

REPORT OF THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, November 30, 1860.

SIR: To the Secretary of the Interior, the supervision of those branches of public service which pertain to the internal polity of the government was committed by the act of Congress approved March 3, 1849. The period of time which has since elapsed has been signalized by extraordinary enterprise among our people, in the development of the internal resources of the country; and this department, in the extent, variety, and dignity of its functions, and the number and jurisdiction of its officers, has necessarily experienced a corresponding progress, and become one of the largest of the executive departments. Its operations involve the interests of many citizens in all the States and Territories, and devolve great labor upon its chief officer.

One of the most important and widely-spread branches of the department is that of the public lands. For detailed information in reference to the same, I have the honor to refer to the accompanying annual report of the Commissioner of the General Land Office. I invite your attention to its contents with confidence; and, in view of the amount of work done, the difficulty and magnitude of the questions decided, and the number of our people who obtain through it the titles to their estates, I feel assured that you will be gratified to observe the marked fidelity and efficiency with which the duties of this bureau have been discharged.

During the fiscal year ending June 30, 1860, and the quarter ending the 30th of September last, 16,385,361 acres of public lands have been proclaimed for sale. During the same period, 9,649,471 acres have been surveyed and prepared for market, and 12,060,053.72 acres have been disposed of in the following manner: 3,977,619.80 acres have been sold for cash, yielding \$2,021,425 97; 3,379,040 acres have been absorbed by the location of bounty land warrants; 2,037,770.92 acres approved to States under the swamp grants; and 2,665,623 acres under the railroad grants. The number of military bounty land warrants outstanding on the 30th of September last was 74,468, and they will require 8,196,580 acres of the public domain to satisfy them.

In former reports I have expressed my decided approval of our existing public land system, and my objections to any radical change in it. Forty years ago, the minimum price of the public lands was fixed at \$1 25 per acre, and at this rate the principal portion of the lands in thirteen large and populous States on the eastern slope of the continent have been settled, purchased, and improved; and two States on the Pacific coast have now risen into importance and are rapidly

advancing to power, without any complaint from their citizens as to the price at which public lands are sold. The system of surveys is perfect, the price is moderate, and the settler is secured in his improvements. This being done, the lands not taken by preëmptors are offered at public sale, the unsold lands become subject to private entry, and the settler on such tracts is allowed twelve months within which to make proof and payment for the quarter section upon which he has fixed his home.

When lands have been subject to private entry for more than ten years, the price to actual settlers and cultivators is reduced, from time to time, until, after the expiration of thirty years, it is only twelve and a half cents per acre. The donation—improperly termed homestead policy—based upon the fallacy that a residence on a tract of land for a certain number of years shall, instead of a fixed price, be made the consideration which shall entitle the settler to the land he selects and occupies, has been tried, and, as stated in my annual reports of 1858 and 1859, has everywhere failed and met with public condemnation. It was annoying to the settler, productive of controversies, and injurious to the communities in which the donations were made.

During the past year, in every case of the proclamation and public offering of extensive portions of the public lands, urgent requests have been made, as heretofore, for a postponement of the sales thus ordered. These requests could not be acceded to without interrupting the harmonious operation of the laws constituting our land system, which requires the public lands to be brought into market from time to time, in proportion as surveyed lands are disposed of and other lands surveyed. As there has not been any considerable competition or cash demand for new lands during the past year, the settlers on the lands brought into market, who were unable, from particular misfortunes, to make payment before the day of sale, have generally been able to file declaratory statements after the day of sale, and thus avail themselves of the twelve months' credit secured by law to preëmptors of lands subject to private entry. It is believed, therefore, that settlers have suffered no serious hardships. Owing to the slight demand for lands as an investment, the cash receipts from the public sales have been inconsiderable, when compared with the quantity of land offered.

Experience has demonstrated the wisdom and propriety of the recommendations contained in my last annual report: first, that, in a spirit of liberality to all settlers upon unoffered lands, two years should be allowed, from the date of settlement, within which to make proof and payment; and, second, that it should be made incumbent upon the Executive to offer at public sale, by proclamation, within two years after survey, all the lands that have not been claimed by settlers.

The income from the public lands during four years past has not been so great as was expected. The commercial revulsion of 1857, followed as it was by short crops in most of the new States and Territories, checked emigration, and also the inclination of capitalists to make further investments. But this is not the sole cause of the reduction in this revenue. The manner of disposing of the public lands has been made a topic of political discussion; and, whilst some emigrant families have made settlements and delayed giving the proper notice

or making any payments, in the expectation of a donation, other persons, who are contemplating emigration, have deferred their removal from their old homes and the purchase of lands for settlement, awaiting some definite legislation upon the subject. Should the discussion of alterations in our land system cease, it is believed that the revenue derived from sales would speedily rise to a reasonable annual average, especially if the quantity of unlocated land warrants outstanding, should continue to diminish from year to year as for three years past.

A controversy was pending in this department for many years, in relation to the title to the lands at the Hot Springs, in the State of Arkansas. The act of Congress of the 20th April, 1832, entitled "An act authorizing the Governor of the Territory of Arkansas to lease the Salt Springs, in said Territory, and for other purposes," provides, section 3, "that the hot springs, in said Territory, together with four sections of land, including said springs, as near the center thereof as may be, shall be reserved for the future disposal of Congress, and shall not be entered, located, or appropriated for any other purpose whatever."

