to the subsequent departmental ruling of April 4 last, and you were told that in said letter of April last—

the provisions of said agreement relating to said question were again more fully and elaborately considered by the Department, and it was held, both upon principle and authority, the regulations governing mineral leases in the Choctaw and Chickasaw nations and expressly authorizing the leasing of lands containing other mineral than coal and asphalt, were duly issued and should stand until changed by "legislative enactment."

A copy of said letter of April 4 was sent to you, and you were advised that "said rulings have been uniformly adhered to," and you were again instructed to "advise the mineral trustees of the Choctaw and Chickasaw nations that they must receive applications in accordance with said regulations, and report the same to you as prescribed by paragraph 3 thereof."

This you report has been done. Said letter was inclosed in a letter to the Commissioner of Indian Affairs on September 8 last, with directions to forward the same to you, which appears to have been done.

It thus appears that the effect of said agreement has been repeatedly adjudicated by the highest authority in this Department, and in technical language has passed "in rem judicatam." It may not be amiss, however, to call your attention to the fact that in the original agreement made on April 23, 1897, as set out in the annual report of the Commissioner of Indian Affairs, 1897 (p. 413), the language is:

All leases under this agreement shall include nine hundred and sixty acres, which shall be in a square as nearly as possible, and shall be for thirty years. The royalty on coal shall be 15 cents per ton of 2,000 pounds on all coal mined. * * * Royalty on asphalt shall be 60 cents per ton.

And the words "or other mineral" are omitted. But said paragraph in the agreement contained in said section 29 was materially modified by Congress. The proviso in the former paragraph authorized the legislatures of the Chickasaw and Choctaw

nations to reduce the royalties whenever they deem it for their best interests to do so, but the paragraph in the agreement which became a law reads:

"All leases under this agreement shall include the coal or asphaltum or other minerals," and the proviso was changed so as to authorize the Secretary of the Interior to "reduce or advance royalties on coal and asphalt when he deems it for the best interests of the Choctaws and Chickasaws to do so."

This agreement, containing said amendments, was ratified by said nations on August 24 last, and the changes made fully confirm the Department in the construction heretofore placed upon said agreement. Besides, there is no good reason why other minerals in the Chickasaw and Choctaw nations than coal and asphalt should not be reserved for the benefit of the tribes in like manner as the coal and asphalt therein contained.

The Department, therefore, does not approve the recommendation quoted by the Acting Commissioner and concurred in by him.

April 9, 1900, the inspector transmitted the application of S. B. Bradford and others for a zinc and lead mining lease in the Chickasaw Nation, Indian Territory. Office report of April 10, 1900, quoted the following from Department letter above quoted—

Besides there is no good reason why other minerals in the Chickasaw and Choctaw nations than coal and asphalt should not be reserved for the benefit of the tribes in like manner as the coal and asphalt therein contained.

and referred to previous communications from this office which expressed the opinion that there was no authority for the leasing of any minerals other than coal and asphalt.

April 27, 1900, the Department requested of the Assistant Attorney-General for the Interior Department an opinion "whether the Secretary of the Interior was authorized to issue" the regulations prescribed by the Department on October 7, 1898, "authorizing the leasing of other minerals than coal or asphalt."

May 11, 1900, the Assistant Attorney-General rendered an opinion, which was approved by the Department on the same date, in which he held that there is no authority under the agreement for giving leases to mine anything but coal and asphalt. The opinion says:

The agreement then fixes the royalty to be paid on coal and asphalt, with the proviso that the Secretary of the Interior may reduce or advance the royalties on "coal and asphalt" when he deems it to the best interest of the Indians to do so.

The fact that no substance except coal and asphalt is mentioned in connection with the allotment of lands to individuals, and the patent to the allottee, shows clearly that it was not intended to retain as the property of the tribe, or to except from the conveyance to the allottee, any substance other than coal and asphalt that might be in or under the land allotted. The care exercised to specifically mention "coal and asphalt" in every declaration as to reservations for the common benefit of the members of the tribes, and to omit therefrom the mention, specifically or generally by the use of the phrase "other mineral," of any other substance is significant, and clearly demonstrates an intention to limit such reservations to the substances specifically mentioned—that is, coal and asphalt.

To make productive the property or things thus declared to be, and reserved from allotment as, the common property of the members of the tribes, provision was made for granting privileges or leases for mining these substances. All these provisions, except two, mention specifically and only "coal and asphalt." Nothing in said

agreement was to impair "the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress," and such interests were to be "assured by new leases from such trustees of coal or asphalt claims described therein." This provision does not apply generally, but is limited to the class of leases described; that is, those which had been assented to by act of Congress, so that there is yet no general provision as to any substance other than coal and asphalt. Immediately following the provision last referred to is the statement:

> All leases under this agreement shall include the coal or asphaltum or other mineral, as the case may be, in or under nine hundred and sixty acres, which shall be in a square form as nearly as possible, and shall be for thirty years.

This is the first and only time the word "mineral" appears in said agreement in connection with any general provision relating to leases for mining purposes, and if there is any authority for giving a lease for mining any substance other than coal and asphalt, except as an assurance of rights under a lease of oil or other mineral assented to by act of Congress, it rests upon the phrase "other mineral," injected into this clause defining the extent of the territory to be covered by a lease for mining purposes. It being possible that some leasehold interests had been theretofore assented to by Congress involving the right to mine other mineral, and it being deemed advisable to avoid any misunderstanding as to claims of that class, the phrase "other mineral" was inserted where it is found. It was certainly never intended by the insertion of this phrase in the sentence defining the extent of leases to enlarge all the provisions preceding it, and to authorize leases for mining substances which it is clearly intended shall go with the title to the land to the respective allottees.

After a careful consideration of this matter I am of opinion and advise you that there is no authority under the provisions of said agreement for giving leases for the purpose of mining any substance other than coal and asphalt, except as an assurance of rights under a lease of oil or other mineral, assented to by act of Congress.

Creek and Cherokee leases.—The Department, November 4, 1898, promulgated regulations governing the leasing of mineral lands in the Creek and Cherokee nations in accordance with the provisions of section 13 of the act approved June 28, 1898. No leases for the mining of minerals of any character in either of said nations have been approved by the Department; but the inspector reported, December 1, 1899, that he had given Mr. John Bullette, a Delaware Indian, temporary permission to mine coal in a certain locality in the Cherokee Nation and that similar permission had been granted to W. S. Edwards, a Cherokee citizen, who desired to supply coal to a railroad that was in the course of construction, and the inspector requested that his action be approved. Under this temporary permission said parties were to pay the rate of royalty prescribed by the regulations of November 4, 1898, and the permits were subject to cancellation at any time the Department deemed it advisable. Office report of December 7, 1899, recommended that the inspector's action be approved, and the Department, December 12, authorized him to issue the permits "upon the conditions stated, namely, that they may be revoked at any time in the discretion of the Secretary, and that each party shall pay a royalty of 10 cents per ton as prescribed in the general regulations."

The inspector reported February 17, 1900, that he had also given H. E. Brown temporary permission to mine and ship coal in the Creek Nation and that permission of the same character had been given to Mrs. Texanna Wooley to mine coal on the land she proposed to take as her allotment in the Cherokee Nation, and requested that his action in these cases be approved. In accordance with office recommendation of March 13, 1900, the Department, March 16, approved the action of the inspector.

It was afterwards found that the temporary permission granted Mr. Edwards was in reality permission for the Horse Pen Coal and Mining Company, of which Mr. Edwards was president, to mine coal in the Cherokee Nation. In his report of January 13, 1900 (referred to this office by the Department February 21), the inspector stated that the temporary permission granted through him to Mr. Edwards or the Horse Pen Coal and Mining Company by the Department December 12, 1899, had been revoked by him, for the reason that Mr. S. M. Porter, of Caney, Kans., who was acting as attorney for the coal and mining company, was at the same time attorney for a Mr. Morris, who was interested in laying out the "town site" of Collinsville, and also for the Kansas, Oklahoma Central and Southwestern Railroad Company, to which said coal company was furnishing coal; also that Mr. Porter, as the representative of Mr. Edwards, complained to the inspector that one Mr. French was laying out a town site on land on which Edwards desired to mine coal. The inspector therefore suggested that the "Horse Pen Mining Company not be permitted to mine coal further in the Cherokee Nation other than to take coal which they had already stripped."

Office report of March 9, 1900, recommended approval of Inspector Wright's recommendation as follows:

> In view of the fact that Mr. Porter is attorney for, and a partner of, Mr. Morris in the town-site transaction, attorney for the coal company, and also for the railway company, and that he did not advise Inspector Wright of the business relations existing between him and Mr. Morris when he complained of Mr. French's action, it would seem that he has acted in bad faith. Therefore this office concurs in Inspector Wright's suggestion, and recommends that the temporary permission heretofore granted Mr. Edwards, or the Horse Pen Coal and Mining Company, to take coal from certain Cherokee lands be revoked.

March 30, 1900, the Department approved the inspector's action.

In my last annual report the status was given of the applications of the Cudahy Oil Company, the Cherokee Oil and Gas Company, and Benjamin D. Pennington, for oil leases covering a large number of tracts of 640 acres each, aggregating altogether about 183,000 acres of land in the Cherokee and Creek nations. These companies have since applied to the Department for a rehearing of their applications, which was granted; but this office is unadvised as to what action has been taken thereon by the Department.

Certain Cherokee and Creek citizens opposed the granting of those leases, as did also the Delaware Indians, through their local representative, Mr. Richard C. Adams, a Delaware Indian.

Article XV of the treaty between the United States and the Cherokee Nation, concluded July 19, 1866, provides in part that—

The United States may settle any civilized Indians, friendly with the Cherokees and adjacent tribes, within the Cherokee country, on unoccupied lands east of 96°, on such terms as may be agreed upon by any such tribe and the Cherokees, subject to the approval of the President of the United States, which shall be consistent with the following provisions, etc.

The fourth article of the treaty concluded July 4, 1866, between the United States and the Delaware tribe provides that—

The United States agree to sell to the said Delaware Indians a tract of land ceded to the Government by the Choctaws and Chickasaws, the Creeks, or the Seminoles, or which may be ceded by the Cherokees in the Indian country, to be selected by the Delawares in one body in as compact a form as practicable, so as to contain timber, water, and agricultural lands, to contain in the aggregate, if the said Delaware Indians shall so desire, a quantity equal to one hundred and sixty (160) acres for each man, woman, and child who shall remove to said country, at the price per acre paid by the United States for the said lands, to be paid for by the Delawares out of the proceeds of sales of lands in Kansas heretofore provided for. The said tract of country shall be set off with clearly and permanently marked boundaries by the United States; and also surveyed as public lands are surveyed, when the Delaware council shall so request, when the same may, in whole or in part, be allotted by said council to each member of said tribe residing in said country, said allotment being subject to the approval of the Secretary of the Interior.

The fifth article of said treaty declares that—

The United States guarantee to the said Delawares peaceable possession of their new home herein provided to be selected for them in the Indian country, etc.

Pursuant to the provisions of these two treaties, the Cherokee and Delaware Indians entered into an agreement on April 8, 1867, which was approved by the President April 11, 1867. Said agreement provides that the Cherokee tribe—

Agree to sell to the Delawares, for their occupancy, a quantity of land east of the line of the 96° west longitude, in the aggregate equal to 160 acres of land for each individual of the Delaware tribe who has been enrolled upon a certain register made February 18, 1867, by the Delaware agent, and on file in the office of Indian Affairs, being the list of the Delawares who elect to remove to the "Indian country," to which list may be added, only with the consent of the Delaware council, the names of such other Delawares as may, within one month after the signing of this agreement, desire to be added thereto; and the selections of the lands to be purchased by the Delawares may be made by said Delawares in any part of the Cherokee Reservation east of said line of 96°, not already selected and in possession of other parties; and in case the Cherokee lands shall hereafter be allotted among the members of said nation, it is agreed that the aggregate amount of land herein provided for the Delawares, to include their improvements according to the legal subdivisions, when surveys are made (that is to say, 160 acres for each individual), shall be guaranteed to each Delaware incorporated by these articles into the Cherokee Nation.

Section 25 of the act of Congress approved June 28, 1898, provides—

That before any allotment shall be made of lands in the Cherokee Nation, there shall be segregated therefrom by the commission heretofore mentioned, in separate allotments or otherwise, the one hundred and fifty-seven thousand six hundred acres purchased by the Delaware tribe of Indians from the Cherokee Nation under agreement of April eighth, eighteen hundred and sixty-seven, subject to the judicial determination of the rights of said descendants and the Cherokee Nation under said agreement.

It also authorized and empowered the Delaware Indians to bring a suit in the Court of Claims within sixty days from the passage of the act against the Cherokee Nation "for the purpose of determining the rights of said Delaware Indians in and to the lands and funds of said nation" under the agreement quoted above. The Delaware Indians began suit accordingly against the Cherokee Nation, and that suit is yet pending, and was pending at the time of the hearing before the Department on the applications of the companies above mentioned for oil leases. The Delaware Indians, through their representative, took the ground that the Department ought not to grant leases of oil or other mineral substances in the Cherokee Nation until such time as the courts had fully adjudicated the rights of the Delawares under their agreement of April 8, 1867, with the Cherokee Nation.

COLLECTION OF REVENUES.

As stated in my last annual report, the agent for the Union Agency, July 23, 1898, was given preliminary instructions relative to the collection of revenues, royalties, etc., arising under contracts, leases, and laws in the several nations in accordance with the provisions of the Curtis Act. The agent has continued to collect the revenues and taxes of all kinds for the Creek and Cherokee nations. In the Choctaw and Chickasaw nations the only revenues thus far collected by the officers of the Department are those arising from coal and asphalt mined.

Merchandise and cattle tax.—August 4, 1899, the inspector for the Indian Territory submitted a report on the following subjects:

(1) The enforcement of the tax imposed by the laws of the Cherokee Nation on merchants within that nation; and

(2) The enforcement of a tax under the laws of the Cherokee Nation on the introduction of cattle into that nation and the grazing of the same by citizens.

After quoting from the Cherokee laws, he suggested that he be authorized to close the places of business of any citizen of the Cherokee Nation who refused to pay the tribal tax prescribed by the laws of that nation, and that, after proper notice had been given such citizen, he be removed from the Territory in accordance with the provisions of section 2149 of the Revised Statutes of the United States.

As to the second point, the inspector requested to be advised whether

he should "seize and hold all cattle held and grazed in the Cherokee Nation by citizens thereof upon which the payment of the tax levied is refused, after due notice, until the tax is paid, or remand such cases to the United States court for the enforcement of the penalty provided by section 2117 supra, or whether the citizens of that nation could be removed therefrom who persist in refusing to comply with their own tribal laws."

In its report of September 20, 1899, the office concurred in the inspector's suggestions on the first point, and recommended that the authority requested by him be granted.

As to the second, the office stated—

There is no doubt that the tax due to the nation should be paid, and I do not see that anything satisfactory would result by the seizure of the cattle unless there be authority to sell the same in satisfaction of the tax. The law of the nation on this subject does not contemplate the sale of cattle to satisfy a debt to the nation in taxes, and the office has very great doubt whether this Department could authorize a sale for the purpose.

There is no question, however, that it would be advisable to remand all cases of the introduction of cattle or the grazing of cattle in the Cherokee Nation, over which the United States courts would have jurisdiction under section 2117 of the Revised Statutes, to those courts for the imposition of the penalty provided in the statute; and I doubt very much whether the introduction of cattle by a citizen of the Cherokee Nation, although in violation of the laws of that nation, would be in violation of section 2117 of the Revised Statutes of the United States, and constitute an offense over which the courts of the United States would have jurisdiction.

As to this, therefore, it is recommended that the inspector be advised that, on account of the limitation as to his force of Indian policemen, it is not deemed expedient to attempt to enforce the cattle-tax law against citizens of the Cherokee Nation by attempting their removal as a punishment for their failure to comply with the law, but that it is the desire that he shall exercise every authority reasonable to effect the collection of these taxes; also that he be instructed to report to the United States attorney for the northern district of the Indian Territory all actual cases which amount to a violation of section 2117 of the Revised Statutes, and request him to bring suit under that statute for the enforcement of the penalty provided.

By Department letter of September 22, 1899, the inspector was advised as follows:

There can be no doubt of the correctness of the conclusion expressed by you, and concurred in by the Indian Office, relative to the enforcement of the tax laws of the Cherokee Nation. Said taxes are required to be collected under the direction of the Secretary of the Interior in accordance with the provisions of section 16 of said act of June 28, 1898, and departmental regulations thereunder of July 21 and 26, same year.

You are therefore authorized to close the place of business of any citizen of said nation who refuses to pay the tax due under said regulations, after due notice shall have been given, and, if necessary, to use the Indian police for such purpose; and the persons refusing to pay said tax should also be notified in writing that in case said tax is not paid on or before a certain day named in said notice they will be recommended for removal under the provisions of said sections 2147 and 2149 of the Revised Statutes.

