THE OMAHA DAILY BEE.

FOURTEENTH YEAR. OMAHA, NEB., FRIDAY MORNING, NOVEMBER 28. 1884. NO. 138.

INTERIOR DEPARTMENT.

Annual Report of Secretary of the Interior Teller.

TELLER'S REPORT.

DEPARTMENT OF THE INTERIOR, WASHINGTON, Nov. 1, 1884.

SIR: In submitting my third and last annual report of the operations of the department, I beg leave to renew recommendations of former reports, so far as there may be necessity therefor, and to make such suggestions as experience and observation have shown that the public interest demands.

INDIAN AFFAIRS.

In my last annual report I gave it as my opinion "that it is quite possible, with wise and judicious treatment of the Indian question, to prevent the recurrence of hostilities between the Indian and his white neighbor that has marked nearly every year of our history." It affords me great satisfaction in my third and last report to be able to say that the past year has been one of peace among the Indians, and that no outbreaks have occurred. All the tribes are at peace with each other and with their white neighbors. In my former reports I have at some length discussed the "Indian question." I do not think it necessary to repeat what I have said in former reports concerning the duty of the government in dealing with the Indians, or with reference to the necessities of the Indian service. I adhere to the opinions heretofore expressed, which were formed after much study, thought, deliberation, and experience in the immediate vicinity of Indian tribes.

During the past year new buildings have been erected at several of the agencies for the accommodation of the children in the boarding schools. Five new boarding schools and twelve new day-schools have been added to the list of schools in successful operation. There are now eighty-one boarding-schools, seventy-six day-schools, and six industrial or manual labor schools under government control. Fourteen boarding and four day-schools are supplied with teachers and other employes, by some of the religious denominations, the government paying a stipulated price for the care and education of the children therein. This course has been necessitated by lack of sufficient appropriations to provide for all the children willing to receive an education. The amount paid is somewhat less than the average cost per capita of children maintained in Government schools. There are also twenty-three schools maintained by churches and associations without expense to the government, and to the support of which the government contributes nothing. Three new industrial schools have been completed and put in successful operation during the last year: one at Chilocco, Ind. T., with a capacity for 150 children; one at Lawrence, Kansas, with a capacity for 300 children; and one at Genoa, Neb., with a capacity for 150.

The Chilocco school was opened January last, and although its capacity was rated at 150 children, the average attendance has been 168. The capacity of the school should be increased, for there is no lack of children who are ready and willing to attend it. The location of the school was by act of congress. The act provided for the selection of 640 acres only. This amount was thought to be altogether too small, and 1,200 acres was at first selected. Afterwards thirteen sections more were selected by executive order, in order that farming and stock raising might be carried on by the scholars. During the last summer the boys broke 275 acres of sod, put in fifty acres of millet, cultivated fifteen acres of vegetables, made several miles of fence, cut and put up over 400 tons of hay, besides caring for stock and doing work about the building. A herd of 425 cows has been purchased for the school. It is expected that this herd will be cared for by the boys in attendance, and will prove not only an advantage to them in teaching them to care for stock, but prove a source of financial profit to the school.

An additional appropriation should be made for shops, etc., for the school.

The Genoa school, situated on the old Pawnee reservation in Nebraska was opened in February last with an attendance of 140 Sioux. The boys have cultivated six acres of potatoes, several acres in garden truck, 140 acres of corn and sixty acres of oats, and assisted in making brick and other work about the place. Additional buildings are necessary for shops and for other purposes. Suitable appropriations should be made therefor.

The completion of the buildings at Lawrence, Kansas, was delayed by the cold weather as well as delay in the payment of the contractor, the first Comptroller holding that the money intended for that purpose was not available. Congress authorized the use of the appropriation as first intended, and the work was then resumed. The outbuildings, however, were not completed until in July, too late to commence school for the season. Seven boys, transferred from Chilocco to Lawrence, and under the direction of the superintendent of farming, and one white laborer, cultivated about 120 acres of corn, oats, millet, and several acres of potatoes, &c., and have helped to erect a barn and other buildings. The school was opened for the fall term with an attendance of 100, which will be increased to 300.

A new school building has been erected at Albuquerque, N. M., intended to accommodate about 150 children. The superintendent has found it necessary to erect some other buildings, which he is now doing, with funds furnished by charitable people of the east, though the agency of the Presbyterian church.

Fort Berthold and Fort Hall have been turned over to the department for Indian schools. It is hoped that by the close of the fiscal year schools will be in operation in both these forts.

Under the provisions for the placing of Indian children in industrial schools in states at an expense not to exceed $167 per capita, 565 children have been placed in schools in the following states: Kansas, Nebraska, Iowa, Illinois, Indiana, Pennsylvania, North Carolina, Tennessee, Wisconsin and Minnesota. Quite a number of Indian children who have had some training in manual labor schools have been placed in private families, mainly from Carlisle and Hampton. It is believed that hereafter quite a number may be placed in private families from Genoa and Lawrence. The Osages have taken an advanced position in educational matters, having enacted a law through their council requiring eight months' attendance at school of each child of school age, or the forfeiture of a year's annuity, amounting to about $100 per capita. Besides the children in the agency schools they have about 100 children at other schools away from the agency. These Indians are quite willing to pay for the schooling of their children out of their tribal funds.

