

were removed, and a number still remain within the district temporarily assigned to them, on the gulf side of the peninsula. These continue, as heretofore, in charge of the military, and this Department has no control or jurisdiction over them.

Notwithstanding the efforts that have been made, and the heavy expense incurred, during the last six years, to effect the removal of the Choctaws remaining in Mississippi, a considerable number still continue indisposed to migrate to the country provided for the tribe west of the State of Arkansas. Anxiety is felt that the State of Mississippi shall be speedily relieved of this incumbrance, and the Indians transferred to more comfortable homes among their brethren, where they would be comparatively prosperous and happy. In view of past results, it is evident that more efficient measures are necessary to accomplish their removal. These, it is hoped, may be devised and put into successful operation at an early day.

Conceding the general wisdom and justice of the policy, adopted in 1847, of paying the annuities to the Indians on the *per capita* principle, in my judgment there are material objections to the manner in which it has been practically applied. The regulation on this subject provides that a portion of the annuities may be set apart by the Indians for national and charitable purposes. These purposes, however, have never been particularly defined; rules are not prescribed for determining the amounts to be provided for them, nor have measures been taken to encourage the Indians to make so wise and beneficial a disposition of their funds. They naturally desire to receive individually the full amount of their respective shares, and consequently their entire annuities have been distributed equally among them. However fair and equitable this mode of payment may appear, it is not altogether just to the chiefs, nor consistent with sound policy. It is through the medium of the chiefs that the Government holds intercourse and dealings with the tribes in the transaction of their more important business; and it is not unreasonable that they should expect more from the Government than the common Indians receive, in consideration of their station and the services they perform. But according to the present mode of paying their annuities, the Indians are all and alike placed on a common level; and, as no discrimination is made in favor of the chiefs, their influence is not only diminished, but a feeling of contempt for governmental authority in general is extensively inspired. Evils of no ordinary magnitude are thus produced, which, it is believed, may be remedied by a proper exercise of the discretionary power over this subject vested in the President and the Secretary of the Interior.

The greatest difficulty which the Government and individuals have to contend with, in their efforts to ameliorate the condition of our Indians, is their strong and uncontrollable appetite for ardent spirits, and the facility with which they can still be procured, notwithstanding the stringency of our laws, and the strenuous efforts of the agents and military to prevent its introduction among them. It is a deplorable fact that there are many persons engaged in the villainous business of smuggling liquor into the Indian country; while others, less daring, but equally depraved, are stationed near their borders for the purpose of carrying on an unholy traffic with them. The States within which these miscreants take refuge should be invoked to put an effectual stop to their abominations.

The work of collecting and digesting statistical and other information, illustrative of the history, condition, and future prospects of the Indian tribes, has been unremittingly prosecuted, and the results, it is believed, will not only be of much general interest, but highly useful to the Department in the administration of our Indian affairs. The first part of these investigations is in press, and will be laid before Congress at an early period of the ensuing session.

A striking disparity exists between the financial estimates of this office submitted to Congress at the commencement of the last session and those prepared for submission at the commencement of the next. The latter exceeds the former by a very large amount; and, to prevent misconception, a brief explanation may be necessary.

Estimates are divided into two classes, techni-

cally called *regular* and *special*. The first class relates exclusively to objects of fixed and permanent character, and to appropriations therefor, to be expended within the ensuing fiscal year; the latter to temporary and miscellaneous objects, and to appropriations therefor, to be expended within the current as well as the fiscal year. Heretofore the practice has been to submit the regular estimates alone at the opening of Congress, and the special estimates from time to time during the progress of the session. But, in preparing the estimates for the present year, care has been taken, pursuant to your instructions, to make them so full and comprehensive as to embrace both classes in one general estimate; thereby, as far as practicable, placing before Congress at a single view, and at the commencement of the session, every object, of whatever character, for which an appropriation may be required. Hence the estimates of the present year, thus aggregated and combined, exceed the regular estimates of the last \$1,423,033 49; and yet they fall short of the actual appropriations at the recent session, on Indian account, some \$18,000, while the regular estimates of last year exceed the corresponding class in the present general estimate \$4,390—the difference being occasioned by the omission of sundry items and the reduction of others.

Great care has also been taken to make the explanatory remarks accompanying the estimates conformable to law. They succinctly but clearly exhibit the grounds on which the several items are respectively founded; and although the aggregate is large, it cannot, in my judgment, be materially diminished without detriment to the public interest.

The present force of this office is less than in former years, and inadequate to the prompt discharge of its greatly augmented and increasing duties. An additional number of clerks, and a thorough reorganization of the Department, are indispensably necessary. But as a full and satisfactory exposition of the measures required in this connection would involve elaborate detail, they will form the subject of a special communication.

Respectfully submitted,

L. LEA, Commissioner.

HON A. H. H. STUART,  
Secretary of the Interior.

**Report of the Commissioner of the General Land Office.**

GENERAL LAND OFFICE, Nov. 30, 1850.

SIR: In submitting for your consideration a report of the operations of this branch of the service during the past year, I have concluded to modify to some extent the forms of statistics, by presenting semi-annual tables of the sale and disposal of the public lands so as to conform to the fiscal year, and at the same time admit of being arranged by calendar years when desired. As it has been the practice to found the table for the third quarter, in part, upon *estimates*, I have concluded this year to dispense with it, and to carry the statistics into the body of the report.

The surveys of the public lands and private claims have been prosecuted during the past year with all the energy which the means at the disposal of this office would permit. The late period at which the appropriations for the current year were made prevented the extension of the surveys this Fall in the Northwest, as intended, so as to keep pace with the progress of settlement. The delay thus caused, however, will be compensated by increased efforts in the ensuing Spring, so that the numerous settlers in that direction may have an early opportunity of purchasing their improvements.

