

# Rutherford B. Hayes

March 4, 1877, to March 4, 1881



RUTHERFORD B. HAYES

With official portrait engraver from copy of original in steel



RUTHERFORD B. HAYES

## Rutherford B. Hayes

RUTHERFORD B. HAYES was born in Delaware, Ohio, October 4, 1822. His father had died in July, 1822, leaving his mother in modest circumstances. He attended the common schools, and began early the study of Latin and Greek with Judge Sherman Finch, of Delaware. Prepared for college at an academy at Norwalk, Ohio, and at a school in Middletown, Conn. In the autumn of 1838 entered Kenyon College, at Gambier, Ohio. Excelled in logic, mental and moral philosophy, and mathematics, and also made his mark as a debater in the literary societies. On his graduation, in August, 1842, was awarded the valedictory oration, with which he won much praise. Soon afterwards began the study of law in the office of Thomas Sparrow, at Columbus, Ohio, and then attended a course of law lectures at Harvard University, entering the law school August 22, 1843, and finishing his studies there in January, 1845. As a law student he had the advantage of friendly intercourse with Judge Story and Professor Greenleaf, and also attended the lectures of Longfellow on literature and of Agassiz on natural science, pursuing at the same time the study of French and German. In May, 1845, was admitted to practice in the courts of Ohio as an attorney and counselor at law. Established himself first at Lower Sandusky (now Fremont), where in April, 1846, he formed a law partnership with Ralph P. Buckland, then a Member of Congress. In the winter of 1849-50 established himself at Cincinnati. His practice at first being light, continued his studies in law and literature, and also became identified with various literary societies, among them the literary club of Cincinnati, where he met Salmon P. Chase, Thomas Ewing, Thomas Corwin, Stanley Matthews, Moncure D. Conway, Manning F. Force, and others of note. December 30, 1852, married Miss Lucy Ware Webb, daughter of Dr. James Webb, a physician of Chillicothe, Ohio. In January, 1854, formed a law partnership with H. W. Corwine and William K. Rogers. In 1856 was nominated for the office of common pleas judge, but declined. In 1858 was elected city solicitor by the city council of Cincinnati to fill a vacancy, and in the following year was elected to the same office at a popular election, but was defeated for reelection in 1861. After becoming

a voter he acted with the Whig party, voting for Henry Clay in 1844, for General Taylor in 1848, and for General Scott in 1852. Having from his youth cherished antislavery feelings, he joined the Republican party as soon as it was organized, and earnestly advocated the election of Frémont in 1856 and of Lincoln in 1860. At a great mass meeting held in Cincinnati immediately after the firing on Fort Sumter was made chairman of a committee on resolutions. His literary club formed a military company, of which he was elected captain. June 7, 1861, was appointed by the governor of Ohio major of the Twenty-third Ohio Volunteers. September 19, 1861, was appointed by General Rosecrans judge-advocate of the Department of the Ohio. October 24, 1861, was promoted to the rank of lieutenant-colonel. In the battle of South Mountain, September 14, 1862, distinguished himself by gallant conduct in leading a charge and in holding a position at the head of his troops after being severely wounded in his left arm. October 24, 1862, was appointed colonel of the Twenty-third Ohio. In July, 1863, while with the army in southwestern Virginia, caused an expedition of two regiments and a section of artillery under his command to be dispatched to Ohio for the purpose of checking the raid of the Confederate general John Morgan, and aided materially in preventing the raiders from recrossing the Ohio River and in compelling Morgan to surrender. In the spring of 1864 commanded a brigade in General Crook's expedition to cut the principal lines of communication between Richmond and the Southwest. Distinguished himself by conspicuous bravery at the head of his brigade in storming a fortified position on the crest of Cloyd Mountain. Commanded a brigade in the first battle of Winchester. Took a creditable part in the engagement at Berryville, and at the second battle of Winchester, September 19, 1864, performed a feat of great bravery. Leading an assault upon a battery on an eminence, he found in his way a morass over 50 yards wide. Being at the head of his brigade, he plunged in first, and, his horse becoming mired at once, he dismounted and waded across alone under the enemy's fire. Signaled his men to come over, and when about 40 had joined him he rushed upon the battery and captured it after a hand-to-hand fight. At Fishers Hill, September 22, 1864, being then in command of a division, executed a brilliant flank movement over mountains and through woods, took many pieces of artillery, and routed the enemy. At the battle of Cedar Creek, October 19, 1864, his conduct attracted so much attention that his commander, General Crook, commended him, saying, "Colonel, from this day you will be a brigadier-general." The commission reached him a few days afterwards. March 13, 1865, received the rank of brevet major-general "for gallant and distinguished services during the campaign of 1864 in West Virginia, and particularly at the battles of Fishers Hill and Cedar Creek, Virginia." In August, 1864, while in the field, was nominated for Congress and elected. After the war, returned to civil life, and took his

seat in Congress December 4, 1865. Voted with his party on questions connected with the reconstruction of the Southern States; supported a resolution declaring the sacredness of the public debt and denouncing repudiation, and also one commending President Johnson for declining to accept presents and condemning the practice; opposed a resolution favoring an increase of pay of members of Congress; introduced in a Republican caucus resolutions declaring that the only mode of obtaining from the States lately in rebellion irreversible guaranties was by constitutional amendment, and that an amendment basing representation upon voters instead of population ought to be acted upon without delay. In August, 1866, was renominated for Congress by acclamation, and was reelected. Supported the impeachment of President Johnson. In June, 1867, was nominated for governor of Ohio, and at the election defeated Judge Allen G. Thurman. In June, 1869, was again nominated for governor, and at the election defeated George H. Pendleton. At the expiration of his term as governor declined to be a candidate for the United States Senate against John Sherman. In 1872 was again nominated for Congress, but at the election was defeated. Declined the office of assistant treasurer of the United States at Cincinnati. In 1873 established his home at Fremont with the intention of retiring from public life. In 1875 was again nominated for governor of Ohio, and at the election defeated William Allen. Was nominated for President of the United States at the national Republican convention at Cincinnati on June 16, 1876. The Democrats selected ~~as their~~ candidate Samuel J. Tilden, of New York. The result of the election became the subject of acrimonious dispute. Each party charged fraud upon the other, and both parties claimed to have carried the States of Louisiana, South Carolina, and Florida. To avoid a deadlock, which might have happened if the canvass of the electoral votes had been left to the two Houses of Congress (the Senate having a Republican and the House of Representatives a Democratic majority), an act, advocated by members of both parties, was passed to refer all contested cases to a commission composed of five Senators, five Representatives, and five Justices of the Supreme Court, the decision of this commission to be final unless set aside by a concurrent vote of the two Houses of Congress. The commission, refusing to go behind the certificates of the governors, decided in each contested case by a vote of 8 to 7 in favor of the Republican electors, beginning with Florida on February 7, and on March 2 Mr. Hayes was declared duly elected President of the United States. Was inaugurated March 5, 1877. At the expiration of his term returned to his home at Fremont, Ohio. Was the recipient of various distinctions. The degree of LL. D. was conferred upon him by Kenyon College, Harvard University, Yale College, and Johns Hopkins University. Was made senior vice-commander of the Military Order of the Loyal Legion, commander of the Ohio commandery of the same order, first president of the Society of the Army of West

Virginia, and president of the Twenty-third Regiment Ohio Volunteers Association. Was president of the trustees of the John F. Slater education fund; one of the trustees of the Peabody education fund; president of the National Prison Reform Association; an active member of the National Conference of Corrections and Charities; a trustee of the Western Reserve University, at Cleveland, Ohio, of the Wesleyan University, of Delaware, Ohio, of Mount Union College, at Alliance, Ohio, and of the Ohio State University. He died at Fremont, Ohio, January 17, 1893, and was buried there.

## INAUGURAL ADDRESS.

FELLOW-CITIZENS: We have assembled to repeat the public ceremonial, begun by Washington, observed by all my predecessors, and now a time-honored custom, which marks the commencement of a new term of ~~the~~ the Presidential office. Called to the duties of this great trust, I proceed, in compliance with usage, to announce some of the leading principles, on the subjects that now chiefly engage the public attention, by which it is my desire to be guided in the discharge of those duties. I shall not undertake to lay down irrevocably principles or measures of administration, but rather to speak of the motives which should animate us, and to suggest certain important ends to be attained in accordance with our institutions and essential to the welfare of our country.

At the outset of the discussions which preceded the recent Presidential election it seemed to me fitting that I should fully make known my sentiments in regard to several of the important questions which then appeared to demand the consideration of the country. Following the example, and in part adopting the language, of one of my predecessors, I wish now, when every motive for misrepresentation has passed away, to repeat what was said before the election, trusting that my countrymen will candidly weigh and understand it, and that they will feel assured that the sentiments declared in accepting the nomination for the Presidency will be the standard of my conduct in the path before me, charged, as I now am, with the grave and difficult task of carrying them out in the practical administration of the Government so far as depends, under the Constitution and laws, on the Chief Executive of the nation.

The permanent pacification of the country upon such principles and by such measures as will secure the complete protection of all its citizens in the free enjoyment of all their constitutional rights is now the one subject in our public affairs which all thoughtful and patriotic citizens regard as of supreme importance.

Many of the calamitous effects of the tremendous revolution which has

passed over the Southern States still remain. The immeasurable benefits which will surely follow, sooner or later, the hearty and generous acceptance of the legitimate results of that revolution have not yet been realized. Difficult and embarrassing questions meet us at the threshold of this subject. The people of those States are still impoverished, and the inestimable blessing of wise, honest, and peaceful local self-government is not fully enjoyed. Whatever difference of opinion may exist as to the cause of this condition of things, the fact is clear that in the progress of events the time has come when such government is the imperative necessity required by all the varied interests, public and private, of those States. But it must not be forgotten that only a local government which recognizes and maintains inviolate the rights of all is a true self-government.

With respect to the two distinct races whose peculiar relations to each other have brought upon us the deplorable complications and perplexities which exist in those States, it must be a government which guards the interests of both races carefully and equally. It must be a government which submits loyally and heartily to the Constitution and the laws—the laws of the nation and the laws of the States themselves—accepting and obeying faithfully the whole Constitution as it is.

Resting upon this sure and substantial foundation, the superstructure of beneficent local governments can be built up, and not otherwise. In furtherance of such obedience to the letter and the spirit of the Constitution, and in behalf of all that its attainment implies, all so-called party interests lose their ~~apparent~~ importance, and party lines may well be permitted to fade into insignificance. The question we have to consider for the immediate welfare of those States of the Union is the question of government or no government; of social order and all the peaceful industries and the happiness that belong to it, or a return to barbarism. It is a question in which every citizen of the nation is deeply interested, and with respect to which we ought not to be, in a partisan sense, either Republicans or Democrats, but fellow-citizens and fellow-men, to whom the interests of a common country and a common humanity are dear.

The sweeping revolution of the entire labor system of a large portion of our country and the advance of 4,000,000 people from a condition of servitude to that of citizenship, upon an equal footing with their former masters, could not occur without presenting problems of the gravest moment, to be dealt with by the emancipated race, by their former masters, and by the General Government, the author of the act of emancipation. That it was a wise, just, and providential act, fraught with good for all concerned, is now generally conceded throughout the country. That a moral obligation rests upon the National Government to employ its constitutional power and influence to establish the rights of the people it has emancipated, and to protect them in the enjoyment of those rights when they are infringed or assailed, is also generally admitted.

The evils which afflict the Southern States can only be removed or



remedied by the united and harmonious efforts of both races, actuated by motives of mutual sympathy and regard; and while in duty bound and fully determined to protect the rights of all by every constitutional means at the disposal of my Administration, I am sincerely anxious to use every legitimate influence in favor of honest and efficient local *self*-government as the true resource of those States for the promotion of the contentment and prosperity of their citizens. In the effort I shall make to accomplish this purpose I ask the cordial cooperation of all who cherish an interest in the welfare of the country, trusting that party ties and the prejudice of race will be freely surrendered in behalf of the great purpose to be accomplished. In the important work of restoring the South it is not the political situation alone that merits attention. The material development of that section of the country has been arrested by the social and political revolution through which it has passed, and now needs and deserves the considerate care of the National Government within the just limits prescribed by the Constitution and wise public economy.

But at the basis of all prosperity, for that as well as for every other part of the country, lies the improvement of the intellectual and moral condition of the people. Universal suffrage should rest upon universal education. To this end, liberal and permanent provision should be made for the support of free schools by the State governments, and, if need be, supplemented by legitimate aid from national authority.

Let me assure my countrymen of the Southern States that it is my earnest desire to regard and promote their truest interests—the interests of the white and of the colored people both and equally—and to put forth my best efforts in behalf of a civil policy which will forever wipe out in our political affairs the color line and the distinction between North and South, to the end that we may have not merely a united North or a united South, but a united country.

I ask the attention of the public to the paramount necessity of reform in our civil service—a reform not merely as to certain abuses and practices of so-called official patronage which have come to have the sanction of usage in the several Departments of our Government, but a change in the system of appointment itself; a reform that shall be thorough, radical, and complete; a return to the principles and practices of the founders of the Government. They neither expected nor desired from public officers any partisan service. They meant that public officers should owe their whole service to the Government and to the people. They meant that the officer should be secure in his tenure as long as his personal character remained untarnished and the performance of his duties satisfactory. They held that appointments to office were not to be made nor expected merely as rewards for partisan services, nor merely on the nomination of members of Congress, as being entitled in any respect to the control of such appointments.

The fact that both the great political parties of the country, in declaring their principles prior to the election, gave a prominent place to the subject of reform of our civil service, recognizing and strongly urging its necessity, in terms almost identical in their specific import with those I have here employed, must be accepted as a conclusive argument in behalf of these measures. It must be regarded as the expression of the united voice and will of the whole country upon this subject, and both political parties are virtually pledged to give it their unreserved support.

The President of the United States of necessity owes his election to office to the suffrage and zealous labors of a political party, the members of which cherish with ardor and regard as of essential importance the principles of their party organization; but he should strive to be always mindful of the fact that he serves his party best who serves the country best.

In furtherance of the reform we seek, and in other important respects a change of great importance, I recommend an amendment to the Constitution prescribing a term of six years for the Presidential office and forbidding a reelection.

With respect to the financial condition of the country, I shall not attempt an extended history of the embarrassment and prostration which we have suffered during the past three years. The depression in all our varied commercial and manufacturing interests throughout the country, which began in September, 1873, still continues. It is very gratifying, however, to be able to say that ~~there are~~ indications all around us of a coming change to prosperous times.

Upon the currency question, intimately connected, as it is, with this topic, I may be permitted to repeat here the statement made in my letter of acceptance, that in my judgment the feeling of uncertainty inseparable from an irredeemable paper currency, with its fluctuation of values, is one of the greatest obstacles to a return to prosperous times. The only safe paper currency is one which rests upon a coin basis and is at all times and promptly convertible into coin.

I adhere to the views heretofore expressed by me in favor of Congressional legislation in behalf of an early resumption of specie payments, and I am satisfied not only that this is wise, but that the interests, as well as the public sentiment, of the country imperatively demand it.

Passing from these remarks upon the condition of our own country to consider our relations with other lands, we are reminded by the international complications abroad, threatening the peace of Europe, that our traditional rule of noninterference in the affairs of foreign nations has proved of great value in past times and ought to be strictly observed.

The policy inaugurated by my honored predecessor, President Grant, of submitting to arbitration grave questions in dispute between ourselves and foreign powers points to a new, and incomparably the best, instrumentality for the preservation of peace, and will, as I believe, become a

beneficent example of the course to be pursued in similar emergencies by other nations.

If, unhappily, questions of difference should at any time during the period of my Administration arise between the United States and any foreign government, it will certainly be my disposition and my hope to aid in their settlement in the same peaceful and honorable way, thus securing to our country the great blessings of peace and mutual good offices with all the nations of the world.

Fellow-citizens, we have reached the close of a political contest marked by the excitement which usually attends the contests between great political parties whose members espouse and advocate with earnest faith their respective creeds. The circumstances were, perhaps, in no respect extraordinary save in the closeness and the consequent uncertainty of the result.

For the first time in the history of the country it has been deemed best, in view of the peculiar circumstances of the case, that the objections and questions in dispute with reference to the counting of the electoral votes should be referred to the decision of a tribunal appointed for this purpose.

That tribunal—established by law for this sole purpose; its members, all of them, men of long-established reputation for integrity and intelligence, and, with the exception of those who are also members of the supreme judiciary, chosen equally from both political parties; its deliberations enlightened by the research and the arguments of able counsel—was entitled to the fullest confidence of the American people. Its decisions have been patiently waited for, and accepted as legally conclusive by the general judgment of the public. For the present, opinion will widely vary as to the wisdom of the several conclusions announced by that tribunal. This is to be anticipated in every instance where matters of dispute are made the subject of arbitration under the forms of law. Human judgment is never unerring, and is rarely regarded as otherwise than wrong by the unsuccessful party in the contest.

The fact that two great political parties have in this way settled a dispute in regard to which good men differ as to the facts and the law no less than as to the proper course to be pursued in solving the question in controversy is an occasion for general rejoicing.

Upon one point there is entire unanimity in public sentiment—that conflicting claims to the Presidency must be amicably and peaceably adjusted, and that when so adjusted the general acquiescence of the nation ought surely to follow.

It has been reserved for a government of the people, where the right of suffrage is universal, to give to the world the first example in history of a great nation, in the midst of the struggle of opposing parties for power, hushing its party tumults to yield the issue of the contest to adjustment according to the forms of law.

Looking for the guidance of that Divine Hand by which the destinies

of nations and individuals are shaped, I call upon you, Senators, Representatives, judges, fellow-citizens, here and everywhere, to unite with me in an earnest effort to secure to our country the blessings, not only of material prosperity, but of justice, peace, and union—a union depending not upon the constraint of force, but upon the loving devotion of a free people; “and that all things may be so ordered and settled upon the best and surest foundations that peace and happiness, truth and justice, religion and piety, may be established among us for all generations.”

MARCH 5, 1877.

## PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Whereas the final adjournment of the Forty-fourth Congress without making the usual appropriations for the support of the Army for the fiscal year ending June 30, 1878, presents an extraordinary occasion requiring the President to exercise the power vested in him by the Constitution to convene the Houses of Congress in anticipation of the day fixed by law for their next meeting:

Now, therefore, I, Rutherford B. Hayes, President of the United States, do, by virtue of the power to this end in me vested by the Constitution, convene both Houses of Congress to assemble at their respective chambers at 12 o'clock noon on Monday, the 15th day of October next, then and there to consider and determine such measures as in their wisdom their duty and the welfare of the people may seem to demand.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 5th day of May, A. D. 1877, and of the Independence of the United States of America the one hundred and first.

R. B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State*.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence; and

Whereas the governor of the State of West Virginia has represented that domestic violence exists in said State at Martinsburg, and at various

other points along the line of the Baltimore and Ohio Railroad in said State, which the authorities of said State are unable to suppress; and

Whereas the laws of the United States require that in all cases of insurrection in any State or of obstruction to the laws thereof, whenever it may be necessary, in the judgment of the President, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time:

Now, therefore, I, Rutherford B. Hayes, President of the United States, do hereby admonish all good citizens of the United States and all persons within the territory and jurisdiction of the United States against aiding, countenancing, abetting, or taking part in such unlawful proceedings; and I do hereby warn all persons engaged in or connected with said domestic violence and obstruction of the laws to disperse and retire peaceably to their respective abodes on or before 12 o'clock noon of the 19th day of July instant.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 18th day of July, A. D. 1877, and of the Independence of the United States of America the one hundred and second.

R. B. HAYES.

By the President:

F. W. SEWARD, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence; and

Whereas the governor of the State of Maryland has represented that domestic violence exists in said State at Cumberland, and along the line of the Baltimore and Ohio Railroad in said State, which the authorities of said State are unable to suppress; and

Whereas the laws of the United States require that in all cases of insurrection in any State or of obstruction to the laws thereof, whenever, in the judgment of the President, it becomes necessary to use the military forces to suppress such insurrection or obstruction to the laws, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time:

Now, therefore, I, Rutherford B. Hayes, President of the United States, do hereby admonish all good citizens of the United States and all persons within the territory and jurisdiction of the United States against aiding, countenancing, abetting, or taking part in such unlawful proceedings; and I do hereby warn all persons engaged in or connected with

said domestic violence and obstruction of the laws to disperse and retire peaceably to their respective abodes on or before noon of the 22d day of July instant.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 21st day of July, A. D. 1877, and of the Independence of the United States of America the one hundred and second.

R. B. HAYES.

By the President:

WM. M. EVARTS,  
*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence; and

Whereas the governor of the State of Pennsylvania has represented that domestic violence exists in said State which the authorities of said State are unable to suppress; and

Whereas the laws of the United States require that in all cases of insurrection in any State or of obstruction to the laws thereof, whenever, in the judgment of the President, it becomes necessary to use the military forces to suppress such insurrection or obstruction to the laws, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time:

Now, therefore, I, Rutherford B. Hayes, President of the United States, do hereby admonish all good citizens of the United States and all persons within the territory and jurisdiction of the United States against aiding, countenancing, abetting, or taking part in such unlawful proceedings; and I do hereby warn all persons engaged in or connected with said domestic violence and obstruction of the laws to disperse and retire peaceably to their respective abodes on or before 12 o'clock noon of the 24th day of July instant.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 23d day of July, A. D. 1877, and of the Independence of the United States of America the one hundred and second.

R. B. HAYES.

By the President:

WM. M. EVARTS,  
*Secretary of State.*

## EXECUTIVE ORDERS.

EXECUTIVE MANSION,

*Washington, May 9, 1877.*

SIR:\* The President directs me to say that the several Departments of the Government will be closed on Wednesday, the 30th instant, to enable the employees to participate in the decoration of the graves of the soldiers who fell during the rebellion.

I am, sir, your obedient servant,

W. K. ROGERS,

*Secretary.*

EXECUTIVE MANSION,

*Washington, May 26, 1877.*

Hon. JOHN SHERMAN,

*Secretary of the Treasury.*

MY DEAR SIR: I have read the partial report of the commission appointed to examine the New York custom-house. I concur with the commission in their recommendations. It is my wish that the collection of the revenues should be free from partisan control, and organized on a strictly business basis, with the same guaranties for efficiency and fidelity in the selection of the chief and subordinate officers that would be required by a prudent merchant. Party leaders should have no more influence in appointments than other equally respectable citizens. No assessments for political purposes on officers or subordinates should be allowed. No useless officer or employee should be retained. No officer should be required or permitted to take part in the management of political organizations, caucuses, conventions, or election campaigns. Their right to vote and to express their views on public questions, either orally or through the press, is not denied, provided it does not interfere with the discharge of their official duties.

Respectfully,

R. B. HAYES.

EXECUTIVE MANSION,

*Washington, June 22, 1877.*

SIR:† I desire to call your attention to the following paragraph in a letter addressed by me to the Secretary of the Treasury on the conduct to be observed by officers of the General Government in relation to the elections:

No officer should be required or permitted to take part in the management of political organizations, caucuses, conventions, or election campaigns. Their right

\*Addressed to the heads of the Executive Departments, etc.

†Addressed to Federal officers generally.

to vote and to express their views on public questions, either orally or through the press, is not denied, provided it does not interfere with the discharge of their official duties. No assessment for political purposes on officers or subordinates should be allowed.

This rule is applicable to every department of the civil service. It should be understood by every officer of the General Government that he is expected to conform his conduct to its requirements.

Very respectfully,

R. B. HAYES.

EXECUTIVE MANSION, *August 7, 1877.*

By virtue of authority conferred upon the President of the United States by the provisions of section 2132, Revised Statutes of the United States, as follows:

The President is authorized, whenever in his opinion the public interest may require the same, to prohibit the introduction of goods, or of any particular article, into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked and all applications therefor to be rejected. No trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of or for the tribe against which such prohibition is issued—

the introduction into the Indian country, for the purpose of sale or exchange to or with Indians, of any breech-loading firearms, and of any special ammunition adapted to such arms, and the sale and exchange to Indians in the Indian country of any such arms or ammunition, is hereby prohibited; and it is hereby directed that all authority under any license to trade in such arms or ammunition is hereby revoked.

The introduction into the country or district occupied by any tribe of hostile Indians, for the purpose of sale or exchange to them, of arms or ammunition of any description, and the sale or exchange thereof to or with such Indians, is hereby prohibited; and it is hereby directed that all license to trade in arms or ammunition of any description with such tribe be revoked.