The department has been embarrassed on account of the small appropriations made for school buildings. On this subject the commissioner of Indian affairs says:

Buildings.—The embarrassment under which the office has labored for several years—insufficient school buildings—is becoming chronic. If reports gave the number of boarding pupils for which existing buildings furnish suitable accommodation, instead of the number which such buildings are compelled to accommodate, a much smaller showing would be made. Inspectors condemn the crowded, stifling dormitories which they find, and agents on the other hand deplore the turning away from school of those who ask for admittance, and they decide to crowd the children temporarily, in the hope that the new building or addition for which they have entreated will soon be allowed. Too often the year goes by without relief and the whole management, even the morale of the school, suffers sometimes seriously. Buildings erected to meet the needs of ten years ago must still be made to suffice and others too dilapidated and worthless to be repaired must still shelter children who therein are expected to become accustomed to the decencies and comforts of civilization, and to acquire habits of thrift and enterprise.

Since only $25,000 was appropriated this last year for the erection and repair of school buildings, no extensive work has, of course, been done. The Shoshone, Menomee, Sissetons, and Sioux buildings, which were commenced in the previous year, have been completed and occupied; also the three new training school buildings at Lawrence, Chilocco, and Genoa; and a building begun some years since at White Earth, Minn. The flourishing Albuquerque school has moved into new quarters after three years of waiting in rented buildings, supplemented by temporary make-shift additions, put up one after the other as the pupils crowded in. This building was intended for 108 pupils, and the superintendent of the school is asking for the immediate erection of another building to house the fifty additional pupils who will ask for admittance this fall, and the 100 others who can easily be obtained. The $40,000 appropriated this year for buildings will be needed for the Crow Dog's Lake, Wichita, Quinaielt, and Fort Peck buildings, and repairs and additions at other points, and Albuquerque must wait another year, as must also nine other places where there are either no buildings at all or else buildings which need immediate enlargement.

There is no obstacle to progress in Indian education with which this office has had to contend so great as the want of money to furnish suitable and even decent school buildings. As stated above, if all the Indian day and boarding school buildings, belonging to the government or other parties, had been filled, only one-fourth of the Indian school population would have been provided for. The suffering at Fort Peck and Blackfeet agencies might have been made a golden educational opportunity for those tribes. Hungry children would need little urging to become inmates of boarding schools with well-spread tables. There has been money on hand to buy food for pupils, but none to put up shelters for them, and ignorance and wretchedness must continue unmodified and unrelieved.

To add to its other embarrassments congress has still further restricted the office by providing that during this year no Indian boarding school building shall cost, including furnishing, over $10,000. The Chilocco buildings, for 150 pupils, cost, exclusive of furnishing, and in a location where materials are easily accessible, over $20,000, or over $135 per pupil. A smaller building would somewhat increase the rate per pupil. Three evils are therefore left open to choice: (1) To limit the number of pupils to less than seventy-five; (2) to put up a shabby structure, uncomfortable and inconvenient, and which will require extensive repairing and remodeling in the near future, and yet will never be what it should be; or (3) to erect one small building one year and attach another to it during the succeeding season at some extra cost for changes thereby necessitated. Either method pursued in private business would be considered inexcusably shiftless.

It has been the great object of the department in dealing with the Indian to make him self-supporting. When an Indian youth has been taught to labor he is self-supporting, if an opportunity is presented to him to secure employment. One great difficulty met with is, that when the young of both sexes return to the agency there is no remunerative employment for them. They lack capital to open and cultivate a farm, and if they have acquired a trade, they find no employment of that character. It is as necessary that some employment should be secured for them as it is to teach them to labor. An Indian educated at Government expense should not be allowed rations, but should receive encouragement to labor by donations of stock, implements of agriculture, etc., and then be compelled to take care of himself. He has the knowledge that enables him to make his living. Give him an opportunity, and if he fails, let him give way to those of his race who will work and live. If, however, the Indian boy or girl prefer to go out among the whites as a laborer, the government should encourage and aid them so to do. A little money expended in that way will save a large amount that otherwise must be expended in their support. It ought to be the primary object of our dealings with the Indian to make him dependent on himself, and not on the government. Throw him on his own resources, with such aid only as is occasionally needed and as honesty and good faith on our part demands. All educated Indians should be citizens of the United States, and I suggest that those who shall complete the regular course at the several manual labor schools be given citizenship, without their incurring risk of forfeiture of their interest in either tribal lands or tribal funds.

MANUAL LABOR SCHOOLS FOR INDIANS.

