

REPORT OF THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, *December 3, 1855.*

SIR: I have the honor to submit to you a brief history of the operations, during the past year, of this department. It is one of the largest in the government; its branches are numerous and extensive, and in no respect homogeneous; hence the labor is the more perplexing and intense.

Many interesting and important questions relative to the public lands have arisen, and the business of the General Land Office has so increased that it has required all its energy and ability to answer promptly and satisfactorily the urgent demands of the public; but it has been so well managed that perhaps the bureau was never in better condition.

The surveys have been vigorously prosecuted and extended to the newly organized territories, from which, already, valuable reports have been received.

The quantity of land ready to be brought into market during the coming year will be large, and added to that now subject to private entry will, it is presumed, be ample to supply the most extensive demand.

It has been the endeavor of the Land Office, in executing the graduation law, to protect, and at the same time promote, as far as practicable, the interests of the actual bona fide settler, and to aid as little as possible the schemes of the mere speculator. The law was intended to encourage and secure the permanent resident; but the provisions intended to carry out this design are very defective, and have given rise to many grave questions difficult of solution. The office was compelled to require the production of satisfactory proof, within a reasonable period, of a substantial compliance with the requirements of the law, as a prerequisite to the issue of the patent. This is the most important safeguard that could be adopted against the numerous frauds attempted to be perpetrated under the law, and still, it may become necessary for Congress to interpose, in order that it may be executed in its spirit, otherwise its design may be frustrated and defeated.

The quantity of land sold, at graduated prices, during the last fiscal year, was 8,720,474 acres; amount received therefor, \$2,358,918.

In the year ending 30th September last, 15,315,283 $\frac{1}{100}$ acres of land have been surveyed. Besides this, the true boundary line between Alabama and Florida has been established, and many other surveys made to correct errors and defects in ancient surveys, and to

prepare for the discontinuance of the office of surveyor general in several of the districts. No new land was brought into market, however, owing to the large body of lands already subject to entry.

The quantity sold for cash during the last fiscal year, was	-	-	-	15,729,524.88 acres.
Received therefor, \$11,485,384 75.				
Located with military scrip and land warrants			1,345,580.00	“
Swamp lands selected for States	-	-	7,470,746.62	“
Selected on donations for railroads, &c.	-	-	11,558.00	“
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Making a total of	-	-	24,557,409.50	“

Exhibiting an increase of 8,693,789.81 acres over the previous year of lands sold for cash; and a decrease of 2,071,222.26 acres located with scrip and warrants. The quantity that will be entered the present fiscal year with land warrants will be much larger, the number being greatly multiplied by the requirements of the recent bounty-land law.

The amount of lands sold during the second and third quarters of the present calendar year is about 6,264,163 acres; being an increase of about 827,625 acres (in cash \$477,442 06) on that of the corresponding quarters of the preceding year.

This is owing, in a great measure, to the extraordinary advance and prosperity of the country; but, it is feared, in some degree to the influence of speculation.

The quantity of land covered by warrants issued to soldiers of all the wars in which the United States have been engaged is 37,958,412 acres; which enormous amount, taken in connexion with our liberal system of pensions, evinces, in an eminent degree, that the gratitude of our country for the patriotism of its citizens is not impaired by the lapse of time, nor its acknowledgement extended with an illiberal hand.

Under the several acts of Congress for the satisfaction of Virginia military land warrants, there were taken 1,460,000 acres of the public lands. Acts, more recent, have been passed for the issue of scrip to satisfy this class of warrants, which are being faithfully and yet liberally executed. Although complaints have been made of a too rigid construction of the law, and against some of the rules and regulations prescribed under it, yet it will be found, on inquiry, that every latitude has been given that a fair observance of its provisions would admit. It has been contended that the decisions of the executive of the State are obligatory and conclusive upon the department, unless fraud is clearly shown. But, with the greatest respect for that functionary and his opinions, I found myself, on this point, involved in this difficulty: that one executive had allowed what another executive had rejected, and that the law under which I acted required, as a prerequisite to the issue of the scrip, that the Secretary of the Interior, on the surrender of the warrant, should be satisfied, “*by a revision of the proofs, or by additional testimony*, that any warrant thus surrendered was *fairly and justly* issued, in pursuance of the laws of said commonwealth.” In some cases there were no proofs nor additional testi-

mony, and I could not do otherwise, under the express mandate of the law, than reject or suspend them. What is technically termed "dead," as well as "supernumerary service," in conformity with the opinion of the Attorney General, has been allowed, and the most liberal course pursued in the examination of all the other classes. With a strong disposition to favor the applicants, I am persuaded there are some of the claims that will not bear the requisite scrutiny, and are not, on their merits, entitled to allowance.

My views respecting the policy, which has for many years been pursued, of making grants of public lands, in alternate sections, in aid of the construction of great leading thoroughfares in the new States, have been so fully expressed in my former reports, as to render anything more than a brief allusion to the subject unnecessary. I reiterate, however, the importance of properly discriminating between enterprises of this character, which deserve the fostering aid of government, and those which are not called for by public considerations, and of surrounding all such grants with proper restrictions and guards to prevent fraud and protect the interests of the United States and of the people. Such discrimination and protection will not, it is believed, be found more difficult in this than in any other species of legislation.