By virtue of section 2150, Revised Statutes, as follows:

The military forces of the United States may be employed in such manner and under such regulations as the President may direct—

\* \* \* \* \*

Third. In preventing the introduction of persons and property into the Indian country contrary to law, which persons and property shall be proceeded against according to law.

\* \* \* \* \*

all military commanders are hereby charged with the duty of assisting in the execution of the above order and of Executive order of November 23, 1876,\* the provisions of which are extended to include all Indian country within the Territories of Idaho, Utah, and Washington and the States of Nevada and Oregon.

R. B. HAYES.

\* See pp. 398-399.



## SPECIAL SESSION MESSAGE.

WASHINGTON, October 15, 1877.

*Fellow-Citizens of the Senate and House of Representatives:*

The adjournment of the last Congress without making appropriations for the support of the Army for the present fiscal year has rendered necessary a suspension of payments to the officers and men of the sums due them for services rendered after the 30th day of June last. The Army exists by virtue of statutes which prescribe its numbers, regulate its organization and employment, and which fix the pay of its officers and men and declare their right to receive the same at stated periods. These statutes, however, do not authorize the payment of the troops in the absence of specific appropriations therefor. The Constitution has wisely provided that "no money shall be drawn from the Treasury but in consequence of appropriations made by law;" and it has also been declared by statute that "no department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year." We have, therefore, an Army in service, authorized by law and entitled to be paid, but no funds available for that purpose.

It may also be said, as an additional incentive to prompt action by Congress, that since the commencement of the fiscal year the Army, though without pay, has been constantly and actively employed in arduous and dangerous service, in the performance of which both officers and men have discharged their duty with fidelity and courage and without complaint. These circumstances, in my judgment, constituted an extraordinary occasion requiring that Congress be convened in advance of the time prescribed by law for your meeting in regular session. The importance of speedy action upon this subject on the part of Congress is so manifest that I venture to suggest the propriety of making the necessary appropriations for the support of the Army for the current year at its present maximum numerical strength of 25,000 men, leaving for future consideration all questions relating to an increase or decrease of the number of enlisted men. In the event of the reduction of the Army by subsequent legislation during the fiscal year, the excess of the appropriation could not be expended; and in the event of its enlargement the additional sum required for the payment of the extra force could be provided in due time. It would be unjust to the troops now in service, and whose pay is already largely in arrears, if payment to them should be further postponed until after Congress shall have considered all the questions likely to arise in the effort to fix the proper limit to the strength of the Army.

Estimates of appropriations for the support of the military establishment for the fiscal year ending June 30, 1878, were transmitted to Con-

gress by the former Secretary of the Treasury at the opening of its session in December last. These estimates, modified by the present Secretary so as to conform to present requirements, are now renewed, amounting to \$32,436,764.98, and, having been transmitted to both Houses of Congress, are submitted for your consideration.

There is also required by the Navy Department \$2,003,861.24. This sum is made up of \$1,446,688.16 due to officers and enlisted men for the last quarter of the last fiscal year; \$311,953.50 due for advances made by the fiscal agent of the Government in London for the support of the foreign service; \$50,000 due to the naval-hospital fund; \$150,000 due for arrearages of pay to officers, and \$45,219.58 for the support of the Marine Corps.

There will also be needed an appropriation of \$262,535.22 to defray the unsettled expenses of the United States courts for the fiscal year ending June 30 last, now due to attorneys, clerks, commissioners, and marshals, and for rent of court rooms, the support of prisoners, and other deficiencies.

A part of the building of the Interior Department was destroyed by fire on the 24th of last month. Some immediate repairs and temporary structures have in consequence become necessary, estimates for which will be transmitted to Congress immediately, and an appropriation of the requisite funds is respectfully recommended.

—The Secretary of the Treasury will communicate to Congress, in connection with the estimates for the appropriations for the support of the Army for the current fiscal year, estimates for such other deficiencies in the different branches of the public service as require immediate action and can not without inconvenience be postponed until the regular session.

I take this opportunity also to invite your attention to the propriety of adopting at your present session the necessary legislation to enable the people of the United States to participate in the advantages of the International Exhibition of Agriculture, Industry, and the Fine Arts which is to be held at Paris in 1878, and in which this Government has been invited by the Government of France to take part.

This invitation was communicated to this Government in May, 1876, by the minister of France at this capital, and a copy thereof was submitted to the proper committees of Congress at its last session, but no action was taken upon the subject.

The Department of State has received many letters from various parts of the country expressing a desire to participate in the exhibition, and numerous applications of a similar nature have also been made at the United States legation at Paris.

The Department of State has also received official advice of the strong desire on the part of the French Government that the United States should participate in this enterprise, and space has hitherto been and still is reserved in the exhibition buildings for the use of exhibitors

from the United States, to the exclusion of other parties who have been applicants therefor.

In order that our industries may be properly represented at the exhibition, an appropriation will be needed for the payment of salaries and expenses of commissioners, for the transportation of goods, and for other purposes in connection with the object in view; and as May next is the time fixed for the opening of the exhibition, if our citizens are to share the advantages of this international competition for the trade of other nations the necessity of immediate action is apparent.

To enable the United States to cooperate in the international exhibition which was held at Vienna in 1873, Congress then passed a joint resolution making an appropriation of \$200,000 and authorizing the President to appoint a certain number of practical artisans and scientific men who should attend the exhibition and report their proceedings and observations to him. Provision was also made for the appointment of a number of honorary commissioners.

I have felt that prompt action by Congress in accepting the invitation of the Government of France is of so much interest to the people of this country and so suitable to the cordial relations between the Governments of the two countries that the subject might properly be presented for attention at your present session.

The Government of Sweden and Norway has addressed an official invitation to this Government to take part in the International Prison Congress to be held at Stockholm next year. The problem which the congress proposes to study—how to diminish crime—is one in which all civilized nations have an interest in common, and the congress of Stockholm seems likely to prove the most important convention ever held for the study of this grave question. Under authority of a joint resolution of Congress approved February 16, 1875, a commissioner was appointed by my predecessor to represent the United States upon that occasion, and the Prison Congress having been, at the earnest desire of the Swedish Government, postponed to 1878, his commission was renewed by me. An appropriation of \$8,000 was made in the sundry civil act of 1875 to meet the expenses of the commissioner. I recommend the reappropriation of that sum for the same purpose, the former appropriation having been covered into the Treasury and being no longer available for the purpose without further action by Congress. The subject is brought to your attention at this time in view of circumstances which render it highly desirable that the commissioner should proceed to the discharge of his important duties immediately.

As the several acts of Congress providing for detailed reports from the different Departments of the Government require their submission at the beginning of the regular annual session, I defer until that time any further reference to subjects of public interest.

R. B. HAYES

SPECIAL MESSAGES.

EXECUTIVE MANSION,  
Washington, D. C., October 17, 1877.

*To the Senate and House of Representatives:*

I have the honor to transmit herewith the report of a board of inquiry appointed by the Secretary of the Interior to examine into the causes of the fire which destroyed a part of the Interior Department building on the 24th of last month.

R. B. HAYES.

EXECUTIVE MANSION,  
Washington, D. C., October 17, 1877.

*To the Senate and House of Representatives:*

I have the honor to transmit herewith a report of the Secretary of the Navy, setting forth the particulars with reference to the existing deficiencies in the Navy Department.

R. B. HAYES.

WASHINGTON, November 12, 1877.

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 1st instant, I transmit herewith reports from the Secretary of State and the Secretary of War, with their accompanying papers.\*

R. B. HAYES.

WASHINGTON, November 12, 1877.

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 5th instant, I transmit herewith reports from the Secretary of State and the Secretary of the Treasury, with their accompanying documents.†

R. B. HAYES.

EXECUTIVE MANSION, November 12, 1877.

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 16th of October, 1877, I have the honor to transmit herewith a statement of the appropriations and expenditures by the Navy Department from the 4th of March, 1789, to June 30, 1876.

A similar statement for the War Department is being prepared as

\* Correspondence relative to Mexican border troubles.

† Correspondence relative to the imposition of a differential duty of 50 cents per ton upon Spanish vessels entering ports of the United States.

rapidly as the limited clerical force in the Treasury Department will permit, and when completed will be transmitted to the Senate.

R. B. HAYES.

EXECUTIVE MANSION, *November 12, 1877.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 30th of October, 1877, I have the honor to transmit herewith a statement of the annual appropriations and expenditures for army and navy pensions, showing also the repayments, the amounts carried to the surplus fund, and the net expenditures under each appropriation from March 4, 1789, to June 30, 1876.

R. B. HAYES.

WASHINGTON, *November 14, 1877.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 8th instant, I transmit herewith a report\* from the Secretary of State.

R. B. HAYES.

WASHINGTON, D. C., *November 15, 1877.*

*To the House of Representatives:*

I transmit to the House of Representatives, in answer to its resolution of the 12th instant, a report† from the Secretary of State.

R. B. HAYES.

WASHINGTON, *November 20, 1877.*

*To the House of Representatives:*

In answer to a joint resolution of the House of Representatives of the 6th instant, requesting the opinions of the heads of the Departments respecting the obligatory use of the metrical system of weights and measures, I transmit herewith a report from the Secretary of State.

R. B. HAYES.

WASHINGTON, *November 27, 1877.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a declaration between the United States and the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the reciprocal protection of the marks of manufacture and trade in the two countries, signed on the 24th of October, 1877.

R. B. HAYES.

\* Stating that the information relative to the forcible rescue of two prisoners from the jail of Starr County, Tex., by an armed band of Mexicans had been transmitted by the President to the House of Representatives on the 12th instant.

† Relating to the indemnity paid by Spain on account of the execution of General Ryan and others at Santiago de Cuba.

## PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

The completed circle of summer and winter, seedtime and harvest, has brought us to the accustomed season at which a religious people celebrates with praise and thanksgiving the enduring mercy of Almighty God. This devout and public confession of the constant dependence of man upon the divine favor for all the good gifts of life and health and peace and happiness, so early in our history made the habit of our people, finds in the survey of the past year new grounds for its joyful and grateful manifestation.

In all the blessings which depend upon benignant seasons, this has indeed been a memorable year. Over the wide territory of our country, with all its diversity of soil and climate and products, the earth has yielded a bountiful return to the labor of the husbandman. The health of the people has been blighted by no prevalent or widespread diseases. No great disasters of shipwreck upon our coasts or to our commerce on the seas have brought loss and hardship to merchants or mariners and clouded the happiness of the community with sympathetic sorrow.

In all that concerns ~~our~~ strength and peace and greatness as a nation; in all that touches the permanence and security of our Government and the beneficent institutions on which it rests; in all that affects the character and dispositions of our people and tests our capacity to enjoy and uphold the equal and free condition of society, now permanent and universal throughout the land, the experience of the last year is conspicuously marked by the protecting providence of God and is full of promise and hope for the coming generations.

Under a sense of these infinite obligations to the Great Ruler of Times and Seasons and Events, let us humbly ascribe it to our own faults and frailties if in any degree that perfect concord and happiness, peace and justice, which such great mercies should diffuse through the hearts and lives of our people do not altogether and always and everywhere prevail. Let us with one spirit and with one voice lift up praise and thanksgiving to God for His manifold goodness to our land, His manifest care for our nation.

Now, therefore, I, Rutherford B. Hayes, President of the United States, do appoint Thursday, the 29th day of November next, as a day of national thanksgiving and prayer; and I earnestly recommend that, withdrawing themselves from secular cares and labors, the people of the United States do meet together on that day in their respective places of worship, there to give thanks and praise to Almighty God for His mercies and to devoutly beseech their continuance.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 29th day of October, A. D. 1877, and of the Independence of the United States the one hundred and second.

R. B. HAYES.

By the President:

WM. M. EVARTS,

*Secretary of State.*

## EXECUTIVE ORDER.

EXECUTIVE MANSION,

*Washington, D. C., November 2, 1877.*

I lament the sad occasion which makes it my duty to testify the public respect for the eminent citizen and distinguished statesman whose death yesterday at his home in Indianapolis has been made known to the people by telegraphic announcement.

The services of Oliver P. Morton to the nation in the difficult and responsible administration of the affairs of the State of Indiana as its governor at a critical juncture of the civil war can never ~~be~~ overvalued by his countrymen. His long service in the Senate has shown his great powers as a legislator and as a leader and chief counselor of the political party charged with the conduct of the Government during that period.

In all things and at all times he has been able, strenuous, and faithful in the public service, and his fame with his countrymen rests upon secure foundations.

The several Executive Departments will be closed on the day of his funeral, and appropriate honors should be paid to the memory of the deceased statesman by the whole nation.

R. B. HAYES.

## FIRST ANNUAL MESSAGE.

DECEMBER 3, 1877.

*Fellow-Citizens of the Senate and House of Representatives:*

With devout gratitude to the bountiful Giver of All Good, I congratulate you that at the beginning of your first regular session you find our country blessed with health and peace and abundant harvests, and with encouraging prospects of an early return of general prosperity.

To complete and make permanent the pacification of the country con-

tinues to be, and until it is fully accomplished must remain, the most important of all our national interests. The earnest purpose of good citizens generally to unite their efforts in this endeavor is evident. It found decided expression in the resolutions announced in 1876 by the national conventions of the leading political parties of the country. There was a widespread apprehension that the momentous results in our progress as a nation marked by the recent amendments to the Constitution were in imminent jeopardy; that the good understanding which prompted their adoption, in the interest of a loyal devotion to the general welfare, might prove a barren truce, and that the two sections of the country, once engaged in civil strife, might be again almost as widely severed and disunited as they were when arrayed in arms against each other.

The course to be pursued, which, in my judgment, seemed wisest in the presence of this emergency, was plainly indicated in my inaugural address. It pointed to the time, which all our people desire to see, when a genuine love of our whole country and of all that concerns its true welfare shall supplant the destructive forces of the mutual animosity of races and of sectional hostility. Opinions have differed widely as to the measures best calculated to secure this great end. This was to be expected. The measures adopted by the Administration have been subjected to severe and varied criticism. Any course whatever which might have been entered upon would certainly have encountered distrust and opposition. These measures were, in my judgment, such as were most in harmony with the Constitution and with the genius of our people, and best adapted, under all the circumstances, to attain the end in view. Beneficent results, already apparent, prove that these endeavors are not to be regarded as a mere experiment, and should sustain and encourage us in our efforts. Already, in the brief period which has elapsed, the immediate effectiveness, no less than the justice, of the course pursued is demonstrated, and I have an abiding faith that time will furnish its ample vindication in the minds of the great majority of my fellow-citizens. The discontinuance of the use of the Army for the purpose of upholding local governments in two States of the Union was no less a constitutional duty and requirement, under the circumstances existing at the time, than it was a much-needed measure for the restoration of local self-government and the promotion of national harmony. The withdrawal of the troops from such employment was effected deliberately, and with solicitous care for the peace and good order of society and the protection of the property and persons and every right of all classes of citizens.

The results that have followed are indeed significant and encouraging. All apprehension of danger from remitting those States to local self-government is dispelled, and a most salutary change in the minds of the people has begun and is in progress in every part of that section of the country once the theater of unhappy civil strife, substituting for suspicion,



distrust, and aversion, concord, friendship, and patriotic attachment to the Union. No unprejudiced mind will deny that the terrible and often fatal collisions which for several years have been of frequent occurrence and have agitated and alarmed the public mind have almost entirely ceased, and that a spirit of mutual forbearance and hearty national interest has succeeded. There has been a general reestablishment of order and of the orderly administration of justice. Instances of remaining lawlessness have become of rare occurrence; political turmoil and turbulence have disappeared; useful industries have been resumed; public credit in the Southern States has been greatly strengthened, and the encouraging benefits of a revival of commerce between the sections of the country lately embroiled in civil war are fully enjoyed. Such are some of the results already attained, upon which the country is to be congratulated. They are of such importance that we may with confidence patiently await the desired consummation that will surely come with the natural progress of events.

It may not be improper here to say that it should be our fixed and unalterable determination to protect by all available and proper means under the Constitution and the laws the lately emancipated race in the enjoyment of their rights and privileges; and I urge upon those to whom heretofore the colored people have sustained the relation of bondmen the wisdom and justice of humane and liberal local legislation with respect to their education and general welfare. A firm adherence to the laws, both ~~national~~ and State, as to the civil and political rights of the colored people, now advanced to full and equal citizenship; the immediate repression and sure punishment by the national and local authorities, within their respective jurisdictions, of every instance of lawlessness and violence toward them, is required for the security alike of both races, and is justly demanded by the public opinion of the country and the age. In this way the restoration of harmony and good will and the complete protection of every citizen in the full enjoyment of every constitutional right will surely be attained. Whatever authority rests with me to this end I shall not hesitate to put forth.

Whatever belongs to the power of Congress and the jurisdiction of the courts of the Union, they may confidently be relied upon to provide and perform; and to the legislatures, the courts, and the executive authorities of the several States I earnestly appeal to secure, by adequate, appropriate, and seasonable means, within their borders, these common and uniform rights of a united people which loves liberty, abhors oppression, and reveres justice. These objects are very dear to my heart. I shall continue most earnestly to strive for their attainment. The cordial cooperation of all classes, of all sections of the country and of both races, is required for this purpose; and with these blessings assured, and not otherwise, we may safely hope to hand down our free institutions of government unimpaired to the generations that will succeed us.

Among the other subjects of great and general importance to the people of this country, I can not be mistaken, I think, in regarding as preeminent the policy and measures which are designed to secure the restoration of the currency to that normal and healthful condition in which, by the resumption of specie payments, our internal trade and foreign commerce may be brought into harmony with the system of exchanges which is based upon the precious metals as the intrinsic money of the world. In the public judgment that this end should be sought and compassed as speedily and securely as the resources of the people and the wisdom of their Government can accomplish, there is a much greater degree of unanimity than is found to concur in the specific measures which will bring the country to this desired end or the rapidity of the steps by which it can be safely reached.

Upon a most anxious and deliberate examination, which I have felt it my duty to give to the subject, I am but the more confirmed in the opinion which I expressed in accepting the nomination for the Presidency, and again upon my inauguration, that the policy of resumption should be pursued by every suitable means, and that no legislation would be wise that should disparage the importance or retard the attainment of that result. I have no disposition, and certainly no right, to question the sincerity or the intelligence of opposing opinions, and would neither conceal nor undervalue the considerable difficulties, and even occasional distresses, which may attend the progress of the nation toward this primary condition to its general and permanent prosperity. I must, however, adhere to my most earnest conviction that any wavering in purpose or unsteadiness in methods, so far from avoiding or reducing the inconvenience inseparable from the transition from an irredeemable to a redeemable paper currency, would only tend to increased and prolonged disturbance in values, and unless retrieved must end in serious disorder, dishonor, and disaster in the financial affairs of the Government and of the people.

The mischiefs which I apprehend and urgently deprecate are confined to no class of the people, indeed, but seem to me most certainly to threaten the industrious masses, whether their occupations are of skilled or common labor. To them, it seems to me, it is of prime importance that their labor should be compensated in money which is itself fixed in exchangeable value by being irrevocably measured by the labor necessary to its production. This permanent quality of the money of the people is sought for, and can only be gained by the resumption of specie payments. The rich, the speculative, the operating, the money-dealing classes may not always feel the mischiefs of, or may find casual profits in, a variable currency, but the misfortunes of such a currency to those who are paid salaries or wages are inevitable and remediless.

Closely connected with this general subject of the resumption of specie payments is one of subordinate, but still of grave, importance; I mean

the readjustment of our coinage system by the renewal of the silver dollar as an element in our specie currency, endowed by legislation with the quality of legal tender to a greater or less extent.

As there is no doubt of the power of Congress under the Constitution "to coin money and regulate the value thereof," and as this power covers the whole range of authority applicable to the metal, the rated value and the legal-tender quality which shall be adopted for the coinage, the considerations which should induce or discourage a particular measure connected with the coinage, belong clearly to the province of legislative discretion and of public expediency. Without intruding upon this province of legislation in the least, I have yet thought the subject of such critical importance, in the actual condition of our affairs, as to present an occasion for the exercise of the duty imposed by the Constitution on the President of recommending to the consideration of Congress "such measures as he shall judge necessary and expedient."

Holding the opinion, as I do, that neither the interests of the Government nor of the people of the United States would be promoted by disparaging silver as one of the two precious metals which furnish the coinage of the world, and that legislation which looks to maintaining the volume of intrinsic money to as full a measure of both metals as their relative commercial values will permit would be neither unjust nor inexpedient, I must ask your indulgence to a brief and definite statement of certain essential features in any such legislative measure which I feel it my duty to recommend.—

I do not propose to enter the debate, represented on both sides by such able disputants in Congress and before the people and in the press, as to the extent to which the legislation of any one nation can control this question, even within its own borders, against the unwritten laws of trade or the positive laws of other governments. The wisdom of Congress in shaping any particular law that may be presented for my approval may wholly supersede the necessity of my entering into these considerations, and I willingly avoid either vague or intricate inquiries. It is only certain plain and practical traits of such legislation that I desire to recommend to your attention.

In any legislation providing for a silver coinage, regulating its value, and imparting to it the quality of legal tender, it seems to me of great importance that Congress should not lose sight of its action as operating in a twofold capacity and in two distinct directions. If the United States Government were free from a public debt, its legislative dealing with the question of silver coinage would be purely sovereign and governmental, under no restraints but those of constitutional power and the public good as affected by the proposed legislation. But in the actual circumstances of the nation, with a vast public debt distributed very widely among our own citizens and held in great amounts also abroad, the nature of the silver-coinage measure, as affecting this relation of the Government to

the holders of the public debt, becomes an element, in any proposed legislation, of the highest concern. The obligation of the public faith transcends all questions of profit or public advantage otherwise. Its unquestionable maintenance is the dictate as well of the highest expediency as of the most necessary duty, and will ever be carefully guarded by Congress and people alike.

The public debt of the United States to the amount of \$729,000,000 bears interest at the rate of 6 per cent, and \$708,000,000 at the rate of 5 per cent, and the only way in which the country can be relieved from the payment of these high rates of interest is by advantageously refunding the indebtedness. Whether the debt is ultimately paid in gold or in silver coin is of but little moment compared with the possible reduction of interest one-third by refunding it at such reduced rate. If the United States had the unquestioned right to pay its bonds in silver coin, the little benefit from that process would be greatly overbalanced by the injurious effect of such payment if made or proposed against the honest convictions of the public creditors.

All the bonds that have been issued since February 12, 1873, when gold became the only unlimited legal-tender metallic currency of the country, are justly payable in gold coin or in coin of equal value. During the time of these issues the only dollar that could be or was received by the Government in exchange for bonds was the gold dollar. To require the public creditors to take in repayment any dollar of less commercial value would — be regarded by them as a repudiation of the full obligation assumed. The bonds issued prior to 1873 were issued at a time when the gold dollar was the only coin in circulation or contemplated by either the Government or the holders of the bonds as the coin in which they were to be paid. It is far better to pay these bonds in that coin than to seem to take advantage of the unforeseen fall in silver bullion to pay in a new issue of silver coin thus made so much less valuable. The power of the United States to coin money and to regulate the value thereof ought never to be exercised for the purpose of enabling the Government to pay its obligations in a coin of less value than that contemplated by the parties when the bonds were issued. Any attempt to pay the national indebtedness in a coinage of less commercial value than the money of the world would involve a violation of the public faith and work irreparable injury to the public credit.

It was the great merit of the act of March, 1869, in strengthening the public credit, that it removed all doubt as to the purpose of the United States to pay their bonded debt in coin. That act was accepted as a pledge of public faith. The Government has derived great benefit from it in the progress thus far made in refunding the public debt at low rates of interest. An adherence to the wise and just policy of an exact observance of the public faith will enable the Government rapidly to reduce the burden of interest on the national debt to an amount exceeding

\$20,000,000 per annum, and effect an aggregate saving to the United States of more than \$300,000,000 before the bonds can be fully paid.

In adapting the new silver coinage to the ordinary uses of currency in the everyday transactions of life and prescribing the quality of legal tender to be assigned to it, a consideration of the first importance should be so to adjust the ratio between the silver and the gold coinage, which now constitutes our specie currency, as to accomplish the desired end of maintaining the circulation of the two metallic currencies and keeping up the volume of the two precious metals as our intrinsic money. It is a mixed question, for scientific reasoning and historical experience to determine, how far and by what methods a practical equilibrium can be maintained which will keep both metals in circulation in their appropriate spheres of common use.

