

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

12-4-1854

Report of the Secretary of the Interior, 1854

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

S. Exec. Doc. No. 1, 33rd Cong., 2nd Sess. (1854)

This Senate Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

REPORT OF THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
December 4, 1854.

SIR: I have the honor to submit the usual annual report of the operations of this department.

The business of the general land office has greatly increased, but has been conducted with vigor and ability.

The surveys of the public lands have progressed rapidly, and the necessary preparations, as far as appropriations will permit, have been made for extending them into the new territories.

The quantity of land in market has been largely augmented, and every facility given to the hardy pioneers to secure eligible and permanent homes.

The adoption of the graduation principle introduced into the land system a novel and important feature, and stamped it with a character almost entirely new. The labor on the part of the bureau, produced by it, is immense, and has involved the office in difficulties that cannot be easily or effectively surmounted, without the further aid of Congress. The law may be so modified as to preserve its distinctive features, relieve its provisions from the uncertainty that now attaches to them, and at the same time more effectually accomplish the grand object to be attained. No doubt, the intention was to aid and protect the actual settler, and not promote the schemes of mere speculators. This being assumed, the law, according to the plausible construction of the latter, will be found lamentably defective. It could not have been enacted to subserve their interests at the expense of those seeking permanent residences; and yet, unless it be more strictly guarded, its provisions more clearly defined, and its objects more fully declared, it is feared such will be the result.

During the last fiscal year, 11,070,935 acres have been surveyed, and 8,190,017 acres brought into market. Within the same period there were sold for cash..... 7,035,735.07 acres;
Amount received therefor, \$9,285,533 58.

Located with military scrip and land warrants...	3,416,802.26
Swamp lands, selected for States.....	11,033,813.53
Selected on donations for roads, &c.....	1,751,962.19

Making a total of..... 23,238,313.05 acres;
exhibiting an increase of 5,952,240.07 acres over the previous year, of lands sold for cash; and a sensible diminution in the amount located with scrip and land warrants, and selected for States.

The quantity of land sold during the second and third quarters of the present year was about 5,436,538 acres, being an increase of about 3,826,619 acres, (in cash of \$3,642,496 44,) on that of the corresponding quarters of the last year. This extraordinary difference is owing

to the remarkable advance in the price of real estate over the whole country, and to the operation of the law graduating the prices of the public lands.

The quantity of land granted to satisfy the warrants issued to soldiers of all the wars since 1790, amounts to 31,427,612 acres. To satisfy Virginia land warrants, scrip embracing 837,356 acres has already been issued, and the balance yet required is estimated at about 200,000 acres.

In my last annual report donations of public land for the construction of great leading highways in the new States were recommended, for reasons therein stated. Although nothing has since transpired to change or modify the views then entertained and advanced by the department, yet it would be folly to attempt to conceal the fact that, through the popularity of the scheme, the apparent prospect of being able to prostitute it to mere purposes of gain has induced many projects which are totally unworthy of public confidence.

It may therefore be difficult, under existing circumstances, to discriminate between those worthy of governmental aid and those urged for mere speculative purposes. But if the application proceeds from the legislature of the State in which the improvement is contemplated, and, upon a thorough examination and rigid scrutiny, it is found to be promotive of the development of the country and the enhancement of the value of the adjacent lands, there can be no reasonable objection to the grant.

By confining it to the land in the vicinity of the projected thoroughfare, restricting the amount at any time to be patented, to the construction and completion of a given number of miles of road, and throwing such guards around the grant as legislative wisdom may devise, there can be little danger of the donation being improperly used.

The applications to Congress at its last session contemplated the construction of 5,056 miles of road, (exclusive of the great Pacific railroad and its branches,) and assuming six sections to each mile of road, would have required in round numbers twenty millions of acres.

In compliance with the urgent solicitations of the representatives of the several portions of country where these contemplated improvements were to be made, large bodies of land, estimated at about thirty-one millions of acres, were withdrawn from market in anticipation of the grants being made; but this not having been done, the lands were restored to market immediately after the adjournment of Congress.