The act of August 8, 1846, granted to the State of Wisconsin, for improving the Fox and Wisconsin rivers, and to connect the same by a canal, a quantity of land equal to *one-half of three* sections in width on each side of the *Fox river and the Lakes*, through which it passes from its mouth to the point, where the portage canal shall enter the same, and on each side of said canal, from one stream to the other. This grant covered some 260,433 acres, of which there were selected and approved 208,303 acres, leaving 52,130 acres, the same having been sold by the government previous to the grant. No provision having been made for an equivalent, the governor of Wisconsin selected 60,832 acres of the United States alternate sections which, in a spirit of liberality, was reserved from sale, subject to the further action of Congress, for the purpose of supplying the residuum.

The subsequent act of 1854, and the explanatory resolution of 1855, were passed to remove the doubts entertained relative to the proper construction of the act making the grant.

These required the application to the act of 1846 of the principles governing the grant to the State of Indiana for canal purposes. The land office, assuming these as its guide, determined by a liberal construction of all the acts, and the resolution, to give to Wisconsin *five* instead of *three* sections for the width of the grant, and the one half of the sum of the actual meanders of both shores of the canal, the river, and the lakes, with all their sinuosities, including the large lake Winnebago, as the length of the grant. Thus it was enlarged to 684,269 acres, being an increase of 423,836 acres over the original grant. But the company which purports to have succeeded to the rights of the State, not satisfied with the construction given to the law by the Land Office, preferred a claim for the alternate sections on the *Wisconsin river*, from where it enters the Mississippi to the portage, which would enlarge the grant upwards of 352,000 acres, in-

creasing it from 260,433 acres to 1,036,269 acres, and probably much more, depending on the rule that might be adopted.

The lands on the Wisconsin river having never been embraced by any action of Congress, but the grant being expressly restricted to the *Fox river, lakes, and portage*, the claim, after full examination by the late Commissioner of the Land Office, and review on appeal by me, with every proper disposition to favor the State, was rejected, and the grant has been confined to the enlarged limit before mentioned.

The act of June 29, 1854, proposed to grant lands to the Territory of Minnesota, amounting by estimate to 1,171,200 acres, for aiding in the construction of a railroad from the northern boundary of Iowa to the western extremity of Lake Superior, and was unconditionally repealed by the act of August 4, 1854. The lands which had been withdrawn from sale in July of the same year, as falling within the probable limits of this proposed grant, were accordingly restored to market, and the law treated as a nullity, in all executive action, after its repeal.

I must repeat my recommendation to prohibit officers connected with the survey and sale of the public lands from becoming purchasers. The evil flowing from its permission is so obvious, that it would only seem necessary to draw attention to it to induce its prohibition.

Much difficulty has been experienced in the execution of the laws granting the swamp and overflowed lands to the several States in which they lie. Some patents have been issued, whilst others have been suspended for further inquiry and investigation. Efforts are making to settle and adjust all the claims, and it is hoped this will soon be done to the mutual satisfaction of the States interested and the government. The acts of Congress upon the subject are not free from ambiguity, but they indicate a generous policy towards the new States, and are entitled to, and should receive, a liberal construction.

The commission to ascertain and settle the private land claims in California will be able to complete its labors within the period fixed by law, and, I am happy to say, without making further draft on the treasury. Its conduct in the discharge of its duties has been highly creditable, and given universal satisfaction.

Under the act of July 27, 1854, a board of commissioners was appointed and convened at Vincennes, in the State of Indiana, to ascertain and adjust the titles to lands in that State, under the several acts of Congress making and confirming grants to settlers; but the sixth section required it to close its session on the first of September last. It was unable to finish the business confided to it, and it therefore becomes necessary to revive the old board or create a new one. The latter is perhaps the better course, and it is supposed that one commissioner will be sufficient, who should be appointed for a limited period, with authority to decide upon such claims as, from any cause, have not been acted upon.

New land districts are frequently carved out of old ones, and the acts are made to take effect from their passage. The officers in the old districts cannot receive timely notice so as to prevent sales at their offices of lands in the new districts. To obviate this difficulty, and not to withdraw unnecessarily from the market the lands in the new

districts previous to their thorough organization, it is proper to provide by general law that the new offices shall not go into operation for six months from the passage of the law establishing them, unless, in the judgment of the President, an earlier period is necessary.

The affairs of the Pension Office have been conducted with great efficiency and signal ability. Its business has largely increased, and rendered the labors of the Commissioner and his subordinates arduous and severe. Most of the difficulties have been overcome, and every branch is up to date, except that having charge of bounty lands granted by the recent act of Congress to certain officers and soldiers who have been engaged in the military service of the United States. Strenuous and unremitting efforts have been made promptly to execute this act. Some complaint arose from the apparent want of promptitude of the Pension Office, but the facts so lucidly stated in the accompanying report of the head of that bureau clearly show that there was not the slightest foundation for it. The amount of preparatory labor was very great, to perform which with desirable dispatch was beyond the power of the force in the Pension Office, and I had to detail in aid of it many of the clerks from the Land Office. Such has been the Commissioner's success that the law is being carried into more efficient effect than any of like character ever was before. The whole work will be completed in less time than was anticipated. The number of applications to the 20th ultimo was 225,944, those examined number 84,500, of which 59,892 have been allowed, 24,608 suspended or rejected, and the number of warrants issued 55,917, covering 6,578,320 acres.

In the outset, the department directed the applications to be taken up for examination in the order in which they were presented, so as to protect those at a distance, who could neither come or employ agents here. The same rule prevails in regard to pensions.