In the States of Ohio, Indiana, Mississippi, and Alabama the surveys have been completed, the archives connected therewith transferred to the State authorities, as required by the act of June 12, 1840, and the office of surveyor general in those States discontinued. In Illinois, Arkansas, Michigan, Missouri, Louisiana, and Florida, the surveys are being brought to a close as speedily as practicable, as will be perceived by reference to the following table, showing the area of each State, the number of acres surveyed, and the number remaining unsurveyed:

	AREAS OF THE STATES.	
	Square miles.	Acres.
Ohio.....	39,564	25,576,969
Indiana.....	31,809	21,637,769
Illinois.....	55,405	35,459,200
Missouri.....	67,280	43,123,200
*Alabama.....	50,943	32,971,490
*Mississippi.....	37,337	23,895,628
Louisiana.....	46,431	29,715,849
Michigan.....	56,943	35,995,520
Arkansas.....	52,198	33,406,720
Wisconsin.....	53,934	34,511,260
Iowa.....	50,914	32,584,960
Florida.....	59,268	37,931,500
Minnesota Territory.....	85,000	53,130,000
Northwest Territory.....	587,554	376,040,060
Nebraska.....	136,700	87,488,000
Indian.....	187,171	119,789,440
New Mexico.....	910,744	134,576,160
Utah.....	187,923	120,270,730
California.....	188,981	120,947,840
Oregon.....	341,463	218,536,390
	2,526,492	1,618,935,598

  

	Surveyed to	Unsurveyed to
	Sept. 30, 1850.	Sept. 30, 1850.
Ohio.....	16,770,984	None.
Indiana.....	21,488,658	None.
Illinois.....	25,455,469	3,731
Missouri.....	42,613,973	569,927
*Alabama.....	31,993,613	33,677
*Mississippi.....	23,895,628	None.
Louisiana.....	19,153,521	10,563,917
Michigan.....	30,629,078	5,865,444
Arkansas.....	31,201,495	205,295
Wisconsin.....	16,109,408	16,341,669
Iowa.....	19,196,105	13,388,654
Florida.....	21,907,314	16,624,206
Minnesota Territory.....	237,237	58,869,773
Northwest Territory.....		376,040,960
Nebraska.....		87,488,000
Indian.....		119,789,440
New Mexico.....		134,576,160
Utah.....		120,270,730
California.....		120,947,840
Oregon.....		218,536,390
	312,710,994	1,295,969,596

\*Exclusive of Chickasaw lands.

Thus it is shown that, in a few years, the surveys of the public lands in all these States will be completed, and the archives connected therewith transferred to the respective States as provided by law. The object in pressing forward the surveys has been to keep pace with settlement, and to enable enterprising pioneers to avail themselves of the benefits of the preemption act of 1841, which in express terms excludes all persons who settle on unsurveyed lands.

Where the surveys have been carefully and correctly executed, it is but seldom that a *resurvey* is necessary, and hence no further expenditure in this branch of the service is required.

Much embarrassment has been experienced in determining the location and survey of private claims, especially in Florida and Louisiana; but, under the judicious direction of the surveyors general of those States, the difficulty to a great extent has been removed. In Florida most of the private claims have been located and surveyed, and the work appears to have been done in a manner generally acceptable. During the present season it is expected that the remainder of the private claims, and most, if not all, of the public lands of any value outside the Seminole reservation, in this State, will be surveyed.

In Louisiana the *resurveys* in the Greensburg district, authorized by the act of 29th August, 1842, have been prosecuted with great diligence under the judicious and skillful direction of the surveyor general, and many of the erroneous and fraudulent surveys in that district, which had materially retarded public business for years, and proved a source of embarrassment and annoyance, have been corrected.

Every effort has been made by the surveyors general, and this office, to prevent errors and frauds in the public surveys; and for this purpose stringent regulations have been adopted, and explicit instructions issued.

Notwithstanding these precautions, it has recently been discovered that in some of the surveys executed many years ago, especially in the northern part of the southern peninsula of Michigan, errors and frauds were committed, and a few of like character are of more recent occurrence.

These evils cannot be wholly remedied by existing legislation or instructions. They are caused by the want of skill or integrity on the part of the

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Report of the Commissioner of the General Land Office.

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deputies, and can only be prevented by an active surveillance in the field, for which, and the expenses attending it, there is no authority of law; or by the employment of such deputy surveyors only as are of unimpeachable character and high scientific attainments. Since the discovery of the errors and frauds alluded to, special instructions have been dispatched to the surveyors general to employ none but such as are of tried integrity and unquestionable abilities, and additional regulations have been adopted in regard to their bonds, in order to insure, as far as possible, a reimbursement to the Government if the surveys, now in progress of execution, should not come up to the requirements of the Department. The most certain preventive, however, of this difficulty would be to extend the provisions of the act of 30th September last, so as to authorize, in all cases, a judicious combination of the geodetic with our present admirable rectangular system of surveys. By this process the work of each deputy will be a check upon the others, and any error will necessarily lead to examination and detection. The exact geographical position of all important objects will be determined, and the principal topographical and geological features of the country ascertained and reported.

All this can readily be accomplished, without materially retarding the progress of the surveys, or increasing their costs by the employment of competent surveyors, and the use of proper instruments.

To secure the services of such persons a fair compensation should be allowed, and, in order to insure uniformity in the work, it has been concluded to procure suitable instruments, and to dispose of them to the deputies, at prime cost, including transportation, reserving the right of repurchase.

Should a deputy leave the service for any cause, those instruments can be purchased from him by the surveyor general, at such reduction from the cost as may appear fair as second-hand instruments, and sold to his successor at the same rate. To carry out these views, an item has been introduced into the estimates, for which an appropriation is recommended. This system would seem to be specially adapted to our borders on the Pacific, so far as the general features of that section have been ascertained. The elevated and striking objects, presented by the bold outlines of the mountains, would be admirable points with which to connect a series of triangulations, from the bases laid down in running the parallels and meridians necessary to the rectangular surveys, and from these points full views of the whole of the intermediate valleys could be given.

