

He continues:

This is the only case, I believe, where a piece of land (including its surface) was taken for said aqueduct extension, and where the owner, by reason of his failure to accept the appraised value thereof within the period limited therefor, has not been allowed compensation for his property under the existing law. It seems but just that for private property so taken compensation should be made, and the circumstances of the present case are such that I deem it a proper one to refer to you, with a recommendation that should this course meet your approbation, authority be asked from Congress to pay the claimant the value of his property as fixed by the appraisers, namely, \$470.90.

There is, however, nothing of record in the Department to show that action was taken upon this recommendation.

In connection with an application made to the Department on November 14, 1892, by the Commissioners of the District of Columbia for permission to enter upon certain land situated in the vicinity of the distributing reservoir and the Foxhall and New Cut roads for use in the extension of the high-water service, under the District appropriation act, approved July 14, 1892 (Laws Fifty-second Congress, first session, p. 150), it is observed that the land of Mr. Ready is included therein, and upon submission of the papers to Mr. Attorney-General Miller, for an opinion as to the status of the condemnation proceedings entered into under the act of July 15, 1882, previously cited, he returns them with his views and invites attention to the quoted language of Mr. Attorney-General Garland, in so far as the property of Mr. Ready is affected.

The Chief of Engineers reports to me that there is an unexpended balance of the appropriation "to pay for land to extend aqueduct," made by the act of July 15, 1882, more than sufficient to make the payment to Mr. Ready, which would be available for that purpose but for the limitations imposed by that act and the supplementary act of February 26, 1885.

In view of the recommendation made in the letter of Mr. Attorney-General Garland, I have the honor to recommend that Congress confer upon this Department authority to pay from the unexpended balance of the appropriation made by the act approved July 15, 1882, to increase the water supply of the city of Washington, and for other purposes, to Mr. Thomas Ready, the sum of \$470.90, the appraised value of his land taken under that act, and for which purpose there is herewith transmitted a draft of a bill.

Very respectfully,

S. B. ELKINS,  
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

A bill for the relief of Thomas Ready.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the limitation prescribed by the acts of Congress approved July fifteenth, eighteen hundred and eighty-two, and February twenty-sixth, eighteen hundred and eighty-five, the Secretary of War be, and he is hereby, authorized to pay to Thomas Ready, the sum of four hundred and seventy dollars and ninety cents, out of the unexpended balance of the appropriation of fifty-one thousand three hundred and seventy dollars, to pay for land to extend aqueduct, made by the act of Congress, entitled "An act to increase the water supply of the city of Washington, and for other purposes," approved July fifteenth, eighteen hundred and eighty-two, which sum shall be in full for the appraised value of land owned by the said Thomas Ready and taken by the United States for the requirements and purposes of that act: *Provided*, That no payment hereunder shall be made until the Attorney-General shall have decided that an absolute title to the premises shall vest in the United States.

NAVAJO INDIAN RESERVATION.

LETTER

FROM

THE SECRETARY OF THE INTERIOR

TRANSMITTING,

Pursuant to House resolution, information relating to the opening of the Navajo Indian Reservation.

JANUARY 25, 1893.—Referred to the Committee on the Public Lands and ordered to be printed.

DEPARTMENT OF THE INTERIOR,  
Washington, January 24, 1893.

SIR: I have the honor to acknowledge the receipt of a resolution from the House of Representatives, viz:

*Resolved*, That the Secretary of the Interior be directed to inform the House whether an Executive order has been issued restoring to the public domain any portion of the Navajo Indian Reservation, lying in the territory of Utah; and if so, that he furnish the House with a copy of said order, with a report of all proceedings thereunder.

In reply thereto I transmit herewith copy of Executive order dated November 19, 1892, modifying Executive order of May 17, 1884, so that all the lands described in said order of May 17, 1884, which lie west of the one hundred and tenth degree of west longitude and within the Territory of Utah, are restored to the public domain, freed from the reservation made by said order of May 17, 1884. I inclose map\* showing the Navajo Reservation and the lands restored by this order; also copies of all correspondence on file on the subject.

The said Executive order was published in the daily Post of this city on November 20, 1892. There was also given to the press a communication setting forth all the important facts as to the order and concerning the country thus restored to the public domain, which, as will be perceived from the communication of Mr. Jerome J. Wilber, of the Associated Press (copy of which is herewith transmitted), received wide publication through Associated Press dispatches sent out of date November 19, 1892.

The records of the Department and Bureau of Indian Affairs do not, as I am informed, exhibit any recommendation or proceedings as to the order of May 17, 1884, other than the order itself.

\* Omitted in printing.

The line of railroad, mentioned in Mr. Peck's letters to me, contemplated as a feeder to the Atlantic and Pacific Railroad, was, as shown by his letters, to extend no farther north than the Colorado Canon, and none to be located on or through the restored lands, and no application for such line over this restored land has been made.

I have the honor to be, very respectfully,  
 JOHN W. NOBLE,  
 Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,  
 Washington, January 25, 1893.

SIR: Referring to my communication transmitted yesterday, in reply to the resolution of the House requesting information concerning opening of the Navajo Indian Reservation in Utah, I have the honor to forward copy of telegram to the Adjutant-General, U. S. Army, from Col. Hunt (sent to this Department for its information), by which it appears that Indian Agent Shipley, of the Navajo Reservation, reports "no invasion of that reservation by prospectors."

I have the honor to be, very respectfully,  
 JOHN W. NOBLE,  
 Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

LOS ANGELES, CAL., January 23, 1893.

ADJUTANT-GENERAL U. S. ARMY,  
 Washington, D. C.

Following repeated for information of major-office of adjutant-general connection with telegram of 17th instant from office of adjutant-general.

MCCOOK, Commanding.  
 FORT WINGATE, N. MEX., January 20.

ASSISTANT ADJUTANT-GENERAL, DEPARTMENT OF ARIZONA,  
 Los Angeles, Cal.

Courier just in from Agent Shipley, who reports no invasion of reservation by prospectors.

HUNT, Commanding.

WASHINGTON, D. C., September 29, 1892.

