LEAD MINES.

IN SENATE OF THE UNITED STATES.

January 27, 1846.

Submitted, and ordered to be printed.

Mr. Breese made the following

REPORT:

[To accompany bill S. No. 31.]

The Committee on Public Lands have had under consideration, according to the order of the Senate, "A bill to direct the President of the United States to sell the reserved mineral lands in the State of Illinois, and Territories of Wisconsin and Iowa, supposed to contain lead ore," and respectfully ask leave to report:

That the lead region of Illinois has two distinct localities, widely separated from each other. The most important, heretofore known as the Fever River mines, is in the northwestern corner of the State, upon and adjacent to the Mississippi river, and includes about fifteen townships lying north of the base line, and east and west of the *fourth* principal meridian, and now called "the Galena District;" being in quantity about 345,600 acres of land.

The other locality is near the extreme southern part of the State, upon the waters of the Ohio river, south of the base line, and east of the *third* principal meridian, in the district of lands subject to sale at Shawneetown, and includes sixty-eight sections—nearly two townships—or the quantity of 43,520 acres.

The lead region of Iowa consists of eight townships, commencing on the western bank of the Mississippi, where the south line of township eighty-seven north, range four east of the *fifth* principal meridian, crosses that stream, and, extending north in a narrow strip along that bank, having its widest part about twelve miles from the river, terminates at a point seven miles below the mouth of the Wisconsin, making in all 184,320 acres. A portion of this Territory not distinguished by geologists as belonging to the lead region, but affording mineral indications, has also been reserved by the government, thus swelling the amount to 285,126 acres.

That of Wisconsin commences on the east side of the Mississippi, at a point thereon, opposite to the point of termination of the Iowa region, includes about sixty-two townships, or 1,428,480 acres, and connecting with the upper Illinois region at a point where the line between ranges five and six east of the fourth principal meridian crosses the boundary line of that State. The extreme length of these regions, connected as they are

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together, from north to south, is fifty-four miles; and the extreme width, from east to west, about eighty-seven miles, making an area of 2,880 square miles. The whole quantity actually reserved from sale exceeds 1,000,000 acres.

The object of the bill, as its title imports, is to remove the restriction upon their sale, and transfer them to the jurisdiction of the General Land Office, as other public lands.

The policy of this measure, as tending to affect the interests of the United States, favorably or otherwise, has been attentively considered by your committee. They first inquired by what authority these lands have been reserved from sale, and, on examination, find that the only authority by which it has been done in Illinois and Wisconsin, is the fifth section of the act of the third of March, 1807, entitled "An act making provision for the disposal of the public lands situate between the United States Military Tract and the Connecticut Reserve, and for other purposes," and which is as follows:

"SEC. 5. *And be it further enacted,* That the several lead mines in the Indiana territory, together with as many sections contiguous to each as shall be deemed necessary by the President of the United States, shall be reserved for the future disposal of the United States; and any grant which may hereafter be made for a tract of land containing a lead mine, which had been discovered previous to the purchase of such tract from the United States, shall be considered fraudulent and null; and the President of the United States shall be, and is hereby, authorized to lease any lead mine which has been, or may hereafter be, discovered in the Indiana territory, for a term not exceeding five years." (Laws U. S. vol. 4, page 127.)

Those in Iowa were reserved by the construction placed upon the second section of a law enacted in 1807, entitled "An act to prevent settlements being made on lands ceded to the United States until authorized by law," (Laws U. S. vol. 4, page 118;) and by the tenth section of the act of 1811, entitled "An act providing for the final adjustment of claims to land, and for the sale of the public lands in the territories of Orleans and Louisiana, and to repeal the act passed for the same purpose, and approved February sixteenth, one thousand eight hundred and eleven"—*Ib.* 360; and continued by the sixteenth section of the act of June 4, 1812, when Louisiana was divided and the territory of Missouri established, entitled "An act providing for the government of the territory of Missouri"—*Ib.* 443, that territory being a part, first of Louisiana, then of Missouri. The act establishing Iowa, as a separate territory, was approved June 12, 1838. At the same time, an act to establish two land offices within its limits was passed, and power given to the President to except from sale such tracts "for military or other purposes," as he might deem expedient. No special reservation of any lands, except for school purposes, is made by it.

The next questions presented for consideration were, What was the policy of the government in reserving these lands? and the results of that policy? What agency or system has been adopted? and how has it worked? And what right has the government to reserve and lease the public domain? And, finally, the benefits resulting to it, or to the country at large, from its exercise? These are important points of inquiry, and involve all the merits of the subject.

The policy in reserving from sale lands supposed or known to contain lead ore, had no existence anterior to 1807. At that time Illinois and

Wisconsin were a part of the territory of Indiana, and Iowa, of Louisiana. From traders and others, the existence of rich minerals on the upper Mississippi was ascertained. They had been long known to the Indians of that region, for, in the seventeenth century, lead made from their ores was an article of traffic with them and the French traders at Peoria as far back as 1690.

Mines, from time immemorial, have been considered the property of the sovereign, and, as such, the subject of grants by him. Louis XIV, King of France, granted those in Louisiana to Anthony Crozat, by letters patent bearing date 14th of September, 1712. They were afterwards reunited to the royal domain, and granted to "the India Company," or "Company of the West," in 1717, who held them until 1732, when they surrendered them to the crown.

Crozat, whilst searching for the more precious metals and costly stones then supposed to abound there, made some discoveries of lead. Philip Renaut, director general of the mines, acting for "the Royal India Company," discovered and worked, between the years 1723 and 1745, some of the most productive ones now known as "Old mines," mine Renaut, mine La Mothe, mine Gibaut, and perhaps others. For some of them he obtained grants.

When we acquired Louisiana in 1803, great calculations were confidently made upon the vast addition to our national wealth, which the possession of mines so extensive and so rich as these were represented to be would certainly produce. National cupidity was at once excited, and sales were forbidden by the acts referred to.

Your committee suppose it was intended by Congress, in thus reserving mineral lands from sale, not to make it the permanent policy of the country, but that time might be afforded to act understandingly in regard to them, and with a full knowledge of their value as a national possession, so that no great national interest should be sacrificed by a hasty and ill-considered sale of them. A correct idea of their extent and value was desirable, in order that the action of the government might be so regulated as to prevent a monopoly of their ores by individuals or associated capital, by which the supply and price of an article made from them, and of great necessity, might be placed wholly within such control, to the injury not only of the government, needing heavy supplies of lead, but of the public at large. It was this fear of a monopoly, and the importance of a supply of lead to the government, the committee believe, that operated to reserve the lead mines in Louisiana. When Missouri became a State, she complained to Congress of the effects of this policy upon her prosperity, an area of twenty-five hundred square miles in the heart of that State being mineral lands, and reserved, or the greater part of it, from sale and settlement. Great exertions were made by the agent of the government there to lease them, and to render them productive, but without success. But a trifling amount of revenue, no accurate account of which can be had, was received—not more, however, than sufficient to defray the expenses. Many of the most productive mines had become, by grants from the crown of France, private property, and it was found impossible for the government to carry out profitably a system which it could not make exclusive. It was seen too, that the extent of country abounding in these treasures was so immense, that no possible danger of a monopoly was to be apprehended, or a deficiency in the supply to the government, at reasonable prices, of an

important material of war, to be expected. Congress, therefore, was induced, after the experience of many years, on the 3d of March, 1829, to direct the sale of the reserves in a mode similar to that contemplated by the bill now under consideration.