By combining these triangulations with the rectangular surveys, and a full geological description, the most perfect maps of that region could be produced, excelling those of any other section of the country. It would admit also of a departure from the rectangular system when necessary, along streams, in narrow valleys, where it may be found expedient to survey the lands into tracts fronting on the rivers, and running into the uplands for timber, similar somewhat in character to the surveys in Louisiana, authorized by the acts of the 3d March, 1811, and 24th May, 1824, with this difference, that the tracts should be larger and subject to subdivision by lines to be drawn from posts set at equal distances on the front, to corresponding posts in the rear, and the back lines to be surveyed in the cardinal points, so as to conform to the lines of the rectangular surveys in the rear. In the placers, and other valuable mineral locations, authority should be given for subdividing the sections or other divisions, into lots of suitable size for mining purposes, and reservations should be made along the margins of streams in and adjacent to the mineral regions, for the miners, and to be free to them in common for washing out the ore.

In consequence of the great number of bounty land warrants issued and located, the low rates at which those warrants have been sold, averaging only about eighty cents per acre, the grants and donations made in the several States for internal improvements and other purposes, the sales of the public lands during the past year have been comparatively limited.

The whole quantity sold and appropriated in

satisfaction of warrants and donations, exceeds, very considerably however, that of the preceding year.

The following statement of the amount of lands sold and located by military land warrants, &c., in 1848, and 1849, and first three quarters of 1850, exhibits the decrease in cash receipts, and the increase for 1849, in the amount of lands disposed of:

1848.		1849.		Three quarters of 1850.	
Acres.		Acres.		Acres.	
Sales in 1848	1,897,553.04	\$2,621,615 96	Sales in 1849	1,299,922.77	\$1,756,890 42
Mexican war warrants	2,269,960.00	equal to.. 2,861,900 00	Mexican war warrants	3,905,520.00	equal to.. 4,256,900 00
State selections, act of 1811	378,056.57	equal to.. 472,573 21	State selections, act of 1811	259,806.60	equal to.. 324,758 25
Improvements of rivers, &c.	321,196.33	equal to.. 401,485 51	Improvements of rivers, &c.	135,346.21	equal to.. 169,057 76
Choctaw certificates	57,219.10	equal to.. 71,561 37	Choctaw certificates	53,935.33	equal to.. 67,419 16
<b>Total acres</b>	<b>4,553,909.04</b>	<b>\$6,428,435 33</b>	<b>Total acres</b>	<b>5,184,410.91</b>	<b>\$6,575,935 59</b>
1850.		1849.		Three quarters of 1850.	
Acres.		Acres.		Acres.	
Sales in three quarters of 1850	809,082.32	\$1,129,186 50	Sales in 1849	1,299,922.77	\$1,756,890 42
Mexican war warrants for 1st, 2d, and part of 3d quarter	1,520,130.00	equal to.. 1,900,150 00	Mexican war warrants	3,905,520.00	equal to.. 4,256,900 00
State selections	379,803.58	equal to.. 474,758 25	State selections, act of 1811	259,806.60	equal to.. 324,758 25
Choctaw certificates	46,369.52	equal to.. 57,950 65	Improvements of rivers, &c.	135,346.21	equal to.. 169,057 76
<b>Total acres</b>	<b>2,815,306.42</b>	<b>\$3,559,941 62</b>	<b>Total acres</b>	<b>5,184,410.91</b>	<b>\$6,575,935 59</b>

From this statement it will be perceived that the aggregate amount of land disposed of in 1849, considerably exceeds that of 1848. There is a falling off in the current fiscal year, caused probably by emigration to the Pacific—the extensive reservations for the railroad from Chicago to Mobile, and the fact that most of the military warrants have been located and the State selections disposed of.

Since the last annual report, over six millions of acres of lands have been brought into market, and about seven millions are now prepared for sale, and will be offered early in the ensuing season.

Various opinions have been formed and expressed of the cost of the public lands, and of surveying, selling, and managing them, in comparison with the revenue derived from them.

That this matter may be correctly understood, and the value of these lands, as a source of revenue, be properly appreciated, I her leave to state that, by a careful examination, it is ascertained that the entire area of the public domain, exclusive of the lands in Oregon, California, New Mexico, Utah, the Indian and Nebraska Territories, was 424,103,750 acres.

About one-fourth of this land has been sold, and the purchase money received for it amounts to.....	\$135,329,099
The cost of the whole of these lands, including the amount paid to France for Louisiana, to Spain for the Floridas, and amount paid for extinguishing the Indian title, was.....	\$51,121,717
A portion only of these lands has been surveyed, the cost of which, including salaries of surveyors general and clerks, and expenses attending the surveys, was.....	6,369,838
Less than half the land surveyed has been sold, and the whole cost of selling and managing the same, including every expense not previously charged, is.....	7,166,291
<b>Aggregate outlay of every kind</b> .....	<b>71,957,879</b>
<b>Net profit to the Government</b> .....	<b>\$66,381,213</b>

or an average of nearly one million and a quarter of dollars annually, for the last fifty years.

If to this should be added, the value, at \$1 25 per acre of the land granted in bounties for military services, and for internal improvements, donations, &c., it would amount to nearly double this sum. This will be more fully appreciated when it is understood that the average cost to the Government of acquiring title to the public lands, including the

extinguishment of the Indian title, is 14.41 cents per acre; do. of survey, 2.07 cents per acre; do. of selling and managing, 5.32. Total average cost 21 4-5 cents per acre, while for each acre sold the Government gets \$1 25-100, or a net profit over and above every cost and expense, of \$1.03 1-5 per acre.

The whole force of the office has been actively and vigorously employed in discharge of the onerous duties growing out of its current business. The quarterly accounts of the receivers of public moneys, both as receivers and discharging agents, have all been adjusted to, and including the third quarter of the current calendar year. The sales, selections, locations, &c., have nearly all been adjusted, posted, and entered up to the same period, and the issuing of the patents for sales, private grants, donations, and military bounty lands, has been pressed forward as rapidly as the means placed at our disposal for that purpose would permit. Numerous suspensions of land entries, in nearly all the divisions of the office, some of which for years have produced much difficulty and correspondence, have been taken up and disposed of, and the current duties have been discharged with commendable diligence.

There has been a material increase in the general business of the office, consequent upon the claims to lands for military services.

