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### Message from the President of the United States, to the two Houses of Congress, at the commencement of the first session of the Thirty-first Congress : Annual Report of the Secretary of the Interior, 1849

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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TO

THE TWO HOUSES OF CONGRESS,

AT THE

COMMENCEMENT OF THE FIRST SESSION

OF

THE THIRTY-FIRST CONGRESS.

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DECEMBER 24, 1849.

Read.

DECEMBER 27, 1849.

Committed to the Committee of the Whole House on the state of the Union, and ordered that the usual number of copies of the message and documents be printed, and that 15,000 copies extra of the same be also printed.

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PART II.

WASHINGTON:  
PRINTED FOR THE HO. OF REPS.

1849.

MESSRS

THE PRESIDENT OF THE UNITED STATES,

THE TWO HOUSES OF CONGRESS,

COMMITTEE OF THE FIRST SENATE,

THE THIRTY-FIRST CONGRESS,

December 27, 1889.

December 27, 1889.

Presented to the Committee of the Senate on the 27th of December, 1889, and ordered to be printed.

PART II.

WASHINGTON:  
PRINTED FOR THE NO. OF REFS.

REPORT  
OF  
THE SECRETARY OF THE INTERIOR.

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DEPARTMENT OF THE INTERIOR,  
*December 3, 1849.*

SIR: The act to establish the Department of the Interior was passed at the close of the last session of Congress, when the attention of that body was occupied by a large accumulation of public business, in consequence of which it was left, in some respects, imperfect. The department is named in the title "A Home Department;" but the body of the act provides that it shall be called "The Department of the Interior." The title of the act, being the part last adopted in the process of enactment, is believed to express the intention of Congress as to the name, but the language of the act itself being imperative, I felt constrained to conform to it in the adoption of a seal, and in all other official acts.

Important duties, requiring much clerical labor, were transferred from the President, and from the State, the Treasury, and the War Departments, to the Department of the Interior. The act provides for the appointment of a Secretary and a chief clerk, but directs the employment of no other clerks, except in the provision, "that the President of the United States, on the recommendation of the said Secretary of the Interior, may transfer from the Treasury Department proper to the Department of the Interior such clerks in the office of the Secretary of the Treasury as perform the duties over which the supervision and control are given by this act to the Secretary of the Interior."

It was, however, ascertained, on careful examination, that there was no clerk who could be transferred by virtue of this provision; for, although some part of the duties of several clerks employed in the office of the Secretary of the Treasury was transferred to this department, yet there was not a transfer of all, or even the principal part of the duties of any one clerk. Therefore, on taking charge of the new department, I found that there were onerous duties, running into much detail, enjoined by law to be performed, and no means provided to enable me to perform them. A great proportion was current business, which required attention from day to day, and would not bear postponement. Pressed, therefore, by the necessities of the public service, I felt it incumbent on me to employ such clerical aid as would enable me to organize the department, open its books, and keep up the current business, until Congress should make permanent provision for the full and regular discharge of all its duties. For this temporary purpose, I took from the General Land Office two clerks, from the Indian Office one, from the Pension Office one; and, in addition thereto, employed five—three of them at agreed salaries of eighteen hundred, fourteen hundred, and twelve hundred dollars respectively, subject to the approval of Congress; the other two at the usual per diem wages. There will be needed, as a permanent force in the department proper, ten clerks,

whose compensation in the aggregate is estimated at fourteen thousand two hundred dollars.

In addition to his various administrative duties, there are referred to the head of this department from the Pension Office, the General Land Office, and the Office of Indian Affairs, many cases for judicial decision, involving the examination of evidence and the determination of questions of law. The decision of these cases—many of them of great magnitude and importance—requires all the time, care, and research which are due to the safe and proper exercise of judicial functions. For many years there was a Solicitor pertaining to the General Land Office, whose office was abolished in 1842. But since that time, the acts of Congress giving bounty lands to soldiers who served in the Mexican war have greatly increased the number of legal questions arising in that bureau, while those from the Pension Office, under the same acts and other laws conferring pensions and military bounties, are very numerous, and often difficult. The number of private land claims, and questions arising out of our Indian intercourse, will be also greatly increased by the extension of our settlements to Oregon and the accession of California and New Mexico. From all these sources will arise an amount of judicial duty sufficient to require the undivided time and attention of an able law officer, and which cannot be promptly and well discharged by the head of a department engaged in his daily administrative duties. In my opinion, therefore, the public service would be promoted by the creation of the office of Solicitor of the Department of the Interior; which officer should be charged with the examination and decision of these various cases and claims.