The Commissioner of Pensions, upon his being satisfied of the cessation of the disability of an invalid pensioner, and after the latter has had ample opportunity to show its continuance, and fails or neglects to do so, should have the power to suspend the payment of the pension, or strike the pensioner's name from the roll. No doubt can be entertained that many whose claims are based upon this ground are drawing their pensions semi-annually, although, since the allowance, they have entirely recovered. The nature of the disease contracted in the Mexican war, and which has so much lengthened the roll, indicates this. Certainly some of them have been restored to good health, but failed to communicate the fact to the Pension Office. A thorough investigation of this matter would probably produce strange developments, and lead to singular and interesting disclosures.

The pension laws are so crude, undigested and conflicting, that it is morally impossible to execute them satisfactorily. They possess neither uniformity, equality or justness. Their defects are so obvious and glaring, that a cursory examination will satisfy the most skeptical of the necessity of a revision. It would be a hard task to devise a more incongruous or perplexing system than the present complicated one.

It may become advisable to fall back upon the old principle of indigence, to which every one, having any claim to humanity, would cordially subscribe. If it were resumed, and the meritorious and needy soldier, his widow, or minor children, could receive enough to supply their necessary wants, no one would raise the slightest objection to such manifestation of the public gratitude. Now, they are in receipt of a few dollars a month, which, all know, is entirely insufficient for the most ordinary purposes. If pensions were confined to this class, and their gratuities properly enlarged, the system would meet with universal approval.

I beg leave again to bring to your notice the statute limiting to two years prosecutions for perjury and forgery committed in pension and land warrant cases. Many criminals have set up this plea, and escaped the vigilance of the Bureau and the prosecuting officers. In most cases, it is hard to detect the culprit before the time for the institution of criminal proceedings has expired. There were nine convictions during the last year, and a like number of prosecutions are now pending.

The number of pensioners on the rolls of the several agencies for paying pensions was, on the 30th day of June last, 14,488. And the amount disbursed during the last fiscal year was \$1,505,112 31.

The sums in the hands of pension agents have, at length, been reduced to what is required for the semi-annual payments, allowing a small margin; having been reduced, in the aggregate, from \$948,475 30 on the 31st March, 1853, to \$230,099 38 on the 30th June last. In my last report I remarked that, from the large amounts it had been customary for them to have on hand, it was not doubted that they had been fully compensated for their services. The more information obtained in this regard, the more confirmed I am in the correctness of that opinion. The present compensation, when the agents are governed by the existing stringent law, must be sufficient, as the offices are eagerly sought after, and the duties were never more faithfully performed.

My attention was early drawn to the fact that advances, to a considerable amount, had been made to the agents appointed for the payment of army pensions, under the acts of May 15, 1828, and June 7, 1832. Each of these acts contains a clause, making the requisite appropriation for the payment of all the claims which may be admitted under it, and hence it has not been necessary to ask for yearly appropriations from Congress in these, as in other cases. Advantage has been taken of this circumstance to make the advances referred to, and, on examination, it was found that the amount in the hands of the agents exceeded, under one act, what would be required to be disbursed during a period of several quarters, and under the other, of several years. No satisfactory authority was found to exist for withdrawing the money from the treasury, as it was evident that no part of it had been appropriated, except such portion only as was actually required for current use, under the law. Instructions were, therefore, given to discontinue the practice of making such advances, and to require those already made to be refunded to the treasury.

The result of this action is exhibited by the following statement:

Amount collected and repaid into the treasury, under the act of May 15, 1828, from July 1, 1853, to June 30, 1855	\$56,002 69
Amount collected and repaid into the treasury, under the act of June 7, 1832, during the same time	201,128 65
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Making an aggregate of	257,131 34
During the same period the payments under the same acts were, under act of May 15, 1828	\$15,872 00
Under act of June 7, 1832	170,437 05
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	186,309 05

Leaving an excess of collections over expenditures of - 70,822 29 which has been carried to the surplus fund.

From this it will be seen that nothing was, in fact, drawn from the treasury during the last two fiscal years on account of the pensions admitted under these acts, but that all those pensions, including the commissions of the pension agents, and the incidental expenses of the several agencies, amounting in all to \$186,309 05, were satisfied out of the collections made as before shown; besides which the sum of \$70,822 29, not wanted for immediate use, was paid back into the treasury.

In view of these facts, and to guard against a recurrence of a similar state of things, it is respectfully suggested that Congress be requested to repeal the appropriating clause in the acts alluded to, so as to render it necessary, hereafter, to rely upon annual appropriations for the means of executing them as in other cases.

The accounts of the pension agents are, at present, adjusted by the Third and Fourth Auditors, the former having charge of those for paying army, and the latter those for paying navy pensions; subject to the revision of the Second Comptroller of the Treasury. Consequently, however faithful and conscientious these officers may be, a perfect uniformity cannot be expected in the adjustment of those accounts, although no good reason is apparent why the same general principles should not govern in respect to each class of cases.

To secure such uniformity is quite desirable, and this could be done by causing all the accounts of those agents to be audited in one office. It is also important that these accounts, before being submitted to the accounting officers of the Treasury, should pass under the supervision of this Department, from which the remittances to the agents are ordered.

The accounts growing out of the survey and sale of the public lands, involving much larger amounts, have, for years past, been audited at the General Land Office, subject to the revision of the First Comptroller of the Treasury, and the practice has been attended with good results.