This increase arises not only from examination of the warrants and assignments, and the carrying of the locations by engraving clerks into patents, but from the additional duties connected with those claims, which are devolved upon the accountants and book-keepers of the several divisions of the office in charge of the sales of the public lands. In those divisions all military bounty land locations are compared with the tract book of sales, in order to determine whether they are correct in designation, and free from interference, after which there is a permanent registry made in those books of such locations, in order to show the manner in which the located tracts have been disposed of, and to arrest hereafter a further disposal of them, and thus prevent conflict of title.

During the past year seven thousand two hundred and fifteen Mexican bounty land claims have been examined, and carried into patents, the whole of which have been forwarded direct to the parties entitled, and several thousand more are nearly ready for transmission.

The whole number of Mexican warrants issued and transmitted to this office is seventy-five thousand eight hundred and sixty, of which fifty-two thousand two hundred sixty nine have been located, covering seven million eight hundred and forty thousand four hundred and forty acres.

The act granting Mexican bounty land claims was construed to authorize their assignment, which opened a door for the commission of extensive frauds, as well upon the soldier and his heirs as the Government. Numerous discharges have been forged, and warrants obtained thereon, and assigned and passed into the hands of bona fide purchasers by individuals personating the soldier.

Persons assuming to act as agents in procuring bounty lands have in many cases imposed upon the soldiers by obtaining assignments of their warrants duly acknowledged before a magistrate or notary, leaving blanks for the number, date of the warrant, and date of assignment and acknowledgment. Those blanks were filled up after the issue of the warrants, so that the assignments appear on their faces to be fair and regular, and executed after such issue. Warrants thus assigned are passed into the hands of innocent purchasers, and in such cases the soldier is generally defrauded of his land, as it is difficult, if not impossible, for him to explain or controvert the assignment.

Transfers are also frequently made, under and in virtue of blank powers of attorney, surreptitiously obtained from the soldier before the adjudication of his claim, and filled up afterwards. There are also numerous cases where the soldier has lost his warrant, or it has been stolen, and afterwards put in circulation by a simulated assignment.

Some estimate may be formed of the extent of these frauds, from the fact that about three hundred warrants have been cancelled on the ground of having been obtained on false or forged papers, and about two hundred and seventy-five have been

suspended upon allegations of the same character, made by counter-claimants.

Fourteen hundred caveats have been filed in this office by individuals contesting the issue of patents to the assignees, chiefly on the ground that the assignments are false and counterfeit, or, in fact, executed prior to the issue of the warrants, and the dates subsequently inserted.

The decision of these suspended and caveated cases imposes much labor and patient investigation upon this office. In cases where there is great conflict of evidence, the parties are referred to the judicial tribunals to decide the controversy by bill in chancery or otherwise.

It would have been far better if these warrants had not been made assignable, and that the patent should, in all cases, have issued to the soldier, dead or living, and inured to the benefit of his heirs or assignees. The courts of justice would be open to all persons claiming by, through, or under the soldier, to assert their titles, where they could have the benefit of a fair trial and a careful investigation of all the facts.

Much embarrassment has also been experienced in closing the grants made to the States for internal improvements by the act of 4th September, 1841, and by other similar grants made to particular States by special acts of Congress.

The following table exhibits the present condition of the grant made by the act of 4th September, 1841, to wit:

## STATEMENT,

Showing the condition of the State selections under the act of 4th September, 1841, on the 30th day of June, 1850.

States.	Number of acres to which each State was entitled under the eighth section of the act of September 4th, 1841.	Number of acres approved up to 30th June, 1850.	Number of acres to which each State was entitled on the 1st July, 1850, and to be selected and approved.
Illinois.....	209,985.50	209,980.05	105.45
Missouri.....	500,000.00	499,317.62	682.38
Alabama.....	97,469.17	none.	97,469.17
Mississippi.....	500,000.00	498,835.53	1,164.47
Louisiana.....	500,000.00	355,870.41	144,129.59
Michigan.....	500,000.00	494,513.43	5,486.57
Arkansas.....	500,000.00	499,889.03	110.97
Florida.....	499,590.09	45,567.94	454,022.15
Iowa.....	500,000.00	172,394.85	327,605.15
Wisconsin.....	360,364.01	385,648.42	74,715.50
Aggregates.....	4,166,908.77	3,061,017.29	1,105,891.48

Thus it will be perceived that the grants made by this act have been nearly closed in several of the States, and special efforts are now making to complete those in all the other States. In some, particularly in Florida, this consummation has been prevented by the difficulty in completing the location of "private claims," as it was impossible, in many portions of the country in which selections have been made by the State, to distinguish public from private lands, till those claims were located, and, of course, until that time no definite action could be had in the "State selections." A like difficulty has been experienced in bringing the business connected with claims in Florida, under the "armed occupation act," to a termination. As most of the "private claims" have been located, as already mentioned, the "State selections" and cases arising under the "armed occupation act" will be disposed of as rapidly as possible.

The several grants to the State of Indiana for the construction of the Wabash and Erie Canal, amounting to about one million four hundred thousand acres, have all been selected, the lands certified to the State, and closed upon the books of this office. The same may be said respecting the grant to Wisconsin for the improvement of the Wisconsin and Fox rivers, and the connection of those streams by a canal, made by the act of 8th August, 1846, except that portion west of Fox river, within the recent cession by the Menomones, which has not yet been surveyed. An intricate and laborious branch of our land operations is that charged with the examination and preparation of grants for claims to land resting upon titles derived from foreign Governments, and donations of lands under laws of the United States, connected with which is the issuing of patents for Indian Reservations. In legislating

from an early period of our national existence for the survey and sale of the "PUBLIC LANDS" of the United States, Congress anticipated the necessity, and accordingly then commenced making provision by law for the recognition and adjustment of titles which had been derived from foreign Governments.

It was the policy of Great Britain, France, and Spain, in the management of their colonial affairs, to exercise, upon a most extensive scale, the power of granting away the royal domain, in many instances in immense bodies, but generally in moderate quantities, to promote and advance the settlement of the country.