The withdrawal of lands from market under such circumstances was found, on examination and reflection, obnoxious to several objections, viz: Its effects in retarding the settlement of the country, its questionable propriety, the difficulty in discriminating between cases in which it should be done, and those in which it should not, and the injury that might be inflicted upon the section of country the proposed grant was intended to benefit, by turning the tide of emigration elsewhere. For these and many other equally obvious reasons, it was determined that there should hereafter be no reservations for such purposes until grants are actually made by Congress.

The department would reiterate its recommendation that officers connected with the survey and sale of the public lands be prohibited, under severe penalties, from becoming purchasers.

Such is the general rule in regard to ordinary agents and auctioneers, and it is essential that it should be applied here. Experience shows its absolute necessity.

After the passage of the act of 1850, granting the swamp and overflowed lands to the several States in which they lie, many of them were entered at the government land offices, and now the purchasers claim their patents, and are equitably entitled to them. It is therefore recommended that, with the concurrence of the respective States in which the lands are situate, the patents be issued; and that where the land was sold for cash, the money be paid to the State in which the land lies; and where it was located with scrip or land warrants, the proper State be authorized to enter the amount of land, so located, from the public lands in that State subject to private entry. As the lands belonged to the respective States from the date of the act, this will be the most equitable and perhaps satisfactory manner of settling the difficulty. Some mode should be speedily devised to relieve the general government, the States interested, and innocent purchasers, from embarrassment.

It will be necessary again to extend the time for the completion of the work of the commission to ascertain and settle the private land claims in California. It expires on the 4th of March next; and if the time is extended, it is desirable it should be done sufficiently early in the session to enable the department to advise the commissioners to continue their labors. Notwithstanding the indefatigable exertions of the commissioners, their labors cannot, with a due regard to the public interests, be closed within the time allotted.

The whole number of claims presented is 813. Of these, 72 were adjudicated by the old board, which was constituted in September, 1851, and 325 by the new board, appointed in April, 1853. Of the 397 claims thus adjudicated, 294 were confirmed for 736 square leagues of land, and 103, covering 383 square leagues, rejected.

Transcripts have been forwarded to the Attorney General in 295 cases, and duplicate transcripts in 202 cases, to the proper courts, as required by law.

The recorded depositions of witnesses, decisions of the board, original Spanish documents, translations, and the daily proceedings of the board, cover, in all, 6,749 pages, equal to about 41,492 folios. It is estimated that there is at least as much more of this kind of clerical work to be done.

I append hereto a copy of the most recent report received from the commission.

Since the new classification and re-organization of the Pension Bureau, it has been conducted with much order and regularity. There is no unnecessary delay in deciding the applications presented, and every attention is given them that can be desired.

The fact was before noticed, that the pension act of 3d February, 1853, did not cover the cases of widows of officers, non-commissioned officers, marines and mariners, who served in the navy during the revolutionary war. Congress at its last session overlooked it; and as the omission was clearly accidental, it is proper it should be again presented for consideration. The widows of seamen who die in service

in time of peace are entitled to pensions, which are withheld from those of officers and soldiers of the army. There is no reason for this distinction. It is supposed by some that a fund is raised for the purpose, by the seamen themselves, when in service, but this is an error. Both stand upon the same footing and have like claims, the pension being a gratuity in either case.

Great inequalities exist in the pension laws, and in their operation. The evil is of so absurd a character in many instances, as to be exceedingly annoying and mortifying, as well as unjust. Of those that might be adduced, it is presumed that a single one will be sufficient to attract proper attention to the subject. A seaman, a marine, and a private soldier of the army, may be engaged in the same battle, and all alike totally disabled. The seaman, by existing laws, will receive three dollars, the marine six dollars, and the soldier eight dollars per month. The disability and all the attending circumstances being the same, there should be no such gross disparity.

There has been, within a few years past, a large increase in the aggregate amount of pensions paid, much of which is owing to the departure from the original design of the pension policy. The intention of its first projectors was to relieve the wants of those who, having served their country faithfully, and hazarded their lives and fortunes for its freedom and happiness, were destitute. Now it has become general, and has been more and more enlarged every year, until it has grown into a stupendous system. At an early period of our history, it was considered derogatory for any one, however meritorious, to accept the gratuity, even when tendered by the government, unless in needy or indigent circumstances. A different sentiment, however, has now obtained, and the purest, best, and most honorable of our citizens do not refuse it.