With reference to the tax due under said laws of the Cherokee Nation on the intro-

duction of cattle, there does not appear to be any good reason why all persons owing said taxes should not pay the same when they become due. The taxes are lawfully imposed, and persons refusing to pay the same are unquestionably liable to be removed under the provisions of said sections 2147 and 2149, and also the cattle which are illegally within said nation.

On July 1 last the Assistant Attorney-General for the Interior Department rendered an opinion relative to the application of the Arkansas Valley Telephone Company to extend its lines through the Otoe, Missouria, and Ponca Indian reservations, and it appearing that two telephone lines had already been built across Indian reservations it was held that the opinion of Assistant Attorney-General Shields for the Interior Department, rendered October 19, 1889, construing said sections 2147 and 2149, was correct, in which he held that—

> Whether a person is in an Indian country without authority of law, or whether his presence within the limits of the reservation is detrimental to the peace and welfare of the Indians, must be determined primarily by the enlightened judgment of the Commissioner of Indian Affairs. But, if so found, with the approval of the Secretary of the Interior, the offending person or persons may be summarily removed from any tribal reservation.

It was also stated that said opinion of Assistant Attorney-General Shields "has received the approvals of several Secretaries of the Interior." It was further stated in said opinion:

> While authority is thus explicitly given to remove persons from tribal reservations, I am not aware of any express statutory authority for the removal therefrom of the property of trespassers. I think, however, that such express authority is not necessary. The authority to remove property brought upon a reservation without authority of law, or the presence of which upon a reservation is detrimental to the peace and welfare of the Indians, seems necessarily to follow from the authority to remove persons under like circumstances, and from the general power of management of Indian affairs with which the Commissioner of Indian Affairs, acting under the direction of the Secretary of the Interior, is clothed.

This opinion was approved by the Secretary on the same day.

Under the rulings of the courts and the Department there is no question as to the authority for the removal of any person and his property who may be in the Cherokee Nation contrary to law, or whose presence is detrimental to the best interests and welfare of the Indians.

You are therefore authorized to give a like notice to the citizens of said nation who refuse to pay taxes levied for the introduction of cattle in said nation in accordance with said Cherokee laws and said regulations.

The recommendation of the Acting Commissioner, that you "be instructed to report to the United States attorney for the northern district of the Indian Territory all actual cases which amount to a violation of section 2117 of the Revised Statutes," is approved, and you will act accordingly.

June 21, 1900, the inspector reported relative to the collection of the tribal merchandise tax and of the royalty on hay in the Cherokee Nation. He stated that, if the Department should be found to have full authority to make regulations relative to the payment of the tribal taxes and to remove parties and their effects from the Cherokee Nation and Indian Territory, he would recommend that he be authorized, with the aid of the United States Indian police or such other assistance as it might be necessary to employ, to proceed to remove any cattle in the possession of citizens or noncitizens within the limits of the Cherokee Nation upon which taxes had not been paid.

The inspector also stated that one W. C. Rogers, a mixed-blood

citizen of the Cherokee Nation, was the proprietor of stores at Talala and other places in the Indian Territory and persistently refused to pay the merchandise tax in accordance with the Cherokee law. Accordingly the inspector, acting under Department instructions of September 22, 1899, instructed Revenue Inspector Churchill to direct Indian Policeman West to close Mr. Rogers's merchandise establishment at Talala. June 8, 1900, Judge Joseph A. Gill, one of the Federal judges for the northern district of the Indian Territory, on the application of Mr. Rogers, issued a temporary injunction enjoining and restraining Revenue Inspector Churchill, Agent Shoenfelt, and the inspector from the collection of said tribal merchandise tax from Rogers, and the case was set for hearing on July 7, 1900.

The inspector suggested that, on account of the importance of the case, the Department of Justice be requested to direct the United States district attorney for the northern district of Indian Territory to have it taken up and disposed of at the earliest practicable date, and that he be further advised as to the desire of the Department in the matter of the collection of the tribal taxes of the Cherokee Nation. Office report of June 22, 1900, recommended that the case be taken up at an early date and suggested that Department letter of September 22, quoted above, covered fully the subject of the collection of tribal taxes.

The Department, by letter of July 5, 1900, advised the inspector that—

> The Department knows of no good reason why the taxes due the Cherokee Nation should not be collected in accordance with the instructions heretofore given; and if parties owning cattle refuse to pay the tribal tax thereon, then you are authorized to remove said cattle with the United States Indian police; but if it shall be found impossible to remove said cattle, in case the parties liable therefor refuse to pay the tribal taxes, you will make special report to the Department in order that appropriate action may be taken relative to the employment of additional and sufficient force to carry out the orders of the Department. Parties should be duly advised of the action proposed to be taken by the Department, in order that summary proceedings may not be taken in the premises if the same can be avoided.
>
> On the 3d instant you were instructed with reference to collection of royalty on hay as follows:
>
> In event of attempted shipment of hay over the St. Louis and San Francisco Railroad or any other railroad which may be placing obstacles in the way of collecting royalty, the agent should not make a constructive seizure of the hay, which in fact leaves it in the cars on the tracks and in the possession of the company, but should literally take the hay into his possession.
>
> It is earnestly desired by the Department that the tribal taxes shall be collected promptly and efficiently, and to use summary measures only when the same become imperatively necessary.

July 12, 1900, the inspector telegraphed the Department as follows:

> Before taking action removing cattle, Cherokee Nation, per Department letter 5th, please carefully consider section 16, Curtis Act, whether tax is due on cattle held on citizens' shares land, or if on all cattle in nation, regardless where located, etc.

To this the Department replied July 16, 1900, and, after reviewing the instructions contained in former letters, said:

> The modification of the regulations of the Department of July 21 and 26, 1898, in said departmental decision of May 18, 1899, only extended to the case of the Creek Indians where they had entered into leases under the rules and regulations of October 7, 1898, and this modification was made for the reason that the tax of $2 required by section 334 of the Creek laws was in effect prohibitory and ought not to be enforced so as to prevent the individual Indian from reaping the benefit intended to be secured to him on account of the leasing of his pro rata share for grazing purposes.
>
> Upon a careful consideration of the whole matter the Department sees no reason for modifying the former instructions given to you, and you are accordingly advised that the tax on cattle imposed by the laws of the Cherokee Nation should be collected impartially from everyone owing said tax. There is an additional reason why said tax ought to be collected, in this, that by section 577 of said article and chapter "forty per cent of all revenue arising under the operation of this act shall be placed to the credit of the school fund and the remainder to the general fund."

The efforts of the Government to collect the cattle tax have met with reasonable success, and there have been collected from this source during the year $1,956.

The injunction case of Rogers *v.* Churchill and others, above mentioned, was recently decided by Judge Gill in favor of Rogers, and the injunction was made permanent. The opinion of the court in this case will be found on page 561. The matter is now pending on appeal.

Hay tax.—The laws of the Cherokee Nation impose a tax of 20 cents per ton in the form of royalty on all hay shipped out of the nation. This was discussed and much correspondence on the subject was given in my last annual report. September 23, 1899, the inspector reported to the Department the difficulties that were being experienced in the collection of royalties on hay shipped out of the Creek and Cherokee nations, and stated that these difficulties were increased by reason of the fact that the management of the different railroad companies passing through said nations had first instructed their agents not to receive any hay for shipment until they were satisfied that all royalties due thereon had been paid, and had afterwards revoked said instructions and directed their agents to accept all hay offered for shipment. The inspector cited the second article of the Cherokee treaty of July 15, 1866 (14 Stats., 799), and suggested that it might be possible, under the provisions of that treaty, to compel the railroad companies passing through the Creek and Cherokee nations to refuse to accept hay for shipment on which the royalties had not been paid.

In its report of October 10, 1899, this office said:

> It is not seen how a revenue law of any of the Five Civilized Tribes could be held to be a part of the Indian intercourse laws, and the refusal of a railroad company to assist in the collection of these revenues would not be, in the opinion of this office, a violation of the Indian intercourse laws.
>
> This office has also been unable to find anything in the statutes granting the various railroad companies rights of way through the Indian Territory, or in the general

laws of the United States which would warrant the Government in undertaking to compel said companies to refuse to receive hay for shipment until the royalties required by the laws of the nations have been paid. It is thought, however, that if the Secretary of the Interior would instruct Inspector Wright to communicate with the managers of the companies, laying the whole situation before them, and request the issuance of such instructions as were first issued by them, this request would be complied with. * * *

As to the matter of extreme measures, the Department has already authorized the inspector to remove two parties who persisted in ignoring his authority and in shipping hay without the payment of the royalty. This authority of the Department was telegraphed to Inspector Wright on September 27, 1899.

October 13, 1899, the Department advised the inspector as follows:

The Department is not prepared to concur in the statement made by the Acting Commissioner relative to the lack of legal authority to require said railroad companies to refuse to remove hay from the Cherokee Nation upon which the tax has not been paid. If the Department is required to collect said taxes, as seems to be the case under the provisions of section 16 of the act of Congress approved June 28, 1898 (30 Stat., 495), then it is authorized to take such measures as may be necessary to insure the collection of said taxes, and there does not seem to be any good reason why the railroad companies should be permitted to take hay out of the Territory upon which the taxes have not been paid, any more than would be applicable to individuals seeking to carry away hay cut from the domain of the Cherokee Nation upon which the tax had not been paid; but it is not necessary at this time to pass upon that question. It is sufficient for the present to have the whole matter presented to the several railroad companies by you with a request that they issue instructions to their agents not to receive hay for shipment until proper evidence is produced that said tax has been paid. The Department concurs in the belief expressed by the Acting Commissioner that the railroad companies will comply with said request, and in case any of them refuse so to do you will report the matter at once for further action by the Department.

July 10, 1900, the inspector submitted correspondence between himself and Mr. Clifford L. Jackson, general attorney for the Missouri, Kansas and Texas Railroad Company, wherein Mr. Jackson stated that for a long time, acting upon the suggestion and request of the inspector, the company had refused to receive for shipment hay cut from Cherokee lands until it was shown that the royalty on the hay offered for shipment had been paid, and that by reason of this action the competing lines were transporting nearly all of the hay that was shipped beyond the limits of the Cherokee Nation. He therefore asked the inspector to withdraw his request that the company require parties offering hay for shipment to produce satisfactory evidence that the royalty had been paid. The inspector stated that July 9, 1900, he had replied to Mr. Jackson as follows:

The request heretofore made of your road is hereby withdrawn until such time as other roads in the Indian Territory shall take action in reference to the request theretofore made of them not to ship hay until the royalty thereon had been paid,

and he recommended that the Department communicate with the St. Louis and San Francisco Railroad Company with a view to getting them

to agree not to accept any hay for shipment until royalty had been paid thereon.

In office report of July 16, 1900, it was stated—

If the Department adheres to the opinion expressed in its letter of July 22, 1899, to Inspector Wright, that royalty should be paid on all hay shipped from the Cherokee Nation, whether cut from lands in the possession of a prospective allottee or not, then I respectfully recommend that Inspector Wright's request that a letter be sent direct from the Department to the St. Louis and San Francisco Railroad Company be complied with; and further that Inspector Wright be instructed that he should cause all such hay to be seized wherever it can be found, and that he be furnished with all assistance possible for the enforcement of the collection of such taxes. If, on the other hand, it should be held that royalty is not due to the Cherokee Nation on hay cut from land held by a prospective allottee because of the previously mentioned provisions of section 16, then I respectfully recommend that the Department cease its attempts to collect such royalty, because it is not likely that any land which produces prairie hay in paying quantities is not held by prospective allottees.

July 18, 1900, the Department replied to the inspector as follows:

On October 13, 1899, the question of the collection of royalty imposed by the Cherokee tribal law on hay shipped from said nation was again considered by the Department, and the opinion was expressed that when the whole matter was presented to the several railroad companies by you, with request that they issue instructions to their agents not to receive hay for shipment until proper evidence was produced that said royalty had been paid, the companies will comply with said request, and that in case any of them refused so to do, you will report the matter at once for further action by the Department.

Moreover, in said letter of July 3 last, express directions were given you relative to the seizure of hay attempted to be shipped over the St. Louis and San Francisco Railroad, "or over any other railroad" upon which the royalty tax had not been paid.

In view of these express directions given to you the Department considers that the withdrawal of the request to the Missouri, Kansas and Texas Railroad Company, reported by you, was unauthorized, and hence the Department on the 17th instant wired you to revoke the same and to seize all hay attempted to be shipped in the Cherokee Nation upon which the royalty tax had not been paid. The fact that the St. Louis and San Francisco Railroad Company failed or refused to comply with the request of the Department is not considered a sufficient reason for withdrawing the request heretofore made by the Department not to receive hay for shipment upon which the royalty tax had not been paid.

Herewith you will find a letter addressed to the general attorney of the St. Louis and San Francisco Railroad Company and a letter addressed to the general attorney of the Missouri, Kansas and Texas Railroad Company, requesting them not to receive for shipment hay cut from lands in the Cherokee Nation until evidence is shown that the royalty tax has been duly paid.

The attorneys of these roads have since advised the Department that they will require their agents to comply with the Department's request, and it is not anticipated that there will be any further trouble in the collection of the royalty on hay shipped from the Creek and Cherokee nations.

The royalty collected on hay shipped from the Cherokee Nation during the past year amounts to $4,474.88.

September 27, 1899, the inspector reported that one F. M. Smith, a resident of Vinita, Cherokee Nation, Indian Territory, was shipping hay from within the limits of that nation upon which the royalty had not been paid and the office, with the approval of the Department, telegraphed the United States Indian agent for the Union Agency October 21 as follows:

> It being my judgment that the continued presence of F. M. Smith in the tribal reservation known as the Cherokee Nation is detrimental to the peace and welfare of the Indians, I hereby direct, with the approval of the Secretary of the Interior, that you remove said Smith from the Cherokee Nation, in accordance with the provisions of section 2149 of the Revised Statutes of the United States.

Accordingly the Indian agent caused Mr. Smith to be removed beyond the limits of the Cherokee Nation and Indian Territory. Subsequently he returned to the Cherokee Nation and was arrested under section 2148 of the Revised Statutes of the United States, which is as follows:

> If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country he shall be liable to a penalty of one thousand dollars.

The case came on for hearing before the court, Judge William Springer presiding, on October 2, 1899, and the defendant, by his counsel, filed a motion to vacate the order of the court under which he was arrested on the ground that said order of arrest was not "predicated upon a sworn complaint and for the further reason that the complaint as made" did "not charge a criminal offense." The court held that—

> The order for the arrest of the defendant was properly made, and the motion to vacate that order is overruled, and the defendant is ordered to plead to the information.

The text of the opinion of the court will be found on page 565.

Mr. Smith was tried before a jury, and the office has informal information that the court instructed the jury that the only question for it to determine was whether or not he had been removed and had returned. The jury were unable to agree upon a verdict. The case against him was subsequently dismissed, and he was again removed from the Cherokee Nation, but was afterwards permitted to return temporarily because of the illness of certain members of his family. He recently asked to be allowed to return and remain, promising to comply in the future with Department regulations, and the Department recently directed the inspector to permit him to return to his home.

Tribal taxes, Choctaw and Chickasaw Nations.—The laws of the Choctaw Nation provide that noncitizens shall pay a tax of 1½ per cent on the value of goods introduced by them for sale in that nation, and the Chickasaw laws require that noncitizens engaged in business in the

Chickasaw Nation shall pay a tax of 1 per cent on the amount of their capital stock invested. As already stated, the Government has never collected any of the rents, royalties, or taxes in the Choctaw and Chickasaw nations accruing by reason of noncitizens being engaged in business within the limits of said nations, except the royalty on coal and asphalt. All other taxes, royalties, and rents have been collected by the national collectors of those nations.

The national collectors have experienced considerable difficulty in collecting what is known as the merchandise tax, and the inspector June 22, 1900, forwarded a letter from the governor of the Chickasaw Nation, in which he requested that 47 citizens, whose names were given, be removed from the limits of that nation for the reason that they had refused to pay the merchandise tax in accordance with Chickasaw laws. The inspector also transmitted clippings from different newspapers in the Indian Territory, which were to the effect that certain merchants residing in Ardmore had assembled a mass meeting and protested against the payment of the merchandise tax, and had agreed to contribute one-sixth of the amount for the purpose of contesting in the courts the legality of the collection of that tax. The inspector requested to be advised as early as practicable whether the tribal laws were to be further enforced. July 3, 1900, the office reported to the Department as follows:

> Without entering into any discussion of the matter under consideration, and as it is of great importance, I recommend that the whole subject be referred to the Assistant Attorney-General for the Interior Department with request that he advise you whether or not, in view of the fact that the Choctaw and Chickasaw agreement provides that the Choctaw and Chickasaw tribal governments "shall continue for the period of eight years from the 4th day of March, 1898," and that section 26 of the Curtis Act provides, "That on and after the passage of this act the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in the Indian Territory," it is incumbent on the Government to collect or assist in collecting taxes from merchants and others in accordance with the laws of the Choctaw and Chickasaw nations.
>
> If it should be determined that it is the duty of the Government to collect or assist in the collection of said taxes accruing under the laws of the Choctaw and Chickasaw nations, I favor the use of such force in accordance with law as may be necessary to properly collect said taxes.