An absolute equality of commercial value, free from disturbing fluctuations, is hardly attainable, and without it an unlimited legal tender for private transactions assigned to both metals would irresistibly tend to drive out of circulation the dearer coinage and disappoint the principal object proposed by the legislation in view. I apprehend, therefore, that the two conditions of a near approach to equality of commercial value between the gold and silver coinage of the same denomination and of a limitation of the amounts for which the silver coinage is to be a legal tender are essential to maintaining both in circulation. If these conditions can be successfully observed, the issue from the mint of silver dollars would afford material assistance to the community in the transition to redeemable paper money, and would facilitate the resumption of specie payment and its permanent establishment. Without these conditions I fear that only mischief and misfortune would flow from a coinage of silver dollars with the quality of unlimited legal tender, even in private transactions.

Any expectation of temporary ease from an issue of silver coinage to pass as a legal tender at a rate materially above its commercial value is, I am persuaded, a delusion. Nor can I think that there is any substantial distinction between an original issue of silver dollars at a nominal value materially above their commercial value and the restoration of the silver dollar at a rate which once was, but has ceased to be, its commercial value. Certainly the issue of our gold coinage, reduced in weight materially below its legal-tender value, would not be any the less a present debasement of the coinage by reason of its equaling, or even exceeding, in weight a gold coinage which at some past time had been commercially equal to the legal-tender value assigned to the new issue.

In recommending that the regulation of any silver coinage which may be authorized by Congress should observe these conditions of commercial value and limited legal tender, I am governed by the feeling that every possible increase should be given to the volume of metallic money which can be kept in circulation, and thereby every possible aid afforded

to the people in the process of resuming specie payments. It is because of my firm conviction that a disregard of these conditions would frustrate the good results which are desired from the proposed coinage, and embarrass with new elements of confusion and uncertainty the business of the country, that I urge upon your attention these considerations.

I respectfully recommend to Congress that in any legislation providing for a silver coinage and imparting to it the quality of legal tender there be impressed upon the measure a firm provision exempting the public debt heretofore issued and now outstanding from payment, either of principal or interest, in any coinage of less commercial value than the present gold coinage of the country.

The organization of the civil service of the country has for a number of years attracted more and more of the public attention. So general has become the opinion that the methods of admission to it and the conditions of remaining in it are unsound that both the great political parties have agreed in the most explicit declarations of the necessity of reform and in the most emphatic demands for it. I have fully believed these declarations and demands to be the expression of a sincere conviction of the intelligent masses of the people upon the subject, and that they should be recognized and followed by earnest and prompt action on the part of the legislative and executive departments of the Government, in pursuance of the purpose indicated.

Before my accession to office I endeavored to have my own views distinctly understood, and upon my inauguration my accord with the public opinion was stated in terms believed to be plain and unambiguous. My experience in the executive duties has strongly confirmed the belief in the great advantage the country would find in observing strictly the plan of the Constitution, which imposes upon the Executive the sole duty and responsibility of the selection of those Federal officers who by law are appointed, not elected, and which in like manner assigns to the Senate the complete right to advise and consent to or to reject the nominations so made, whilst the House of Representatives stands as the public censor of the performance of official duties, with the prerogative of investigation and prosecution in all cases of dereliction. The blemishes and imperfections in the civil service may, as I think, be traced in most cases to a practical confusion of the duties assigned to the several Departments of the Government. My purpose in this respect has been to return to the system established by the fundamental law, and to do this with the heartiest cooperation and most cordial understanding with the Senate and House of Representatives.

The practical difficulties in the selection of numerous officers for posts of widely varying responsibilities and duties are acknowledged to be very great. No system can be expected to secure absolute freedom from mistakes, and the beginning of any attempted change of custom is quite likely to be more embarrassed in this respect than any subsequent period.

It is here that the Constitution seems to me to prove its claim to the great wisdom accorded to it. It gives to the Executive the assistance of the knowledge and experience of the Senate, which, when acting upon nominations as to which they may be disinterested and impartial judges, secures as strong a guaranty of freedom from errors of importance as is perhaps possible in human affairs.

In addition to this, I recognize the public advantage of making all nominations, as nearly as possible, impersonal, in the sense of being free from mere caprice or favor in the selection; and in those offices in which special training is of greatly increased value I believe such a rule as to the tenure of office should obtain as may induce men of proper qualifications to apply themselves industriously to the task of becoming proficient. Bearing these things in mind, I have endeavored to reduce the number of changes in subordinate places usually made upon the change of the general administration, and shall most heartily cooperate with Congress in the better systematizing of such methods and rules of admission to the public service and of promotion within it as may promise to be most successful in making thorough competency, efficiency, and character the decisive tests in these matters.

—I ask the renewed attention of Congress to what has already been done by the Civil Service Commission, appointed, in pursuance of an act of Congress, by my predecessor, to prepare and revise civil-service rules. In regard to much of the departmental service, especially at Washington, it may be difficult to organize a better system than that which has thus been provided, and it is now being used to a considerable extent under my direction. The Commission has still a legal existence, although for several years no appropriation has been made for defraying its expenses. Believing that this Commission has rendered valuable service and will be a most useful agency in improving the administration of the civil service, I respectfully recommend that a suitable appropriation, to be immediately available, be made to enable it to continue its labors.

It is my purpose to transmit to Congress as early as practicable a report by the chairman of the Commission, and to ask your attention to such measures on this subject as in my opinion will further promote the improvement of the civil service.

During the past year the United States have continued to maintain peaceful relations with foreign powers.

The outbreak of war between Russia and Turkey, though at one time attended by grave apprehension as to its effect upon other European nations, has had no tendency to disturb the amicable relations existing between the United States and each of the two contending powers. An attitude of just and impartial neutrality has been preserved, and I am gratified to state that in the midst of their hostilities both the Russian and the Turkish Governments have shown an earnest disposition to adhere to the obligations of all treaties with the United States and to give due regard to the rights of American citizens.

By the terms of the treaty defining the rights, immunities, and privi-



leges of consuls, between Italy and the United States, ratified in 1868, either Government may, after the lapse of ten years, terminate the existence of the treaty by giving twelve months' notice of its intention. The Government of Italy, availing itself of this faculty, has now given the required notice, and the treaty will accordingly end on the 17th of September, 1878. It is understood, however, that the Italian Government wishes to renew it in its general scope, desiring only certain modifications in some of its articles. In this disposition I concur, and shall hope that no serious obstacles may intervene to prevent or delay the negotiation of a satisfactory treaty.

Numerous questions in regard to passports, naturalization, and exemption from military service have continued to arise in cases of emigrants from Germany who have returned to their native country. The provisions of the treaty of February 22, 1868, however, have proved to be so ample and so judicious that the legation of the United States at Berlin has been able to adjust all claims arising under it, not only without detriment to the amicable relations existing between the two Governments, but, it is believed, without injury or injustice to any duly naturalized American citizen. It is desirable that the treaty originally made with the North German Union in 1868 should now be extended so as to apply equally to all the States of the Empire of Germany.

The invitation of the Government of France to participate in the Exposition of the Products of Agriculture, Industry, and the Fine Arts to be held at Paris during the coming year was submitted for your consideration at the extra session. ~~It is~~ not doubted that its acceptance by the United States, and a well-selected exhibition of the products of American industry on that occasion, will tend to stimulate international commerce and emigration, as well as to promote the traditional friendship between the two countries.

A question arose some time since as to the proper meaning of the extradition articles of the treaty of 1842 between the United States and Great Britain. Both Governments, however, are now in accord in the belief that the question is not one that should be allowed to frustrate the ends of justice or to disturb the friendship between the two nations. No serious difficulty has arisen in accomplishing the extradition of criminals when necessary. It is probable that all points of disagreement will in due time be settled, and, if need be, more explicit declarations be made in a new treaty.

The Fishery Commission under Articles XVIII to XXV of the treaty of Washington has concluded its session at Halifax. The result of the deliberations of the commission, as made public by the commissioners, will be communicated to Congress.

A treaty for the protection of trade-marks has been negotiated with Great Britain, which has been submitted to the Senate for its consideration.

The revolution which recently occurred in Mexico was followed by the accession of the successful party to power and the installation of its chief,



General Porfirio Diaz, in the Presidential office. It has been the custom of the United States, when such changes of government have heretofore occurred in Mexico, to recognize and enter into official relations with the *de facto* government as soon as it should appear to have the approval of the Mexican people and should manifest a disposition to adhere to the obligations of treaties and international friendship. In the present case such official recognition has been deferred by the occurrences on the Rio Grande border, the records of which have been already communicated to each House of Congress in answer to their respective resolutions of inquiry. Assurances have been received that the authorities at the seat of the Mexican Government have both the disposition and the power to prevent and punish such unlawful invasions and depredations. It is earnestly to be hoped that events may prove these assurances to be well founded. The best interests of both countries require the maintenance of peace upon the border and the development of commerce between the two Republics.

It is gratifying to add that this temporary interruption of official relations has not prevented due attention by the representatives of the United States in ~~Mexico~~ to the protection of American citizens, so far as practicable; nor has it interfered with the prompt payment of the amounts due from Mexico to the United States under the treaty of July 4, 1868, and the awards of the joint commission. While I do not anticipate an interruption of friendly relations with Mexico, yet I can not but look with some solicitude upon a continuance of border disorders as exposing the two countries to initiations of popular feeling and mischances of action which are naturally unfavorable to complete amity. Firmly determined that nothing shall be wanting on my part to promote a good understanding between the two nations, I yet must ask the attention of Congress to the actual occurrences on the border, that the lives and property of our citizens may be adequately protected and peace preserved.

Another year has passed without bringing to a close the protracted contest between the Spanish Government and the insurrection in the island of Cuba. While the United States have sedulously abstained from any intervention in this contest, it is impossible not to feel that it is attended with incidents affecting the rights and interests of American citizens. Apart from the effect of the hostilities upon trade between the United States and Cuba, their progress is inevitably accompanied by complaints, having more or less foundation, of searches, arrests, embargoes, and oppressive taxes upon the property of American residents, and of unprovoked interference with American vessels and commerce. It is due to the Government of Spain to say that during the past year it has promptly disavowed and offered reparation for any unauthorized acts of unduly zealous subordinates whenever such acts have been brought to its attention. Nevertheless, such occurrences can not but tend to excite feelings of annoyance, suspicion, and resentment, which are greatly to be

depreciated, between the respective subjects and citizens of two friendly powers.

Much delay (consequent upon accusations of fraud in some of the awards) has occurred in respect to the distribution of the limited amounts received from Venezuela under the treaty of April 25, 1866, applicable to the awards of the joint commission created by that treaty. So long as these matters are pending in Congress the Executive can not assume either to pass upon the questions presented or to distribute the fund received. It is eminently desirable that definite legislative action should be taken, either affirming the awards to be final or providing some method for reexamination of the claims. Our relations with the Republics of Central and South America and with the Empire of Brazil have continued without serious change, further than the temporary interruption of diplomatic intercourse with Venezuela and with Guatemala. Amicable relations have already been fully restored with Venezuela, and it is not doubted that all grounds of misunderstanding with Guatemala will speedily be removed. From all these countries there are favorable indications of a disposition on the part of their Governments and people to reciprocate our efforts in the direction of increased commercial intercourse.

The Government of the Samoan Islands has sent an envoy, in the person of its secretary of state, to invite the Government of the United States to recognize and protect their independence, to establish commercial relations with their people, and to assist them in their steps toward regulated and responsible government. The inhabitants of these islands, having made considerable progress in Christian civilization and the development of trade, are doubtful of their ability to maintain peace and independence without the aid of some stronger power. The subject is deemed worthy of respectful attention, and the claims upon our assistance by this distant community will be carefully considered.

The long commercial depression in the United States has directed attention to the subject of the possible increase of our foreign trade and the methods for its development, not only with Europe, but with other countries, and especially with the States and sovereignties of the Western Hemisphere. Instructions from the Department of State were issued to the various diplomatic and consular officers of the Government, asking them to devote attention to the question of methods by which trade between the respective countries of their official residence and the United States could be most judiciously fostered. In obedience to these instructions, examinations and reports upon this subject have been made by many of these officers and transmitted to the Department, and the same are submitted to the consideration of Congress.

The annual report of the Secretary of the Treasury on the state of the finances presents important questions for the action of Congress, upon some of which I have already remarked.

The revenues of the Government during the fiscal year ending June 30, 1877, were \$269,000,586.62; the total expenditures for the same period were \$238,660,008.93, leaving a surplus revenue of \$30,340,577.69. This has substantially supplied the requirements of the sinking fund for that year. The estimated revenues of the current fiscal year are \$265,500,000, and the estimated expenditures for the same period are \$232,430,643.72. If these estimates prove to be correct, there will be a surplus revenue of \$33,069,356.28—an amount nearly sufficient for the sinking fund for that year. The estimated revenues for the next fiscal year are \$269,250,000. It appears from the report that during the last fiscal year the revenues of the Government, compared with the previous year, have largely decreased. This decrease, amounting to the sum of \$18,481,452.54, was mainly in customs duties, caused partly by a large falling off of the amount of imported dutiable goods and partly by the general fall of prices in the markets of production of such articles as pay *ad valorem* taxes.

While this is felt injuriously in the diminution of the revenue, it has been accompanied with a very large increase of exportations. The total exports during the last fiscal year, including coin, have been \$658,637,457, and the imports have been \$492,097,540, leaving a balance of trade in favor of the United States amounting to the sum of \$166,539,917, the beneficial effects of which extend to all branches of business.

The estimated revenue for the next fiscal year will impose upon Congress the duty of strictly limiting appropriations, including the requisite sum for the maintenance of the sinking fund, within the aggregate estimated receipts.

While the aggregate of taxes should not be increased, amendments might be made to the revenue laws that would, without diminishing the revenue, relieve the people from unnecessary burdens. A tax on tea and coffee is shown by the experience not only of our own country, but of other countries, to be easily collected, without loss by undervaluation or fraud, and largely borne in the country of production. A tax of 10 cents a pound on tea and 2 cents a pound on coffee would produce a revenue exceeding \$12,000,000, and thus enable Congress to repeal a multitude of annoying taxes yielding a revenue not exceeding that sum. The internal-revenue system grew out of the necessities of the war, and most of the legislation imposing taxes upon domestic products under this system has been repealed. By the substitution of a tax on tea and coffee all forms of internal taxation may be repealed, except that on whisky, spirits, tobacco, and beer. Attention is also called to the necessity of enacting more vigorous laws for the protection of the revenue and for the punishment of frauds and smuggling. This can best be done by judicious provisions that will induce the disclosure of attempted fraud by undervaluation and smuggling. All revenue laws should be simple in their provisions and easily understood. So far as practicable, the

rates of taxation should be in the form of specific duties, and not *ad valorem*, requiring the judgment of experienced men to ascertain values and exposing the revenue to the temptation of fraud.

My attention has been called during the recess of Congress to abuses existing in the collection of the customs, and strenuous efforts have been made for their correction by Executive orders. The recommendations submitted to the Secretary of the Treasury by a commission appointed to examine into the collection of customs duties at the port of New York contain many suggestions for the modification of the customs laws, to which the attention of Congress is invited.

It is matter of congratulation that notwithstanding the severe burdens caused by the war the public faith with all creditors has been preserved, and that as the result of this policy the public credit has continuously advanced and our public securities are regarded with the highest favor in the markets of the world. I trust that no act of the Government will cast a shadow upon its credit.

The progress of refunding the public debt has been rapid and satisfactory. Under the contract existing when I entered upon the discharge of the duties of my office, bonds bearing interest at the rate of  $4\frac{1}{2}$  per cent were being rapidly sold, and within three months the aggregate sales of these bonds had reached the sum of \$200,000,000. With my sanction the Secretary of the Treasury entered into a new contract for the sale of 4 per cent bonds, and within thirty days after the popular subscription for such bonds was opened subscriptions ~~were had~~ amounting to \$75,496,550, which were paid for within ninety days after the date of subscription. By this process, within but little more than one year, the annual interest on the public debt was reduced in the sum of \$3,775,000.

I recommended that suitable provision be made to enable the people to easily convert their savings into Government securities, as the best mode in which small savings may be well secured and yield a moderate interest. It is an object of public policy to retain among our own people the securities of the United States. In this way our country is guarded against their sudden return from foreign countries, caused by war or other disturbances beyond our limits.

The commerce of the United States with foreign nations, and especially the export of domestic productions, has of late years largely increased; but the greater portion of this trade is conducted in foreign vessels. The importance of enlarging our foreign trade, and especially by direct and speedy interchange with countries on this continent, can not be overestimated; and it is a matter of great moment that our own shipping interest should receive, to the utmost practical extent, the benefit of our commerce with other lands. These considerations are forcibly urged by all the large commercial cities of the country, and public attention is generally and wisely attracted to the solution of the problems

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they present. It is not doubted that Congress will take them up in the broadest spirit of liberality and respond to the public demand by practical legislation upon this important subject.

The report of the Secretary of War shows that the Army has been actively employed during the year, and has rendered very important service in suppressing hostilities in the Indian country and in preserving peace and protecting life and property in the interior as well as along the Mexican border. A long and arduous campaign has been prosecuted, with final complete success, against a portion of the Nez Percé tribe of Indians. A full account of this campaign will be found in the report of the General of the Army. It will be seen that in its course several severe battles were fought, in which a number of gallant officers and men lost their lives. I join with the Secretary of War and the General of the Army in awarding to the officers and men employed in the long and toilsome pursuit and in the final capture of these Indians the honor and praise which are so justly their due.

The very serious riots which occurred in several of the States in July last rendered necessary the employment of a considerable portion of the Army to preserve the peace and maintain order. In the States of West Virginia, Maryland, Pennsylvania, and Illinois these disturbances were so formidable as to defy the local and State authorities, and the National Executive was called upon, in the mode provided by the Constitution and laws, to furnish military aid. I am gratified to be able to state that the troops sent in response to these calls for aid in the suppression of domestic violence were able, by the influence of their presence in the disturbed regions, to preserve the peace and restore order without the use of force. In the discharge of this delicate and important duty both officers and men acted with great prudence and courage, and for their services deserve the thanks of the country.

Disturbances along the Rio Grande in Texas, to which I have already referred, have rendered necessary the constant employment of a military force in that vicinity. A full report of all recent military operations in that quarter has been transmitted to the House of Representatives in answer to a resolution of that body, and it will therefore not be necessary to enter into details. I regret to say that these lawless incursions into our territory by armed bands from the Mexican side of the line, for the purpose of robbery, have been of frequent occurrence, and in spite of the most vigilant efforts of the commander of our forces the marauders have generally succeeded in escaping into Mexico with their plunder. In May last I gave orders for the exercise of the utmost vigilance on the part of our troops for the suppression of these raids and the punishment of the guilty parties, as well as the recapture of property stolen by them. General Ord, commanding in Texas, was directed to invite the cooperation of the Mexican authorities in efforts to this end, and to assure them that I was anxious to avoid giving the least offense to Mexico. At the

same time, he was directed to give notice of my determination to put an end to the invasion of our territory by lawless bands intent upon the plunder of our peaceful citizens, even if the effectual punishment of the outlaws should make the crossing of the border by our troops in their pursuit necessary. It is believed that this policy has had the effect to check somewhat these depredations, and that with a considerable increase of our force upon that frontier and the establishment of several additional military posts along the Rio Grande, so as more effectually to guard that extensive border, peace may be preserved and the lives and property of our citizens in Texas fully protected.

Prior to the 1st day of July last the Army was, in accordance with law, reduced to the maximum of 25,000 enlisted men, being a reduction of 2,500 below the force previously authorized. This reduction was made, as required by law, entirely from the infantry and artillery branches of the service, without any reduction of the cavalry. Under the law as it now stands it is necessary that the cavalry regiments be recruited to 100 men in each company for service on the Mexican and Indian frontiers. The necessary effect of this legislation is to reduce the infantry and artillery arms of the service below the number required for efficiency, and I concur with the Secretary of War in recommending that authority be given to recruit all companies of infantry to at least 50 men and all batteries of artillery to at least 75 men, with the power, in case of emergency, to increase the former to 100 and the latter to 122 men each.

I invite your special attention to the following recommendations of the Secretary of War:

First. That provision be made for supplying to the Army a more abundant and better supply of reading matter.

Second. That early action be taken by Congress looking to a complete revision and republication of the Army Regulations.

Third. That section 1258 of the Revised Statutes, limiting the number of officers on the retired list, be repealed.

Fourth. That the claims arising under the act of July 4, 1864, for supplies taken by the Army during the war, be taken from the offices of the Quartermaster and Commissary Generals and transferred to the Southern Claims Commission, or some other tribunal having more time and better facilities for their prompt investigation and decision than are possessed by these officers.

Fifth. That Congress provide for an annuity fund for the families of deceased soldiers, as recommended by the Paymaster-General of the Army.

The report of the Secretary of the Navy shows that we have six squadrons now engaged in the protection of our foreign commerce and other duties pertaining to the naval service. The condition and operations of the Department are also shown. The total expenditures for the fiscal year ending June 30, 1877, were \$16,077,974.54. There are unpaid

claims against the Department chargeable to the last year, which are presented to the consideration of Congress by the report of the Secretary. The estimates for the fiscal year commencing July 1, 1878, are \$16,233,234.40, exclusive of the sum of \$2,314,231 submitted for new buildings, repairs, and improvements at the several navy-yards. The appropriations for the present fiscal year, commencing July 1, 1877, are \$13,592,932.90. The amount drawn from the Treasury from July 1 to November 1, 1877, is \$5,343,037.40, of which there is estimated to be yet available \$1,029,528.30, showing the amount of actual expenditure during the first four months of the present fiscal year to have been \$4,313,509.10.

The report of the Postmaster-General contains a full and clear statement of the operations and condition of the Post-Office Department. The ordinary revenues of the Department for the fiscal year ending June 30, 1877, including receipts from the money-order business and from official stamps and stamped envelopes, amounted to the sum of \$27,531,585.26. The additional sum of \$7,013,000 was realized from appropriations from the general Treasury for various purposes, making the receipts from all sources \$34,544,885.26. The total expenditures during the fiscal year amounted to \$33,486,322.44, leaving an excess of total receipts over total expenditures of \$1,058,562.82, and an excess of total expenditures over ordinary receipts of \$5,954,737.18. Deducting from the total ~~receipts~~ the sum of \$63,261.84, received from international money orders of the preceding fiscal year, and deducting from the total expenditures the sum of \$1,163,818.20, paid on liabilities incurred in previous fiscal years, the expenditures and receipts appertaining to the business of the last fiscal year were as follows:

Expenditures.....	\$32,322,504.24
Receipts (ordinary, from money-order business and from official postage stamps).....	27,468,323.42
Excess of expenditures .....	4,854,180.82

The ordinary revenues of the Post-Office Department for the year ending June 30, 1879, are estimated at an increase of 3 per cent over those of 1877, making \$29,034,098.28, and the expenditures for the same year are estimated at \$36,427,771, leaving an estimated deficiency for the year 1879 of \$7,393,672.72. The additional legislation recommended by the Postmaster-General for improvements of the mail service and to protect the postal revenues from the abuses practiced under existing laws is respectfully commended to the careful consideration of Congress.

The report of the Attorney-General contains several suggestions as to the administration of justice, to which I invite your attention. The pressure of business in the Supreme Court and in certain circuit courts of the United States is now such that serious delays, to the great injury, and even oppression, of suitors, occur, and a remedy should be sought for this condition of affairs. Whether it will be found in the plan briefly



sketched in the report, of increasing the number of judges of the circuit courts, and, by means of this addition to the judicial force, of creating an intermediate court of errors and appeals, or whether some other mode can be devised for obviating the difficulties which now exist, I leave to your mature consideration.

The present condition of the Indian tribes in the territory of the United States and our relations with them are fully set forth in the reports of the Secretary of the Interior and the Commissioner of Indian Affairs. After a series of most deplorable conflicts—the successful termination of which, while reflecting honor upon the brave soldiers who accomplished it, can not lessen our regret at their occurrence—we are now at peace with all the Indian tribes within our borders. To preserve that peace by a just and humane policy will be the object of my earnest endeavors. Whatever may be said of their character and savage propensities, of the difficulties of introducing among them the habits of civilized life, and of the obstacles they have offered to the progress of settlement and enterprise in certain parts of the country, the Indians are certainly entitled to our sympathy and to a conscientious respect on our part for their claims upon our sense of justice. They were the aboriginal occupants of the land we now possess. They have been driven from place to place. The purchase money paid to them in some cases for what they called their own has still left them poor. In many instances, when they had settled down upon land assigned to them by compact and begun to support themselves by their own labor, they were rudely jostled off and thrust into the wilderness again. Many, if not most, of our Indian wars have had their origin in broken promises and acts of injustice upon our part, and the advance of the Indians in civilization has been slow because the treatment they received did not permit it to be faster and more general. We can not expect them to improve and to follow our guidance unless we keep faith with them in respecting the rights they possess, and unless, instead of depriving them of their opportunities, we lend them a helping hand.