There can be no well-founded objection to this, so long as the law remains as it is. But considering the small pittance (often, under existing laws, only one dollar and fifty cents or two dollars per month) doled out to the indigent soldier, his widow or minor children, it is a question worthy of consideration, whether humanity does not demand that the system be so modified as at least to approximate the principle established by its founders, to increase the amount bestowed upon those whose merits and circumstances entitle them to aid, and to give to them, if nothing more, such substantial relief as sound policy will permit. By adopting such plan, and cutting off all arrearages of pensions, the great evil of the system may be remedied.

The Third Auditor of the Treasury executes several acts of Congress giving half-pay, for five years, to widows and orphans of officers of the army. These acts being of the same general character as others executed by the Commissioner of Pensions, and the same principles of construction applying to both, there is a manifest propriety in conferring the whole power upon the Pension Bureau, and thereby preserving uniformity in the decisions.

A biennial examination of invalid pensioners, to detect fraud and prevent imposition, was recommended to the consideration of Congress, but not authorized. It is a remarkably striking fact, that of the large and entire number on the invalid pension roll, with recently two hon-

orable exceptions, there appears never to have been any diminution of the disability, but frequently an increase. Besides, the Pension Bureau, crippled as it is for means, has discovered many instances in which palpable fraud has been perpetrated, and gross deception practised. As the imputation of guilt may fall upon the innocent as well as the guilty, it does seem proper that authority should be given the Commissioner of Pensions, on satisfactory proof of the commission of such offence, to reduce the pension where the disability has decreased, and to strike the name of the pensioner from the list where it has ceased. The Commissioner may safely be clothed with this power; for, besides subserving the interests of the public, it will protect from unjust aspersion the honest and worthy pensioner.

The department would again earnestly recommend a modification of the act of Congress limiting to two years prosecutions for perjury and forgery committed in pension and land warrant cases. Why should the criminal escape, when the offence, owing to the ingenuity of the offender, is concealed until the time for his prosecution has elapsed? With all possible vigilance this cannot be avoided. The cunning and duplicity of the persons engaged in the commission of such offences is wonderful; still, many have been detected through the watchfulness of the Pension Bureau. Up to the 30th of September last, thirty have been indicted; of whom eleven have been convicted, nine fled and forfeited their recognizances, one died, one committed suicide, two have eluded the officers, and six await trial. Others have not been prosecuted, owing to the limitation referred to, and in several aggravated cases the statute has been successfully pleaded. The pertinacity and success of the Pension Bureau in pursuing the offenders has perceptibly diminished the offence, and with enlarged power it may probably be totally checked. The limitation operates as an incentive, and is in effect a bounty to the ingenuity and cunning of the felon.

By examining the reports of the able and efficient chief of the Pension Bureau, the necessity of a thorough revision of the pension laws will be apparent. Justice to those entitled to pensions, as well as sound policy and true economy, demand it. With a judicious, well-arranged system, the government could diminish the expenditure, give more satisfaction, and do a vast deal more good, than is now practicable.

By the act of Congress approved March 3, 1853, this department was authorized to designate three clerks of the fourth class to act as disbursing clerks, and to allow each of them two hundred dollars additional for their services as such. With a view, however, to concentrate the responsibility, and the better to preserve uniformity in the disbursement of the public money, it was deemed best to employ but one disbursing clerk, who, with the aid of two or three assistants of lower grades, should constitute a financial division of the department, where the salaries of all the officers of the department and its bureaus, and all contingent and other bills, should be paid, and all requisitions drawn for the advance or payment of public money. So far the plan has worked admirably well, and it cannot fail to be highly beneficial.

Prior to the commencement of the last fiscal year, (July 1, 1853,) no ledgers or other books had been kept in the department, from

which the state of its various appropriations, and the amounts in the hands of agents, could be ascertained without resort to those kept by the treasury.

The proper books were therefore provided, and a system devised, to supply this important defect; and now, the balance to the credit of any appropriation can be readily ascertained, and payments or advances made as the public service requires, or the means at the command of the department will admit.

The adoption of this plan has enabled the department to ascertain and correct what it conceived to be a mischievous practice, viz: the undue accumulation of public funds in the hands of officers who act as disbursing agents.