The greatest agency for the civilization of the Indian is the manual-labor school. Indeed, I do not think I shall be far out of way if I say the only agency for that purpose is the manual-labor school. In former reports I have gone into the question at considerable length. While the argument is by no means exhausted, it does not seem profitable to continue to discuss a question now admitted by all fair-minded men to have passed beyond the domain of speculation or doubt. The history of the few manual-labor schools established for the education of Indian children has demonstrated their great value, and that it is only necessary to multiply their number so as to include all the Indian children of school age, to forever set at rest the question as to "what shall be done with the Indians?" An honest compliance on the part of the government with the conditions of the treaties with the various tribes concerning schools will substantially provide all the schools required for the education of their children of school age whose attendance we can hope to secure. The amount due under the various treaties to the several tribes therein named I gave last year as amounting to the total sum of $3,759,400. The amount now due after deducting all appropriations for school purposes is $4,634,700. This money is now due. A large part of the money so agreed to be paid was in consideration of land ceded to the government by the Indians. It is not a gratuity, but a debt due the Indians, incurred by the government on its own motion and not at the request of the Indians. It is true that the debt is due to dependent and weak people who have but little disposition to complain of the neglect of the government to fulfil its obligation, and are wanting in ability to compel the performance thereof; yet their very weakness and lack of disposition to complain ought to stimulate the government to sacredly perform all the provisions of treaties providing for the education and advancement of these people. Not only a direct regard for our plighted faith demands this, but our interest also demands it.

In my former reports I have recommended the disarming of the Indians. I desire to again call attention to the subject, and repeat what I said in my last report concerning this matter:

If we subsist the Indian he has no use for fire-arms, and it is not economy to allow him to retain his arms for the purpose of supplying himself with game; far better to give him a sufficiency of food, and require him to remain on his reservation. If the Indian is disarmed he will cease to be an object of terror to his white neighbor, and the friendly relations that ought to exist between the white settler and his Indian neighbor will not be wanting. It is unsafe to trust an Indian with a gun; the very possession of it incites a desire in him to use it. The unarmed Indian is as safe in any country as the unarmed white man. It is the possession of his weapon and the knowledge that he may be tempted to use it that created hostility toward him on the part of the settler. Disarm him and put him under the protection of the law, and his person and property will be as safe as that of his white neighbor. His arms ought not to be confiscated for every rifle give him an ox of twice its value to till the field, cows, sheep, or horses as he may need. The propriety of doing this cannot be doubted; the beneficial results will be readily seen.

Once disarmed, he will not only "cease to be an object of terror to his white neighbor," but will have less desire to exhibit himself before them, and be more inclined to settle down and become self-supporting. His gun and horse are the great hindrances to his civilization. The horse enables him to wander around the country, and the gun to secure a precarious living, which he ekeeps out by beggary and theft.

CRIMES ON THE RESERVATIONS.

I again desire to call attention to the necessity for legislation for the punishment of crimes on the Indian reservations. Since my last report the Supreme court of the United States decided in the case of "Ex parte Crow Dog," indicted for murder that the District court of Dakota was without jurisdiction, when the crime was committed on the reservation by one Indian against another. If offenses of this character cannot be tried in the courts of the United States, there is no tribunal in which the crime of murder can be punished. Minor offenses may be punished through the agency of the "court of Indian offenses," but it will hardly do to leave the punishment of the crime of murder to a tribunal that exists only by the consent of the Indians of the reservation. If the murderer is left to be punished according to the old Indian custom, it becomes the duty of the next of kin to avenge the death of his relative by either killing the murderer or some one of his kinsmen. The laws of the state or territory wherein the reservation is situated ought to be extended over the reservation, and the Indians should be compelled to obey such laws and be allowed to claim the protection thereof.

COURT OF INDIAN OFFENSES.

The commissioner of Indian Affairs, under my direction, in 1883, established a tribunal for the punishment of crimes among the Indians on their reservations and entitled it a "court of Indian offenses." Experience has demonstrated the great value of this tribunal in maintaining order on the reservation. Where the courts have been organized, the beneficial effects thereof have been apparent, not only in maintaining order, but in teaching the Indian to respect the rights and property of his fellows. The agent at the Umatilla Agency, Oregon, says:

This court has worked admirably, and made radical changes, especially among the young men of the tribe, for the better, as all disorders or offenses that come before the judges here are inexorably punished.

Such is the testimony of other agents where the courts have been established.

These Indian judges have so far rendered gratuitous services to the tribes and the government, but in some cases their labor is arduous, and as the most enlightened and advanced of the tribes are selected for the work, it is no inconsiderable tax on their time and good nature, for which they should receive a fair reward. I therefore concur with the commissioner in recommending that suitable appropriation be made for the payment of the judges of the courts of Indian offenses, and that authority by law be given to them to maintain order and punish minor offenses committed on the reservations by Indians and the settlement of controversies between Indian and Indian.

LEASING OF INDIAN LANDS.