I cordially approve the policy regarding the management of Indian affairs outlined in the reports of the Secretary of the Interior and of the Commissioner of Indian Affairs. The faithful performance of our promises is the first condition of a good understanding with the Indians. I can not too urgently recommend to Congress that prompt and liberal provision be made for the conscientious fulfillment of all engagements entered into by the Government with the Indian tribes. To withhold the means necessary for the performance of a promise is always false economy, and is apt to prove disastrous in its consequences. Especial care is recommended to provide for Indians settled on their reservations cattle and agricultural implements, to aid them in whatever efforts they may make to support themselves, and by the establishment and maintenance of schools to bring them under the control of civilized influences.



I see no reason why Indians who can give satisfactory proof of having by their own labor supported their families for a number of years, and who are willing to detach themselves from their tribal relations, should not be admitted to the benefit of the homestead act and the privileges of citizenship, and I recommend the passage of a law to that effect. It will be an act of justice as well as a measure of encouragement. Earnest efforts are being made to purify the Indian service, so that every dollar appropriated by Congress shall redound to the benefit of the Indians, as intended. Those efforts will have my firm support. With an improved service and every possible encouragement held out to the Indians to better their condition and to elevate themselves in the scale of civilization, we may hope to accomplish at the same time a good work for them and for ourselves.

I invite the attention of Congress to the importance of the statements and suggestions made by the Secretary of the Interior concerning the depredations committed on the timber lands of the United States and the necessity for the preservation of forests. It is believed that the measures taken in pursuance of existing laws to arrest those depredations will be entirely successful if Congress, by an appropriation for that purpose, renders their continued enforcement possible. The experience of other nations teaches us that a country can not be stripped of its forests with impunity, and we shall expose ourselves to the gravest consequences unless ~~the~~ wasteful and improvident manner in which the forests in the United States are destroyed be effectually checked. I earnestly recommend that the measures suggested by the Secretary of the Interior for the suppression of depredations on the public timber lands of the United States, for the selling of timber from the public lands, and for the preservation of forests be embodied in a law, and that, considering the urgent necessity of enabling the people of certain States and Territories to purchase timber from the public lands in a legal manner, which at present they can not do, such a law be passed without unavoidable delay. I would also call the attention of Congress to the statements made by the Secretary of the Interior concerning the disposition that might be made of the desert lands, not irrigable, west of the one hundredth meridian. These lands are practically unsalable under existing laws, and the suggestion is worthy of consideration that a system of leasehold tenure would make them a source of profit to the United States, while at the same time legalizing the business of cattle raising which is at present carried on upon them.

The report of the Commissioner of Agriculture contains the gratifying announcement of the extraordinary success which has rewarded the agricultural industry of the country for the past year. With the fair prices which obtain for the products of the soil, especially for the surplus which our people have to export, we may confidently turn to this as the most important of all our resources for the revival of the depressed industries

of the country. The report shows our agricultural progress during the year, and contains a statement of the work done by this Department for the advancement of agricultural industry, upon which the prosperity of our people so largely depends. Matters of information are included of great interest to all who seek, by the experience of others, to improve their own methods of cultivation. The efforts of the Department to increase the production of important articles of consumption will, it is hoped, improve the demand for labor and advance the business of the country, and eventually result in saving some of the many millions that are now annually paid to foreign nations for sugar and other staple products which habitual use has made necessary in our domestic everyday life.

The board on behalf of the United States Executive Departments at the International Exhibition of 1876 has concluded its labors. The final report of the board was transmitted to Congress by the President near the close of the last session. As these papers are understood to contain interesting and valuable information, and will constitute the only report emanating from the Government on the subject of the exhibition, I invite attention to the matter and recommend that the report be published for general information.

Congress is empowered by the Constitution with the authority of exclusive legislation over the District of Columbia, in which the seat of Government of the nation is located. The interests of the District, having no direct representation in Congress, are entitled to especial consideration and care at the hands of the General Government. The capital of the United States belongs to the nation, and it is natural that the American people should take pride in the seat of their National Government and desire it to be an ornament to the country. Much has been done to render it healthful, convenient, and attractive, but much remains to be done, which its permanent inhabitants are not able and ought not to be expected to do. To impose upon them a large proportion of the cost required for public improvements, which are in a great measure planned and executed for the convenience of the Government and of the many thousands of visitors from all parts of the country who temporarily reside at the capital of the nation, is an evident injustice. Special attention is asked by the Commissioners of the District in their report, which is herewith transmitted, to the importance of a permanent adjustment by Congress of the financial relations between the United States and the District, involving the regular annual contribution by the United States of its just proportion of the expenses of the District government and of the outlay for all needed public improvements, and such measure of relief from the burden of taxation now resting upon the people of the District as in the wisdom of Congress may be deemed just.

The report of the Commissioners shows that the affairs of the District are in a condition as satisfactory as could be expected in view of the

heavy burden of debt resting upon it and its very limited means for necessary expenses.

The debt of the District is as follows:

Old funded debt .....	\$8, 379, 691. 96
3.65 bonds, guaranteed by the United States .....	13, 743, 250. 00
Total bonded debt.....	22, 122, 941. 96
To which should be added certain outstanding claims, as explained in the report of the Commissioners.....	1, 187, 204. 52
Making the total debt of the District.....	23, 310, 146. 48

The Commissioners also ask attention to the importance of the improvement of the Potomac River and the reclamation of the marshes bordering the city of Washington, and their views upon this subject are concurred in by the members of the board of health, whose report is also herewith transmitted. Both the commercial and sanitary interests of the District will be greatly promoted, I doubt not, by this improvement.

Your attention is invited to the suggestion of the Commissioners and of the board of health for the organization of a board of charities, to have supervision and control of the disbursement of all moneys for charitable purposes from the District treasury. I desire also to ask your especial attention to the need of adding to the efficiency of the public schools of the District by supplemental aid from the National Treasury. This is especially just, since so large a number of those attending these schools are children of employees of the Government. I earnestly commend to your care the interests of the people of the District, who are so intimately associated with the Government establishments, and to whose enterprise the good order and attractiveness of the capital are largely due; and I ask your attention to the request of the Commissioners for legislation in behalf of the interests intrusted to their care. The appropriations asked for the care of the reservations belonging to the Government within the city, by the Commissioner of Public Buildings and Grounds, are also commended to your favorable consideration.

The report of the joint commission created by the act approved 2d of August, 1876, entitled "An act providing for the completion of the Washington Monument," is also herewith transmitted, with accompanying documents. The board of engineer officers detailed to examine the monument, in compliance with the second section of the act, have reported that the foundation is insufficient. No authority exists for making the expenditure necessary to secure its stability. I therefore recommend that the commission be authorized to expend such portion of the sum appropriated by the act as may be necessary for the purpose. The present unfinished condition of the monument, begun so long ago, is a reproach to the nation. It can not be doubted that the patriotic sense of the country will warmly respond to such prompt provision as may be made for its completion at an early day, and I urge

upon Congress the propriety and necessity of immediate legislation for this purpose.

The wisdom of legislation upon the part of Congress, in aid of the States, for the education of the whole people in those branches of study which are taught in the common schools of the country is no longer a question. The intelligent judgment of the country goes still further, regarding it as also both constitutional and expedient for the General Government to extend to technical and higher education such aid as is deemed essential to the general welfare and to our due prominence among the enlightened and cultured nations of the world. The ultimate settlement of all questions of the future, whether of administration or finance or of true nationality of sentiment, depends upon the virtue and intelligence of the people. It is vain to hope for the success of a free government without the means of insuring the intelligence of those who are the source of power. No less than one-seventh of the entire voting population of our country are yet unable to read and write.

It is encouraging to observe, in connection with the growth of fraternal feeling in those States in which slavery formerly existed, evidences of increasing interest in universal education, and I shall be glad to give my approval to any appropriate measures which may be enacted by Congress for the purpose of supplementing with national aid the local systems of education in those States and in all the States; and, having already invited your attention to the needs of the District of Columbia with respect to its public-school system, I here add that I believe it desirable, not so much with reference to the local wants of the District, but to the great and lasting benefit of the entire country, that this system should be crowned with a university in all respects in keeping with the national capital, and thereby realize the cherished hopes of Washington on this subject.

I also earnestly commend the request of the Regents of the Smithsonian Institution that an adequate appropriation be made for the establishment and conduct of a national museum under their supervision.

The question of providing for the preservation and growth of the Library of Congress is also one of national importance. As the depository of all copyright publications and records, this library has outgrown the provisions for its accommodation; and the erection, on such site as the judgment of Congress may approve, of a fireproof library building, to preserve the treasures and enlarge the usefulness of this valuable collection, is recommended. I recommend also such legislation as will render available and efficient for the purposes of instruction, so far as is consistent with the public service, the cabinets or museums of invention, of surgery, of education, and of agriculture, and other collections the property of the National Government.

The capital of the nation should be something more than a mere political center. We should avail ourselves of all the opportunities which

Providence has here placed at our command to promote the general intelligence of the people and increase the conditions most favorable to the success and perpetuity of our institutions.

R. B. HAYES.

## SPECIAL MESSAGES.

EXECUTIVE MANSION, *December 10, 1877.*

*To the Senate and House of Representatives:*

I transmit herewith, for the information of Congress, a copy of the report of the commission appointed by me on the 27th of September, 1877, to examine the several public buildings in this city and determine the nature and extent of their security against conflagrations and the measures to be taken to guard the buildings and their contents from destruction or damage by fire.

The records of the Government constitute a most valuable collection for the country, whether we consider their pecuniary value or their historical importance; and it becomes my duty to call your attention to the means suggested for securing these valuable archives, as well as the buildings in which they are stored. The commissioners have performed their duties intelligently and faithfully. Their recommendations are fully concurred in by me and commended ~~to the~~ favorable consideration of Congress.

R. B. HAYES.

EXECUTIVE MANSION, *December 10, 1877.*

*To the Senate and House of Representatives:*

I have the honor to transmit herewith an additional report (and an accompanying statement) addressed to me by the commissioners appointed under the act of Congress approved July 19, 1876, authorizing the repavement of that part of Pennsylvania avenue lying between the Treasury Department and the Capitol Grounds.

R. B. HAYES.

EXECUTIVE MANSION, *December 13, 1877.*

*To the House of Representatives:*

I transmit herewith a special report upon the subject of forestry by the Commissioner of Agriculture, with the accompanying documents.

R. B. HAYES.

[A similar message was sent to the Senate.]

WASHINGTON, *January 11, 1878.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 3d ultimo, requesting to be furnished with the correspondence between the

Government of Venezuela and that of the United States had since the adjournment of the first session of the Forty-fourth Congress in relation to the Venezuela Mixed Claims Commission, I transmit the report of the Secretary of State, together with its accompanying documents.

R. B. HAYES.

EXECUTIVE MANSION,  
*Washington, January 14, 1878.*

*To the Senate of the United States:*

I have received the following resolution of the Senate:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,  
*December 11, 1877.*

*Resolved*, That the President be respectfully requested to inform the Senate, with the view to the transaction of its executive business, whether in any of the instances of nominations hitherto sent to the Senate stated to be for appointment in place of officers removed such removals had been made at the time of sending such nominations to the Senate.

In reply I would respectfully inform the Senate that in the instances referred to removals had not been made at the time the nominations were sent to the Senate. The form used for such nominations was one found to have been in existence and heretofore used in some of the Departments, and was intended to inform the Senate that if the nomination proposed were approved it would operate to remove an incumbent whose name was indicated.

R. B. HAYES.

EXECUTIVE MANSION, *January 17, 1878.*

*To the Senate of the United States:*

In response to the resolution of the Senate of the 13th November last, calling for information concerning the cause, numbers engaged, number of lives lost, and probable cost of the late so-called Nez Percé War, I have the honor to submit the accompanying communication from the General of the Army and an extract from the annual report of that officer. Upon the subject of the cost of the Nez Percé War, I submit reports from the Quartermaster-General and the Commissary-General of Subsistence.

R. B. HAYES.

WASHINGTON, *January 18, 1878.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship and commerce between the United States and the Government of the Samoan Islands, signed on the 17th instant.

R. B. HAYES.

EXECUTIVE MANSION, *January 18, 1878.**To the Senate of the United States:*

In answer to the resolution of the Senate of December 6, 1877, I inclose a report made to me by the Attorney-General, the results of which seem to be correct, and which affords the information\* requested.

R. B. HAYES.

[A similar message was sent to the House of Representatives, in answer to a resolution of that body of November 27, 1877.]

EXECUTIVE MANSION, *January 23, 1878.**To the Senate of the United States:*

In answer to the resolution of the Senate of November 16, 1877, I transmit reports† made to me by the Attorney-General and the Secretary of the Navy.

R. B. HAYES.

EXECUTIVE MANSION, *January 29, 1878.**To the Senate of the United States:*

In response to a resolution of the Senate of the 10th ultimo, I transmit herewith copies of reports‡ of the Commissioners of Indian Affairs and General Land Office, dated 9th and 21st instant, respectively.

—R. B. HAYES.

EXECUTIVE MANSION, *February 4, 1878.**To the Senate and House of Representatives:*

The commission appointed under the act of Congress approved March 3, 1873, entitled "An act to authorize inquiries into the causes of steam-boiler explosions," have addressed a report of progress, made to date thereof, to the Secretaries of the Treasury and Navy Departments, which has been transmitted to me by these officers. The commission also present a copy of a report dated February 27, 1877, which they say "was mislaid and did not reach the President." These reports are respectfully submitted for the information of Congress.

R. B. HAYES.

*To the Senate:*WASHINGTON, *February 6, 1878.*

I transmit herewith, in compliance with a resolution of the Senate of the 6th of December last, a report from the Secretary of State and its accompanying papers.§

R. B. HAYES.

\* Operation of the Union Pacific Railroad and its branches.

† Relating to the seizure of logs, lumber, and naval stores suspected or having been taken from the public lands.

‡ Relating to payments to the Ute Indians under the fourth article of the agreement of September 13, 1873, and to the occupancy of lands ceded by said Indians.

§ Correspondence relative to the Franco-German War.

EXECUTIVE MANSION, *February 11, 1878.*

*To the Senate and House of Representatives:*

In compliance with the resolution of Congress entitled "Joint resolution accepting a painting\* tendered to Congress by Mrs. Elizabeth Thompson," approved by me on the 1st instant, I have this day caused a copy of the resolution to be delivered to Mrs. Thompson.

R. B. HAYES.

EXECUTIVE MANSION, *February 20, 1878.*

*To the Senate of the United States:*

In response to the resolution of the Senate of January 30, 1878, I transmit herewith a report,† dated the 16th instant, from the Commissioner of Indian Affairs.

R. B. HAYES.

EXECUTIVE MANSION, *February 20, 1878.*

*To the Senate of the United States:*

In answer to the resolution of the Senate dated December 7, 1877, I transmit herewith reports from the General of the Army, the Quartermaster-General, the Commissary-General of Subsistence, and the Chief of Ordnance, showing what has been the cost (estimated) of the late war with the Sioux Indians, and what the casualties of rank and file among the soldiers engaged in said Sioux War.

R. B. HAYES.

EXECUTIVE MANSION, *February 27, 1878.*

*To the Senate of the United States:*

I transmit herewith, for the information of the Senate, the reply of the Commissioner of Agriculture to a resolution of the Senate of the 20th instant, "relative to the disease prevailing among swine," etc.

R. B. HAYES.

WASHINGTON, *March 21, 1878.*

*To the Senate:*

In answer to the resolution of the Senate of the 11th of March instant, I herewith transmit a report from the Secretary of State, with accompanying documents.‡

R. B. HAYES.

\*Carpenter's painting of President Lincoln and his Cabinet at the time of his first reading of the Proclamation of Emancipation.

†Relating to the survey of lands in the Indian Territory, etc.

‡Correspondence relative to the appointment of a third commissioner under the twenty-third article of the treaty with Great Britain of May 8, 1871, on the question of the fisheries.



EXECUTIVE MANSION, *March 25, 1878.**To the Senate of the United States:*

In further answer to the resolution of the Senate of December 7, 1877, as to the cost of the Sioux War, I transmit copies of additional reports on the subject received from the Military Division of the Missouri.

R. B. HAYES.

WASHINGTON, D. C., *March 27, 1878.**To the Senate of the United States:*

In answer to the Senate's resolution of the 14th ultimo, requesting to be furnished with a copy of correspondence between the Government of the United States and that of China respecting the "Ward" claims and the claim of Charles E. Hill, I herewith submit a letter from the Secretary of State, together with its accompanying papers.

R. B. HAYES.

WASHINGTON, *March 29, 1878.**To the House of Representatives:*

I transmit herewith, in compliance with a resolution of the House of Representatives of the 21st ultimo, a report from the Secretary of State and its accompanying papers.\*

R. B. HAYES.

EXECUTIVE MANSION, *May 2, 1878.**To the Senate of the United States:*

In answer to the resolution of the Senate of April 16, 1878, I transmit herewith reports† made to me by the Secretary of the Treasury and the Attorney-General.

R. B. HAYES.

WASHINGTON, *May 10, 1878.**To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention defining the rights, immunities, and privileges of consular officers, between the United States and His Majesty the King of Italy, signed on the 8th instant.

R. B. HAYES.

\* Correspondence with Spain relative to the seizure of the steamer *Virginus*, etc.

† Relating to the defalcations of William R. Whitaker while collector of internal revenue for the first district of Louisiana and while assistant treasurer of the United States at New Orleans.

WASHINGTON, *May 14, 1878.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 29th ultimo, I transmit herewith a report from the Secretary of State, with its accompanying papers.\*

R. B. HAYES.

EXECUTIVE MANSION, *May 17, 1878.*

*To the Senate and House of Representatives:*

I herewith transmit, for your appropriate action, a communication from the Secretary of State, on the subject of the result of the deliberations of the Fishery Commission appointed under certain provisions of the treaty of Washington, with the accompanying documents.

Article XXII of the treaty provides that any sum of money which the commissioners may award shall be paid by the United States Government in a gross sum within twelve months after such award shall have been given.

The commission announced the result of its deliberations on the 23d day of November last year, and an appropriation at the present session of Congress will be necessary to enable the Government to make the payment provided for in the treaty.

I respectfully submit to the consideration of Congress the record of the transaction as presented upon the papers, ~~and~~ recommend an appropriation of the necessary sum, with such discretion to the executive government in regard to its payment as in the wisdom of Congress the public interests may seem to require.

R. B. HAYES.

WASHINGTON, *May 25, 1878.*

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to its ratification, a consular convention between the United States and the Netherlands, signed on the 23d instant.

R. B. HAYES.

WASHINGTON, *June 11, 1878.*

*To the House of Representatives:*

In answer to a resolution of the House of Representatives of the 27th May ultimo, I transmit the response of the Secretary of State, accompanied by a copy of the papers† called for by the resolution.

R. B. HAYES.

\*Correspondence relative to the terms and conditions under which the Cuban insurgents surrendered and to the policy of Spain in the government of Cuba.

†Relating to the convention of May 20, 1875, for the establishment of an international bureau of weights and measures.

EXECUTIVE MANSION, *June 12, 1878.**To the Senate and House of Representatives:*

In transmitting herewith to Congress a communication from the Secretary of State on the subject of the conference provided for in the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," I respectfully recommend that an adequate appropriation be made for certain expenses of the conference and of the commissioners attending the same on behalf of the United States, as suggested in the communication of the Secretary of State.

R. B. HAYES.

EXECUTIVE MANSION, *June 15, 1878.**To the House of Representatives:*

I have the honor to transmit herewith the report of the board for testing iron, steel, and other metals, as requested in the resolution of the House of Representatives dated April 27, 1878.

R. B. HAYES.

*To the Senate:*WASHINGTON, *June 17, 1878.*

In answer to the resolution of the Senate of the 27th of May ultimo, I herewith transmit a report from the Secretary of State, with accompanying documents.\*

R. B. HAYES.

## VETO MESSAGES.

EXECUTIVE MANSION, *February 28, 1878.**To the House of Representatives:*

After a very careful consideration of the House bill No. 1093, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," I feel compelled to return it to the House of Representatives, in which it originated, with my objections to its passage.

Holding the opinion, which I expressed in my annual message, that "neither the interests of the Government nor of the people of the United States would be promoted by disparaging silver as one of the two precious metals which furnish the coinage of the world, and that legislation which looks to maintaining the volume of intrinsic money to as full a measure of both metals as their relative commercial values will permit would be neither unjust nor inexpedient," it has been my earnest desire

\* Correspondence, etc., relative to the selection of M. Maurice Delfosse as one of the commissioners under the treaty with Great Britain of May 8, 1871, on the fisheries question.

to concur with Congress in the adoption of such measures to increase the silver coinage of the country as would not impair the obligation of contracts, either public or private, nor injuriously affect the public credit. It is only upon the conviction that this bill does not meet these essential requirements that I feel it my duty to withhold from it my approval.

My present official duty as to this bill permits only an attention to the specific objections to its passage which seem to me so important as to justify me in asking from the wisdom and duty of Congress that further consideration of the bill for which the Constitution has in such cases provided.

The bill provides for the coinage of silver dollars of the weight of  $412\frac{1}{2}$  grains each, of standard silver, to be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract. It is well known that the market value of that number of grains of standard silver during the past year has been from 90 to 92 cents as compared with the standard gold dollar. Thus the silver dollar authorized by this bill is worth 8 to 10 per cent less than it purports to be worth, and is made a legal tender for debts contracted when the law did not recognize such coins as lawful money.

The right to pay duties in silver or in certificates for silver deposits will, when they are issued in sufficient amount to circulate, put an end to the receipt of revenue in gold, and thus compel the payment of silver for both the principal and interest of the public debt. One billion one hundred and forty-three million four hundred and ninety-three thousand four hundred dollars of the bonded debt now outstanding was issued prior to February, 1873, when the silver dollar was unknown in circulation in this country, and was only a convenient form of silver bullion for exportation; \$583,440,350 of the funded debt has been issued since February, 1873, when gold alone was the coin for which the bonds were sold, and gold alone was the coin in which both parties to the contract understood that the bonds would be paid. These bonds entered into the markets of the world. They were paid for in gold when silver had greatly depreciated, and when no one would have bought them if it had been understood that they would be paid in silver. The sum of \$225,000,000 of these bonds has been sold during my Administration for gold coin, and the United States received the benefit of these sales by a reduction of the rate of interest to 4 per cent. During the progress of these sales a doubt was suggested as to the coin in which payment of these bonds would be made. The public announcement was thereupon authorized that it was "not to be anticipated that any future legislation of Congress or any action of any department of the Government would sanction or tolerate the redemption of the principal of these bonds or the payment of the interest thereon in coin of less value than the coin authorized by law at the time of the issue of the bonds, being the coin exacted by the Government in exchange for the same." In view of these facts it will be

justly regarded as a grave breach of the public faith to undertake to pay these bonds, principal or interest, in silver coin worth in the market less than the coin received for them.

It is said that the silver dollar made a legal tender by this bill will under its operation be equivalent in value to the gold dollar. Many supporters of the bill believe this, and would not justify an attempt to pay debts, either public or private, in coin of inferior value to the money of the world. The capital defect of the bill is that it contains no provision protecting from its operation preexisting debts in case the coinage which it creates shall continue to be of less value than that which was the sole legal tender when they were contracted. If it is now proposed, for the purpose of taking advantage of the depreciation of silver in the payment of debts, to coin and make a legal tender a silver dollar of less commercial value than any dollar, whether of gold or paper, which is now lawful money in this country, such measure, it will hardly be questioned, will, in the judgment of mankind, be an act of bad faith. As to all debts heretofore contracted, the silver dollar should be made a legal tender only at its market value. The standard of value should not be changed without the consent of both parties to the contract. National promises should be kept with unflinching fidelity. There is no power to compel a nation to pay its just debts. Its credit depends on its honor. The nation owes what it has led or allowed its creditors to expect. I can not approve a bill which in my judgment authorizes the violation of sacred obligations. The obligation of the public faith transcends all questions of profit or public advantage. Its unquestionable maintenance is the dictate as well of the highest expediency as of the most necessary duty, and should ever be carefully guarded by the Executive, by Congress, and by the people.

It is my firm conviction that if the country is to be benefited by a silver coinage it can be done only by the issue of silver dollars of full value, which will defraud no man. A currency worth less than it purports to be worth will in the end defraud not only creditors, but all who are engaged in legitimate business, and none more surely than those who are dependent on their daily labor for their daily bread.