On the 31st of March, 1845, there was in the hands of pension agents alone, the sum of.....	\$1,041,495 79
On the 31st of March, 1846, the sum of.....	681,786 84
On the 31st of March, 1849, the sum of.....	950,918 25
On the 31st of March, 1850, the sum of.....	748,900 37
On the 31st of March, 1853, the sum of.....	948,475 80

As constituting this sum in part, the agents had, under some acts, enough money to meet their estimated demands for several years, and they were required to repay it into the treasury; which has been done, in the adjustment of their accounts.

During the last fiscal year, advances have been made to pension agents, with strict reference to carefully prepared estimates of the amounts necessary to meet probable demands upon them, and by this course the amount in their hands has been reduced from \$948,475 80 on the 31st of March, 1853, to \$393,801 20 on the 30th of June last.

No difficulty has existed in procuring agents to pay pensions. On the contrary, such offices are sought after with as much eagerness as others; and from the large amounts it has been heretofore customary for them to have on hand, it is not doubted but that they have been fully compensated for their services.

The Mexican boundary survey is presumed to have been recommenced in the field, and no doubt was entertained of its completion, under the accomplished officer at its head, within the time and amount estimated, but recent intelligence from the commission has reached the department which may render a further appropriation necessary.

An appropriation of \$10,000 will be required to complete the maps and drawings of the previous survey. The whole estimate for this purpose was \$20,000; but as \$10,000 was all that could be economically expended during the fiscal year, that sum only was asked for.

The boundary line between the United States and the British provinces in the northwest, as designated in the convention of June, 1846, deserves attention. That part, especially, which separates the Territory of Washington from the British possessions, should be traced and marked. As the British government is understood to be ready to co-operate, there should be no delay on our part.

The Territory of Washington is in process of settlement, and difficulties have already arisen in regard to the extent of the rights of the

Hudson's Bay and Puget's Sound Companies, and the interests of many of our citizens are being involved in the controversy. As yet, not very much value has attached to the country, and it is a question of moment whether it is not the wisest policy to settle these claims at once. They can probably be extinguished for a reasonable consideration: if so, it should be done.

The Patent Office is in excellent condition; and the manner in which its affairs are conducted give universal satisfaction. Still, the character of the force, as now authorized by law, is not such as to attain the accomplishment of all that could be desired. By adopting a new arrangement, the result of urgent necessity, the Commissioner has despatched more than the usual amount of business. Instead of six principal examiners, with two assistants each, there have been, practically, since the first of April last, eleven principal examiners, each with one assistant. Thus, instead of the usual tedious delays, most of the work is up to date.

Since the first of January last, there have been issued upwards of sixteen hundred patents; and within the year, the number will probably reach nineteen hundred, which will be about double the number issued during the last year. The arrangement by which this result has been produced was judicious, and has proved satisfactory to all parties interested.

Several amendments to the patent laws were suggested last year. Those of most immediate and pressing necessity are, provision for taking testimony, appeals, and prescribing a new rate of fees. Many questions of great importance are frequently pending before the Patent Office, depending, for a correct decision, upon the testimony of witnesses, and there is no power provided of compelling them to give it. Nothing is more common than for a witness to refuse to attend an examination, or to give testimony after he has attended.

The law now allows any person who appeals from the decision of the Commissioner of Patents to select which of the three judges of the circuit court of the District he chooses, before whom to bring his appeal. The chief justice of that court will probably never again be able to entertain an appeal, so that taking an appeal before him is tantamount to its postponement during the term of his natural life; and even after his death there may be some question whether the delay will be at an end. By such an abuse of the law a case has been suspended in this manner for nearly two years, and may be continued for an indefinite period.

The rate of fees was fixed at a time when the real value of money was much greater, in proportion to its nominal value, than at the present time. The pay of the employes in the office has been much increased by Congress, and in various other ways its expenses have been largely augmented, whilst the fees have remained the same. In addition to this, the force of the bureau has been considerably increased, in order to dispose of the accumulation of business. From all these causes, the inevitable consequence has been, that during the current year the expenses of the office have been continually exceeding the revenue; and such will continue to be the case until the increase of the revenue shall have been provided for.

Such a reorganization of the examining corps as will place all its members on a proper footing, is a subject worthy of consideration. The assistant examiners who are performing the duties of principal examiners may justly expect, at no distant day, the compensation attached to those duties and responsibilities.