Several claims to a portion of the land so reserved were afterwards presented to the officers of the land department, on behalf of individuals, which, however, after careful examination, were all rejected by a decision of Secretary Stuart, made October 10, 1851, that the land had been reserved by the act of Congress above quoted, and the title thereto remained in the United States, subject to such legislation as Congress might specially provide. Notwithstanding this decision, he allowed a special entry of the quarter section including the springs to be made, for a special purpose, in December, 1851. The claims of all contestants for this quarter section were submitted to the late Attorney General, in 1854, who was of the opinion that the act of Congress had reserved the land and forbidden its sale or location; and in this opinion my predecessor seems to have concurred. In April last, the application of the parties who were allowed the entry of December 19, 1851, for a patent thereon, was submitted to me, and, after a deliberate review of the case, I decided that the entry was illegal, and directed that it be canceled.

I know of no reason why the title to the lands at the Hot Springs should be reserved in perpetuity, and therefore recommend that the disposal of the four sections reserved, be provided for by appropriate legislation.

By an act of Congress, approved August 8, 1846, a grant of lands was made to the State of Iowa for the improvement of the navigation of the Des Moines river, from its mouth to the Raccoon Fork. This grant, for more than two years, was regarded on all hands as confined to the line of the improvement, and limited to the lands along the river and below the Raccoon Fork; and this view of the matter has been maintained by the Department of the Interior and by the General Land Office. The quantity of land thus admitted to be within the grant was found to be 322,392 acres, and was long since listed and approved to the State.

Secretary Stuart, however, caused some of the lands along the river and above the Raccoon Fork to be listed and certified as part of the

grant, and a list was also approved by Secretary McClelland, before his attention was called to the questions of law involved in a claim which had been presented on behalf of the State, in 1849, that the grant extended to the headwaters of the Des Moines river.

The right of the State under the grant of the 8th of August, 1846, to any lands lying above the Raccoon Fork was directly involved in a cause which was determined by the Supreme Court of the United States at the December term, A. D. 1859, and that tribunal therein decided that the grant did not embrace any such lands, and that the lists and certificates which had issued from this department conveyed no title to the State. The quantity of land embraced in the lists of this kind is 271,572 acres, and, with the exception of some sixty or seventy thousand acres, the same tracts have also been claimed by the State of Iowa, for the use of railroad companies, under the act of Congress approved May 15, 1856, as parts of the grants thereby made, to aid in the construction of certain railroads. Having recommended to the Committee of Public Lands of the Senate, in June last, a relinquishment to the State of all title remaining in the United States to the 271,572 acres of land erroneously listed and certified under the Des Moines grant, I have directed a suspension of immediate action under the railroad grants, so far as the two conflicting claims interfere. The lands along the upper portions of the Des Moines river, not embraced in any of the certified lists, which have been surveyed for four, five, and six years, but withheld from market on account of the claim of the State, have recently been proclaimed and offered at public sale.

When I came into office the grant to Wisconsin to aid the improvement of the navigation of the Fox and Wisconsin rivers was unsettled. My predecessor, a few weeks before that period, made a decision according to which the quantity of this grant, under all the laws upon the subject, was ascertained to be 684,289 acres. Before that time the State had selected lands, under the law of 1854, largely in excess of this quantity, and the selections had been withheld from sale. In this state of facts, I directed the lists of selections to be taken up and approved in their order of precedence, to such extent as would complete the quantity of lands due the State, and the tracts selected in excess to be restored to market. This was done, excepting some 15,000 acres of selections which were suspended, in order to let in, as part of the grant, such odd-numbered lots in the Stockbridge township, on the east side of Lake Winnebago, as might remain to the United States, free from any claim of individuals under the treaty of February, 1856, with the Stockbridge and Munsee Indians. The lists of such lots have been recently prepared, and, with a supplemental list of selections, approved, thus fully closing up the business.

It has been my aim, whenever these cases of long standing and chronic difficulty have legitimately come before me, to fully examine and carefully consider them; to inform myself of all their history and details, and dispose of them finally in a spirit of justice, and according to the laws respectively governing each case—thus relieving the general business of the Land Office from the incubus which, by reason of their pendency, pressed upon and deranged the service and perplexed its officers.

The progress of the public surveys in the Territory of Washington has been interrupted on account of the existence of certain land claims under the treaty of June 15, 1846, with Great Britain. On the expiration of the charter of the Hudson's Bay Company, in 1859, the possessory right of that company, under the third article of the treaty, terminated. Instructions were accordingly issued to the surveyor general, in September, 1859, to extend the lines of the public surveys over the lands which had been occupied by its agents and employés, and contracts have since been made for subdividing, in the usual manner, a considerable portion of those lands.

Two tracts—one at Nisqually, containing, by estimate, 167,000 acres, and another at Cowlitz, containing about 3,600 acres—have been claimed under the fourth article of the same treaty, for the Puget's Sound Agricultural Company. It is stipulated in that article that the "farms, lands, and other property of every description belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia river, shall be confirmed to the said company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States government should signify a desire to obtain possession of the whole, or any part thereof, the property so required shall be transferred to the said government, at a proper valuation, to be agreed upon between the parties."

It is clearly the duty of this government to confirm to the Puget's Sound Agricultural Company all such "farms" and "lands" as belonged to said company at the date of the treaty. The treaty, however, created no right; it simply provided for the confirmation of a title, either inchoate or perfect, previously existing. Title to land under the British government can only be derived from the Crown, either directly or indirectly. But this department is not advised that said company have, or claim to have, any grant from the Crown of Great Britain. The treaty only secures to them the "lands" and "farms" "*belonging to*" them; and, if we reject the literal, obvious interpretation, and construe the words "*belonging to*" as equivalent to "occupied by" the company, still we find nothing in the words of the treaty which will warrant the claim of an extensive district, when it is well known that at the date of the treaty only a few employés of this company had houses, sheep-folds, and cattle-pens, with very meager improvements, scattered over a wide and undefined range of country. Such a construction of the treaty is totally inadmissible and inconsistent with the land policy of the United States and Great Britain. Whilst it is manifest, from all the evidence collected, that no part of this land "belonged to" the Puget's Sound Agricultural Company, yet some scattered portions of it might answer the description of "farms" and "lands" occupied by it, which, in a spirit of fairness and liberality, might be determined by survey, confirmed, and patented. On the other hand, the claim which has been presented, and which I regard as merely speculative, delays the public surveys, retards settlements, and prevents the improvement of the country.

