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**Message of the President of the United States and accompanying documents, to the two Houses of Congress at the commencement of the third session of the Fortieth Congress, Report of the Commissioner of Indian Affairs, 1868.**

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MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

AND

ACCOMPANYING DOCUMENTS,

TO THE

TWO HOUSES OF CONGRESS

AT THE

COMMENCEMENT OF THE THIRD SESSION OF THE FORTIETH CONGRESS.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1868.



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REPORT

OF THE

SECRETARY OF THE INTERIOR.

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DEPARTMENT OF THE INTERIOR,  
*Washington, November 30, 1868.*

SIR: I have the honor to inform you that the reports received by this Department from its bureau and other officers, have, pursuant to law, been transmitted to the public printer. They furnish copious details touching the several branches of the public service to which they relate.

During the last fiscal year, public lands were disposed of as follows:

	Acres.
Cash sales.....	914, 941. 33
Located with military warrants.....	512, 533. 42
Taken for homesteads.....	2, 328, 923. 25
Approved to States as swamp.....	259, 197. 85
Grants to railroads.....	697, 257. 57
Located with college scrip.....	1, 942, 889. 08
	6, 655, 742. 50

A quantity less by 385,372 acres than that disposed of the previous year.

The cash receipts of the office during the same period, from all sources, amounted to \$1,632,745 90, which exceeds the amount received from the same sources the previous fiscal year by \$284,883 38.

Nearly one-fourth of the homestead entries were made under the act of June 21, 1866, which applies only to the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

The quantity of lands still undisposed of is 1,405,366,678 acres.

Measures have been taken for establishing the boundary lines between Nebraska and Colorado; Nebraska and Wyoming; Nevada, Utah, and Arizona; and for running the northern boundary of New Mexico.

I invite attention to the views presented in my former reports, in regard to certain amendments of the pre-emption and homestead laws.

The report of the Commissioner of the General Land Office is very elaborate, and affords much valuable and interesting information in relation to the agricultural, mineral, and other resources of the several land States and Territories, as well as many judicious suggestions on the operation of the laws regulating the disposal of the public domain.

Of the two revolutionary soldiers pensioned by special acts of Congress in 1867, John Gray, of Ohio, has died. The other, Daniel F. Bakeman, of New York, is reported as living.

There are at the present time on the rolls, the names of 888 widows of revolutionary soldiers, and 1,303 widows and children of soldiers who served in wars subsequent to the revolution and prior to the rebellion.

During the past year there were examined and allowed 9,325 new applications for invalid pensions of soldiers, at an aggregate annual rate of \$628,271 70, and 4,854 applications for increased pension of invalid soldiers, at an annual aggregate rate of \$280,487 28. During the same period 19,242 original pensions to widows, orphans, and dependent relatives of soldiers were allowed, at an aggregate annual rate of \$1,910,202 70, and 27,053 applications by the same class for increased pay were also admitted, at a total annual rate of \$1,725,960. On the 30th June, 1868, there were on the rolls 74,782 invalid military pensioners, whose yearly pensions amounted to \$6,828,025 26, and 92,243 widows, orphans, and dependent relatives of soldiers whose yearly pensions amounted to \$12,065,068 94, making the total aggregate of army pensioners 167,025, at a total annual rate of \$18,893,094 20. The whole amount paid during the last fiscal year to invalid military pensioners was \$7,484,796 85; to widows, orphans, and dependent relatives, \$16,173,801 93; a grand total of \$23,658,598 78, which includes the expenses of the disbursing agencies.

During the same year, there were admitted 135 new applications for invalid navy pensions, at an annual rate of \$12,890; 50 applications for increased pensions of the same class at an annual aggregate of \$2,994; 219 original applications of widows, orphans, and dependent relatives of those who died in the navy, at an aggregate rate of \$26,012 per annum. and 72 pensions of the same class were increased at a total yearly rate of \$3,600. On the 30th June, 1868, the rolls of the navy pensioners bore the names of 1,175 invalids, at an annual aggregate of \$94,833 75, and 1,443 widows, orphans, and dependent relatives, at an aggregate annual rate of \$236,256. The amount paid during the last fiscal year to navy invalids was \$97,340, and to widows, orphans, and dependent relatives of officers and seamen of the navy, \$255,043 21; a total amount of \$352,383 21.

During the year there were added to the number of pensioners of all classes, 28,921; there were dropped, from various causes, 14,752, leaving on the rolls, June 30, 1868, 169,643. The total amount paid for pension of all classes, including the expenses of disbursement, was \$24,010,981 99 a sum greater by \$5,391,025 53 than that paid the previous year.

There were 1,077 bounty-land warrants issued for 167,720 acres.

The expenditures for special agencies are largely exceeded by the pecuniary gain to the government. Over 300 claims have thus been found fraudulent, amounting to \$27,000 per annum.

The Commissioner presents in his able report valuable suggestions

touching the codification and administration of the pension laws, and other matters relating to the office, to which I respectfully invite attention.

Treaties have been concluded with various Indian tribes, as follows:

With the Kiowas, Comanches, and Apaches, October 21, 1867; the Cheyennes and Arapahoes, October 28, 1867; the Tabeguaches and six other bands of Ute Indians, March 2, 1868; the Cherokees, April 27, 1868; the Mountain Crows, May 7, 1868; the northern Cheyennes, and Arapahoes, May 10, 1868; and the Navajoes, June 1, 1868. The foregoing treaties have been ratified. The following treaties, concluded with various tribes since July 1, 1867, have not been ratified:

With the Sioux nation, (different bands) 29th April, 1868; the Osages, 29th May, 1868; the Chippewas of Swan creek and Black river, June 1, 1868; the Bannocks and Shoshonees, July 3, 1868; the Gros Ventres, July 13, 1868; the River Crows, July 15, 1868; the Cherokees, July 19, 1868; the Blackfeet, September 1, 1868; the Bannocks, Shoshonees, and Sheep-eaters, September 24, 1868.

The leading stipulations of the treaties which have been proclaimed, provide for gathering the respective tribes upon distinct reservations, and for securing, in due time, to each Indian a title to a separate tract of land. Clothing, goods, and farming implements are to be furnished, and school and mission houses, agency buildings, mills, &c., are to be erected. When by a temporary occupation of the Indian hunting grounds, or the construction of railways over them, we partially deprive the Indians of their accustomed means of subsistence, we should afford them a reasonable indemnity. Our treaties, however, will not be worth the paper upon which they are written, if Congress does not furnish the means or executing them. We have no just ground of reproach against most of the tribes for the non-fulfillment of their treaty stipulations. It is a significant fact that during the winter of 1867-8, when more than 27,000 Indians were subsisted by us, not a single act of depredation or violence was reported. It is believed that peaceful relations would have been maintained to this hour had Congress, in accordance with the estimates submitted, made the necessary appropriations to enable this Department to perform engagements for which the public faith was pledged. A costly Indian war, with all its horrors, would have been avoided.