The accounts of the pension agents could, in like manner, be audited at the Pension Office with great convenience to the service and advantage to the government, subject to the same revision as at pres-

ent, and so be made to pass under the supervision of two departments instead of one, being adjusted by the Interior and revised by the Treasury Department. Should this recommendation be adopted, all the advantages above suggested would be secured; in addition to which, this Department would have, within itself, such information as it is constantly in need of, in the administration of its financial affairs.

A similar suggestion is made in respect to the accounts for the Indian service, which are at present adjusted by the Second Auditor, subject to the revision of the Second Comptroller of the Treasury. It is believed that these accounts could be audited, with equal convenience and benefit, at the Indian Bureau, subject, of course, to the same revision as at present, and that similar advantages would thus be secured, in reference to them, as in the cases previously alluded to.

The field-work of the Mexican boundary survey, I rejoice to say, has been completed. The promptitude, dispatch and eminent ability displayed in its recent prosecution, reflects the highest credit upon the Commissioner. Under the severest hardships and greatest privations, he has run the line, through a country generally destitute of everything necessary to the sustenance of human life, in a remarkably short space of time, and yet left nothing undone which duty required. The appropriations made for this specific purpose have not been exhausted, but a large balance remains unexpended. The office work will now be prosecuted with vigor, and finished as soon as practicable.

A full report of the operations of the commission, when published, will exhibit much interesting information relative to the territory acquired by the treaty of December 30, 1853. It contains about twenty millions of acres of land. The eastern portion of it is traversed from north to south by several streams, which, though not navigable, afford unfailing facilities for irrigation. The valleys of some of the streams are cultivated, and produce wheat, corn, and tobacco, luxuriantly, though in general they are better adapted to grazing. Gold, silver, and copper, are found in the hills, but not in placer, and in many places the remains of ancient Spanish mining operations yet exist. The western portion of the country, bordering upon the Colorado and Gila rivers, presents a strong contrast, being a hopeless desert, though known to abound in silver ore.

This territory is not so much the abode of hostile Indians as it is the avenue through which they pass from their country north of the Gila to the northern States of Mexico. A portion of it, however, is occupied by a semi-civilized nation of Indians, composed of a confederacy of Pimos and Maricopas Indians, numbering, it is said, about 2,000 warriors. They till the soil with much success, raising cotton, wheat, corn, and beans, and are said to be ever kind and friendly to American emigrants passing through their country to California. They are understood to set up a claim to the land they occupy under some general law of Spain or Mexico, and manifest much anxiety lest, by the transfer of territory to the United States, their possession may be disturbed or injuriously affected.

They are said to be at constant war with the hostile tribes inhabiting the country north of the Gila, and their only barrier to the occu-

pation of this newly acquired country. These facts would seem to claim for them peculiar consideration at the hands of the government.

Attention is again earnestly called to the importance of an early survey and demarcation of the boundary line between the United States and the British provinces in the northwest. In order to prevent future difficulties and embarrassments, it is desirable that the whole of the unsurveyed boundary between the two countries should be authoritatively established upon the ground, but more especially that portion of it which forms the northern boundary of the newly organized Territory of Washington. In the channel which separates Vancouver's island from the main continent, and through the middle of which, according to the convention of 1846, the line of boundary passes, there is a large and interesting group of islands which are much desired by our citizens; but the settlement of them will, naturally, be retarded, if not entirely prevented, until the boundary line shall have been definitively determined.

The re-organization of the Patent Office has been perfected, and its good effect already sensibly experienced.

Several important amendments to the patent laws were suggested by the Commissioner of Patents, in his last report, which are necessary to the more efficient action of the Bureau, and are, in themselves, reasonable and entirely unobjectionable.

Since the first of January last, there have been issued upwards of eighteen hundred patents, and within the year the number will probably reach two thousand. This is the result of the judicious and excellent system that has been adopted, and which enables the office promptly to examine and dispose of every application that is presented.

Several of the rooms in the basement story of the Patent Office building are occupied by the Indian Bureau. Previously, it was in a building not fire-proof, and much exposed to conflagration. I did not feel justified in keeping in constant jeopardy its records, files, and papers, of such immense value and importance, the loss of which would be irreparable, both in a historical and pecuniary point of view. Experience has already taught its folly, and the lesson should not be disregarded.

Before directing the change to be made, I satisfied myself that, although it might put a few of the clerks in the Patent Office to some inconvenience, it would not materially interfere with their labors, nor, essentially, with a correct and efficient discharge of their duties.

By some it is contended that the entire building should be exclusively appropriated to the use of the Patent Office, and to this, under any other than extraordinary circumstances, I should cheerfully assent. But when I look at the fact, that the entire structure, so far as completed, has cost some sixteen hundred thousand dollars, of which \$1,279,700 has been drawn from the Treasury, and only \$320,300 from the Patent fund, and that it was impossible to secure for the Indian Bureau such a building as its necessity demanded, I could find no plausible pretext for hazarding millions of the public property, more especially, when it was evident it was not absolutely

necessary to the full and proper execution of the patent laws, and would not, to any great extent, incommode the Patent Office.

It will require a further appropriation to complete the west wing of the Patent Office building. The east wing cost \$607,700. Owing to the declivity of the grade, an additional story was required in the west wing. It was found necessary so to construct the basement, sub-basement, and principal story, that each might be converted into one large room, when the requirements of the Patent Office demanded it. To accomplish this object, marble and granite piers and architraves have been introduced, which are not in the corresponding stories of the east wing. These and other additions have cost about \$100,000, and yet the whole expenditure will not exceed that of the east wing.

The north part of the building should be commenced. The estimated cost is \$450,000, without a portico. A partial estimate for its construction has been submitted.