In my last report I called attention to the occupation of certain Indian reservations by stockmen with their herds, under an arrangement made with the Indians. I declined to treat these arrangements as leases made on the part of the Indians, but did treat them as licenses on the part of the Indians recognized by section 2117 of the revised statutes. I do not understand that the parties so occupying these lands with the consent of the Indians are there in violation of law, but their condition is not a satisfactory one either to themselves or the department. The department in allowing them to remain reserved the right to put them off of such reservation, notwithstanding such permit or license, if the department considered it necessary to do so in the interest of the Indians. How far the government may disregard the license so given by the Indians is a question that need not be discussed until it is presented, but should the department attempt such exclusion against the wishes of the Indians, it would certainly lead to trouble. The amount paid for such privileges is understood to be about two cents per acre for the lands so occupied. This amount is not a fair compensation at this time for the use of such lands, or for at least a considerable portion thereof. Much of the land so occupied could be leased at from four to six cents per acre. The Cheyenne and Arapaho Indians attempted to lease 3,867,880 acres of their reservation, leaving unoccupied by stockmen about 430,000 acres. From the land so occupied by stockmen the Arapahoes and Cheyennes received just two cents per acre, amounting to $77,357.60, or an average of $12.33 per capita. As it is believed that this reservation might be leased at from four to six cents per acre, the amount may be increased to $4.66 or $36.99 per capita. It is believed that the cattlemen will very readily consent to double or treble the price now paid if they can have some assurance that they will not be disturbed at the whim or caprice of the Indians. The amount now received, $1.33 per capita is a sum quite sufficient, if the government could control its payment to the Indians, to aid very materially in their support and civilization. A family of five persons would receive $61.65 per annum at two cents per acre. At six cents per acre the amount realized would go far toward their support without further aid from the government.

Other tribes also have good grazing lands that might be leased at profitable rates, leaving the Indians a sufficient quantity of land for their own use, either for agriculture or grazing. Some legislation should be had on the subject to enable the government to demand and receive for the Indians the full value for the occupation of their lands, and to prevent conflicts between rival claimants holding such leases or privileges. Such occupants are not on the reservation in violation of law if they have the consent of the Indians; yet should their conduct be such as to convince the department that their presence is injurious to the Indians, it is quite difficult to say what would be the result or an attempt on the part of the government to remove them if the Indians continue to consent to their remaining. While there can be no objection to allowing the Indians of the Indian Territory to lease their lands for grazing purposes, there is a serious objection to allowing the Indians on reservations outside of the Indian Territory to lease lands valuable for agricultural purposes for the purpose of grazing only. If the reservation is larger than is required for the use of the Indians occupying it, there should be a reduction thereof, and all that is not needed for the use of the Indians should be opened to settlement. The time has passed when large and valuable tracts of land lie for agriculture can be held by the Indians for either hunting or grazing lands to the exclusion of actual settlers.

There have been frequent complaints made by stockmen and settlers in the northern portion of Montana and Wyoming of depredations by Indians on their stock, necessitated by the want of supplies on the part of the Indians. I called attention to these complaints in my last report. I regret to say but little has been done to remove the cause of complaint. The game has been destroyed to such an extent that it is impossible for any considerable number of Indians to live by chase, and it cannot be expected that Indians will starve in the neighborhood of extensive herds of cattle. White men would not under such circumstances, and we cannot demand of the Indians what we would not demand of the whites under like conditions. It may be said that the Indians should work and not steal for a living; but it must be remembered that these people have been educated to believe that theft is a virtue and not a crime, if the property stolen is the property of an unfriendly Indian or white man. Until we have given these Indians an opportunity to earn their living by some kind of manual labor we ought not to complain of their depredations. It is not, however, to be expected that the settlers and stockmen will submit to the loss of their stock because the government has failed in its duty towards the Indians, and the inevitable result of such depredations is to bring on a conflict between the Indians and white settlers, and in the present condition of affairs the Indian is sure to get the worst of such conflict.

With valuable agricultural and pastoral lands in quantities far beyond his wants or ability to make useful, he is a beggar and dependent upon the government; and when the government fails to make suitable appropriation for his support, he is brought to the verge of starvation. Left to himself, he will continue in this wretched condition until the vices of savage life shall destroy his race. His destruction will not be speedy, but it will certainly come unless he can be induced to adopt the civilization of the age, which he has until recently scorned. At no time in the history of our intercourse with the Indians have they shown a greater desire to abandon this savage life than during the last year. They have welcomed (with few exceptions) all the agencies provided for their benefit, and have shown a commendable disposition to adapt themselves to the new order of things. They express not only a desire for improvement, but the determination to improve. They give up their children to go to distant parts of the country, to sections unknown to them in order that they may secure the advantages of an education and become acquainted with the ways of civilized people. A great number in the various tribes do contribute something to the support of themselves and families. They are asking for stock cattle, and declaring their willingness to take care of them, if furnished, and very generally profess a willingness to do whatever is required of them in order that they may become self-supporting. But, like all uneducated people, they are unstable in their opinions and resolves, and need much encouragement to enable them to keep in the way they profess an earnest wish to follow.