The lands within the limits of reservations set apart for Indians who have made some progress in the arts of civilized life, should not be held in common. When surveyed, the title in severalty to small tracts designated by specific legal subdivisions, should be vested in individuals, with no power of alienating them, except to members of the tribe. The government should guarantee to the Indians the perpetual and exclusive right to remain in the undisturbed possession of the reservation, and prohibit, by the severest penalties, the settlement of white persons within it. The latter trespass upon the land of the Indian, and often compel



him to abandon his home and seek another in a distant wilderness. So long as this precarious tenure exists, the Indian believes that he has but a temporary right, which is to be divested by the advancement of the white population, and the labors of the agents in his behalf will be greatly embarrassed. We have striking examples of the high degree of civilization which the Indians may, under propitious influences, attain. The Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles, residing within the Indian country west of Arkansas, have given evidence of their capacity for self-government. Institutions are organized under which their civil and political rights have for many years been as well protected as in any part of our country. They have adopted measures for the formation of a territorial government, with a view to their ultimate admission as a member of our Federal Union. Such facts should stimulate us to constant and strenuous efforts in reclaiming the wild tribes and instructing them in the arts of civilized life. Although our progress is slow and beset with formidable difficulties, a just regard to our obligations requires us to persist in the work.

The transfer of the Indian bureau to the War Department has been suggested. Our experience during the period when the Indians were under military care and guardianship, affords no ground for hope that any benefit to them or the treasury would be secured by the measure. I assume that it is our duty to promote, by all appropriate and peaceful means, the moral, intellectual, and material condition of these wards of the government. There is nothing in the pursuits or character of the soldier which especially adapts him to this duty. It can be better fulfilled by our civil officers. No divided control should, however, be tolerated. Undue interference with the exercise by this department of its acknowledged and exclusive jurisdiction over the Indians has seriously impaired its efficiency and disturbed our relations with them.

I refer you to the report of the Commissioner for more specific information in regard to Indian affairs.

An act approved March 2, 1867, established a Department of Education intrusted the management thereof to a Commissioner, provided for his appointment, and authorized the employment of sundry clerks, who were made subject to his appointing and removing power. It devolved upon him the duty of presenting to Congress annual reports, the first of which was to contain a statement in relation to the land grants made by Congress to promote education. An act of the last session declares that the Department of Education shall cease from and after the 30th of June next, and that there shall be established and attached to this department an office, to be denominated "the Office of Education," the chief officer of which shall be the Commissioner of Education.

As the Department of Education will, at the close of the present fiscal year, no longer exist, I submit that the act works at that date a cessation of the present office of Commissioner. A new office, taking effect in *futuro*, has been created, although the mode of filling it has not been

prescribed. The appointment of an officer by legislative enactment is confessedly unconstitutional, as the appointing power is otherwise vested. But, without dwelling upon this question, inasmuch as the duties appertaining to the bureau are to be discharged under the direction of the Secretary of the Interior, I beg leave to offer for consideration some general views which have impressed me with the conviction that all legislation touching the Department, and the Office, of Education should be repealed. The acts of Congress and the reports of the Commissioner of Public Lands disclose the extent of the several land grants made by the general government for seminaries of learning. The approaching census will exhibit full and authentic educational statistics; and I am unable to perceive the propriety of maintaining a bureau for the purpose of compiling, from the published reports of the local authorities or other sources, information touching the practical operation of the school systems in force in the several States. Those reports are widely diffused and are accessible to the public. The matter which may be elicited is not required to enable Congress to discharge its legitimate duties. Education in the States falls within their exclusive province. The enlightened and active zeal which most of them have manifested on the subject affords an ample guarantee that systems of common schools will be maintained throughout the country. Such modifications as may be required to adapt them to the peculiar condition and wants of the various classes of the population will be seasonably introduced. We shall all gladly hail the day when a title to instruction in the rudiments of knowledge will be regarded as the birthright of every American child. The management of this great interest may, however, be safely and wisely left to the States, to whom alone, under the Constitution, it belongs.

As in the past, so in the future, when new States shall be admitted into the Union, Congress will grant them land for educational and other purposes, and the administration of the fund derived from the sale of it should be confided to them. Interference by Congress, in matters of purely local concern, can be productive of nothing but unmixed evil.

Should, however, "the Office of Education" be perpetuated, I suggest the propriety of enacting by whom the Commissioner shall be appointed. The act of last session in other respects should be modified. Under the Constitution, "Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments." It has been judicially determined that clerks are officers within the meaning of this provision, and the power of appointing such as this bureau may, in the opinion of Congress, require, should therefore be vested in the Secretary of the Interior. The Commissioner, as other officers of like grade, should be required to report to the department under whose supervision he acts, and not to Congress. An appropriation for the next fiscal year of \$6,000 will be required to pay the contingent expenses of the office, salaries of the Commissioner, and two clerks of the first-class to be appointed

by the Secretary of the Interior. This sum will be ample, if the office be economically administered. No greater clerical force should be authorized.

During the year ending September 30, 1868, there were 20,112 applications for patents; 14,153 patents (including re-issues and designs) were issued; 1,692 applications allowed on which patents did not issue owing to the non-payment of the final fee; 3,789 caveats filed; 180 applications for the extension of patents received, of which 133 were granted. The receipts were \$696,786 78, being \$171 64 less than the expenditures.

Congress, on the 20th of July last, directed that all moneys standing to the credit of the patent fund, or in the hands of the Commissioner, and all moneys thereafter received at the Patent Office, should be paid into the treasury without deduction; appropriated \$250,000 for salaries, miscellaneous and contingent expenses, and other purposes, and required it to be disbursed under the direction of the Secretary of the Interior. The cash then on hand, \$63,025 76, was accordingly paid, and the amount to the credit of the patent fund transferred on the books of the treasury. The expenses from that date to the 31st of October were \$173,461 43. The expenses for this and the following month, including the outstanding claims, are estimated at \$120,000. An appropriation of \$360,000 will be required for the remainder of the fiscal year.

The Commissioner, in a communication to me, expresses the opinion that in view of the varying amount both of the receipts and expenditures, it is expedient to restore the office to its former position, and, if deemed necessary, to limit the amount of surplus to the credit of the fund at the end of each year. He considers that the miscellaneous character and uncertain amount of clerical and other labor required render impracticable even a proximate estimate of the amount required during each fiscal year. I do not concur in these views. In my judgment, the legislation of the last session was wise and salutary in this regard. The probable expenditures may be estimated with reasonable certainty. The office should report to the Secretary of the Interior and he be authorized and required to exercise an efficient supervision over it. I am satisfied that the absence of such control has led to lavish expenditures and flagrant abuses. The limitations upon the Secretary's appointing power ought to be abolished and this bureau placed upon the same footing in this particular as the other bureaus of the department. I am gratified to record that the present Commissioner has efficiently and zealously labored to correct irregularities, reduce expenses, enforce a wholesome discipline in the office, and render it in every respect more worthy of public confidence.

I renew my former recommendation in favor of repealing so much of the law as allows an appeal from the decisions of the Commissioner on applications for letters patent and in interference cases, and respectfully refer to the views on the subject presented in my former reports.

At the date of my last annual report you had accepted 490 miles of

the road and telegraph line of the Union Pacific Railroad company, and the commissioners were then engaged in the examination of an additional section of 20 miles. Since that date, including said 20 miles, 330 have been accepted. The commissioners have submitted reports upon four additional sections, amounting to 100 miles.