There is a large room in the Patent Office, designated the National Gallery, which is not used for any practical purpose. It has been made the depository of the curiosities of the exploring and other expeditions, and of other rare articles worthy of preservation. If they could be removed to a more suitable place, it would be very advantageous to the Patent Office. This room is one of the largest in the building, being two hundred and sixty feet long, and sixty-two feet six inches wide; and the cases it contains, as I am informed, cost some thirty thousand dollars, drawn from the patent fund. The annual charge to the government, for merely taking care of and superintending it, is \$3,180. The room is required for the proper disposal and exhibition of rejected models, for which it is so well calculated and was probably designed. The Commissioner could then determine which of the models could be treated as useless, and which placed on exhibition; and thus would be brought to light a set of models never seen by the public, of scarcely less importance than those now so well exhibited in the cabinets of models of patented inventions. This would be a great acquisition to inventors, one of the most meritorious and deserving classes of our citizens.

The collection in the gallery, a very curious, interesting, and instructive one, is constantly open to, and attracts large numbers of, visitors, which in itself is very proper, but when taken in connexion with the secrecy and seclusion to which the inventions and discoveries are entitled, whilst under examination, it becomes a privilege of doubtful propriety, calculated as it is to disturb the employes of the Patent Office in their business, and to affect, in some instances, the interests of the inventors. The collection has no connexion whatever with the Patent Office, and may as well therefore be placed elsewhere.

The appropriations for agricultural purposes have been usefully and judiciously applied. The seeds were well selected and distributed, and, from all the information received, the most beneficial results are anticipated.

The appointment of marshals and district attorneys of the United States belongs to another Department, and the supervisory power over their accounts, as well as those of the clerks of the federal courts, is confided to this. The system does not work well; and it is impossi-

ble to correct its many defects without a thorough revision of the laws relating to and regulating it. Perhaps the best disposition that could be made of it would be to assign the accounting part to the Treasury Department, and confide the other powers to the Attorney General. A judicious and well matured revision would remedy the many evils that have quietly crept in; restore that harmony in the compensation of all the judicial officers that should exist; obviate the necessity of the large discretion in this Department, which may, with impunity, be abused; restrain the officers from imposing upon the government, and conduce more certainly to the ends of justice. The large increase of the judicial expenses, besides other grave considerations, should induce action upon this subject.

The government has adopted the plan of constructing its own buildings for court purposes in different States; but nothing has yet been done in Baltimore, New York, or Boston. With this view acts were passed by Congress giving you a limited power, which, however, was not exercised. The proposals which had been received for sites in New York and Boston were sent in as a criterion in making the proper appropriations. Nothing was effected, and the subject remains for the further action of Congress. I have no doubt the true course would be to make ample provision for the purchase of sites and the erection of buildings in these cities, expressly limiting the expenditure to the specific sums appropriated, leaving the selection of the sites, and the plan for the buildings, to the sound discretion of the President. Knowing the necessity that exists for such buildings in these cities, its consideration cannot be too strongly urged.

In my last annual report I brought to your notice the number of terms the United States courts held in the different States during each year, being two hundred and twenty-three terms, in eighty-eight different places. In several of them there is very little local or general business, the peculiar reason for holding courts there having ceased, and yet the expense and inconvenience to the judges and officers, as well as the government, are not trifling. By way of illustration, I will instance one judicial district only. By the act of Congress approved March 3, 1849, "for the better organization of the district court of the United States within the State of Louisiana," the State was divided into two judicial districts, the eastern and western. Stated annual sessions of the court for the western district were directed to be held at Opelousas, Alexandria, Shreveport, and Monroe, and the judge was authorized to appoint a clerk to reside at each of these places. By the amendatory act approved 29th July, 1850, another term of the court was required to be held at St. Joseph, and the judge authorized to appoint a clerk, to reside at that place also. The fee bill of 26th February, 1853, provides that when the compensation of any clerk shall be less than \$500 per annum the difference between his receipts and that sum shall be paid from the treasury.

It appears from the emolument accounts of the clerk at St. Joseph's that from the 4th May, 1854, to the 30th May, 1855, his fees only amounted to \$13 95, and that during the whole of that period there was not a single session of the court held at that place. From the 1st January, 1853, to the 31st December, 1854, the clerk at Monroe did

not earn anything, and during the whole of these two years no session of the court was held. At Alexandria the clerk's fees from the 15th April to the 31st December, 1854, amounted to \$2 50, and the court was in session only two days.

Thus it will be seen that in an aggregate period of about four years only two terms of the court have been held at these three places. The department is not in possession of reports from Opelousas and Shreveport, though, it is not doubted, the same condition of things prevails there. If so, the cost to the United States, for *clerical services alone*, over and above the fees earned, in a period of about four years, would amount to nearly \$10,000, without any corresponding benefit to the government.

Besides this, Congress has made appropriations for construction of court-houses, in conjunction with custom-houses and post offices, at several points where courts are not held, in States in which the number of places for holding courts may not be increased for many years.

In the District of Columbia, I have heretofore suggested many improvements, and the construction of fire-proof public buildings. Their necessity becomes daily more apparent. The public money may not be so judiciously expended, and I doubt whether it will be applied to purposes of greater utility.

Within a few years, the business of the Patent Office will require the whole of the entire structure in which it now is, and the Department of the Interior will have to seek shelter elsewhere. If an appropriation for the erection of a proper departmental building were now made, it could not be finished and prepared for occupancy in less than three or four years, which is the longest possible time the rooms now occupied by this Department in the Patent Office building can with any show of propriety be retained. It therefore becomes a question of moment, whether immediate preparations should not be made for the anticipated exigency.