In my last report I recommended that all the appropriations not made under the provisions of treaty stipulations should be placed at the disposal of the department to be distributed as the necessities and wants of the Indians may demand. Another year's experience and observation has strengthened my views on this question, and I believe if the non-treaty appropriations were placed at the disposal of the department to be distributed at the discretion of the secretary of the interior there would be less complaints about starving Indians, and that much good might be done by using such appropriation to assist those Indians who show the greatest disposition to become self-supporting.

CASH ANNUITIES TO INDIANS.

In my last report I called attention to the practice of paying to the Indians cash as interest on the funds held in trust by the government. In some instances the Indians are capable of receiving and expending such sums of money in a judicious way, but in most cases the money so paid to them is wasted, and often worse than wasted. Such payments should be made in stock cattle, agricultural implements, or by the erection of suitable dwelling houses for those willing to occupy and live in such houses. Whenever the Indian is capable of caring for this money does him it should be paid to him in cash; but he will never care for it properly until he has been taught to labor and has learned the value of money by earning it.

INDIAN HOMESTEADS.

The Indian appropriation act for the current year contains a provision allowing the Indians to avail themselves of the homestead law, and appropriates $1,000 to assist the Indians in making selections of such homesteads. The provision is but temporary, and should be made permanent. Much complaint has been made on behalf of the Indians, especially in California, that unscrupulous white men have pre-empted lands in the occupation of Indians, and in some cases where the lands were occupied for Indian village farms before the cession of California to the United States. In order to save to these Indians the lands in their actual possession, I ordered the commissioner of the general land office to refuse to receive filings on lands in actual possession of Indians.

THE GREAT SIOUX RESERVATION.

In my last report I called attention to the magnitude of this reservation, and urged that it should be reduced by a purchase of about 18,000 square miles, as proposed by the commission appointed in 1882. A bill reported from the committee on Indian affairs for this purpose passed the senate and is now pending in the house of representatives. I again urge the necessity of action in this matter both in the interest of the Indians and whites.

CROW RESERVATION.

I again call attention to this reservation. Since my last report the Indians have been located on the Big Horn. This reservation is much larger than required for their support. The reservation is situated in the territory of Montana, and contains 7,304 square miles, or 4,713,600 acres of land. At least 3,000,000 acres might be disposed of, leaving the Indians sufficient agricultural lands to become self-supporting if they desire to become agriculturists, and a sufficient amount of grazing lands should they prefer to become stock raisers. The 1,713,000 acres that would be left give nearly, if not quite, 600 acres of land to each individual member of their tribes. The number of Crows has been estimated at 3,500; but it is quite certain that the number is much less, and probably not over 2,000 or 3,000. A portion of the money realized for such sale should be at once invested in a herd for the tribes and cared for by the government until such time as the Indians shall be prepared to accept and care for their stock themselves. The proceeds of the surplus lands, properly used, would make the Crows self-supporting in a few years at the farthest.

THE GENERAL LAND OFFICE.

The report of the commissioner of the general land office shows that sales, entries, and selections of public lands under various acts of congress embrace 26,884,041.03 acres, and of Indian lands 697,124.97, aggregating 27,581,170 an increase over the year 1883 of 8,101,37.29. The receipts for disposal of public lands are $11,840,993.07; Indian lands, $938,137.26, or a total of $12,779,130.33, an increase over that of 1883 of $1,073,364.68, to which is to be added $10,276.76 received for certified copies of records, making a total of $12,789,405.09. The commissioner reports the total number of entries, &c., to be as follows:

The total number of entries and filings made during the year is 286,832, aggregating 41,625,100 acres; an increase of 60,724 over the year 1883 and 128,588 over 1882.

The total number of entries and filings posted during the year is 327,186. These entries and filings constitute claims of record awaiting completion and adjudication. The increase in number of claims posted in 1884 is 75,501 over the year 1883 and 131,049 over the year 1882.

PRE-EMPTIONS.

Twenty-one thousand two hundred and eighty-six pre-emption entries were made during the year, embracing an area of 3,206,986 acres; 14,012 expired cases were approved for patent and 352 contested cases were decided, the patented and decided cases involving 1,725,000 acres.

The number of cases undecided June 30, 1884, was 17,911, an increase of the number in arrears of 4,851 contested and expired cases. The number of pre-emption filings made during the year was 51,461, which, at 160 acres each, would cover 8,234,560 acres.

REPEAL OF THE PRE-EMPTION LAW.

The commissioner again recommends the repeal of the pre-emption law. He says:

I renew previous recommendations for the repeal of the pre-emption law. In my last annual report I pointed out the absence of any great utility of the pre-emption system for a legitimate appropriation of the public lands by actual settlers, as the homestead system contains a sufficient pre-emption feature and a double system is not required. Economy of administration alone suggests such repeal, while the great abuses flowing from the illegal acquisition of land titles by fictitious pre-emption entries, and the exactions made upon bona fide settlers, who are often obliged to buy off such claims in order to get a chance to public lands, render the appeal, in my judgment, a matter of public necessity.