In this way millions upon millions of acres, in the aggregate, have been conceded to individuals, and to that extent the public lands were encumbered when the United States acquired title to the same in virtue of different treaties.

By the laws of nations and terms of the treaties of cession, it became incumbent upon us to recognize and respect all *bona fide* grants of this character, and in regard to them, to carry into full effect, and in a liberal and just spirit, the intentions of our predecessors in sovereignty.

The various classes of titles of this description, which have been designated and are now known as "Private Land Claims," have been the subject of successive general and special legislative enactments, through a long series of years, reaching to the last session of Congress inclusive, and now of themselves constitute a complete system.

They have been adjudicated from time to time through the instrumentality of boards of commissioners, of the recorders of land titles of the United States district and territorial courts, and by the Supreme Court of the United States on appeal. In the investigation and adjustment of these titles, a thorough inquiry became necessary into the provincial laws, usages, and customs of the British, French, and Spanish Governments, into the nature and extent of the power of the granting officers and their subordinates, such as governors general, intendents general, lieutenant-governors, or sub-delegates, military commandants and surveyors; and in the examination of this class of titles, numerous intricate and interesting questions have arisen before the courts of the United States, and have been judicially decided, some of grave moment, involving high interests, both national and individual.

This system then, rests upon the laws, usages, and customs, in granting and surveying, of the sovereignties alluded to—upon numerous general and special laws of the United States—upon decisions of boards of commissioners and other officers, upon the decisions and decrees of the inferior judicial tribunals, and of the Supreme Court of the United States.

In advancing and gradually extending our surveys of the *Public Lands*, in order to sell and dispose of the same in conformity to the will of Congress, this private land claim system has necessarily been invoked, and has cooperated in severing and setting apart from the national domain, and in perfecting the evidence of titles to private individuals in cases which have been sanctioned or confirmed.

Hence, wherever the ancient landmarks can be identified, they are traced out and the old measurements or localities are ascertained and reestablished, and, in their original irregular forms, are incorporated into the United States surveys in such a manner as to show their various locations, limits, and precise positions on our township plats, in connection with the contiguous public surveys.

The want of a system in the Government that preceded us, by which the granting power could determine, in advance, whether their concession would conflict with their previous grants, has led to numerous conflicts of title; and although the terms of the original grants generally stipulated that they were made on the condition that they should not prejudice the rights of others, yet those stipulations have not relieved us from the difficulties and labor inseparable from the adjustment of conflicting limits.

To this branch of the service is assigned the duty of seeing that all such conflicts are properly determined, so far as executive action is concerned.

The settling of such cases is an indispensable

preliminary to the issuing of new grants, or titles for confirmed claims, in accordance with the laws of our own Government; and, in the preparation of patents there is necessarily brought in review the whole previous history of each claim, from its inception to its confirmation and survey, and a recital or reference to all the material points in its history is made in such patents.

These embrace claims of all denominations and extent, from town lots, often of great value, and frequently in conflict with each other, to claims of immense area, as in the "FORBES PURCHASE," in Florida, known as the case of Colin Mitchell and others vs. the United States, the record of which alone, as submitted to the Supreme Court, covers a printed volume of seven hundred and thirty-six pages.

Cases have arisen, and may hereafter occur, in regard to confirmed settlement rights, and claims founded on ancient written title, in which it is sometimes difficult, if not impossible, for the United States surveyors to determine with certainty, in the field, the place of the original improvement, or of actual grant.

I therefore renew, in relation to this class of cases, the recommendation in previous reports, that power by law be conferred on the Department to locate any such claims by sectional limits, or according to the lines of the public surveys, giving the claimant a right to a review, and modification of location, if application and a proper showing be made within one year after the official designation of the land; and providing further, that such designation shall be final if application for revision be not made within the period stipulated.

I deem it my duty again respectfully to invite the attention of Congress to the condition of certain private land titles, particularly referred to in the last annual communication from this office, in which suits had been instituted against the United States to obtain confirmation under the act of Congress, approved 17th June, 1844, decrees of confirmation obtained in the court below, an appeal prayed to the Supreme Court of the United States, and there dismissed on the ground that the appeal had not been taken in the manner and within the period required by law.

It has therefore been contended that, in virtue of this last proceeding, the decree of the court below became final, and the confirmations consequently absolute.

As it was obviously the intention of Congress, by the act of 26th May, 1824, which was revived and extended by the said act of 17th June, 1844, that cases of the magnitude of those alluded to should be determined by the highest judicial tribunal upon their merits, the subject is now brought to the notice of Congress for consideration, and for such proceedings in the way of legislation as their wisdom may suggest.

Among the most important matters that will doubtless engage the attention of Congress, in connection with the extension of the land system over our newly-acquired territory, will be that of making provision by law for the prompt adjudication, settlement, and separation from the public land of all valid foreign titles, which should be respected and recognized under treaty.

The first requiring attention are those in Oregon and California. In the former, the claims, it is presumed, are comparatively limited in number, which come within the purview of the treaty of 5th August, 1846, between the United States and Great Britain, and the rights which our Government by treaty has agreed to respect, may, it is suggested, be discriminated, and settled by the joint action and cooperation of the surveyor general and the register and receiver, acting as a Board of Commissioners, whose jurisdiction should extend to all cases contemplated by the treaty, except such as may have been provided for by the act of Congress, approved 27th September, 1850, to create the office of surveyor general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers. The decision of those officers should be subject to the final determination of the appellate authority, as hereinafter suggested respecting the adjudication of claims in the State of California.

