

observation "that the Indians were ready to do any kind of work provided they received compensation."

Superintendent Hays, of Fort Yates, N. Dak., stated that it had been his experience that the Indian did not return from nonreservation schools unwilling to work, but that he considered the present school system more of a success with the girls than with the boys; that he hoped the Government would find employment for all educated Indian boys for at least five years after returning from school.

Supt. H. J. Curtis, of Ouray, Utah, agreed with Superintendent Allen in thinking that the only way to keep the educated Indian from the influences of camp life is to keep him away from the reservation.

Superintendent Neal, of Fort Defiance, Ariz., hoped to see the day when the Government could provide work for the Indians.

Superintendent Peairs, of Haskell Institute, Kansas, said:

No graduate from Haskell has ever gone back to the blanket. I do not believe there should be an Indian reservation in the United States. I believe in giving the Indian a thorough education and placing him among white people.

Supervisor Charles D. Rakestraw stated that "70 per cent of the returned students are making good records, and less than 15 per cent are failures."

DOMESTIC ECONOMY.

The topics "Best method of preparing food" and "Notes on different kinds of food" were presented and discussed.

Supt. H. B. Peairs, of Haskell, Kans., thought it would be a good plan to hold the Round Table during the year by correspondence, exchanging bills of fare, etc.

The topic "The matron as a character builder" brought out the fact that the majority of people outside the Indian work think that the matron's position is one in which the duty of keeping the building in order and the children clean and disciplined is the main part, whereas the real position is one in which the matron takes the part of mother to the child with all which that implies, and is responsible not only for the care of his body and clothing, but must impart to his youthful mind those traits of character which will make him an upright, honorable, and helpful citizen; and it was the general opinion that more attention should be given to the selection of persons to occupy this most important position.

PHYSICIANS' CONFERENCE.

A very interesting and instructive session was held by the physicians' section of the institute. A society to be known as the "Indian Medical Association" was formed, and it is expected that much good will result from this feature of the medical work.

Dr. J. G. Bullock, Oneida, Wis., spoke on the subject "Are the hygienic conditions of Indian schools satisfactory?" He believes all Indian schools should be carefully visited by the physician, who should give especial attention to the eyes, as defective vision is common among the Indians; and he does not believe in study to any extent in the evening. He dwelt with considerable force upon the unsanitary condition of many schools; said that dormitories are too crowded; regretted that many of the schools have no hospitals, no lavatories, improper drainage, no qualified nurses, no pest houses, no steam disinfectors; consequently when a case of contagious disease arises there

U.S. Commissioner  
of Indian  
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is no place in which the patient can be isolated. In regard to ventilation of buildings, he believed in having a fireplace and a fire burning in every room, and that especial attention should be given to teaching cleanliness as a most powerful civilizing influence.

Dr. Breen, of Fort Lewis, Colo., believes that medicines furnished by the Government to the Indians should be selected by a physician; that the physical condition of mankind as regards cleanliness and sanitation, and the numerous other small things that enter into the hygienic condition of the people, are the incidents if not the actual concomitants of civilization. He spoke of the lack of appliances for treating the sick, and suggested that the list of medicines furnished by the Indian Office should come from a medical division presided over by an intelligent physician. In his opinion, the medical service is neglected, and the agent or superintendent should not be allowed to interpose his opinion against the opinion of the medical advisor whom the Department sends to the school, and without the correction of these evils the medical department would better be wiped out altogether.

Dr. L. F. Michael, of Cheyenne Agency, S. Dak., on the subject of "Tuberculosis," said:

As a practitioner I am often asked, "Why do so many Indians die of consumption?" To which there is but one answer: Unsanitary surroundings. When the Indian roamed the country and slept in open air, tubercular diseases were rare; but as his domain gradually became more restricted, uncleanness was prevalent. The time of the school physician could not be better employed than in instructing students in the real cause of tuberculosis, showing how easy it is to become infected under certain conditions, and the fear of these diseases would lead to better sanitary conditions.

Dr. Westfield, of the Shoshone and Arapaho Agency, Darlington, Okla., speaking on "How best to promote the health of the Indian," said:

I do not think too much stress can be laid on the importance of selecting a proper site for the location of the school, as upon it largely depends the future health of both pupils and employees. Under the heading of "Hygiene" I would include grounds, buildings, water supplies, bathing facilities, sewerage, and everything that influences for good or evil the health of the individual. Very few buildings are properly constructed from a sanitary point of view, and I would urge the Department when any buildings are to be constructed to look carefully after the scientific principle as regards light, heat, ventilation, and sewerage. In regard to bathing facilities, I would adopt the spray system, for unless the "noble red man" is made to observe the laws of hygiene the race will be only a matter of history.

#### SANITATION.

This subject, from every standpoint, is of the greatest importance. Success in life in all its avocations depends largely upon the physical condition of those who seek it. Without pure air and water we could not reach that plane of physical development so absolutely necessary for the accomplishment of our social or mental ambition. It is in the impure air and in the impure water that the insidious germs of disease are propagated. This subject, therefore, with reference to the conduct of our schools, should receive especial attention. A badly heated, poorly lighted, and improperly ventilated schoolroom will engender physical evils among the scholars that will seriously impair their health and prostrate their energies. The importance of this subject in all its applications should be impressed upon teachers and pupils, and should more generally be a feature in our curriculum.