The good effects resulting to Missouri from this law cannot be doubted. The greater part of this vast mass of reserved land has become private property, subject to the taxing power of the State, and whilst their riches are now under individual ownership, more fully developed, the manufacture of lead has greatly increased; and that article is now afforded in the market at a price far below that which it bore when the system of "government leases" was in full operation, and, for the reason stated, the demand and supply can never be exclusively controlled by any capitalist or company. The State also has been benefited by a great addition to the number of freeholders, whose whole energies are devoted to the permanent improvement of their own property, they alone enjoying the avails of their labor bestowed upon it, subject to no deductions in the form of rent, or other charges, to the federal government. No one feels or thinks that the nation has suffered a loss in thus selling the mineral lands of Missouri, from which such high expectations of revenue were once entertained, but all agree that mutual benefits have been the result.

It becomes now a subject of inquiry, what is the true policy of the government in relation to these mineral reserves in Illinois, Wisconsin, and Iowa; and what has been the effect of leasing them, as practised for now more than thirty-five years? Is their value and importance as a national possession or interest now sufficiently known? Has the nation gained anything by the system? Is it in accordance and in compliance with the duties and obligations the government owes to that State and those territories, to persevere in the system? Are they injured or benefited by its operation? Is the right clear and unquestionable to reserve and lease public lands?

Since the 29th of November, 1821, the control of these reserves has been with the War Department. Those in the southern part of Illinois were made by one of the land officers of the Shawneetown district, in which they are situate, in 1815; previous to which time, the governor of the Indiana territory, in 1809, granted leases of them; then his successor, the governor of the Illinois territory, in tracts of four thousand acres each; then the land officers at Kaskaskia leased them in smaller quantities, but no rents were received from them. They lie upon the waters of, and near to, the Ohio river, in the counties of Gallatin, Hardin, and Pope, in a sparsely settled country, of heavily timbered upland convenient to navigation, and presenting some agricultural advantages. Explorations for ore have been made, at long intervals, for many years, and in the past year with some success. The great body of the public lands in that district has been in market since 1817, and some of them, supposed to be as rich in mineral as any of those reserved, are now private property. On them one or more shafts have been sunk, some furnaces erected, and the quality of the ore and facility of smelting it fully tested. Ten permits to explore the reserve have been granted by the War Department in the past year, with a view, it is supposed, to granting leases should the prospects for mining be flattering. These permits authorize the selection of a square mile to each. All the information in regard to this reservation is contained in the following documents from the Ordnance bureau:

"*Mines in the south part of Illinois.*

"In my two last annual reports it was stated that no leases or permits had been granted for any part of the sixty-eight sections which were reserved from sale as mineral lands in the Shawneetown land district, in 1815, since the expiration of the permits to Shackleford and others, and to Gordon and others, in 1843, in consequence of the want of mineral agents there; and that such an agency had not been recommended, from a belief that the expenses would be greater than the proceeds. During the present year, however, several applications having been received for permits to explore these mines under a revived confidence that they would be found rich in metals, and one of the military storekeepers of this department being released from duty by the breaking up of the depot of arms at Rock.island, he was ordered to take up his quarters temporarily at these mines, and directed to overlook and certify such selections as might be made under any permits granted by the War Department, and to examine and report as to the condition and probable value of the mines. Several such permits have been granted, ten in all, to persons to select not exceeding one square mile each; but as yet no selection has been returned in such form that a lease could be founded thereon, and a sufficient length of time has not elapsed to obtain the report required."

"ELIZABETHTOWN, *December* 1, 1845.

"SIR: As my report on the state of the mineral lands in this district, directed by you per letter of the 15th July, may be expected at this time, I have to inform you that I have commenced making a minute examination of every section. This I am enabled to do, with the occasional assistance of a guide to show the corners, and then by tracing the lines with a compass. It will require a considerable length of time, however, to complete; and as it was late when I procured a compass, and at a time that my health would not admit of my taking the field, I shall necessarily have to defer the period for my report.

"Previous to commencing these examinations, I visited a considerable portion of the reservations, finding them in parts very thickly settled, and many large farms in cultivation on them; at the same time discovered that the chief injury done to these lands has been by killing the *timber* to clear up farms, and by cutting it on those sections that lie near the Ohio river, for steamboat wood. Both have been done to a vast extent; in the latter an immense trade has been carried on. I immediately put a stop to this destruction of timber, and have at length succeeded in making it generally known that that, or any similar injury, would not be allowed. Further than that, I have not interfered with the settlers on these lands.

"Having informed you of what I have done, I have no suggestions to offer at this time 'for the protection of the public interests in these mines.'

"Should a case present itself, however, I shall not fail to advise you of it.

"Very respectfully, I am, sir, your obedient servant,

"W. R. SHOEMAKER,
"*Ord. Storekeeper and Sup'dt Mines.*

"Lieut. Col. G. TALCOTT,
"*Ordnance Office, Washington.*"

Whilst the hope is high that rich mines may be found here, the committee believe the present would be the most auspicious time to sell them. The lands are represented to be broken, hilly, and rocky, and may not sell at all if it is satisfactorily ascertained they are not rich in lead ore. The register of the land office, who selected them for reservation, wrote in 1824 concerning them, as follows:

"I herewith transmit you a copy of my report on mineral appearances within this district, made to the Commissioner of the General Land Office on the 1st of November, 1816. In addition to which, I will barely observe that, from information since received, I have been induced to change my opinion in regard to those reserves, and now think them entirely unnecessary, and believe it would be to the interest of the government to offer the lands contained in them, as well as the reserves of Fort Massac, for sale."

The committee do not believe the interest of the government can be in any degree promoted by continuing the restriction upon the sale of these lands, and introducing the leasing system into that part of the State of Illinois now, happily for her, exempt from it.

The mines upon the upper Mississippi are those most generally known to the country, the most important from their extent and richness, and capable of supplying, for centuries to come, every possible demand. They have engaged much of the attention of the government for near a quarter of a century, and every means have been used to make them profitable. The avowed object of their transfer to the control of the War Department was, that they might be made productive. This appears from the following letter from the Treasury Department:

TREASURY DEPARTMENT,
November 29, 1821.