By a report from the government directors, it appears that the expenses for operating the road for the year ending September 30, 1868, were \$3,213,565 83. The amount received from passengers during the same time was \$1,109,501 28, of which \$130,239 62 was from the United States. The amount received from freight was \$3,077,330 81, of which the government paid \$550,759 73.

Early attention was given to the proper interpretation of the acts declaring that the roads to which the government subsidies in lands and bonds were granted should be "first-class." My immediate predecessor, referring to the subject in his annual report, stated that he had invited the directors on the part of the government and the commissioners to meet for the purpose of determining on a standard of construction and equipment, to which the companies should be required to conform. Their report was submitted to the Secretary, and on February 24, 1866, he directed that it should "be used by the directors and commissioners as a guide for their action in directing or accepting the work."

The act of Congress prescribes that the government directors shall from time to time report to the Secretary of the Interior in reply to inquiries he may make of them relative to the condition, management, and progress of the work, and shall communicate to him such information as should be in the possession of the Department. I therefore, on the 13th of June last, availed myself of this provision, and directed Mr. Williams and Mr. Rollins, two of the government directors, to examine the completed portion of the road, and also the regions west thereof over which the company's surveys had been made, and to report touching its location, construction, and equipment, and also the number and condition of the machine and repair shops. Mr. Williams is an experienced civil engineer, and in the absence of Mr. Rollins, who was unavoidably prevented from accompanying him, performed the duty committed to him in a very satisfactory manner. His reports presented such statements that I deemed it my imperative duty, on presenting to you the report of the commissioners on the 25th section, to invite your attention to the leading facts he communicated, and to request that the Attorney General be directed to advise you whether said report, as to the facts covered by it, was conclusive upon the executive; and if not, whether upon other satisfactory evidence that the road was not properly constructed, you could lawfully withhold from the company all or any part of the lands and bonds to which it would otherwise be entitled.

You acceded to the request. The Attorney General examined the acts of Congress, and the manner in which the executive duty, thereby imposed, had been discharged, and furnished an elaborate opinion upon

the questions submitted. He considered that the duty had, during your and the preceding administration, been judiciously performed, and as it was the main policy of those acts to foster and press on the enterprise, the nature of it required a distinction to be drawn, in some particulars, between a provisional and an absolute completeness of the work. He held that the standard adopted by the Department properly recognized the propriety and necessity of an ultimate revision of the road in order to secure that absolute completeness, which, in its early stages, could not be rightfully exacted as a condition precedent to the advances upon each successive section, and added, that it was competent for the executive, by means of further inquiry from engineers and experts in the construction and management of railroads, to provide for a revision of the work theretofore accepted, upon the assurances or obligation of the company to supply, as far and as fast as might be, what was needed to make the road conform in all respects to the standard, and that a reasonable amount of securities might be reserved to enforce the performance of this obligation of the company.

This Department, on the 25th of September, represented to you that the time had come for such revision. Brevet Major General Gouverneur K. Warren, United States army, Jacob Blickensderfer, jr., of Ohio, and James Barnes, of Massachusetts, were appointed commissioners for that purpose. The first is an accomplished officer of the corps of engineers. The other gentlemen are civil engineers of large experience and are reputed to be thoroughly versed in the science and practice of their profession.

They were directed to make a thorough personal examination of the road, and to report upon its location, construction, and equipment, and to furnish a proximate estimate of the amount of expenditure required to render it, as far as constructed, "equal in all respects to a fully-completed, first-class railroad." They were also required to report upon the most direct, central, and practicable location from the end of the track to the head of Great Salt lake, and the estimated cost of construction and equipment of the road between the latter point and the mouth of Weber cañon.

The commissioners' report has just been received. The trust confided to them appears to have been executed with intelligence and fidelity. A description of the location of the road is given. The elevation at Omaha is 946 feet above tide-water, and at the head of Great Salt lake 4,311 feet. The sum of the ascents going westward is 12,995 feet, and the consequent sum of the descents is 9,626 feet. They are of the opinion that the location of the road, as a whole and in its different parts, is upon the most direct, central, and practicable route, but that the line is not in all respects well adapted to the ground, as there are points where the full capabilities of the country have not been developed, and others where in its details, the location is radically wrong. This has been occasioned by a desire to diminish the cost of work by the introduction of more and

sharper curves than the circumstances require, although the saving in cost was but small in comparison to the permanent injury of the road. The commissioners are of opinion that the line, as built, should not be permanently adopted, and that economy and the best interests of the road require alterations and improvements to be made.

The road, when examined, was built 890 miles from Omaha. Its construction, so far as excavations and embankments were required, was remarkably easy. From Omaha to a point 535 miles west there are no rock excavations, and the natural surface of a great portion of the intermediate country presents nearly practicable grades. From the latter point to the end of the track the work is less than on eastern roads of the same length, and the most difficult parts are light in comparison with roads in the Alleghany mountains. There is but one tunnel. It is on the bank of St. Mary's creek, 230 feet in length.

The road-bed was designed to have embankments fourteen feet wide on top, with the usual side slopes, depending on the material excavated, and cuts of not less than sixteen feet in width of bottom. The higher embankments are not brought up to the proper standard, and in some instances the width of the top is less than the length of the ties. The estimated cost of bringing the embankment up to the full width is furnished. Instances also occur where the cuts have not been excavated to the depth designed. The grades are consequently higher than the engineer originally contemplated. In some cases they reach 90 feet per mile, when easier grades were shown upon the profiles. The cuts should all be reduced to the depth at first proposed, in order to secure the proper ruling grades in those divisions of the road where they are located. Many of the cross-ties must be replaced before the track will sustain the traffic that will be thrown upon it, on the opening of the road. The average number of them is not less than 2,500 per mile.

The track laying has been done as well as the rapid construction of the road would admit. The commissioners mention as a deficiency that on the curves the rails have not been bent to conform to them. There are portions of the road where ballasting material is wanting and can only be supplied by transporting it from the most accessible points by rail. This is the case in the valley of the Bitter creek, where the soil is of an unfavorable character, and where it would be difficult to sustain a track, particularly in the season of melting snows, unless supported by ballast. The track has, without exception, been laid on the bare roadway, without the latter having been previously prepared to receive it. As a consequence, except where the embankments were built of gravel or other good material, the track is without ballast, the surfacing having been done by throwing up the necessary material for that purpose from the sides of the embankments themselves.

The bridging on the line consists of stone culverts, girders, and truss bridges, and many varieties of truss and pile bridges. Between Omaha and the end of the track, the total number of structures deemed perma-



ment is 250, consisting of one iron truss bridge, seven Howe truss bridges, constructed of wood and iron, and 242 stone box and arch culverts and short girder bridges, with stone abutments. The temporary structures consist of pile and trestle bridges, of which there are 153, each less than 25 feet long, 322, varying in length from 25 to 50 feet, and 219, each over 50 feet long, the total number being 694, and the aggregate length 43,717 feet, or nearly eight miles. Of these 694 structures 34 over the principal streams are to be replaced by Howe truss bridges, erected on permanent stone abutments and piers. These will require 70 abutments, 26 piers, and 8,450 lineal feet of Howe truss in spans, respectively, of 100 and 150 feet. In some cases the foundations for permanent pier and abutment masonry, erected or in course of construction, were not placed at a proper depth. The remaining 660 trestle and pile bridges, after providing for those over the principal streams, must be replaced by box culverts, arches, or stone abutments, with girders or trusses of short spans.