SIR: On May 17, 1884, President Arthur issued an Executive Order of which the following is a copy:

EXECUTIVE MANSION,  
 Washington, D. C., May 17, 1884

It is hereby ordered that the following-described lands in the Territories of Utah and Arizona be, and the same are, withheld from sale and settlement and set apart as a reservation for Indian purposes, viz:

Beginning on the one hundred and tenth degree of west longitude at thirty-six degrees and thirty minutes north latitude (the same being the northeast corner of the Mogul Indian Reservation); thence due west to the one hundred and eleventh degree thirty minutes west longitude; thence due north to the middle of the channel of the

Colorado River; then up and along the middle of the channel of said river to its intersection with the San Juan River; thence up and along the middle channel of San Juan River to west boundary of Colorado (32° west longitude, Washington meridian); thence west along said parallel to the one hundred and tenth degree of west longitude; thence due south to place of beginning: That any tract or tracts within the region of country described as aforesaid which are settled upon or occupied, or to which valid rights have attached under existing laws of the United States prior to date of this order, are hereby excluded from this reservation.

CHESTER A. ARTHUR.

It will be observed from a reading of this order that the lands described were not reserved for any particular Indians, but for Indian purposes generally. Since the issuance of the order the Interior Department has on the map from time to time issued by it covering the territory embraced in the order marked the land reserved as a part of the Navajo Reservation, showing on such maps that it was created by this Executive order. There has, however, been no order making the lands so reserved a part of the Navajo Reservation or attaching the same to such reservation, and at this time the Navajos do not appear to have any more right upon the land than have any other Indians.

So much of the lands covered by President Arthur's order as are situated between the one hundred and tenth and one hundred and eleventh degrees of west longitude and north of the thirty-sixth parallel of latitude are desert lands in the strictest sense of the word. Neither grass nor any other substance grows upon them, and there is nothing upon them to support life of any kind. They are absolutely worthless to Indians or to anyone else for any purpose outside of the mineral deposits which exist in some portion of them.

Between the one hundred and tenth and one hundred and eleventh degrees of longitude, and along the San Juan River, north of the boundary line between Utah and Arizona, there is an immense deposit of black sand carrying gold. This deposit varies from 3 to 6 miles in width, and about 15 miles in length, and is principally upon the south side of the river, so that it is included within the lands described in the above-mentioned order, although some deposits exist upon the north side of the river. These sands are from 18 to 20 feet in depth and extend across the river at all points. They have been very recently discovered, and are supposed to be very rich from such examinations as have been made. There is no possible use to which this portion of the reservation can be put which could be of any benefit to Indians or to any other persons except for the purpose of mining.

Neither the Navajo Indians nor any other Indians have ever occupied this portion of the reservation for any purpose. It is valuable neither for agricultural purposes nor for the pursuit of game, and the Indians neither have nor can derive any possible benefit from it. The deposit of gold, above mentioned, lies in the heart of such a desert that it is almost impossible to reach it from any direction other than by following the river itself, or by traveling 150 or 175 miles across a desert and carrying all the water and provisions necessary to be used on such a journey. Other valuable mineral deposits are in the vicinity both on and off the reservation, notably iron, alum, coal, and sulphide of silver. Explorations of this region are necessarily carried on under great difficulties, owing to its inaccessible location, and in President Arthur's order.

The management of the Atlantic and Pacific Railroad Company has in contemplating the construction of a branch from some point on its road in Arizona northwardly in the direction of this region, for the purpose of securing an adequate supply of coal and opening communication with the Grand Canon of the Colorado. No public reason can exist for keeping the mineral deposit above mentioned from exploration and location by citizens of the United States, and thereby materially increase the national product of precious metals. In their present condition these lands are absolutely worthless, both to Indians and white men, and the situation is such as to amply justify the exercise of the Executive discretion to modify President Arthur's order by restoring to the public use lands which are valuable for that purpose and worthy for any other. The lands on the north side of the river being already open and free to occupation, the greatest difficulty will necessarily arise from frequent and continued encroachments and trespasses on the south side should the existing order be continued.

I therefore respectfully ask that you will request the President to modify President Arthur's order by reducing the area so as to exclude from the operation of the order all that portion lying west of the one hundred and tenth degree of west longitude, and north of the Arizona line.

Very respectfully,  
 Hon. JNO. W. NOBLE,  
 Secretary of the Interior, Washington, D. C.

GEO. H. PECK.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., September 30, 1892.

SIR: In compliance with your informal request of yesterday for a statement showing the number of additions to the Navajo Indian Reservation, located in the Territories of Arizona, New Mexico, and Utah, a description thereof, and the reasons for making the same, I have the honor to report that the records of this office show—

(1) That the Navajo Reservation was created by treaty concluded June 1, 1868 (15 Stats., 667), with the Navajo tribe of Indians, embracing the following district of country, viz:

"Bounded on the north by the thirty-seventh degree of north latitude, south by an east and west line passing through the site of old Fort Defiance, in Cañon Bonito, east by the parallel of longitude which, if prolonged south, would pass through old Fort Lyon or the Ojo de Oso (Bear Spring), and west by a parallel of longitude about 109° 30' west of Greenwich."

Article 2 of the said agreement provided that the reservation should embrace the outlet of the Cañon de Chilly, and that the said cañon should be all included in the reservation.

I have caused to be prepared a tracing of a map of the reservation as it now exists indicating thereon in red that part of the reservation as originally created by the said treaty.

(2) By executive order dated October 29, 1878, the following tract of country lying in the Territory of Arizona was added to the reservation as originally created, viz, and it was directed that the same:

"Commencing at the northwest corner of the Navajo Indian Reservation on the boundary line between the Territories of Arizona and Utah; thence west along said boundary line to the one hundred and tenth degree of longitude west; thence south along said degree to the thirty-sixth parallel of latitude north; thence east along said parallel to the west boundary of the Navajo Reservation; thence north along said west boundary to the place of beginning, be, and the same hereby is, withdrawn from sale and settlement and set apart as an addition to the present reservation for the Navajo Indians."

In a letter addressed to the War Department on the 9th of October, 1878, received in this office, by proper reference, the late Gen. W. T. Sherman recommended that an executive order be issued by the President extending the western boundaries of the Navajo Indian Reservation in Arizona Territory to 109° 45' west from Greenwich, or a north and south line that would embrace all of the valley of Chilly River, as provided in Article 2 of the said treaty above mentioned.