SIR: The superintendence of the lead mines of the United States, heretofore exercised by the Secretary of the Treasury, under the expectation that they might be rendered a productive source of revenue, has been found in practice to be extremely inconvenient, and the product of the mines has added nothing to the revenue, from the want of officers residing in their vicinity to receive the rent which might from time to time become due. I have, therefore, suggested to the President of the United States the propriety of transferring the superintendence of them to the Secretary of War, who, through the agency of the Ordnance department, may render them productive; and he has instructed me to inform you that the superintendence is accordingly transferred to the Secretary of that department. I have requested the Commissioner of the General Land Office to communicate such documents as may be in his possession, which may be useful to you in the discharge of the duty which devolves upon you by this decision of the President.

I am, with much respect, &c.
WM. H. CRAWFORD.

Hon. JOHN C. CALHOUN,
Secretary of War.

If these expectations have not yet been realized, nor a reasonable prospect existing that they ever will be, the propriety of their sale cannot be questioned.

The committee will endeavor to give a brief yet sufficiently full and correct history of the operations of the government system of leasing these lands, as they have been enabled to gather it from the various documents submitted to their examination.

From this order of transfer, has sprung up the present leasing system. No law has ever been passed by Congress recognising or regulating it; the whole—all its details—the appointment of the officers and agents to conduct it, and their compensation, has been left, up to this time, to the unlimited discretion of the chief of the War Department, and his patronage increased in proportion to their number, importance, and amount of compensation.

At the commencement, it was supposed a subaltern of the army could attend to all the duties pertaining to it, without much expense to the government. For the first two years after the transfer, the expenses were very inconsiderable; but in thirteen years they amounted to more than fifty thousand dollars. This will be seen from the following table:

Salaries or compensation paid to each of the officers or other persons employed at the Upper Mississippi lead mines, from the establishment of the government agency, in 1821, *down to December* 31, 1835, *together with all other contingent expenses during the same period.*

Names.	Services.	Amount.
Lieut. Clark Burdine -	Per diem, exploring and surveying, 1822 and 1823 -	$427 50
Lieut. Col. Anderson -	Per diem, exploring and surveying, 1822 to 1825 -	1,284 00
Major H. K. Craig -	Extra pay as superintendent, 1823 and 1824 - -	691 50
Lieut. Martin Thomas -	Extra pay as superintendent, 1824 to 1829 - -	2,508 04
Captain T. C. Legate -	Extra pay as superintendent, 1829 to 1835 - -	5,713 30
Thomas McKnight -	Pay as assistant superintendent, 1827, 1828, and 1829	1,859 08
T. G. Conarroe - -	Pay as assistant superintendent, 1827 - - -	150 00
Charles Smith - -	Pay as assistant superintendent, 1827 and 1828 -	472 50
W. E. Williams - -	Pay as assistant superintendent, 1828 and 1829 -	350 00
James Hughes - -	Pay as assistant superintendent, 1828 and 1829 -	386 30
L. M. Euler - -	Surveying, 1828 - - - - -	240 00
James Craig - -	Surveying, 1828 and 1829 - - - -	91 25
Justus Post - -	Pay as assistant superintendent, 1829 - - -	105 00
S. Baker - - -	Pay as assistant superintendent, 1829 - - -	108 00
William Campbell -	Pay as assistant superintendent, 1829 to 1835 - -	5,091 66
A. G. S. Wight - -	Pay as assistant superintendent, 1829, 1830, and 1831	1,342 92
Richard H. Bell - -	Pay as assistant superintendent, 1829, 1830, and 1831	1,548 96
William Henry - -	Pay as clerk, 1829 to 1833 - - - -	550 00
Nathaniel Johnson -	Pay as clerk, 1832 - - - - -	25 00
James W. Stephenson -	Pay as clerk, 1832 - - - - -	41 61
J. P. Sheldon - -	Pay as assistant superintendent, 1833 and 1834 -	1,436 10
John H. Weber - -	Pay as assistant superintendent, 1833 to 1835 - -	1,956 66
L. H. Brown - -	Pay as assistant superintendent, 1834 and 1835 -	397 76
William Martin - -	Pay as assistant superintendent, 1835 - - -	666 64
Contingencies—such as office rent and furniture, fuel, stationery, hauling lead, labor, forage, &c. &c. - - - - - - - -		23,232 90
		50 676 68

The above expenditures being divided, as in the following table, show the amount in each year:

Years.	Salaries.	Contingencies.	Total.
1821 to 1827 - - -	$5,215 05	$3,495 72	$8,710 77
1828 - - -	2,111 54	2,744 46	4,856 00
1829 - - -	3,708 60	2,647 05	6,355 65
1830 - - -	2,852 40	5,635 13	8,487 53
1831 - - -	2,354 76	2,682 12	5,036 88
1832 - - -	2,125 57	1,098 39	3,223 96
1833 - - -	3,026 90	1,370 27	4,397 17
1834 - - -	3,245 59	1,971 46	5,217 05
1835 - - -	2,803 37	1,588 30	4,391 67
	27,443 78	23,232 90	50,676 68

The general fact being known that lead deposites were to be found in this region, and supposed to be very abundant and easily obtained, applications were made to the War Department for leases. The first were granted in January, 1822, on the application of Sugget and Payne, and Carneal and Johnson, of Kentucky, for one hundred and sixty acres each, to be located at any spot between the Mississippi river and lake Michigan. From this small beginning has arisen a vast and expensive system, creating great dissatisfaction—withdrawing more than a million of acres of most valuable public land from sale and permanent settlement, and promoting in no one particular, in the opinion of the committee, any one important national interest. Such is the extent of the system, with no laws to regulate it, that up to this time two thousand and ninety-three leases have been granted; of which five hundred and eighteen are now outstanding. The quantity of land in each ranges from two hundred and thirty-eight acres to less in one instance than two acres—the whole having covered probably one hundred thousand acres, once possessed of timber or mineral, or both.

The selections of land supposed to contain mineral are made by the agents of the War Department, frequently on such loose and inaccurate information as they may obtain from the miners, or from certain surface indications, often deceptive, on which they rely. The result is, that a large portion of the lands embraced in their lists contains no mines, yet they are withheld from sale, and, although withheld, are settled upon for agricultural purposes only, and valuable farms made upon them. Being reserved, they are subject to be leased; and as in that region, and it is peculiar to it, the richest soil often conceals the best ores, adventurers are found willing to take leases on such lands, under the authority of which they enter upon the enclosures of the settlers and commence "prospecting" for mineral. This gives rise to controversy, irritation, and expensive litigation, and has contributed very much to make the system as odious as it is. On the other hand, some of the richest mines have escaped the notice of the agents, and have been sold as other government lands, out of which also arise controversy and litigation; for under the law, patents for land, as well as entries of land, are void, if it can be shown that such land was *known* at the time of the entry and purchase to contain

a lead mine. Attorneys are feed by the United States to file a bill in chancery to set aside the patent and entry on the allegation of previous knowledge. The cause is continued in court for years, and by the time the government recover it, if that is the result, it is exhausted of its ore and valueless. Suits for trespass are commenced, and bills for injunction filed against those who dig for ores without a license or lease; for the agents are instructed to adopt all legal measures to prevent persons from working the mines without leases. A report from the Treasury Department, made at the first session of the last Congress, shows, in some degree, the extent and character of this litigation in the federal courts in one year.