July 16, 1900, the Department replied that on the 13th of that month the Assistant Attorney-General had rendered an opinion relative to the right to collect taxes from citizens who had purchased lots in towns in the Indian nations, generally, which would answer the questions submitted as to the Choctaw and Chickasaw nations. That opinion, which sustains the legality of the tax, is published in full in this report on page 574.

July 26, 1900, the inspector advised the Department that a large number of merchants residing in Ardmore, Chickasaw Nation, Ind. T., had refused to pay the tribal tax in accordance with the laws of that nation, and he forwarded a letter from Governor Johnston, of the

Chickasaw Nation, requesting that the parties, about 90 in all, be removed. The governor also complained of persons who had large herds of cattle grazing on the lands of the Chickasaws upon which no tax had been paid. August 2, 1900, the inspector transmitted a list of about 500 persons residing at various places in the Chickasaw Nation who had refused to pay the permit tax, and invited attention to section 9 of the act of the Chickasaw legislature approved by the President on January 19, 1899 (see Chickasaw Laws, 1899 edition, p. 440–441), and recommended that the Department issue a proclamation giving the noncitizens notice that unless they paid their tax within thirty days from the date of such proclamation they would be removed from the limits of the nation. The office, in transmitting these two reports to the Department, August 7, 1900, said:

> The office does not think that the Government should in any manner shrink from the responsibility of enforcing the laws in the various nations in the Indian Territory; but as the matter of the removal of noncitizens from the Chickasaw Nation, according to the reports of the inspector inclosed herewith, is one of great magnitude, it is thought by the office that the inspector's suggestion relative to the issuance of a proclamation should receive very careful consideration. If the Department shall decide to cause the removal of the parties mentioned, it would seem that Agent Shoenfelt should be directed to attempt the removal of the said parties with the means at his command, and if unable to do so peaceably he should report the matter to the Department for further directions.

August 4, 1900, the inspector forwarded a list of 86 persons, nonresidents of the Choctaw Nation, who, after proper demand had been made, had refused to pay the taxes due that nation, and inclosed a request from the principal chief of the Choctaw Nation that these persons be removed from the limits of that nation for the reason that their presence therein was "detrimental to the peace and welfare of the Indians."

All of the correspondence was submitted by the Department to the Attorney-General for an opinion relative to the "duties, powers, and authority" of the "Department in the matter of the collection of the permit tax imposed by the laws of the respective Indian nations in the Indian Territory known as the Five Civilized Tribes upon noncitizens engaged in various pursuits within the territorial limits of such nations," and an answer to the following questions was requested:

> Have these nations the right to require noncitizens to pay a permit tax or license fee for the privilege of engaging in business within their boundaries?
>
> Does the provision of the act of June 28, 1898, allowing others than citizens to purchase town lots occupied by them, constitute a recognition by Congress of their right to be and remain in such nation and have the effect of relieving them from the payment of the permit tax?
>
> Does the actual purchase of a town or city lot, sold under the provisions of the act of June 28, 1898, relieve a noncitizen from the payment of such tax or fee?
>
> Can a noncitizen be lawfully permitted to hold and pasture cattle upon the lands of such nation without paying the tax prescribed by the nation for such privilege?

Has this Department authority under the law to remove a noncitizen who refuses to pay such tax?

Has it authority in the case of a merchant refusing to pay such tax, to close his place of business or to remove his stock of merchandise beyond the limits of the nation?

Did the Indian Territory, by reason of the provisions of the act of June 28, 1898, authorizing the sale of town lots to noncitizens, cease to be Indian country, so that the provisions of sections 2147–2150, Revised Statutes, do not apply thereto?

Will the lands of any nation in which a town or city is located cease to be Indian country, so as to remove them from the jurisdiction and operation of these tribal laws, when the lots in such town or city shall have been sold under the provisions of said act of 1898?

What is the full scope of the authority and duty of this Department in the premises under the treaties with these nations and the laws of the United States regulating trade and intercourse with the Indians?

The opinion of the Attorney-General rendered September 7, 1900, holds that—

under the provisions of section 2147 to 2150, inclusive, of the Revised Statutes of the United States * * * the authority and duty of the Interior Department is, within any of these Indian nations, to remove all persons of the classes forbidden by treaty or law who are there without Indian permit or license, to close all business which requires a permit or license and is being carried on there without one, and to remove all cattle being pastured on the public land without Indian permit or license, where such permit or license is required.

The opinion is published in full in this report, on page 576.

Bank tax in the Creek Nation.—Section 246 of the Laws of the Creek Nation provides for a tax on each banking establishment of "one-half of 1 per cent of capital stock invested—assessment to be made on the bank on account of the shares thereof." (See Creek Laws, 1893 edition, p. 87). The inspector, July 28, 1899, reported to the Department that the different taxes, prescribed by the laws of the Creek Nation on noncitizens doing business within the limits of that nation, were being collected, and that the revenue collectors had made demand upon all banks within the limits of said nation for the payment by them of the tax prescribed by Creek laws, and that the banks claimed that they were exempt from the payment of the tax by reason of the fact that they were national banks. The inspector requested to be advised whether or not the national banks were liable for the tax as prescribed by the laws of the Creek Nation. Office report of August 9, 1899, to the Department, quoted from a letter of November 5, 1893, to Agent Wisdom, of the Union Agency, relative to the same subject, as follows:

The Comptroller of the Currency of the United States, in a letter of January 21, 1893, advised this office, through the Department of the Interior, that it has been held by the courts that under the United States Statutes a tax upon the capital stock of a (national) bank "in solido" is void, and that the only tax permitted by the United States Statutes is upon the shares of stock of a national bank in the hands of and owned by individuals; also that the statutes of some States provide for

the payment of a tax upon shares of stock by the bank, so as to avoid the delay and embarrassment connected with the collection of an assessment from nonresident shareholders, and this mode of collection by State authorities has been held valid; that it was held in the "National Bank *v.* Commonwealth" (9 Wallace, 353) that a State tax upon shares is valid though the tax is collected from the bank, and the State may require the bank to pay a tax rightfully laid upon the shares; that national banking associations can not be subject to a license or a privilege tax (Mayor *v.* First National Bank of Macon, 59 Ga., 648; City of Carthage, 71 Mo., 508; National Bank of Chattanooga *v.* Mayor, 8 Heiskell, 814); but it has been held that "where the State banks are taxed upon the capital no tax can be imposed upon the shares of national banking associations" (3 Wallace, 573, and 4 Wallace, 459).

While, therefore, it would seem that the Chickasaw Nation would be precluded, under the statutes of the United States, from imposing a permit tax on national banks within that nation, the said nation may impose a tax upon the stock of the bank held by individuals and require the bank to pay the same, unless there be banks established under the authority of the laws of the nation which are taxed upon their capital stock.

The office therefore took the position that, because of the peculiar language of the law of the Creek Nation taxing national banks, such banks would be exempt from taxation, "inasmuch as it appears that the rule is—a tax on the capital stock of a bank in solido is void; and such is apparently the tax authorized to be assessed by the Creek laws."

Department reply, August 15, 1899, to the inspector, held as follows:

Upon a fair construction of said provision of the Creek law that the tax required to be paid to said nation is intended to be a tax on the shares of said bank and not on its capital, the expression, "On each banking establishment one-half of 1 per cent of capital stock invested," is evidently the measure of the tax to be collected; and the succeeding expression, "Assessment to be made on the bank on account of the shares thereof," shows that the intention is to tax the shares, and not the capital, of the bank. It is not suggested that there are any banks authorized by the laws of the Creek Nation which are taxed upon their capital stock, nor does it appear that the taxation discriminates in any way against the national banks over banking institutions which may be operated under other authority.

The provision of the law of the Chickasaw Nation upon which said letter of the Comptroller of the Currency is based is not set out, but a reference to section 2 of the act of said nation of October 7, 1876 (p. 92, edition 1890), shows that a tax was required of 1 per cent "of the amount of capital invested annually." If this be the provision under which the tax was levied for the Chickasaw Nation it is quite manifest that it was a tax on the capital, and not on the shares of the bank stock, as in the Creek Nation.

You are advised, therefore, that the national banks doing business in the Creek Nation "are liable to the tax as prescribed by the Creek laws."

November 3, 1899, the inspector requested to be further advised relative to collecting tax from national banks doing business within the limits of the Creek Nation, and forwarded a communication, dated the day previous, from P. L. Soper, United States district attorney for the northern district of the Indian Territory, in which Mr. Soper reached the conclusion that the tax was illegal. The subject was submitted to the Assistant Attorney-General for the Interior Department for an opinion relative to the validity of the tax, and January 25, 1900,

he rendered an opinion, which was approved by the Department on the same day, that "the Creek law in question, if attempted to be applied to national banks, would come in conflict with the laws of the United States." The opinion is published in full in this report, page 579.

Business permits in the Creek Nation.—In my last report the case generally known as the "lawyers' tax case" was discussed, and it was stated that certain lawyers residing in the Creek Nation had refused to pay the tax of $25 prescribed by the laws of that nation; that the attorneys who were dissatisfied with the rulings of the Department in the case had sought by a bill in equity to enjoin the inspector and the Indian agent from the collection of this tax, and that Judge Thomas, before whom the application was made, had dismissed the bill and sustained the position taken by the Department. From this decision of the court the complainants appealed to the United States court of appeals in the Indian Territory, and that court, in an opinion rendered by Clayton, J., on January 6, 1900, concurred in by the other justices, affirmed the decision of the lower court in "sustaining the demurrer to the complaint and dismissing the case." The full text of this opinion is printed in this report, page 569, and it may also be found in 54 S. W. Reporter, 807.

TIMBER AND STONE.

The last session of Congress passed an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900 (31 Stat., 660). The act authorizes the Secretary of the Interior to prescribe regulations for the procurement, from lands of the Five Civilized Tribes, of timber and stone for domestic and industrial purposes, including the construction, maintenance, and repair of railroads and other highways, to be used only in the Indian Territory, and to fix the full value thereof and to collect it for the benefit of the tribes. It also prescribes as penalty a fine of not more than $500, or imprisonment for not more than twelve months, or both, for the cutting, sale, or removal of the timber contrary to the prescribed regulations. The text of the act will be found on page 534.

The regulations and prescribed forms of applications, contracts, and bonds will be found on page 581. So far as this office is advised, no applications for timber or stone contracts have been submitted since the approval of these regulations.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Personnel.—In November, 1893, Hon. Henry L. Dawes, of Massachusetts, Archibald S. McKennon, of Arkansas, and Meredith H. Kidd, of Indiana, were appointed members of the Commission to the Five Civilized Tribes. Mr. Kidd resigned, and April 13, 1895, Frank C.

Armstrong, of the District of Columbia, was appointed to succeed him. By the sundry civil act of March 2, 1895, the commission was increased to five members, and April 13, 1895, Thomas B. Cabaniss, of Georgia, and Alexander B. Montgomery, of Kentucky, were added to it. Subsequently Mr. Cabaniss resigned, and May 19, 1897, Mr. Tams Bixby, of Minnesota, was appointed, and in October, 1897, Mr. Thomas B. Needles, of Illinois, was appointed in place of Mr. Montgomery, who had resigned. By a clause in the Indian appropriation act of July 1, 1898, the membership of the commission was reduced from five to four, and Mr. Frank C. Armstrong tendered his resignation. June 5, 1900, Hon. Clifton R. Breckenridge, of Arkansas, was appointed a member of the commission to succeed Archibald S. McKennon, who had resigned. The commission now consists of Henry L. Dawes, Tams Bixby, Thomas B. Needles, and Clifton R. Breckenridge.

Enrollment of Cherokee Freedmen.—Section 21 of the Curtis act provides among other things that the commission "shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six."

October 16, 1899, Mr. Bixby, acting chairman, and October 18, 1899, Mr. McKennon, reported relative to the construction of the decree of the Court of Claims in the case of Moses Whitmire, trustee, etc., *v.* The Cherokee Nation. They were unable to agree upon a construction of the portion of section 21 above quoted when considered with the opinion of the court in the case. Mr. Bixby took the position that it was the duty of the commission to enroll all persons whose names appeared on the Cherokee roll of 1880 and their descendants since born, and to hear claims of all other freedmen and colored persons who claimed to have lived in the Cherokee Nation "at the commencement of the rebellion and resided therein July 19, 1866, or returned thereto within six months thereafter, and their descendants who are settled and incorporated into the Cherokee Nation." Mr. McKennon took the position, and stated that Mr. Needles agreed with him, that it was incumbent upon the commission to enroll all persons whose names were found on the Cherokee freedmen roll of 1880 who were alive at the time the Clifton roll was made, namely, May 3, 1894, and the descendants of those persons whose names appeared on the roll of 1880 who were born subsequent to the date of the roll and who were alive on the 3d day of May, 1894, and no others, and that those persons whose names were placed upon the roll then in course of preparation should constitute the roll of Cherokee freedmen entitled to share in the distribution of the Cherokee lands to which the Cherokee freedmen were entitled.

Office report of November 3, 1899, held that it was the duty of the commission to enroll all persons whose names appeared on the Clifton

roll, and that their descendants, in the absence of established fraud, were entitled to enrollment, and that all Cherokee freedmen and other free colored persons whose names did not appear on that roll and their descendants who were able to establish by positive evidence that they or their ancestors "resided in the Cherokee country at the commencement of the rebellion and resided therein July 19, 1866, or returned thereto within six months thereafter" were entitled to enrollment, provided they had not expatriated themselves under the provisions of the Cherokee constitution and had not been readmitted to citizenship in accordance with the constitution and laws of the Cherokees.

The Department, by letter of November 23, 1899, to the commission, held that it was the duty of the commission to enroll all persons whose names were found on the roll of 1880 and their descendants who were alive at the time the commission prepared its roll and to exclude from the roll prepared by it the names of all persons of either class who had "forfeited or adjured their citizenship;" and further, that while it was the duty of the commission to take the roll of 1880 as a basis, it would be justified in examining other rolls for such information as might assist it in its work, and that the right of any person to enrollment depended upon the fact of whether or not his name or the name of his ancestor from whom he claimed appeared on the authenticated roll of 1880.

This subject was again considered by the Department, and on the 11th of last May above instructions were revoked and it was held that the roll of 1880 made by the Cherokee Nation was to be accepted by the commission as conclusive of the right of all persons whose names were found on that roll and of their descendants to be enrolled by the commission, and that the only duty of the commission was to determine who of the persons named on said roll and their descendants were alive at the time the commission prepared its roll, and to place those names thereon, omitting all who had "forfeited or adjured their citizenship." The Department also directed that the roll prepared by the commission should include the names of all Cherokee citizens "who are or were freedmen who had been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the Cherokee country at the commencement of the rebellion and residents therein at the date of said treaty (treaty of July 19, 1866), or who returned thereto within six months thereafter and their descendants."

Choctaw citizenship.—June 21, 1899, the Department forwarded to the commission a communication from Messrs. Dudley & Michener, of this city, with which was inclosed the petition of John Skaggs, a member of the Choctaw tribe, requesting "the enrollment as members of that tribe of ten of his minor children," whose names were set forth in the petition. The Department subsequently received a letter from Messrs. Dudley & Michener, stating that they were in receipt of a

communication from Mr. McKennon, of the commission, in which it was stated:

The application of these minor children does not disclose the fact that they are children by the white wife of John Skaggs; * * * that no application was filed with the commission in behalf of these children. * * * We are lectured because of the assumption by the commission that the children of a white wife are not entitled to citizenship in the Choctaw Nation. * * * The courts have all held that John Skaggs was and is a citizen of the Choctaw Nation, and he has been enrolled as such, and so has the baby born since the judgment of the court, the mother of that baby being the white wife who is the mother of the other ten children to whom this commission refuses the right of citizenship. If Skaggs and the eleventh child have the rights of citizenship in the Choctaw tribe, it dates from his marriage with the Choctaw woman, and so it was held by the courts. That woman died, and he married a white woman, and eleven children have been born to them. The father and the eleventh child are enrolled as citizens, but the remaining ten minor children living with that father and mother are denied those rights.

July 24, 1899, the Department advised the commission that if this was a case requiring action under section 21 of the act of June 28, 1898, it should make a record thereof, in order that the case might be properly reviewed by the Department, if necessary, when the rolls were transmitted for approval.

October 16, 1899, Messrs. Dudley & Michener complained to the Department that Skaggs and family had presented themselves to the commission for enrollment; that their applications had been rejected, and that the commission had declined to receive "papers offered by them, which they claimed tended to establish their right to enrollment." October 19, 1899, the complaint was referred to the commission, and October 31 the acting chairman reported that on October 12 Skaggs appeared before the commission and upon his application a record was made as follows:

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,
Tuskahoma, Ind. T., October 12, 1899.