It appears that the whole of the Cañon de Chilly, or Chilly River, was not embraced within the limits of the original reservation as provided in said Article 2, and for this reason the addition above described was made thereto, which addition is indicated in yellow on the map herewith transmitted.

(3) By executive order dated January 6, 1880, the following-described country lying within the Territories of New Mexico and Arizona was withdrawn from sale and settlement and set apart as an addition to the Navajo Indian Reservation as it then existed, viz:

"Commencing in the middle of the channel of the San Juan River, where the east line of the Navajo Reservation in the Territory of New Mexico, as established by the treaty of June 1, 1868 (15 Stat., 667), crosses said river; thence up along the middle channel of said river to a point 15 miles due east of the eastern boundary line of said reservation; thence due south to a point due east of the present southeast corner of said reservation; thence due south 6 miles; thence due west to the one hundred and tenth degree of west longitude; thence north along said degree to the southwest corner of said reservation in the Territory of Arizona, as defined by executive order dated October 29, 1878."

The reasons and necessities for such an extension as set forth in two letters from the agent and interpreter of the Navajo Agency dated, respectively, October 25, 1879, and November 29, 1879, and as recommended by Col. Buell, then commandant at Fort Wingate, were that the interior, probably two-thirds of the reservation, as it then existed, was a plateau or high table-land, from 6,000 to 7,000 feet above the sea, being perfectly dry and arid every summer and covered during the winter with deep snows; that the flocks of the Indians for many years had grazed far beyond the limits of the reservation, being compelled to do so in order to obtain necessary subsistence; that the whole country, south and east, was and had been for many years occupied by the Indians and their flocks; that in the territory added there were a few white squatters married to Indian women whose traffic in whisky could be controlled if brought within the jurisdiction of an Indian agent; that the agent had to drive the agency beef herd some 25 miles south in order to obtain the necessary pasturage for them, and that the Indians in that locality were compelled to do likewise to obtain sustenance for their flocks and herds.

This addition to the reservation is indicated in blue on map herewith.

By executive order dated May 17, 1884, it was directed that the executive order dated January 6, 1880, last mentioned, adding certain lands to the Navajo Reservation in New Mexico and Arizona, be amended so as to exempt from its operation and exclude from said reservation all those portions of township 29 N., range 14, 15, and 16 W. of the New Mexico principal meridian south of the San Juan River in the Territory of New Mexico; but by executive order dated April 24, 1886, the lands last described were withdrawn from sale and settlement and set apart as an addition to the Navajo Indian Reservation, for the reason that there had been continuous strife between the Indians and whites thereon growing out of the order restoring said lands to the public domain; that the relation between them and the whites became so strained as to give rise to the most serious apprehension, and that the Indians were unwilling to give way to the whites, who in turn were determined, as it appears, to settle on the disputed lands, Indians and whites attempting in some cases to occupy the same quarter section of land.

On February 17, 1886, United States Special Agent Parsons was specially instructed by this office with reference to the provisions on the San Juan River and directed to visit that locality. In a report dated March 10, 1886, the said agent made the following statement:

"In my judgment the only permanent solution of the difficulty on the San Juan River, will be to add all the land south of that river to the Navajo Reservation. This land formerly belonged to the reservation, and should never have been taken away. While it is a strip on the map 15 miles long and 5 miles wide, it is in fact all desert and mountain, with the exception of about 2,000 acres of bottom land susceptible of irrigation in the San Juan Valley. This land the Navajoes must have in order to get to water with their herds and flocks. With the exception of one or two little springs the Navajoes have no water except at the San Juan River for nearly 30 miles south of the northern border of the reservation. The little strip of arable land on the river is of no importance comparatively, but over it the Indians must pass to get water, and that is of the highest importance."

On April 6, 1886, Special Agent Parsons, S. S. Patterson, agent for the Navajoes' and John H. Bowman, late agent of that agency, sent a joint telegram to this office to the effect that the entire strip (above described) being about 15 miles long and 5 miles wide, should be restored to the reservation by executive order at once, in order to put an end to the troubles on the San Juan River; that the river was the natural boundary of the reservation and that the strip of land referred to ought not to have been taken from the reservation. This strip is indicated in brown on the inclosed map.

By executive order dated also May 17, 1884, the following-described lands in the territories of Arizona and Utah were withheld from sale and settlement, and set apart as a reservation for Indian purposes, viz:

"Beginning on the one hundred and tenth degree of west longitude at 36° 30' north latitude (the same being the northeast corner of the Moqui Indian Reservation); thence due west to the one hundred and eleventh degree thirty minutes east longitude; thence due north to the middle of the channel of the Colorado River; thence up and along the middle of the channel of said river to its intersection with the San Juan River; thence up and along the middle channel of San Juan River to west boundary of Colorado (32° west longitude, Washington meridian); thence due south to the thirty-seventh parallel north latitude; thence west along said parallel to the one hundred and tenth degree of west longitude; thence due south to place of beginning."

With the provision, however, that any tract or tracts within the region of country which was settled upon or occupied or to which valid rights had attached under existing laws of the United States prior to the date of the order should be excluded from the reservation.

The drafts of the Executive orders dated May 17, 1884, the one segregating the lands as described from the reservation, the other enlarging the reservation considerably on the north and west, were prepared in this office, and it knew nothing about them until they had been issued.

For your further information I inclose another map, showing to some extent the topography the reservation.

Very respectfully, your obedient servant,

R. V. BELT,  
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

WASHINGTON, D. C., November 17, 1892.

SIR: On the 29th of September last I addressed you a letter, copy of which is attached hereto, requesting that you submit to the President for his action the propriety of modifying Executive order of President Arthur dated May 17, 1884, withdrawing from settlement certain lands in Utah and Arizona and setting them apart as a reservation for Indian purposes. A copy of President Arthur's order is set out in my letter above mentioned.