Indeed, the surveyor general reports that almost all the old servants of the Puget's Sound Agricultural Company have long since be-

come American citizens, and are now claiming farms, under our former donation and present preëmption laws, within the region that has been claimed on the Nisqually river.

It is due to the people of Washington Territory that some decisive action should be taken. I am not advised that any portion of the tracts claimed are of any public or political importance to the United States, and I recommend that the surveyor general of Washington Territory, under the supervision of this department, be authorized by special enactment to decide upon the validity of the claims of the Puget's Sound Agricultural Company, and, if they are entitled to confirmation, to determine the location and boundaries of the "farms" and "lands" that belonged to the company, which should be required, within a given period, to present its claims for final action.

INDIAN AFFAIRS.

Detailed information in regard to the operations of the Indian Office during the past year, and the present condition of the various tribes of Indians within our limits, will be found in the report of the Commissioner, which, with the accompanying documents, is herewith submitted.

In reviewing the results of the policy pursued by the government of the United States towards the Indian tribes within their limits, it should be borne in mind that, while the same general relation exists between the United States and all the tribes, that relation has been modified in respect to many of them by treaty stipulations and acts of Congress, and as these modifications vary in each case, and often in essential particulars, the subject becomes complicated, and the difficulty of subjecting the Indians to a uniform policy greatly increased. With the wild tribes in the heart of the continent, in Arizona, and in California, constituting, possibly, the majority, we have no treaties whatever. With respect to policy, then, it is obvious that the Indians must be divided into two classes—those with whom we have treaties, and those with whom we have not. In the case of the former we are clearly bound to be guided by treaty stipulations; in the case of the latter the government is free to pursue such a policy as circumstances may render expedient, subordinate, of course, to those general principles which have been declared in the statutes and sanctioned by the Supreme Court.

Again, the treaty or annuity Indians may be arranged in two divisions. With one we have treaties of amity, and we pay them annuities, either in money, goods, or provisions, or perhaps all three, for a longer or shorter period, but without recognizing their title to any particular tract of country. We not only pay annuities to the other, but we recognize their title to particular tracts of country, described by metes and bounds, and guaranty them undisturbed possession of the same forever. This latter class, again, must be subdivided into those who hold their lands in common, whether in fee, or by the usual Indian title, and those whose lands are held in severalty by the individual members of the tribe. There is yet a further distinction to be made between those cases where the several reservations are in a compact

body, surrounded by a well-defined exterior boundary, constituting them a tribal reservation, over which the intercourse laws can be enforced, and those in which the individual reservations are scattered among the white settlements, and subjected to the operation of the laws of the State or Territory in which they are situated.

Our intercourse with those tribes with whom we have no treaties, except those in California, Utah, and New Mexico, who are under the control of agents, is limited to impressing upon them the necessity of maintaining friendly relations with the whites, and assuring them that acts of violence and rapine will be sure to draw upon them severe chastisement. This intercourse is had mainly through the medium of officers of the Army, stationed on the remote frontier, or engaged in exploring and surveying expeditions. With the exception of the Navajos and Snakes, these Indians have been at peace with us during the past year.

Peace has also prevailed among the treaty Indians, with one conspicuous exception. I refer to the Kioways, whose increasing turbulence would seem to render military operations advisable. The same may be said of the Yanctonnais and Cut-head bands of Sioux.

Of those Indians, to whom reservations are secured by treaty, it is to be observed that those who hold their lands in common, and those who hold in severalty, but whose reservations are scattered about among the white settlements, have made, and are making little or no progress. There are of course exceptions, but they are few in number, and result from fortuitous circumstances. Experience has satisfied me that two conditions are indispensable to the success of any policy, looking beyond the mere immediate and temporary relief of the Indians. If it is designed to effect a radical change in their habits, and modes of life, and establish for them a permanent civilization, the ideas of separate, or rather private property, and isolation, must form the basis alike of our diplomacy and our legislation.

Private property in the soil and its products stimulates industry by guarantying the undisturbed enjoyment of its fruits, and isolation is an effectual protection against the competition, the cunning, and the corrupting influences of the white man. This is not mere theory, it has the sanction of successful application in practice; and notable examples may be cited—those of the Winnebagoes and Sisseton and Wahpeton Sioux, reclaimed in an incredibly short time by this policy, from the idleness, drunkenness, and degradation for which they were conspicuous. And it is no valid objection to the force of the illustration to say that the same results have been produced among the Choctaws, Chickasaws, and Cherokees, who still hold their lands as tenants in common. The tenure in common is but nominal with those tribes; every member of them is protected in the undisturbed possession of the home he has made for himself in the common domain, and his right of property in his fields and the crops he raises on them is as sacredly respected as if he held them in fee and in severalty. Nowhere are the intercourse laws so rigidly enforced as among these tribes; and it is to this and the practical recognition of the right of private property in the soil and its products that the great prosperity of these tribes is due. I am strengthened, then, in the conviction expressed in my last annual report,

that the only plan that holds out any hope for the decaying aboriginal races, is to confine them to small tribal reservations, having well-defined exterior boundaries, so that the intercourse laws can be enforced thereon, and to divide these reservations into farms of moderate dimensions, to be held in severalty by the individual members of the tribe, with all the rights incident to an estate in fee simple, except that of alienation. Annuities should be paid, not in money but in goods, provisions, agricultural implements, and seeds, and authority should be given to the agents to discriminate in their distribution between the industrious and the idle, the orderly and the thriftless. These ideas form the basis of all the Indian treaties which have been negotiated during your administration, and I would suggest that they should be established by law as the fixed policy of the government.