In the application of John Skaggs for the enrollment of his children as Choctaws, being sworn and examined by Commissioner McKennon, he testifies as follows:

Q. What is your name?—A. John Skaggs.
Q. How old are you?—A. Fifty.
Q. You are a white man?—A. Yes, sir.
Q. You were once married to a Choctaw woman?—A. Yes, sir.
Q. Was she recognized as a Choctaw citizen?—A. Yes, sir.
Q. Is she living or dead?—A. Dead.
Q. Did you live with her until she died?—A. Yes, sir.
Q. When did she die?—A. She died November, 1874.
Q. Have you married since that time?—A. Yes, sir.
Q. Did you marry a white woman?—A. Yes, sir.
Q. Is she living?—A. Yes, sir.
Q. Have you children by her?—A. Yes, sir.
Q. Give their names and ages.—A. Frank Skaggs, 17 years old; Maggie Skaggs, 16 years old; Jesse Skaggs, 15 years old; Clarence Skaggs, 13 years old; Jennie Skaggs, 12 years old; John Skaggs, jr., 7 years old; Ruth Skaggs, 4 years old; Berties Skaggs, 2 years old.

Q. These children are the children of your white wife?—A. Yes, sir.
Q. They have no Indian blood in them?—A. No, sir.
Q. They are white children?—A. Yes, sir.
Commissioner McKENNON. Their enrollment will be refused.

This record, in the opinion of the commission, embraced every material fact in the petition sought to be filed. Office report of November 13, 1899, stated that from the statements of the acting chairman and the evidence furnished by him it appeared that the commission had inquired into the facts in the case to an extent sufficient to make a record therein, and that under the law and the instructions any affidavit or other properly executed papers having any bearing on the subject tendered the commission by Skaggs should be received and filed as a part of the record in the case.

The Department, by letter of December 26, 1899, addressed to the acting chairman of the commission, held that—

A fair interpretation of the opinion of March 17, 1899, by the Assistant Attorney-General is that the question of citizenship can not be reopened by new applications, and that only citizens specifically provided for in the act of June 28, 1898, can be enrolled. All applicants for enrollment must, under the regulations approved August 8, 1899, present themselves in person, and whenever it appears to the commission that it is without jurisdiction it should deny the application and should file and retain such papers as have been presented in support of the application and should make a complete record of the matter, explicitly stating therein the grounds upon which the application is denied, and should advise the parties in interest, in writing, of the decision, in order that they may understand fully the cause of rejection, and in order that the matter may be considered by the Secretary of the Interior when the rolls are presented for approval.

By a provision in the act of June 7, 1897 (30 Stats., 62, 84), the commission was required to investigate and report whether the "Mississippi Choctaws under their treaties are not entitled to all the rights of Choctaw citizenship except an interest in the annuities." By the act of June 28, 1898 (30 Stats., 495), the commission was required to identify the Mississippi Choctaws.

Early in October, 1899, Messrs. Howe & Hudson filed in this office applications on behalf of Isaac Morgan and others and Sarah A. McDonough and others for identification by the commission as Mississippi Choctaw Indians, who claimed the right to enrollment as citizens of the Choctaw Nation under the fourteenth article of the treaty of 1830. These applications were submitted to the Department October 13, 1899, with the statement that it was shown that the applicants had moved to the Choctaw Nation, and it seemed that the commission had made no investigation relative to ascertaining whether or not they were descendants of Mississippi Choctaws, and the question was raised whether the commission was carrying out the instructions previously given by the Department. The papers were, October 17, 1899, transmitted by the Department to the commission with the statement that the Department had universally advised parties desiring information rela-

tive to individual applications for enrollment that no action would be taken until the rolls were finally submitted to the Department for consideration in accordance with the provisions of the act of Congress approved June 28, 1898. October 31, 1899, the commission returned the applications, together with a copy of the record in each case. In the application of Isaac Morgan the record was as follows:

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Caddo, Ind. T., August 24, 1899.

In the application of Isaac Morgan for enrollment as a Choctaw, being sworn and examined by Commissioner McKennon, he testifies:

Q. What is your name?—A. Isaac Morgan.
Q. How old are you?—A. Fifty-five.
Q. You claim Choctaw?—A. Yes, sir.
A. Are you on any of the rolls of the Choctaw Nation?—A. No, sir.
Q. Have you ever been?—A. No, sir.
Q. Have your parents ever been in the Choctaw Nation here?—A. My grandfather is.
Q. In the Choctaw Nation here?—A. Yes, sir.
Q. What do you know about him of your own knowledge?—A. Nothing; I never saw him in my life; I know just what my mother says.
Q. Where is she?—A. She is dead.
Q. How long has he been dead?—A. I don't know, sir.
Q. How long has your mother been dead?—A. About ten years.
Q. Your mother was a colored woman?—A. Yes.
Q. She was a slave, was she?—A. She was a half-breed.
Q. Her mother was a slave?—A. Yes, sir.
Q. And your mother was a slave?—A. Yes, sir.
Q. And your mother belonged to old man Pitchlynn?—A. Yes, sir; she and my grandmother, too.
Q. Which Pitchlynn was that?—A. William Pitchlynn.
Q. Where did he live?—A. In Mississippi, at Catalpa.
Q. Where do you live now?—A. I am living down here at Arthus, Tex.
Q. How long have you been living there—all your life?—A. No, sir; I come from Mississippi there.
Q. When?—A. I was about 17 when I come there.
Q. And have you lived there ever since?—A. Yes sir.
Commissioner MCKENNON. Your enrollment is refused.

In the case of McDonough, the following record was made:

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Caddo, Ind. T., August, 1899.

In the application of Sarah A. McDonough for enrollment as a Choctaw, being sworn and examined by Commissioner McKennon, she testifies:

Q. What is your name?—A. Sarah McDonough.
Q. How old are you?—A. Fifty-three.
Q. Are you on the Choctaw rolls?—A. No, sir.
Q. Have you ever been?—A. No, sir.
Q. Are your father and mother on the Choctaw rolls?—A. No, sir; my brother is.
Q. Where do you live?—A. I live on the other side of Ardmore, in the Chickasaw Nation.
Q. How long have you lived there?—A. We have lived there about a year.
Q. When did you come to the nation?—A. In the winter of 1897.

Q. What month did you come?—A. January, 1898.

Q. On last January?—No, sir; it was last January a year ago.

Q. Where did you come from?—A. We came from Texas.

Q. You were born and raised in Texas?—A. I was born in Tennessee.

Q. What time did you go to Texas?—A. I don't remember now.

Q. You were born in Tennessee and lived in Texas pretty much all your life?—A. We lived in the Territory a while.

Q. When?—A. In 1873.

Q. How long?—A. About two years.

Commissioner McKENNON. As you are not on the rolls, the Commission has no authority to enroll you. Your enrollment is therefore refused.

In its report the commission took the position that it was the duty of all applicants to appear in person and be examined under oath by the commission; that the statements of the applicants and their witnesses should be taken down and a record of the facts made, and that it was not the duty of the commission to receive and file written applications and affidavits. The regulations approved August 8, 1899, directed the commission to "require each applicant for enrollment to present himself in person before the commission at one of its appointments within the tribe," etc. The last paragraph of section 21 of the Curtis Act is in the following language:

> The members of said commission shall, in performing all duties required of them by law, have authority to administer oaths, examine witnesses, and send for persons and papers; and any person who shall willfully and knowingly make any false affidavit or oath to any material fact or matter before any member of said commission, or before any other officer authorized to administer oaths, to any affidavit or other paper to be filed or oath taken before said commission, shall be deemed guilty of perjury, and on conviction thereof shall be punished as for such offense.

Office report of November 15, 1899, took the position that under the law it was the duty of the commission to receive and file "all affidavits and other properly executed papers tending to establish or disapprove any applicant's right to enrollment," and that from the language of the paragraph of the act above quoted "it would seem that said duty was not discretionary, but obligatory." Though there appeared to be a wide diversity between the allegations contained in the petitions and the sworn testimony given by the applicants as shown by the commission's report, this subject was not discussed, the cases being transmitted to the Department simply for the purpose of determining whether or not the commission had made such a record in the cases as would enable the Department to determine their respective rights when the rolls were finally submitted for approval. The Department, December 28, 1899, returned the petitions to the commission and invited its attention to Department letter of December 26, 1899, in the John Skaggs case, and directed the commission to govern itself accordingly.

Agreements negotiated.—In September, 1897, the commission entered into an agreement with the Creek Indians relative to the distribution of their lands in severalty, which agreement was ratified by Congress, but was not confirmed by a majority vote of the Creek Nation. Subse-

quently the commission entered into another agreement with that tribe, which was confirmed by the Creek Nation, but was not ratified by Congress. In March, 1900, another agreement with the Creek Indians was effected and submitted to Congress (House bill 11821), but has not yet been ratified.

During the month of February, 1899, the commission also entered into an agreement with the Cherokee Indians relative to the distribution of the landed property of that nation to the citizens thereof, which agreement was confirmed by the nation and was submitted to Congress with provision that it be ratified on or before March 4, 1899. The council of the Cherokee Nation subsequently extended the time for its ratification to July 1, 1899, but no action thereon was taken by Congress. In March, 1900, another agreement was entered into between the commission and the Cherokee Indians, which was submitted to Congress (H. R. 11820) and is still pending.

November 8, 1899, the commission transmitted an agreement with the Seminole Indians relative to fixing a time after which no persons should be enrolled as Seminole citizens, and providing for the distribution of the estates of Seminole citizens who died subsequently to the 31st of December, 1899.

Office report of December 7, 1899, invited attention to the fact that the agreement provided that the lands, money, and other property of a Seminole who died subsequently to the 31st of December, 1899, should descend to his heirs in accordance with the laws of the State of Arkansas relative to the descent and distribution of the estates of deceased persons, except that in cases where the property of the deceased would descend under those laws to the parents of the deceased it should "first go to the mother instead of the father, and then to the brothers and sisters and their heirs instead of the father." The office then suggested that the Department should be fully advised by the commission as to the reason for inserting such a clause in the agreement. The office also invite attention to the fact that the agreement provided for the closing of the rolls on December 31, 1899, and as the agreement would probably not be confirmed by Congress at that time, it was suggested that a date should be fixed for the closing of the rolls subsequent to the date of the confirmation of the agreement by Congress.

In reply to Department inquiry of December 9, 1899, the commission reported, December 21, the reasons for inserting the provision as to the settlement of the estates of deceased Seminole citizens. They were considered satisfactory and were as follows:

First. Children under the Indian laws follow the mother and are enrolled with her. Second. In nearly all cases where white persons have married with Seminole Indians the father is a white man and the mother is a Seminole Indian by blood.

If the property of the child were to go to the father, it might under said laws go from him to his white children, if he should have any, and thus be taken from the Indians to whom it belongs. It is insisted by the Seminoles that it would be unfair

to them, and that the property should descend to the Seminoles by blood, which is thought by this commission to be a good and sufficient reason for the provision in question.

This agreement was confirmed by the act of Congress approved June 2, 1900 (31 Stats., 250).

Leasing of prospective allotments.—The regulations of the Department governing the selection and renting of prospective allotments by citizens of the Indian Territory, approved October 7, 1898, provided that—

Selections of land may be so made by any members of the several tribes in quantities not to exceed 160 acres to each Creek, 80 acres to each Cherokee, 240 acres to each Choctaw and each Chickasaw, and 40 acres to each Choctaw and each Chickasaw freedman.

March 18, 1899, the regulations were so amended as to permit each Choctaw and Chickasaw citizen, freedmen excepted, to select, instead of 240 acres, 160 acres as a homestead from the lands upon which he had improvements. This amendment also provided that any citizen who failed or refused to make such selections for himself and family within four months from the date of the location of a land office within the tribe of which such citizen was a member would be deemed to have elected "to hold the 40-acre subdivision upon which his residence or most valuable improvement is located." Also, that where a citizen of any tribe desired to select lands occupied by another citizen of such tribe, he should be required to give the occupant "ten days' notice of the time of filing his application, and if upon hearing of evidence adduced by both parties the commission is satisfied that such lands are held by the occupant contrary to the provisions of sections 16 and 17 of the act of Congress, June 28, 1898, certificates of selection shall be issued to said applicant, subject to the right of appeal as in other cases."

April 7, 1899, the Department also amended the regulations relative to the selection of preliminary allotments by the Creek and Cherokee citizens. The amount that each was entitled to select was not changed, but all the rest of the amendment of March 18, 1899, as to Choctaw and Chickasaw homesteads was made applicable to the Creek and Cherokee Indians.

The regulations of October 7, 1898, after describing the manner in which preliminary allotments may be selected, state:

No contract for rent of any selection so made shall be valid or binding unless for adequate consideration and made in writing in duplicate and deposited in the office of said commission in which the selection was made. Said commission, after investigation, shall forward same to the Secretary of the Interior for his approval, and when approved it shall be returned to such office of the commission, to be by it delivered to the parties, one copy to each.

It will thus be seen that the Department held that to make binding a lease of the lands in the possession of any citizen as his pro rata share or preliminary allotment such lease must have the approval of the Department.

February 2, 1900, the commission quoted certain parts of said regulations and stated that "the opinion quite generally exists that the Secretary has no authority to make such a ruling, and that the approval of the Secretary is not essential to the legality of such contracts," and the commission requested to be furnished with a legal opinion on this point, or that other steps be taken by the Department to dissipate the existing impression. This office recommended, February 7, that such opinion be furnished and February 14 the Department referred the matter to the Assistant Attorney-General. April 4, 1900, the Assistant Attorney-General rendered an opinion (approved by the Department on the same date) which concludes as follows:

After a careful study of this matter I have not found any provision of law that in terms or by necessary implication directs that a contract for the renting of lands selected as proposed allotments shall be subject to the approval of the Secretary of the Interior.

Since the date of that opinion no contracts covering prospective allotments of any citizens of the nations have been submitted to the Department for approval.

Applications for enrollment.—The Indian appropriation act approved May 31, 1900 (31 Stats., 221), contains the following provision:

Said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: *Provided*, That any Mississippi Choctaw, duly identified as such by the United States Commission to the Five Civilized Tribes, shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States commission and by the Secretary of the Interior as Choctaws entitled to allotment: *Provided further*, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void.

June 19, 1900, the commission transmitted to the Department papers from which it appeared that on June 12, 1900, Charley C. Yeiser appeared before the enrolling member of the commission, at Colbert, Chickasaw Nation, Indian Territory, and made application to be enrolled as a citizen by blood of the Choctaw Nation, whereupon the following record in the case was made:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Colbert, Ind. T., June 12, 1900.

In the matter of the application of Charles C. Yeiser for enrollment as a citizen by blood of the Choctaw Nation. R., 578.

Charley C. Yeiser, being first duly sworn by Acting Chairman Bixby, testified as follows:

Q. What is your name?—A. Charley C. Yeiser.

Q. What is your age?—A. Forty-six years.

Q. What is your post-office address?—A. Colbert, Ind. T.

Q. Have you ever been recognized by the tribal authorities of the Choctaw Nation as a citizen of the Choctaw Nation?—A. No, sir.

Q. Have you ever been enrolled by the tribal authorities of the Choctaw Nation as a citizen of the Choctaw Nation?—A. No, sir.

Q. Does your name appear on the tribal rolls of the Choctaw Nation?—A. No, sir.

(The tribal rolls of the Choctaw Nation examined and the name of Charley C. Yeiser not found thereon.)

Q. Were you admitted by the Commission to the Five Civilized Tribes as a citizen of the Choctaw Nation under the act of Congress approved June 10, 1896?—A. No, sir.

(The citizenship record of the Commission to the Five Civilized Tribes, under act of June 10, 1896, examined and the name of Charley C. Yeiser not found thereon.)

Q. Were you admitted by the United States court for the Indian Territory, upon an appeal from the Commission to the Five Civilized Tribes, as a citizen of the Choctaw Nation under the act of June 10, 1896?—A. No, sir.

(The court records examined and the name of Charley C. Yeiser not found to have been admitted by a judgment of the United States court for the Indian Territory.)

Your application for enrollment as a citizen of the Choctaw Nation is refused for the reason that under the act of Congress approved May 31, 1900, the Indian appropriation bill, this commission has no authority to receive, consider, or make any record of the application of any person for enrollment of any tribe in the Indian Territory, as a citizen thereof, who has not been recognized as a citizen thereof and duly enrolled or admitted as such. Said law further provides that the refusal of this commission to entertain your application shall be final when approved by the Secretary of the Interior.

In the event that you should desire to appeal from this decision to the Secretary of the Interior, you are at liberty to do so, and this commission will transmit this decision refusing your application, together with any argument in support of such appeal as you may desire to transmit, to the honorable Secretary of the Interior.