The rolling stock of the road consists of 117 locomotives, 19 first-class and eight second-class passenger cars, 15 baggage, 442 box, 1,227 flat, 43 coal and 72 caboose cars, besides hand and other cars suited to special purposes. The locomotives are well constructed, and the number on hand probably sufficient for the present wants of the road. An additional number will be required for that part of the road when the line is open for through traffic. The cars are equal to those on the best roads, and the accommodations for the care, maintenance and repair of the rolling stock are now sufficient to meet current demands, but must be enlarged from time to time to meet the increasing necessities of the road.

The commissioners submit the following estimate of expenditure which will be required to render the first 890 miles of the road equal to a fully completed first-class railroad. No allowances are made for work in progress, or materials and equipments ordered or reported to be *in transit* for delivery or already delivered, except so far as they are placed in position in the structures themselves:

Changing locations to improve line and diminish curvature at Black's fork, Red desert, Rawlins, Rock creek, Red Buttes, Dale creek, Granite cañon, and Hazard, not including cutting off large bends on Rock creek.....	\$200, 00
Completing embankments to full width, filling trestle work (6½ miles) and rip-rapping.....	240, 00
Completing excavations of cuts to grade on Black's fork, Bitter creek, &c., &c.....	20, 00
Reducing grades between Omaha and Elkhorn, to conform to the condition on which the change of line was approved,	245, 00
Five hundred and twenty-five thousand cross-ties to replace those of cottonwood timber, including transportation, removal of old ties, and placing new in track, at \$1..	525, 00

Ballasting, including transportation, lifting track, placing material, surfacing and readjusting track, and curving rails, 890 miles.....	\$910, 000
Seventy abutment and 26 pier foundations, including excavations, piles, grillage, and securing with rip-rap, at \$1,500.....	144, 000
Thirty thousand four hundred and eighty yards masonry in abutments and piers, at \$15.....	457, 200
Eight thousand four hundred and fifty lineal feet Howe truss, viz., 49 spans of 150 feet and 11 spans of 100 feet, at \$45.....	380, 250
Supplying 121 openings of trestle-work, of 50 feet length and under, between Omaha and North Platte, with permanent works of masonry and girders, at \$500.....	60, 500
Supplying 254 openings of trestle-work, of 50 feet length and under, between North Platte and end of track, with permanent works of masonry and girders, at \$900.....	228, 600
Supplying 184 openings of trestle-work, averaging 103 feet each, with permanent structures of masonry and girders or short trusses, including foundations, at \$1,500.....	276, 000
Renewing Dale creek bridge, or replacing same by embankment and arched water-way.....	100, 000
Probable expenditure for additional water-ways in Mary's creek, Bitter creek, and other points not provided for, and renewing and enlarging stone culverts.....	100, 000
Sixty new passenger locomotives for through travel on opening of road, at \$14,000.....	840, 000
Thorough repair of say one-third of locomotives used in construction and on hand when road is opened, say 50 at \$3,000 each.....	150, 000
Forty-four new passenger cars, for through travel on opening of road, at \$6,000.....	264, 000
Thirty baggage, express and mail cars, \$3,800.....	114, 000
Five hundred box freight cars, \$900.....	450, 000
Fifty additional locomotive stalls, \$4,000.....	200, 000
Completing shops at Cheyenne, additional shops at Bryan, and enlarging shops at Omaha, with tools for Cheyenne, Rawlins, and Bryan.....	350, 000
Additional water stations, and probable additional expenditure to secure full supply of water between Rawlins and Bitter creek.....	80, 000
Additional station buildings.....	75, 000
Additional snow fences.....	50, 000
Additional fencing against stock.....	30, 000
Total.....	<u>\$6, 489, 550</u>



The following estimate is furnished by the commissioners of the cost of constructing and fully equipping the road from the mouth of the Weber cañon to the head of Great Salt lake.

For grading and bridging, including masonry and foundations complete, 96.3 miles at \$11,500 per mile.....	\$1, 107, 450
For superstructure, including rails and fastenings, spikes, ties, track laying, and ballasting, with 6 per cent. of sidings, 102 miles; at \$17,000 per mile.....	1, 734, 000
For equipment, including motive power, rolling stock, engine houses, turn-tables, shops, tools, water stations, and station buildings, 96.3 miles, at \$7,000 per mile.....	674, 100
Total.....	<u>\$3, 515, 550</u>

As the actual cost of this road is a matter of public interest I deem it proper to present, in a condensed form, the estimates submitted, on the 14th instant, by Jesse L. Williams, esq. He states that the cost of the road as shown on the books of the railroad company is, of course, equivalent to the contract price per mile. The *actual* cost to the contractors forming an association, which embraces most of the larger stockholders of the company, is shown only by their private books, to which the government directors have no access. The calculations were therefore, made from the most accurate available data and the estimated cost of the first 710 miles of the road was taken as the basis for computing that of the whole line. Should the road, as is expected by the company, form a junction with that of the California company, near the northern extreme of Great Salt lake, a little west of Monument Point, its length would be about 1,110 miles. The cost of locating, constructing, and completely equipping it and the telegraph line is \$38,824,821, an average per mile of \$34,977 32.

The government subsidy in bonds for that distance at par amount to \$29,504,000, an average per mile of \$26,580. The company's first mortgage bonds are estimated at 92 per cent., and would yield \$27,143,684. The fund realized by the company from these two sources amounts to \$56,647,680, being an average per mile of \$51,034, exceeding by \$16,056 68 the actual cost of constructing and fully equipping the road and yielding a profit of more than \$17,750,000.

The deficiencies in the road noted by the commissioners are, in their opinion, almost without exception incident to new roads, or of a character growing out of the peculiar difficulties, inseparably connected with the unexampled rapidity with which it has been constructed. Supplying them in the first instance would have materially retarded the progress of the work, and the expenditure at the present time for the purpose will but little exceed that originally required. It is obviously the duty, and no doubt the desire, of the company to bring up the constructed portion of the road to the required standard, while at the same time

they are energetically pressing forward the work upon the remainder of the line. An imperative duty is devolved upon the Executive to insist upon the exact fulfilment of the engagements of the company, and to use all just and available means to secure it. I have, therefore, the honor to recommend that the issue of patents for land and of bonds be suspended until such deficiencies shall have been supplied.

The instructions to the commissioners required them, after they should have reported upon the Union Pacific railroad, to examine and report upon the roads of the Union Pacific Railway Company, eastern division, and the Sioux City and Pacific Railroad Company. I have received no further report than that of which I have endeavored to give a faithful summary.

The Central Pacific Railroad Company of California have constructed 390 miles of their road and telegraph line, of which 296 were constructed and accepted since my last annual report. This company filed a map of the definite location of their road from Humboldt Wells *via* the head of Great Salt lake, to the mouth of Weber cañon. On the 15th of May last I gave my "consent and approval" to the location, as far as the head of Great Salt lake, a distance of 140 miles. Subsequent surveys corrected and improved the unaccepted part of the line, and, on the 14th ultimo they filed a map and profile from the head of Great Salt lake to Echo Summit, to which location I gave my "consent and approval."