The Attorney General should be clothed with supervisory power over the accounts of the marshals, clerks, and other officers of the courts of the United States, now possessed by this department. It is germane to the other powers intrusted to him. A law department should, for many obvious reasons, be constituted. Properly organized, it would be very advantageous to the other departments of the government, and at the same time introduce many radical and salutary reforms in our judicial expenditure.

The salaries of most of the judges of the district courts of the United States are inadequate. Their duties are arduous and important, and constantly increasing. The professional ability, knowledge, and qualities required for their faithful discharge, would insure a much larger compensation at the bar. In many of the districts the clerks and marshals, who perform comparatively little intellectual labor, are far better remunerated for their services. A respectable support should be given to men who cannot, on account of the positions they occupy, engage in any other profession or avocation. The preservation and perpetuity of our most valued institutions depend, to a great extent, on the purity, firmness, and independence of the judiciary, and these qualities should be nurtured and encouraged.

Much ambiguity exists in the act of 1853 as to the discretionary power of the Secretary of the Interior over the expenditures of judicial officers, and for judicial purposes. In several instances judges have presented for allowance bills for law-books purchased by them, which were disallowed. The district attorneys have frequently asked that offices and furniture be provided for them, which has generally been refused, the rule being to allow office accommodations when, at particular places or in large cities, the government is compelled to make provision for the courts by renting buildings, and rooms can be spared without inconvenience, but not otherwise. In other cases, marshals have exceeded the limit prescribed by the statute in the purchase of furniture, where the assent of the Secretary of the Interior is made a condition precedent to the expenditure, and the department has refused to allow such accounts, on the ground that the prerequisite approval had not been obtained, and it was doubted whether he then had the power to legalize an act manifestly illegal. In all such cases it has been contended, by intelligent and experienced jurists and lawyers, that such allowances are proper, and that the power has been conferred on the department, and they feel aggrieved that it is not exercised. Not disposed in the slightest degree to wrong men whose opinions are entitled to so much weight, I hope Congress will, in the next appropriation for the expenses of the United States courts, indicate their opinion on the point in issue, and relieve it of all doubt in the future.

Some time after I entered upon the discharge of my duties, I observed that many inquests were held in the city by the coroner, and

found that the sum of \$9,800 had, within the last four years, been drawn from the treasury to defray the expenses. Believing these expenditures to be unauthorized by law, I sought the advice of the Attorney General, who, in an elaborate opinion, having concurred with me, all further payments were discontinued.

In June, 1853, on the question being presented, on appeal, I was of opinion that the clerk of the United States courts in this District was, by the 167th paragraph of the act of 1842, obliged, as other clerks, to make a report of his fees and emoluments, embracing those of the criminal court. As a contrary view had been taken by one of his predecessors, I submitted the question to the Attorney General, who, upon a thorough examination, came to the conclusion that such was his duty. From his reports, since made, after making large allowance for expenses, his fees and emoluments in the five years ending the 31st of December last were \$29,986 48, being an excess of \$12,486 48 over the maximum allowed by law, which will be refunded. There is not even a plausible pretext for his being made a solitary exception to a rule applying to the clerks of all the other United States courts.

By existing laws, the costs of all criminal complaints made before the magistrates of this District, whether the complaint is sustained or not, are paid by the general government. This item, for the last fiscal year, amounted to upwards of \$10,500. The power should surely be conferred upon the magistrate or court to compel the complainant to pay the costs in all cases where the magistrate or court may deem the prosecution unfounded, frivolous or malicious. This may be the means of preventing the institution of many prosecutions in which the public have no interest.

The judicial expenses of the United States are largely on the increase. To some extent this is natural, and many causes contribute to it; but some exist which seem to be unnecessary, and should therefore be removed. A pre-eminent one is believed to be, the great number of terms and places at which courts are held.

Two hundred and twenty-three terms of the United States courts (exclusive of the Territories) are held in eighty-eight different places during each year. In the western district of Virginia, courts are held at six different places; in the northern district of New York, at eight; in California, at six; in Louisiana, at six; and in Florida, at five. It is well to inquire whether the judicial business transacted justifies the expense in these and other instances. Were there but one or two places only, in each State, for holding the United States courts, there would be many obvious reasons in favor of constructing suitable buildings at those points for their exclusive use, so as to make them entirely independent of the State, county, or other local authorities; such buildings, and everything connected with the federal courts, being assimilated, as nearly as practicable, to those of the State courts.