Office report of June 30, 1900, took the position that the commission asked Mr. Yeiser all questions necessary to determine whether or not he was entitled to enrollment as a member of the Choctaw Nation provided his answers to such questions were true; also that the commission is vested by law with certain judicial powers in enrollment matters and that it should consider such case far enough to determine whether or not it had jurisdiction. The office was unable to ascertain any just cause which Mr. Yeiser had for complaint of the action of the commission and recommended that the commission be "directed to continue to treat like cases in the same manner." By Department letter of July 12, 1900, to the commission, the recommendation of this office was approved.

August 6, 1900, referring to Department letter of July 12, the acting chairman of the commission asked instructions relative to the matter of making a record of applications for citizenship in any of the Five Civilized Tribes and referred to a clause in the Indian appropriation act as follows:

That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any applica-

tion of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior.

He also referred to Department telegram of June 9, 1900, which was as follows:

Commission should make memoranda of the facts and its reason for refusal to consider or make record of application of any person for enrollment. Its investigation should extend "to all facts necessary to a complete knowledge of applicant's claim." Provision referred to does not enlarge authority of commission "heretofore conferred on it by law," except as to Mississippi Choctaws.

The commission desired information upon the following points:

1. In cases where on the second appearance of the applicant when the first appearance of the applicant was prior to May 31, 1900, and the commission finds that it has no jurisdiction, should the investigation of the commission "extend to all facts necessary to a complete knowledge of the applicant's claim," or should the commission determine whether it has jurisdiction, and if not, decline to receive or file any papers or to make a record of the case?

2. In cases in which hearings were had at Atoka and Colbert during the month of June, 1900, or at the general offices at Muskogee since May 31, 1900, and prior to the receipt of the decision in the Charles C. Yeiser case, and the commission finds that it had no jurisdiction, should the cards on which the names of such applicants appear be destroyed and the files in these cases converted to memoranda, and all papers filed in such cases be returned to the applicants?

3. In cases which were heard by the commission prior to the 31st day of May, 1900, and in which the commission had no jurisdiction, should the commission keep in its file all papers which have been filed, and continue to accept and file such papers as may be offered by the applicants in the future?

Office report of August 8, 1900, stated that in the opinion of this office it was the duty of the commission to elicit from the applicants all the facts necessary to determine whether or not the commission should make a record; that it should learn the nature of the claim made by the applicant, as was done in the Yeiser case; and that when it was perfectly clear to the commission that the applicant could not be enrolled, even though all the facts stated by him were true, it should refuse to take any further testimony. The office also suggested that it would be well to advise the applicant that if he desired to do so he could appeal to the Department from the decision of the commission.

August 21, 1900, the Department replied to the commission's inquiries as follows:

As to your first inquiry, the Department agrees with you that the instructions in the Skaggs case of December 26, 1889, should be carried out, as at the original hearing, prior to the act of May 31, 1900, parties were not permitted to file papers as they should have been.

As to your third, you should keep all papers that have been filed, and accept any proper ones that may be offered.

As to your second, the Department has to state that in such cases, when the commission, in accordance with the act of May 31, 1900, has determined that a party

"has not been a recognized citizen" and "duly and lawfully enrolled or admitted as such," except in cases otherwise provided for in the act of June 28, 1898 (30 Stats., 495), and has made a proper memorandum, its investigation should cease, and the memorandum, together with any evidence upon which the commission has based its rejection, should be transmitted to the Department in due time, provided the party indicates a desire to have you pursue that course.

Cases not transmitted to the Department in proper condition will have to be remanded, and it is hoped the commission will use every effort to prevent such delays as would arise in that event.

The Department did not concur in office suggestion that applicants should be advised that they were at liberty to appeal from the decision of the commission, for the reason that it was held that it had uniformly been the practice of the Department not to pass upon the right of any applicant for enrollment until such time as the rolls should be submitted for final action.

Conflicting allotments.—Numerous contests between Creek citizens in the selection of their prospective allotments have been filed with the commission. In some instances the losing parties have appealed to this office from the decision of the commission, but the decision of the commission has generally been sustained by the office.

One case, that of Phœbe Tucker, contestant, *v.* Gabriel Jamison, contestee, involving the right of each to select the SE. ¼ of the SW. ¼ of sec. 26, T. 16, R. 18, as a prospective allotment, was appealed by Jamison from the decision of this office to the Department. In this case the commission, after having heard the testimony and arrived at certain conclusions of fact, found in favor of the contestant, Phœbe Tucker, and it was ordered "that the certificate heretofore issued to said contestee, Gabriel Jamison, be canceled." This office affirmed the decision of the commission. The Department, however, reversed that decision, and in letter of August 10, to this office, stated that "as a matter of fact, the allotments referred to in said section (section 11 of the Curtis Act) are not yet being made. No agreement of the Creeks has as yet been ratified, and it is not known what quantity of land each member will be entitled to take, or how the selections for final allotment will be made." The Department held that from the testimony it was clear that Sandy Tucker, the husband of Phœbe Tucker, because of his improvements and occupancy of the tract, might have held it under the provisions of section 16 of the act, or might have selected it as a part of his allotment, but that he had voluntarily relinquished his claim to Jamison, and for these and other reasons the Department directed "that Jamison's selection of this tract be allowed to stand."

Appraisement of Choctaw and Chickasaw lands.—The Choctaw and Chickasaw agreement provides—

That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to each member of these tribes so far as possible a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands.

The Department, May 15, 1900, directed the commission to report what consideration, in its judgment, should be "given to the appraisement of lands where known minerals exist other than coal and asphalt." This action was taken by reason of the opinion of the Assistant Attorney-General of May 11, already quoted on page 126, that there was no authority under the agreement for the Department to lease any mineral substance "other than coal and asphalt, except as an assurance of rights under a lease of oil or other mineral, assented to by act of Congress." The commission replied July 8, 1900, that—

> After very careful and thoughtful consideration the commission has arrived at the conclusion that in the valuation and distribution of the lands of the Choctaws and Chickasaws all mineral substances other than coal and asphalt should be ignored, and the land appraised from the standpoint of its fertility and location only, and allotted to citizens in rightful possession regardless of the existence of mineral other than coal and asphalt.

Office report of July 18 concurred in the recommendation of the commission, but the Department did not approve it, and on July 24 instructed the commission as follows:

> The Department desires that you direct the appraisers to ascertain and report, as near as may be, the kinds, character, and quantity of mineral, other than coal or asphalt, wherever the same occurs upon the tracts examined by them, and that your commission will take into consideration said reports and secure any other additional evidence you may desire concerning the tracts reported to contain known mineral other than coal and asphalt, and adjust the values of said tracts in the same manner that you adjust the values of tracts on account of "the location of the land."

The Department also stated that it was not desired that the commission should consider "mere croppings or indications of mineral other than coal and asphalt," which would only have the effect of giving a fictitious or speculative value to the lands upon which such croppings or indications were found and also to the adjoining lands.

Miscellaneous.—As yet no rolls of the members of any of the Five Civilized Tribes have been received by the Department. It is informally understood, however, that the Seminole rolls will shortly be transmitted. No final allotments to any of the members of the tribes have been made. The commission is now engaged in completing the rolls in the various nations and in classifying and appraising the lands.

From the fact that the Choctaw and Chickasaw agreement and the Curtis Act require that the lands belonging to the different nations shall be allotted to the citizens thereof according to its value, it becomes necessary to go upon and examine each quarter section in order to arrive at a conclusion as to its value. Under the rules and schedule for grading and appraising lands in the Choctaw and Chickasaw nations, approved by the Department June 19, 1899, and rules for the same purpose applicable to the Creek Nation, approved September 6, 1900, the appraisers in the field do not fix the value of land with reference to

its location and proximity to market. This is arranged by the commission after the appraisers have fixed the value of the land according to the character and fertility of the soil.

TOWN SITES.

Last year's annual report mentioned the appointment of four town-site commissions—one for the Choctaw Nation, consisting of Dr. John A. Sterrett, of Ohio, and Mr. Butler S. Smiser, of Atoka, Ind. T.; one for the Chickasaw Nation, consisting of Samuel N. Johnson, of Troy, Kans., and Wesley Burney, of Ardmore, Ind. T.; one for the town of Muscogee, Creek Nation, consisting of Dwight W. Tuttle, of Connecticut, and John Adams and Benjamin Marshall, of the Indian Territory, and one for the town of Wagoner, consisting of Dr. Henry C. Linn, of Washington, D. C., and John Roark and Tony Proctor, of the Creek Nation. These commissions, with the exception of the Muscogee town-site commission, which was recently furloughed by the Department, are still engaged in their respective duties.

Choctow town-site commission.—This commission commenced work at the town of Cale (now Sterrett), Choctaw Nation, about May 31, 1899, and completed it about the 18th of August, 1899. Sterrett has a population of about 800 inhabitants, and, as surveyed and platted by the commission, consists of 480 acres. The plat was approved by the Department August 28, 1899. The lots in Sterrett, improved and unimproved, were sold for an aggregate sum of $17,780.36.

The commission next took up the work of surveying and platting the town of Atoka, which has a population of about 1,200 and an area, as surveyed and platted by the commission, of 272 acres. The commission entered upon its labors at Atoka about September 1, 1899, and completed the surveying and platting of the town about November 6. The improved lots were sold for an aggregate sum of $23,861.03. The unimproved lots have been advertised for sale, but have not yet been sold. The plat of Atoka, as prepared by the commission, was approved by the Department February 23, 1900. Subsequent to its approval certain residents of Atoka applied to Hon. William H. H. Clayton, United States district judge for the central district of the Indian Territory, for an injunction restraining the commission from selling the lots, which was intended, also, to prevent the recognition of the approved plat of Atoka. The court denied the injunction and held that the appraisement of lots is a matter that rests solely within the discretion of the town-site commission.

About November 8, 1899, the commission commenced work at South McAlester, which is understood to be the largest town in the Choctaw Nation, having a population of about 5,000 and an area, as agreed upon by the commission, of 3,200 acres. The inspector estimates that the

commission will be able to complete the survey and the appraisal of the lots of South McAlester about the first of next November.

At the same time this commission has also been engaged in supervising and establishing the exterior limits of towns in the Choctaw Nation. They entered upon this work about March 15, 1900, and the exterior limits of the following towns have been established, namely: Calvin, Allen, McAlester, Guertie, Poteau, Grant, Howe, and Kiowa.

The towns of Calvin, Guertie, McAlester, Grant, Poteau, and Kiowa have taken advantage of the rulings of the Department allowing any towns in the Choctaw and Chickasaw nations to be surveyed at their own expense, and it is understood that the survey of these towns is practically completed. This subject is also referred to on page 159.

Chickasaw town-site commission.—The commission reached Colbert, Chickasaw Nation, May 23, 1899, and remained there looking over the ground and consulting with the inhabitants of the town relative to their desires, until about June 9, 1899, when the actual work of surveying and platting was commenced. The plat was approved by the Department August 14, 1899. Colbert has a population of about 200 inhabitants, and the area thereof, as agreed upon by the commission and approved by the Department, consists of 129.74 acres. The lots in Colbert, improved and unimproved, were sold for an aggregate sum of $5,175.75.

The commission next visited Ardmore, Chickasaw Nation, which is supposed to be the largest town in the Indian Territory, it being understood to have a population of about 7,500. It commenced work there September 1, 1899, and has since been engaged in surveying and platting the town. The area of Ardmore, as agreed upon by the commission, consists of 2,260.06 acres.

September 1, 1900, the commission transmitted the plat of Ardmore, with a list, in quadruplicate, of the owners of improvements on lots in that town. Office report of September 7, 1900, invited the attention of the Department to the fact that the commission had not complied with the Department's instructions of July 1, 1899, relative to the maximum size of lots in the town of Colbert, which were to the effect that business lots should have a width of 25 by a depth of 150 feet, and residence lots a width of 100 by a depth of 150 feet, each lot to contribute its proportionate share to the width of alleys established, or as nearly that size as practicable, "having regard to the interests of the parties residing in the town," and having "due regard to the convenience of the parties in the establishment of alleys and streets." Whole blocks, varying in size from 300 by 400 feet, to 533 by 600 feet, were scheduled by the commission as one lot to the owner of the improvements.

The Choctaw and Chickasaw agreement provides that the owner of improvements may purchase one residence and one business lot at 50 per cent of their appraised value, and the remainder of the property

which he has improved at 62½ per cent of its appraised value. The agreement does not fix the maximum or minimum size of lots, but, as the Department had fixed the maximun size of lots for the town of Colbert, this office knew of no reason why these instructions should not have been applied to lots in Ardmore. It was therefore recommended that the plats be returned and the commission instructed to subdivide all blocks into lots in accordance with the instructions of July 1, 1899. September 11, 1900, the Department concurred in the recommendation of this office and also directed the inspector for the Indian Territory to instruct the commission to extend streets through certain blocks (which were mentioned), unless some good reason, unknown to the Department, existed why the same should not be done, in which case the commission should report on each individual case. Action in regard to large lots elsewhere, which was taken through the Inspector, is referred to under the heading "Lots of excessive size."

Muscogee town-site commission.—This commission was appointed in April, 1899. The plat of Muscogee, as prepared by the commission and approved by the Department, includes 2,444.76 acres. It was approved June 4, 1900. The appraisement of improvements and of lots, as fixed by the commission, have also been approved. The lots were appraised at an aggregate valueof $236,136.

Section 15 of the Curtis act provides that all unimproved lots shall be sold at public auction for not less than their appraised value, unless otherwise ordered by the Secretary of the Interior; also that owners of improvements on lots shall have the right to purchase such lots at 50 per cent of their appraised value, 10 per cent to be paid within two months from the date of notice of appraisement, 15 per cent within six months from that date, "and the remainder in three equal annual installments thereafter." In accordance with the directions of the Department the commission gave the occupants of improved lots notice of the appraised value of the lot or lots improved by each individual. August 23, 1900, however, the principal chief of the Creek Nation, in conjunction with N. B. Moore, a citizen of that nation and an occupant of an improved lot, sought a bill in equity in the United States court to enjoin the commission from advertising for sale or selling any lots, alleging that the Curtis act was illegal. August 25, 1900, the court, Hon. John R. Thomas presiding, granted the temporary injunction. The Department has recently furloughed the members of said commission indefinitely, without pay.

The Wagoner town-site commission.—This commission entered upon its duties early in August of last year, and it is understood that the exterior limits of the town site of Wagoner as agreed upon by the commission contains an area of about 2,700 acres. The plat of the town has not yet been received. It is informally understood, however, that it is almost completed.

Survey of exterior limits of towns.—The inspector for the Indian Ter-

ritory suggested March 6, 1900, that the town-site commissions be instructed to report to and be under his immediate supervision instead of reporting direct to this office. March 10, this office concurred in his suggestion, because it was thought that the inspector being on the ground would be able to harmonize any differences existing between inhabitants of a town or between the commission and the inhabitants relative to the survey of such town. March 26, the Department approved the recommendation, and the town-site commissions were instructed accordingly.

The Indian appropriation act approved May 31, 1900 (31 Stat. L., 221), contains a provision as follows:

> Nothing herein contained shall have the effect of avoiding any work heretofore done in pursuance of the said act of June twenty-eighth, eighteen hundred and ninety-eight, in the way of surveying, laying out, or platting town sites, appraising or disposing of town lots in any of said nations, but the same, if not heretofore carried to a state of completion, may be completed according to the provisions hereof.

It also provides that—

> The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances.

June 4, 1900, the Department instructed the inspector to direct the Choctaw and Chickasaw town-site commissions to proceed to establish the exterior limits of town sites in said nations, in accordance with the Department's instructions of March 9, 1900, and also to ascertain whether the authorities of any town desired to take advantage of the opportunity given it to do its own surveying and platting.

June 27, 1900, the inspector made the following suggestions:

> First. To furlough both members of the Choctaw town-site commission, now at South McAlester, immediately.
>
> Second. Then to employ, at the same salary now allowed, Mr. Smiser (at present commissioner on behalf of the Choctaw Nation) and direct him to proceed to the various towns and establish the exterior limits in the manner proposed in my letter of the 26th instant.
>
> Third. To employ Dr. Sterrett (the other member of the commission), at the same salary now allowed, for the purpose of supervising the work at South McAlester and at the four other towns in the Choctaw Nation which are being surveyed and platted at their own expense.
>
> Fourth. That the work in the Choctaw (Chickasaw) Nation be performed in the same manner.

Office report of June 30, concurred in the plan of the inspector except that instead of furloughing the Choctaw town-site commission the office recommended that Dr. Sterrett of the commission be permitted to complete the town-site work which the commission had already commenced, and that Mr. Smiser, the representative of the commission on behalf of the nation, be detailed to assist one of the town-site surveyors, who had been appointed by the Department in the establishment of the exterior limits of town sites in the Choctaw Nation.

June 6, the Department concurred in the suggestions of the inspector, and stated that it did not understand that there was any material difference between furloughing the town-site commission and detailing the Choctaw representative of that commission, and instructed this office to prepare instructions for the purpose of carrying this plan into execution.