The company state that their earnings for the six months ending June 30, 1868, were, from passengers, \$145,048 70, and, from freight, \$264,410 41. Their expenses for the same period, were \$157,063 89, and their indebtedness at that date, \$26,862,727, of which the sum of \$7,340,000 was on account of bonds issued by the United States in aid of the construction of the road.

On the 13th ultimo, special commissioners, Sherman Day, United States surveyor general of California, Brevet Lieutenant Colonel R. S. Williamson, U. S. A., and Lloyd Tevis, were appointed to examine the roads and telegraph lines of the Central Pacific Railroad Company of California and the Western Pacific Railroad Company. They were instructed to report in regard to the location, road-bed, cross-ties, track laying, ballasting, rolling stock, repair shops, station buildings, culverts, bridges, viaducts, turnouts, and all other appurtenances of the roads, and the amount of expenditure required to render them, so far as built, equal in every respect to fully-constructed *first-class railroads*. No report has been received.

At the date of my last annual report, the Union Pacific Railway Company, eastern division, had constructed 305 miles of their road and telegraph line, and 285 miles thereof had been accepted. Since that date,  $88\frac{9425}{10000}$  additional miles have been constructed and accepted.

The amendatory act approved July 3, 1866, authorized this company to designate a new route and file a map thereof. They were required, however, to connect with the Union Pacific at a point not more than 50

miles westerly from the meridian of Denver, in Colorado. Their right to bonds was limited to the amount they would have received, had the road been constructed on the original route to the 100th meridian of longitude. No acceptable survey had been made from Fort Riley to that meridian, and as the department was not officially advised of the exact distance between those points, Brevet Major C. W. Howell, captain of engineers, U. S. A., was at my request assigned on the 8th June last, by the Secretary of War, to make such survey. He executed the duty and submitted a report under date of September 28, 1868. He determined the distance to be two hundred and fifty-eight and nine thousand four hundred and twenty-five ten-thousandths miles. He also ascertained that the meridian is 9,300 feet west of the point designated by the Union Pacific Railroad Company. This survey was approved by you. The distance for which the company was entitled to bonds is three hundred and ninety-three and nine thousand four hundred and twenty-five ten-thousandths miles. The following summary is made from their report: They have constructed and operated the road 405 miles west of the initial point. It has been provided with round-house accommodations, repair shops, turn-tables, water-tanks, sidings, &c., to meet the immediate wants of business; and the necessary ware-houses and depot buildings have been erected at the stations, for the accommodation of passengers and freight. The equipment is as follows: Twenty-nine locomotive engines, 21 passenger, and 878 other cars. The aggregate earnings, from September 1, 1867, to August 31, 1868, were \$1,878,588 33, and the expenses \$1,247,816 38, leaving the net earnings \$630,771 95. The average length of road operated during the year was 331½ miles, and the average earnings per mile \$5,666 93. Surveying parties, employed in examining the routes of the thirty-second and thirty-fifth parallels, have discovered on the latter a practicable route westward from Albuquerque to the Pacific. It crosses the Colorado river south of Fort Mohave, and thence runs westward to the city of San Francisco through Tehachepah Pass of the Sierra Nevada mountains, which is only 4,020 feet above the sea. The highest point is in the San Francisco mountains, 7,464 feet. The entire line is exempt from obstruction by snow, and traverses a country rich in mineral wealth, and abounding in timber and coal. Surveys have also been made from Fort Mohave on the Colorado river to San Diego, and from Fort Wallace, Kansas, *via* Punté Pass and San Louis Park, to Albuquerque. The cost of surveys in 1867 and 1868 was about \$225,000.

The hostility of the Indian tribes of the plains seriously interfered at times, with the working of the road west of Fort Harker. Stations have been burned, rolling stock destroyed, and a number of men killed. Trains, nevertheless, made their usual trips, but the trade with New Mexico and Colorado was almost entirely suspended.

Since my last annual report the Central Branch Union Pacific Railroad Company have completed 60 additional miles of road and telegraph line. They are entitled, under the acts of Congress, to no further subsidy

Sixty-nine and one-half miles of the road and telegraph line of the Sioux City and Pacific Railroad Company were completed, equipped and accepted in March last. About  $31\frac{1}{2}$  miles, necessary to make a connection with the Union Pacific railroad, are under contract and in process of grading. The iron has been purchased and is *in transitu*. The company have secured a water front of about one mile on each side of the Missouri river, and have contracted for a steam ferry to pass the cars over the river.

The indebtedness of the company is represented to be—

Cash of stockholders .....	\$1, 676, 000 00
United States bonds received on $69\frac{1}{2}$ miles road .....	1, 112, 000 00
Due contractors .....	511, 801 02
Aggregating .....	<u>\$3, 299, 801 02</u>

No stock certificates or first mortgage bonds have been issued. The amount received is given as—

From passengers .....	\$51, 407 79
From freight .....	44, 156 14
From telegraph .....	1, 135 97
Total .....	<u>96, 699 90</u>
Operating expenses .....	<u>\$53, 184 98</u>

The Company have six first class locomotives, and 99 passenger and other cars in use. They expect to have the whole line of road completed and in operation next month.

No track has been laid by the Western Pacific Railroad Company within the past year. They, however, reported on the 15th of September last, that the grading of the unfinished part of the road would be completed and ready for the track in a few months.

No portion of the Northern Pacific railroad has been constructed. The company report that surveys have not been continued during the past season, for want of a military escort to protect surveying parties.

In 1867 two lines were run from Lake Superior. One commencing at the west end of the lake and the other at Bayfield. The first, following a westerly course, crosses the Mississippi about 12 miles above Crow Wing; thence runs south of, and near to, Otter Tail lake, and pursuing the same general course, intersects the Red river at a point between Fort Abercrombie and the mouth of the Sioux Wood river. The second follows a southwesterly course for 14 miles to Pleasant bay; thence westerly to within 18 miles of Superior; thence its course is direct to the Mississippi, crossing that river at St. Cloud; thence northwesterly up the Sauk valley to the Sioux Wood river, a little to the south of where it joins the Otter Tail river. Both of these lines have such a direction on approaching the Red or Sioux Wood rivers, that when continued westerly they will pass to the south of and near the Cheyenne river.

in Dakota. The distance of the first is 232 miles, and its estimated cost \$7,967,000, being an average per mile of \$34,357 48. The distance of the second is 317 miles, and its estimated cost \$11,815,000, being an average per mile of \$37,236 05. The alignment is favorable on both routes. The maximum gradients will not exceed 30 to 40 feet to the mile, and are of limited extent. Upon the Pacific side the surveys were confined to an examination of the Cascade range, with a view to ascertain the relative elevation and practicability of the passes. Three were found; the Cowlitz, or Packwood, 2,600, the Snoqualmie, 3,030, and Cady's, 4,800 feet above the level of the sea.

The Atlantic and Pacific Railroad Company have not filed the report required by the act of June 25, 1868, and no information touching their doings has been communicated to this department.