The colonization system, which was tried in California and Texas, under the direction of Congress, and from which I at one time hoped for the most favorable results, has proved an entire failure. It is expensive and radically defective. To promise for it any success, one of two modifications must be introduced. Either the overseer or agent must have a right of property in the products of the reservation, and be allowed to retain for his private use and benefit the surplus which may remain after feeding and clothing the Indians, or each Indian must work for himself and gather for himself, and the idle and the thriftless must be made to feel the effects of their idleness and unthriftiness, and to realize practically the difference between him who sows and reaps and him who does not.

Frequent complaints having been made by the Cherokee authorities of unauthorized settlements upon a portion of their territory known as the Neutral Land, measures were taken to remove the cause of complaint. Last spring the settlers were notified that they were unauthorized intruders, mere naked trespassers, in fact, upon an Indian reserve, and that they must remove, or the law would be enforced against them. No attention having been paid to the notice, the agent for the Cherokees, acting under orders from the Indian Office, has recently visited the reserve, and, by the aid of the United States troops, forcibly removed the settlers from that portion of the reserve lying south of what is known as the Calhoun line. It appears from the records of the department that owing to an error in protracting the northern boundary of the neutral land the line was made to run eight or nine miles south of the true boundary, leaving outside of the reserve, as marked on the map, a strip known as the "Dry Woods," which should have been included in it. It was generally believed that the dry woods was part of the New York reservation, on which settlements were permitted, and as the settlers there had gone in in good faith and made valuable improvements, the agent did not molest them. Believing myself that the settlers on the tract in question are law-abiding citizens, that they established themselves there in good faith, and in utter ignorance of the trespass they were committing, and that they have expended large sums in opening and improving their farms, I think it would be a great hardship if they were now compelled to remove. I have, therefore, suspended the execution of the law until the end of the approaching session of Congress, in order that they may have an

opportunity of applying to that body for relief; and, as the Cherokees do not want the land, I would recommend the passage of a law authorizing this land to be surveyed and sold as other public lands, and the proceeds paid over to the Cherokees. As it is expressly stipulated in the treaty of New Echota that the lands ceded to the Cherokees "shall in no future time, *without their consent*, be included within the *territorial limits* or jurisdiction of any State or Territory," provision should be made in the law for obtaining the assent of the Cherokees as a condition precedent to its taking effect; and, with a view of securing such assent, and preventing any future conflict of jurisdiction, the boundaries of Kansas should be so modified as to make her southern line coincident with the northern boundaries of the Cherokee neutral land and the Osage reservations, as protracted on Mr. Calhoun's map. The same error was committed with respect to the northern boundary of the Osage reservation, and as there are settlers upon the strip embraced between the treaty line and Mr. Calhoun's line, and their condition is in all respects similar to that of the settlers on the Dry Woods, I would recommend that the provisions of the law be extended to the Osage reservation.

The Shawnees, Miamies, and the confederated bands of Kaskaskias, Peorias, Weas, and Piankeshaws, belong to that class of Indians whose lands have been divided among the individual members of the tribe, and are held in severalty. These individual reservations do not fall within the limits of a tribal reservation, but are scattered among the white settlements, and the Indians are consequently exposed to all the evils resulting from unrestrained intercourse with the whites. They are not only making no progress, but are rapidly deteriorating; and I feel confident that, unless they are removed from their present location, they will disappear altogether in a short time. I would recommend that authority be given to this department to sell their lands, with their consent, and, with the proceeds, purchase them a home, either in the Cherokee neutral land, or in some part of the Osage reservation. No doubt is entertained of the feasibility of this plan, and it offers the double advantage of removing the Indians from influences that are surely working their destruction, and relieving the future State of Kansas from the burden of a large pauper Indian population. Besides, it will open to settlement some of the richest and most productive lands in Kansas. Indeed, I am not sure but that it would be advisable to remove all the Indians of Kansas, and locate them upon the unoccupied portion of the Osage reservation. It would relieve Kansas from an incubus, and allow the Indians a fair opportunity of working out a future for themselves, unrestricted by the interference of the whites.

Appropriations were made, at the last session of Congress, to enable the department to negotiate treaties with the Arrapahoes and Cheyennes, and with the Chippewas of Red Lake and Red River. To carry out the wishes of Congress, the Arrapahoes and Cheyennes were notified to assemble at Fort Bent, (now Fort Wise,) and the Commissioner of Indian Affairs was instructed to meet them there. The Arrapahoes met the Commissioner, but only two or three chiefs of the Cheyennes were able to be present at the appointed time. The

propositions of the government were submitted to them in council, and the Indians were satisfied to accept them. But, as the representatives of the Cheyennes did not feel authorized to sign a treaty, the Commissioner was compelled to return without completing his work. The negotiation was left in such a condition as to hold out the expectation that a treaty will be concluded at an early day.