In that State the claims are much more numerous, and are of a very different character from

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those in Oregon; being generally of a larger area—some indeed of an immense extent—and resting upon inceptive and other titles, in various stages of maturity, as derived from the Governments of Old Spain and Mexico, and a great portion of which are probably untraced by any actual survey under the Governments from which they were derived. To settle these claims, it is recommended that legislation be had analogous to a plan presented in a bill introduced into the Senate at the last session, which looked to the appointment of a Board of Commissioners, with power to visit different places in California, under the orders of the President, and to take testimony of all the facts relating to the validity or invalidity of the respective claims, and to report the same, with their opinion, to the Department, subject to the revision of a tribunal consisting of the Secretary of the Interior, Attorney General, and Commissioner of the General Land Office, who shall have power to render final decrees of confirmation, as against the United States, and to be followed by a United States survey and patent. They should also have power to reject all claims which, in their opinion, are not valid under the treaty; but, in case of any such rejection, the claimants should have the right to appeal from such decision, and bring the case, by petition, and a transcript of all the evidence and proceedings, before the district or circuit court of the United States for the proper district in California, who shall thereupon enter up a decree, or decision, from which an appeal may be taken by either party to the Supreme Court of the United States, whose decision thereon shall be final and conclusive.

In the event of confirmation of a claim by such court, a survey to be made and a patent to issue, as in other cases; but when the decision shall be against the claim, the lands *ipso facto* to be treated as public lands of the United States, and disposed of accordingly. By the adoption of such a measure it is believed that the ends of justice will be subserved, the whole matter will be brought to a final decision and adjustment within a reasonable period, and all claims that are valid and should be respected, will be recognized, and separated from the public lands, which can then be disposed of without danger of conflict with the *bona fide* interests of private individuals.

By different treaties negotiated with Indian tribes, reaching back to the early times of the Republic, and extending up to a late period, the United States have recognized numerous claims to individual Indian reservations. These may be ranged into several classes—a few usufructuary; others, and a very large class, in which the Government has agreed to confer the *fee simple*, sometimes stipulating that the sale shall not be made without the sanction of the President of the United States; and others without such condition. In some of those classes it is required that patents shall issue direct to the reservee, as in the Pottawatomie, Miami, and Chickasaw treaties; others, as under the 19th article of the Choctaw treaty of 1830, to issue to the first purchaser from the Indian, upon the presentation of deeds approved by the President.

There is also a class of between six and seven thousand, in which immense labor has been required of this branch of the service, pursuant to treaty of 1832 with the Creek Nation, and the act of Congress approved July 5th, 1838, directing patents to issue to the last regular assignee, whatever may be the number of intermediate assignments.

By the treaty of 1832, the Chickasaws ceded to our Government certain lands in the northern part of Mississippi and Alabama, with a stipulation that they were to be sold by the United States and the net proceeds paid over to them. That cession, as heretofore reported, has all been duly surveyed, platted, and found to contain . . . 6,718,596.27 acres. But of this area individual Indian reservations, which have been recognized, cover . . . 2,421,679.86 do

Leaving subject to sale . . . 4,296,906.41 do  
Of this quantity there have been sold, up to 30th September last, . . . 3,997,588.97 do  
Leaving unsold at that date . . . 299,317.41 do

Besides the sales of "public lands," there have been disposed of by the land officers in the session 36,005.68 acres of "Orphan reservations," under the 8th article of the treaty of 1834.

The whole of this cession has been brought into market, with the exception of one section reserved for the use of the local offices.

The unsold lands, under the operation of the graduation system, have reached the minimum price fixed by the treaty, of 12½ cents per acre, except a few tracts which are now subject to entry at 50 cents per acre.

There have been issued—  
For public lands in this session . . . 22,450 patents.  
For reservations . . . 2,300 "

Total . . . 24,650

All of which have been duly recorded in this office, and the accounts of the receiver have been adjusted up to 30th September, 1850.

It may afford some idea of the amount of labor which has been required and performed in conducting thus far the land operations in the Chickasaw cession, by reporting the fact that the records in this office, in connection with this particular business, comprise ninety-three folio volumes.

In the annual report of 1849 from this office, in consideration of the gradual winding up of the Chickasaw operations, the diminution of sales, and the comparative small amount of business now required to be transacted in the cession, I suggested and recommended legislation with a view to corresponding reduction in the expenses. To that report in the present matter I beg leave to make special reference, and to reiterate my recommendation in the premises, unless indeed it should be the pleasure of Congress to pay the Indians for the residue of their lands, at the minimum price of 12½ cents per acre, investing the amount in United States stocks, and devoting the interest to the endowment of schools in the Chickasaw nation. The lands thus purchased could be attached to the next adjacent United States land district.

The preemption business has been progressing in a very satisfactory manner. Nearly all the claims under the acts prior to 1841 have been finally disposed of, many of which were very important, from the value of the property at issue and the complexity of questions involved.

The act of 4th September, 1841, prospective in its character, has been beneficial in its operation, securing, as it does, to every settler who desires it, the right to enter without competition the land improved and settled on, and generally enabling him, by ordinary industry, to realize from the soil sufficient means to pay for the same, before he is required to do so by law. The operations under this act have been reduced, as far as practicable, to a system, and proceed with harmony and efficiency.

In fact, the only modification that could, in my opinion, be made of it, with advantage to the public, is to require settlers, in addition to the present notice of settlement, as a preliminary step, to make oath of their intention to enter, and prove that they have, in good faith, made the settlement and improvement contemplated by law. This provision, it is believed, would remedy any existing abuses, and afford every requisite facility to *bona fide* settlers.

The bounty land and scrip business under the war of the Revolution, and that of 1812, is being wound up as speedily as possible, pursuant to the legislation of Congress.

Many vexed questions still arise under this branch, and new cases are daily presented for the action of the office.

Under the act passed by Congress on the 28th September, 1850, "to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," it was decided, with your approbation, to charge the surveyors general of the several States in which their offices existed, in the first place, with making out lists of the lands granted to those States by that law, and, where those offices were abolished, to devolve that duty on the land officers of the respective districts.

Full instructions have been made out, and transmitted for this purpose, and by those instructions the act of Congress will be carried out—the right to all the swamp and overflowed lands, unfit for

cultivation, secured to the States, and the interests of the Government protected.

The State of Louisiana having made the necessary arrangements to defray the expense of selecting the swamp lands therein, under the act of 2d March, 1849, the necessary instructions for that purpose were issued; and, at the instance of the delegation from that State, a special agent was ordered there to arrange and determine the principles on which that grant should be adjusted, who discharged the duty entrusted to him, and made his report, which was laid before Congress. In accordance with the instructions thus issued, and the principles established, the State proceeded to make the selections, and has made considerable progress therein.