R. B. HAYES.

EXECUTIVE MANSION, *March 6, 1878.*

*To the House of Representatives:*

I return herewith House bill No. 3072, entitled "An act to authorize a special term of the circuit court of the United States for the southern district of Mississippi to be held at Scranton, in Jackson County," with the following objections to its becoming a law:

The act provides that a special term of the circuit court of the United States for the southern district of Mississippi shall be held at Scranton,

in Jackson County, Miss., to begin on the second Monday in March, 1878, and directs the clerk of said court to "cause notice of said special term of said court to be published in a newspaper in Jackson, Miss., and also in a newspaper in Scranton, at least ten days before the beginning thereof."

The act can not be executed, inasmuch as there is not sufficient time to give the notice of the holding of the special term which Congress thought proper to require.

The number of suits to be tried at the special term in which the United States is interested is forty-nine, and the amount involved exceeds \$200,000. The Government can not prepare for trial at said special term, because no fund appropriated by Congress can be made available for that purpose. If, therefore, the Government is compelled to go to trial at the special term provided for by this bill, the United States must be defeated for want of time and means to make preparation for the proper vindication of its rights.

The bill is therefore returned for the further consideration of Congress.

R. B. HAYES.

## PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Whereas it is provided in the laws of the United States that whenever, by reason of unlawful obstructions, combinations or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce by the ordinary course of judicial proceedings the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed or the execution thereof forcibly obstructed; and

Whereas it has been made to appear to me that, by reason of unlawful combinations and assemblages of persons in arms, it has become impracticable to enforce by the ordinary course of judicial proceedings the laws of the United States within the Territory of New Mexico, and especially within Lincoln County therein, and that the laws of the United States have been therein forcibly opposed and the execution thereof forcibly resisted; and

Whereas the laws of the United States require that whenever it may

be necessary, in the judgment of the President, to use the military force for the purpose of enforcing the faithful execution of the laws of the United States, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time:

Now, therefore, I, Rutherford B. Hayes, President of the United States, do hereby admonish all good citizens of the United States, and especially of the Territory of New Mexico, against aiding, countenancing, abetting, or taking part in any such unlawful proceedings; and I do hereby warn all persons engaged in or connected with said obstruction of the laws to disperse and retire peaceably to their respective abodes on or before noon of the 13th day of October instant.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 7th day of October, A. D. 1878, and of the Independence of the United States the one hundred and third.

R. B. HAYES.

By the President:

F. W. SEWARD, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The recurrence of that season at which it is the habit of our people to make devout and public confession of their constant dependence upon the divine favor for all the good gifts of life and happiness and of public peace and prosperity exhibits in the record of the year abundant reasons for our gratitude and thanksgiving.

Exuberant harvests, productive mines, ample crops of the staples of trade and manufactures, have enriched the country.

The resources thus furnished to our reviving industry and expanding commerce are hastening the day when discords and distresses through the length and breadth of the land will, under the continued favor of Providence, have given way to confidence and energy and assured prosperity.

Peace with all nations has been maintained unbroken, domestic tranquillity has prevailed, and the institutions of liberty and justice which the wisdom and virtue of our fathers established remain the glory and defense of their children.

The general prevalence of the blessings of health through our wide land has made more conspicuous the sufferings and sorrows which the dark shadow of pestilence has cast upon a portion of our people. This heavy affliction even the Divine Ruler has tempered to the suffering communities in the universal sympathy and succor which have flowed to

their relief, and the whole nation may rejoice in the unity of spirit in our people by which they cheerfully share one another's burdens.

Now, therefore, I, Rutherford B. Hayes, President of the United States, do appoint Thursday, the 28th day of November next, as a day of national thanksgiving and prayer; and I earnestly recommend that, withdrawing themselves from secular cares and labors, the people of the United States do meet together on that day in their respective places of worship, there to give thanks and praise to Almighty God for His mercies and to devoutly beseech their continuance.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 30th day of October, A. D. 1878, and of the Independence of the United States the one hundred and third.

R. B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State*.

## EXECUTIVE ORDERS.

EXECUTIVE MANSION,  
*Washington, December 31, 1877.*

JAMES H. COGGESHALL, Esq.,  
*Marshal of the United States for the  
District of Rhode Island, Providence, R. I.*

SIR: By virtue of the authority conferred upon me by section 5287 of the Revised Statutes of the United States, and in execution of the same, you are hereby empowered and directed to take possession of the steamer *Estelle*, now or lately lying at Bristol, in Rhode Island, and to detain the same until further orders from me concerning the same, and to employ such portion of the land and naval forces of the United States as may be necessary for that purpose.

R. B. HAYES.

EXECUTIVE MANSION,  
*Washington, May 27, 1878.*

SIR:\* I am directed by the President to say that the several Departments of the Government will be closed on Thursday, the 30th instant, in respect to the memory of those who fell in defense of the Union, and to enable the employees to participate in the commemorative ceremonies of the day.

Very respectfully, your obedient servant,

W. K. ROGERS, *Private Secretary*.

\* Addressed to the heads of the Executive Departments, etc.



## SECOND ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 2, 1878.**Fellow-Citizens of the Senate and House of Representatives:*

Our heartfelt gratitude is due to the Divine Being who holds in His hands the destinies of nations for the continued bestowal during the last year of countless blessings upon our country.

We are at peace with all other nations. Our public credit has greatly improved, and is perhaps now stronger than ever before. Abundant harvests have rewarded the labors of those who till the soil, our manufacturing industries are reviving, and it is believed that general prosperity, which has been so long anxiously looked for, is at last within our reach.

The enjoyment of health by our people generally has, however, been interrupted during the past season by the prevalence of a fatal pestilence (the yellow fever) in some portions of the Southern States, creating an emergency which called for prompt and extraordinary measures of relief. The disease appeared as an epidemic at New Orleans and at other places on the Lower Mississippi soon after midsummer. It was rapidly spread by fugitives from the infected cities and towns, and did not disappear until early in November. The States of Louisiana, Mississippi, and Tennessee have suffered severely. About 100,000 cases are believed to have occurred, of which about 20,000, according to intelligent estimates, proved fatal. It is impossible to estimate with any approach to accuracy the loss to the country occasioned by this epidemic. It is to be reckoned by the hundred millions of dollars. The suffering and destitution that resulted excited the deepest sympathy in all parts of the Union. Physicians and nurses hastened from every quarter to the assistance of the afflicted communities. Voluntary contributions of money and supplies, in every needed form, were speedily and generously furnished. The Government was able to respond in some measure to the call for help, by providing tents, medicines, and food for the sick and destitute, the requisite directions for the purpose being given in the confident expectation that this action of the Executive would receive the sanction of Congress. About 1,800 tents, and rations of the value of about \$25,000, were sent to cities and towns which applied for them, full details of which will be furnished to Congress by the proper Department.

The fearful spread of this pestilence has awakened a very general public sentiment in favor of national sanitary administration, which shall not only control quarantine, but have the sanitary supervision of internal commerce in times of epidemics, and hold an advisory relation to the State and municipal health authorities, with power to deal with whatever endangers the public health, and which the municipal and

State authorities are unable to regulate. The national quarantine act approved April 29, 1878, which was passed too late in the last session of Congress to provide the means for carrying it into practical operation during the past season, is a step in the direction here indicated. In view of the necessity for the most effective measures, by quarantine and otherwise, for the protection of our seaports and the country generally from this and other epidemics, it is recommended that Congress give to the whole subject early and careful consideration.

The permanent pacification of the country by the complete protection of all citizens in every civil and political right continues to be of paramount interest with the great body of our people. Every step in this direction is welcomed with public approval, and every interruption of steady and uniform progress to the desired consummation awakens general uneasiness and widespread condemnation. The recent Congressional elections have furnished a direct and trustworthy test of the advance thus far made in the practical establishment of the right of suffrage secured by the Constitution to the liberated race in the Southern States. All disturbing influences, real or imaginary, had been removed from all of these States.

The three constitutional amendments which conferred freedom and equality of civil and political rights upon the colored people of the South were adopted by the concurrent action of the great body of good citizens who maintained the authority of the National Government and the integrity and perpetuity of the Union at such a cost of treasure and life, as a wise and necessary embodiment in the organic law of the just results of the war. The people of the former slaveholding States accepted these results, and gave in every practicable form assurances that the thirteenth, fourteenth, and fifteenth amendments, and laws passed in pursuance thereof, should in good faith be enforced, rigidly and impartially, in letter and spirit, to the end that the humblest citizen, without distinction of race or color, should under them receive full and equal protection in person and property and in political rights and privileges. By these constitutional amendments the southern section of the Union obtained a large increase of political power in Congress and in the electoral college, and the country justly expected that elections would proceed, as to the enfranchised race, upon the same circumstances of legal and constitutional freedom and protection which obtained in all the other States of the Union. The friends of law and order looked forward to the conduct of these elections as offering to the general judgment of the country an important opportunity to measure the degree in which the right of suffrage could be exercised by the colored people and would be respected by their fellow-citizens; but a more general enjoyment of freedom of suffrage by the colored people and a more just and generous protection of that freedom by the communities of which they form a part were generally anticipated than the record of the elections discloses. In some of

those States in which the colored people have been unable to make their opinions felt in the elections the result is mainly due to influences not easily measured or remedied by legal protection; but in the States of Louisiana and South Carolina at large, and in some particular Congressional districts outside of those States, the records of the elections seem to compel the conclusion that the rights of the colored voters have been overridden and their participation in the elections not permitted to be either general or free. —

It will be for the Congress for which these elections were held to make such examinations into their conduct as may be appropriate to determine the validity of the claims of members to their seats. In the meanwhile it becomes the duty of the executive and judicial departments of the Government, each in its province, to inquire into and punish violations of the laws of the United States which have occurred. I can but repeat what I said in this connection in my last message, that whatever authority rests with me to this end I shall not hesitate to put forth; and I am unwilling to forego a renewed appeal to the legislatures, the courts, the executive authorities, and the people of the States where these wrongs have been perpetrated to give their assistance toward bringing to justice the offenders and preventing a repetition of the crimes. No means within my power will be spared to obtain a full and fair investigation of the alleged crimes and to secure the conviction and just punishment of the guilty.

It is to be observed that the principal appropriation made for the Department of Justice at the last session contained the following clause:

And for defraying the expenses which may be incurred in the enforcement of the act approved February 28, 1871, entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes,'" or any acts amendatory thereof or supplementary thereto.

It is the opinion of the Attorney-General that the expenses of these proceedings will largely exceed the amount which was thus provided, and I rely confidently upon Congress to make adequate appropriations to enable the executive department to enforce the laws.

I respectfully urge upon your attention that the Congressional elections, in every district, in a very important sense, are justly a matter of political interest and concern throughout the whole country. Each State, every political party, is entitled to the share of power which is conferred by the legal and constitutional suffrage. It is the right of every citizen possessing the qualifications prescribed by law to cast one unintimidated ballot and to have his ballot honestly counted. So long as the exercise of this power and the enjoyment of this right are common and equal, practically as well as formally, submission to the results of the suffrage will be accorded loyally and cheerfully, and all the departments of Government will feel the true vigor of the popular will thus expressed.

No temporary or administrative interests of Government, however urgent or weighty, will ever displace the zeal of our people in defense of the primary rights of citizenship. They understand that the protection of liberty requires the maintenance in full vigor of the manly methods of free speech, free press, and free suffrage, and will sustain the full authority of Government to enforce the laws which are framed to preserve these inestimable rights. The material progress and welfare of the States depend on the protection afforded to their citizens. There can be no peace without such protection, no prosperity without peace, and the whole country is deeply interested in the growth and prosperity of all its parts.

While the country has not yet reached complete unity of feeling and reciprocal confidence between the communities so lately and so seriously estranged, I feel an absolute assurance that the tendencies are in that direction, and with increasing force. The power of public opinion will override all political prejudices and all sectional or State attachments in demanding that all over our wide territory the name and character of citizen of the United States shall mean one and the same thing and carry with them unchallenged security and respect.

Our relations with other countries continue peaceful. Our neutrality in contests between foreign powers has been maintained and respected.

The Universal Exposition held at Paris during the past summer has been attended by large numbers of our citizens. The brief period allowed for the preparation and arrangement of the contributions of our citizens to this great exposition was well employed in energetic and judicious efforts to overcome this disadvantage. These efforts, led and directed by the commissioner-general, were remarkably successful, and the exhibition of the products of American industry was creditable and gratifying in scope and character. The reports of the United States commissioners, giving its results in detail, will be duly laid before you. Our participation in this international competition for the favor and the trade of the world may be expected to produce useful and important results—in promoting intercourse, friendship, and commerce with other nations.

In accordance with the provisions of the act of February 28, 1878, three commissioners were appointed to an international conference on the subject of adopting a common ratio between gold and silver, for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between those metals.

Invitations were addressed to the various governments which had expressed a willingness to participate in its deliberations. The conference held its meetings in Paris in August last. The report of the commissioners, herewith submitted, will show its results. No common ratio between gold and silver could be agreed upon by the conference. The general conclusion was reached that it is necessary to maintain in the world the monetary functions of silver as well as of gold, leaving the

selection of the use of one or the other of these two metals, or of both, to be made by each state.

Congress having appropriated at its last session the sum of \$5,500,000 to pay the award of the joint commission at Halifax, if, after correspondence with the British Government on the subject of the conformity of the award to the requirements of the treaty and to the terms of the question thereby submitted to the commission, the President shall deem it his duty to make the payment, communications upon these points were addressed to the British Government through the legation of the United States at London. Failing to obtain the concurrence of the British Government in the views of this Government respecting the award, I have deemed it my duty to tender the sum named within the year fixed by the treaty, accompanied by a notice of the grounds of the payment and a protest against any other construction of the same. The correspondence upon this subject will be laid before you.

The Spanish Government has officially announced the termination of the insurrection in Cuba and the restoration of peace throughout that island. Confident expectations are expressed of a revival of trade and prosperity, which it is earnestly hoped may prove well founded. Numerous claims of American citizens for relief for injuries or restoration of property have been among the incidents of the long-continued hostilities. Some of these claims are in process of adjustment by Spain, and the others are promised early and careful consideration.

The treaty made with Italy in regard to reciprocal consular privileges has been duly ratified and proclaimed.

No questions of grave importance have arisen with any other of the European powers.

The Japanese Government has been desirous of a revision of such parts of its treaties with foreign powers as relate to commerce, and it is understood has addressed to each of the treaty powers a request to open negotiations with that view. The United States Government has been inclined to regard the matter favorably. Whatever restrictions upon trade with Japan are found injurious to that people can not but affect injuriously nations holding commercial intercourse with them. Japan, after a long period of seclusion, has within the past few years made rapid strides in the path of enlightenment and progress, and, not unreasonably, is looking forward to the time when her relations with the nations of Europe and America shall be assimilated to those which they hold with each other. A treaty looking to this end has been made, which will be submitted for the consideration of the Senate.

After an interval of several years the Chinese Government has again sent envoys to the United States. They have been received, and a permanent legation is now established here by that Government. It is not doubted that this step will be of advantage to both nations in promoting friendly relations and removing causes of difference.

The treaty with the Samoan Islands, having been duly ratified and accepted on the part of both Governments, is now in operation, and a survey and soundings of the harbor of Pago-Pago have been made by a naval vessel of the United States, with a view of its occupation as a naval station if found desirable to the service.

Since the resumption of diplomatic relations with Mexico correspondence has been opened and still continues between the two Governments upon the various questions which at one time seemed to endanger their relations. While no formal agreement has been reached as to the troubles on the border, much has been done to repress and diminish them. The effective force of United States troops on the Rio Grande, by a strict and faithful compliance with instructions, has done much to remove the sources of dispute, and it is now understood that a like force of Mexican troops on the other side of the river is also making an energetic movement against the marauding Indian tribes. This Government looks with the greatest satisfaction upon every evidence of strength in the national authority of Mexico, and upon every effort put forth to prevent or to punish incursions upon our territory. Reluctant to assume any action or attitude in the control of these incursions by military movements across the border not imperatively demanded for the protection of the lives and property of our own citizens, I shall take the earliest opportunity consistent with the proper discharge of this plain duty to recognize the ability of the Mexican Government to restrain effectively violations of our territory. It is proposed ~~to hold~~ next year an international exhibition in Mexico, and it is believed that the display of the agricultural and manufacturing products of the two nations will tend to better understanding and increased commercial intercourse between their people.

With Brazil and the Republics of Central and South America some steps have been taken toward the development of closer commercial intercourse. Diplomatic relations have been resumed with Colombia and with Bolivia. A boundary question between the Argentine Republic and Paraguay has been submitted by those Governments for arbitration to the President of the United States, and I have, after careful examination, given a decision upon it.

A naval expedition up the Amazon and Madeira rivers has brought back information valuable both for scientific and commercial purposes. A like expedition is about visiting the coast of Africa and the Indian Ocean. The reports of diplomatic and consular officers in relation to the development of our foreign commerce have furnished many facts that have proved of public interest and have stimulated to practical exertion the enterprise of our people.

The report of the Secretary of the Treasury furnishes a detailed statement of the operations of that Department of the Government and of the condition of the public finances.

The ordinary revenues from all sources for the fiscal year ended June 30, 1878, were \$257,763,878.70; the ordinary expenditures for the same period were \$236,964,326.80, leaving a surplus revenue for the year of \$20,799,551.90. The receipts for the present fiscal year, ending June 30, 1879, actual and estimated, are as follows: Actual receipts for the first quarter, commencing July 1, 1878, \$73,389,743.43; estimated receipts for the remaining three quarters of the year, \$191,110,256.57; total receipts for the current fiscal year, actual and estimated, \$264,500,000. The expenditures for the same period will be, actual and estimated, as follows: For the quarter commencing July 1, 1878, actual expenditures, \$73,344,573.27; and for the remaining three quarters of the year the expenditures are estimated at \$166,755,426.73, making the total expenditures \$240,100,000, and leaving an estimated surplus revenue for the year ending June 30, 1879, of \$24,400,000. The total receipts during the next fiscal year, ending June 30, 1880, estimated according to existing laws, will be \$264,500,000, and the estimated ordinary expenditures for the same period will be \$236,320,412.68, leaving a surplus of \$28,179,587.32 for that year.

In the foregoing statements of expenditures, actual and estimated, no amount is allowed for the sinking fund provided for by the act approved February 25, 1862, which requires that 1 per cent of the entire debt of the United States shall be ~~purchased~~ or paid within each fiscal year, to be set apart as a sinking fund. There has been, however, a substantial compliance with the conditions of the law. By its terms the public debt should have been reduced between 1862 and the close of the last fiscal year \$518,361,806.28; the actual reduction of the ascertained debt in that period has been \$720,644,739.61, being in excess of the reduction required by the sinking fund act \$202,282,933.33.

The amount of the public debt, less cash in the Treasury, November 1, 1878, was \$2,024,200,083.18, a reduction since the same date last year of \$23,150,617.39.

The progress made during the last year in refunding the public debt at lower rates of interest is very gratifying. The amount of 4 per cent bonds sold during the present year prior to November 23, 1878, is \$100,270,900, and 6 per cent bonds, commonly known as five-twenties, to an equal amount, have been or will be redeemed as calls mature.

It has been the policy of the Department to place the 4 per cent bonds within easy reach of every citizen who desires to invest his savings, whether small or great, in these securities. The Secretary of the Treasury recommends that the law be so modified that small sums may be invested, and that through the post-offices or other agents of the Government the freest opportunity may be given in all parts of the country for such investments.

The best mode suggested is that the Department be authorized to issue certificates of deposit, of the denomination of \$10, bearing interest



at the rate of 3.65 per cent per annum and convertible at any time within one year after their issue into the 4 per cent bonds authorized by the refunding act, and to be issued only in exchange for United States notes sent to the Treasury by mail or otherwise. Such a provision of law, supported by suitable regulations, would enable any person readily, without cost or risk, to convert his money into an interest-bearing security of the United States, and the money so received could be applied to the redemption of 6 per cent bonds.

The coinage of gold during the last fiscal year was \$52,798,980. The coinage of silver dollars under the act passed February 28, 1878, amounted on the 23d of November, 1878, to \$19,814,550, of which amount \$4,984,947 are in circulation, and the balance, \$14,829,603, is still in the possession of the Government.

With views unchanged with regard to the act under which the coinage of silver proceeds, it has been the purpose of the Secretary faithfully to execute the law and to afford a fair trial to the measure.

In the present financial condition of the country I am persuaded that the welfare of legitimate business and industry of every description will be best promoted by abstaining from all attempts to make radical changes in the existing financial legislation. Let it be understood that during the coming year the business of the country will be undisturbed by governmental interference with the laws affecting it, and we may confidently expect that the resumption of specie payments, which will take place at the appointed time, will be successfully and easily maintained, and ~~that it~~ will be followed by a healthful and enduring revival of business prosperity.

Let the healing influence of time, the inherent energies of our people, and the boundless resources of our country have a fair opportunity, and relief from present difficulties will surely follow.

The report of the Secretary of War shows that the Army has been well and economically supplied; that our small force has been actively employed and has faithfully performed all the service required of it. The morale of the Army has improved and the number of desertions has materially decreased during the year.

The Secretary recommends—

1. That a pension be granted to the widow of the late Lieutenant Henry H. Benner, Eighteenth Infantry, who lost his life by yellow fever while in command of the steamer *J. M. Chambers*, sent with supplies for the relief of sufferers in the South from that disease.
2. The establishment of the annuity scheme for the benefit of the heirs of deceased officers, as suggested by the Paymaster-General.
3. The adoption by Congress of a plan for the publication of the records of the War of the Rebellion, now being prepared for that purpose.
4. The increase of the extra per diem of soldier teachers employed in post schools, and liberal appropriations for the erection of buildings for schools and libraries at the different posts.



5. The repeal or amendment of the act of June 18, 1878, forbidding the use of the Army "as a *posse comitatus*, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress."

6. The passage of a joint resolution of Congress legalizing the issues of rations, tents, and medicines which were made for the relief of sufferers from yellow fever.

7. That provision be made for the erection of a fireproof building for the preservation of certain valuable records, now constantly exposed to destruction by fire.

These recommendations are all commended to your favorable consideration.

The report of the Secretary of the Navy shows that the Navy has improved during the last fiscal year. Work has been done on seventy-five vessels, ten of which have been thoroughly repaired and made ready for sea. Two others are in rapid progress toward completion. The total expenditures of the year, including the amount appropriated for the deficiencies of the previous year, were \$17,468,392.65. The actual expenses chargeable to the year, exclusive of these deficiencies, were \$13,306,914.09, or \$767,199.18 less than those of the previous year, and \$4,928,677.74 less than the expenses including the deficiencies. The estimates for the fiscal year ending June 30, 1880, are \$14,562,381.45, exceeding the appropriations of the present year only \$33,949.75, which excess is occasioned by the demands of the Naval Academy and the Marine Corps, as explained in the Secretary's report. The appropriations for the present fiscal year are \$14,528,431.70, which, in the opinion of the Secretary, will be ample for all the current expenses of the Department during the year. The amount drawn from the Treasury from July 1 to November 1, 1878, is \$4,740,544.14, of which \$70,980.75 has been refunded, leaving as the expenditure for that period \$4,669,563.39, or \$520,899.24 less than the corresponding period of the last fiscal year.

The report of the Postmaster-General embraces a detailed statement of the operations of the Post-Office Department. The expenditures of that Department for the fiscal year ended June 30, 1878, were \$34,165,084.49. The receipts, including sales of stamps, money-order business, and official stamps, were \$29,277,516.95. The sum of \$290,436.90, included in the foregoing statement of expenditures, is chargeable to preceding years, so that the actual expenditures for the fiscal year ended June 30, 1878, are \$33,874,647.59. The amount drawn from the Treasury on appropriations, in addition to the revenues of the Department, was \$5,307,652.82. The expenditures for the fiscal year ending June 30, 1880, are estimated at \$36,571,900 and the receipts from all sources at \$30,664,023.90, leaving a deficiency to be appropriated out of the Treasury of \$5,907,876.10. The report calls attention to the fact that the compensation of postmasters

and of railroads for carrying the mail is regulated by law, and that the failure of Congress to appropriate the amounts required for these purposes does not relieve the Government of responsibility, but necessarily increases the deficiency bills which Congress will be called upon to pass.

In providing for the postal service the following questions are presented: Should Congress annually appropriate a sum for its expenses largely in excess of its revenues, or should such rates of postage be established as will make the Department self-sustaining? Should the postal service be reduced by excluding from the mails matter which does not pay its way? Should the number of post routes be diminished? Should other methods be adopted which will increase the revenues or diminish the expenses of the postal service?