TREASURY DEPARTMENT, *January* 6, 1844.

SIR: In obedience to the resolution of the Senate of the 27th ultimo—"that the Secretary of the Treasury be instructed to inform the Senate how many suits have been instituted by the United States against citizens of Illinois and Wisconsin, since the 4th day of March, 1841, for alleged trespasses upon the public lands; the final decision in each case; the amount of recovery of damages, if any, against the defendants, with the costs taxed against them, severally, and the kind of trespass for which they were prosecuted; and, if any such cases have been determined against the United States, the amount of costs in each case so determined, and how many such suits are now pending in said court"—I have the honor herewith to transmit the report of the Solicitor of the Treasury, giving the desired information.

Very respectfully, your obedient servant,

J. C. SPENCER,
Secretary of the Treasury.

Hon. W. P. MANGUM,
President of the Senate.

OFFICE OF THE SOLICITOR OF THE TREASURY,
January 5, 1844.

SIR: The resolution of the Senate of the 27th ultimo, and which you referred to me on the following day, embraces these inquiries: "How many suits have been instituted by the United States against citizens of Illinois and Wisconsin, since the 4th day of March, 1841, for alleged trespasses upon the public lands; the final decision in each case; the amount of recovery of damages, if any, against the defendants, with the costs taxed against them, severally, and the kind of trespass for which they were prosecuted; and, if any such cases have been determined against the United States, the amount of costs in each case so determined, and how many such suits are now pending in said court."

The enclosed table (marked A) contains a list of the suits instituted by the United States, by direction of the War Department, against citizens of Illinois and Wisconsin, for trespasses upon the public lands since the 4th day of March, 1841, and shows the final decision of such as have been prosecuted to judgment, and the present condition of those still pending.

It appears that eighteen suits have been instituted against citizens of Illinois, and three against citizens of Wisconsin. Six have been prosecuted to judgment; one settled by the superintendent of lead mines, and dismissed; fourteen still pending at the last reports received from the district

attorneys. The damages and costs in the cases decided in favor of the United States are stated.

My attention was directed to this class of cases by the Secretary of War, who desired that legal measures should be adopted in regard to these trespasses. In consequence of information received from that department, (in which, I may observe, the correspondence and facts connected with the mineral lands are to be found, they being under its control,) on the 7th of November, 1842, I addressed the following letter of instructions to the several United States attorneys of Illinois, Wisconsin, and Iowa:

"It is represented to me by the Secretary of War that he has received information from the superintendent and the agent of the lead mines that persons who have heretofore occupied mineral lands without authority and in direct opposition to the laws, refusing to take any lease or to pay any rent for the use of the lands, have commenced suits against the lessees of the government of forcible entry and detainer; and have in many cases recovered judgments, in consequence of the extraordinary decisions of the justices before whom such suits were brought.

"The Secretary of War also informs me that a general spirit of resistance to the execution of the laws relating to the mineral lands is manifested, and that numerous trespassers on those lands utterly refuse to take leases, and put the officers of government openly at defiance.

"At the instance, therefore, of the Secretary of War, you are hereby directed to commence and prosecute with vigor actions of trespass against such of these persons as shall be deemed responsible to any judgment that may be recovered, and who may be reported to you by the agent and superintendent of the lead mines for that purpose, and make report to this office. You will not bring suits against any large number of these trespassers, but a few of the most flagrant cases should be selected; and on this point you will consult with the agent and superintendent.

"Judge Wilson, of Iowa, has recently decided, in the case of the United States vs. Antoine Loor and others, that he could not order an injunction, in behalf of the complainants, to restrain the respondents from digging and carrying away lead ore from the mineral lands of the United States which had been reserved from sale, as there was an adequate remedy at law. That decision was correct; but the suits should proceed, for the purpose of ascertaining an account of the lead raised; and the United States district attorney of Iowa is directed so to proceed; and the United States attorneys of Illinois and Wisconsin will consider themselves instructed to file bills in equity for the same purpose, in their respective districts, if necessary.

"You are urgently requested to take the proper measures to vindicate the rights of the United States in regard to these mineral lands, and to communicate to this office as often as may be necessary."

It will be seen that all the suits were instituted subsequent to the date of that letter. My object was to prosecute a few of the principal and responsible trespassers, in the hope that the effect would be to deter others from similar encroachments upon the public lands, rather than to pursue every instance of trespass which might be detected. In the territory of Iowa (for it will be noticed that the preceding letter was also addressed to the United States attorney for that district) cases of a similar character have occurred; but, as they are not included in the terms of the resolution, it is unnecessary to enumerate them. The question of law involved in this class of cases is one of great importance, to wit: the authority of the Pres-

ident of the United States, under existing laws, to lease these mineral lands. It is hoped that the Supreme Court of the United States will decide that question at the ensuing term, in the case of the United States vs. Hezekiah H. Gear, it having been taken up for that purpose. Most of the cases pending are continued, to abide the decision of that case.

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

CHARLES B. PENROSE,
Solicitor of the Treasury.

Hon. J. C. SPENCER,
Secretary of the Treasury.

A.

List of suits instituted by the United States against citizens of Illinois and Wisconsin, for trespasses upon the public lands, since 4th March, 1841.

When instituted.	District.	Against whom.	Nature of the trespass.	Date of judgment.	Amount of damages recovered.	Costs taxed.	General remarks.
Nov. 25, 1842	Illinois -	Patrick Higgins -	In cutting timber on public lands.	June term, 1843	$40 00	$13 61	But one declaration was filed in this case, and proceedings were joint up to the judgment. The jury found separate verdicts, and separate judgments were rendered.
Do -	Do -	Dennis Mullen -	Same - - -	Do -	150 00	13 61	
Do -	Do -	James Gracie - -	Same - - -	Do	40 00	13 61	
Do -	Do -	James Kennedy & A. Claiborne.	Same - - -	Do -	25 00	137 96	
April 22, 1843	Do -	Hezekiah H. Gear -	On mineral lands - -	- - -	-	-	Tried June term, 1843. Defendant plead that he was entitled to pre-emption. Plaintiff replied that there were lead mines on the lands, and not subject to pre-emption. Defendant demurred. The judges were divided in opinion, and certified the cause to the Supreme Court of the U. States.
Do -	Do -	James Bennett -	Same - - -	- - -	-	-	Settled by Mr. Flanagan, sup't of lead mines, and dismissed.
Do -	Do -	John Driblebiss -	Same - - -	- - -	-	-	Cont'd at June term, 1843, to await decision in case of H. H. Gear.
Do -	Do -	George W. Jones -	Same - - -	- - -	-	-	Same as above.
Do -	Do -	George W. Jones -	On smelter's bond - -	- - -	-	-	Same as above.