The extent of some of the public grounds has been trenched upon, whilst, perhaps, their limits should have been enlarged. Ground enough for public purposes has not been reserved, and many years will not elapse ere there will be a universal regret that more space had not been retained.

The estimates for improving and ornamenting the reservations have been increased.

The plan adopted for the "mall" should be more vigorously prosecuted. Its present appearance is inelegant, when, with a comparatively small expenditure, it might easily be converted into a beautiful park. The grounds, for which suitable appropriations were made by Congress, have been well improved, and are admired by all for their neatness, beauty and tastefulness.

In this connexion I would repeat my former recommendation, that provision be made for the employment of a competent and intelligent landscape gardener, to superintend the improvements of the public grounds, and to direct and distribute properly the subordinates and laborers.

The Long Bridge, as it is usually called, crossing the Potomac river from Washington city, is much out of repair. It should be replaced

by a substantial and permanent structure. It is a matter that caused much solicitude to one of your most distinguished predecessors, and surely is not unworthy consideration now, when the bridge is so indispensable and the means of defraying the cost of construction are so abundant.

The appropriations for the erection of buildings for the National Hospital for the insane are nearly exhausted. They have been judiciously and economically expended, under the supervision and control of its intelligent superintendent. The whole sum appropriated is \$171,341, which covers the cost of the farm, the present buildings, furnishing, fitting-up, and all other incidental expenses. Although originally designed for ninety patients, the present building will accommodate one hundred. More room and outbuildings will be required, and I have, therefore, estimated for them. The sum, though apparently large, will not be so considered when the humane purposes of the expenditure are contemplated. No class of public beneficiaries calls more loudly on the generosity of the government than the inmates of the hospital. Its object being "the most humane care and enlightened treatment of the insane of the army and navy of the United States and of the District of Columbia," strongly commends it to the best and kindest feelings of the human heart.

Although the buildings were not completed, yet there were upwards of sixty patients received into the hospital, and taken care of, previous and subsequent to the 30th June last.

The Board of Visitors, authorized by act of Congress, has been appointed, organized, and are faithfully and cheerfully discharging their appropriate duties. The institution has been opened under favorable auspices, and bids fair to be one of the first in the country.

The Washington Infirmary also claims and merits attention. It is under the management of some of the most distinguished physicians of this District, who gratuitously labor in it to alleviate the sufferings of those under their charge. The annual appropriation made by Congress enables it to relieve many non-resident paupers who are suddenly seized with disease in this city. At this time, eighteen are provided for, but the number could be increased to forty by doubling the usual appropriation. This is demanded by the increase of that class of strangers visiting the city and requiring such aid.

The Penitentiary is so planned and constructed as not to be well protected against fire, or the escape of bold and ingenious convicts. Its indebtedness has been paid, the contract system partially adopted, and the strictest economy and accountability established.

The act of March 3, 1855, provides for ten clerks in the office of the Secretary of the Interior, in addition to the chief clerk. In consequence of the large increase in the business of the Department, that number has been found to be so insufficient as to render it necessary to transfer to it, under the authority contained in the same act, one clerk of the fourth class from the General Land Office, and one of a lower grade from the Pension Office.

While such transfers have supplied the want here, they have, at the same time, to a similar extent, weakened the offices from which they have been made.

Under these circumstances, it is better that authority be given for the appointment of two additional clerks in this Department, one of the third and one of the fourth class.

In this connexion, I beg leave to recur to the compensation of its chief clerk. The proper discharge of his duties requires talents of a high order, great intelligence, and much experience. Three of the other departments have, besides chief clerks, assistant secretaries, each of whom receives \$3,000 per annum, whilst his salary is only \$2,200. Knowing the amount and value of his services, I hesitate not to say, that his compensation should, in justice, be equal to theirs; which is not too large. It matters little by what name he is designated, as it would not change the nature of his duties.

The House resolution relative to the preparation and printing of the mortality statistics of the seventh census has been executed, and it is hoped this will close that work.

The tenth section of the act of August 31, 1852, making appropriations for the fiscal year ending June 30, 1853, requires all balances of appropriations, of more than two years standing, to be carried to the surplus fund, except in certain specified cases.

On the 30th of June last, a minute examination was instituted to ascertain what balances were liable to the operation of that act, in order that the same should be disposed of as required by it. Balances were found under fifty-two heads of account, amounting in the aggregate to \$359,246 16 of the character designated, and no longer required for the service of the Department, all of which were duly carried to the surplus fund. It is confidently believed that, by the practice of rigid economy, the expenditures during the present fiscal year will be kept within the appropriations, and leave a considerable surplus applicable to the service of the year following. The estimates for the next fiscal year have been prepared accordingly.

In his capacity as trustee for the Indian tribes, the Secretary of the Interior, for the time being, is required to hold in trust a large amount of securities belonging to the Indians, to collect the interest on them from time to time, as it becomes due, and deposit it in the Treasury, or invest it for their benefit.

The stocks so held amount, at the present time, in the aggregate to \$2,098,879 82, and the collection of the interest on so large a principal is attended with much labor and care. Formerly, this was done through the agency of banking houses, but since the 1st July, 1853, such agency has been entirely dispensed with, and the collection made by this Department.