The International Postal Congress which met at Paris May 1, 1878, and continued in session until June 4 of the same year, was composed of delegates from nearly all the civilized countries of the world. It adopted a new convention (to take the place of the treaty concluded at Berne October 9, 1874), which goes into effect on the 1st of April, 1879, between the countries whose delegates have signed it. It was ratified and approved, by and with the consent of the President, August 13, 1878. A synopsis of this Universal Postal Convention will be found in the report of the Postmaster-General, and the full text in the appendix thereto. In its origin the Postal Union comprised ~~twenty~~-three countries, having a population of 350,000,000 people. On the 1st of April next it will comprise forty-three countries and colonies, with a population of more than 650,000,000 people, and will soon, by the accession of the few remaining countries and colonies which maintain organized postal services, constitute in fact as well as in name, as its new title indicates, a universal union, regulating, upon a uniform basis of cheap postage rates, the postal intercourse between all civilized nations.

Some embarrassment has arisen out of the conflict between the customs laws of this country and the provisions of the Postal Convention in regard to the transmission of foreign books and newspapers to this country by mail. It is hoped that Congress will be able to devise some means of reconciling the difficulties which have thus been created, so as to do justice to all parties involved.

The business of the Supreme Court and of the courts in many of the circuits has increased to such an extent during the past year that additional legislation is imperative to relieve and prevent the delay of justice and possible oppression to suitors which is thus occasioned. The encumbered condition of these dockets is presented anew in the report of the Attorney-General, and the remedy suggested is earnestly urged for Congressional action. The creation of additional circuit judges, as proposed, would afford a complete remedy, and would involve an expense, at the present rate of salaries, of not more than \$60,000 a year.

The annual reports of the Secretary of the Interior and of the Commissioner of Indian Affairs present an elaborate account of the present condition of the Indian tribes and of that branch of the public service which ministers to their interests. While the conduct of the Indians generally has been orderly and their relations with their neighbors friendly and peaceable, two local disturbances have occurred, which were deplorable in their character, but remained, happily, confined to a comparatively small number of Indians. The discontent among the Bannocks, which led first to some acts of violence on the part of some members of the tribe and finally to the outbreak, appears to have been caused by an insufficiency of food on the reservation, and this insufficiency to have been owing to the inadequacy of the appropriations made by Congress to the wants of the Indians at a time when the Indians were prevented from supplying the deficiency by hunting. After an arduous pursuit by the troops of the United States, and several engagements, the hostile Indians were reduced to subjection, and the larger part of them surrendered themselves as prisoners. In this connection I desire to call attention to the recommendation made by the Secretary of the Interior, that a sufficient fund be placed at the disposal of the Executive, to be used, with proper accountability, at discretion, in sudden emergencies of the Indian service.

The other case of disturbance was that of a band of Northern Cheyennes, who suddenly left their reservation in the Indian Territory and marched rapidly through the States of Kansas and Nebraska in the direction of their old hunting grounds, committing murders and other crimes on their way. From documents accompanying the report of the Secretary of the Interior it appears that this disorderly band was as fully supplied with the necessities of life as the 4,700 other Indians who remained quietly on the reservation, and that the disturbance was caused by men of a restless and mischievous disposition among the Indians themselves. Almost the whole of this band have surrendered to the military authorities; and it is a gratifying fact that when some of them had taken refuge in the camp of the Red Cloud Sioux, with whom they had been in friendly relations, the Sioux held them as prisoners and readily gave them up to the officers of the United States, thus giving new proof of the loyal spirit which, alarming rumors to the contrary notwithstanding, they have uniformly shown ever since the wishes they expressed at the council of September, 1877, had been complied with.

Both the Secretary of the Interior and the Secretary of War unite in the recommendation that provision be made by Congress for the organization of a corps of mounted "Indian auxiliaries," to be under the control of the Army and to be used for the purpose of keeping the Indians on their reservations and preventing or repressing disturbance on their part. I earnestly concur in this recommendation. It is believed that the organization of such a body of Indian cavalry, receiving a moderate pay from the Government, would considerably weaken the restless

element among the Indians by withdrawing from it a number of young men and giving them congenial employment under the Government, it being a matter of experience that Indians in our service almost without exception are faithful in the performance of the duties assigned to them. Such an organization would materially aid the Army in the accomplishment of a task for which its numerical strength is sometimes found insufficient.

But while the employment of force for the prevention or repression of Indian troubles is of occasional necessity, and wise preparation should be made to that end, greater reliance must be placed on humane and civilizing agencies for the ultimate solution of what is called the Indian problem. It may be very difficult and require much patient effort to curb the unruly spirit of the savage Indian to the restraints of civilized life, but experience shows that it is not impossible. Many of the tribes which are now quiet and orderly and self-supporting were once as savage as any that at present roam over the plains or in the mountains of the far West, and were then considered inaccessible to civilizing influences. It may be impossible to raise them fully up to the level of the white population of the United States; but we should not forget that they are the aborigines of the country, and called the soil their own on which our people have grown rich, powerful, and happy. We owe it to them as a moral duty to help them in attaining at least that degree of civilization which they may be able to reach. It is not only our duty, it is also our interest to do so. Indians who have become agriculturists or herdsmen, and feel an interest in property, will thenceforth cease to be a warlike and disturbing element. It is also a well-authenticated fact that Indians are apt to be peaceable and quiet when their children are at school, and I am gratified to know, from the expressions of Indians themselves and from many concurring reports, that there is a steadily increasing desire, even among Indians belonging to comparatively wild tribes, to have their children educated. I invite attention to the reports of the Secretary of the Interior and the Commissioner of Indian Affairs touching the experiment recently inaugurated, in taking fifty Indian children, boys and girls, from different tribes, to the Hampton Normal Agricultural Institute in Virginia, where they are to receive an elementary English education and training in agriculture and other useful works, to be returned to their tribes, after the completed course, as interpreters, instructors, and examples. It is reported that the officer charged with the selection of those children might have had thousands of young Indians sent with him had it been possible to make provision for them. I agree with the Secretary of the Interior in saying that "the result of this interesting experiment, if favorable, may be destined to become an important factor in the advancement of civilization among the Indians."

The question whether a change in the control of the Indian service

should be made was at the last session of Congress referred to a committee for inquiry and report. Without desiring to anticipate that report, I venture to express the hope that in the decision of so important a question the views expressed above may not be lost sight of, and that the decision, whatever it may be, will arrest further agitation of this subject, such agitation being apt to produce a disturbing effect upon the service, as well as on the Indians themselves.

In the enrollment of the bill making appropriations for sundry civil expenses, at the last session of Congress, that portion which provided for the continuation of the Hot Springs Commission was omitted. As the commission had completed the work of taking testimony on the many conflicting claims, the suspension of their labors, before determining the rights of claimants, threatened for a time to embarrass the interests, not only of the Government, but also of a large number of the citizens of Hot Springs, who were waiting for final action on their claims before beginning contemplated improvements. In order to prevent serious difficulties, which were apprehended, and at the solicitation of many leading citizens of Hot Springs and others interested in the welfare of the town, the Secretary of the Interior was authorized to request the late commissioners to take charge of the records of their proceedings and to perform such work as could properly be done by them under such circumstances to facilitate the future adjudication of the claims at an early day and to preserve the status of the claimants until their rights should be finally determined. The late commissioners complied with that request, and report that the testimony in all the cases has been written out, examined, briefed, and so arranged as to facilitate an early settlement when authorized by law. It is recommended that the requisite authority be given at as early a day in the session as possible, and that a fair compensation be allowed the late commissioners for the expense incurred and the labor performed by them since the 25th of June last.

I invite the attention of Congress to the recommendations made by the Secretary of the Interior with regard to the preservation of the timber on the public lands of the United States. The protection of the public property is one of the first duties of the Government. The Department of the Interior should therefore be enabled by sufficient appropriations to enforce the laws in that respect. But this matter appears still more important as a question of public economy. The rapid destruction of our forests is an evil fraught with the gravest consequences, especially in the mountainous districts, where the rocky slopes, once denuded of their trees, will remain so forever. There the injury, once done, can not be repaired. I fully concur with the Secretary of the Interior in the opinion that for this reason legislation touching the public timber in the mountainous States and Territories of the West should be especially well considered, and that existing laws in which the destruction of the

forests is not sufficiently guarded against should be speedily modified. A general law concerning this important subject appears to me to be a matter of urgent public necessity.

From the organization of the Government the importance of encouraging by all possible means the increase of our agricultural productions has been acknowledged and urged upon the attention of Congress and the people as the surest and readiest means of increasing our substantial and enduring prosperity.

The words of Washington are as applicable to-day as when, in his eighth annual message, he said:

It will not be doubted that, with reference either to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse; and to what object can it be dedicated with greater propriety? Among the means which have been employed to this end none have been attended with greater success than the establishment of boards (composed of proper characters) charged with collecting and diffusing information, and enabled by premiums and small pecuniary aids to encourage and assist a spirit of discovery and improvement. This species of establishment contributes doubly to the increase of improvement, by stimulating to enterprise and experiment, and by drawing to a common center the results everywhere of individual skill and observation and spreading them thence over the whole nation. Experience accordingly hath shewn that they are very cheap instruments of immense national benefits.

The preponderance of the agricultural over any other interest in the United States entitles it to all the consideration claimed for it by Washington. About one-half of the population of the United States is engaged in agriculture. The value of the agricultural products of the United States for the year 1878 is estimated at \$3,000,000,000. The exports of agricultural products for the year 1877, as appears from the report of the Bureau of Statistics, were \$524,000,000. The great extent of our country, with its diversity of soil and climate, enables us to produce within our own borders and by our own labor not only the necessities, but most of the luxuries, that are consumed in civilized countries. Yet, notwithstanding our advantages of soil, climate, and intercommunication, it appears from the statistical statements in the report of the Commissioner of Agriculture that we import annually from foreign lands many millions of dollars worth of agricultural products which could be raised in our own country.

Numerous questions arise in the practice of advanced agriculture which can only be answered by experiments, often costly and sometimes fruitless, which are beyond the means of private individuals and are a just and proper charge on the whole nation for the benefit of the nation. It is good policy, especially in times of depression and uncertainty in other business pursuits, with a vast area of uncultivated, and hence unproductive, territory, wisely opened to homestead settlement, to encourage by

every proper and legitimate means the occupation and tillage of the soil. The efforts of the Department of Agriculture to stimulate old and introduce new agricultural industries, to improve the quality and increase the quantity of our products, to determine the value of old or establish the importance of new methods of culture, are worthy of your careful and favorable consideration, and assistance by such appropriations of money and enlargement of facilities as may seem to be demanded by the present favorable conditions for the growth and rapid development of this important interest.

The abuse of animals in transit is widely attracting public attention. A national convention of societies specially interested in the subject has recently met at Baltimore, and the facts developed, both in regard to cruelties to animals and the effect of such cruelties upon the public health, would seem to demand the careful consideration of Congress and the enactment of more efficient laws for the prevention of these abuses.

The report of the Commissioner of the Bureau of Education shows very gratifying progress throughout the country in all the interests committed to the care of this important office. The report is especially encouraging with respect to the extension of the advantages of the common-school system in sections of the country where the general enjoyment of the privilege of free schools is not yet attained.

To education more than to any other agency we are to look as the resource for the advancement of the people in the requisite knowledge and appreciation of their rights and responsibilities as citizens, and I desire to repeat the suggestion contained in my former message in behalf of the enactment of appropriate measures by Congress for the purpose of supplementing with national aid the local systems of education in the several States.

Adequate accommodations for the great library, which is overgrowing the capacity of the rooms now occupied at the Capitol, should be provided without further delay. This invaluable collection of books, manuscripts, and illustrative art has grown to such proportions, in connection with the copyright system of the country, as to demand the prompt and careful attention of Congress to save it from injury in its present crowded and insufficient quarters. As this library is national in its character, and must from the nature of the case increase even more rapidly in the future than in the past, it can not be doubted that the people will sanction any wise expenditure to preserve it and to enlarge its usefulness.

The appeal of the Regents of the Smithsonian Institution for the means to organize, exhibit, and make available for the public benefit the articles now stored away belonging to the National Museum I heartily recommend to your favorable consideration.

The attention of Congress is again invited to the condition of the river front of the city of Washington. It is a matter of vital importance to the health of the residents of the national capital, both temporary and

permanent, that the lowlands in front of the city, now subject to tidal overflow, should be reclaimed. In their present condition these flats obstruct the drainage of the city and are a dangerous source of malarial poison. The reclamation will improve the navigation of the river by restricting, and consequently deepening, its channel, and is also of importance when considered in connection with the extension of the public ground and the enlargement of the park west and south of the Washington Monument. The report of the board of survey, heretofore ordered by act of Congress, on the improvement of the harbor of Washington and Georgetown, is respectfully commended to consideration.

The report of the Commissioners of the District of Columbia presents a detailed statement of the affairs of the District.

The relative expenditures by the United States and the District for local purposes is contrasted, showing that the expenditures by the people of the District greatly exceed those of the General Government. The exhibit is made in connection with estimates for the requisite repair of the defective pavements and sewers of the city, which is a work of immediate necessity; and in the same connection a plan is presented for the permanent funding of the outstanding securities of the District.

The benevolent, reformatory, and penal institutions of the District are all entitled to the favorable attention of Congress. The Reform School needs additional buildings and teachers. Appropriations which will place all of these institutions in a condition to become models of usefulness and beneficence will be regarded by the country as liberality wisely bestowed.

The Commissioners, with evident justice, request attention to the discrimination made by Congress against the District in the donation of land for the support of the public schools, and ask that the same liberality that has been shown to the inhabitants of the various States and Territories of the United States may be extended to the District of Columbia.

The Commissioners also invite attention to the damage inflicted upon public and private interests by the present location of the depots and switching tracks of the several railroads entering the city, and ask for legislation looking to their removal. The recommendations and suggestions contained in the report will, I trust, receive the careful consideration of Congress.

Sufficient time has, perhaps, not elapsed since the reorganization of the government of the District under the recent legislation of Congress for the expression of a confident opinion as to its successful operation, but the practical results already attained are so satisfactory that the friends of the new government may well urge upon Congress the wisdom of its continuance, without essential modification, until by actual experience its advantages and defects may be more fully ascertained.

R. B. HAYES.



## SPECIAL MESSAGES.

WASHINGTON, *December 4, 1878.**To the Senate of the United States:*

I transmit, for the consideration of the Senate with a view to ratification, a declaration respecting trade-marks between the United States and Brazil, concluded and signed at Rio de Janeiro on the 24th day of September last.

R. B. HAYES.

WASHINGTON, *December 4, 1878.**To the Senate of the United States:*

I transmit, for the consideration of the Senate with a view to ratification, a convention revising certain portions of existing commercial treaties and further extending commercial intercourse between the United States and Japan, concluded and signed at Washington on the 25th day of July last.

R. B. HAYES.

WASHINGTON, *December 9, 1878.**To the Senate of the United States:*

I transmit herewith a report from the Secretary of State, together with the copies of papers\* therein referred to, in compliance with the resolution of the Senate of the 27th of May last.

R. B. HAYES.

WASHINGTON, *December 16, 1878.**To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 5th instant, I transmit herewith a report from the Secretary of State, with its accompanying papers.†

R. B. HAYES.

EXECUTIVE MANSION, *December 17, 1878.**To the Senate of the United States:*

In answer to the resolution of the Senate of the 5th instant, requesting the transmission to the Senate of "any information which may have been received by the Departments concerning postal and commercial intercourse between the United States and South American countries, together with any recommendations desirable to be submitted of measures to be adopted for facilitating and improving such intercourse," I

\*Correspondence relative to claims of United States citizens against Nicaragua.

†Correspondence relative to the expulsion from the German Empire of Julius Baumer, a naturalized citizen of the United States.

transmit herewith reports from the Secretary of State and the Postmaster-General, with accompanying papers.

The external commerce of the United States has for many years been the subject of solicitude because of the outward drain of the precious metals it has caused. For fully twenty years previous to 1877 the shipment of gold was constant and heavy—so heavy during the entire period of the suspension of specie payments as to preclude the hope of resumption safely during its continuance. In 1876, however, vigorous efforts were made by enterprising citizens of the country, and have since been continued, to extend our general commerce with foreign lands, especially in manufactured articles, and these efforts have been attended with very marked success.

The importation of manufactured goods was at the same time reduced in an equal degree, and the result has been an extraordinary reversal of the conditions so long prevailing and a complete cessation of the outward drain of gold. The official statement of the values represented in foreign commerce will show the unprecedented magnitude to which the movement has attained, and the protection thus secured to the public interests at the time when commercial security has become indispensable.

The agencies through which this change has been effected must be maintained and strengthened if the future is to be made secure. A return to excessive imports or to a material decline in export trade would render possible a return to the former condition of adverse balances, with the inevitable outward drain of gold as a necessary consequence. Every element of aid to the introduction of the products of our soil and manufactures into new markets should be made available. At present such is the favor in which many of the products of the United States are held that they obtain a remunerative distribution, notwithstanding positive differences of cost resulting from our defective shipping and the imperfection of our arrangements in every respect, in comparison with those of our competitors, for conducting trade with foreign markets.

If we have equal commercial facilities, we need not fear competition anywhere.

The laws have now directed a resumption of financial equality with other nations, and have ordered a return to the basis of coin values. It is of the greatest importance that the commercial condition now fortunately attained shall be made permanent, and that our rapidly increasing export trade shall not be allowed to suffer for want of the ordinary means of communication with other countries.

The accompanying reports contain a valuable and instructive summary of information with respect to our commercial interests in South America, where an inviting field for the enterprise of our people is presented. They are transmitted with the assurance that any measures that may be enacted in furtherance of these important interests will meet with my cordial approval.

R. B. HAYES.

EXECUTIVE MANSION,  
Washington, January 7, 1879.

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 4th of December last, I transmit herewith a report from the Secretary of State, with its accompanying papers.\*

R. B. HAYES.

WASHINGTON, January 13, 1879.

*To the Senate of the United States:*

In answer to a resolution of the Senate of the 3d of June last, requesting a copy of correspondence between this Government and that of Her Britannic Majesty in regard to inviting other maritime powers to accede to the three rules of neutrality laid down in Article VI of the treaty of May 8, 1871, I transmit herewith a report of the Secretary of State, together with its accompanying papers.

R. B. HAYES.

EXECUTIVE MANSION, January 13, 1879.

*To the Senate of the United States:*

In answer to a resolution of the Senate of the 17th of June last, requesting the Commissioner of Agriculture to send to the Senate certain reports on sheep husbandry, copies of the same, with accompanying papers, received from the Commissioner of Agriculture for this purpose, are herewith transmitted.

R. B. HAYES.

EXECUTIVE MANSION, January 20, 1879.

*To the House of Representatives:*

In answer to resolution of the House of Representatives of the 16th instant, requesting the Commissioner of Agriculture to forward to the House any facts or statistics in his office on the subject of forestry not heretofore reported, copies of the same, with accompanying papers, received from the Commissioner for this purpose, are herewith transmitted.

R. B. HAYES.

WASHINGTON, D. C., January 23, 1879.

*To the House of Representatives:*

In answer to a resolution of the 25th of May last, requesting information respecting the claim of Messrs. Carlos Butterfield & Co. against the Government of Denmark, I transmit herewith to the House of Representatives a report of the Secretary of State and its accompanying papers.

R. B. HAYES.

\*Correspondence relative to commercial relations with Mexico.

WASHINGTON, *January 24, 1879.*

*To the House of Representatives:*

In answer to a resolution of the House of Representatives of the 7th instant, I transmit herewith a report\* from the Secretary of State, with its accompanying papers.

R. B. HAYES.

EXECUTIVE MANSION, *January 24, 1879.*

*To the Senate and House of Representatives:*

I transmit herewith, for the consideration of Congress, copies of a report and accompanying papers received from the Secretary of the Interior, upon a communication addressed to the President of the United States in behalf of a certain claim of the Choctaw Nation arising under the provisions of the Choctaw and Chickasaw treaty of June 22, 1855.

R. B. HAYES.

EXECUTIVE MANSION, *January 31, 1879.*

*To the Senate of the United States:*

I transmit herewith a letter of the Secretary of the Treasury, in relation to the suspension of the late collector and naval officer of the port of New York, with accompanying documents.

In addition thereto I respectfully submit the following observations:

The custom-house in New York collects more than two-thirds of all the customs revenues of the Government. Its administration is a matter not of local interest merely, but is of great importance to the people of the whole country. For a long period of time it has been used to manage and control political affairs.

The officers suspended by me are and for several years have been engaged in the active personal management of the party politics of the city and State of New York. The duties of the offices held by them have been regarded as of subordinate importance to their partisan work. Their offices have been conducted as part of the political machinery under their control. They have made the custom-house a center of partisan political management. The custom-house should be a business office. It should be conducted on business principles. General James, the postmaster of New York City, writing on this subject, says:

The post-office is a business institution, and should be run as such. It is my deliberate judgment that I and my subordinates can do more for the party of our choice by giving the people of this city a good and efficient postal service than by controlling primaries or dictating nominations.

The New York custom-house should be placed on the same footing with the New York post-office. But under the suspended officers the custom-house would be one of the principal political agencies in the State

\*Relating to the claim of John C. Landreau against the Government of Peru.

of New York. To change this, they profess to believe, would be, in the language of Mr. Cornell in his response, "to surrender their personal and political rights."

Convinced that the people of New York and of the country generally wish the New York custom-house to be administered solely with a view to the public interest, it is my purpose to do all in my power to introduce into this great office the reforms which the country desires.

With my information of the facts in the case, and with a deep sense of the responsible obligation imposed upon me by the Constitution "to take care that the laws be faithfully executed," I regard it as my plain duty to suspend the officers in question and to make the nominations now before the Senate, in order that this important office may be honestly and efficiently administered.

R. B. HAYES.

WASHINGTON, *February 6, 1879.*

*To the Senate of the United States:*

I transmit herewith, for the information of Congress, a report from the Secretary of State, with the accompanying papers therein referred to, in relation to the proceedings of the International Monetary Conference held at Paris in August, 1878.

R. B. HAYES.

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EXECUTIVE MANSION, *February 8, 1879.*

*To the Senate and House of Representatives:*

I transmit herewith, for the consideration of Congress, the report of the commission appointed under the provisions of the act approved May 3, 1878, entitled "An act authorizing the President of the United States to make certain negotiations with the Ute Indians in the State of Colorado," with copies of letters from the Secretary of the Interior and the Commissioner of Indian Affairs, and accompanying documents.

R. B. HAYES.

WASHINGTON, D. C., *February 15, 1879.*

*To the Senate and House of Representatives:*

I transmit herewith report from the Secretary of State, and accompanying papers, in relation to proceedings of the International Prison Congress of Stockholm, held in August last.

R. B. HAYES.

WASHINGTON, D. C., *February 18, 1879.*

*To the House of Representatives:*

I transmit herewith a report from the Secretary of State, dated the 17th instant, in relation to the destruction of the bark *Forest Belle* in

Chinese waters in March last, submitted in compliance with the resolution of the House of Representatives of February 4, 1879.

R. B. HAYES.

EXECUTIVE MANSION,

*February 21, 1879.*

*To the Senate and House of Representatives:*

Referring to my communication to Congress under date of the 8th instant, transmitting the report of the commission appointed under the act entitled "An act authorizing the President of the United States to make certain negotiations with the Ute Indians in the State of Colorado," I submit herewith a copy of a letter from the Secretary of the Interior and additional papers upon the same subject.

R. B. HAYES.

WASHINGTON, *February 28, 1879.*

*To the Senate of the United States:*

I transmit herewith a report from the Secretary of State, with its accompanying papers, submitted in pursuance of a resolution of the Senate of the 20th instant, in relation to railroads in Mexico.

R. B. HAYES.

WASHINGTON, *March 3, 1879.*

*To the Senate and House of Representatives:*

I have received from the United States Centennial Commission their final report, presenting a full exhibit of the result of the United States Centennial Celebration and Exhibition of 1876, as required by the act of June 1, 1872.

In transmitting this report for the consideration of Congress, I express, I believe, the general judgment of the country, as well as my own, in assigning to this exhibition a measure of success gratifying to the pride and patriotism of our people and full of promise to the great industrial and commercial interests of the nation. The very ample and generous contributions which the foreign nations made to the splendor and usefulness of the exhibition and the cordiality with which their representatives took part in our national commemoration deserve our profound acknowledgments. At this close of the great services rendered by the United States Centennial Commission and the Centennial board of finance, it gives me great pleasure to commend to your attention and that of the people of the whole country the laborious, faithful, and prosperous performances of their duties which have marked the administration of their respective trusts.