The Southern Pacific Railroad Company report that they have surveyed only that portion of their line lying between the towns of San José and Gilroy, in the county of Santa Clara, a distance of 30 miles. The grading is rapidly progressing. The iron has been purchased and is *in transitu*. They expect to complete this 30 miles of road by the first of April, 1869. Their capital stock is \$1,800,000, of which \$72,000 has been actually paid in, and their indebtedness \$480,000.

The following statement exhibits the amount of United States bonds issued to the respective railroad companies:

Union Pacific, 820 miles.....	\$20, 238, 000
Central Pacific of California, 390 miles .....	14, 764, 000
Union Pacific, eastern division, 393 $\frac{9425}{10000}$ miles .....	6, 303, 000
Sioux City and Pacific, 69 $\frac{1}{2}$ miles.....	1, 112, 000
Western Pacific, 20 miles.....	320, 000
Atchison and Pike's Peak,        } 100 miles { .....	640, 000
Central Branch, Union Pacific,    } .....	960, 000
1,793 $\frac{1}{2}$ miles nearly.....	<u>\$44, 337, 000</u>

The act of July 13, 1868, authorized the sum of \$6,500, appropriated by the act of March 3, 1865, to be applied to the completion of the bridge over the Dakota river, on the line of the wagon road between Sioux city and the mouth of the Big Cheyenne. A superintendent was appointed in August last and the bridge is in process of construction.

The architect reports the completion of the exterior marble work, and of the arrangements for securing a supply of water to the central building and south wing of the Capitol. Many of the passages and rooms have been painted, and other improvements made. Sewers for drainage have been built, and the archways under the porticos paved, one with the Nicholson, and the other with the Burlew & Smith's tar and grave concrete, pavement. He submits a new plan for the extension of the eastern front of the central building.

The bronze doors designed by Crawford have been finished, and placed in position at the main entrance to the northern wing.

The central portion of the Capitol has been kept in good repair. It is desirable that Congress should, without delay, authorize the construction of apparatus to heat the rotunda, in the same manner as the corridors and other passages of the building are now heated.

The obvious necessity for the extension of the Capitol grounds, induced Congress to authorize the appraisement of the contiguous private property, the annexation of which was deemed indispensable. Certain squares were appraised in the year 1860, but, in the absence of legislation, no further step has been taken in acquiring a title to them. The appreciation of other real estate in that portion of the city would seem to require their re-appraisement. Delay complicates the difficulties incident to the subject, and I earnestly repeat my former recommendation of immediate and favorable action by Congress.

The north portico of this Department has been completed, and considerable progress made in enclosing the adjoining grounds, and in flagging the sidewalk which borders them. The fund appropriated for these purposes, although carefully and economically expended, was insufficient. I confidently trust that Congress will, at an early period of the approaching session, provide means for the completion of these necessary improvements and for paying G street, between Seventh and Ninth streets.

The office of Commissioner of Public Buildings was formerly under the supervisory control of the Secretary of the Interior. The act of March 2, 1867, abolished it, and devolved upon the Chief Engineer of the Army its duties, as well as the superintendence of the Washington Aqueduct, and of all the public works and improvements in this District, unless otherwise provided by law. It was evidently impracticable for him to discharge, in person, these obligations, in addition to his other arduous labors. An act, approved the 29th of that month, provided that the expenditure of the moneys which had been appropriated for disbursement by the Commissioner, should be under the direction of such officer of the corps as the Chief Engineer might direct. On the following day Congress provided that all moneys appropriated for the Washington Aqueduct, and for the other public works in this District, should be expended under the direction of the Secretary of War. The terms of this act were broad enough to embrace the Capitol and the contiguous public grounds, but, by another act of the same date, the control of them was reserved to this department.

I recommend that these acts be repealed, and the office of Commissioner of Public Buildings re-established. I hazard nothing in saying that since it was discontinued, the duties which appertained to it have not been discharged more efficiently than formerly. This improvident legislation divides the charge over the public grounds and works between two executive departments, and withdraws an officer of the army from his appropriate duties to perform services having no relation to his professional pursuits and acquirements.

The following statement shows the amount advanced to marshals of the several districts during the year ending June 30, 1868, for defraying the expenses of the courts of the United States, including fees of marshals, jurors, and witnesses, maintenance of prisoners, and contingencies:

Alabama, northern district.....	\$550 00
Alabama, southern district.....	5,000 00
Arkansas, eastern district.....	13,716 00
Arkansas, western district.....	34,507 00
California.....	18,478 00
Connecticut.....	6,041 96
Delaware.....	5,395 01
District of Columbia.....	123,486 90
Florida, northern district.....	10,450 00
Florida, southern district.....	11,000 00
Georgia.....	
Illinois, northern district.....	28,434 50
Illinois, southern district.....	24,890 00
Indiana.....	25,645 00
Iowa.....	36,505 00
Kansas.....	33,051 00
Kentucky.....	66,056 50
Louisiana.....	14,630 00
Maine.....	16,481 78
Maryland.....	17,162 00
Massachusetts.....	30,267 00
Michigan, eastern district.....	51,543 53
Michigan, western district.....	21,158 21
Minnesota.....	6,115 00
Mississippi, northern district.....	7,634 00
Mississippi, southern district.....	13,528 75
Missouri, eastern district.....	12,009 98
Missouri, western district.....	17,220 00
Nebraska.....	22,882 44
Nevada.....	10,513 00
New Hampshire.....	7,420 14
New Jersey.....	35,660 00
New York, northern district.....	87,196 15
New York, southern district.....	47,879 74
New York, eastern district.....	27,231 00
North Carolina.....	24,606 00
Ohio, northern district.....	22,307 00
Ohio, southern district.....	49,870 66
Oregon.....	9,639 92
Pennsylvania, eastern district.....	43,397 00
Pennsylvania, western district.....	49,040 10



Rhode Island .....	2, 878 00
South Carolina .....	35, 629 00
Tennessee, eastern district .....	10, 865 91
Tennessee, middle district .....	10, 038 00
Tennessee, western district .....	11, 200 00
Texas, eastern district .....	25, 470 00
Texas, western district .....	6, 256 42
Vermont .....	6, 500 00
Virginia .....	16, 856 00
West Virginia .....	10, 489 00
Wisconsin .....	9, 265 85
Arizona .....	40 00
Colorado .....	10, 000 00
Dakota .....	27, 372 00
Montana .....	22, 596 16
Utah .....	
New Mexico .....	10, 920 75
Washington .....	27, 065 00
Idaho .....	5, 000 00
	<hr/>
	\$1, 337, 042 36
	<hr/>

The amount paid during the same period to district attorneys, their assistants and substitutes, was \$190,703; to United States commissioners, \$78,522 19; to clerks of the courts of the United States, \$76,584 26; and for miscellaneous expenditures, including rent of court-rooms, \$106,325 95. The aggregate amounts to \$1,789,177 76, being but \$159,641 26 in excess of the sum expended for such purposes during the fiscal year ending June 30, 1867, notwithstanding the largely increased business transacted by the federal courts. At the latter date the balance on hand amounted to \$332,866 03. Congress appropriated \$1,300,000. There was received on account of fines, penalties, and forfeitures, \$203,685 43, and from repayments by marshals and others, \$10,819 29. The total amount at the disposal of the department for this branch of the service was \$1,847,370 75, so that the balance at the commencement of the current year was but \$58,192 99. Assuming that during its progress the fines, penalties, and forfeitures would reach the same amount as during the preceding year, and satisfied that the expenses of the courts could not be materially diminished, I estimated that \$1,500,000 would be required. Congress, however, appropriated but \$1,000,000. A deficit of \$489,015 23 will occur unless the fines, &c., should be increased. I recommend that \$500,000 be appropriated in the deficiency bill, and that \$1,600,000 be appropriated for the next fiscal year.