Pre-emption claims are filed when no intention of perfecting entries exists but the alleged claim is held for speculation, or as a cover for denuding land of its timber. The average proportion of entries to filings is less than one-half.

In cases of entries actually made, it is found that the most valuable timber lands and large areas of agricultural and grazing lands are entered in fictitious names or by persons employed for the purpose, and the lands thus pass into speculative holdings, or holdings in large quantities for permanent control. Coal lands, the government price of which is $10 and $20 per acre, are illegally obtained in the same manner at the minimum price of non-mineral lands. The government loses the difference in price, while a loss to the general public lies in the increased price of the coal product in consequence of the control of coal fields, which in this way is acquired and held with a comparatively small outlay of capital. The result is equally true as to timber lands. Experience has demonstrated that an effective remedy for these evils can only be found in the repeal of the laws under which they arise.

The difficulty of protecting the public lands from fraudulent entries under the pre-emption law can be readily understood by the statement of the commissioner concerning the work of the special agents, twenty-five in number, appointed for the protection of the public land from fraudulent entries and illegal appropriation. The commissioner says:

Thirty-five hundred and thirty-one fraudulent entries of public lands, embracing an area of 500,000 acres, have been investigated and reported, principally in California, Colorado, Dakota, Minnesota and New Mexico, and a lesser number in all other public land states and territories; 680 entries have been canceled on final proceedings, 782 held for cancellation, and hearings have been ordered in 781 cases. About 5,000 entries have been suspended, awaiting investigation.

In a special report submitted May 15, 1884, in reply to a resolution of the senate, I stated as follows:

"Beyond the cases specifically examined, I have no doubt that much has been done in the way of prevention with the sphere of these operations. But the territory to be covered is so vast and the proportion of fraudulent entries found to exist is so large, that if it be the intention of congress that the remaining public lands shall be protected from indiscriminate absorption through illegal and fraudulent appropriation, more adequate legislative measures will need to be adopted.

"The repeal of the pre-emption and timber-culture laws, which I have heretofore recommended, is one of the first essential steps in this direction. It is not possible, by any administrative action, to close the doors opened to abuses under these laws.

"This may equally be said in reference to the timber-land and desert-land laws and the commutation features of the homestead laws, and also of the provision allowing the filing of soldiers' homestead declarations by attorney, which latter provision is used to defraud both the soldiers and the government.

"If all laws for the disposal of public lands, except the homestead law, were repealed, and the latter amended as heretofore suggested, the great bulk of misappropriations would disappear from future record.

"An examination of pending entries alleged and believed to be fraudulent would require a special agent to be constantly on duty in each of the principal land districts, and in some districts one such agent would be unable to cope with the work before him.

"If the system of examination in the field is to be effective, provision should be made for not less than one hundred special agents. The compensation of such agents, including guides, surveyors and assistants, averages about $3,60 a year each, and additional expenses for the payment of witnesses and the cost of taking testimony on the part of the government at hearings before local officers are also necessarily incurred. The total appropriation for the protection of the public lands the next fiscal year should not be less than $400,000, if efficient measures are desired. An addition of twenty-five clerks, who should be of the higher grades, would also be necessary in this office in directing the operations of special agents and examining and acting upon their reports.

"Further legislation is also requisite to authorize registers and receivers to subpoena witnesses and compel their attendance."

No increased appropriation having been made by congress for the current fiscal year, I was confronted at the outset with the necessity of either withdrawing special agents from investigations in the field or abandoning or suspending further action upon investigations that had already been had and as a result of which hearings had been ordered in several hundred cases. It was found impossible to carry on both, as the expenses of each singly would exhaust the appropriation. Hearings could not be had without the presence of special agents, who are material witnesses, and the payment of their expenses would leave no means to defray other costs.

It was therefore determined, as the only available course, to continue in the field such number of special agents as the appropriation permits and to suspend all hearings ordered in their reports. The result is that final action cannot be taken for the cancellation of entries examined and reported fraudulent until congress shall make provision for the expense of formal hearings, or obviate the necessity of them by clearly investing the executive department with power to summarily cancel entries found fraudulent upon special examination.

For a similar reason of the inadequacy of the appropriation to the needs of the service I have been compelled to remove general suspensions of entries in localities in which fraudulent appropriations have been reported as prevalent, and to permit entries to go to patent without the investigation necessary to determine the bona fide or fraudulent character of them.

It is obvious that some decisive action by congress is called for by every consideration of public policy and administrative expediency.

If it is the legislative purpose to adhere to the policy of preserving the remaining public lands for actual settlers, and to prevent the acquisition of great tracts of land in fraud of law by single individuals and corporations, American or foreign, sufficient means should be placed at the disposal of the land department to prevent the vast and wide-spread violations of law which have been brought to the knowledge of this department and the notice of congress.

I have discharged my own duty in presenting this subject, as I have from time to time in my annual reports and in special reports submitted to congress, as clearly and forcibly as I could, and I leave to the higher power of that body the responsibility of determining the course to be pursued.