R. B. HAYES.

## VETO MESSAGE.

EXECUTIVE MANSION, *March 1, 1879.**To the House of Representatives:*

After a very careful consideration of House bill 2423, entitled "An act to restrict the immigration of Chinese to the United States," I herewith return it to the House of Representatives, in which it originated, with my objections to its passage.

The bill, as it was sent to the Senate from the House of Representatives, was confined in its provisions to the object named in its title, which is that of "An act to restrict the immigration of Chinese to the United States." The only means adopted to secure the proposed object was the limitation on the number of Chinese passengers which might be brought to this country by any one vessel to fifteen; and as this number was not fixed in any proportion to the size or tonnage of the vessel or by any consideration of the safety or accommodation of these passengers, the simple purpose and effect of the enactment were to repress this immigration to an extent falling but little short of its absolute exclusion.

The bill, as amended in the Senate and now presented to me, includes an independent and additional provision which aims at and in terms requires the abrogation by this Government of Articles V and VI of the treaty with China commonly called the Burlingame treaty, through the action of the Executive enjoined by this provision of the act.

The Burlingame treaty, of which the ratifications were exchanged at Peking November 23, 1869, recites as the occasion and motive of its negotiation by the two Governments that "since the conclusion of the treaty between the United States of America and the Ta Tsing Empire (China) of the 18th of June, 1858, circumstances have arisen showing the necessity of additional articles thereto," and proceeds to an agreement as to said additional articles. These negotiations, therefore, ending by the signature of the additional articles July 28, 1868, had for their object the completion of our treaty rights and obligations toward the Government of China by the incorporation of these new articles as thenceforth parts of the principal treaty to which they are made supplemental. Upon the settled rules of interpretation applicable to such supplemental negotiations the text of the principal treaty and of these "additional articles thereto" constitute one treaty from the conclusion of the new negotiations, in all parts of equal and concurrent force and obligation between the two Governments, and to all intents and purposes as if embraced in one instrument.

The principal treaty, of which the ratifications were exchanged August 16, 1859, recites that "the United States of America and the Ta Tsing Empire, desiring to maintain firm, lasting, and sincere friendship, have

resolved to renew, in a manner clear and positive, by means of a treaty or general convention of peace, amity, and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries," and proceeds in its thirty articles to lay out a careful and comprehensive system for the commercial relations of our people with China. The main substance of all the provisions of this treaty is to define and secure the rights of our people in respect of access to, residence and protection in, and trade with China. The actual provisions in our favor in these respects were framed to be, and have been found to be, adequate and appropriate to the interests of our commerce; and by the concluding article we receive the important guaranty that—

Should at any time the Ta Tsing Empire grant to any nation, or the merchants or citizens of any nation, any right, privilege, or favor, connected either with navigation, commerce, political or other intercourse, which is not conferred by this treaty, such right, privilege, and favor shall at once freely inure to the benefit of the United States, its public officers, merchants, and citizens.

Against this body of stipulations in our favor and this permanent engagement of equality in respect of all future concessions to foreign nations the general promise of permanent peace and good offices on our part seems to be the only equivalent. For this the first article undertakes as follows:

There shall be, as there have always been, peace and friendship between the United States of America and the Ta Tsing Empire, and between their people respectively. They shall not insult or oppress each other for any trifling cause, so as to produce an estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings.

At the date of the negotiation of this treaty our Pacific possessions had attracted a considerable Chinese emigration, and the advantages and the inconveniences felt or feared therefrom had become more or less manifest; but they dictated no stipulations on the subject to be incorporated in the treaty. The year 1868 was marked by the striking event of a spontaneous embassy from the Chinese Empire, headed by an American citizen, Anson Burlingame, who had relinquished his diplomatic representation of his own country in China to assume that of the Chinese Empire to the United States and the European nations. By this time the facts of the Chinese immigration and its nature and influences, present and prospective, had become more noticeable and were more observed by the population immediately affected and by this Government. The principal feature of the Burlingame treaty was its attention to and its treatment of the Chinese immigration and the Chinese as forming, or as they should form, a part of our population. Up to this time our uncovenanted hospitality to immigration, our fearless liberality of citizenship, our equal and comprehensive justice to all inhabitants, whether they abjured their foreign nationality or not, our civil freedom, and our



religious toleration had made all comers welcome, and under these protections the Chinese in considerable numbers had made their lodgment upon our soil.

The Burlingame treaty undertakes to deal with this situation, and its fifth and sixth articles embrace its most important provisions in this regard and the main stipulations in which the Chinese Government has secured an obligatory protection of its subjects within our territory. They read as follows:

ART. V. The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country, without their free and voluntary consent, respectively.

ART. VI. Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation, and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

An examination of these two articles in the light of the experience then influential in suggesting their "necessity" will show that the fifth article was framed in hostility to what seemed the principal mischief to be guarded against, to wit, the introduction of Chinese laborers by methods which should have the character of a forced and servile importation, and not of a voluntary emigration of freemen seeking our shores upon motives and in a manner consonant with the system of our institutions and approved by the experience of the nation. Unquestionably the adhesion of the Government of China to these liberal principles of freedom in emigration, with which we were so familiar and with which we were so well satisfied, was a great advance toward opening that Empire to our civilization and religion, and gave promise in the future of greater and greater practical results in the diffusion throughout that great population of our arts and industries, our manufactures, our material improvements, and the sentiments of government and religion which seem to us so important to the welfare of mankind. The first clause of this article secures this acceptance by China of the American doctrines of free migration to and fro among the peoples and races of the earth.

The second clause, however, in its reprobation of "any other than an entirely voluntary emigration" by both the high contracting parties,

and in the reciprocal obligations whereby we secured the solemn and unqualified engagement on the part of the Government of China "to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country without their free and voluntary consent," constitutes the great force and value of this article. Its importance both in principle and in its practical service toward our protection against servile importation in the guise of immigration can not be overestimated. It commits the Chinese Government to active and efficient measures to suppress this iniquitous system, where those measures are most necessary and can be most effectual. It gives to this Government the footing of a treaty right to such measures and the means and opportunity of insisting upon their adoption and of complaint and resentment at their neglect. The fifth article, therefore, if it fall short of what the pressure of the later experience of our Pacific States may urge upon the attention of this Government as essential to the public welfare, seems to be in the right direction and to contain important advantages which once relinquished can not be easily recovered.

The second topic which interested the two Governments under the actual condition of things which prompted the Burlingame treaty was adequate protection, under the solemn and definite guaranties of a treaty, of the Chinese already in this country and those who should seek our shores. This was the object, and forms the subject of the sixth article, by whose ~~reciprocal~~ engagement the citizens and subjects of the two Governments, respectively, visiting or residing in the country of the other are secured the same privileges, immunities, or exemptions there enjoyed by the citizens or subjects of the most favored nations. The treaty of 1858, to which these articles are made supplemental, provides for a great amount of privilege and protection, both of person and property, to American citizens in China, but it is upon this sixth article that the main body of the treaty rights and securities of the Chinese already in this country depends. Its abrogation, were the rest of the treaty left in force, would leave them to such treatment as we should voluntarily accord them by our laws and customs. Any treaty obligation would be wanting to restrain our liberty of action toward them, or to measure or sustain the right of the Chinese Government to complaint or redress in their behalf.

The lapse of ten years since the negotiation of the Burlingame treaty has exhibited to the notice of the Chinese Government, as well as to our own people, the working of this experiment of immigration in great numbers of Chinese laborers to this country, and their maintenance here of all the traits of race, religion, manners, and customs, habitations, mode of life, segregation here, and the keeping up of the ties of their original home, which stamp them as strangers and sojourners, and not as incorporated elements of our national life and growth. This experience may naturally suggest the reconsideration of the subject as dealt with by the

Burlingame treaty, and may properly become the occasion of more direct and circumspect recognition, in renewed negotiations, of the difficulties surrounding this political and social problem. It may well be that, to the apprehension of the Chinese Government no less than our own, the simple provisions of the Burlingame treaty may need to be replaced by more careful methods, securing the Chinese and ourselves against a larger and more rapid infusion of this foreign race than our system of industry and society can take up and assimilate with ease and safety. This ancient Government, ruling a polite and sensitive people, distinguished by a high sense of national pride, may properly desire an adjustment of their relations with us which would in all things confirm and in no degree endanger the permanent peace and amity and the growing commerce and prosperity which it has been the object and the effect of our existing treaties to cherish and perpetuate.

I regard the very grave discontents of the people of the Pacific States with the present working of the Chinese immigration, and their still graver apprehensions therefrom in the future, as deserving the most serious attention of the people of the whole country and a solicitous interest on the part of Congress and the Executive. If this were not my own judgment, the passage of this bill by both Houses of Congress would impress upon me the seriousness of the situation, when a majority of the representatives of the people of the whole country had thought fit to justify so serious a measure of relief.

The authority of Congress to terminate a treaty with a foreign power by expressing the will of the nation no longer to adhere to it is as free from controversy under our Constitution as is the further proposition that the power of making new treaties or modifying existing treaties is not lodged by the Constitution in Congress, but in the President, by and with the advice and consent of the Senate, as shown by the concurrence of two-thirds of that body. A denunciation of a treaty by any government is confessedly justifiable only upon some reason both of the highest justice and of the highest necessity. The action of Congress in the matter of the French treaties in 1798, if it be regarded as an abrogation by this nation of a subsisting treaty, strongly illustrates the character and degree of justification which was then thought suitable to such a proceeding. The preamble of the act recites that the—

Treaties concluded between the United States and France have been repeatedly violated on the part of the French Government, and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with indignity.

And that—

Under authority of the French Government there is yet pursued against the United States a system of predatory violence, infracting the said treaties and hostile to the rights of a free and independent nation.

The enactment, as a logical consequence of these recited facts, declares—

That the United States are of right freed and exonerated from the stipulations of the treaties and of the consular convention heretofore concluded between the United

States and France, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States.

The history of the Government shows no other instance of an abrogation of a treaty by Congress.

Instances have sometimes occurred where the ordinary legislation of Congress has, by its conflict with some treaty obligation of the Government toward a foreign power, taken effect as an *infraction* of the treaty, and been judicially declared to be operative to that result; but neither such legislation nor such judicial sanction of the same has been regarded as an *abrogation*, even for the moment, of the treaty. On the contrary, the treaty in such case still subsists between the governments, and the casual infraction is repaired by appropriate satisfaction in maintenance of the treaty.

The bill before me does not enjoin upon the President the abrogation of the entire Burlingame treaty, much less of the principal treaty of which it is made the supplement. As the power of modifying an existing treaty, whether by adding or striking out provisions, is a part of the treaty-making power under the Constitution, its exercise is not competent for Congress, nor would the assent of China to this partial abrogation of the treaty make the action of Congress in thus procuring an amendment of a treaty a competent exercise of authority under the Constitution. The importance, however, of this special consideration seems superseded by the principle that a denunciation of a part of a treaty not made by the terms of the treaty itself separable from the rest is a denunciation of the whole ~~treaty~~. As the other high contracting party has entered into no treaty obligations except such as include the part denounced, the denunciation by one party of the part necessarily liberates the other party from the whole treaty.

I am convinced that, whatever urgency might in any quarter or by any interest be supposed to require an instant suppression of further immigration from China, no reasons can require the immediate withdrawal of our treaty protection of the Chinese already in this country, and no circumstances can tolerate an exposure of our citizens in China, merchants or missionaries, to the consequences of so sudden an abrogation of their treaty protection. Fortunately, however, the actual recession in the flow of the emigration from China to the Pacific Coast, shown by trustworthy statistics, relieves us from any apprehension that the treatment of the subject in the proper course of diplomatic negotiations will introduce any new features of discontent or disturbance among the communities directly affected. Were such delay fraught with more inconveniences than have ever been suggested by the interests most earnest in promoting this legislation, I can not but regard the summary disturbance of our existing treaties with China as greatly more inconvenient to much wider and more permanent interests of the country.

I have no occasion to insist upon the more general considerations of interest and duty which sacredly guard the faith of the nation, in whatever form of obligation it may have been given. These sentiments animate

the deliberations of Congress and pervade the minds of our whole people. Our history gives little occasion for any reproach in this regard; and in asking the renewed attention of Congress to this bill I am persuaded that their action will maintain the public duty and the public honor.

R. B. HAYES.

## PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA  
A PROCLAMATION.

Whereas the final adjournment of the Forty-fifth Congress without making the usual and necessary appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and without making the usual and necessary appropriations for the support of the Army for the same fiscal year, presents an extraordinary occasion requiring the President to exercise the power vested in him by the Constitution to convene the Houses of Congress in anticipation of the day fixed by law for their next meeting:

Now, therefore, I, Rutherford B. Hayes, President of the United States, do, by virtue of the power to this end in me vested by the Constitution, convene both Houses of Congress to assemble at their respective chambers at 12 o'clock noon on Tuesday, the 18th day of March instant, then and there to consider and determine such measures as in their wisdom their duty and the welfare of the people may seem to demand.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 4th day of March, A. D. 1879, and of the Independence of the United States of America the one hundred and third.

R. B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State.*

## SPECIAL SESSION MESSAGE.

WASHINGTON, *March 19, 1879.*

*Fellow-Citizens of the Senate and House of Representatives:*

The failure of the last Congress to make the requisite appropriations for legislative and judicial purposes, for the expenses of the several Executive Departments of the Government, and for the support of the Army has made it necessary to call a special session of the Forty-sixth Congress.

The estimates of the appropriations needed which were sent to Congress by the Secretary of the Treasury at the opening of the last session are renewed, and are herewith transmitted to both the Senate and the House of Representatives.

Regretting the existence of the emergency which requires a special session of Congress at a time when it is the general judgment of the country that the public welfare will be best promoted by permanency in our legislation and by peace and rest, I commend these few necessary measures to your considerate attention.

RUTHERFORD B. HAYES.

## SPECIAL MESSAGES.

WASHINGTON, *March 20, 1879.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 3d instant, calling for the reports of Gustavus Goward on the Samoan Islands, I transmit herewith a report from the Secretary of State, with the accompanying papers.

— — —  
R. B. HAYES.

EXECUTIVE MANSION, *April 18, 1879.*

*To the Senate of the United States:*

In compliance with a resolution of the Senate of the 15th instant, I transmit herewith a copy of the report of the commission appointed by the President on the 15th of March, 1872, relating to the different inter-oceanic canal surveys and the practicability of the construction of a ship canal across this continent.

R. B. HAYES.

EXECUTIVE MANSION, *May 15, 1879.*

*To the Senate of the United States:*

In response to a resolution of the Senate of the 7th instant, requesting information in reference to an alleged occupation of a portion of the Indian Territory by white settlers, etc., I transmit herewith a copy of my proclamation dated April 26, 1879;\* also copies of the correspondence and papers on file and of record in the Department of the Interior and the War Department touching the subject of the resolution.

R. B. HAYES.

\*See pp. 547-548.

EXECUTIVE MANSION, *May 26, 1879.*

*To the Senate of the United States:*

In response to a resolution of the Senate of the 14th instant, I transmit herewith a communication\* from the Secretary of the Interior and accompanying papers.

R. B. HAYES.

EXECUTIVE MANSION, *June 5, 1879.*

*To the Senate and House of Representatives:*

I transmit herewith the "proceedings and report" of the board of officers convened by Special Orders, No. 78, Headquarters of the Army, Washington, April 12, 1878, in the case of Fitz John Porter. The report of the board was made in March last, but the official record of the proceedings did not reach me until the 3d instant.

I have given to this report such examination as satisfies me that I ought to lay the proceedings and conclusions of the board before Congress. As I am without power, in the absence of legislation, to act upon the recommendations of the report further than by submitting the same to Congress, the proceedings and conclusions of the board are transmitted for the information of Congress and such action as in your wisdom shall seem expedient and just.

R. B. HAYES.

WASHINGTON, *June 13, 1879.*

*To the House of Representatives:*

I transmit herewith, in compliance with the resolution of the House of Representatives of the 29th ultimo, a report of the Secretary of State relative to the steps taken by this Government to promote the establishment of an interoceanic canal across or near the Isthmus of Darien.

R. B. HAYES.

WASHINGTON, *June 23, 1879.*

*To the Senate of the United States:*

I transmit herewith to the Senate a report from the Secretary of State, in response to a resolution of that body of the 20th instant, calling for the proceedings and accompanying papers of the International Silver Conference held in Paris in 1878.

R. B. HAYES.

EXECUTIVE MANSION, *June 30, 1879.*

*To the Senate and House of Representatives:*

The bill making provision for the payment of the fees of United States marshals and their general deputies, which I have this day returned to

\*Relating to lands in the Indian Territory acquired by the treaties of 1866.

the House of Representatives, in which it originated, with my objections,\* having upon its reconsideration by that body failed to become a law, I respectfully call your attention to the immediate necessity of making some adequate provision for the due and efficient execution by the marshals and deputy marshals of the United States of the constant and important duties enjoined upon them by the existing laws. All appropriations to provide for the performance of these indispensable duties expire to-day. Under the laws prohibiting public officers from involving the Government in contract liabilities beyond actual appropriations, it is apparent that the means at the disposal of the executive department for executing the laws through the regular ministerial officers will after to-day be left inadequate. The suspension of these necessary functions in the orderly administration of the first duties of government for the shortest period is inconsistent with the public interests, and at any moment may prove inconsistent with the public safety.

It is impossible for me to look without grave concern upon a state of things which will leave the public service thus unprovided for and the public interests thus unprotected, and I earnestly urge upon your attention the necessity of making immediate appropriations for the maintenance of the service of the marshals and deputy marshals for the fiscal year which commences to-morrow.

RUTHERFORD B. HAYES.

WASHINGTON, July 1, 1879.

*To the Senate of the United States:*

In answer to a resolution of the Senate of the 28th June, 1879, requesting a copy of any correspondence which may have passed between the Department of State and the Republic of Mexico in regard to the proposed Austin-Topolovampo Railroad survey across the northern States of that country, I transmit herewith the report of the Secretary of State upon the subject.

R. B. HAYES.

## VE TO MESSAGES.

EXECUTIVE MANSION, April 29, 1879.

*To the House of Representatives:*

I have maturely considered the important questions presented by the bill entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes," and I now return it to the House of Representatives, in which it originated, with my objections to its approval.

The bill provides in the usual form for the appropriations required

\* See pp. 545-547.



for the support of the Army during the next fiscal year. If it contained no other provisions, it would receive my prompt approval. It includes, however, further legislation, which, attached, as it is, to appropriations which are requisite for the efficient performance of some of the most necessary duties of the Government, involves questions of the gravest character. The sixth section of the bill is amendatory of the statute now in force in regard to the authority of persons in the civil, military, and naval service of the United States "at the place where any general or special election is held in any State." This statute was adopted February 25, 1865, after a protracted debate in the Senate, and almost without opposition in the House of Representatives, by the concurrent votes of both of the leading political parties of the country, and became a law by the approval of President Lincoln. It was reenacted in 1874 in the Revised Statutes of the United States, sections 2002 and 5528, which are as follows:

SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States or to keep the peace at the polls.

SEC. 5528. Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States or to keep the peace at the polls, shall be fined not more than \$5,000 and suffer imprisonment at hard labor not less than three months nor more than five years.

The amendment proposed to this statute in the bill before me omits from both of the foregoing sections the words "or to keep the peace at the polls." The effect of the adoption of this amendment may be considered—

First. Upon the right of the United States Government to use military force to keep the peace at the elections for Members of Congress; and

Second. Upon the right of the Government, by civil authority, to protect these elections from violence and fraud.

In addition to the sections of the statute above quoted, the following provisions of law relating to the use of the military power at the elections are now in force:

SEC. 2003. No officer of the Army or Navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State.

SEC. 5529. Every officer or other person in the military or naval service who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any State from freely exercising the right of suffrage at any general or special election in such State shall be fined not more than \$5,000 and imprisoned at hard labor not more than five years.

SEC. 5530. Every officer of the Army or Navy who prescribes or fixes, or attempts to prescribe or fix, whether by proclamation, order, or otherwise, the qualifications of

voters at any election in any State shall be punished as provided in the preceding section.

SEC. 5531. Every officer or other person in the military or naval service who, by force, threat, intimidation, order, or otherwise, compels, or attempts to compel, any officer holding an election in any State to receive a vote from a person not legally qualified to vote, or who imposes, or attempts to impose, any regulations for conducting any general or special election in a State different from those prescribed by law, or who interferes in any manner with any officer of an election in the discharge of his duty, shall be punished as provided in section 5529.

SEC. 5532. Every person convicted of any of the offenses specified in the five preceding sections shall, in addition to the punishments therein severally prescribed, be disqualified from holding any office of honor, profit, or trust under the United States; but nothing in those sections shall be construed to prevent any officer, soldier, sailor, or marine from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote.

The foregoing enactments would seem to be sufficient to prevent military interference with the elections. But the last Congress, to remove all apprehension of such interference, added to this body of law section 15 of an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes," approved June 18, 1878, which is as follows:

SEC. 15. From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States, as a *posse comitatus* or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section; and any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding \$10,000 or imprisonment not exceeding two years, or by both such fine and imprisonment.

This act passed the Senate, after full consideration, without a single vote recorded against it on its final passage, and, by a majority of more than two-thirds, it was concurred in by the House of Representatives.

The purpose of the section quoted was stated in the Senate by one of its supporters as follows:

Therefore I hope, without getting into any controversy about the past, but acting wisely for the future, that we shall take away the idea that the Army can be used by a general or special deputy marshal, or any marshal, merely for election purposes, as a posse, ordering them about the polls or ordering them anywhere else, when there is an election going on, to prevent disorders or to suppress disturbances that should be suppressed by the peace officers of the State; or, if they must bring others to their aid they should summon the unorganized citizens, and not summon the officers and men of the Army as a *posse comitatus* to quell disorders, and thus get up a feeling which will be disastrous to peace among the people of the country.

In the House of Representatives the object of the act of 1878 was stated by the gentleman who had it in charge in similar terms. He said:

But these are all minor points and insignificant questions compared with the great principle which was incorporated by the House in the bill in reference to the use

of the Army in time of peace. The Senate had already conceded what they called and what we might accept as the principle, but they had stricken out the penalty, and had stricken out the word "*expressly*," so that the Army might be used in all cases where *implied* authority might be inferred. The House committee planted themselves firmly upon the doctrine that rather than yield this fundamental principle, for which for three years this House had struggled, they would allow the bill to fail, notwithstanding the reforms which we had secured, regarding these reforms as of but little consequence alongside the great principle that the Army of the United States, in time of peace, should be under the control of Congress and obedient to its laws. After a long and protracted negotiation, the Senate committee have conceded that principle in all its length and breadth, including the penalty, which the Senate had stricken out. We bring you back, therefore, a report, with the alteration of a single word, which the lawyers assure me is proper to be made, restoring to this bill the principle for which we have contended so long, and which is so vital to secure the rights and liberties of the people.

\* \* \* \* \*

Thus have we this day secured to the people of this country the same great protection against a standing army which cost a struggle of two hundred years for the Commons of England to secure for the British people.

From this brief review of the subject it sufficiently appears that under existing laws there can be no military interference with the elections. No case of such interference has, in fact, occurred since the passage of the act last referred to. No soldier of the United States has appeared under orders at any place of election in any State. No complaint even of the presence of United States troops has been made in any quarter.

—It may therefore be confidently stated that there is no necessity for the enactment of section 6 of the bill before me to prevent military interference with the elections. The laws already in force are all that is required for that end.

But that part of section 6 of this bill which is significant and vitally important is the clause which, if adopted, will deprive the civil authorities of the United States of all power to keep the peace at the Congressional elections. The Congressional elections in every district, in a very important sense, are justly a matter of political interest and concern throughout the whole country. Each State, every political party, is entitled to the share of power which is conferred by the legal and constitutional suffrage. It is the right of every citizen possessing the qualifications prescribed by law to cast one unintimidated ballot and to have his ballot honestly counted. So long as the exercise of this power and the enjoyment of this right are common and equal, practically as well as formally, submission to the results of the suffrage will be accorded loyally and cheerfully, and all the departments of Government will feel the true vigor of the popular will thus expressed.

Two provisions of the Constitution authorize legislation by Congress for the regulation of the Congressional elections.

Section 4 of Article I of the Constitution declares—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress

may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

The fifteenth amendment of the Constitution is as follows:

SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The Supreme Court has held that this amendment invests the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right the court declares to be exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. The power of Congress to protect this right by appropriate legislation is expressly affirmed by the court.