The accompanying report from the First Comptroller of the Treasury contains suggestions on this and other kindred subjects, which, emanating from such a source, deserve, and will no doubt receive, the proper consideration of Congress.

In pursuance of the separate resolutions of the two houses of Con-

gress passed at the last session, the Superintendent of the Census has prepared, with much labor and ability, a compendium of the Seventh Census, and the required number of copies is ready for delivery. This has nearly exhausted the appropriation for census purposes, a small amount only remaining unexpended. The matters to which his attention was directed being completed, the Superintendent has tendered his resignation, to take effect in the course of the present month, and the office has been discontinued.

Many public improvements are required in the District of Columbia, which can be constructed at this time without the expenditure being seriously felt by the treasury. In such a city, certain objects of magnitude are to be accomplished, which are beyond the reach of the citizens alone. Nothing can be lost by exhibiting a generous spirit of liberality, the more especially where important interests of the government are thereby promoted.

The erection of fire-proof buildings is absolutely necessary for the safety and security as well as the convenience and accommodation of the State, War, Navy, and Interior Departments. No city can be more exposed than this to fire, and none are in possession of fewer means to extinguish it. When there is such a surplus lying dormant in the treasury, what good reason can be assigned for permitting millions of public property to be constantly exposed to imminent danger without an effort to protect it? The rents paid for additional buildings, although large, are trifling in comparison with the irreparable loss that would accrue from the occurrence of such a calamity. If the money is not thus expended, may it not be applied to purposes of less importance to the American people?

The appropriations made for the present fiscal year for improving and ornamenting the public grounds were too small and too limited. With a view to the comfort, health, and beauty of the city, the admirable plan of Mr. Downing should be rapidly pressed to completion. It is impracticable to prosecute it vigorously without additional means. If liberal appropriations were made, as well as provision for the employment of a skilful and intelligent landscape gardener, all the public grounds might soon be made to assume a beautiful appearance. The portions cultivated and improved are certainly very creditable to the action and taste of Congress, but the remainder, in their present condition, are not only offensive to the eye, but well calculated to generate disease in the city.

The force employed upon the public grounds should be differently organized and arranged. There should be a controlling spirit at the head, who would direct and distribute the subordinates and laborers; and the salaries of the officers, instead of being paid at the discretion of the department, should be fixed by law.

The lots in the city belonging to the general government are now sold by the Commissioner of Public Buildings, and the proceeds expended for the improvement of the streets, nothing going into the treasury. The propriety is suggested of selecting such, as may be necessary for the public use, and turning over the balance to the city authorities, to be exclusively devoted by them to the purposes of education. This would relieve the department from all embarrassment

in connexion with them, prevent private individuals from obtaining them on ex parte statements for a mere trifle, and would benefit a most worthy class of people.

Under the appropriation of fifteen thousand dollars for completing the Little Falls bridge, a contract has been entered into for erecting on the stone abutment and piers already built, two spans of wooden bridge, in length three hundred and twenty feet. The plan adopted is known as "Howe's Truss," combined with arches, and the structure is to be capable of sustaining a test-weight or load of one ton for every foot in length. To make it available for travel, an inclined timber road-way will be constructed, to lead from the river-bottom, which is dry at low water, up to the road-way of the bridge. This part is liable to be carried away by the spring freshets, but can be replaced at a comparatively small cost. The whole will be completed by the 15th instant. To finish the bridge as originally proposed would, according to the estimate of the engineer in charge, cost seventy-five thousand dollars more. If appropriated, the department will endeavor to expend it judiciously and with frugality.

The erection of the buildings for the National Hospital for the insane has been prosecuted with great energy, and strictly with an eye to utility and economy. It was supposed that ere this it would have been ready to receive inmates; but, on reflection, it was concluded best to defer its occupancy until the erection of permanent appendages, which otherwise must have been temporary, and, in the end, far more expensive. The present intention is, to receive the patients of the District—now under the care of the Maryland Hospital and Mount Hope Institution at Baltimore—on the first day of January next. It is probable the present edifice will be completely finished and in readiness for occupation on the 30th of June next. It will then accommodate eighty-five patients, with the usual proportion of officers, attendants, and servants. There are now twenty insane persons belonging to the army and navy establishments, and fifty-three indigent insane, in the Baltimore institutions, supported by the government; and eleven are detained in the jail in this city: so that it appears there are already eighty-four who will be entitled to the benefits of this institution according to its original design. It is conceived that no project can commend itself more favorably to the attention of Congress. To make it a model institution of its kind should be the determined effort of the government. This can be done, with the aid and experience of the present excellent superintendent, at a small cost, compared with our other public buildings and similar structures in many of the States.