It appears from the foregoing that if the pre-emption and timber culture laws are not repealed more liberal appropriations should be made for the detection and punishment of fraud on the government through the agency of said laws. But even with liberal appropriations for the detection of frauds of the character before mentioned, it will be impossible to prevent unscrupulous persons in the thinly-settled regions of country from appropriating public land by a mere technical compliance with the laws, while the spirit thereof is violated. There is but one remedy, and that is in the repeal of the law no longer necessary to enable the actual settler to secure a title to the land he occupies on the public domain. The public lands ought to be reserved for actual settlers, and should be conveyed only when the settler has shown his good faith by a residence on land for the period provided for by the homestead law. No commutation of homesteads should be allowed.

In connection with this subject I call especial attention to the commissioner's report on the disposal of public lands. He says:

The surveyed public lands of the United States have largely been disposed of, or appropriated by various claims under general laws, or pledged for the satisfaction of educational, internal improvement, or other public grants. The total area surveyed from the commencement is 938,940,125 acres. The estimated area unsurveyed, exclusive of the territory of Alaska, is 566,495,454 acres. This estimate is of a very general nature, and affords no index to the disposable volume of land remaining, nor to the amount available for agricultural purposes. It includes Indian and other public reservations, unsurveyed private land claims, the sixteenth and thirty-sixth sections reserved for common schools, unsurveyed lands embraced in railroad, swamp land, and other grants, and the great mountain areas, and areas of unsurveyed rivers and lakes. Deducting these, and areas wholly unproductive and unavailable for ordinary purposes, and the volume of remaining land shrinks to comparatively small proportions. The time is near at hand when there will be no public land to invite settlements or afford citizens of the country an opportunity to secure cheap homes.

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In the early history of the country, when the broad expanse of the public domain was unsettled, a liberal system of laws was adopted providing for an easy acquisition of individual titles, and even down to later period is the object apparently sought to be accomplished in the purpose of the laws and the policy of their administration was for the United States to hasten the disposal of its lands. With this purpose in view and abundant areas everywhere open to settlement, no special safeguards against appropriations in fraud of law appears to have been thought of or deemed necessary. On the contrary, the prevailing tendency of legislation has been to remove restrictions rather than to impose them, and acts have been passed primarily for the relief or benefit of actual settlers which have been availed of to the defeat of settlements by the facility afforded for the aggregation of land titles in speculative or monopolistic possession.

The numerous methods of disposal now existing, and the laxity of precautionary provision against misappropriations, are resulting in a waste of the public domain without the compensations attendant upon small ownerships for actual settlement and occupation.

It is my opinion that the time has fully arrived when the usefulness in the disposal of public lands shall cease, and that the portion still remaining should be economized for the use of actual settlers only. An act reserving the public lands, except mineral lands and timber reserves, for entry exclusively under the homestead laws, and amending the homestead laws so as to prevent the present easy evasion of wise restrictions and essential requirements, would be a measure meeting this end, and answering a pronounced public demand.

ILLEGAL FENCING OF THE PUBLIC DOMAIN.

In my last annual report I called attention to numerous complaints made concerning the illegal fencing of the public land, and urged some legislation by which such illegal fences might be summarily removed without the delay and expense of a suit in ejectment. I regret to say that congress has so far failed to take action on this subject. A number of suits have been instituted by the department of justice at the request of this department, to compel the parties to remove such fences, but such proceedings involve much time and delay, and if the parties defendants desire to continue in possession of such fenced lands, appeals will be taken to the supreme court of the United States, and the government put to great expense and the land withheld from occupation under the settlement laws. I trust that some legislation may be had that will enable the department in a summary way to destroy these fences where the builders refuse to take them down. It has been claimed by some that the power exists in the department to destroy these fences as obstructions on public lands. If this is so the department has no means at its disposal to pay the expenses of such removal, neither has the department of justice. Authority should be given to remove such obstructions, and provision made for the payment of the persons employed to do such work.

TAXATION OF RAILROAD LANDS.

I again call attention to the necessity for some legislation to compel the railroad companies having earned the land granted to them to take a patent therefor, so that the states or territories in which such lands lie may have the benefits derived from taxing the lands within their boundaries. On this subject I repeat what I said in my last annual report:

By section 21 of the act of July 2, 1864 (13 Stat., 356), amendatory of the Pacific railroad act of July 1, 1862 (12 Stat., 489), it is provided—

"That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act there shall first be paid into the treasury of the United States the cost of surveying, selecting and conveying the same, by the said company or party in interest, as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the commissioner of the general land office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed, as provided under the provisions of this act."

By act of July 31, 1876 (21 Stat., 121) substantially the same provision was extended to all railroad companies receiving grants of land, "unless * * * exempted by law from the payment of such cost."