Do -	Do -	Peter Kinder Johnston Young Milton Claypool	On mineral lands - -	- - -	-	-	Same as above.
Do -	Do -	Thomas B. Leckey Edwin Ripley	Same - - -	- - -	-	-	Same as above.
Do -	Do -	Samuel Hughlet Reuben W. Brush	Same - - -	- - -	-	-	Same as above.
Do -	Do -	Samuel H. Scoles -	Same - - -	- - -	-	-	Same as above.
Do -	Do -	Hezekiah H. Gear -	Bill in chancery for injunction to restrain defendant from digging lead ore on United States lands.	- - -	-	-	June term, 1843. Motion for an injunction; court were divided in opinion, and certified the cause to the Supreme Court of the United States.
Do -	Do -	Richard Cox William Cox	Same - - -	- - -	-	-	Continued at June term, to await result of the above case.
Do -	Do -	Peter Kinder Johnston Young Milton Claypool	Same - - -	- - -	-	-	Same as above.
Do -	Do -	Richard H. McGoon -	On mineral lands, in digging lead ore.	June term, 1843	400 00	64 08	
Do -	Do -	Richard Cox William Cox	Same - - -	Do -	200 00	64 08	
Do -	Wisconsin	Charles Bracken -	Same - - -	- - -	-	-	Suit pending.
Do -	Do -	William S. Hamilton Russel Baldwin	Same - - -	- - -	-	-	Suit pending.
Do -	Do -	William S. Denny R. H. Champion	Same - - -	- - -	-	-	Suit pending.

The dockets of the local courts contain many more such like cases, of which this system is a prolific parent; but of which no report has been made. It seems, from a report made by the Ordnance bureau in 1844, that in two years there was paid by the United States to sundry persons, "for fees of counsel and witnesses, costs, &c., in defending suits against the lessees, and in suits of the United States against trespassers," $1,284 65. In the past year, many new suits have been commenced.

From the number of leases granted and now outstanding, it will be seen that quite a respectable tenantry can claim the United States as their landlord, bound to defend their possessions, and to protect them in the enjoyment of their leaseholds. It will be seen also, from the following exhibit, that no inconsiderable corps of federal officers has been introduced into that region without the warrant of express law; the number of which, and its emoluments and powers, can be increased at the pleasure of the War Department, if the system is continued.

Statement of persons employed at the lead mines agency of the Upper Mississippi, from May, 1841, to 1844, with the respective salaries or compensation paid to each, and all other contingent expenses growing out of said agency, as far as accounts have been rendered.

Names.	Duties.	For what time employed.	To what time employed.	Salaries and compensation.	Amount paid.
John Flanagan -	Superintendent - - - - - - -	May 24, 1841	Present time -	$1,000, and 15 per ct. on collections	$2,356 97
W. B. Green -	Clerk to superintendent - - - - -	June 30, 1842	March 31, 1843	$500 per annum -	375 00
A. P. Hill - -	Clerk to superintendent - - - - -	April 1, 1843	Present time -	$500 per annum -	125 00
W. Cunningham -	Special agent - - - - - - -	March 21, 1842	–	$1,200 per annum	1,275 00
J. B. Campbell -	Clerk to agent - - - - - - -	Nov. 18, 1842	May 15, 1843	$1 per diem -	162 00
A. S. Bender -	In performance of duties as special agent - - -	May 11, 1843	Present time -	$800 per annum -	378 45
Wm. B. Green -	Surveying, and making maps and transcribing plats - -	–	–	–	150 00
J. A. Reed - -	Surveying, and making maps and transcribing plats - -	–	–	–	160 00
W. Schlatter -	Surveying, and making maps and transcribing plats - -	–	–	–	87 00
J. E. Freeman -	Surveying, and making maps and transcribing plats - -	–	–	–	25 00
Sundry persons -	Fees of counsel and witnesses, costs, &c., in defending suits against the lessees, and in suits of United States against trespassers - - - - - - -	–	–	–	1,284 65
Sundry persons -	Office-rent and furniture, stationery, printing, postage, freight, travelling, and all other contingent expenses - -	–	–	–	2,802 89
					9,281 96

General Cunningham's salary as agent, since he was ordered to the Lake Superior country, in May, 1843, is not included in the above statement.

Your committee cannot but believe, that under the operations of such a system, setting aside all consideration of the want of laws to regulate it, the onward prosperity of that section of our country cannot but be greatly retarded; and they have heard, with no surprise, that it has met for years with wide, extended, universal dissatisfaction, and given birth to much exasperated feeling.

In Iowa, the system has not been carried on with corresponding industry. The agents of the government have not met with a friendly reception there. The local courts having decided that the second section of the act of 1807 does not authorize leasing the lead mines in that Territory, a general refusal to take leases has been manifested. Your committee has examined the provisions of that section, and, in their judgment, the courts are correct in the construction they have placed upon it. No authority whatever is given by it to lease lead mines in general; but only such tracts of land containing them as were actually occupied at the time of the enactment of the law, and nothing more.

In addition to this, it may be stated as a fact necessary to be known, that the richest portions of these mineral lands are claimed by the legal representatives of Julian Dubuque, deceased, as having been ceded to him, while a subject of Spain, by the Fox tribe of Indians, at a full council held at Prairie du Chien in 1788. A grant from the Spanish governor of Louisiana, the Baron de Carondelet, is also said to have been made to him in 1796 for the same, then known as "The Spanish Mines;" that he worked them for many years, and died in possession of them. On them many settlers have made valuable improvements, as upon other supposed parts of the national domain, expecting to purchase them when offered for sale. They are reduced to the necessity of defending their possessions, not only against the intrusions of government agents and their lessees, but also against such suits as the assignees of Dubuque may choose to bring.

No interest that the government can possibly have in their mineral resources is deemed by your committee of sufficient importance to justify any longer the restriction upon their sale; for if the sum total of the average annual receipts derived from the mines in Illinois, Wisconsin, and Iowa, was equally apportioned among them, the amount received from Iowa would not much exceed one thousand dollars per annum. In the event of a sale, the purchasers under the government will have a fair opportunity of litigating their titles thus to be acquired with those claiming under Dubuque, and a long, irritating, and vexed question be judicially and finally settled.