The penitentiary of the District, although conducted with care and rigid economy, is considerably in debt. In 1846 a special appropriation of \$11,949 64 was made, in addition to the annual appropriation for its support, and to meet, as is supposed, the then existing indebtedness. It proved to be insufficient, however, for though the appropriation for the next ensuing year was about double the ordinary amount provided, an indebtedness is still reported to have existed on the 31st December, 1847, of \$1,055 15, which continued annually to augment until the present warden took charge of the institution, on

the 8th June, 1853, when it amounted to about \$12,000. Collections and payments have been since made, which enabled him to reduce this indebtedness to about \$7,000, which the institution has no means of paying, as no further collections can be confidently relied upon. Soon after the present warden was appointed, he was instructed to abandon the credit and adopt the cash system, which has thus far had a salutary effect. He is now anxious that an appropriation should be made to enable him to pay off the indebtedness for which he is in nowise responsible.

It is necessary to increase the number of guards and employés about the penitentiary, as the duties to be discharged are entirely too onerous for those now engaged. In 1849, there were forty convicts incarcerated in it; to guard whom there were nine persons, including the messenger. In 1853 there were one hundred convicts imprisoned, and only eight persons to guard them. That an additional number is required admits of no doubt.

In the increase of salaries to officers and clerks of the different departments, by a late act of Congress, no notice was taken of the chief clerk of this department, whose duties are as arduous and of as important a character as those of the assistant secretaries of the other departments. These assistants receive each \$3,000 per annum; he only \$2,200. No such invidious distinction should exist between them. Justly appreciating the value of his services, I have no hesitation in recommending the increase of his compensation, and that he be made ex-officio assistant Secretary in the absence of the Secretary from the department.

Temporary clerks, when necessary, are employed under the act of 26th August, 1842, and paid for every day of actual service. The act of 22d April last requires their compensation to conform to that of regular salaried clerks performing similar duties. A modification of these laws is suggested, so that the temporary clerks shall hereafter be paid by the folio, or piece, as in the Patent Office. This would tend to prevent partiality, and encourage and reward the expert, industrious, and experienced.

Within the year fourteen treaties have been entered into with the Indian tribes. The most important have been concluded with the Omahas, Ottoes, and Missourias; Sacs and Foxes of Missouri; Iowas, Kickapoos, Delawares, Shawnees, Kaskaskias, and others; Miamies, and the Menomonees. Vigorous efforts have been made, and are still being made, to execute in good faith all the provisions and stipulations to be performed on the part of the government, and the Indians seem desirous of strictly conforming to their respective engagements. The appropriations to carry these treaties into complete effect were made at so late a period that it was found impracticable to accomplish all that was designed. In these treaties the government adopted a liberal policy towards the Indians; and if it is pursued and prosecuted efficiently, it must lead to most beneficial consequences. The principal thing to be feared is, that the poor, ignorant, unlettered, and inexperienced Indians may be brought into too close contact with the whites, which generally degrades them, because they seem inclined to contract their evil habits, instead of imitating their virtues.

The annuities are abundantly sufficient for all legitimate purposes. A large portion of them should be devoted to the improvement of their moral condition. Ample provision should be made for educational purposes. The missionary establishments among them, which have been very successful in converting many to Christianity and reforming and civilizing them, should be fostered and encouraged.

There is a provision, in some of these treaties, of grave importance, and requires prompt attention. One of the stipulations with the Delawares, as well as Iowas, and the confederate band of Kaskaskias and others, requires that the land ceded by them (except the Delaware outlet) shall, after survey, be offered at public sale, and sold to the highest bidder; and such portions as may not be sold at public sale shall be subject to entry at one dollar and twenty-five cents per acre, for the term of three years; after which, Congress may reduce the price of the residue unsold. The expense of surveying, managing and selling the land, is to be deducted from the proceeds of the sales, and the balance paid to the Indians.

