

Supplement to Sec. 26 - Instructions to
Superintendents & Agents of July 1, 1877.

Department of the Interior,
Office of Indian Affairs,
Washington, Nov. 19, 1877.

Beef cattle delivered at an Indian agency must be thoroughly inspected before acceptance by the agent in charge; and such inspection must be conducted in accordance with the rules and regulations hereinafter set forth.

At least three days previous to the appointed time for a delivery of cattle, the agent will request of the Commandant of the nearest military post, that an officer be detailed to join him in making the inspection.

When making such request he will furnish for the information of the officer who may thereafter be detailed, a copy of the contract under which the cattle are to be received.

At the time of the inspection, the agent shall not receive any cattle which may be objected to by the officer on the ground of non-conformity with the provisions of the contract; nor shall he receive any cattle which in his judgment should be rejected.

In case of disagreement between himself and the military officer he will report to this office full details of the inspection and disagreement.

2.
During the continuance of the inspection the agent shall mention in the presence of the officer, the requirements of the contract respecting the condition as to health, the net percentages of good merchantable beef, the average and minimum gross weights, and the ages, of the cows and steers respectively, which are to govern them in their judgment of the cattle offered for acceptance.

No animal shall be put upon the scale with a view to its acceptance, which does not conform to the stipulations of the contract.

If when called upon by the agent the contractor fails to present proper cattle for inspection, and at the same time the agent cannot wait for permission from the Commissioner of Indian Affairs, to purchase other cattle, the inspection of such cattle as may be offered shall proceed as heretofore directed; but only such limited number of the cattle offered shall be received, as may be absolutely necessary to supply immediate needs; and such a percentage of "tare" shall be deducted from their gross weights as in the judgment of the inspectors shall be sufficient to make good whatever deficiency there may be in their available net weight of good merchantable beef.

In case the military officer disagrees with the agent as to the proper percentage of deduction to be made, a third and disinterested party shall be appointed by them to form with them a board of survey; and the decision of a majority of such board shall be final and binding.

If the services of a military officer cannot be secured for the inspection herein referred to, the agent will select in the place of said officer some one of his employes most competent for the office, and proceed as already indicated. (See Note)

The attention of Indian agents is particularly directed to Articles 4, 5 & 7 of the contract for beef.

Art. 4 provides for the right of the Commissioner to purchase, if the contractor should fail to collect "the beef cattle" fast enough in the vicinity of the places of delivery.

Art. 6. provides for deductions in case the necessities of the service compel the acceptance of inferior cattle.

Art. 7. provides for the rejection of inferior cattle not actually needed for the service, and the purchase of such cattle as may be required to supply the deficiency.

It will be seen by Art. 4. that agents are expected to keep themselves informed as to whether or not the contractor is accumulating proper cattle fast enough to be able to deliver when called upon; and as the Commissioner's right to purchase, provided for in said article, cannot be availed of unless he is notified in time of the contractor's failure to collect proper cattle, agents must give these matters their particular attention. While the necessities of the service may be met with inferior cattle, as provided for in Art. 6., the mere statement of the agent that such necessity has arisen, will not be considered as sufficient to exculpate him from the charge of neglecting to keep himself informed and notifying the Commissioner of the contractor's failure to collect proper cattle fast enough; he will be called upon to give good reasons for the neglect which led to the necessity of receiving poor cattle. The preliminary measures contemplated by Art. 4., must be given due attention by agents, in order that Art. 7. may be rigidly enforced.

For Note, see over.

E. A. Bayl
Commissioner.

Note: In addition to his own signature to the certificate of inspection, the agent must request that of the military officer, or the employe who acts with him; and in the absence of that of the military officer he must give good reasons for failing to obtain his services.

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Instructions
relative to receipts
for articles from
Contractors

Supplement to Sec 38
"Instructions to Agents and
"Superintendents"
Nov 19th 1877