The act establishing the Department of the Interior was passed so immediately before the adjournment of Congress that no provision was or could be embodied in the general appropriation act for its support. In the law by which it is established there is a provision directing that a portion of the contingent fund of the office of the Secretary of the Treasury should be transferred to the office of the Secretary of the Interior. Under this provision the sum of four thousand dollars has been so transferred, leaving an estimated deficit to cover expenses incurred, and which must be incurred in said office, in the past and present fiscal years, of thirty-four thousand seven hundred and thirty-seven dollars and sixty-eight cents, for which an early appropriation will be desirable.

#### PUBLIC BUILDINGS.

In applying the appropriation for the painting and repairs of the capitol, it became necessary to examine with care the condition of the walls, and to remove such portions of the stone as were crumbling or falling off in scales, that the coat of paint might be laid upon a sound and solid surface. On this examination it was found that many of the stones, especially those near the base of the building, were disintegrated at the surface, and some were so much and so deeply affected that it was necessary to remove them. The capitol is a massive building, its walls are thick and maintain a certain equality of temperature, changing slowly with the changes in the temperature of the air. In a change from cold to warm, the walls remain for a time cold, and there is condensed upon them a portion of the moisture of the atmosphere, as upon a pitcher containing

ice-water in a sultry day. The stone, being very porous, readily absorbs the moisture, and the natural cement, which seems to be slowly soluble in water, is dissolved, or otherwise loses its adhesive power, and the stone crumbles to sand. A thick coat of paint, carefully applied from time to time, has been resorted to to preserve, and no doubt tends to preserve, the building; but unless some other and more permanent protection be resorted to, it is destined to early dilapidation. If left wholly unprotected from atmospheric action for one-fifth of the time that marble structures are known to have stood, this noble edifice would become a mound of sand.

The treasury building and the present Patent Office building are of the same material, and, having been in no manner protected, already show signs of decay. The cornice of the treasury building, which exposes a heavy mass of stone to atmospheric action, begins to be moss-grown; and pieces of the moulding of the Patent Office building have crumbled and fallen. Besides its tendency to disintegration on exposure, the stone in its best condition is weak, offering little more resistance to a crushing force than common brick. These buildings cannot, with all possible care, be long preserved by the means at present adopted. But if the stone as it stands in the walls could be rendered permanently and absolutely impermeable to moisture, the principal difficulty would be removed; and this may perhaps be done by some means known to the arts, or which may be discovered by experiment. For this purpose I would recommend that specimens of the stone be carefully analyzed, and that a series of experiments be tried, with a view of finding some chemical agent, the application of which will prevent its absorption of moisture, and thus strengthen and render it durable.

In consequence of the defective quality of this stone, and of the reports of committees of Congress in 1837 and 1839 condemning it, I thought proper to direct that the wings of the Patent Office building should be constructed of a different material. After full consideration, a white marble, from a quarry in Baltimore county, Maryland, was selected. It is a strong stone, resisting about three times as great a crushing force as the sandstone of the front building. All the practicable tests which were applied show it to be durable. It is a material of great beauty, and it will be easier to make the front building correspond with it in color than with the gray gneiss, or any other strong and durable stone of mixed or varied colors, which could be readily procured. The work on the eastern wing is considerably advanced. Something has been done on the foundation of the western wing; but the whole appropriation has been expended, and it is important to the progress of the work that a further appropriation for its continuance be made at an early day.

In order to make room for the foundation of the eastern wing, it became necessary to remove a part of the conservatory, in which is kept the rich collection of tropical plants that were selected and preserved with so much skill and care by Captain Wilkes and the scientific gentlemen who accompanied him on the exploring expedition. The appropriation which could be applied to that object being insufficient to erect a new building adapted to the purpose of their permanent preservation, it was thought best to remove that part of the structure which interfered with the foundation of the Patent Office, and rebuild it in a cheap manner, so as to preserve the plants until Congress might fix upon a spot on which a perma-

nent building should be constructed, and select adjacent grounds for the cultivation of the hardier plants of the collection.

Something has been done within the present season towards enclosing and protecting the waste and neglected portions of the public grounds, but, owing to the limited appropriation for that object, but little in planting and adorning them. And in carefully looking over the best planted portions of the grounds near the President's mansion and about the capitol, it cannot but be observed how meagre is the collection of trees and shrubs, both native and exotic. In planting the newly-enclosed grounds this defect ought to be remedied, at least as to those of our native forests, of which many varieties, and some of them the most beautiful and the best fitted for plantations and lawns, have been wholly neglected. A rich variety of exotics, though desirable, is of less importance, as there are within the temperate zone, on the eastern continent, but few trees or shrubs which have not their congeners on this, of at least equal luxuriance and beauty.