July 11, 1900, this office submitted to the Department a draft of instructions to Mr. Smiser, detailing him to assist one of the town-site surveyors in the establishment of exterior limits of towns, and to Dr. Sterrett, directing him to proceed with the town-site work theretofore commenced by the commission. The Department, however, concluded that it would be better to have the instructions directed to the United States inspector, and July 12 it directed the inspector to cause the establishment of the exterior limits of towns in the Choctaw and Chickasaw nations to be commenced as early as practicable, and to give the representatives of the nations proper instructions.

The representatives of the Choctaw and Chickasaw nations on the town-site commissions refused to assist in the establishment of exterior limits of towns, and the inspector was directed to have the same done by surveyors who had been previously appointed by the Department in accordance with the provisions of the Indian appropriation act. The act provides that the work of surveying and laying out town sites shall be done by competent surveyors appointed by the Secretary of the Interior. The following town-site surveyors have been appointed: E. E. Colby, John G. Joyce, jr., Thomas S. Leavitt, Joseph T. Payne, Frank Hackelman, and Henry M. Tucker, Missouri; John F. Fisher, Illinois; M. Z. Jones, Kansas; Harry Maxey, Oklahoma.

The inspector, August 7, 1900, transmitted a draft of "Instructions to town-site surveyors in the Choctaw and Chickasaw nations," and also a draft of "Instructions to towns making their own surveys." Office report of August 16 recommended that numerous changes be made in said drafts of instructions, and August 28 the Department concurred in the recommendations of this office and also modified the instructions in other particulars. The final instructions, which were approved August 28, 1900, are published in full in this report, page 585.

Parks.—June 22, 1900, the inspector submitted a report, dated June 12, 1900, from the chairman of the Choctaw town-site commission, relative to setting aside land in South McAlester for park purposes. Office report of June 25, 1900, quoted from the Indian appropriation act of May 31, 1900, as follows:

> The Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations, etc.,

and stated that to set aside land for park purposes in towns in the Choctaw and Chickasaw nations would seem to be a violation of the terms of the Choctaw and Chickasaw agreement. The Department, however, by a letter of July 10, took the position that there was sufficient authority of law for the setting aside of lands for park purposes in towns in these nations, and directed the inspector to instruct the said town-site commissions to proceed accordingly.

July 19, 1900, the inspector requested to be advised whether land set aside for park purposes should be paid for at the rate of $10 per acre, or whether it should be appraised by the commission and purchased by the town at that valuation. The office expressed the opinion that it should be paid for by the inhabitants of the town at the rate of $10 per acre. The Department concurred, and, July 27, directed the inspector to instruct the town-site commissions accordingly.

The inspector reported August 1, 1900, that the principal chief of the Choctaw Nation insisted that the land set aside for park purposes should be appraised by the commission and sold in accordance with the law relative to the sale of unimproved lots, and that the Choctaw and Chickasaw nations would not agree to have any tract of land within any town donated for park purposes. With the inspector's report was inclosed a communication from Mr. Smiser, of the Choctaw town-site commission, in which he stated that the chairman of the commission was of the opinion that the commission could set aside any amount of unimproved land which the inhabitants of the town deemed necessary for park purposes, and the citizens of South McAlester asked that 150 acres be so set aside. This office reported, August 9, that it knew of no reason why the Department should not adhere to the position theretofore taken, that land set aside for park purposes should be paid for at the rate of $10 per acre, but that only a reasonable amount should be so set aside, and the Department, by letter of August 13, concurred in that view.

August 8, 1900, the inspector again reported relative to the price to be paid for land set aside for park purposes in towns in the Choctaw and Chickasaw nations, and the Department, by letter of August 23, to the inspector, held that it was not the intention of the law that every town should have a park, and that when it should be considered necessary that land for park purposes be set aside, in most cases 10 acres would be sufficient.

Lots of excessive size.—The action of the Department, through the Chickasaw town-site commission at Ardmore, in regard to lots of excessive size, has already been given. June 28, 1900, the inspector forwarded a communication, dated June 5, 1900, from Mr. F. S. Genung, of South McAlester, and also a report, dated June 22, 1900, from Dr. Sterrett, chairman of the Choctaw town-site commission, relative to allowing Mr. Genung, as one lot, an area in the outskirts of the town of

South McAlester 300 by 375 feet, upon which he had certain improvements. The inspector recommended that Mr. Genung be allowed that area as one lot, and the recommendation was concurred in by this office July 6, and the Department directed the inspector, July 12, to instruct the Choctaw town-site commission accordingly. The office also recommended that a Mr. Sittle be allowed the area inclosed by him, provided it did not exceed that claimed by Mr. Genung; this was also allowed.

Subsequently numerous applications were submitted by parties residing in South McAlester to be permitted to purchase, at 50 per cent of their appraised value, lots of excessive size upon which they had improvements, among them the application of Mr. M. M. Winningham for an area 244 by 310 feet, and that of Mr. A. A. Billingsley for an area 260 by 340 feet. The chairman of the Choctaw town-site commission recommended that the request of the applicants be complied with, while Mr. Smiser, the representative of the commission on the part of the nation, in a letter dated July 25, 1900, addressed to the inspector, opposed permitting occupants of large tracts to purchase them at 50 per cent of their appraised value.

The office, in transmitting these applications in its report of August 16, took the position that the decision of the Department in the Genung case, which was doubtless based upon the recommendation of this office, was erroneous, for the reason that the law strictly provides that the owner of improvements may purchase one residence lot and one business lot at 50 per cent of their appraised value, and that he has the right to purchase all other lots upon which he has permanent improvements at 62½ per cent of their appraised value. This fact was not overlooked when the office made its recommendation in the Genung case, but it was thought that where property was in the outskirts of a town, and was improved to such an extent as Mr. Genung's appeared to be, a liberal construction of the law should obtain. It was, however, recommended that the instructions of the Department in the Genung case be revoked, and that the inspector be directed to instruct the town-site commission to survey all lots in towns in the Choctaw and Chickasaw nations in accordance with the directions of Department letter of July 1, 1899, which were to the effect that residence lots should have a width of 100 feet by a depth of 150 feet, and that business lots should be established 25 by 150 feet, each to contribute its proper share to width of alleys established. The Department concurred in these recommendations, and August 18 directed the inspector to instruct the town-site commissions in accordance therewith.

New town sites.—June 10, 1900, the inspector transmitted a copy of the opinion of the court for the southern judicial district of the Indian Territory, Judge Townsend presiding, in the case of the United States et al. *v.* I. O. Lewis et al., which the inspector had caused to be brought for the purpose of restraining said Lewis from surveying, platting, and laying out a town site called Madill on certain lands

belonging to the Chickasaw Nation, in the possession of said Lewis and claimed by him as his pro rata share of the lands of that nation.

The inspector, July 17, transmitted certain correspondence relative to the establishment of that town by Lewis, among which was a communication dated July 10, 1900, from Mr. C. L. Herbert, of the firm of Furman, Herbert & Mathers, of Ardmore, who had represented the Government in the injunction application in the Lewis case. In Mr. Herbert's communication the law relative to town sites was fully discussed. Office report of July 24, 1900, took the position that Lewis was amenable under section 2118 of the Revised Statutes, and recommended that the United States district attorney for the southern district of the Indian Territory be requested, through the Department of Justice, to commence proceedings against said parties in accordance with provisions of that section. The Department, July 26, concurred in this recommendation, and the United States district attorney for the southern district of the Indian Territory was subsequently directed by the Department of Justice to commence proper proceedings. The Department, however, subsequently requested the Department of Justice to hold in abeyance the prosecution of Lewis and those interested with him in the establishment of said town site, which request the Department of Justice has complied with.

Various other parties have established new towns in different parts of the Indian Territory, and the office took the same position in each instance that it did in the establishment of the town of Madill. August 30 the inspector requested to be advised whether or not the same action should be taken in the matter of delaying the prosecution of those interested in establishing new towns that was taken in the Lewis case. Report of September 6 stated that the office knew of no reason why the Department's action in the Lewis case should not apply to all similar cases and recommended that the inspector be so advised, which was done by Department letter of September 7.

MISCELLANEOUS.

Chickasaw incompetent fund.—Under the provisions of the Choctaw and Chickasaw agreement $558,520.54 were placed to the credit of the Chickasaw Nation. Of this sum, $200,000 were subsequently appropriated by the legislature of that nation for the payment of the nation's outstanding indebtedness.

In October, 1899, the Chickasaw legislature passed an act which provided that the remainder of this fund should be paid out per capita to the Chickasaw citizens. Owing to the claims of the heirs of the so-called incompetent Chickasaws to a portion of this fund the act was disapproved by the President. The Department held that under existing law it had no authority to disburse this fund per capita to the members of the Chickasaw Nation, and Congress at its last session

inserted a clause in the Indian appropriation act of May 31, 1900, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay out and distribute in the following manner the sum of two hundred and sixteen thousand six hundred and seventy-nine dollars and forty-eight cents, which amount was appropriated by the act of June twenty-eighth, eighteen hundred and ninety-eight, and credited to the "incompetent fund" of the Chickasaw Indian Nation on the books of the United States Treasury, namely: First, there shall be paid to such survivors of the original beneficiaries of said fund and to such heirs of deceased beneficiaries as shall, within six months from the passage of this act, satisfactorily establish their identity in such manner as the Secretary of the Interior may prescribe, and also the amount of such fund to which they are severally entitled, their respective shares; and, second, so much of said fund as is not paid out upon claims satisfactorily established as aforesaid shall be distributed per capita among the members of said Chickasaw Nation, and all claims of beneficiaries and their respective heirs for participation in said incompetent fund not presented within the period aforesaid shall be, and the same are hereby, barred.

Under Department instructions of July 3, 1900, the office submitted, July 9, a draft of instructions to the United States Indian agent for the Union Agency for the purpose of carrying this legislation into effect. The instructions, modified by the Department July 12, went to the agent as follows:

It will be observed that it is made the duty of the claimants to satisfactorily establish their identity in such manner as the Secretary of the Interior may prescribe, and that the Secretary of the Interior is authorized and directed to pay to each person who shall establish his identity the portion of the fund to which he is entitled.

In order that the provision of the act above quoted may be carried out, you are hereby directed to cause a notice to be published in such newspapers in the Chickasaw Nation, both in the English and Chickasaw language, as you may deem necessary, giving notice that evidence tending to establish the identity and the claims of Chickasaw incompetents or the descendants of those incompetents who are dead will be received at the Union Agency up to and including October 31, 1900, and that the Chickasaw Nation has the right to file evidence rebutting that filed by any particular claimant, and that after October 31, 1900, the papers in each case will be forwarded to this office and to the Department for such action as may be deemed proper.

You will also notify by mail the governor of the Chickasaw Nation of the filing of each claim, giving the date, name of the beneficiary, the amount claimed, and that the proper representatives of the nation will be allowed to examine any evidence which may be filed in your office in relation to any of said cases, and also to file evidence against the allowance of the claim.

After October 31, 1900, you will carefully examine each case and make a report and recommendation thereon, and forward the same to this office, where it will be examined and forwarded to the Department with the recommedation of this office.

You will please take prompt action in this matter because of the shortness of the time allowed within which these claims may be filed and the identity of the claimants established.

Western boundary of the Chickasaw Nation.—The Choctaw and Chickasaw agreement provides that—

The United States shall survey and definitely mark and locate the ninety-eighth (98) meridian of west longitude between Red and Canadian rivers before allotments of the lands herein provided for shall begin.

The ninety-eighth meridian is the boundary line between the Wichita, the Kiowa, Comanche, and Apache reservations and the Chickasaw Nation, and the Geological Survey reestablished it during the last year. By its new location the western boundary of the Chickasaw Nation was changed. A portion of the southwest corner of what was formerly a part of the Chickasaw Nation was thrown into the Kiowa, Comanche, and Apache reservations, and a strip of land beginning at a point about 25 miles north of the southwest corner and growing in width to about 3 miles at the northwest corner of the Chickasaw Nation was taken from the reservations above named and thus became a part of the Chickasaw Nation.

Many persons own improvements on land that was thus transferred from one reservation to another, and the Department, May 23, 1900, directed the inspector to give out notices of the reestablishment of the ninety-eighth meridian, and also of the desire of the Department to permit persons who owned improvements which were affected by the relocation of the meridian to dispose of the same at private sale to citizens of the tribe within whose reservation or nation the land so improved was then located.

Southern boundary of the Indian Territory.—In my last annual report this question was discussed, and by Department letter of February 9, 1900, the office was requested to submit a "draft of legislation" for the purpose of finally and definitely settling the boundary line between the State of Texas and the Indian Territory.

Office report of March 14, 1900, after fully considering the subject, stated that—

It is not deemed necessary that the office should take up each particular case of which it is advised that a contention exists as to where the boundary line should be. The information which the office has upon the matters of contention is embodied in the letters, affidavits, and other papers transmitted herewith.

The situation as it is understood by this office is summed up in a general way about as follows:

First. The boundary line between the State of Texas and the Indian Territory should follow the middle of the main channel of the Red River as it meandered in 1845, when Texas was annexed. (Opinion of Assistant Attorney-General, L. D., Vol. 24, p. 372.)

Second. The surveyors in the field, engaged in the survey of the lands of the Indian Territory, were unable to determine with the amount of money at their disposal, the location of the main channel of the Red River as it existed in 1845, and submit a survey of a boundary other than that.

Third. It is represented by the surveyors under the employ of the Government and by parties interested that the land formerly on the Texas side of the Red River has, since 1845, been cut off and formed on the Territory side of the river, and land formerly on the Territory side of the river has, since 1845, been cut off and formed on the Texas side of the river.

The draft of legislation submitted is as follows:

Joint Resolution authorizing the Secretary of the Interior, in conjunction with the State of Texas, to determine and establish the boundary line between the Choctaw Nation, Indian Territory, and the State of Texas.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized

and empowered to appoint a suitable person or persons, now in the employ of the Government or outside of the employ of the Government, as to him shall seem the more expedient, who, in conjunction with such person or persons as may be appointed by and on behalf of the State of Texas for the same purpose, shall determine and establish, by reference to suitable landmarks or United States surveys, the boundary line between the Choctaw and Chickasaw Nations, Indian Territory, and the State of Texas, beginning at the point where the boundary line between the State of Arkansas and the Indian Territory crosses Red River, and running thence westwardly along Red River to the point where the North Fork of Red River joins the main channel, near where the ninety-eighth degree of longitude west from Greenwich crosses Red River.

SEC. 2. *And be it further resolved,* That the said boundary shall be determined by such landmarks or reference to such landmarks or established corners of United States survey as may be agreed on by the Secretary of the Interior or those acting under his authority and the State of Texas or those acting under its authority.

SEC. 3. *And be it further resolved,* That the sum of five thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated out of any money in the Treasury of the United States not otherwise appropriated to carry out the provisions of this act: *Provided,* That the person or persons appointed and employed on the part and behalf of the State of Texas are to be paid by the said State: *Provided further,* That no persons except a superintendent or commissioner shall be appointed or employed in this service by the United States but such as are required to make the necessary observations and surveys to ascertain such line and make return of the same.

No legislation has yet been enacted relative to this subject.

CHIPPEWA AND MUNSEE INDIANS IN KANSAS.

By the ninth section of the Indian appropriation act approved June 7, 1897 (30 Stat. L., p. 92), Congress authorized the Secretary of the Interior to appoint a "discreet person" as a commissioner to visit the Chippewa and Munsee or Christian Indian Reservation, in Franklin County, Kans., and thoroughly investigate the title of each Indian to the several tracts of land which had been allotted to him in that reservation. Under the law and the instructions given him he was required to take a census of the Indians and to prepare four schedules, as follows:

1. Those Indians who held title to land by original allotment, by purchase and approved conveyance, or by inheritance, giving a description of the allotment held or owned by each Indian, and the respective share in such lands claimed by anyone, as heir or otherwise; the ownership of lands of deceased allottees to be determined under the laws of Kansas relating to descent.

2. Those who had not received an allotment of land but who would have been entitled to it if there had been a sufficient quantity of land to give an allotment to everyone.

3. All the lands embraced in the reservation, designating such as should be patented to original allottees, purchasers, or their respective heirs, and such as should be sold, the tracts to be sold being either unallotted, vacant, or not capable of profitable partition.

4. All the members of the tribes who were entitled to participate in the per capita distribution of the tribal funds now to their credit

on the books of the Treasury Department, after deducting the expenses incurred in carrying out the provisions of section 9 above referred to.