Upon the day following the delivery of my letter to you you advised me verbally that the same had been submitted to the President and that he desired some further information as to the existence of the placer deposits mentioned in my letter, the character of the country, and whether same is occupied by Indians, and the public interests that would be subserved by modifying President Arthur's order and restoring to the public domain a portion of the lands covered thereby. Prior to that time, as I then informed you, an exploring party had been sent out by Mr. T. R. Gabel, general superintendent of the Atlantic and Pacific Railroad Company, with a view of obtaining further and more accurate information as to the character of the country, its mineral deposits, and the practicability of locating and building a line of railroad connecting with the Atlantic and Pacific and extending northwardly to the Grand Cañon of the Colorado. This party left Winslow, Ariz., September 10 and returned October 25, remaining in the neighborhood of the San Juan River about thirty days. I am now able to submit full and definite information upon all the points suggested by you in verified statements of the persons composing the party, all of which statements are corroborative of the statements in my letter of September 29. They are as follows:

First. Communication from J. P. Williams and I. B. Williams, dated October 27 and verified by affidavit.

Second. Letter of Lewis Minser, bearing same date and verified by affidavit.

Third. Letter of E. A. Sawyer, bearing same date and verified by affidavit.

Fourth. Letter of K. C. Henley, bearing same date and verified by affidavit.

Fifth. Letter of Irwin M. House, assistant engineer of the Atlantic and Pacific Railroad Company, bearing same date and verified by affidavit.

Sixth. Letter of T. R. Gabel, addressed to Judge Sterry, inclosing copy of letter addressed by Mr. Gabel to David L. Shipley, United States Indian agent for the Navajos, and Agent Shipley's answer to said letter, dated October 17.

Seventh. Letter of Judge C. N. Sterry, general attorney of the Atlantic and Pacific Railroad Company, dated November 12, 1892, and addressed to me.

The facts disclosed by these various communications, all of which are entitled to the most implicit credence, clearly show that the portion of the reservation lying west of the one hundred and tenth meridian of west longitude and north of the Moqui Reservation is an absolute waste and barren desert, incapable of occupation for agricultural, grazing or any other than mineral purposes; that along the San Juan River in Utah between the one hundred and tenth meridian of west longitude and the junction of the San Juan River with the Grand Cañon of the Colorado are valuable placer deposits capable of being successfully worked; that neither the Navajo nor any other tribe of Indians occupy or have occupied the region covered by that portion of the President's order as to which a modification is desired; that inasmuch as the country north of the center of the San Juan River is already free to settlement it will be very difficult, if not impossible, to prevent trespasses and encroachments to the south side of the river, thus engendering many difficult and embarrassing complications; and, finally, that the public interests will be largely subserved by opening this mineral region to settlement.

I beg, therefore, to ask that, if you approve of the views herein expressed, you will submit the papers to the President with the recommendation that the Executive order of May 17, 1884, be so modified as to open to settlement all of that portion of the reservation west of the one hundred and tenth meridian, or that portion west of the one hundred and tenth meridian and north of the south line of Utah Territory.

Very respectfully,

GEO. R. PECK.

Hon. JOHN W. NOBLE,  
Secretary of the Interior, Washington, D. C.

OCTOBER 27, 1892.

DEAR SIR: At the request of Mr. T. R. Gabel, general superintendent of the Atlantic and Pacific Railroad Company, we make the following statement for your information concerning a portion of Arizona and Utah, which was and is within the Indian reservation created by Executive order of President Chester A. Arthur, of date of May 17, 1884:

We, the undersigned, J. P. Williams and I. B. Williams, have lived since 1881 about 3 miles west of the west line of the Moqui Indian Reservation, in the Territory

of Arizona, and north of an east and west line running through the center of such reservation; and during that time we have been engaged in traffic in the way of buying hides and wool from settlers and Indians, and have become very familiar with the Indians who occupy the Navajo Reservation and the Moqui Reservation. We speak the Navajo language, and that is the language spoken largely by the Moqui Indians.

During this time we have been prospecting over the country west and north of where we live every year and are perfectly familiar with all that country embraced within the President's order referred to, which lies west of the one hundred and tenth degree of longitude, and we state, from our own personal knowledge of this country and from our talks with the Indians, that that entire portion of the country west of the one hundred and tenth degree of longitude which was embraced in the Executive order referred to is an absolutely barren desert, incapable of supporting either people or animals, and is of no practical use in the world except for the purposes of mining such minerals as are contained in it.

During the entire time that we have lived where we now live no Indians of any tribe have occupied that portion of the country referred to, and the only Indians ever there within our knowledge, or within our information, are those occasionally traveling from other parts of the country who cross this strip of country in their journeyings.

We have discovered a very large body of placer mines, extending, in our judgment, a distance of 25 miles along and on both sides of the San Juan River; these placers are practically divided by the river itself, and are, in our judgment, about 25 miles in width, although they may not be susceptible of being worked but a short distance from the river, owing to lack of water. While we have never washed out any gold for the purpose of having an assay made so as to determine the richness of the placers, we have no hesitation in saying that they are remarkably rich, as upon the surface the sand taken at any place will show the color of gold. These placers consist of both black and white sands, and are of quite a depth, the exact depth of which, even on an average, we are unable to state. We believe these placers will pay at least \$10 a yard in gold, and we think this to be a very conservative estimate.

Knowing that this land was within the reservation embraced in this Executive order, we have never attempted to work these placers, but have known of them and kept watch of them for nearly ten years. We also state that that portion of the country between the San Juan River and the north line of the Moqui Reservation is, in our judgment, very rich in silver and copper and other metals. There is no practical use to which any of that portion of this reservation referred to can be put, for Indians or for other people, except mining. It can not be irrigated, owing to the character of the river and the high and precipitous bluffs that exist along its banks, save and except at places where there are bottoms extending a half mile or so in width, as at the point where these placer mines are situated.

Very respectfully, yours,

J. P. WILLIAMS.  
I. B. WILLIAMS.

Hon. JOHN W. NOBLE,  
Secretary of the Interior, Washington, D. C.

TERRITORY OF NEW MEXICO, County of Bernalillo, ss:

J. P. Williams and I. B. Williams, being each duly sworn, upon his oath says that he signed the above and foregoing letter, and that the matters and things therein contained are true, as he verily believes.

J. P. WILLIAMS.  
I. B. WILLIAMS.

Subscribed and sworn to before me this 27th day of October, 1892.

[SEAL.]

KARL A. SNYDER,  
United States Commissioner.

OCTOBER 27, 1892.

