

people to the price of the public lands, might also have a favorable influence on the legislation of Congress, in relation to another branch of the subject, namely, who have not the ability to buy at present prices, settle on those lands, with the view of improving them, and then sell them, in the means of purchasing under pre-emption laws, from time to time passed by Congress. For this encroachment on the rights of the United States, they excuse themselves under the plea of their own poverty, and the fact that they dispose of the body, and not the soul of the property; and claim that they give no additional value to the public lands in their vicinity, and their intention ultimately to pay the government price. So much weight has from time to time been given to these considerations, that Congress have been obliged to give actual settlers on the public lands a right of pre-emption to the tracts occupied by them at the minimum price. It is always held in all instances, both in the courts and in Congress, both before and after their passage, crowds of new settlers have been found on the public land for similar reasons, and under like expectations.

and, who have been intrusted with the
 management of the public lands, are
 tends to impair public respect for the
 laws of the country. Either the laws to
 prevent intrusion upon the public lands
 could be executed, or, if that should be
 made an insupportable exception, they should
 be modified so that the same might be
 applied to the same. If the laws are to
 be considered as open to be disap-
 proved by any, they should, by law, be
 open to all. That which is intended,
 in all instances, to be legalized,
 is made legal, that those who
 are disposed to commit a crime may
 enjoy at least equal privileges with
 those who are not. But it is not believ-
 ed to be the disposition of Congress to
 open the public lands to occupancy with-
 out the entries and payment of the
 government price for a certain area of
 land, to those who are disposed to
 do those evils that the credit sys-
 tem, which it was found necessary to
 abolish. It would seem, therefore, to be
 a part of wisdom and sound policy to
 move, as far as practicable, the causes
 of the production of the evils that
 have, and then take efficient steps to
 prevent them in future. Would any sin-
 gle measure be so effective in removing
 plausible grounds for these intrusions
 as the gratification of price already sug-

able in any part of our country would enable the poorest citizen to accumulate means to buy a home at the lower cost, and leave him without apology for sitting on lands not his own. If he did not reach such eminence, he would at least not appear in the favor, and he would be readily executed, without using violence to public opinion.

A large portion of our citizens have felt themselves upon the public lands, without authority, since the passage of the act for the disposal of the same. The enactment of another to enable them to retain the lands occupied upon payment of the minimum Government price, is a striking example of the Government's leniency before. If the future land grant of the past, little harm can be done to the interests of the Treasury by yielding to their request. Upon a critical examination, it is clear that the lands sold at the public sales show that the Government has lost, since 1820, have produced, on an average, the net revenue of fifty cents an acre more than the minimum Government price. There is no reason to suppose that future sales will be more productive. The Government, therefore, is in a position to increase its income to drive these people from the

Entertaining these views, I recommend the passage of a pre-emption law for reasons which are common to all the territory towards the graduation of the price to the public lands, and further and more practical provisions to prevent intrusions therefrom. Indulgence to those who have settled on these lands with expectations at present at least, of a future sale, and to the future, and at the same time moving the plausible ground on which intrusions are excused, and adopting more efficient means to prevent them hereafter, appear to me the most judicious disposition which can be made of the difficulties which surround the question, and restrictions to guard against abuses in the recreation of a pre-emption law, will necessarily attract the careful attention of congress, but under no circumstances is considered expedient to authorize homesteads in the above territory. They have been heretofore, and doubtless would be hereafter, most prolific sources of fraud and oppression, and instead of operating to confer the favor of the Government on industrious settlers, are often used only to the detriment of the country, and the interests of the most meritorious settlers.

The accompanying report of the Secretary of War will bring to your view the state of the Army, and all the various subjects confided to the superintendence of that officer.

The principal part of the Army has been concentrated in Florida, with a view, and in the expectation, of bringing the war in that Territory to a speedy close. The necessity of supplying the posts on the maritime and inland frontiers of their entire garrisons, for the purpose of assembling in the first an array of less than four thousand men, would seem to indicate the necessity of increasing our regular forces, and the superior efficiency, as well as greatly diminished expense of such a principle of troops, recommended this measure as one of economy and good sense.

It is, therefore, the policy of the Government to raise the number of the regular forces to 100,000 men, and to have the militia based thereon.