The superintendent of Indian affairs for the northern superintendency and an experienced officer of this department were appointed commissioners to negotiate with the Chippewas of Red Lake and Red River. Here, again, the negotiations were impeded by the absence of one of the bands, whose assent was deemed essential by the Indians themselves. The delegates from the Red Lake band demanded a most extravagant price for their land, and maintained their demand with so much persistence, that the commissioners deemed it impossible to conclude a treaty, at that time, upon terms acceptable to the department, and so broke up the conference. The department was influenced, in the terms it offered, by the fact that the Senate had rejected a treaty, negotiated in 1851, by the Hon. Alexander Ramsay, then Governor of Minnesota, and ex-officio superintendent, by which the Indians agreed to sell the most valuable portion of their country, including the valley of the Red River of the North, for the sum of \$230,000. It was, therefore, deemed necessary to demand a larger cession for that sum, while the amplest reservations were contemplated for Indian occupancy. The Indians have since expressed regret for their conduct, and asked to be permitted to visit Washington to conclude a treaty. Permission has been given them, and it is expected that a treaty will be shortly concluded.

In the administration of our Indian affairs the aid of the military arm of the government is often indispensable, and at all times a cordial coöperation and a friendly understanding between the Indian agents and the officers of the army are required for the success of this service. I am of the opinion, therefore, that the supervision of the Indian Bureau might be retransferred to the War Department with great propriety and advantage. If all the officers of the government, who are brought in contact with the Indians, and intrusted with their business, were under the immediate order and control of one department, they would necessarily feel a more direct responsibility, which would certainly secure greater efficiency.

PENSIONS.

I refer you to the report of the Commissioner of Pensions for information in respect to the operations of the Pension Bureau for the past year.

The whole number of pensioners of all classes now remaining on the rolls is 11,284, and the sum required to pay their pensions is \$1,001,018 95. During the past year the amount thus expended was \$1,103,562 03.

Although there appears to have been but a slight diminution in the work of the office, yet such is the condition of the business that it will admit of a considerable reduction of the clerical force during the next

year, and, consequently, the estimates now submitted for this branch of the service have been reduced by the sum of \$28,200.

The energetic measures which have been adopted for the prevention of pension and bounty land frauds upon the government, have been attended with very favorable results, as is clearly indicated by the decrease in the number of prosecutions for offenses of this character.

PATENT OFFICE.

The increase of business in the Patent Office, and the magnitude of its operations, give additional force to the recommendations heretofore made for a reorganization of this bureau. The amount of work devolved upon the examiners is enormous, and it is difficult to believe that the reiterated appeals in this behalf would have been so entirely disregarded, had Congress realized the actual condition of the business of the office; and as the office is self-sustaining, it is only reasonable that this department should be empowered to graduate the force employed, by the work to be done; provided, always, that the expenditures shall be kept within the receipts.

I take occasion to renew the recommendation of previous reports in regard to the anomaly of allowing appeals from the Commissioner of Patents to one of the three district judges. In addition to the reasons urged in my first annual report for an alteration of the law in this particular, it is to be observed that, as each judge acts separately upon the appeal taken, it becomes very difficult, if not impossible, to maintain uniformity and certainty in the execution of the patent laws.

The income of the office, for the three quarters ending September 30, 1860, was \$197,648 40, and its expenditure, \$189,672 23, showing a surplus of \$7,976 17.

During this period, five thousand six hundred and thirty-eight applications for patents have been received, and eight hundred and forty-one caveats filed. Three thousand six hundred and twelve applications have been rejected, and three thousand eight hundred and ninety-six patents issued, including reissues, additional improvements, and designs. In addition to this, there have been forty-nine applications for extensions, and twenty-eight patents have been extended for a period of seven years from the expiration of their first term.

AGRICULTURE.

This is one of the main pillars of the prosperity and power of any country, and it assumes additional importance in ours, because of the extent of our territory, embracing every variety of soil and climate, the cheapness of land, and the facility with which its products can be transported to market. The liberal appropriations made by Congress at its last session, in encouragement of this most useful art, received the cheerful sanction of the people, and this department has labored faithfully to carry out the beneficent instructions of Congress. Diligent inquiry has been made for the best varieties of seeds and cuttings of every useful plant and vegetable, and satisfactory arrangements have been made for procuring them on the best terms, and transporting

them in the safest manner. It is manifest that, when we have received an adequate supply of the different plants and seeds adapted to our various soil and climate, and have developed our agricultural resources, by the judicious application of the results of scientific investigations, the United States must become the granary of the world.

EIGHTH CENSUS.

The general interest felt in this work, and the importance of the nearest possible approach to accuracy in all its details, have been properly appreciated by this department; and it is hoped that the energy and care with which it has been conducted will insure results in accordance with the public expectation.

The schedules and carefully-prepared instructions were distributed in time to enable the United States marshals to commence the enumeration on the day appointed by law. The time within which all the returns should have been made is now past, and the census has been completed in all the States and Territories, with the exception of some few subdivisions, where, from circumstances represented to be unavoidable, delays have occurred. This failure, however, creates no surprise, when it is known that the number of necessary subdivisions required the employment of four thousand four hundred different agencies.

The returns have been placed in the hands of an able and efficient corps of clerks, and I have the assurance of the superintendent of this service that, with his present force, he will enable me, during the approaching session of Congress, to present an exhibit of the aggregate population, manufactures, and agricultural productions, and to make the apportionment of Representatives, in accordance with the twenty-fifth section of the law approved May 23, 1850.

Sufficient information, however, has been obtained to justify the conclusion that our population has kept pace with its ordinary natural progress, and that the increase in the productions of agriculture, manufactures, and mines, will show an accelerated advance in material prosperity.

For the completion of the eighth census, the sum of \$437,000, as a deficiency, will be required for the current fiscal year, and a further appropriation of \$190,000, for the fiscal year ending June 30, 1862, which, with the appropriation heretofore made for this service, will make the entire cost of the present enumeration about \$1,642,000, of which sum about \$1,303,000 will be paid to the marshals and their assistants, in accordance with the rates established by the law of 1850, for their services in this connection.