Should Congress think fit, at an early day, to make the requisite appropriation, considerable progress may be made in the coming season in collecting choice varieties of forest trees and shrubs, and planting and improving the grounds.

The report of the Commissioner of Public Buildings will show the expenditures already made on the various improvements under his care, and also in the work thus far done on the wings of the Patent Office building, together with an estimate of deficiencies for the present and necessary appropriations for the next fiscal year.

#### PATENT OFFICE.

The Patent Office, which marks the progress and collects the results of the inventive genius of the American people, is an object of increasing interest and importance. The skilful and ready application of the accumulated stores of human knowledge, especially the natural sciences, to the wants and purposes of man, is a distinguishing characteristic of the present age. Not but that the discoveries of science are pressed as vigorously, and with as great intellectual power, in this as in the past; but the present is especially marked by the practical application of everything known, and which becomes known, to the daily wants and uses and purposes of life.

In this noble struggle for the earliest attainment of the useful in the arts—this pressing forward to the amelioration of the condition of man, the increasing of his comforts and lessening his toils by the application of science to the improvement of his industrial pursuits—that country will be foremost in which enlightened mind is most generally and most immediately brought into contact with operative labor.

It is in that fortunate concurrence of pursuits where the hours of labor in the workshop are made to alternate with those of study and research, that there are cultivated and matured minds like those of Franklin, Rittenhouse, Watt, and Davy, rich in inductive science, and ready in its application to all that is useful or ennobling. Many of the best and ripest minds of our own country belong to this class of operative students, and have long been and are still devoting themselves with signal success to scientific discoveries and mechanical improvements and inventions.

There is, as a matter of course, among the inventions of the day, mixed with the well-directed and the useful, much that is wild and visionary, and therefore abortive; and sometimes, perhaps, the vague, and for the present useless, foreshadowing of important future discoveries. But the aggregate value of the labor and study of the class of inventors is beyond all estimate. They have proved themselves benefactors to their country, and are entitled to the especial consideration and care of the government. The report of the Commissioner of Patents, which will be presented at an early day, will show a large surplus fund accumulated from their contributions, a part of which was appropriated at the last session of Congress "towards the erection of the wings of the Patent Office building." No part of this addition is considered necessary for the use of that office. Instead of thus directing this fund to a general purpose of the government, it would seem but just to apply it as the Commissioner recommends, or in some other manner that the wisdom of Congress may suggest for the encouragement of the inventive arts and the reward of successful inventors.

#### AGRICULTURAL BUREAU.

The agricultural interest stands first in importance in our country, and embodies within itself the principal elements of our national wealth and power; and it should be with us, as it has been and is with all other prosperous civilized nations, a leading object of public care and patronage. The principal nations of Europe have their agricultural boards, known by various names, under the direction of men of high scientific attainments, supported out of the revenues and connected with the administration of the government. And to borrow the language of the Father of his Country in his last annual message: "This species of establishment contributes doubly to the increase of improvement, by stimulating to enterprise and experiment, and by drawing to a common centre the results everywhere of individual skill and observation, and spreading them thence over the whole nation. Experience accordingly has shown that they are very cheap instruments of immense national benefit."

No direct aid has been extended by our government to agriculture, except by the yearly collection and publication, through the Patent Office, of some agricultural experiments and statistics, and recently the analyses of some soils and vegetable productions. The means thus applied, though useful in their results, are wholly inadequate.

To meet the great object fully, and give to this leading branch of American industry the aid which it so well merits, I respectfully suggest the establishment of an Agricultural Bureau, connected with this department, but separated from the Patent Office. The expense would be small compared with the end to be accomplished.

If this suggestion should meet with the approbation of Congress, and the organization of the bureau become a subject of consideration, much aid may be derived from consulting the systems adopted by France and Belgium, both of which have done much towards the advancement of agriculture as a science. Belgium, it is believed, has the best organized agricultural department, and, partly owing to this, partly to the natural





hanced in value. Generally, the farmer who emigrates prefers to select his own farm out of a wide area of good land, rather than to take, at a little larger price, the selection of another. These warrants, therefore, add little to the annual sales of the public lands. The soldiers do not generally locate them; but they are used where money would otherwise be used as a means of payment. The claims for bounties, under the acts of February 11, 1847, and 10th August, 1848, as shown above, are in round numbers -

round numbers -	-	-	-	-	83,000
Estimated number yet to be filed	-	-	-	-	20,000
Making, in the aggregate					<u>103,000</u>

Of these, 2,922 have been satisfied in money, and 70,390 have been allowed, (to be satisfied in land) which will require 10,636,120 acres.