Your committee believe that it is bad policy to introduce or continue in any State or Territory in which the public lands are, any system, the effect of which shall be to establish the relation of landlord and tenant between the federal government and our citizens. Much might be said against it, but it will occur at once, to every one, as a dangerous relation, and which may become so strong and so extensive as to give to that government the power of controlling their elections and shaping all measures of municipal concern. An unjust and invidious distinction is made by it also between the farmer and the miner; the labor of the latter being taxed to the amount in value of the rent he pays, whilst both are occupying for beneficial purposes parts of the same section of land. There does not seem to be any necessity for the exercise of any such power, even if it be admitted the government possesses it, which is much questioned. Your committee re-

frain from going into a labored examination of this point. Whatever may be the power and the right of Congress under the second clause of the third section of the fourth article of the constitution of the United States, whilst the country is but a territory of the United States, "to dispose of and make all needful rules and regulations respecting it," the question, when raised by a sovereign State, by an equal member of the confederacy, becomes one for grave consideration, and entitled to the most serious regard.

Your committee will not enter upon the argument of it, and will dismiss it with the single remark, that when the United States accepted the cession of the Northwestern Territory, the acceptance was on the express condition, and under a pledge, to form it into distinct republican States, "and to admit them as members of the federal Union, having the same rights of freedom, sovereignty, and independence as the other States." This pledge, your committee believe, would not be redeemed by merely dividing the surface into States, and giving them names, but it includes a pledge to *sell* the lands, so that they may be settled, and thus form States. No other mode of disposing of them can be regarded as a compliance with that pledge. Besides, a compact also exists with the State of Illinois, by which, in consideration of postponing the exercise of her taxing power upon these lands when admitted into the Union, five per cent. of the net proceeds of the lands lying within it, and which should be *sold* by Congress, from and after the first day of January, 1819, after deducting all expenses incident to their survey and sale, should be reserved for the following purposes: "two-fifths to be disbursed under the direction of Congress in making roads leading to the State, the residue to be appropriated by the legislature of the State for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university."

To this compact that State has ever adhered, and has complied with the letter and spirit of its terms.

Your committee then would submit the inquiry, Does not this compact involve the obligation by the government to *sell* the lands? If not, how could the State be benefited by it, if there exists a reserved right on the part of the government to withhold the lands from sale? The committee believe that by the agreement to give the State five per cent. of the net proceeds of the sales of the lands, the United States impliedly covenanted with the State to sell them, as there can be no "proceeds" without sales; and as no time is limited within which the sales should be made, law and justice imply that they should be made in a reasonable time.

Conceding the right exists to own the lands, the power, in view of these compacts to reserve them from sale, is seriously questioned. If a small quantity can be reserved, by the same power, the whole domain may be, for where can the power be limited? If mineral lands can be reserved, may not arable lands likewise, and any governmental purpose, as connected with its various wants, be urged to justify the act, and thus the compacts be wholly defeated?

But aside from considerations of this nature, however well calculated they may be to bring this whole system of reservations and leases into disfavor, at least with those who regard the plighted faith of the nation as important to be preserved, your committee have diligently and carefully examined the subject as affecting the pecuniary interests of the United States supposed to be involved in it.

To arrive at a correct knowledge of their extent, it is important to observe, that the lead region of the upper Mississippi is, for the most part, a prairie country, destitute of large and connected bodies of timber and of coal: and although the soil is of great fertility, yet, deprived of its ores and of its wood for smelting them, it would be comparatively valueless. The timbered lands are reserved as "contiguous lands" for fuel for smelting establishments, and those who use such tracts under government leases or permits (being tenants only for one year) have no motives of self-interest prompting them to its economical use; and it is, therefore, not surprising that its destruction should be immense. Accordingly, it is found, in the process of a few years under different tenants, many otherwise valuable tracts are entirely denuded of their timber and exhausted of their ores, and in this condition revert to the government a worthless possession and unsaleable. What the loss to the government may certainly be in this regard, your committee have no means of precisely ascertaining; but, from the extent of operations there for the last twenty-four years, they could not estimate it at less than one hundred thousand dollars.

This is upon the supposition that the lands will not, thus deprived of all that made them valuable, sell at the minimum price at any time, and is therefore stated as a total loss. If to this be added the enhanced price they would have sold for, before they were despoiled, under the influence of that sometimes wild and unreasonable excitement and speculative views of which the desired ownership of such land is alike the author and the object, the loss is greatly increased, and may be safely estimated at four-fold the amount above stated. To all this is to be added the interest on the money which the government would have received on the sale of a large proportion of the million of acres reserved, the purchase money for which would probably have been received long before this time. These elements of loss amount to more than half a million of dollars, subject only to such deduction as the rents for the use of the land and timber really amount to, as received by the government. Of these, the information is more certain and authentic.

Your committee find that, from the 29th November, 1821, when the system of leasing the upper Mississippi lead mines commenced, to the last day of December, 1835, the total amount of rent lead received by the United States was 4,974,494 pounds. The expenses during the same time amounted to $50,676 68.

From this period to May, 1841, the lands were not leased, and of course no rents were paid.

From May, 1841, to the 31st of December, 1843, the expenses were $9,281 96, and the receipts were 178,883 pounds of lead, together with 80,253 pounds of lead, and $2,225 12 in money in lieu of lead, on compromises of old balances due prior to 1835.

From the 1st day of January, 1844, to the 30th day of November, 1845, the expenses were $8,505 86, and the receipts 312,099 pounds of lead, and $3,306 06 in money.

A view of the whole is presented in the following table.

A table presenting a statement of receipts and expenditures at the Upper Mississippi "lead mines" from the 29th November, 1821, to the 30th of November, 1845, a period of twenty-four years—compiled from reports from the Ordnance Bureau of the War Department.

Years.	Amounts received for rent.		Amount of expenses.
	Amount of lead received.	Amount of money received in lieu of lead.	
	Pounds.		
From 29th November, 1821, to 31st December, 1835 - - - -	4,974,494	–	$50,676 68
From May, 1841, to 31st December, 1843 - - - - - - -	259,136	$2,225 12	9,281 96
From 1st January, 1844, to 30th November, 1845 - - - -	312,099	3,306 06	8,505 86
Total - - - - - -	5,545,729	5,531 18	68,464 50

Estimating the price of the lead received within the past twenty-four years, as presented by the foregoing table, at two dollars and fifty cents per hundred, which is believed to be a fair average, and adding the amount received in cash in lieu of lead, the total amount of cash received within that time is $145,174 40; and deducting the expenses during the same time, being $68,464 50, a balance is found in favor of the United States of $76,709 90, which, distributed over the twenty-four years, gives an annual average product of only $3,196 24 to the government.

These receipts, your committee understand, are more apparent than real; the fact being, as they are informed, that a great part of the lead thus stated as received by the government, some of the agents have appropriated to their own use, and are in default to the government for its value, whilst other portions have been received (as also the two items of cash in lieu of lead) upon compromises of old balances due on leases and bonds executed prior to 1835, and on settlements agreed upon to prevent suits at law threatened by the agent of the government. It will be seen in the amount of expenses, as stated in a preceding table, that counsel fees, paid for instituting and conducting suits by the United States, the costs of court, witness fees, and expenses of that nature, amount to the sum of $1,284 65 in one year, and the contingent expenses to $2,802 89. From the best information, however, which your committee can obtain, they are satisfied that, under the leases executed within the last fifteen years, the expenses of every description have nearly equalled the receipts, leaving entirely out of view the positive and irreparable injury done to the lands.