DEAR SIR: At the request of Mr. T. R. Gabel, general superintendent of the Atlantic and Pacific Railroad Company, I make the following statement to you concerning a portion of the Indian reservation created by Executive order of President Chester A. Arthur, of date of May 17, 1884:

I am a machinist, and have been working for some time past in the shops of the Atlantic and Pacific Railroad Company at Winslow, Ariz.

I am, also, a practical miner, having had four or five years of actual experience in placer mining. Having visited the placer mines discovered by Mr. J. P. Williams

on the San Juan River, and situated, so far as the south half of the river and the south side of it is concerned, within the reservation referred to, I desire to say that the country west of the one hundred and tenth degree of longitude and north of the north line of the Moqui Reservation is, in my judgment, an absolute barren desert, incapable of supporting animal life and incapable of being used for any purpose except that of mining.

I made two visits to these placer mines for the purpose of examining the character and quality of the same, with Mr. J. P. Williams, and during these visits I have examined the topography of the country as well as I could, and its general character, and am satisfied that no Indians of any tribe, either now or for many years in the past, have occupied any portion of this reservation that lies west of the one hundred and tenth degree of longitude. That portion of the placer lands which is situated so as to be worked with the water from the San Juan River is, in my judgment, very rich. At neither of the times that I have been there have we made any examination to determine the richness of these placers, nor have we attempted to mine any of the gold contained in them, except to wash out pans of the same along the river at intervals of 15 or 20 miles. It would be impossible to give any exact result, but my judgment is, from all that I have seen, that these placers will yield at least \$10 a yard on the surface, and this would be a remarkably profitable yield in consideration of the water facilities for working the same.

A large amount of placer ground lies away from the river, where its utility at present amounts to very little; but from what I have seen and heard, I am satisfied that the country west of the one hundred and tenth degree of longitude that is included in this reservation is very rich in silver, copper, and iron; and I have no hesitation in saying that the only use which this country ever could be put to would be that of mining, and that to open it would, in my judgment, very largely increase the output of both gold and silver in the United States for the next ten or fifteen years.

Very respectfully, yours,

LEWIS MINSER.

Hon. JOHN W. NOBLE,  
Secretary of the Interior, Washington, D. C.

TERRITORY OF NEW MEXICO, *County of Bernalillo, ss:*

Lewis Minser, being sworn on his oath, says: That he signed the above and foregoing letter, and that the matters and things therein contained are true, as he verily believes.

LEWIS MINSER.

Subscribed and sworn to before me this 27th day of October, 1892.

[SEAL.]

KARL A. SNYDER,  
United States Commissioner.

OCTOBER 27, 1892.

DEAR SIR: At the request of Mr. T. R. Gabel, general superintendent of the Atlantic and Pacific Railroad Company, I make the following statement concerning a portion of the Indian reservation created by Executive order of President Chester A. Arthur, of date of May 17, 1884:

I am a merchant, doing business at Gallup, in the Territory of New Mexico, having business relations with Julius Lesser, of Winslow, Arizona Territory, and having had some experience in mining matters, I accompanied the expedition referred to by Mr. House in his letter to you, which I have read, for the purpose of ascertaining the character of the country from Winslow to the San Juan River, including some coal fields that lie west of the Moqui Reservation, on Government land.

I made as careful an examination of the land and the country as I could, and saw as much of it as I could see during this expedition, for the information of Mr. Gabel and my partner, Mr. Lesser, and have to state that the country is a barren desert, so far as my observation goes and so far as I could learn from anyone having knowledge of the country, and that it is perfectly useless for any purpose whatever except the purposes of mining.

I believe all of the country lying north of the Moqui Reservation and west of the one hundred and tenth degree of longitude carries a large amount of mineral, and from what I have seen of the placer deposits situated in that country I am satisfied that they are very large in extent and very rich.

I am perfectly satisfied that there are no Indians of any tribe occupying this country or any portion of it, except as they occasionally travel across it.

Very respectfully, yours,

E. A. SAWYER.

Hon. JOHN W. NOBLE,  
Secretary of the Interior, Washington, D. C.

TERRITORY OF NEW MEXICO, *County of Bernalillo, ss:*

E. A. Sawyer, being sworn, on his oath says that he signed the above and foregoing letter, and that the matters and things therein stated are true, as he verily believes.

E. A. SAWYER.

Subscribed and sworn to before me this 27th day of October, 1892.

[SEAL.]

KARL A. SNYDER,  
United States Commissioner.

OCTOBER 27, 1892.

DEAR SIR: At the request of Mr. T. R. Gabel, general superintendent of the Atlantic and Pacific Railroad Company, I make the following statement concerning a portion of the Indian reservation created by Executive order of President Chester A. Arthur, of date of May 17, 1884:

I was one of the party which accompanied Mr. House on the expedition referred to in his letter to you, which I have read.

Previous to going on this expedition, I have lived with Mr. Williams, near the Moqui Reservation, for some nine months.

I am satisfied, from all I saw on the expedition, that all of the reservation made by President Arthur on May 17, 1884, lying west of the one hundred and tenth degree of longitude, is a perfectly barren desert, useless for Indian purposes, or for any purposes in the world except the purposes of mining.

I am satisfied from the observations and explorations that we made that the country is very rich in mineral wealth, and if thrown open would afford a large output of gold, silver, and copper.

Very respectfully, yours,

K. C. HENLEY.

Hon. JOHN W. NOBLE,  
Secretary of the Interior, Washington, D. C.

TERRITORY OF NEW MEXICO, *County of Bernalillo, ss:*

K. C. Henley, being duly sworn, on his oath says that he signed the above and foregoing letter, and that the matters and things therein stated are true, as he verily believes.

K. C. HENLEY.

Subscribed and sworn to before me this 27th day of October, 1892.

[SEAL.]

KARL A. SNYDER,  
United States Commissioner.