On the 9th of December, 1899, C. A. Smart, of Ottawa, Kans., appointed as such commissioner, submitted his first report giving the status of each of the 104 allotments and selections that had been made, in 1860 and subsequently, under the provisions of the treaty of July 16, 1859, with the Swan Creek and Black River bands of Chippewa Indians and the Munsee or Christian Indians (12 Stat., p. 1105), also of the tract of land held for missionary purposes and authorized to be patented to the Moravian Church or its constituted authorities. This was found to be a laborious work. Owing to the loose customs of Indians in regard to marriage relations it was found very difficult to apply to the questions of heirship the law of descent in force in Kansas. After a critical administrative examination by this office, with the personal assistance of Commissioner Smart, into each question of inheritance and into the proportionate share of each claimant to inherited lands, his report was favorably submitted to the Department and was approved January 8, 1900. On the 9th of May last, an appeal was made by one of the members of the tribe, from the findings of Commissioner Smart on allotments Nos. 69 and 70 in favor of Christian Kerl and Lydia Kerl respectively. The matter having been referred to Commissioner Smart for his review, he reported July 9 last that the appeal was well taken, for he had overlooked the fact that a deceased child, under the law of descent of Kansas, inherited from his parents as though alive. He therefore submitted an amendatory report on allotments 69 and 79, which was submitted to the Department July 17, and approved August 17, 1900.

The schedule of lands to be patented, with the names of the respective patentees, was approved by the Department and forwarded to the Commissioner of the General Land Office with instructions to issue patents in fee as reported on said schedule. These patents have been prepared, and when signed, recorded, and forwarded to this office will be transmitted to the United States Indian agent for delivery. The lands scheduled to be sold have been appraised, the appraisement approved, and the Commissioner of the General Land Office instructed to offer the same for sale as provided in the law above referred to.

The schedule of those who were entitled to but failed to receive an allotment was approved by the Department August 16, 1900.

The schedule of the whole tribe has been approved, and the funds of these Indians will be disbursed per capita under the law as soon as the net amount to be disbursed shall be known. The fund arising from the lands held in common that are to be sold is to be placed in the Treasury for the benefit of those members who have never received an allotment of land.

PAYMENTS FOR OTO AND MISSOURI LANDS IN KANSAS AND NEBRASKA.

This long-pending matter has finally been disposed of. The last annual report contains the proposition of settlement which was submitted April 20, 1899, by Mr. J. A. Van Orsdel on behalf of the settlers as to the price to be paid by delinquent settlers for Oto and Missouri lands in Nebraska which they had been occupying for many years. This proposition was rejected by the Oto and Missouri Indians. Subsequently Inspector McLaughlin, acting under Department instructions, again conferred with the Indians, with the result that on November 20, 1899, they entered into a formal agreement, signed by more than three-fourths of the male adult members of the tribe, consenting to a revision and adjustment of the land sales as to the delinquent purchasers. This agreement is as follows:

We, the undersigned adult male members of the Otoe and Missouria tribe of Indians, having been assembled in council this 20th day of November, 1899, at the Otoe subagency, Noble County, Oklahoma Territory, in response to the request of James McLaughlin, United States Indian inspector, for the purpose of considering a proposition for the settlement of differences with the delinquent purchasers of lands in our late reservation in the States of Nebraska and Kansas, and being fully advised by said Indian Inspector McLaughlin as to our rights and interest in the premises, do hereby agree to a settlement of said differences on the following basis:

I. The original appraised value of said lands, together with twenty-five per cent (25 per cent) of such appraised value, shall for the purposes of this settlement represent the purchase price of said lands.

II. Interest shall be computed on the purchase price so ascertained at the rate of five per cent (5 per cent) per annum, simple interest, from the date that interest should be computed under the original act of Congress providing for the sale of said lands to date of payment.

III. From the amount so ascertained to be due in each instance shall be deducted all payments heretofore made on said lands, both on account of principal and interest, together with simple interest thereon, at the rate of five per cent (5 per cent) per annum, from date of payment until date of final payment, and the balance remaining after deducting said payments and interest thereon, as aforesaid, from the purchase price with interest thereon, as aforesaid, shall be considered the amount still due from said settlers and purchasers in each instance.

IV. All computations to be made under the direction of the Secretary of the Interior, and we fully authorize the adjustment of the matter on the basis as above set forth and as provided by the act of March 3, 1893.

V. It is further understood that this agreement and compromise shall apply only to the purchase money now delinquent, and that we will in no event agree to any further adjustment or refunding of any money whatever to those who have paid the full amounts due on their purchases made at the sale of said lands.

In a communication, dated February 14, 1900, addressed to the chairman of the Committee on Indian Affairs, House of Representatives, the Secretary of the Interior said:

This plan of adjustment does not include the full-paid purchasers, and I do not feel authorized to give it my approval and carry it into effect, considering the pro-

visions of the act of March 3, 1893, and the opinion of the former Assistant Attorney-General, in which I concur. I believe, however, as before stated, that no plan of adjustment which includes the full-paid purchasers will ever be consented to by the Indians, and I further believe that the fact that an adjustment as to the full-paid purchasers can not be effected ought not to be permitted to stand in the way of or to prevent an adjustment as to the delinquent purchasers.

It is now more than sixteen years since these sales occurred, and good administration, as well as fair dealing toward the Indians and the delinquent purchasers, requires that the matter shall be adjusted, so far as they are concerned, so that the Indians may receive the moneys to which they are entitled and the purchasers receive title to the lands. The plan of adjustment consented to by the Indians November 20, 1899, provides that they shall receive from the delinquent purchasers the original appraised value of the lands, with 25 per cent added thereto, and with interest thereon at 5 per cent per annum. Representatives of this Department, who have inspected the land and made diligent inquiry with respect to their appraisement and value, believe that this is a reasonable and equitable settlement both for the Indians and the delinquent purchasers. I have had two conferences with delegations from the tribes, and after careful consideration of the matter believe that the best interests of all concerned will be subserved if this plan of adjustment between the Indians and the delinquent purchasers is authoritatively adopted and carried into effect.

This controversy, so long pending, should be closed without further delay. While under the act of March 3, 1893, the consent of the purchasers was not made a condition to the revision and adjustment thereby authorized, it is worthy of consideration that about 110 out of a total of 123 delinquent purchasers have joined in proposing this adjustment and stand ready to comply with its terms if it be approved. The remaining delinquent purchasers insist, either that they shall receive title to the lands without making any payment at all, or upon the payment of the original appraised value with interest thereon at 5 per cent per annum for three years. It thus appears that the Indians and the delinquent purchasers have, with practical unanimity, consented to this plan of adjustment.

I therefore respectfully transmit herewith a draft of a bill confirming the revision and adjustment to which assent has thus been given, and earnestly recommend that it receive your favorable consideration.

The agreement of November 20, 1899, was confirmed by act of Congress approved April 4, 1890 (31 Stats. 59). The act directs that the Secretary of the Interior shall cause notice to be given purchasers of lands of the amounts due and unpaid on their purchases. Within one year thereafter it is made the duty of such purchasers to make full payment of the amounts due, in default of which the entry of any delinquent purchaser shall be canceled and his lands resold at not less than the appraised value, and in no case less than $2.50 per acre. Upon making such complete payment within the time limited, each purchaser, his heirs or legal representatives, shall be entitled to receive a patent for the lands purchased.

PIPESTONE RESERVATION AGREEMENT.

In my last annual report (p. 136) reference was made to the fact that negotiations had been conducted by inspector James McLaughlin with the Yankton Indians for the purchase of the Pipestone Reserva-

tion, containing the noted Red Pipestone quarries, near Pipestone, Minn., but that the negotiations had been unsuccessful owing to the fact that the price asked by the Indians was regarded as excessive. In compliance with departmental instructions the inspector resumed negotiations with the Indians for the cession of that reservation on September 23, 1899, and October 2, 1899, an agreement to that effect was concluded.

The purchase price fixed in the agreement for the entire reservation, containing 648.2 acres, is $100,000. Of this amount $25,000 is to be expended for the purchase of stock cattle, the same to be distributed as equally as possible among the members of the Yankton tribe. The balance, $75,000, is to be paid in cash, pro rata, to each man, woman, and child belonging to the tribe.

The agreement also provides that the Yankton Indians, and they alone, shall be permitted, as has been their custom for unnumbered generations, to go upon that portion of the reservation, not exceeding 40 acres in area, which embraces the quarries, to procure and remove pipestone at such times and in such quantities as they may desire, subject to such regulations and conditions as may be prescribed by the Secretary of the Interior. The 40-acre tract referred to is to be selected by the Secretary, with the concurrence of a delegation of five Yankton Indians, and is to be suitably marked and designated by the Secretary of the Interior.

A copy of the agreement, with draft of bill providing for its ratification, and copies of all the papers, were submitted to the Department on February 1, 1900, and resubmitted on March 23, for transmission to Congress. March 24 the Department transmitted the papers to Congress with recommendation for favorable action. (See H. R. Doc. No. 535, Fifty-sixth Congress, 1st session.) Congress, however, failed to ratify the agreement.

Owing to the present status of that reservation and the fact that the Government has a valuable school plant there and is about to expend considerable more money for additional buildings, the desirability of securing the ratification of the agreement and thus obtaining undisputed title to the land need not be dwelt upon.

NORTHERN CHEYENNE RESERVATION, MONTANA.

The Indian appropriation act approved May 31, 1900 (31 Stats., p. 221, and p. 529 of this report), appropriates $171,615.44 "to pay for certain lands and improvements, as recommended by United States Indian Inspector James McLaughlin in his three reports to the Secretary of the Interior, dated, respectively, November 14, 1898, and February 3 and 16, 1900."

June 11 this office recommended that Inspector McLaughlin be designated to obtain deeds for the lands and improvements of the vendors and to see that the improvements sold to the Government were intact, etc. He was instructed accordingly by the Department, June 18 and July 17, at the request of the Department, further instructions were given him by this office.

It was decided, upon the recommendation of this office, that the white settlers, or beneficiaries of the appropriation, should be paid by warrants drawn in their favor on the United States Treasury, and that the heads of 46 Indian families residing east of Tongue River should be paid for their improvements, through the United States Indian agent of the Tongue River Agency, Mont. He was fully instructed on August 10, 1900, respecting such payments, and funds have been placed to his credit for that purpose.

Most of the deeds have been obtained by the inspector from the white settlers. They have been considered by this office and the Department, and the claims of the settlers are on the way to final adjustment.

PUEBLO INDIANS.

During last year the Albuquerque Land and Irrigation Company, a corporation existing under the laws of the Territory of New Mexico, sought to appropriate the surplus waters of the Rio Grande River at a point just south of the pueblo of San Felipe, and to construct a canal through the lands of the San Felipe, Santa Ana, and Sandia pueblos as well as the lands of numerous individuals. All of those lands, except the San Felipe pueblo, are supplied with water for irrigation from the Rio Grande by means of several irrigating ditches whose dams or heads are below the point of extraction proposed by the company. There was much opposition by residents along the line of the proposed canal, not only to its survey, but also to the appropriation of water by the company, which resulted in numberless proceedings before the Territorial courts.

Suit having been instituted by the company in the district court of Santa Fe County, N. Mex., against the pueblo of Sandia et al., to restrain the defendants from interfering with the construction of the canal, Judge McFie of said court held that the company had a legal right to construct the canal across the Indian lands without interference on the part of the Indians. At the same time the court found that, in accordance with the agreed statement of facts filed by counsel for both parties to the suit, the Indian pueblos were entitled to their rights as prior appropriators of water in the Rio Grande. By this decree the Pueblos are guaranteed the right to water to the full capacity of their present ditches. November 28, 1899, the agent in charge of

the Pueblo agency was instructed to see that the rights of the Indians under the decree were fully protected.

The lands of several of the pueblos in Bernalillo County, N. Mex., were assessed for taxation by the officials of that county and were included in the published delinquent tax list for 1898 and prior years. Notice was given that the tax collector would, on December 26, 1899, apply to the district court of Bernalillo County for judgment and for an order of sale to satisfy the same. As the payment by the Pueblos of these taxes, even for one year, would be to them a very serious matter and unexpected burden, since they have never before been compelled to pay taxes upon their lands, the special attorney for the Pueblo Indians suggested that Congress be asked to exempt them from taxation for a certain period, or until Congress shall have declared them citizens subject to taxation. The matter was submitted to the Department by this office on November 29, 1899, and on December 23 the Department issued instructions direct to the special attorney to present every reasonable defense against the proposed tax sale.

April 7, 1900, the Department was informed by the office that Judge Crumpacker of the district court of Bernalillo County had held that the property of the Pueblo Indians was not taxable. Although expressing himself as somewhat in doubt as to the correctness of the position taken by him in the matter, the judge thought that the Territorial authorities were better able to carry the case to the supreme court of New Mexico. The matter is now pending on appeal to the latter court. Should the Territorial authorities obtain a reversal of Judge Crumpacker's decision by the higher court, the office proposes to suggest to the Department the propriety of obtaining Federal legislation exempting the Pueblos from taxation.

Congress having made no appropriation for the salary of a special attorney for the Pueblos for the current fiscal year, the Indians have been without the aid of legal counsel since June 30 last.

ZUNI PUEBLO GRANT.

A bill (H. R. 8635) was introduced in the House of Representatives, February 16, 1900, "To confirm title to certain land to the Indians of the pueblo of Zuni in the Territory of New Mexico," and was favorably reported (Report 1571) without amendment from the Committee on Indian Affairs, May 17, 1900.

It is respectfully urged that the title in and to their land be confirmed to these Indians at the coming session of Congress, as all the title papers held by these Indians, for land occupied by them for over two hundred years, were a few years ago accidentally destroyed by fire.

NEW YORK INDIANS.

The claim of the New York Indians for compensation for lands in Kansas, growing out of the treaty concluded at Buffalo Creek on January 15, 1838, having been finally adjudicated before the Court of Claims, it was referred to Congress at its last session for an appropriation. Instead of providing specific legislation for the payment to the beneficiaries of the amount of the judgment, as was proposed by this office in a bill formulated for that purpose, Congress, by the act of February 9, 1900, simply appropriated the amount of the judgment of the Court of Claims, rendered November 23, 1898, with interest from that date to the date of the mandate of the Supreme Court, April 19, 1899, viz, $1,998,744.46. It is presumed that following the precedents of the "Old Settler" Cherokee and similar cases, special legislation will be provided to enable the Department of the Interior to make the distribution of the judgment. This was provided for in the bill proposed by this office.

ABOLISHMENT OF THE OSAGE TRIBAL GOVERNMENT.

A crisis in Osage governmental affairs was reached in the election of tribal officers in 1898. After a bitter factional controversy, and after an investigation had been conducted by Inspector McLaughlin, the Department, on February 21, 1899, decided the contest in favor of Black Dog, representing the full-blood element, as principal chief, and Ma shah ke tah, the candidate of the progressive or mixed-blood party, as assistant principal chief. The Osages, however, became involved in another dispute over the election of members of the national council, which was only settled by the Department order of January 18, 1900, recognizing twelve members as having been duly elected and constituting a quorum of the council, leaving three vacancies to be filled by that body.

These and other considerations impelled the office, on February 21, 1900, to recommend the issuance of a Departmental order abolishing the Osage national government, excepting the national council and the offices of principal chief and assistant principal chief. Such an order was issued March 30. May 19 the office recommended the abolishment of the national council which was ordered by the Department May 21, 1900.

The principal causes that led to the abolition of the Osage tribal government were: (1) Acrimonious disputes between the two factions over elections; (2) entire absence of harmony between the Osage tribal officers and the Indian agent in the administration of tribal affairs; (3) the selection of ignorant men as officeholders, and (4) the profligate use of moneys received from permit taxes.

The tribal government was abolished after the conditions had been fully investigated by a special Indian agent and after the facts developed in his investigation had been carefully considered by this office and the Department. It was determined upon as the wisest step to take, in view of the tangle into which the affairs of the Osage Nation had gotten. It has resulted in the reduction of expenses and consequently a considerable saving to the tribe in the amounts heretofore expended for salaries of a long list of tribal officials.

WENATCHI INDIANS.

For several years considerable attention has been given by the office to the Indians residing in the vicinity of Mission and Wenatchee, Wash., known as the Wenatchi, and to those scattered along the Columbia River in that part of the State, formerly known as the Palouse, but now generally included under the head of Wenatchi. These Indians had always been regarded as belonging to the Yakima Nation, and, under instructions of this office, the Crow, Flathead, etc., commissioners who were authorized to negotiate an agreement with the Yakima, made a final effort to persuade the Wenatchi to remove to that reservation. An effort was also made by Special Allotting Agent W. E. Casson, while making additional allotments on that reserve two years ago, to get these Indians to remove there and take allotments, but without avail. The Wenatchi claimed that they were not a part of the Yakima Nation, that they spoke a different language, and that they should not be affiliated with them.