Your committee believe it will not be considered irrelevant here to advert to the pecuniary loss the State of Illinois incurs by the system. By the compact referred to, she is entitled to five per cent. of the net proceeds of the sales of these lands, amounting, in the two localities described by

your committee, to 389,120 acres. If sold, as they would be, with the timber and ore within and upon them, even at the minimum price of one dollar and twenty-five cents per acre, five per cent. of the net proceeds, amounting to near $24,000, would accrue to the State for roads and schools; and in the shape of taxes levied upon them as private property, for the past twenty years, at the average rate of taxation by the State for that time, these lands thus reserved would have produced an additional sum of $136,636 90, to swell its general revenues. If these lands are deprived by the United States of all that makes them saleable, then a total loss of these two items may be suffered by the State; for if they cannot be sold by reason of their worthlessness, occasioned by the destruction of timber for fuel for smelting furnaces, and by the exhaustion of the ore, no proceeds can at any time hereafter be derived from them, and thus a total loss is apparent and inevitable. And such, too, will be the condition of Wisconsin and Iowa when they become States, the only difference being in the greater extent of the loss.

The Senate will perceive, from the statements here submitted, that the workings of this system, for now near a quarter of a century, have been of no great benefit to the United States; and no reasonable hope exists that it ever can be made useful or productive. The Executive, in his last annual message, thus adverts to the system, and its revenues and expenses for 1841, 1842, 1843, and 1844:

"The present system of managing the mineral lands of the United States is believed to be radically defective. More than a million of acres of the public lands supposed to contain lead and other minerals, have been reserved from sale, and numerous leases upon them have been granted to individuals upon a stipulated rent. The system of granting leases has proved to be not only unprofitable to the government, but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty between the government and the lessees. According to the official records, the amount of rents received by the government for the years 1841, 1842, 1843, and 1844, was six thousand three hundred and fifty-four dollars and seventy-four cents; while the expenses of the system during the same period, including salaries of superintendents, agents, clerks, and incidental expenses, were twenty-six thousand one hundred and eleven dollars and eleven cents; the income being less than one-fourth of the expenses. To this pecuniary loss may be added the injury sustained by the public in consequence of the destruction of timber, and the careless and wasteful manner of working the mines. The system has given rise to much litigation between the United States and individual citizens, producing irritation and excitement in the mineral region, and involving the government in heavy additional expenditures. It is believed that similar losses and embarrassments will continue to occur, while the present system of leasing these lands remains unchanged. These lands are now under the superintendence and care of the War Department, with the ordinary duties of which they have no proper or natural connexion. I recommend the repeal of the present system, and that these lands be placed under the superintendence and management of the General Land Office, as other public lands, and be brought into market and sold upon such terms as Congress in their wisdom may prescribe, reserving to the government an equitable per centage of the gross amount of mineral product, and that the pre-emption principle be extended to resident miners

and settlers upon them, at the minimum price which may be established by Congress."

Your committee would also advise the Senate of the fact, that various reports from the Ordnance bureau have been made, recommending the sale of these lands. In that of November 15, 1833, (Ex. Doc. 1, 1st Session 23d Congress,) the following is found:

"Although, from this statement, the utility of the mines to the government is obvious, yet the retaining possession of the lands on which they are situated is scarcely a secondary consideration when contrasted with the benefits to be derived from their permanent settlement by persons engaged in the various pursuits of life. As such settlement appears to be universally desired by the inhabitants of the mineral regions, and as it is confidently believed that a sale of the lands would cause the country to be immediately and densely settled by a population which would give confidence and security to the frontier settlements, I would, therefore, respectfully recommend that the earliest measures be taken for the sale of the mineral lands, and that the rights of pre-emption be secured to the present occupants."

Again, on the 20th November, 1835, the officer in charge of that bureau says: "In the sales of public lands which have taken place in the mineral region, it appears that conflicting interests have arisen, which probably can only be adjusted by an entire sale of the mineral and timber lands. Such a course is therefore respectfully recommended as being best adapted to remove existing difficulties and promote the general prosperity of that section of the Union." (Ex. Doc. 2, 1st Session 24th Congress.)

In his report of the 20th November, 1837, that officer says: "The sale of these lands has been recommended by this department in every annual communication for the last six years, and is again recommended as a necessary measure to prevent the conflicts of public and private interests, and advance the prosperity of the country in that quarter." (Ex. Doc. 3, 2d Session 25th Congress.)

In August, 1837, the interests of the United States in their lead mines were examined by one of the best informed and most accomplished officers of the army, then Lieutenant-Colonel, now Brevet Brigadier General Worth, acting under an order from the War Department. This officer was charged, specially, with the duty of making a close scrutiny into the whole system by personal examination and inspection of the country and of all its operations. His report is to be found at large in Doc. 307, House of Representatives, 2d Session 25th Congress. An extract from it is here inserted, being a part of his answer to the sixth question propounded to him by the department:

"Question 6.—*On a review of the whole subject, you will, finally, state your opinion.*

"Answer.—It is with great diffidence, in a matter of such magnitude, even thus called on, that I hazard an opinion; involving, as the subject does, questions of policy affecting extensive public and private interests, although no one examining the subject can well fail to arrive at a very conclusive one.

"It is assumed that the comparatively trifling saving, if any, to the government, on the quantity of lead now or at any future period needed for the public use, by working the mines instead of purchasing in market, bears no just proportion to the injury done to the mineral region of coun-

try. The vast proportion of the inhabitants are directly or indirectly concerned in the lead business, to the general disregard of agricultural pursuits. It follows that, in a country of exceeding fertility of soil and suitable climate, most of the bread-stuffs and necessaries of life are imported; and such will continue to be the case so long as the present system continues.

"Without exception, so far as my observation or information extended, the opinion is, that the lands should be indiscriminately sold, and such is the well-grounded hope and expectation.

"Regarding the product of these mines as furnishing an element of national defence or public convenience, could it be supposed that it would ever be of difficult or doubtful procurement at moderate prices, there would be some plausibility in adhering to the existing policy; but such can never be the case."

Since this report was made by Colonel Worth, your committee understand that the agricultural interests are now prominent there, and the necessaries of life raised in great abundance and for exportation.

Again, the chief of the Ordnance bureau says in his report of 1839: "The sale of the reserved mineral lands has been repeatedly recommended in reports from this office, as no benefit can result from the present system of leasing them."—(Ex. Doc. 2, 1st Session 26th Congress.)