ATLANTIC AND PACIFIC RAILROAD COMPANY, LAW DEPARTMENT,  
*Albuquerque, N. Mex., October 27, 1892.*

DEAR SIR: At the request of Mr. T. R. Gabel, general superintendent of the Atlantic and Pacific Railroad Company, I make the following statement concerning a portion of the Indian reservation created by executive order of President Chester A. Arthur, of date of May 17, 1884:

I am a civil engineer by profession, and assistant engineer on the Atlantic and Pacific Railroad. Sometime ago I went, in company with J. P. Williams, I. B. Williams, Lewis Minser, E. A. Sawyer, and K. C. Henley, from Winslow, Ariz., on the line of the Atlantic and Pacific Railroad, to that portion of the reservation created by the executive order of President Arthur, of date of May 17, 1884, which lies west of the one hundred and tenth degree of longitude west and north of the north line of the Moqui Reservation, for the purpose of making a careful examination of that country, to obtain, for the information of Mr. Gabel, knowledge of its general characteristics, the feasibility of a route for a railroad, and to investigate the mineral deposits which were said to exist there.

We were gone from Winslow from the 10th of September, 1892, until the 25th of October, 1892, and were in that part of the reservation referred to about thirty days.

I had a solar and a prismatic compass with me, and made as careful observations of the country and its character as I could within the time, and I have no hesitation in saying that the portion of the reservation referred to is a barren desert, incapable of supporting man or beast.

I am satisfied that there are very large and rich mineral deposits there, consisting of both large placer deposits and of copper and silver ore, contained in rock in place. I am also satisfied that the country is entirely unoccupied by Indians of any tribe, we never having seen a single Indian, except some few Indians who came from another part of the reservation to our party for the purpose of selling us food; but these Indians did not live on this portion of the reservation.

In order to reach this portion of the reservation from Winslow, it would probably require a route across the northwest corner of the Moqui Indian Reservation.

I have read the letter signed by Mr. J. P. Williams and his son, and am satisfied that the statements contained in it are correct from the observations made by myself on this trip, both as to the character of the country and as to the mineral wealth of the country.

Very respectfully, yours,

IRVIN M. HOUSE.

Hon. JOHN W. NOBLE,  
Secretary of the Interior, Washington, D. C.

TERRITORY OF NEW MEXICO, County of Bernalillo, ss:

I, M. House, being sworn, on his oath says that he signed the above and foregoing letter, and that the matters and things therein stated are true, as he verily believes.  
IRVIN M. HOUSE.

Subscribed and sworn to before me this 26th day of November, 1892.

[SEAL.]

KARL A. SNYDER,  
United States Commissioner.

ATLANTIC AND PACIFIC RAILROAD COMPANY,  
Albuquerque, N. Mex., October 25, 1892.

DEAR SIR: I inclose herewith a letter from Mr. David L. Shipley, Indian agent of the Navajo Reservation, in response to a letter written by me to him under date of October 5, copy of which is also attached.

Hoping this letter will be of assistance, I am, respectfully, yours,

T. R. GABEL,  
General Superintendent.

Judge C. N. STERRY,  
General Attorney, City.

ATLANTIC AND PACIFIC RAILROAD COMPANY,  
Albuquerque, N. Mex., October 5, 1892.

DEAR SIR: On May 17, 1884, President Arthur issued an Executive order withdrawing certain lands in Arizona and Utah from sale and settlement, and set the same apart for Indian purposes. Included in the land so withdrawn is a body of land between the one hundred and tenth and one hundred and eleventh degrees of longitude, and extending from the northeast corner of the Moqui Reservation to the Colorado River, and up its channel to the junction of the San Juan River, and thence up the center of the San Juan River and extending along it east of the one hundred and tenth degree of longitude.

Parties who are largely interested in the Atlantic and Pacific Railroad Company are proposing to build a feeder for this company from some point on the line of its railroad in Arizona to the Grand Cañon of the Colorado, and north across the San Juan River between said degrees of longitude. In order to do this they desire to procure a modification of this letter of withdrawal, in so far as the lands embraced within it which lie between these two degrees of longitude are concerned, so that they will no longer be held for Indian purposes. Application has been made to the honorable Secretary of the Interior to have such modification made, and in order that he may act intelligently upon the matter it is desired that certain information concerning the land embraced in this Territory be obtained from those who have the best knowledge of it, to be furnished to the honorable Secretary in connection with such application.

You are of course aware that while this reservation created by this order has been printed on the maps issued by the Interior Department as a part of the Navajo Reservation, yet that it never has in fact been made a part of such reservation, as it was reserved for Indian purposes only, and not attached by the order to any existing reservation.

Knowing your perfect familiarity with the Navajo Reservation, with the Navajos themselves, and with this country I have ventured to write to you requesting you to kindly furnish me such information as you may be possessed of in response to the following questions:

(1) Does the country between the one hundred and tenth and one hundred and eleventh degrees of longitude, west and north of the north line of the Moqui Reservation extended west between these two degrees, contain any subsistence for man or beast, or is it a desert containing no grazing lands?

(2) Do the Navajos, or any other Indians, occupy the country referred to in the former question for any purpose?

(3) In what way, if in any, would the country referred to be of any practical use or benefit to the Navajo Indian, or to any other Indians, for any purpose whatever?

(4) In your judgment would the withdrawal of that portion of the country from the reservation created by President Arthur's order be in any way detrimental to the Navajo Indians, or to any other Indians?

(5) Would such withdrawal in any way create any disturbance of existing conditions, so far as the Navajos are concerned, or of their rights or claimed rights?

Hoping to hear from you in response to this letter at as early a date as you can conveniently answer it, I am,

Very respectfully, yours,

DAVID L. SHIPLEY, ESQ.,  
United States Indian Agent, Navajo Agency, N. Mex.

General Superintendent.

UNITED STATES INDIAN SERVICE,  
Navajo Agency, N. Mex., October 17, 1892.

T. R. GABEL,  
General Superintendent Atlantic and Pacific Railroad Company,  
Albuquerque, N. Mex.:

SIR: Absence from the agency prevented my replying to your communication of October 5 at an earlier date.

In reply to question 1, from the best information obtained and from my own knowledge, the land embraced within the limits of one hundred and tenth and one hundred and eleventh degrees and north of the north line of the Moqui Reservation is entirely worthless. It is wholly a sandstone mesa country, with occasional patches of valley land not susceptible of cultivation by even the rude Indian methods. It is almost waterless; in fact, a barren, rocky desert.

(2) Neither do the Navajos nor any other Indians occupy this strip of territory to any marked extent. What few occupants it has are of the very worst order, and they are only there for what protection its seclusion offers.