The sum demanded for the execution of the eighth census exceeds the cost of the seventh in the sum of \$245,000—an excess rendered necessary by the increase of our population and its diffusion over the vast plains of the interior.

In this my last annual report, I feel it to be my duty to suggest the propriety and importance of establishing a bureau of statistics.

The internal trade between the different States of this Union is greater than our foreign trade, and directly interests a much greater

number of our own people, yet we possess no agency by which we can ascertain and definitely present to the world the value and extent of this exchange of the products of labor. We have no central point of statistical knowledge by which we can show the connection and dependence of the several States upon each other for their material advancement and prosperity. It is true that once in each period of ten years the country is supplied with certain information regarding our agricultural, manufacturing, and mining interests; yet nothing is known of the importance, direction, and channels of our home commerce. Congress, the departments, and the community are without any general reliable resource for the ascertainment of our internal trade and the annual productions of agriculture, manufactures, and mines. It would be a wise economy to establish an agency which would secure the desired information in the most authentic, practicable form, and regularly report the same at each session of Congress. The requisite force would be small, and I feel confident that the reports of such a bureau would command for it the public favor.

JUDICIARY.

Some changes in the laws are required, to enable this department to secure uniformity and to enforce existing regulations in regard to judicial expenses of the government, and I renew my former recommendations on this subject. Without some additional power, promptitude and accuracy in the return of the emolument accounts of the clerks of the United States courts cannot be secured.

The fixed and well-established policy of the government of the United States, since the year 1808, has been the suppression of the African slave trade. From time to time statutes have been enacted to effectuate this object, and the heaviest penalties have been prescribed against those who engage in this traffic. The courts find great difficulty in construing the laws, and the judges widely differ in their opinions and interpretation of them. The action of the juries in all sections of the country indicates that the penalties prescribed for violations of these laws are deemed altogether disproportionate to the heinousness of the offense, and therefore any technical defense is seized upon to reconcile them to finding verdicts of acquittal. Hence, no case has ever yet reached the Supreme Court, by which alone a settled construction could be given to them. Public policy demands a review of these statutes, and a change which would render their provisions more practical, and therefore more efficient, would, in my judgment, be both wise and expedient.

But I desire more particularly to call your attention to that provision of the laws for the suppression of the African slave trade, which authorizes the President "to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of color, as may be so delivered and brought within their jurisdiction; and to appoint a proper person or persons, residing upon the coast of Africa, as agent or agents, for receiving the negroes, mulattoes, or persons of color delivered from on board vessels seized in

the prosecution of the slave trade by commanders of the United States armed vessels ;' and, also, to the act of June 16, 1860, which authorizes the President to enter into a contract with any persons or society to receive from the agents of the United States "all negroes, mulattoes, or persons of color delivered from on board vessels seized in the prosecution of the slave trade," and "to provide the said negroes, mulattoes, and persons of color with comfortable clothing, shelter, and provisions, for a period not exceeding one year from the date of their being landed on the coast of Africa."

During the last spring, three slavers, having on board 1,432 Africans, were captured and brought into the port of Key West. These Africans were delivered to the United States marshal of the southern district of Florida, who furnished them with suitable supplies and provided comfortable quarters for their occupancy. With the least possible delay, contracts were entered into with the American Colonization Society for the transportation of these negroes to Liberia, and for their support for one year from the date of their being landed on the coast of Africa. The said society contracted to furnish vessels of the best class, to be fitted, equipped, and provisioned in accordance with the requirements of the act of Congress entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855. Good clothing, medicines, and medical attendance were to be provided for said Africans on the voyage. The contract for their transportation was performed with fidelity. Approved vessels, which had been examined by an officer of the Navy, at the instance of this department, well-provisioned, and with ample room, were provided, and the result is as follows: 1,432 was the number received by the marshal at Key West; while under his charge, 294 died, and the survivors, numbering 1,138, were delivered to the agents of the Colonization Society. On the voyage 245 died, and only 893 were landed on the coast of Africa. This department is without definite information as to the fate of the survivors since their arrival in Liberia.

The expenses incurred by the marshal in keeping these Africans for about six weeks, including \$5,498 60 for medicines and medical attendance, was \$27,650 92. The cost of transportation, exclusive of the salaries of the agents of the government to superintend the fulfillment of the contract, amounted to \$56,900. The cost of supporting and providing them with clothing for one year will amount to \$89,300, in the event that no further mortality shall occur among them.

During the month of August last, three young Africans found on board the slaver W. R. Kibbey were brought into the port of New York and delivered to the United States marshal for the southern district of that State. These boys were quick, sprightly, and promising. Numerous applications were made by citizens to have them bound out for a term of years as apprentices, and others proposing that they should be placed in the "Colored Orphan Asylum," in the city of New York; but, as the law allowed no discretion upon the subject, I caused them to be delivered into the charge of the Colonization Society, for transportation to Liberia.

On the 15th day of October last, this department was advised, by a communication from the Secretary of the Navy, of the seizure of the brigantine slaver Storm King, with 619 Africans, and also of the capture of the slave ship Erie, with 897 Africans on board, and of their arrival at the port of Monrovia. These Africans, reduced by death to 1,483, were delivered to the agent of the United States for liberated Africans, in a state of perfect nakedness, who provided them at once with clothing and food. At the time of the landing of these negroes the agent of the United States was informed by the President of Liberia that, unless the government of the United States should pay to the government of Liberia the same per capita consideration which had been allowed the Colonization Society for their maintenance for twelve months, he could not consent to receive them into his country. The Africans were landed, however, and the question was referred to our government. Upon examination, it was found that the law vested no authority in the President of the United States to contract with the government of Liberia for the support of these people, and as the Colonization Society have a special treaty or agreement with that government, allowing them to land and maintain in that country recaptured Africans, another contract was entered into with that society for the support and clothing of these Africans for one year. To carry out this contract, an appropriation of \$148,300 will be required during this session of Congress.