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you ask whether, in my opinion, the board has "the right to amend the rules for the regulation of rendering works on Barren Island without the approval of the Governor."

In reply I have the honor to submit that, under section 6 of the Public Health Law, chapter 661, Laws of 1893, when the State Board shall have made its report as required by the Governor in relation to an alleged nuisance, its legal duty is fully performed. If the rules and regulations made by the Governor for the conduct of the business which causes such nuisance are not obeyed, I think that it would be fairly within the scope of the board's duties to call the Governor's attention to the fact; or even to make a supplementary report to him of the existing conditions of the business affecting the public health. But I have found no law which would authorize the board to amend said rules.

Respectfully,

T. E. HANCOCK,

Attorney-General

*Coroner — Vacancy in Office of — Term of Appointment.*

In the matter of the term of office of a person appointed to fill a vacancy in the office of coroner.

STATE OF NEW YORK:

ATTORNEY-GENERAL'S OFFICE,

ALBANY, September 1, 1896.

SARAH LEXT, Esq., *Sing Sing, N. Y.*:

Dear Sir:—In reply to your letter of the 31st ultimo, I should say that one who was appointed by His Excellency, the Governor, in 1895, to fill a vacancy in the office of coroner, would, in virtue of the Public Officers' Law (chapter 681, Laws of 1892, section 27) hold office "until the commencement of the political year next succeeding the first annual election after the happening of the vacancy;" and that one who was elected as coroner at such election, would hold office for three years from the first day of January next thereafter. (*Ibid.*, section 4.)

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I would refer you to the case of *The People v. Constant*, reported in 11 Wend. (N. Y.) 511, and to the case of *The People ex rel. Miller v. Townsend*, 102 N. Y. 430.

Respectfully,

T. E. HANCOCK,

Attorney-General.

*Indians—Tonawanda Reservation—Lands in—Rights of—Marriages between.*

In the matter of the rights of Indians in and to the lands of the Tonawanda reservation; and as to the effect of marriage between Indians of different tribes upon such rights.

STATE OF NEW YORK:

ATTORNEY-GENERAL'S OFFICE,

ALBANY, September 3, 1896.

I have been advised that the rights of Indians to the lands in the reservation of November, 1825, between the United States and the Indians wherein it was provided, among others, that the lands of Messrs Ogdens and Messrs Ogden should be reserved as a land reservation for the use and benefit of the Indians, and that the title vested in the said secretary, who afterward conveyed the same to the Comptroller of the State of New York and his successors in office for the use and benefit of said tribe of Indians, the Comptroller and his successors having been duly designated by the Legislature of the State as trustee for the Tonawanda band of In-

dians in and to the lands of the Tonawanda reservation; and as to the effect of marriage between Indians of different tribes upon such rights.

dians. This land is held by the Comptroller for the Tonawanda nation in common; and no part of it can be appropriated by any individual Indian to his own use without the consent of the council of the nation, which is authorized, on application, to allot to any Indian or Indian family so much of the common land as shall be deemed reasonable and equitable. The land allotted should be described and certified to by the presiding officer and clerk of the nation. I think, however, that section 9, of chapter 229, of the Laws of 1893, the Indian Law, permits the council of the nation to admit an Indian of another nation, tribe or band, to become an inhabitant of the Tonawanda reservation; and that after he has been so admitted or adopted into the nation, he thereby becomes entitled to the same privileges which belong to the natural members of the tribe; and that the council may make an allotment of land to the Indian so admitted or accepted into the nation. It ought nevertheless to be borne in mind that the land comprised within the reservation belongs to the nation; and that it is held in trust for them; and that Indians of other nations are not entitled to any portion of it by allotment, unless they are adopted into the nation by the council. As to the question arising in the case of a Tonawanda Indian marrying an Indian woman of another nation, and as to the status of the children of such a marriage, I would say that it is the law or custom of the Seneca and Tonawanda tribes, and, as I understand, of all the Indian nations in this State, that the status of children follows that of the mother, in other words, that their tribal relations are fixed by the mother's and not by the father's status. The established laws and customs of the Indians in this regard should be respected. It would follow, therefore, that in the event of a Tonawanda Indian marrying a woman of another Indian nation, the children should be considered, in the allotment of land, as belonging to the nation of the mother. The council can, however, and undoubtedly would, unless there was some strong reason to the contrary, admit such children to all the rights and privileges of the nation of which the father was a member.

Yours very truly,

T. E. HANCOCK,  
*Attorney-General.*

*Comptroller—Lands—Tax*  
in the matter of the validity of

STATE OF NEW YORK

ATTORNEY-GENERAL

JAMES A. ROBERTS, *Comptroller*  
Dear Sir.—In reply to your inquiry  
re late Comptroller Wemple,  
petition of the former owner, of  
lands in township 36, Totten & C  
Long Lake, Hamilton county, w  
part of Appeals, in the case of  
Company v. Wemple, 139 N. Y. 240  
I honor to say that, in my opin  
is wholly void. In *Ostrander v.*  
case where the Comptroller, o  
without notice to the purchaser o  
entered the sale as "canceled  
opinion of the court, held (p. 7  
the opinion that the attempto  
The principle is elementary th  
jurisdiction to hear and determi  
case, an adjudication upon th  
of Walker, 136 N. Y. 29; Cl  
N. Y. 254.) The authorities are n  
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