(3) As this territory is wholly unfit for farming or grazing purposes, and as these are the only known resources this strip of land has, it is of no practical use or benefit to either the Navajos or any other Indians unless the Government could inaugurate a system of irrigation which would make it practical for farming purposes, and I think it improbable that such a system could be successfully carried out without an extravagant expense that would more than equal the good result that could be derived.

(4 and 5) As this strip of land is neither occupied by the Navajos, nor can it be tilled or used for grazing purposes by these or any other Indians, I can see no way in which its withdrawal would in any wise act as a detriment or be an injustice to this people, or cause dissatisfaction among them, so long as the now existing conditions are allowed to continue.

Respectfully, yours,

DAVID L. SHIPLEY,  
United States Indian Agent.

NOVEMBER 12, 1892.

DEAR SIR: In accordance with your request for a report from me as to what knowledge or information I have gathered concerning placer mines recently discovered on the San Juan River, in Utah, I have the honor to make the following report:

In the early part of September, Mr. Gabel, our general superintendent, sent a party, consisting of the assistant engineer of our road and some other gentlemen, to make a reconnaissance for a line of road from Winslow, on the line of the Atlantic and

Pacific, north through some extensive coal fields, to a crossing of the San Juan River, and also to establish a point on the Grand Cañon of the Colorado River for either a terminus or a crossing.

You are aware of the very extensive coal fields that are situated north of Winslow, and of the large deposits of alum, and some other minerals, upon and adjacent to these lands, and also, of the fact that these coal fields are some 300 miles nearer to the State of California, which is without coal, than any other coal fields east of California; and that it was determined to ascertain this fall the feasibility and the practicability of establishing a branch road at least to these fields, and probably beyond them, provided the mineral alleged to have been discovered in this San Juan country should turn out sufficiently to justify such an extension.

At the time of your return from Washington, the first of October, this party had been gone nearly a month, and it was expected in every day; finally, owing to our desire to obtain the information which you wished to obtain in order to lay the same before Mr. Secretary Noble, we dispatched a special messenger to find this party. This messenger himself got lost (although he was a Navajo Indian), but finally succeeded in finding the party, and in delivering to them our imperative instructions to at once return in order to make such report as they should at the time be able to make, and to have it furnished to you in time to have action taken upon it this month in order that if anything should be attempted to be done before spring, provisions might be sent out for the men and animals, and before the snows of the high altitudes over which they would have to pass would render their return impossible.

The party was engaged in making preliminary surveys, and not knowing the desirability of having correct assays in relation to these placers (which had theretofore been discovered by Mr. Williams, of that party) made, to determine their value, had only panned out twelve small pans of gravel, and therefore only brought in the result of these twelve pans; consequently, I am unable to give you as full information upon the subject of the value of these placers as I could wish to be able to.

These twelve pans were washed out by Mr. Sawyer, a gentleman with whom I am well acquainted and in whose integrity I have the utmost confidence, and he assured me that the dirt washed out was not selected or picked, but was simply an average of what the whole country apparently was. The result of the analysis of the product of these twelve pans disclosed that they had yielded 5 cents worth of gold. It is claimed that 640 pans make a cubic yard of sand such as this that was washed, and 2 cubic yards will make, practically, a ton in weight. The result, you see, figured on this basis, would make these placers yield at the rate of over \$5 per ton, which is a very remarkably rich yield, considering the fact that the dirt which was washed was from the surface, and considering the further fact that this sand runs to a depth of 18 or 20 feet before the bedrock is reached, and that there is great abundance of water with which to wash these sands, either by sluices or by hydraulic process.

In order that you may fully appreciate how rich this yield is, I desire to quote from an article by W. Chandler Roberts, F. R. S., assayer Royal mint, London, in volume 10 of the Encyclopedia Britannica, on pages 740 to 755.

Under the subheading of his article on proportion of gold in deposits, he says:

"A rich gold-bearing deposit is quantitatively very different from one to which the same term is applied when containing ores of other metals. In the latter the useful material must, as a rule, form a considerable portion, one or more parts in a hundred, of the mass; while in the former, owing to the superior value of the product, it rarely attains as much as 1 per cent, and is generally very much less, the amount of gold contained in easily worked alluvial deposits being often extremely small. For example, the yield of the Siberian gold washings ranges from 12 grains to 1 pennyweight, 12 grains per ton; while in the lodes, which are more difficult and expensive to work the proportion is about 8 pennyweights per ton. In the alluvial washings of California it is estimated at about 2 shillings worth, equal to about one-fortieth of an ounce per ton of gravel. In Australia the alluvial ground worked in the colony Victoria in 1878 is returned as averaging 25 grains per ton, or about double the above quantity."

In a note on the bottom of the page it is stated that 1 pennyweight per ton corresponds to one part in 633,333 by weight, and about one in five or six millions by volume.

Mr. Gabel, while recently in California, was informed by people extremely well posted in placer mining that 50 cents per yard was a very rich yield; and from my own conversations with mining experts I am satisfied that from 10 cents to \$1 per yard is an extremely rich yield for placer mines on the average, and that where there is plenty of water they can be worked to a large advantage at 50 cents per yard. It costs on our road from 10 to 25 cents to move a yard of such gravel as that on the river. Where there is an abundance of water all the expense of running a sluice box, practically, is the movement of the ground into the box, the water doing the balance; and, therefore, saying that it would cost 25 cents a yard to get it into

the sluice box, and that it would pay 50 cents a yard, washing it would practically leave a net result of 25 cents a yard.

These people who are out on this reconnaissance inform me that they made examinations of the ground for 25 miles along the river, and that from such examinations they do not believe that a single pan of the ground could be washed which would not show the color. They believe that for a great many miles from where they were on the river to the Grand Cañon of the Colorado the river bed necessarily contains a large amount of this deposit. The same deposit has been found on the Colorado below the junction of the San Juan.

I furnish you herewith some affidavits from these persons, and I can state that each one of the parties making these affidavits is personally known to me, and that I believe them to be straightforward, honest, reputable men, and believe that their statements, contained in their affidavits, can absolutely be relied upon.

Assuming these statements to be true, and assuming that the result we have received shows a fair average, you will understand at a glance of what immense benefit to the public it would be to throw these fields open to mining, as it will be readily perceived that the output in gold from such a large field would necessarily for some years be great, and necessarily add to the amount of that commodity in the markets of the world.