It was therefore concluded to allot lands to these Indians in severalty where they now reside, under the fourth section of the general allotment act, as amended, and on January 29, 1900, Special Allotting Agent Casson was instructed to proceed to Wenatchee for that purpose. June 22 Mr. Casson made a detailed report regarding his work among these Indians and the difficulties attending it, from which report the following extracts are made:

> The good land had all been taken up for many years, and only now and then a piece that an Indian would accept. We often spent two or three days to find land for a single one.
>
> There were a number of Indians whose lines were not fully established, who had applied under the Indian homestead act, and in some cases they were in trouble between themselves and in other cases with white people. We straightened out all such cases.
>
> There were several cases in which Indians were in conflict with the Northern Pacific Railway, and had been notified to make election under the act of July 1, 1898, to hold same, but they had failed to do so and refused on account of advice given them by John Hamilt. In these cases I have secured the election of all the Indians, and filed same with the Waterville land office.
>
> I made 18 allotments, which I have filed at the Waterville land office. I also filed two applications of Martin Enias and wife for 80 acres each of land filed upon by

Charley Suis up kin, homestead entry 66, December 22, 1890, for SE ¼ of sec. 18, T. 23 N., R. 20 E., to be put on record as soon as the honorable Commissioner of the General Land Office ordered the entry canceled.

I think the Wenatchi Indians are above the average; they are, as a rule, quite industrious and well behaved. They no doubt could be greatly benefited by the expenditure of a few thousand dollars for wire for fences and farm machinery, etc. They all have great confidence in John Hamilt, their chief, and he tries very hard to have them do right. They are devout Catholics, and go to their church every Sunday and hold services by themselves.

As I have written your office before, the only solution I can see to the land problem for the Wenatchi Indians is to allot them on the south half of the Colville Reservation. The work has been very slow and tedious for the reasons before given, but many cases have been settled and several put in shape for settlement as soon as the railroad company relinquishes. I will keep in correspondence with these people, and can do a great deal to get them to take steps to prove up when the proper time comes.

As these Indians had at various times during the past few years expressed a willingness to remove to the Colville Reservation, provided they were given allotments there, the office, July 19, 1900, instructed Mr. Casson to ascertain the real wishes of the Indians in this regard, to find out how many would go, and whether there were suitable lands on the Colville Reservation not used or required by the Indians already there upon which the Wenatchi might be located, and to report whether if their removal was effected these Indians would be likely to remain there and build up homes for themselves. August 1 Mr. Casson replied from Mission, Wash., as follows:

I find from talking with the Wenatchi Indians that they as a rule are desirous of taking allotments on the south half of the Colville Reservation. John Hamilt, the chief, and the leading men among the Wenatchi are anxious to have their people allotted on the Colville—i. e., those who have no lands upon the public domain. The Indians who have homes here are anxious to secure allotments for their wives and children.

I had a long talk with John Hamilt to-day, and he says it is useless to try to allot them upon the Colville Reservation this fall for the reason that the Indians are nearly all in the mountains now picking berries, fishing, etc., and will be gone until September 1, when they will go to Yakima to pick hops, and will be gone a month there, and will then return and go to the mountains and hunt until the snow drives them home. He (Hamilt) says about May 1 next year is the time to begin the work, as the Indians could all go and attend to making selections. I fully agree with him that nothing could be done this fall.

The Wenatchi Indians say there is plenty of good, vacant land on the part of the reservation where they want to be allotted.

I met Agent Anderson in consultation, and he is anxious to have them allotted on his reservation, but agrees it is not the right time of year to undertake the work. He further says he can attend to having them allotted, and that there is plenty of good land for them. I am anxious to have these people allotted in order to protect and provide for the children and young people now growing up.

A few of the young men would go and improve their allotments if allotted there, but a great many of the allotments would be owned by women and children who would remain here with the head of the family.

The ones who would remove to and live upon their lands would need assistance in the shape of harness, wagons, plows, wire for fences, etc., and if given some help

would make good use of it. They are above the average Indians and they should be given all the assistance that could be given.

Some of them have good farms here that white people are very anxious to purchase, and some few of the Indians would like to sell and go to the reservation, while others do not wish to sell, but do want to provide lands for the children growing up.

I can not give you the number of Indians who would accept lands on the reservation, for the reason that they are nearly all away; however, I think nearly all would accept lands who are not owners of land. They will always spend more or less time here if allotted on the reservation, but at the same time as the children become old enough to farm they would gradually become weaned away from here and live upon their lands.

The Colville Reservation was set aside by Executive order dated July 2, 1872, for the use of the Indians therein named, "and for such other Indians as the Department of the Interior may see fit to locate thereon." As the Wenatchi disclaim all connection with the Yakima, the office believes that the Department would be warranted in settling such of these Indians on the Colville Reservation as desire to go there for the purpose of securing homes, and that this should be done. It is believed, however, that it would not be proper to allot lands to them in severalty until all the Indians on the south half of the Colville Reservation come to be allotted. It is the desire and purpose of the office to settle the question of providing for homes for all these people at the earliest practicable date.

With his report of June 22, 1900, Mr. Casson inclosed a census of the Wenatchi, including those scattered along the Columbia, giving names, ages, relationship, and stating whether they now have lands or not. The list contains 166 names. About one-half the Indians now have lands, including the eighteen allotted by him.

CHIEF JOSEPH AND HIS BAND OF NEZ PERCÉ.

Last March Chief Joseph visited this city and submitted to this office a petition to be allowed to leave his present location on the Colville Reservation in Washington and return with his band of about 150 Nez Percé to Wallowa Valley, Oregon This, he claimed, was the home of his ancestors and was his own home until he and his people were removed from Idaho to the Indian Territory in 1877, at the close of the Nez Percé war. By Department reference the office also received a communication, dated April 7, 1900, from Maj. Gen. Nelson A. Miles, United States Army, recommending that Joseph's request be granted.

April 21, 1900, the office submitted a report to the Department on the history and status of this band of Nez Percé, the condition of the Wallowa Valley, and the treaties with the Nez Percé tribe, and it was recommended that Joseph's request to be removed to the Wallowa Valley or elsewhere be denied. Joseph, having been informed of this

action, requested a conference with the office, which was granted May 1 last. On the 3d of that month a report of the conference was submitted to the Department, with the recommendation that an inspector be instructed to accompany Joseph to the Wallowa Valley for the purpose of ascertaining whether land sufficient and suitable could be found therein for making allotments to him and his band. May 24 Inspector James McLaughlin was so instructed, and June 23, 1900, he submitted his report, of which the following is a résumé:

The Wallowa Valley is about 40 miles in length from southeast to northwest, and averages about 15 miles in width. It has four prosperous towns, Wallowa, Lostine, Enterprise, and Joseph, the latter being at the upper end of the valley and about 1 mile from the foot of Wallowa Lake, a lake situated in a gap of the Powder River Mountain where the range is 8,000 feet high. The upper townships of the valley, Joseph and Prairie Creek, extend into the mountains, and only about one-third of their area is tillable, The lake is fast becoming a favorite summer resort. It is 1 mile wide, 4 miles long, and 275 feet deep, with a temperature in summer of about 45°. The adjoining lands are held very high, one 80-acre tract at the outlet (north end) being valued at $6,000.

The country south of the Wallowa Lake is rough, broken, and worthless, except the lower portions of the mountains, which are grazed by cattle and sheep about three months of the year. This is true of the country east of Wallowa Lake and of the town of Joseph, through to Snake River, about 30 miles, except in the narrow valleys of the Imnaha River and its tributaries, which are from 2,500 to 3,500 feet lower than the plateau levels of the surrounding country. Every spot in these narrow valleys is under irrigation and in a high state of cultivation, devoted chiefly to fruit orchards, even tropical fruits being successfully raised, protected as they are by the high canyon walls between which the creeks run.

In Wallowa County, which is the northeastern county of the State of Oregon, the lands are held at from $5 to $75 per acre, and in the Wallowa Valley at from $20 to $75 per acre, according to the quality of the soil and the nature of improvements. The following is the assessed valuation of the lands in Wallowa County:

Tillable lands	$166,420
Nontillable lands	193,625
Town lots	12,040
Improvements on lands	101,250
Improvements on lots	52,205
Total assessed value	525,540
For actual value add 50 per cent	262,770
Approximate actual value	788,310

The assessed valuation of realty and live stock is about $1,100,000, to which should be added 50 per cent on realty and 33⅓ per cent on live stock to arrive at the actual value of such property.

The county has a population approximating 6,000, mainly located in the Wallowa Valley. The votes polled in the county at the recent State election were as follows:

Wallowa precinct	250
Lostine precinct	200
Enterprise precinct	235
Joseph precinct	160
Prairie Creek precinct	87
Trout Creek precinct	85
Total votes in Wallowa Valley proper	1,017
Divide precinct (which is east of Prairie Creek in the Sheep Creek country)	30
Imnaha precinct, including the settlers along the tributaries of the Imnaha River	160
Paradise, Flora, and Lost Prairie precincts, which are in the northern portion of the county	300
Number of votes cast in Wallowa County in May, 1900	1,507

It is therefore evident that Wallowa County is well populated, and that practically all desirable agricultural lands in the county which control adjacent grazing privileges are owned by whites and mostly occupied by the owners. The settlers are an intelligent and prosperous class of farmers and stock growers, who have their farm lands nearly all under irrigation and well fenced.

Unless some portion of Wallowa Valley were included, suitable agricultural lands for Joseph and his band could not be found in the county, and it would be very expensive to secure any portion of Wallowa Valley upon which to locate those Indians. Even the two upper townships, less valuable than any others in the valley, could not be purchased with their improvements for less than $150,000. No one with whom the inspector conferred manifested any desire to sell his holdings; while all expressed themselves as opposed to Joseph's band being brought into that country.

While a majority of the settlers of the Wallowa Valley retain no ill will against the Nez Percé for the troubles of 1877, yet there are some whose relatives were ravished and killed by Indians on Salmon River and Camas Prairie during that outbreak who vow vengeance against all members of the band, and more particularly against Joseph, and many of the settlers predict that should the Indians be returned to this valley to stay permanently Joseph would be assassinated within a year.

Joseph's band would now hardly recognize this valley as the one over which they roamed twenty-three years ago, with an abundance of game in the mountains and fish in the streams. The game has

almost entirely disappeared and fish are fewer every year. Moreover, it was the custom of the band to remain in Wallowa only during the summer months and to return into the valleys of Imnaha and Snake rivers about the end of October, remaining there all winter.

In the Nespelim Valley, Washington, where Joseph and his band have been located for seventeen years, the climate is much milder in winter than in the Wallowa Valley. The lands are equal to the average lands in the mountains of Oregon, and superior to the greater portion lying outside of the more fertile valleys. In fact, it is quite equal to the Wallowa Valley, except that the area of the bottom land is not so extensive. The Nespelim Valley also equals, if it is not better than the Wallowa Valley for both hunting and fishing. The Nespelim and Little Nespelim rivers are both good trout streams. The San Poil River, about 30 miles east of Joseph's settlement, and entirely within the south half of the Colville Reservation, is said to be one of the best salmon fishing streams in eastern Washington. There are immense quantities of "huckleberries" in the mountains, from which the Indians derive quite a revenue. The soil is a rich loam, the surface is well sodded, and native grasses are luxuriant.

The Nespelim River has excellent valley lands on both sides for some 15 miles in length, and averaging about 1 mile in width. The Little Nespelim, a few miles east of the main river and running nearly parallel with it, is similar, except that the stream and valley are smaller. Both of these rivers have their sources in the mountains and are swift-running, never-failing streams of excellent water, sufficient to irrigate the lands of their respective valleys. The valleys alone afford ample tillable land for twice the number of Indians now located upon that portion of the Colville Reservation. Excellent pine timber is plentiful on the uplands and along the foothills of the adjacent mountains. The Indians can obtain all the lumber they need free of cost if they will but fell the trees and get the logs to the Government mill. The main Nespelim River furnishes a good water power which runs a flour mill and a sawmill, both in good condition and capable of doing first-class work. They are used exclusively for grinding into flour the wheat raised by the Indians, and sawing for their use the logs brought by them to the mill.

Chief Joseph has a large tract of excellent land inclosed with a good fence and situated on the west bank of the main Nespelim River. A portion of it is very good meadow land and there is also some timber and all the land is tillable. On this tract he has a small house in fairly good condition, but a poor barn. He is not living here but upon another tract near by, upon which he has built another house, situated about one-quarter of a mile south of the subagency. The fields occupied by his band are nearly all fenced and include both meadow and pasture.

Joseph is regarded as a nonprogressive Indian, one who will not work, and it is alleged that the advancement of his people is greatly retarded by his influence which offers no encouragement to industrial pursuits. The inspector is convinced that he does not represent the wishes of his entire band regarding his desired change of location, but that a considerable number of them do not wish to leave Nespelim.

From these facts it seemed clear that neither the welfare nor the happiness of the Indians nor the good of the service would be promoted by allowing Joseph and his band to remove from their present location to the Wallowa Valley, and this office reported accordingly to the Department July 21 last. This opinion was concurred in September 4 and the United States Indian agent of the Colville Agency has been instructed to advise Joseph of that decision.

YAKIMA BOUNDARY CLAIM.

For some years the Yakima Indians in Washington have claimed that the southern and western boundary of their reservation as established by the Government survey was erroneous, and that they were deprived of lands which should properly be embraced within the reservation boundaries. Somewhat more than two years ago, after carefully looking into the matter the office concluded, as indicated in a report to the Secretary of the Interior dated April 12, 1898, that there were good grounds, at least, for the contention of the Indians that a portion of the tract intended to be reserved for them had been excluded on the west by the Government survey.

During the fall of 1898, in accordance with departmental instructions, Mr. E. C. Barnard, of the Geological Survey, proceeded to the locality in question for the purpose of making an examination of the disputed west boundary. He was prevented, however, by heavy snows from completing the work at that time, and in accordance with instructions of the Department, dated August 23, 1899, the examination was renewed September 15 and concluded October 15, 1899. January 12, 1900, Mr. Barnard made his report to the Geographer of the Geological Survey, accompanied by a map of the reservation and of the territory in dispute. He states as a result of his investigation that the wording of the treaty of 1855 can not be made to conform to the topography of the country; that the reservation as at present surveyed does not extend to the main ridge of the Cascade Mountains, as provided in the treaty, and that in his opinion the Indians have been deprived by the survey of the boundary as it now exists of a tract of territory embracing about 357,878 acres. The boundary of the tract claimed by the Indians does not extend as far west as Mr. Barnard thinks it should and embraces a tract of only 293,837 acres, or 64,041 acres less than he thinks they are entitled to.

This matter was submitted to the Department April 6, 1900, and it was recommended that the findings of Mr. Barnard, at least to the extent of the tract claimed by the Indians—293,837 acres—be approved, and that action be taken to secure reimbursement to the Indians for the lands of which they have thus been deprived. In a reply, dated April 7, the Department approved of Mr. Barnard's findings to the extent indicated, and directed the office to prepare a draft of an item for submission to Congress granting authority for the detail by the Secretary of the Interior of an Indian inspector to negotiate an agreement with the Yakima Indians for the adjustment of their claim to the lands in question. Such item was prepared and submitted by the office to the Department, together with copies of all the reports, papers, and maps, April 16, 1900, and on April 20 the Department transmitted the same to Congress. (See House Doc. No. 621, Fifty-sixth Congress, 1st session.)

Congress, however, did not enact the desired legislation authorizing negotiations, but it made provision in the deficiency act approved June 6, 1900, for the continuation of the Crow, Flathead, etc., commission.

This commission is authorized by the act originally providing for its appointment to negotiate an agreement with the Yakima Indians for the cession of a portion of their surplus lands. In instructing this commission, July 6, 1900, this claim of the Yakima Indians for lands excluded from the western portion of their reservation was referred to, and the commissioners were directed to adjust the matter, if possible, by inserting in any agreement negotiated a provision for the payment to the Indians of such sum as they could agree upon as compensation for the excluded lands, the terms to be just both to the Indians and to the United States. It is to be hoped that if an agreement is concluded with the Yakima Indians, as indicated, an amicable adjustment of this claim may be arranged and the same ratified by Congress.

STOCKBRIDGE AND MUNSEE INDIANS.

On account of the very small quantity of land owned by these Indians, action looking to the allotment of their reservation in severalty has been deferred. Because of the insufficiency of land, allotments can not be made under the treaty of February 5, 1856 (11 Stats., 663), and should allotments be made under the provisions of the general allotment act of February 8, 1887 (24 Stats., 388), each Indian would receive only about 19 or 20 acres.

For a year or more the office has been considering the feasibility of giving to those Indians living off the reservation, and to those residing with the Seneca and Onondaga tribes in the State of New York, land outside of the reservation in lieu of allotments therein, so that a suffi-

cient quantity would be left in the reservation to make satisfactory allotments for the Indians residing there. There are many difficulties in the way of carrying out such a plan, and these difficulties are increased by the enmities existing between the factions of the tribe and the complication of the affairs of the tribe in the local politics of the State. One obstacle to any scheme of allotment for these Indians which has hitherto been referred to in the annual reports of this Office, is that notwithstanding the small extent of the reservation, there are some considerable tracts therein that have been patented to the State of Wisconsin under the swamp-land grants. The State secured the introduction of bills during recent sessions of Congress authorizing it to relinquish the swamp lands within the reservation, and to select lieu lands therefor, but none of these bills became a law.

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner.*

The SECRETARY OF THE INTERIOR.