The amount thus collected to the present date, is \$313,199 52, all of which has been promptly placed in the Treasury, as soon as realized, without any abatement on account of expenses.

In making these collections, much aid has been afforded the Department by the Assistant Treasurer at New York city, the Director of the Mint at Philadelphia, the Pension Agent at Baltimore, and the financial officers of the State of Virginia, at Richmond.

In the Indian Bureau, everything has been done which an able and honest discharge of duty could accomplish. Its operations, during the past year, have been large and important, embracing a very great

extent of country, and nearly all the Indians within the boundaries of the United States. With the exception of a few tribes, the Indians have been well disposed, and anxious to cultivate and preserve friendly relations with us.

Several important treaties have been made, and others equally so will soon be ready for submission to the Senate. Those already in force are numerous and of varied character. Many of them contain objectionable provisions and stipulations, which the government was compelled to insert at the Indians' own urgent solicitation, being the production of the vicious influences which too often surround them on treaty occasions. It therefore requires great care and wisdom to execute them properly. Every exertion has been made to effect this, and though as much has not been accomplished as was desirable, yet it is hoped a better state of things has been introduced.

The late Commissioner of the General Land Office was deputed to join the superintendent of Indian Affairs in Wisconsin, in order that his superior knowledge of the land system might be made available in the settlement of the various and complicated questions involved with the Stockbridge and Munsee Indians. A supplemental treaty was made with them, which has since been disapproved by the superintendent, and immediately after it was executed by the Commissioner, for reasons contained in his able report, herewith transmitted. Although persuaded that all was done that could be, under the circumstances then existing, yet, from a perusal of the treaty and report, and other reliable information, the stipulations were not considered beneficial either to the government or the Indians, and therefore renewed efforts are being made to arrange, more satisfactorily, the pending difficulties.

In order to adjust the unsettled matters existing between the United States and the Choctaws and Chickasaws, and also between these two tribes, a tripartite treaty was made early in the past summer, which, if assented to by the councils of these tribes, and ratified by the Senate, will produce much good in that section of the Indian country. Besides allaying the anxiety, and removing the embarrassments that have so long disturbed and distracted these intelligent nations, it will open up a large portion of the Choctaw territory for the introduction and permanent location of the southern Camanches, Wichitas, and other southwestern tribes.

The law makes provision for the survey, in Kansas Territory, of Indian lands, under the treaties of 1854; and where the net proceeds of the lands ceded are authorized to be paid over to the Indians, the President is required to cause said lands, or such part thereof as he may deem proper, to be valued and classified; and, when such valuation and classification shall have been made to his satisfaction, to cause such lands to be offered at public sale, by legal subdivisions or town lots, at such times and places, and in such manner and quantity, as to him shall appear proper and necessary to carry out faithfully the stipulations in said treaties. I am advised that nearly all the prerequisites have been completed, and that the sales may be ordered to take place during the early part of the next spring. Good faith and sound policy require that the treaty stipulations be strictly adhered to.

Many of the Texas Indians are being gathered on the reservations set apart in that State for them, and are conducting themselves with marked propriety. These reservations are too small; still, for a time, they may answer a good purpose. It may be proper for Congress to extend over them the laws regulating trade and intercourse with the Indians, as their application may be found necessary.

The Indian agents are instructed to reside amongst the tribes, so as to be constantly present to advise and aid them. It is often impossible to ascertain whether the instructions are faithfully complied with, owing to the remoteness of the agencies. The rule, however, has thus far operated well, and will, it is believed, be of much service to the Indians. My own opinion is, that it would be far better to have fewer agents, and to give a compensation to each suitable to the condition and circumstances of his position, so as to bring into requisition the character, ability, and peculiar fitness so much required.

The distance of the Indian Bureau from the different tribes of Indians is so great that frequently it is very difficult to obtain correct information about them, more especially where the agents are careless or remiss in the discharge of their duties. The present Commissioner has visited many of them, at much inconvenience, but by so doing has acquired a great deal of useful information. I believe it would be advantageous to the Indians and the government to provide for an officer to be attached to the Bureau whose duty it should be to visit the superintendents, agents, and tribes, examine into all their affairs, and make such general and detailed reports as would enable the officer to correct abuses, and submit such suggestions as, if adopted, would have a tendency to ameliorate the condition of the Indians.

The facility with which many of the chiefs, headmen, and warriors are overcome by the temptations to which they are subjected, and thus induced to sign important papers, without understanding their object or purport, has been productive of much evil. They are not generally corrupt, but become the supple tools of cunning, designing men. Indians are addicted to drinking and gambling, and these passions are ministered to by many of the traders and evil-disposed persons. The cash system of payments is the root of most of the evils that befall them. To abolish it has been the constant effort of the Department, but its success has been only partial, owing to the powerful resistance of the traders. If a well regulated system could be introduced among them, by which they could obtain at cost price what would be, under fixed rules and regulations, deemed essential to their comfort, and all the licenses were withdrawn from the traders, a stronger hope of their civilization and domestication might be entertained. The license system is an incubus upon all healthful action in their behalf, and until abandoned will continue to demoralize and degrade them.

A more simple and efficient civil and criminal code should be provided for them, and a cordial co-operation of the States and territories in which they are located invoked. The slightest conflict of jurisdiction or policy leads to disastrous consequences, and should be sedulously avoided.

For some of the tribes permanent homes have been established, and many of the Indians have contracted habits of industry, sobriety, and

economy. The effect of this, upon the whole, is very perceptible and encouraging. Their numbers are increasing, their conduct improving, and they are being rapidly prepared for the healthful exercise of the privileges, and the proper discharge of the duties of good citizens.