The government is bound to preserve these lands from all such trespass and intrusion as will interfere with a *bona fide* compliance with this treaty stipulation. If, as is now the case, intruders occupy these lands, and more especially with a view of making permanent settlements, and effectually preventing the governmental authorities from executing this stipulation, they should be promptly ejected. The duty of the government is clear, and justice to the Indians requires that it should be faithfully discharged. Experience shows that much is gained by sacredly observing our plighted faith with these poor creatures, and every principle of justice and humanity prompts to a strict performance of our obligations.

The better to protect the interests and promote the welfare of the Indian tribes, between whom and the United States treaties exist, instructions have been given requiring the agents and sub-agents to reside within the limits of their respective districts, and to make, through their superintendents, periodical reports, in detail, of their operations.

Many of the Indian tribes are doing well, and their condition is daily improving, whilst others are rapidly deteriorating, and constantly assuming a more dissolute and degraded character. The aggregate number is fast diminishing, and some of the tribes whose numbers in former days were large, and whose prowess was great, are now nearly extinct. Notwithstanding the unremitting efforts of the department, it seems impossible effectually to prevent the introduction of ardent spirits amongst them. The facility with which the use is acquired, and the misery and destitution which are its inevitable consequences, are matters of deep concern and regret. The abolition of the system of cash payments, which is being accomplished as rapidly as practicable, will lessen the quantity consumed, as it directly interferes with the interests of the vendors. The traders, who have, on this account, a most potent and controlling influence over the Indians, are generally opposed to the change in the mode of payment, and have seriously embarrassed the efforts made to effect it. The crops of many of the tribes who have been induced to till and

cultivate the soil, have, from the continued drought, partially failed. As the quantity of breadstuffs and provisions usually produced afford, at best, but a scanty subsistence, their wants and necessities will be materially increased. As they may be exposed to much suffering during the coming winter, instructions have been given to reserve a portion of their annuities, to avert, as far as practicable, that calamity. Every effort will be made to relieve them; and it is expected the agents will not be remiss in faithfully discharging the duties incumbent upon them under such peculiar circumstances.

The hunter tribes have lately exhibited more than their usual boldness and desperation. The limits of their hunting-grounds are being rapidly reduced, and the buffalo and other game are fast diminishing, so that they are driven by stern necessity to theft or starvation. In consequence of this, the frontier settlements and the emigration to California and Oregon have been much exposed and harassed. The military force at the command of the War Department is small, and, although active and vigilant, has not been able to give that protection to our citizens which is so much required.

Perhaps the only course that can be pursued to reclaim these tribes, and prevent their depredations upon their innocent, and in many cases defenceless victims, is, to make liberal appropriations for their colonization and civilization. Colonization was, many years ago, partially tested in California, and the recent trial, it is hoped, will prove successful. There is every reason to believe the plan a good one, if those intrusted with its execution have the proper aptitude and qualifications. Few possess the qualities necessary to the useful discharge of the duties of an Indian agent, and fewer still the properties required to carry out skilfully and successfully such a system. If this last hope fails, their extinction appears to be inevitable. Such should not be the destiny of this unfortunate race, if it can be averted by the power of this government. Some are impressed with the idea that the only successful way of treating them, and preserving the relations that should exist between them and the government, is, to chastise and punish them whenever they err; but in my judgment, kind treatment in most cases will subserve a far better and more useful purpose, and eventually lead to more desirable results. The whites who mingle with, or live contiguous to them, are not always blameless. Often, to their mischievous conduct may be traced the most brutal and distressing depredations of these children of the forest. Kindness has operated wonderfully on some tribes, and why should it not succeed with others? Colonization might be attempted in the Territories of New Mexico, Utah, Oregon, Washington, and the country immediately east of the Rocky mountains. The object should be twofold, to domesticate and isolate them as much as practicable from the white settlements. The arts of civilized life should be introduced, and, if possible, a settled form of government established among them. To effect this, large appropriations would be requisite; but how could money be expended more charitably or appropriately, than in this great cause of humanity?

I have the honor to be, very respectfully, your obedient servant,

R. McCLELLAND,

The PRESIDENT.

Secretary.