And should there be but 100,000 valid claims, as is estimated, then there will remain 26,688 unsatisfied claims, which, if settled in land, will require a further quantity of 4,020,480 acres.

Making in all - - - - - 14,656,600 do.

Prior to the 1st of October last, there had been located, with these Mexican war warrants - - - 5,025,400 do.

Leaving yet to be located - - - 9,631,200 do.

The proportion of warrants used instead of purchase money in the ordinary sales will probably absorb them in the three next ensuing years; and sooner, if they take the place of cash generally in the current sales. Until the bounty warrants are exhausted, the receipts in cash from the sales of the public lands must be comparatively small.

The attention of this department was early directed to the continuation of the geological exploration and surveys of the mineral lands in Michigan, Wisconsin, and Iowa. On the 12th day of April, about the opening of the season for field operations, Dr. Charles T. Jackson, the principal geologist, who had conducted, in person, the survey of the mineral lands in Michigan, resigned his situation, and recommended the appointment of his two assistants, Mr. J. W. Foster and Mr. J. D. Whitney, jr., to finish the work. In a few days, however, he asked leave to withdraw his resignation. After looking into the progress of the work, and considering the time which it had required for its execution thus far, I was convinced that he could not, by any effort which it was reasonable to require of him, conduct the field-work in person, and prepare a report of what he had already done, and what was yet to be done, in time for it to be laid before Congress at their coming session. I therefore dispensed with his further services in the field, and instructed him to finish his analysis of the minerals collected, and prepare a report of the work done by him in the two preceding years. This report has been recently received, and will accompany that of the Commissioner of the General Land Office. It will be found to contain much historical information, touching the early explorations of the country bordering on Lake Superior, with a full and

able description of the geological relations, and character of the rich deposits of native copper on Isle Royal and Keeweenaw point.

The magnetic observations of Dr. Locke, one of the assistant geologists charged with that service by Dr. Jackson, will be regarded with peculiar interest. The magnetic energy which manifests itself at different points on the earth's surface, by its action on the needle in different directions, and with different degrees of force, giving to it what are called its dip, its declination, and its intensity—the diurnal variations of each of these, the variation of each of them in long periods of time, and the manner in which they are affected by meteorological and electrical phenomena, have for many years past been objects of great interest to science, and of careful observation on almost every part of the earth's surface accessible to civilized man. Our linear surveyors and our topographical corps, in their survey of Lake Superior, have found it necessary to observe the magnetic action so far only as regards the declination of the needle, or its direction towards, or variation from the true pole. The observations of Dr. Locke, which accompany Dr. Jackson's report, are therefore all that we have in that region which regards the magnetic force in its various manifestations, and it is matter of regret that they could not have been longer continued and further extended.

The residue of the field-work of this district was intrusted to Messrs. Foster and Whitney, who have pressed it forward with much diligence and industry. Their report is not yet completed, but the synopsis and the geological maps which they have returned, and which will accompany the report of the Commissioner of the General Land Office, are highly satisfactory to the department and creditable to themselves. Their maps designate by quarter sections the lands on which valuable mineral deposits are found, so that the agricultural lands within the mineral region can now be offered for sale pursuant to law.

Dr. Owen, the geologist for Wisconsin and Iowa, has furnished all the data necessary to enable the Land Office to bring into market the mineral lands of the Chippewa district in Wisconsin, and he has extended his exploration and survey over not only the northern parts of Iowa and Wisconsin, but Minnesota also, as far north as the United States boundary line, and west a short distance beyond the Red river of the north. His report, which is in course of preparation, will, it is believed, be not only a valuable contribution to science, but contain also the best information which we have of the agricultural capabilities and the mineral wealth of the extensive district of country which he has explored. A further appropriation will be necessary to enable him to complete the analysis of minerals which he has collected, and to prepare his report.

#### PUBLIC LANDS IN OREGON, CALIFORNIA, AND NEW MEXICO.

No provision has yet been made to extend the laws for the disposition of the public lands into the territories of Oregon, California, and New Mexico. The public interest would seem to require that this should be done at an early day. To carry it into effect the negotiation of treaties with the Indian tribes who claim title to the lands, the creation of the office of surveyor general in each of those territories, and the establishment of land offices in convenient districts, will be necessary, accompanied with the usual appropriations for surveys.