These fields, as I understand from the reports of these parties, are practically divided by the river, and in view of that fact it will become absolutely impossible to keep people from crossing over and trespassing on the lands that lie south of the south half of the channel of the river. It has become known along the line of our road that these mines have been discovered, and there is a great excitement existing at places, and parties are outfitting for the purpose of at once going out; and I see no reason why a very large community should not be established there in the very near future.

Owing to the fact of these parties organizing to go out at once it is of the utmost importance that it should be determined as to whether the reservation that now exists south of the center of the channel of the river shall be retained or whether it will be set aside for the public good at the earliest practicable moment.

Hoping that I have given to you such information as may be of use, I am,

Very respectfully, yours,

C. M. STERRY,

*General Attorney Atlantic and Pacific Railroad Company.*

Hon. GEO. R. PECK,

*General Solicitor Atchison, Topeka and Santa Fe Railroad Company.*

*Topeka, Kans.*

[Publication of Executive order. From the Washington, D. C., Post of November 20, 1892.]

EXECUTIVE MANSION,

*Washington, D. C., November 19, 1892.*

It is hereby ordered that the Executive order of May 17, 1884, by President Chester A. Arthur, withdrawing from sale and settlement, and setting apart as a reservation for Indian purposes, certain lands in the Territories of Utah and Arizona, be, and the same hereby is, modified so that all the lands described in said order which lie west of the one hundred and tenth degree of west longitude and within the Territory of Utah be, and the same hereby are, restored to the public domain, freed from the reservation made by said order.

BENJ. HARRISON.

ASSOCIATED PRESS BUREAU,

*Washington, D. C., January 13, 1893.*

SIR: In response to your inquiry as to the extent of the publication in the newspapers of the President's order of November 19, 1892, restoring to the public domain certain lands in Utah heretofore held in reservation under the order of President Arthur dated May 17, 1884, I have to say that the information contained in the enclosed slip was received by me from you November 19, 1892, and was transmitted through the Associated Press to the press generally throughout the West. It received a wide publication, appearing on the morning of November 20.

I append a clipping of the matter referred to as it appeared in the Western papers.

Very respectfully,

JEROME J. WILBUR,

*Representative of the Associated Press.*

Hon. JOHN W. NOBLE,

*Secretary of the Interior.*

[Copy of the clipping above referred to.]

WASHINGTON, D. C., November 19.

By Executive order of this date the President has restored to the public domain all the lands described in the Executive order of May 17, 1884, by President Arthur, that lie west of the 110th degree of west longitude and within the Territory of Utah. The order of President Arthur mentioned withheld from sale and settlement and set apart for Indian purposes a very much larger tract than, besides the lands now restored, extended east in Utah to the Colorado line, and south into Arizona to the north line of the Mogon Reservation. The lands now restored are only the western half of the small part lying in the Territory of Utah, and there is strong reason to believe are very valuable in gold, silver, and copper, the former to be found in black sands in paying quantities along the San Juan River and other mines. The country is a desert and has never been occupied by Indians, but only generally for Indian purposes, and is no part of the reservation of the Navajos, nor has any Indian use of this land been prescribed or made. It can not be inhabited any considerable distance from the river, and any mining operations will have to be carried on at the river banks. On the evidence adduced, and as there is no substantial reason to retain the land from such use as may be made of it by the people, it has been deemed best to open to development so much as lies in Utah west of the 110th degree of west longitude. The San Juan River cuts the mineral belt in two, and the lands north of the river have at no time been reserved from settlement.

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., November 17, 1892.

THE PRESIDENT:

I submit for your consideration communication dated November 17, 1892, by Mr. George R. Peck, of Topeka, Kans., with accompanying documents referred to in his letter requesting a modification of the Executive order made by President Arthur May 17, 1884, setting apart certain lands in Arizona and Utah as a reservation for Indian purposes.

I submit also letter of the acting Commissioner of Indian Affairs, dated September 30, in response to inquiries made by me, in which the acting Commissioner gives a detailed historical statement of the different treaties and orders establishing a Navajo Indian reservation, and also such information as is in possession of the Indian Office in respect to the Executive order of President Arthur above mentioned.

It appears from the evidence submitted to me that that portion of the reservation established by the order of May 17, 1884, lying west of the one hundred and tenth degree of west longitude and within the Territory of Utah is a barren desert, incapable of cultivation or of use for agricultural, grazing, or any other than mineral purposes, that it contains valuable mineral deposits, that it is not occupied by the Navajo or any other Indians, and that the public interests would be subserved by opening it for occupation, to the end that its mineral deposits may be made useful to citizens of the United States. This land was never set apart for the Navajo Indians, but only generally for "Indian purposes," and is therefore no part of the reservation of that tribe, and never has been, nor has any Indian use of this land been prescribed or made.

I therefore respectfully recommend that the Executive order of President Arthur above mentioned be modified as requested, and herewith submit form of order for your consideration and execution if you approve this recommendation.  
Very respectfully, your obedient servant,

JOHN W. NORRIS,  
Secretary.

EXECUTIVE MANSION,  
Washington, D. C., November 19, 1892.

It is hereby ordered that the Executive order of May 17, 1884, by President Chester A. Arthur, withdrawing from sale and settlement and setting apart as a reservation for Indian purposes certain lands in the Territory of Utah and Arizona, be, and the same hereby is, modified so that all of the lands described in said order which lie west of the one hundred and tenth degree of west longitude and within the Territory of Utah be, and the same hereby are, restored to the public domain, freed from the reservation made by said order.

BENT. HARRISON.

REFUNDS OF CUSTOMS DUTIES.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A detailed statement of refunds of customs duties, etc., for the fiscal year ending June 30, 1892.

JANUARY 24, 1893.—Referred to the Committee on Ways and Means and ordered to be printed.

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, D. C., January 23, 1893.

SIR: I have the honor to transmit herewith, for the information of Congress, a detailed statement of refunds of customs duties, etc., for the fiscal year ending June 30, 1892, as required by section 24 of the act entitled, "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890.

Respectfully yours,  
CHARLES FOSTER,  
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Serial 3105