During the past year, many of the tribes west of the Mississippi have had to contend with the most untoward circumstances, and it is really extraordinary that they have not been utterly dispirited. Yet they have, under the severest adversity, exhibited a degree of fortitude and forbearance well worthy the imitation of many of the whites, who boast of their superior moral and mental culture. Few of us would, so unresistingly, have permitted ourselves to be unceremoniously thrust from our homes and deprived of our firesides. They are incessantly pressed by the whites, who, under the plea of necessity exercise their superior sagacity in devices, to invade their rights and despoil them of their property.

We must, however, provide for the existing state of things, and a recurrence to the events that have transpired in connexion with them for the last few years will show that a condition of affairs has arisen that never was contemplated, and could not easily have been anticipated. This cannot be changed without an attempt to stay the onward progress of our people, which would be fruitless. The mode of treatment must be adapted to their present peculiar condition, and the policy a fixed one, as it is not likely the character of the circumstances by which they are now surrounded will ever change. Many years have not elapsed since it was considered that a mixed occupancy of the same territory by the white and red man was incompatible with the safety and happiness of either. A remedial policy was adopted, and the removal of the Indians west of the Mississippi river determined upon. A guaranty was given them that they should have exclusive possession of that country forever, exempt from all intrusion of white men, with ample provision for their security against external violence and internal commotions, and the extension to them of suitable facilities for their advancement in the arts of civilization. The country was congratulated by one of your predecessors upon their removal to their new homes, and the dawning to them of a new and happy era was publicly proclaimed. But this guaranty has not been fulfilled, and that propitious time has not yet arrived. A quarter of a century has not elapsed before the same state of things, so much deplored, is found to exist, and the evil that was intended to be remedied appears in a far more appalling form. The strong arm of the government is constantly invoked to stay its progress, and the guaranty is continually held up to us for faithful performance. Our only reply to all the appeals made is, that the force of circumstances has rendered it impracticable.

Congress has been generous in its more recent appropriations for the benefit of the Indians, and displayed a commendable spirit in aid of their reclamation. The only increase desirable is in what is usually denominated the civilization fund, being an annual appropriation by the act of March 3, 1819, of \$10,000. This might have been sufficient then, but it is obvious it is not so now.

Whoever will study their history, in connexion with the conduct of

our people, will not be so much surprised at many of the outrages they commit. They are savages, and are seldom taught to discriminate between white men. Individuality, with them, in case of a wrong, is out of the question. Indian disturbances are too often traceable to the indiscretions and aggressions of white men. We have reliable reports of such cases, and of the most murderous and unprovoked attacks upon them when entirely defenceless. Notwithstanding the Mississippi was established as a boundary to their country, our people have passed it and seized upon their choicest lands, and are circumscribing the aborigines to the narrowest limits. We are rapidly closing upon the hunter tribes, from both the Atlantic and Pacific oceans, and soon all the buffalo and other game will have disappeared, and almost every foot of arable land will be occupied by the white man. By a conjuncture of circumstances, most unpropitious to him, the Indian is being completely hedged in, and never before has he been subjected to such severe trials and hardships. Many of them are aware of their deplorable and precarious condition, and speak of it with the deepest and most expressive sorrow; yet, with few exceptions, the offences they commit are not of a high grade, and these are palliated, in many instances, by extreme want. All this should impress a generous, intelligent, and refined people with the necessity of kindness and forbearance towards them, which is not always exhibited.

A liberal hand should be extended to them, and every means resorted to for their improvement and elevation. Moral and religious principles, and the arts of civilized life, should be taught them. It is difficult to instruct the adult. Naturally of a roaming disposition, indolent, averse to ordinary labor, as not comporting with his idea of dignity, he has no desire to obtain a practical knowledge of agriculture or any of the useful arts, nor can his attention to them be enlisted. He will not voluntarily abandon the chase nor the wild diversions, which are so seductive even to the most refined. But by commencing with the youth, implanting in their minds correct principles, and inculcating those moral and religious precepts which are usually imparted, among civilized nations, by parents to their children, a foundation would be laid for a thorough and complete reformation of the whole tribe. This course has been pursued to a limited extent, and its results are very flattering.

It would be well for us, in our conduct towards the Indians, to follow the example of those benevolent societies which have for many years labored so perseveringly, and, under the circumstances, so successfully, for the amelioration of their condition. They have contributed largely to this great object, having expended within the last ten years, in money alone, nearly a million of dollars, and it is doing them injustice to attempt to depreciate the effects of their incessant labors. Experience shows that the instrumentality of religion alone can effect that radical change in the habits, customs, manners, and modes of thinking of the Indian, that is so desirable. Recently, government has not been remiss in granting the means necessary to supply both their mental and physical wants, and it is hoped the laudable spirit exhibited at the last session of Congress will always govern our coun-

cils. Its continuance, together with the cordial co-operation of the pure and self-sacrificing men who have heretofore devoted so much time and attention to them, will relieve the poor Indians from their severest difficulties and embarrassments; may tend to elevate them to an equality with the whites, and avert from this nation a large amount of obloquy that might otherwise attach to it. Facts have demonstrated their susceptibility of improvement, and even refinement, and therefore it is our duty to persevere in all humane efforts to preserve them from extinction.

I am, sir, very respectfully, your obedient servant,

R. McCLELLAND,

Secretary.

To the PRESIDENT of the United States.