Nothing beyond this, or out of the ordinary course of things, will be

required, in providing for the disposition of the lands in Oregon, except the adjustment of a few titles of British subjects, provided for by the treaty of August 5th, 1846, which may be referred to the judges of the territory, and some generous provision for the early emigrants, in consideration of the hardships which they encountered in the first settlement of this distant and exposed frontier.

New Mexico has long been settled, and portions of the land in that territory are held by titles granted by Spain, or by Mexico since her separation from the Spanish monarchy. It will be necessary to establish a judicial commission to examine and settle these titles, so far as they are subject to doubt or controversy. A large proportion of them is, it is believed, of ancient date and evidenced by long and uninterrupted occupancy.

In California such commission will be more especially necessary. Many of the older grants in that territory, of considerable extent, have been resumed by the sovereign authority, and are now held under new grants which require examination. Many important and commanding points are claimed under very recent grants of a questionable character; and but a part of the public records were, at the time of our last advices, in the possession or within the knowledge of the proper authorities. There is, however, a large amount of land in this territory, held by grants of unquestionable validity, and some of them, especially those granted for pasturage, are large, covering many square leagues in extent. A considerable amount also is held by inchoate titles, regular and fair in their inception, but which have not been perfected. These titles, where commenced in good faith, by concession from the Spanish or Mexican authorities, ought to be favorably regarded, especially if followed by possession. In no case should the occupant of the soil suffer injury by the transfer of the sovereignty to the United States. This consideration has induced Congress to confirm inceptive grants, even where the conditions were not fulfilled, in all cases where it could reasonably be supposed that the government which made the grant would have waived or allowed further time for their performance.

This liberal consideration ought not, however, to be extended to doubtful grants of positions on the bays, islands, and headlands, which, when acquired, were known to be necessary to the United States as sites for forts, light-houses, or other objects of a national character. It is understood that titles of some kind, generally not valid without the confirmation of Congress, have been procured, and are claimed, to some of these points, which, if confirmed to and made the property of individuals, must be purchased back at a very large price. The right of the United States to such sites, where valid, ought to be at once asserted; and every spot necessary to the use of the government should be selected and separated from the general mass of public lands, and reserved from sale, and from the operation of the pre-emption laws, as they shall be extended to that territory.

#### MINERAL LANDS IN CALIFORNIA.

It is understood that a few of the larger grants cover, to some extent, the mines of gold and quicksilver.

By the laws of Spain these mines did not pass by a grant of the land,

but remained in the crown, subject to be disposed of according to such ordinances and regulations as might be from time to time adopted. Any individual might enter upon the lands of another to search for ores of the precious metals; and having discovered a mine, he might register and thus acquire the right to work it on paying to the owner the damage done to the surface, and to the crown, whose property it was, a fifth or tenth, according to the quality of the mine. If the finder neglected to work, or worked it imperfectly, it might be denounced by any other person, whereby he would become entitled.

This right to the mines of precious metals, which, by the laws of Spain, remained in the crown, is believed to have been also retained by Mexico while she was sovereign of the Territory, and to have passed by her transfer to the United States. It is a right of the sovereign in the soil as perfect as if it had been expressly reserved in the body of the grant; and it will rest with Congress to determine whether, in those cases where lands duly granted contain gold, this right shall be asserted or relinquished. If relinquished, it will require an express law to effect the object; and if retained, legislation will be necessary to provide a mode by which it shall be exercised. For it is to be observed that the regulation permitting the acquisition of a right in the mines by registry or by denouncement was simply a mode of exercising by the sovereign the proprietary right which he had in the treasure as it lay in and was connected with the soil. Consequently, whenever that right was transferred by the transfer of the eminent domain, the mode adopted for its exercise ceased to be legal, for the same reason that the Spanish mode of disposing of the public lands in the first instance ceased to be legal after the transfer of the sovereignty.