It is proper to add that the large balance on the 30th of June, 1867, as compared with that at the close of the following fiscal year, was occa-



sioned by the great disparity in the amounts realized during the respective years from fines, penalties, and forfeitures. It was \$439,835 76 more during the former than the latter year.

On the 1st instant there were in the custody of the warden of the District jail 141 prisoners. Of this number 33 were females and 113 persons of color. During the year preceding that date 1,022 persons were committed; 233 were convicted of various misdemeanors, and 64 sentenced to imprisonment at hard labor in the penitentiary at Albany. The expenses, including the cost of the transportation of prisoners, were \$34,388 37.

In view of the insecure and crowded condition of the jail, and its unfitness in every respect as a proper place of confinement, Congress authorized the construction of a building of adequate dimensions. My predecessor selected a site therefor on grounds belonging to the government in this city. The required steps were being taken, with all practicable despatch, to "let the contracts." Congress, however, interposed, and directed the selection of a new site. This was done. Perfected plans were then prepared, and, after due advertisement and a careful comparison of the bids, contracts were awarded and bonds executed in strict compliance with the statute. The contractors soon after commenced work, and it was actively progressing when, under a mistaken impression of fact Congress, on the 11th day of January last, directed it to be suspended for forty days. At the expiration of that period the expediency of further legislation in the premises continued to attract attention, and was receiving the consideration of Congress. A bill subsequently passed one house and is now pending in the other. At the request of the Committee on Public Buildings and Grounds, the work has not been resumed. This protracted and unnecessary delay has arisen from causes beyond the control of the department, and occasioned serious injury to innocent parties and the public. As the projected new building is absolutely necessary, I hope that Congress will take prompt and decisive action in regard to it.

Some years ago, the penitentiary in this city was appropriated by the military authorities. It was never restored to its original uses, and has been since destroyed. Adults, convicted of felony and sentenced by the supreme court of this District to imprisonment at hard labor, are sent to an institution in the State of New York. Considerable expense is incurred in transporting and subsisting them. Persons convicted of crime against the United States may be imprisoned in a State prison or house of correction of an adjoining State or district, if, within the jurisdiction of the court pronouncing the sentence, there be no suitable place of confinement. Convicts from some of the southern States were formerly confined, during the term of their sentence, in the penitentiary here, but are now conveyed to more distant points at increased expense. A penitentiary, properly constructed and judiciously managed, could be rendered self-sustaining by the labor of the convicts. The government

is the proprietor of lands in this vicinity which afford excellent sites for such a building. The neighboring quarries furnish stone of a superior quality. Considerations of economy suggest to Congress the expediency of adopting, at their approaching session, measures for the erection of a District penitentiary.

I am not officially advised of the condition of the House of Correction for this District, as the trustees have submitted no report.

No addition has been made to the Metropolitan Police force. Its members have been active and vigilant in the maintenance of good order, and the protection of the rights of person and property, within the District. During the past year they made 18,834 arrests, 3,549 of which were females; 11,165 of those arrested were unmarried, and 7,387 could neither read nor write; 6,409 were dismissed, 64 turned over to the military, and 880 committed to jail; 341 gave bail for their appearance at court, 2,056 were sent to the workhouse, and 675 required to enter into bonds to keep the peace. In 327 cases minor punishments were inflicted. Fines in 8,082 cases were assessed, amounting to \$35,274 40; 4,038 destitute persons were furnished with temporary lodgings; 165 lost children were restored to their homes, and 167 sick and disabled persons were assisted and taken to the hospital. Of the number arrested 12,752 were charged with offences committed upon the person, and 6,082 with offences against property. The detective force made 458 arrests, recovered lost or stolen property to the amount of \$25,727 35, and discharged other important duties. The labors of the sanitary company, although insufficient for the purpose, were chiefly directed to the abatement of nuisances and the enforcement of the police regulations for promoting the cleanliness of the city. More efficient measures should be devised to secure objects so essential to the health and comfort of the population.

During the month of November, 1867, a complete census of the inhabitants of the District was taken by this force for the use of the Department of Education.

In my previous reports I invited attention to the expediency of creating a court for the summary trial of offences of a minor grade. A justice of the peace of this District, in the exercise of criminal jurisdiction, chiefly acts as an examining magistrate. Most of such offences are cognizable in the supreme court, where the accused is rarely put upon his trial until the term after an indictment against him has been found. If unable to give bail, he remains in custody. When a *prima facie* case against him has been made out at the preliminary examination, the witnesses are recognized to appear before the grand jury, and subsequently before the court after indictment found. Their fees for such attendance are taxed against the United States. Many of them are transient persons without a fixed residence. It often occurs that when the cause is called for trial, it is discontinued by reason of their absence beyond the reach of process. The accused thus escapes deserved punishment. During the last fiscal year the expense of the criminal court in this District

amounted to \$26,612 12. It was defrayed exclusively by the government. A tribunal such as I have suggested, has been organized almost every other populous city, and with evident benefit to the public. By its instrumentality the ends of criminal justice would be effectually and cheaply served, and the right of the accused to a speedy trial attained. The supreme court of the District, relieved of a large and increasing number of prosecutions, could with greater despatch dispose of the civil cases on its calendar.

During the year ending June 30, 1868, the expenditures of the Government Hospital for the Insane were \$114,035 81, and there were admitted 152 patients, being an excess of 43 over the number admitted the preceding year. One hundred and nineteen of them were males, of whom were from the army and navy. The whole number under treatment was 432. Seventy-six were discharged; of these 63 were restored and eight improved. There remained under treatment at the date 329. There have been 1,464 persons treated in the institution since it was opened, of whom 1,145 were natives of this country. The board recommend that there be appropriated \$90,500 for the support of the institution during the year ending June 30, 1870; \$10,000 for the completion of the wall enclosing the grounds, and \$23,000 for the purchase of 148 acres of ground. The excellent management of this institution eminently entitles it to the continued confidence and patronage of Congress. The estimates are reasonable, and I cordially commend them to the most favorable consideration.

During the last fiscal year 22 pupils were admitted into the Columbia Institution for the Deaf and Dumb, and the directors request the following appropriations: To supply a deficit for the current fiscal year \$17,500; for support of the institution for the year ending June 30, 1870 \$31,000; for buildings, \$66,000; and for improving grounds, \$4,000 making in all \$118,500.

In my last report I earnestly commended to the fostering care of Congress the Columbia Hospital for Women and Lying-in Asylum. The act of the 27th of July last appropriated \$15,000 for the support of the institution during the current year, and required that all expenditures should be made under the direction of the Surgeon General of the army.