The law recently passed embraces Louisiana, and increases the grant made by the act of 1849.

Instructions have also been prepared for all the district land officers, under the act of 28th September, 1850, "granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States."

In order that the liberal views of Congress, in passing this law, should be fully carried out, and all possible expense saved to the brave and patriotic citizens, for whose benefit it was enacted, in locating their lands, and at the same time to protect the improvements of the hardy and industrious pioneer settlers, it has been determined, with your approval, to waive the affidavit heretofore required, that there is no improvement on the land proposed to be located, but to publish notices for all settlers upon the public lands to come forward and notify the land officers of their improvements; and to require that the warrants shall remain forty days in the local offices, after they have been located. This will give the settlers full time to file notices of their settlements and improvements, as now required by law. During the time a warrant is thus retained in the hands of the land officers, if it is found that it has been located upon the improvement of a settler, that location will be annulled, and a new one made for the warrantee. Arrangements have also been made for locating all warrants that may be sent to this office for that purpose.

The instructions for the surveyor general of Oregon required a combination of the geodesic with the rectangular system, as explained in the preceding part of this report, and as required by the act of 27th September, 1850, establishing the office of surveyor general of that Territory.

The geological surveys of the northern parts of Michigan, Wisconsin, and Iowa, authorized by the acts of 1st and 3d March, 1847, have been brought to a close, and it is expected that the final reports of the geologists will be received in time to be laid before Congress at an early period of the session, if not to accompany this report. From the scientific character of those gentlemen, the care taken by them in the execution of their work, and from the synopsis presented, I am satisfied that their reports on those interesting regions will be among the most valuable works of the kind ever presented, and materially advance the cause of science in these particulars.

Immediately after the passage of the act of 20th September last, "granting the right of way and making a grant of land to the States of Illinois, Mississippi, and Alabama, in aid of the construction of a railroad from Chicago to Mobile," instructions were sent to the land officers of the districts through which that road will pass, directing them to receive from sale or entry of any kind and all the lands within suitable distance on each side of that road, until the grant is adjusted.

This measure was adopted to prevent the lands along the route from being located by speculators, thus securing to the States the benefits contemplated by the law, and preserving for future disposal by the Government the lands in the alternate sections along the road, the minimum price of which was doubled by that law.

Under the act of 26th September, 1850, "to reduce the minimum price of the mineral lands in the Lake Superior district, in Michigan, and in the Chippewa district, in Wisconsin," the whole of the mineral land, in those districts which have been surveyed, will be brought into market as early as practicable next season, at the reduced minimum, arrangements having been made for

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that purpose. Earlier action could not be had, for the reason that the notice of the sale requisite under the law, before the lands can be offered, if given this Fall, would have brought the sales into the middle of Winter, when bidders would have been prevented from attending in consequence of the severity of the weather.

The ordering of these lands into market will of course finally close the employment of mineral agents in those regions.

The appropriations for surveying and marking the northern boundary of Iowa and the eastern boundary of Minnesota were made too late in the season for the service to be performed the past Fall. All the necessary instructions have been prepared, and the work will be completed early next season.

Under the act of 3d August, 1846, for the settlement of suspended entries, many suspensions which had long embarrassed the operations of this office, and given rise to much correspondence, were finally disposed of, the interests of the Government thereby subserved, and great relief extended to purchasers.

Several cases equally meritorious with those which were released were, however, not acted on, for various causes, most of which were beyond the control of this office. Others of equal merit have since arisen, and, in consideration of these facts, I recommend the revival of that act, for a period of two years, which, it is presumed, will be amply sufficient for the purpose.

I renew the recommendation, made in my last report, that the duty of selling "reserved lands" be devolved on this office, where the reservation of those lands may no longer be required for military or other public uses, and that this office be clothed with all the authority of the surveyors general for the lands in the States where their offices have been or may be abolished under the act of 12th June, 1840.

The experience on the subject, since that report, has fully sustained the expediency and necessity of these measures, and the reasons then given for the adoption of them, to which I respectfully refer.

The manner of disposing of the public lands in California, New Mexico, and Utah, has attracted much attention, and various plans have been suggested as the most judicious for this purpose, especially in reference to the valuable mineral lands in those regions. In view of the peculiar topographical features of the country, and the value of the mineral lands in California, it has been supposed by many that the leasing system would conduce most to the interests of the Government and the people, so far as those mineral lands are concerned, and a bill to establish such a system in that State has been introduced in the Senate.

It is not a matter of surprise that these opinions should be entertained by all who have not realized the results of this system. The same views were held successively of the lead mines of Missouri and Illinois, and of the lead and copper mines of Arkansas, Northern Michigan, and Wisconsin. As an additional reason, however, for the adoption of this system in California, it is alleged that the soil in many of the placers is utterly valueless, except for the mineral found therein, and that, when that mineral is exhausted, the land is worth nothing. When the history of the past with reference to this question is considered, it will be found that there are few, if any, points of difference; that like causes have produced like effects in all these States, and that the same results will probably be experienced on the Pacific if the leasing system is introduced there.

From the beginning the Government has manifested a desire to retain an interest in lands containing valuable minerals. This is a natural feeling in those who, dazzled by the supposed value of the treasure, patriotically desire the Government should share in it. When experience, however, shows that the cost of obtaining this share by the leasing system exceeds the benefit derived from it, and is attended by a long train of serious evils, that system should at once be abandoned.

The first action on the part of the Government in relation to this subject was the ordinance of 13th April, 1785, by which one third part of all gold, silver, lead, and copper mines was reserved the United States. Here, it will be perceived, that it was not proposed to reserve or lease the land;

the genius and spirit of the people would not have tolerated that system of vassalage. This ordinance provided that the lands should be sold, but that, in accordance with a usage then in force in Europe, a portion of the products of the valuable mines therein should remain to the sovereignty.

The next was the joint resolution of the 16th April, 1800, directing the employment of an agent to collect information relative to the copper mines of Lake Superior.