Thus it appears that the deposits of gold, wherever found in the Territory, are the property of the United States. Those, however, which are known to exist upon the lands of individuals are of small comparative importance, by far the larger part being upon unclaimed public lands. Still our information respecting them is yet extremely limited; what we know in general is, that they are of great extent and extraordinary productiveness, even though rudely wrought. The gold is found sometimes in masses, the largest of which brought to the mint weighed 89 ounces. They are generally equal to the standard of our coin in purity, and their appearance that of metal forced into the fissures and cavities of the rocks in a state of fusion. Some, however, are flattened, apparently by pressure, and scratched as if by attrition on a rough surface. One small mass which was exhibited had about five parts in weight of gold to one of quartz, intimately blended, and both together bouldered, so as to form a handsome rounded pebble, with a surface of about equal parts quartz and gold. A very large proportion of the gold, however, is obtained in small scales by washing the earth, which is dug up in the beds of the streams or near their margin. A mass of the crude earth, as taken at random from a placer, was tested by the director of the United States mint at Philadelphia, and found to contain  $264\frac{1}{2}$  grains of gold (being, in value, a fraction over \$10) to 100 lbs. of earth. It cannot, however, be reasonably supposed that the average alluvial earth in the placers is so highly auriferous.

No existing law puts it in the power of the Executive to regulate these mines, or protect them from intrusion. Hence, in addition to our own citizens, thousands of persons, of all nations and languages, flock in and gather gold, which they carry away to enrich themselves, leaving the

lands the less in value by what they have abstracted; and they render for it no remuneration, direct or indirect, to the government or people of the United States. Our laws, so strict in the preservation of public property that they punish our own citizens for cutting timber upon the public lands, ought not to permit strangers, who are not and who never intend to become citizens, to enter at pleasure on these lands, and take from them the gold which constitutes nearly all their value.

Some legal provision is necessary for the protection and disposition of these mines, and it is a matter worthy of much consideration how they should be disposed of so as best to promote the public interest and encourage individual enterprise. In the division of these lands regard should be had to the convenience of working every part of them containing gold, whether in the alluvion merely or in the fixed rocks. And, that such division may be made in the best manner practicable to promote the general interest and increase the value of the whole, a geological and mineralogical exploration should be connected with the linear surveys, which should be made with the assistance and under the supervision of a skilful engineer of mines.

The mining ordinances of Spain provide a mode of laying out the mines, which applies only to districts where veins of ore occur in the rocks, and where it is to be mined by following the metaliferous dike or stratum in the direction of its dip, and along its line of strike. But the gold which is found in the alluvion in California is continuous over a great extent of country, and it may be wrought upon any lot having surface earth and access to water. This district may be, therefore, divided into small lots, with a narrow front on the margin of the streams, and extending back in the form of a parallelogram. Where gold is found in the rocks *in situ*, the lots to embrace it should be larger, and laid off according to the Spanish method with regard to dip and strike. But so various are the conditions under which the precious metals may be found by a careful geological exploration, that the mode of laying off the ground cannot be safely anticipated, but must be left to the direction, on the spot, of a skilful engineer, whose services will be indispensable.

The division, disposition, and management of these mines will require much detail; but, if placed on a proper footing, they may be made a source of considerable revenue. It is due to the nation at large that this rich deposit of mineral wealth should be made productive, so as to meet, in process of time, the heavy expense incurred in its acquisition. It is also due to those who become the lessees or purchasers of the mines that they should be furnished by the government with such scientific aid and directions as may enable them to conduct their operations not only to the advantage of the treasury, but also with convenience and profit to themselves. This scientific aid cannot be procured by individuals, as our people have little experience in mining, and there is not in the United States a school of mines, or any in which mining is taught as a separate science.

If the United States sell the mineral lands for cash, and transfer at once all title to the gold which they contain, but a very small part of their value will probably be realized. It would be better, in my opinion, to transfer them by sale or lease, reserving a part of the gold collected as rent or seignorage.

After mature reflection, I am satisfied that a mint at some convenient

point will be advantageous to the miner, and the best medium for the collection and transmission of the gold reserved. Gamboa, a Spanish author of much science and practical observation, and at one time president of the Royal Academy of Mexico, strongly recommended the establishment of a mint in their principal mining district, as a means of collecting and transmitting the rents reserved by the crown, and especially to give a legitimate currency to the miners, that they might not be compelled, from necessity, to barter their bullion, in violation of law. The same reasons would apply here with equal force.

When the land is properly divided, it will, in my opinion, be best to dispose of it, whether by lease or sale, so as to create an estate to be held only on condition that the gold collected from the mine shall be delivered into the custody of an officer of the branch mint. Out of the gold so deposited, there should be retained, for rent and assay, or coinage, a fixed per cent., such as may be deemed reasonable, and the residue passed to the credit of the miner, and paid to him at his option in coin or stamped bullion, or its value in drafts on the treasury or mint of the United States. The gold in the mine, and after it is gathered, until brought into the mint, should be and remain the property of the United States. The barter, sale, gift, or exportation of any portion of it before it shall have been delivered at the mint, and so coined, or assayed and stamped, or its concealment, with intent to avoid the payment of rent or seignorage, should involve a forfeiture of the gold itself, and also of the mine. The terms of lease or sale should be favorable to the miner, and the law should be stringent to enforce the payment of seignorage and rents.