By the failure of the companies to pay such costs and apply to patents a large amount of lands granted to and held by railroad companies under the rulings and decisions of the Supreme court, as enunciated in Kansas Pacific Railway company vs. Prescott (16 Wall., 60), and Railway company vs. Moshier (22 Wall., 444), are substantially relieved from state taxation, and contribute nothing to the fair support of the burden and revenue of the local government, and at the same time deny to the general government the due compensation provided by law for the surveys already executed over a portion of the lands, and the benefit of the enlarged appropriations intended to secure further surveys along the line of the roads.

Experience has shown that, instead of aiding the government and facilitating the survey and sale of the public lands along the routes, and the consequent settlement of the country, the provision has operated to retard such laudable results, and also has served to enable the companies to obtain such valuable parcels of land as they may find speedy profit in selling, thus imposing the full burden of taxation upon their grantees and other settlers who purchase lands in the same neighborhood, while refusing to take the patents for the larger body of less valuable lands upon which such burden would fall in the hands of the companies themselves.

It is earnestly to be desired that some means of adjustment of these grants, as a whole, be provided, or some method devised which shall, under cover of legislative authority, not only remedy the evil suggested, but enable this department to reach a finality as to the titles to be conveyed to these corporations at the earliest practical moment, and thus relieve an anxious and excited public feeling, already sufficiently aroused upon the various difficult and complicated questions connected with the administration of this momentous and important branch of public affairs.

To this end I most urgently recommend that the prompt and serious attention of congress be invited to the foregoing suggestions, and that the several companies be compelled to take patents for the lands earned, and to pay for the surveys made in accordance with the provisions of the statutes heretofore cited.

RAILWAYS IN NEBRASKA.

Union Pacific Railway company—estimated number of acres granted, 13,222,400; number of acres on which the cost of surveying has been paid, 2,302,817; amount paid for the cost of surveying, $1,812,739; estimated number of acres in the remainder of the grants, 10,919,583; estimated cost of surveying the remainder of the grant, $870,985.79; number of acres patented up to June 30, 1884, 2,395,024.61.

Burlington & Missouri River Railway in Nebraska. Estimated number of acres granted, 2,352,268; (area of land claimed by the company, the question of correct area pending in this office); number of acres on which the cost of surveying has been paid, 2,278,566; amount paid for cost of surveying, $60,615.79; number of acres patented up to June 30, 1884, 2,273,593.77.

LAPSED GRANTS.

In my report for 1882, as well as in that of 1883, I called attention to the necessity for some legislation in reference to lapsed land grants. The department is not at liberty to declare a grant forfeited because the road is not completed within the time fixed in the grant. The supreme court of the United States declared in the case of Schulenburg vs. Harriman (21 Wallace, p. 44) that a failure to complete the road within the time fixed in the grant did not forfeit the grant. Under this decision the department cannot treat the land so granted to the railroad companies, or to the states for the benefit of such corporations, as public lands; and to all intents and purposes, so far as the public is concerned, the grants are private property, notwithstanding that the companies in some instances have not even attempted to comply with the conditions of the grant. I again repeat what I said on this subject in my last annual report:

It is difficult to make the people understand that the executive department of the government cannot declare a grant forfeited when the corporation for whose benefit it was made has failed to comply with the conditions thereof. Petitions are presented to the executive demanding the forfeiture of grants for non-compliance with the conditions thereof. Individual claimants declare themselves outraged because the commissioner of the general land office refuses to allow filings on the old sections of lands within the unforfeited railroad grants. The government is decided as the government of the rich and opposed to the poor, because the executive department does not do what the courts have repeatedly declared could be done only by the legislative branch of the government; that is, declare a forfeiture of a grant.

Complaint is made that grants made more than a quarter of a century ago are still treated as valid subsisting grants and the settler forbidden to go thereon, although nothing has been done toward the building of the road, which must be built before the railroad com-

(Continued on fifth page.)

THE COLOR LINE.

Senator Brown, of Georgia, Addresses the Colored People.

The Election of Cleveland Considered Beneficial to the Race—A Strong Speech.

Special Dispatch to the Globe-Democrat.

ATLANTA, Ga., November 25.—The colored people invited Governor McDaniel, Senators Brown and Colquitt, Rev. Dr. Tucker and other white gentlemen to meet them to-night and address them upon issues pertinent to the occasion. At the last moment Senator Brown was taken ill and his speech was read by Dr. Tucker.

SENATOR BROWN'S SPEECH.

Sam W. B. Laubert, a change brown said: "You ask what effect on the national administration will have on the condition and future prospects of your race in the United States. I have no hesitation in assuring you that it will have no unfavorable effect. It will at present have no marked effect either one way or the other. You will still possess all constitutional and legal rights you now have. They will not be impaired or infringed in the slightest particular. The constitution of the United States guarantees the perpetual freedom of yourselves and your posterity. It guarantees to you the legal rights of citizenship, and it gives to you the ballot and guarantees its future possession by your race. If a new administration desired to take from you these rights, the constitution, which it would have no rights to change, protects them, and the administration would be powerless to alter or impair them.

"So far