The system established by the legislation of the last session of Congress, by which the officers of the armed vessels of the United States are authorized to land those negroes found on board captured slavers on the coast of Africa, is regarded as both proper and economical.

In order to carry out the policy of the government for suppressing the African slave trade, there is no reason or necessity for treating these unfortunate Africans when brought within our jurisdiction with cruelty and inhumanity, by the operation of a system which entails a heavy expense upon this government.

Enfeebled as they are by a voyage in crowded vessels, and with scant provision, confined within our forts and barracks, where no one sympathises with or can understand them, with none interested to study their wants, or to administer to their necessities, then shipped again upon another long voyage, it is not wonderful that more than one third of them die.

After they are landed in Africa, and kept for twelve months, they are thrown off by the United States to take care of themselves. In this condition, half civilized and half savage, they are much less capable of supporting themselves than if they were altogether savage. But the government of Liberia, moved by a spirit of humanity, has been compelled to remedy the effects of our laws, by enacting that each recaptured African, at the end of twelve months, shall be bound to service for a term of seven years to fit him for the duties of citizenship.

Our system is productive of unmitigated cruelty to these unfortunate beings; but owing to the prejudice and distrust of our people, it is difficult to suggest a change which would be acceptable to all. Any

change, however, would be an improvement upon the present inhuman and costly system.

The marshals into whose hands these Africans have been delivered have performed a most arduous and disagreeable duty, with great efficiency and fidelity, but the law allows them no compensation whatever for their services. This is unjust, and I hope that Congress will not hesitate to remedy this defect in the law, and will authorize this department to make such payments as may be commensurate with the services rendered.

To provide a reasonable allowance therefor, and to meet the necessary expenses arising from the prosecution of persons charged with violating the laws for the suppression of the African slave trade, and also to enable the government to pay the amount now due on account of the bounty provided for by the act of March 3, 1819—being \$25 for each negro, mulatto, or person of color, delivered to the United States marshal, or the agent appointed to receive recaptured Africans—an appropriation of \$75,000 will be required at the present session of Congress.

DISTRICT OF COLUMBIA.

In my annual reports for 1858 and 1859, allusion was made to the fact, that the Constitution invests Congress with exclusive legislative control over the District of Columbia, yet the people of the District have no voice in choosing a delegate or member to participate in its councils. The absence of any direct responsibility on the part of the legislative body constitutes the basis of appeals to its sense of justice and liberality in their behalf. The past is full of evidence of the generosity of Congress to this District. Liberal charters have been granted to the cities of Washington and Georgetown. Judges and other judicial officers have been provided, at the expense of the United States, for the administration of justice, and the maintenance of good order; halls have been supplied for the accommodation of courts, and a jail for the safe-keeping of prisoners; a penitentiary has been built and supported from year to year; bridges have been constructed and kept in repair; streets and avenues have been paved and lighted; an auxiliary police force established and paid; and a heavy expenditure has been incurred in bringing a bountiful supply of pure water into the cities from a distance; several squares have been inclosed and tastefully adorned; a hospital for the insane has been erected, officered, and supported; and provision made for the education and maintenance of the deaf and dumb and the blind. Much has been done, but more is required and expected. Owing, however, to the want of any definite rule or settled policy on the part of Congress in respect to appropriations for these local objects, it is difficult to designate other and additional improvements which ought to be made at the expense of the United States.

To furnish an illustration, I need only refer to the action of the Senate at its late session. This department was required by that body to submit an estimate to Congress at its approaching session for the construction of a new jail for this District. Such a building is needed, and the appropriation for that purpose would be proper. But on the

same principle by which you would erect a jail for the safe-keeping of the prisoners of the District you would enlarge the City Hall for the accommodation of its courts. The only question of discretion which arises is this: Is the necessity for additional court accommodations as urgent and pressing as the erection of a new jail? From the representations made to me I consider an additional court room more necessary and more pressing. In submitting the required estimate for building a new jail, I have adopted the plan designed by Mr. Clark, architect for this department. The proposed structure would be sufficiently tasteful and imposing in appearance, simple and commodious in its arrangements, capable of harmonious extension if hereafter required, and economical in the cost of construction as well as in the outlay that will be necessary for its safe-keeping.

The recommendations made in former reports, in regard to legislation for the District of Columbia, are now respectfully renewed. The policy therein indicated, if adopted and carried out, would be just and fair, and, it is believed, entirely satisfactory to the people.

For information in reference to the public buildings and grounds, and the expenditure of the appropriations therefor, I have the honor to refer the annexed report of the Commissioner. Judicious and careful management has been evinced in all the details of this branch of the service during the past year.

The interesting report of the superintendent of the Government Hospital for the Insane is herewith submitted, and shows that this institution is in a satisfactory condition. The buildings are all nearly completed. They have been constructed in a substantial and tasteful manner, and the cost has, in no case, exceeded the appropriation. The location is beautiful and commanding, and the accommodations are ample for all patients that are entitled to admission. The number of inmates has increased from year to year. On the first of July last, there were from the Army 24; from the Navy 19; from the Soldier's Home 4; and from civil life 120—total 167.

The grounds around the buildings should be laid off and improved, and the entire tract of land substantially inclosed; and for these purposes some additional appropriations will be needed.

The institution has heretofore been managed with great efficiency, and bids fair soon to become a model of its kind in every respect.