So far as the surface deposits extend, I am of opinion that leases will, for yet a further reason, be preferable to sales of the lands. If sold, they will pass at once into the hands of large capitalists; if leased, industrious men without capital may become the proprietors, as they can work the mines and pay the rent out of the proceeds. But where gold is found in the rocks in place, the case is different. These must necessarily fall at once into the hands of large capitalists or joint stock companies, as they cannot be wrought without a heavy investment.

Some persons, whose opinions are entitled to much weight, apprehend difficulty in collecting the rents, if the mode of disposition which I suggest be adopted; but this, I think, is without a full consideration of the condition of the country and the means of enforcement. Gold, unless coined or stamped at the mint, could not circulate in California against a legal provision, and subject to a penalty such as is suggested. It could not be carried across the continent without risk of loss or detection, which would make the value of insurance equal to the rent. In any other direction it must pass the ports of California, and be there liable to detection.

Since the discovery of the mines, gold in California has not ranged higher than \$16 per ounce: its actual value is a fraction over \$18. The difference between its true value and the highest price at which it has sold, or would probably ever sell, except to houses transacting an open, regular and legal business, is therefore *one-ninth*, being more than half the amount that ought to be reserved as rent or seignorage.

If the penalty suggested above should be provided for an attempted evasion, and the ordinary advantages given to the officer or other person who should detect the fraud, as in case of smuggling, it would not be the interest of any one to become a dealer in the prohibited article at a

small profit and great risk: nor would the miner risk a sale at a small advance of price, to be obtained at the hazard of a heavy forfeiture. The absolute security of the lawful business, the safety of the fund when deposited in the treasury of the United States, and the small profit and great risk of attempted frauds, would be reasonable security against them.

The property of the United States in the mines of quicksilver, derived from Spain through Mexico, with the eminent domain, is, as I have shown, the same as that to the gold, already considered. Indeed, the laws of Spain asserted more sternly and guarded more strictly the rights of the crown to that metal than to gold and silver. This arose from the scarcity of quicksilver, it being found in sufficient quantities to be worth mining in but few known places on the globe; while its necessary use in separating silver from its matrix, makes it an essential ingredient in silver mining operations.

The deposit of quicksilver, known to exist in California, is a sulphuret of mercury, or native cinnabar. The stratum of mineral, several feet in thickness, has been traced for a considerable distance along its line of strike. The specimens assayed at the mint range from 15.5 to 33.35 per cent. of metal; it is easy of access, and is mined and reduced without difficulty. So much of the mine as has been traced is situated on a ranch, to which the title is probably valid; and since the United States took possession of the country, an attempt has been made to acquire title to the *mine by denouncement*. This proceeding is, for the reasons that I have already given, invalid. It therefore remains for Congress to determine whether they will relinquish or assert the title of the United States in this mine.

#### ROAD TO THE PACIFIC.

The population of California, already considerable in numbers, is rapidly increasing by immigration. Adventurers attracted there in search of gold, are gradually forming a fixed population, and must, in the nature of things, soon draw after and connect with them the ordinary accompaniments of social life. Its mining will become a regular branch of productive industry, employing many hands and much machinery, and affording the necessary encouragement on the spot to the building up of workshops and the exercise of the mechanic arts. It has already a considerable commerce, which is constantly increasing, and must soon become extensive, not only with our own country and Europe, but with China, and the Pacific islands; including Japan, whose ports, it is believed, will be opened to the admission of its gold. This concurrence of favorable elements, among which should be included the agricultural and manufacturing capacities of Oregon, will cause to spring up, with a rapidity heretofore unexampled, large and prosperous communities on our Pacific coast.

Some means of communication across the continent, through our own territory, from the Atlantic to the Pacific—a road which can be passed over with reasonable speed and safety—is necessary to meet the wants of our citizens on either coast, and is equally necessary to aid the government in controlling the Indian tribes of the intermediate country, and in protecting from their depredations our two lines of frontier settlements, which will now gradually approach each other. Opinion, as expressed



and elicited by two large and respectable conventions, recently assembled at St. Louis and Memphis, points to a railroad as that which would best meet the wants and satisfy the wishes of our people. But what that road will be, and where and by whom constructed, must depend upon the action of Congress, founded on such information as a careful reconnoissance of the country by a scientific corps may furnish.