In his last report of 31st October, 1845, he says:

"This office has, on many occasions during the last ten years, urged that these lands be sold; and I cannot forbear on this occasion renewing that suggestion, as I believe that an act might be prepared which would be satisfactory not only to the large claimants, but to the working lessees. By far the largest and richest portion of these mines are held and worked under entries at the land office, or they are on lands which have been granted by special acts of Congress, or are such as are held by pre-emption claimants, who keep possession in defiance of the leasing system. Even of those who take leases, few comparatively acknowledge the quantity they dig, or that is dug by others under bargain with them, or who pay thereon the rent in full, while others again, it is asserted, obtain leases merely as an additional means of preventing their claims from being 'prospected,' (i. e. dug upon by those seeking new *lodes*,) and thus proving their land to contain mines, till it shall have been sold to them at the ordinary price; and thus the yield to the government is merely nominal."

So late as the 13th of the present month, in a communication from the same bureau to the chairman of your committee, similar opinions are expressed, an extract from which is here inserted:

"Much expense has been heretofore incurred in defending lessees in suits brought against them by those who held under asserted pre-emption claims, but suits of that character appear to have now ceased; and but few suits have been brought within the last two years by the government, either for rent due, or to restrain illegal diggings. In consideration, however, that by far the largest and richest portion of the mines in this district have been opened and are worked on lands already sold, this office, in its last annual report, repeated its recommendation that those still subject to lease should be also sold, and it still adheres to that opinion.

"Although the leases are consecutively numbered for ease of reference, so as on the 30th November last to reach as high as number 2093, yet, as they are given but for one year, not more than about 518 remain in force; and

if the further issue were now stopped, the whole would cease to be of force in twelve months from the date that such an order might be received by the superintendent."

Independent of these recommendations, your committee believe they have shown to the Senate sufficient reasons why the restriction upon the sale of these lands should be removed. The argument which is sometimes used in favor of retaining it still longer, that the lead produced from them is a necessary and important material in war, and that good policy requires we should not be dependant on others for a supply of it, is not, the committee think, though specious, a sound one. It might have weight, was there but one lead mine in the United States capable of affording a supply. They are, however, so numerous in different parts of the Union, as to dissipate all apprehension of a monopoly or of a scarcity.

Although it might be desirable for the United States to possess within itself a supply of lead, it is no less so that it should be independent in the articles of cotton, iron, hemp, all munitions of war, and provisions; yet no one would seriously propose to set apart from sale and settlement any portion of the public lands on which to raise or fabricate either, or consent that this government, erected in consummate wisdom for great national purposes, should be engaged in such subordinate and uncongenial pursuits. All experience shows, your committee think, that operations of this nature, including mining and the manufacture of lead, can with much greater propriety, and with far more beneficial results, be left to the free and unfettered energies of individuals; and of supplies of these kinds, the federal government should be, not the producer through numerous agents of doubtful creation, and a dependant tenantry, but purchasers in the market in fair competition with all others. Now, no interest is felt by the tenant in the improvement of the property itself; he does not become fixed, in his employment, to any spot, is sparing of his outlays, erects no permanent works, nor does he call in the aid of science and practical skill to overcome the obstacles which meet him in his enterprise. Make them private property, capital, science, and skill would be employed in erecting machinery, and the deepest bowels of the earth explored with eagerness and profit for their hidden treasures. Subject them to the unimpeded action of individual energy, new and rich developments would be continually made, and the whole country benefited by the augmented supply, at a cheaper rate, which such investments would certainly produce.

Your committee, believing that the policy of reserving mineral lands was not intended to be permanent, and that all the interests of the United States, as connected with them, are now fully understood and appreciated, believe also that the time has arrived for terminating it, which can be now done with more benefit to the government than at some more distant period.

In view, then, of the great dissatisfaction manifested by that portion of our population most directly and injuriously affected by the system, so repeatedly expressed by them through their local legislatures and representatives in Congress—so much irritated feeling produced among them by the manner in which it is carried out—so much injury resulting to them by reserving lands from sale, so that their proceeds cannot be obtained for roads and schools, nor the taxing power for State purposes be made to operate on them—raising, as it does, an unjust and invidious distinction between its agricultural and mining population by taxing the

labor and enterprise of the latter, making them the mere tenants of the federal government by depriving them of the privilege all others enjoy of becoming freeholders, and involving them in much harassing and expensive litigation, growing out of their peculiar relations to the government; thereby producing irritated and hostile feelings towards it, and thus weakening that confidence and respect all should have in it, and bringing our citizens to regard the government less as a protection than as an encroachment upon their rights and privileges, and a bar to their prosperity, and withal a general retardation of the settlement of that portion of the Union; the whole accompanied by a real loss to the national treasury of no small magnitude—your committee have agreed to recommend the passage of the bill.

They do not concur with the Executive in the recommendation that "an equitable per centage of the gross amount of the mineral product" be reserved to the government, as it is one of the leading objects of the sale of the lands to break up every branch of this system, of which the "per centage" forms a prominent part; and to sever entirely the connexion of the government with the miner and manufacturer of lead. Nor do your committee think, from all the information they can obtain, that the settlers or miners desire or expect the pre-emption principle to be applied to them. The language of the petitions from the settlers, now before your committee, is very general, and only asks for the sale of the lands as other lands are sold.

It may be supposed by some that mining for lead ore is attended with great profits, and that a sale of the lands containing it would be conferring great benefits upon those engaged in it. These benefits, should any flow from the act, will have to be paid for, and the profits of mining are far too inconsiderable to excite the cupidity of any one. It is like gaming, exciting, hazardous, and expensive, and found to be too often a cheerless and most unprofitable toil, repaying nothing for the time expended, and giving no gains to ceaseless and unremitted exertions. As compared with the profits of agricultural labor, small as they certainly are, they fall far below them. With successful mining, chance has much to do; with agriculture, skill, industriously applied, and judgment, and the relative avails are in due proportion to the well-known superiority of the power of the latter over the former. So great is the difference, that it may be safely asserted that eight engaged in farming attain wealth and independence to one engaged in mining for lead. Instead, then, of further depressing the miner by injudicious laws and systems, a stimulus should be afforded him, and that can only be found by enabling him to own the land on which he lives and labors and hazards his all.

Since this report was prepared, your committee have been instructed by a resolution of the Senate to inquire into the expediency of removing the restriction upon certain townships of land in the State of Arkansas supposed to contain lead ore. Most of the arguments and reasoning in favor of the sale of the reserves in the State of Illinois apply with equal force to that State; and, in addition, your committee refer to the following extract from the last report of the Ordnance bureau, as conclusive upon the question of expediency :

"*Mines in the State of Arkansas.*

"No leases, or permits for selections of tracts with a view to leases,

have ever yet been made for any part of the five townships on the northern confines of this State; which were reserved from sale as mineral lands in July, 1842, from the continued inability of this office to assign any of its officers to superintend the operations there, and the continued belief that the expense which would attend the appointment of an agent would be greater than the proceeds likely to be obtained as rent."

Your committee therefore report the bill to the Senate with an amendment to embrace the lands reserved in the State of Arkansas, and, as thus amended, recommend that it do pass.