The annual report of the president of the Columbian Institution for the Instruction of the Deaf and Dumb and the Blind will be found among the papers accompanying this report, from which it appears that, in respect to the number of pupils and the efficiency of the instruction and management, this institution has been prosperous. The number of pupils taught during the year ending the 30th of June last was thirty, of which twenty-four were mutes and six blind. The receipts of the treasurer were \$6,509 26, and the payments by the superintendent were \$6,895 60, the excess being met by a balance in his hands on the 30th of June, 1859. The State of Maryland has recently made provision for placing pupils in the institution, and accessions have been received and others are expected from that quarter. Its buildings and grounds are found not to be sufficiently capacious for

the attainment of all that is desired in giving instruction in manual labor and the mechanic arts. The reports of the officers do not show the rate of compensation required by the directors from pay-pupils and those placed in it by the State of Maryland, but the amount received from the United States during the year by the treasurer having been \$5,759 26, supporting and educating about twenty indigent pupils from this District, the rate of cost is shown to have been \$287 96 for each, which, at this early stage of the history and progress of the institution, may be regarded as very moderate indeed. This result is only attainable because the management of the funds is intrusted to judicious men, who, from motives of Christian benevolence, not only conduct its affairs without cost, but are themselves constantly making private contributions to its resources. In this state of the case, it appears to be a dictate of wisdom, as well as of benevolence, that the institution should be favorably regarded by Congress.

By a proviso attached to a clause in the act of Congress of June 25, 1860, "making appropriations for sundry civil expenses of the government," the "office of engineer of the Potomac water works" was abolished, and its duties assigned to the "chief engineer of the Washington aqueduct."

The annual report which is required by the first section of the act of March 3, 1859, in relation to the care and preservation of the finished portion of these works, has been prepared by the chief engineer of the aqueduct, and will also be found among the accompanying papers.

The principal object kept steadily in view in managing the penitentiary of this District, has been to make it a self-supporting institution; but this desirable end has not been attained. The experiment of hiring the labor of the convicts in different branches of mechanical labor has been made, but the machinery, shops, and grounds are not of a capacity sufficient to admit the introduction of a variety of employments of this kind. I am of the opinion that some change might be made with advantage, and therefore recommend the enactment of a law under which the able-bodied convicts might be employed in grading and improving the public grounds around the arsenal.

For the details of the history of the penitentiary during the year, and its present condition, I refer you to the annual report of the Board of Inspectors and warden. I approve the suggestion of the board, that some provision should be made for the punishment of prisoners who escape from the custody of the officers, and also for the misdemeanor of aiding and abetting an escape.

As an incentive to good conduct it might be proper to provide for the payment to each convict who serves out his term of sentence without any insubordination or infraction of the rules of the prison of a small per centum, at his discharge, upon the value of the labor he has performed whilst confined within its walls.

WAGON ROADS.

After making my last annual report, in which I stated that the work on the Fort Kearney, South Pass, and Honey Lake road might be

regarded as completed, I became satisfied of the inadequate supply of water along that portion of the route lying between Lasson's Meadows, on the Humboldt river, and the western terminus, near Honey Lake valley, and that the stock and families of the vast number of emigrants who had already passed over this road suffered greatly from this deficiency. I gave instructions to the superintendent, in April last, to expend a portion of the remaining funds in proper works for the collection and preservation of water, and I have now the honor to report the entire completion of this emigrant road. The final report of the superintendent is daily expected.

The zeal and indomitable energy with which this work has been prosecuted, through several years, by the superintendent, reflects the highest credit upon him. No officer could have performed this arduous duty with more ability and fidelity to the government. His successful efforts to improve this great highway between the Mississippi valley and the Pacific slope, by changing its location from rugged and barren to more inviting regions, will be duly appreciated by the hardy emigrants who will enjoy its advantages.

The work was also resumed upon the El Paso and Fort Yuma road, under a special contract, in May last, with a view to improve the grades, and collect and preserve water along the route, from Ojo Excavado and the Pimos villages. The work has been finished, and a detailed report is expected at an early day.

BOUNDARIES.

The commission for surveying the boundary lines between the territories of the United States and Texas have completed the field work, and the commissioner is now engaged upon and will soon complete the office work.

I am gratified to state that the commissioner has conducted this work with an ability and economy which entitles him to the approbation of the country. The extent of the lines, all of which have been run and marked, except fifty-five miles on the Llaño Estacado, which could not be surveyed from physical causes, is about eight hundred and twenty-one miles, and the general destitution of the country exposed the commission to severe hardships and privations.

The report of the commissioner, when completed, will exhibit much interesting information respecting the regions of country passed through, more particularly of the famed Llaño Estacado (staked plain) and the valley of the Pecos river, through which a practical wagon road was discovered by the commission from Delaware creek to Anton Chico.

Under the act approved May 20, 1860, authorizing a survey of the boundary lines between the territories of the United States and the State of California, a commission has been organized and directed to cooperate with such agents as might be selected by the authorities of the State of California. Owing to the great distance from the field of operations, and the lateness of the season at which the work was commenced, the department is not advised of the progress made; but it is believed the party are now engaged in ascertaining and determining

the initial point, which is at the intersection of the thirty-fifth parallel of north latitude with the Colorado river, and in making an exploration of the country through which the line will run.

During my connection with the Department of the Interior, nothing has afforded me more satisfaction than the marked ability and fidelity of its bureau officers and the intelligence and general good conduct of its corps of clerks. They have possessed my confidence, and by the industry, integrity, and sense of justice which have been evinced, they have fully deserved it. In the administration of its affairs I have been ably advised and cordially sustained by them, and it gives me pleasure thus to bring to your notice, my appreciation of the value of their services.

Very respectfully, your obedient servant,

J. THOMPSON,
Secretary.

To the PRESIDENT.