#### INDIAN AFFAIRS.

The wild tribes of Indians, who have their hunting grounds in the great prairie through which our emigrants to California pass, have, during the present year, been more than usually pacific. They have suffered our people to pass through their country with little interruption, though they travelled in great numbers, and consumed on their route much grass and game. For these the Indians expect compensation, and their claim is just. The prairie is their pasture field; the buffalo, their herds; and if used by us, they ought to be paid for. I concur in the recommendation of the Commissioner of Indian Affairs, that treaties be negotiated with these tribes, stipulating for the right of way through their country, and the use of grass and game, paying them therefor small annuities in useful articles of merchandise, and agricultural implements and instruction. By these means we may gain their good will, and have a guaranty for their good conduct in their dependence upon us, which will soon become habitual, for the annuities, and the fear of their loss in case of transgression. And by these means, and with the aid of religious and benevolent societies, they may be, perhaps, turned from their roving habits, their thirst for war and bloodshed allayed, and they may be gradually won over to agriculture, and ultimately to civilization.

This is the more important as the time is at hand when the herds of buffalo, which are now rapidly disappearing, will be insufficient to supply them with subsistence.

A band of the Seminoles, who remained in Florida under the temporary arrangement made with them in 1842, have been since that time in the care of the military. It was proposed to transfer their supervision to this department, for the purpose of effecting their peaceable removal, and a sub-agent was appointed to take charge of them. But before he entered upon the effective discharge of his duties, a marauding party of the band attacked and murdered some of our citizens, and burnt and destroyed their property. It was therefore deemed necessary at once to protect the adjacent settlements by a military force; and the sub-agent thereby becoming unnecessary, his services were dispensed with, and these Indians again placed under the sole supervision of the Department of War.

A portion of the Indians in Texas were in the early part of the season guilty of an outbreak of a more extensive and serious character. Before they could be checked, they ravaged a large extent of country along the Rio Grande, committing a number of murders, taking several women and children captive, and destroying and carrying off a considerable amount of property. The marauders were driven back and chastised by a military force.

I would especially invite attention to the necessity of some arrangement with the State of Texas, by which the laws of the United States regulating Indian intercourse may be extended to the tribes within her

limits. Until such arrangement can be made, the pacific action of this department will be, for many reasons, ineffectual to secure that extensive frontier from depredations, or give the protection stipulated by treaty to the adjacent provinces of Mexico.

It is important that, at as early a period as practicable, a suitable number of agents should be authorized, and the necessary appropriations made by Congress to enable the department properly and efficiently to manage our Indian affairs in the Territories of Oregon, California, and New Mexico, and to restrain the Indians of the two latter Territories from committing depredations upon the citizens of Mexico.

No special provision having been made with respect to our Indian intercourse in Oregon, three sub-agents were appointed by the late administration last year for the Indians there; from whom, or from the governor, who is *ex officio* superintendent of Indian affairs, no reports have yet been received.

In consequence of a like omission to make provision for California and New Mexico, two agents, occupying less important positions, were transferred—one to the vicinity of the Great Salt Lake, in California, and the other to Santa Fe; and three sub-agents in addition were appointed for the Indians at other points in those Territories. These agents were instructed to report fully, as early as practicable, in relation to the locality, numbers, character, and habits of the Indians, in order to put it in the power of the department to lay before Congress such information as would enable that body to adopt proper measures in regard to them. In consequence of the great distance and the difficulty of communication, no reports from them have been received, except a brief communication from the agent to the Great Salt Lake, which will accompany the report of the Commissioner of Indian Affairs.

Most of the tribes permanently located on our western borders, particularly the more southern, continue steadily to advance in civilization, and in all the elements of substantial prosperity. The establishment of manual labor schools, in charge of missionary societies of various religious denominations, is working a great moral and social revolution among several of the tribes; and if the department had the means of extending the benefits of these institutions to those more destitute, who have no funds set apart by treaty for these purposes, it would no doubt be productive of like happy results. With this view, and in consideration of the great addition to the Indian population with whom we are brought into contact by the settlement of Oregon and the accession of California and New Mexico, I would recommend that the annual appropriation for the civilization of the Indians be increased. For a particular detail of our Indian intercourse during the past year, I refer to the accompanying report of the Commissioner of Indian Affairs, whose suggestions and recommendations I fully approve.

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

To the PRESIDENT OF THE UNITED STATES.