A report was made in accordance with this resolution, but no further action was had in relation to these mines till after the treaty with the Chippewas of the 4th October, 1842, by which that country was acquired.

The third were the acts of 3d March, 1807, authorizing the President to lease the lead mines in the Indiana territory.

Under these laws the leasing system was adopted. Of the early operations of it we have but little information, as the mineral lands were placed under the control of the War Department in 1821, and prior to that time there was but little if anything done in it.

The first official information I have found is contained in the report of the Secretary of War of the 16th February, 1843, in which it is stated that the whole amount of rent lead, received by the Government in 1841, and 1842, was 74,924 pounds, worth about \$1,600—a sum that would not more than pay the annual salary of one of the superintendents employed in the service. By a subsequent report from the War Department, it was shown that the rent received in 1843, and 1844, amounted to 249,614 pounds of lead, worth about \$4,856, while the amount expended on account of mineral lands by the Government, including salaries of officers, &c., during the same period, was \$20,729, making an actual loss to the Government by the operation, of \$15,873. If to this be added the amount that would have been realized from these lands if they had been sold at the ordinary minimum of \$1 25 per acre, and the expenses, costs, &c., that grew out of the vast number of suits instituted by the United States to recover rent due by defaulting lessees, to vacate fraudulent entries, &c., it would amount to a sum in comparison to which the loss above mentioned would be insignificant. Subsequently, in consequence of active measures having been taken by the district attorney for that purpose, a greater amount of rent was received, but without any abatement of the attendant evils. So fully was Congress satisfied of the inexpediency of this system with reference to revenue, and of the actual losses that the Government had sustained from it, that on the 3d March, 1829, an act was passed authorizing the President of the United States to cause the valuable lead mines reserved in the State of Missouri to be exposed to public sale, subject to the ordinary minimum. This was followed by the act of 11th July, 1846, directing the mineral lands of Illinois, Southern Wisconsin, and Iowa, to be sold; by the acts of 1st and 3d March, 1847, directing the sale of the valuable copper mines of Lake Superior, &c., and finally, by the act of 26th September, 1850, reducing their minimum price to that of ordinary public lands.

Thus it is seen that the whole of the leasing system, and the reservation of the mineral lands on account of their supposed value, after the experience of nearly fifty years, have been finally abolished in some of the richest mineral regions on the face of the earth, and that, so far as exhibits have been made, it is shown to have been a loss to the Government—directly to a considerable sum, and indirectly to a vastly greater amount.

It may be well to consider, also, the effects of this system upon the morals of the community in which it existed.

Having only a temporary connection with the soil, and that of a character calculated to stimulate every effort for their own pecuniary advantage, the lessees had no inducement to aid in sustaining the laws, or encouraging a proper moral tone in the community. Success in mining operations secured wealth, failure produced poverty, want, and their attendant evils. These mutations begot a spirit of wild speculating hazard, which in many cases was carried out to the fullest extent, and assisted in corrupting the moral sense and feelings of many in the community. The Government was

regarded as a rich landed monopolist, that had no feeling in unison with the interest of the tenant, but was rather striving to strip him of a part of the earnings of his toil and privations. Hence arose a feeling of resistance to the Government and laws, and a disposition to evade these laws and the obligations of contracts by every possible expedient. Conscious of this kind of vassalage, the miners learned to look upon their Government with feelings of dissatisfaction and ill-will, and to manifest those sentiments in bitter complaints and remonstrances. This constant warring for wealth, stimulated also feelings of cupidity, which were increased by consciousness of oppression, and induced the miners not only to avoid, whenever practicable, the payment of tribute or rents, but also to encroach upon the rights of each other.

Unceasing litigation was the consequence between the Government and miners, and among the miners themselves, either for the collection of rents or to remedy some real or supposed wrong. The familiarity with vice, thus induced, by a natural transition extended to individual and social relations, the whole producing a state of society that could only be realized by personal observation, but which was well known to exist to a greater or less extent in all the mining districts where the leasing system was in force.

Communities were kept in unceasing turmoil, ferment, litigation, and bloodshed by this odious system, and that these evils were thus caused is evident from the fact that after the abrogation of that system the same communities are as orderly, peaceful, and law-abiding as any people in the world.

The leasing system was the cause of much irritation, jealousy, and complaint on the part of the States within whose jurisdiction it was practiced. They justly complained that they were crippled in their resources by being restricted in the power of taxation; that the General Government, instead of selling the land retained the fee, and stood in the attitude of a powerful and opulent landlord, holding a large portion of the population in an abject and servile state of tenancy, destroying all inducements to cultivation, or the making of permanent improvements or settlements upon the land, until Congress, seeing the accumulated evils and pernicious consequences, abolished, as before stated, the whole system.

It may be argued that in regions containing the precious metals, and where the lands in many cases aside from the minerals, are valueless, the same results would not be experienced; that it would be an unjustifiable disregard of the public interest to sell for any ordinary price a tract of land containing a rich gold or quicksilver mine, while it would be equally unjust to individuals to charge them such price for lands that should prove wholly worthless.

The answer is, that this state of things existed in the Lake Superior regions, with this difference, that here the mineral is copper, while on the Pacific it is gold, &c. The lands, however, in both regions, aside from the minerals, are equally valueless; yet those who were engaged in the Lake Superior operations, cheerfully purchased large bodies of worthless land, extending even to three miles square, at high rates, for the purpose of securing a good mining location; and the fact that the mineral on the Pacific is the more valuable, will only have a tendency to cause the greater efforts to defeat the Government in the collection of the tribute.

The further allegation may be made, that in the Lake Superior region, mining could only be carried on profitably by companies, and at a very heavy outlay of capital and labor?

By recent advices from California it appears that individual mining is declining, and that the mineral wealth of that country can only be successfully developed by combinations of capital and labor.

Further: from these advices I am inclined to think that those engaged in the mining operations there do not probably realize as much as the same number employed in agricultural or other branches of industry in that or other sections of our Union; and that but comparatively few of the many thus engaged acquire more than sufficient to pay their expenses, or to enable them to return to the old States.