During the year ending the 30th of June last, the total number of women under treatment was 631; 33 of them were pay patients, from whom the sum of \$1,339 44 was received; 549 were restored to health, 10 were relieved, and 12 died. The small amount of receipts is ascribed to the want of requisite accommodations. Most of the available space was occupied by free patients, to the exclusion of many who desired secure private apartments. The increased number of inmates rendered necessary a considerable outlay for furniture and bedding. The funds derived during the last fiscal year, from all sources, were insufficient to cover the actual expenditures, and, at the close thereof, the institution was \$7,000 in debt. The directors request that a clause appropriating that sum be inserted in the deficiency bill.

The estimates for rent and the support of the institution during the next year are \$18,000. I do not doubt that Congress will cheerfully accord that amount. I also submit an estimate for the purchase of ground and the erection of permanent buildings for the use of the institution. The title to the property, when acquired, should be vested in the United States.

The laws providing for the receipt, custody, and distribution by this Department, of Statutes of the United States, and other official publications, have, as far as practicable, been carried into effect. I invite attention to the propriety of revising the statutes which relate to the printing and distribution of documents published by the authority of Congress.

One of my predecessors, on the eve of his retirement from office, urged the propriety of an appropriation for erecting and furnishing suitable residences for the Vice-President of the United States and the heads of the executive departments. After alluding to the value of money when the government went into operation, and the salaries of those officers were originally fixed, as compared with that which it bore in December, 1852, when his report was submitted, he expressed the opinion that \$6,000, at the latter date, was not worth much more than \$3,000 at the former. The cost of rent, provisions, fuel, and other necessities of life in this city, had then risen to such a degree that the most rigid economy was required to enable those officers to live within their incomes, and he declared that, as far as his observation extended, few of them had been able to do so.

His remarks in this connection present the facts and my own views in so striking a light that I deem it proper to incorporate them in this paper:

"Upon every change of administration, or in cases of the death or resignation of members of the cabinet, their successors, often from remote parts of the country, find themselves embarrassed in obtaining, even at an exorbitant price, a suitable residence for themselves and their families. They are then compelled to expend at least one year's salary in furnishing their establishment, and are consequently obliged to draw upon their private resources for the means of subsistence. Much of their time and attention is occupied by these domestic concerns, which might be more profitably devoted to the public interests. At the close of their terms they are forced to dispose of their household effects at a ruinous sacrifice, and return to their homes impoverished in fortune, and with the ungracious reflection that while they devoted their time and talents to the public service their country has refused them even the means of support.

"It may be said, in reply, that there is no obligation on any one to accept these positions, and if they do so they must abide by the consequence of their own acts. In one sense this is true. There is no legal obligation on any one to accept an official position, but there is a high moral and patriotic obligation on every citizen to contribute his service to his country when it may be required; and there is a reciprocal obligation on the country not to allow him to suffer in his private fortune by that service."

Congress did not accede to his recommendation; they, however, passed the act of March 3, 1853, which increased the salary of the Vice-President from \$5,000, prescribed by the act of September 24, 1789, to \$8,000,

and gave to the members of the cabinet the same amount. The addition thus made was estimated to be sufficient for house rent. No increase has been voted since, notwithstanding the constant appreciation of labor rent, and every article of consumption. My observation and experience enable me to affirm, with unhesitating confidence, that the income of the office will not equal the outlay, if the incumbent lives in a style at all compatible with the proprieties of his position, and the relations which decent regard to the just claims of society compels him to maintain. "The high offices of the country should be open to the poor as well as to the rich; but the practical effect of the present rate of compensation will soon be to exclude from the executive councils all who have no ample resources independently of their official salaries."

Several of the annual reports of this department refer to the compensation of the judiciary. One of the most thoughtful writers of the last century remarks, that the administration of justice seems to be the leading object of institutions of government; that legislatures assemble that armies are embodied, and both war and peace made with a sort of reference to the proper administration of laws, and the judicial protection of private rights. While this is emphatically true in every free country, the judicial department of the United States is charged also with other duties, and its power extends to all cases arising under the Constitution and the acts of Congress. The guardianship of the fundamental law has been thus confided to it. The Supreme Court decides in the last resort, questions involving the constitutional authority of the federal government and its various departments, as well as the reserve powers of the several States, and the consistency of their legislation with the Constitution and laws of Congress. No foreign tribunal possesses so broad a jurisdiction, or deals with issues so vitally affecting national power, dignity and sovereignty. Its members should consist of jurists, who, having gained the highest honors of the bar, bring to the discharge of their exalted trust, mature experience and pre-eminent talents and learning. Their salary, if not equal to their former professional income, should at least secure them an independent support, and bear a just relation to their arduous employment. One of the most eminent judges of that court, resigned on account of the scanty salary, and a venerable Chief Justice, whose labors during a long life conferred enduring benefits upon his country, died a few years since, bequeathing to his family little beyond the legacy of an illustrious name. The salary is far from being proportionate to the weighty responsibilities of the station. It is even less than is paid to some subordinate officers in other branches of the public service. It is a singular and disreputable anomaly, that the chiefs of bureaus of the War Department, each received in pay and emoluments, during the last fiscal year, a larger compensation than the Chief Justice of the United States. Recent legislation recognized the just claims of the judges of the district courts and of the supreme court of this District, but Congress, inadvertently

I presume, omitted to make a becoming provision for the Justices of the Supreme Court of the United States.

The proposition to erect and furnish houses for the Vice-President and Cabinet ministers may not meet with more favor now than when it was originally made. I earnestly recommend, therefore, that 50 per centum be added to their present salary and to that of the justices of the Supreme Court. It will even then be much less than is allowed to officers of a similar grade by any other first-class government. The Cabinet ministers will not receive more than is now paid in coin to several of our foreign representatives, who discharge much less laborious duties, in capitals not more expensive than Washington. Since the salaries in question were fixed at the present rate, Congress have, by successive statutes, nearly quadrupled their own, and I do not doubt that the members of that honorable body will render, in some degree, to others the justice already secured to themselves.

I have heretofore alluded to the compensation of the Assistant Secretary and the heads of bureaus: The Commissioner of Patents, whose salary is not too large, receives \$4,500, being 50 per centum more than that of the other officers of equal grade in this department, and exceeds, by more than 28 per centum, that of his official superior, the Assistant Secretary, whose duties involve far more labor and responsibility. This glaring and indefensible inequality should be corrected. I recommend that the annual salary of the Assistant Secretary be fixed at \$5,000, and that the Commissioner of Patents, Commissioner of the General Land Office, Commissioner of Indian Affairs, and Commissioner of Pensions shall each be paid \$4,500 per annum.

The duties of a copyist are merely mechanical, and he is liberally paid, more so, indeed, than the same qualifications in any other walk of life command; but the higher order of clerical labor, requiring for its acceptable performance, intelligence and special knowledge, as well as faithful training and long continued service, is not adequately remunerated. It is my settled opinion, the result of much reflection, and of experience in my present position, that the efficiency of the clerical force would be essentially promoted by thoroughly reorganizing it, and securing to clerks of experience and tried ability an enhanced compensation. It is hoped that a subject of so much importance to the successful working of the executive departments will receive the consideration it so well merits.

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

O. H. BROWNING,  
*Secretary of the Interior.*

The PRESIDENT.