National legislation to provide safeguards for free and honest elections is necessary, as experience has shown, not only to secure the right to vote to the enfranchised race at the South, but also to prevent fraudulent voting in the large cities of the North. Congress has therefore exercised the power conferred by the Constitution, and has enacted certain laws to prevent discriminations on account of race, color, or previous condition of servitude, and to punish fraud, violence, and intimidation at Federal elections. Attention is called to the following sections of the Revised Statutes of the United States, viz:

Section 2004, which guarantees to all citizens the right to vote, without distinction on account of race, color, or previous condition of servitude.

Sections 2005 and 2006, which guarantee to all citizens equal opportunity, without discrimination, to perform all the acts required by law as a prerequisite or qualification for voting.

Section 2022, which authorizes the United States marshal and his deputies to keep the peace and preserve order at the Federal elections.

Section 2024, which expressly authorizes the United States marshal and his deputies to summon a *posse comitatus* whenever they or any of them are forcibly resisted in the execution of their duties under the law or are prevented from executing such duties by violence.

Section 5522, which provides for the punishment of the crime of interfering with the supervisors of elections and deputy marshals in the discharge of their duties at the elections of Representatives in Congress.

These are some of the laws on this subject which it is the duty of the executive department of the Government to enforce. The intent and effect of the sixth section of this bill is to prohibit all the civil officers of the United States, under penalty of fine and imprisonment, from employing any adequate civil force for this purpose at the place where their enforcement is most necessary, namely, at the places where the Congressional elections are held. Among the most valuable enactments to which I have referred are those which protect the supervisors

of Federal elections in the discharge of their duties at the polls. If the proposed legislation should become the law, there will be no power vested in any officer of the Government to protect from violence the officers of the United States engaged in the discharge of their duties. Their rights and duties under the law will remain, but the National Government will be powerless to enforce its own statutes. The States may employ both military and civil power to keep the peace and to enforce the laws at State elections. It is now proposed to deny to the United States even the necessary civil authority to protect the national elections. No sufficient reason has been given for this discrimination in favor of the State and against the national authority. If well-founded objections exist against the present national election laws, all good citizens should unite in their amendment. The laws providing the safeguards of the elections should be impartial, just, and efficient. They should, if possible, be so nonpartisan and fair in their operation that the minority—the party out of power—will have no just grounds to complain. The present laws have in practice unquestionably conduced to the prevention of fraud and violence at the elections. In several of the States members of different political parties have applied for the safeguards which they furnish. It is the right and duty of the National Government to enact and enforce laws which will secure free and fair Congressional elections. The laws now in force should not be repealed except in connection with the enactment of measures which will better accomplish that important end. Believing that section 6 of the bill before me will weaken, if it does not altogether take away, the power of the National Government to protect the Federal elections by the civil authorities, I am forced to the conclusion that it ought not to receive my approval.

This section is, however, not presented to me as a separate and independent measure, but is, as has been stated, attached to the bill making the usual annual appropriations for the support of the Army. It makes a vital change in the election laws of the country, which is in no way connected with the use of the Army. It prohibits, under heavy penalties, any person engaged in the civil service of the United States from having any force at the place of any election, prepared to preserve order, to make arrests, to keep the peace, or in any manner to enforce the laws. This is altogether foreign to the purpose of an Army appropriation bill. The practice of tacking to appropriation bills measures not pertinent to such bills did not prevail until more than forty years after the adoption of the Constitution. It has become a common practice. All parties when in power have adopted it. Many abuses and great waste of public money have in this way crept into appropriation bills. The public opinion of the country is against it. The States which have recently adopted constitutions have generally provided a remedy for the evil by enacting that no law shall contain more than one subject, which shall be plainly expressed in its title. The constitutions of more than half of the States contain

substantially this provision. The public welfare will be promoted in many ways by a return to the early practice of the Government and to the true principle of legislation, which requires that every measure shall stand or fall according to its own merits. If it were understood that to attach to an appropriation bill a measure irrelevant to the general object of the bill would imperil and probably prevent its final passage and approval, a valuable reform in the parliamentary practice of Congress would be accomplished. The best justification that has been offered for attaching irrelevant riders to appropriation bills is that it is done for convenience' sake, to facilitate the passage of measures which are deemed expedient by all the branches of Government which participate in legislation. It can not be claimed that there is any such reason for attaching this amendment of the election laws to the Army appropriation bill. The history of the measure contradicts this assumption. A majority of the House of Representatives in the last Congress was in favor of section 6 of this bill. It was known that a majority of the Senate was opposed to it, and that as a separate measure it could not be adopted. It was attached to the Army appropriation bill to compel the Senate to assent to it. It was plainly announced to the Senate that the Army appropriation bill would not be allowed to pass unless the proposed amendments of the election laws were adopted with it. The Senate refused to assent to the bill on account of this irrelevant section. Congress thereupon adjourned without passing an appropriation bill for the Army, and the present extra session of the Forty-sixth Congress became necessary to furnish the means to carry on the Government.

The ground upon which the action of the House of Representatives is defended has been distinctly stated by many of its advocates. A week before the close of the last session of Congress the doctrine in question was stated by one of its ablest defenders as follows:

It is our duty to repeal these laws. It is not worth while to attempt the repeal except upon an appropriation bill. The Republican Senate would not agree to nor the Republican President sign a bill for such repeal. Whatever objection to legislation upon appropriation bills may be made in ordinary cases does not apply where free elections and the liberty of the citizens are concerned. \* \* \* We have the power to vote money; let us annex conditions to it, and insist upon the redress of grievances.

By another distinguished member of the House it was said:

The right of the Representatives of the people to withhold supplies is as old as English liberty. History records numerous instances where the Commons, feeling that the people were oppressed by laws that the Lords would not consent to repeal by the ordinary methods of legislation, obtained redress at last by refusing appropriations unless accompanied by relief measures.

That a question of the gravest magnitude, and new in this country, was raised by this course of proceeding, was fully recognized also by its defenders in the Senate. It was said by a distinguished Senator:

Perhaps no greater question, in the form we are brought to consider it, was ever considered by the American Congress in time of peace; for it involves not merely

the merits or demerits of the laws which the House bill proposes to repeal, but involves the rights, the privileges, the powers, the duties of the two branches of Congress and of the President of the United States. It is a vast question; it is a question whose importance can scarcely be estimated; it is a question that never yet has been brought so sharply before the American Congress and the American people as it may be now. It is a question which sooner or later must be decided, and the decision must determine what are the powers of the House of Representatives under the Constitution, and what is the duty of that House in the view of the framers of that Constitution, according to its letter and its spirit.

Mr. President, I should approach this question, if I were in the best possible condition to speak and to argue it, with very grave diffidence, and certainly with the utmost anxiety; for no one can think of it as long and as carefully as I have thought of it without seeing that we are at the beginning, perhaps, of a struggle that may last as long in this country as a similar struggle lasted in what we are accustomed to call the mother land. There the struggle lasted for two centuries before it was ultimately decided. It is not likely to last so long here, but it may last until every man in this chamber is in his grave. It is the question whether or no the House of Representatives has a right to say, "We will grant supplies only upon condition that grievances are redressed. We are the representatives of the taxpayers of the Republic. We, the House of Representatives, alone have the right to originate money bills. We, the House of Representatives, have alone the right to originate bills which grant the money of the people. The Senate represents States; we represent the taxpayers of the Republic. We, therefore, by the very terms of the Constitution, are charged with the duty of originating the bills which grant the money of the people. We claim the right, which the House of Commons in England established after two centuries of contest, to say that we will not grant the money of the people unless there is a redress of grievances."

Upon the assembling of this Congress, in pursuance of a call for an extra session, which was made necessary by the failure of the Forty-fifth Congress to make the needful appropriations for the support of the Government, the question was presented whether the attempt made in the last Congress to ingraft by construction a new principle upon the Constitution should be persisted in or not. This Congress has ample opportunity and time to pass the appropriation bills, and also to enact any political measures which may be determined upon in separate bills by the usual and orderly methods of proceeding. But the majority of both Houses have deemed it wise to adhere to the principles asserted and maintained in the last Congress by the majority of the House of Representatives. That principle is that the House of Representatives has the sole right to originate bills for raising revenue, and therefore has the right to withhold appropriations upon which the existence of the Government may depend unless the Senate and the President shall give their assent to any legislation which the House may see fit to attach to appropriation bills. To establish this principle is to make a radical, dangerous, and unconstitutional change in the character of our institutions. The various departments of the Government and the Army and the Navy are established by the Constitution or by laws passed in pursuance thereof. Their duties are clearly defined and their support is carefully provided for by law. The money required for this purpose has

been collected from the people and is now in the Treasury, ready to be paid out as soon as the appropriation bills are passed. Whether appropriations are made or not, the collection of the taxes will go on. The public money will accumulate in the Treasury. It was not the intention of the framers of the Constitution that any single branch of the Government should have the power to dictate conditions upon which this treasure should be applied to the purpose for which it was collected. Any such intention, if it had been entertained, would have been plainly expressed in the Constitution.

That a majority of the Senate now concurs in the claim of the House adds to the gravity of the situation, but does not alter the question at issue. The new doctrine, if maintained, will result in a consolidation of unchecked and despotic power in the House of Representatives. A bare majority of the House will become the Government. The Executive will no longer be what the framers of the Constitution intended—an equal and independent branch of the Government. It is clearly the constitutional duty of the President to exercise his discretion and judgment upon all bills presented to him without constraint or duress from any other branch of the Government. To say that a majority of either or both of the Houses of Congress may insist upon the approval of a bill under the penalty of stopping all of the operations of the Government for want of the necessary supplies is to deny to the Executive that share of the legislative power which is plainly conferred by the second section of the seventh article of the Constitution. It strikes from the Constitution the qualified negative of the President. It is said that this should be done because it is the peculiar function of the House of Representatives to represent the will of the people. But no single branch or department of the Government has exclusive authority to speak for the American people. The most authentic and solemn expression of their will is contained in the Constitution of the United States. By that Constitution they have ordained and established a Government whose powers are distributed among coordinate branches, which, as far as possible consistently with a harmonious cooperation, are absolutely independent of each other. The people of this country are unwilling to see the supremacy of the Constitution replaced by the omnipotence of any one department of the Government.

The enactment of this bill into a law will establish a precedent which will tend to destroy the equal independence of the several branches of the Government. Its principle places not merely the Senate and the Executive, but the judiciary also, under the coercive dictation of the House. The House alone will be the judge of what constitutes a grievance, and also of the means and measure of redress. An act of Congress to protect elections is now the grievance complained of; but the House may on the same principle determine that any other act of Congress, a treaty made by the President with the advice and consent of the Senate,



a nomination or appointment to office, or that a decision or opinion of the Supreme Court is a grievance, and that the measure of redress is to withhold the appropriations required for the support of the offending branch of the Government.

Believing that this bill is a dangerous violation of the spirit and meaning of the Constitution, I am compelled to return it to the House in which it originated without my approval. The qualified negative with which the Constitution invests the President is a trust that involves a duty which he can not decline to perform. With a firm and conscientious purpose to do what I can to preserve unimpaired the constitutional powers and equal independence, not merely of the Executive, but of every branch of the Government, which will be imperiled by the adoption of the principle of this bill, I desire earnestly to urge upon the House of Representatives a return to the wise and wholesome usage of the earlier days of the Republic, which excluded from appropriation bills all irrelevant legislation. By this course you will inaugurate an important reform in the method of Congressional legislation; your action will be in harmony with the fundamental principles of the Constitution and the patriotic sentiment of nationality which is their firm support, and you will restore to the country that feeling of confidence and security and the repose which are so essential to the prosperity of all of our fellow-citizens.

RUTHERFORD B. HAYES.

*To the House of Representatives:*

After a careful consideration of the bill entitled "An act to prohibit military interference at elections," I return it to the House of Representatives, in which it originated, with the following objections to its approval:

In the communication sent to the House of Representatives on the 29th of last month, returning to the House without my approval the bill entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes," I endeavored to show, by quotations from the statutes of the United States now in force and by a brief statement of facts in regard to recent elections in the several States, that no additional legislation was necessary to prevent interference with the elections by the military or naval forces of the United States. The fact was presented in that communication that at the time of the passage of the act of June 18, 1878, in relation to the employment of the Army as a *posse comitatus* or otherwise, it was maintained by its friends that it would establish a vital and fundamental principle which would secure to the people protection against a standing army. The fact was also referred to that since the passage of this act Congressional, State, and municipal elections have been held throughout the Union, and that in no instance has complaint been made of the presence of United States soldiers at the polls.

Holding, as I do, the opinion that any military interference whatever at the polls is contrary to the spirit of our institutions and would tend to destroy the freedom of elections, and sincerely desiring to concur with Congress in all of its measures, it is with very great regret that I am forced to the conclusion that the bill before me is not only unnecessary to prevent such interference, but is a dangerous departure from long-settled and important constitutional principles.

The true rule as to the employment of military force at the elections is not doubtful. No intimidation or coercion should be allowed to control or influence citizens in the exercise of their right to vote, whether it appears in the shape of combinations of evil-disposed persons, or of armed bodies of the militia of a State, or of the military force of the United States.

The elections should be free from all forcible interference, and, as far as practicable, from all apprehensions of such interference. No soldiers, either of the Union or of the State militia, should be present at the polls to take the place or to perform the duties of the ordinary civil police force. There has been and will be no violation of this rule under orders from me during this Administration; but there should be no denial of the right of the National Government to employ its ~~military~~ force on any day and at any place in case such employment is necessary to enforce the Constitution and laws of the United States.

The ~~bill before me~~ is as follows:

*Be it enacted, etc.,* That it shall not be lawful to bring to or employ at any place where a general or special election is being held in a State any part of the Army or Navy of the United States, unless such force be necessary to repel the armed enemies of the United States or to enforce section 4, Article IV, of the Constitution of the United States and the laws made in pursuance thereof, on application of the legislature or executive of the State where such force is to be used; and so much of all laws as is inconsistent herewith is hereby repealed.

It will be observed that the bill exempts from the general prohibition against the employment of military force at the polls two specified cases. These exceptions recognize and concede the soundness of the principle that military force may properly and constitutionally be used at the place of elections when such use is necessary to enforce the Constitution and the laws; but the excepted cases leave the prohibition so extensive and far-reaching that its adoption will seriously impair the efficiency of the executive department of the Government.

The first act expressly authorizing the use of military power to execute the laws was passed almost as early as the organization of the Government under the Constitution, and was approved by President Washington May 2, 1792. It is as follows:

SEC. 2. *And be it further enacted,* That whenever the laws of the United States shall be opposed or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by this act, the same being notified to the President of the United States by an associate justice or the district judge, it shall be

lawful for the President of the United States to call forth the militia of such State to suppress such combinations and to cause the laws to be duly executed. And if the militia of a State where such combination may happen shall refuse or be insufficient to suppress the same, it shall be lawful for the President, if the Legislature of the United States be not in session, to call forth and employ such numbers of the militia of any other State or States most convenient thereto as may be necessary; and the use of militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session.

In 1795 this provision was substantially reenacted in a law which repealed the act of 1792. In 1807 the following act became the law by the approval of President Jefferson:

That in all cases of insurrection or obstruction to the laws, either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection or of causing the laws to be duly executed, it shall be lawful for him to employ for the same purposes such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect.

By this act it will be seen that the scope of the law of 1795 was extended so as to authorize the National Government to use not only the militia, but the Army and Navy of the United States, in "causing the laws to be duly executed."

The important provision of the acts of 1792, 1795, and 1807, modified in its terms from time to time to adapt it to the existing emergency, remained in force until, by an act approved by President Lincoln July 29, 1861, it was reenacted substantially in the same language in which it is now found in the Revised Statutes, viz:

SEC. 5298. Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce by the ordinary course of judicial proceedings the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed or the execution thereof forcibly obstructed.

This ancient and fundamental law has been in force from the foundation of the Government. It is now proposed to abrogate it on certain days and at certain places. In my judgment no fact has been produced which tends to show that it ought to be repealed or suspended for a single hour at any place in any of the States or Territories of the Union. All the teachings of experience in the course of our history are in favor of sustaining its efficiency unimpaired. On every occasion when the supremacy of the Constitution has been resisted and the perpetuity of our institutions imperiled the principle of this statute, enacted by the fathers, has enabled the Government of the Union to maintain its authority and to preserve the integrity of the nation.

At the most critical periods of our history my predecessors in the executive office have relied on this great principle. It was on this principle that President Washington suppressed the whisky rebellion in Pennsylvania in 1794.

In 1806, on the same principle, President Jefferson broke up the Burr conspiracy by issuing "orders for the employment of such force, either of the regulars or of the militia, and by such proceedings of the civil authorities, \* \* \* as might enable them to suppress effectually the further progress of the enterprise." And it was under the same authority that President Jackson crushed nullification in South Carolina and that President Lincoln issued his call for troops to save the Union in 1861. On numerous other occasions of less significance, under probably every Administration, and certainly under the present, this power has been usefully exerted to enforce the laws, without objection by any party in the country, and almost without attracting public attention.

The great elementary constitutional principle which was the foundation of the original statute of 1792, and which has been its essence in the various forms it has assumed since its first adoption, is that the Government of the United States possesses under the Constitution, in full measure, the power of self-protection by its own agencies, altogether independent of State authority, and, if need be, against the hostility of State governments. It should remain embodied in our statutes unimpaired, as it has been from the very origin of the Government. It should be regarded as hardly less valuable or less sacred than a provision of the Constitution itself.

There are many other important statutes containing provisions that are liable to be suspended or annulled at the times and places of holding elections if the bill before me should become a law. I do not undertake to furnish a list of them. Many of them—perhaps the most of them—have been set forth in the debates on this measure. They relate to extradition, to crimes against the election laws, to quarantine regulations, to neutrality, to Indian reservations, to the civil rights of citizens, and to other subjects. In regard to them all it may be safely said that the meaning and effect of this bill is to take from the General Government an important part of its power to enforce the laws.

Another grave objection to the bill is its discrimination in favor of the State and against the national authority. The presence or employment of the Army or Navy of the United States is lawful under the terms of this bill at the place where an election is being held in a State to uphold the authority of a State government then and there in need of such military intervention, but unlawful to uphold the authority of the Government of the United States then and there in need of such military intervention. Under this bill the presence or employment of the Army or Navy of the United States would be lawful and might be necessary to maintain the conduct of a State election against the domestic violence

that would overthrow it, but would be unlawful to maintain the conduct of a national election against the same local violence that would overthrow it. This discrimination has never been attempted in any previous legislation by Congress, and is no more compatible with sound principles of the Constitution or the necessary maxims and methods of our system of government on occasions of elections than at other times. In the early legislation of 1792 and of 1795, by which the militia of the States was the only military power resorted to for the execution of the constitutional powers in support of State or national authority, both functions of the Government were put upon the same footing. By the act of 1807 the employment of the Army and Navy was authorized for the performance of both constitutional duties in the same terms.

In all later statutes on the same subject-matter the same measure of authority to the Government has been accorded for the performance of both these duties. No precedent has been found in any previous legislation, and no sufficient reason has been given for the discrimination in favor of the State and against the national authority which this bill contains.

Under the sweeping terms of the bill the National Government is effectually shut out from the exercise of the right and from the discharge of the imperative duty to use its whole executive power whenever and wherever required for the enforcement of its laws at the places and times when and where its elections are held. ~~The employment of~~ its organized armed forces for any such purpose would be an offense against the law unless called for by, and therefore upon permission of, the authorities of the State in which the occasion arises. What is this but the substitution of the discretion of the State governments for the discretion of the Government of the United States as to the performance of its own duties? In my judgment this is an abandonment of its obligations by the National Government—a subordination of national authority and an intrusion of State supervision over national duties which amounts, in spirit and tendency, to State supremacy.

Though I believe that the existing statutes are abundantly adequate to completely prevent military interference with the elections in the sense in which the phrase is used in the title of this bill and is employed by the people of this country, I shall find no difficulty in concurring in any additional legislation limited to that object which does not interfere with the indispensable exercise of the powers of the Government under the Constitution and laws.

R. B. HAYES.

MAY 12, 1879.

EXECUTIVE MANSION, May 29, 1879.

*To the House of Representatives:*

After mature consideration of the bill entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes,"

I herewith return it to the House of Representatives, in which it originated, with the following objections to its approval:

The main purpose of the bill is to appropriate the money required to support during the next fiscal year the several civil departments of the Government. The amount appropriated exceeds in the aggregate \$18,000,000.

This money is needed to keep in operation the essential functions of all the great departments of the Government—legislative, executive, and judicial. If the bill contained no other provisions, no objection to its approval would be made. It embraces, however, a number of clauses, relating to subjects of great general interest, which are wholly unconnected with the appropriations which it provides for. The objections to the practice of tacking general legislation to appropriation bills, especially when the object is to deprive a coordinate branch of the Government of its right to the free exercise of its own discretion and judgment touching such general legislation, were set forth in the special message in relation to House bill No. 1, which was returned to the House of Representatives on the 29th of last month. I regret that the objections which were then expressed to this method of legislation have not seemed to Congress of sufficient weight to dissuade from this renewed incorporation of general enactments in an appropriation bill, and that my constitutional duty in respect of the general legislation thus placed before me can not be discharged without ~~seeming to delay~~, however briefly, the necessary appropriations by Congress for the support of the Government. Without repeating these objections, I respectfully refer to that message for a statement of my views on the principle maintained in debate by the advocates of this bill, viz, that “to withhold appropriations is a constitutional means for the redress” of what the majority of the House of Representatives may regard as “a grievance.”

The bill contains the following clauses, viz:

*And provided further*, That the following sections of the Revised Statutes of the United States, namely, sections 2016, 2018, and 2020, and all of the succeeding sections of said statutes down to and including section 2027, and also section 5522, be, and the same are hereby, repealed; \* \* \* and that all the other sections of the Revised Statutes, and all laws and parts of laws authorizing the appointment of chief supervisors of elections, special deputy marshals of elections, or general deputy marshals having any duties to perform in respect to any election, and prescribing their duties and powers and allowing them compensation, be, and the same are hereby, repealed.

It also contains clauses amending sections 2017, 2019, 2028, and 2031 of the Revised Statutes.

The sections of the Revised Statutes which the bill, if approved, would repeal or amend are part of an act approved May 30, 1870, and amended February 28, 1871, entitled “An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes.” All of the provisions of the above-named acts which it is proposed in this bill to repeal or modify relate to the Congressional

elections. The remaining portion of the law, which will continue in force after the enactment of this measure, is that which provides for the appointment, by a judge of the circuit court of the United States, of two supervisors of election in each election district at any Congressional election, on due application of citizens who desire, in the language of the law, "to have such election *guarded and scrutinized*." The duties of the supervisors will be to attend at the polls at all Congressional elections, and to remain after the polls are open until every vote cast has been counted; but they will "have no authority to make arrests or to perform other duties than to be in the immediate presence of the officers holding the election and to witness all their proceedings, including the counting of the votes and the making of a return thereof." The part of the election law which will be repealed by the approval of this bill includes those sections which give authority to the supervisors of elections "to personally scrutinize, count, and canvass each ballot," and all the sections which confer authority upon the United States marshals and deputy marshals in connection with the Congressional elections. The enactment of this bill will also repeal section 5522 of the criminal statutes of the United States, which was enacted for the protection of United States officers engaged in the discharge of their duties at the Congressional elections. This section protects supervisors and marshals in the performance of their duties by making the obstruction or the assaulting of these officers, or any interference with them, by bribery or solicitation or otherwise, crimes against the United States.

The true meaning and effect of the proposed legislation are plain. The supervisors, with the authority to observe and witness the proceedings at the Congressional elections, will be left, but there will be no power to protect them, or to prevent interference with their duties, or to punish any violation of the law from which their powers are derived. If this bill is approved, only the shadow of the authority of the United States at the national elections will remain; the substance will be gone. The supervision of the elections will be reduced to a mere inspection, without authority on the part of the supervisors to do any act whatever to make the election a fair one. All that will be left to the supervisors is the permission to have such oversight of the elections as political parties are in the habit of exercising without any authority of law, in order to prevent their opponents from obtaining unfair advantages. The object of the bill is to destroy any control whatever by the United States over the Congressional elections.

The passage of this bill has been urged upon the ground that the election of members of Congress is a matter which concerns the States alone; that these elections should be controlled exclusively by the States; that there are and can be no such elections as national elections, and that the existing law of the United States regulating the Congressional elections is without warrant in the Constitution.



It is evident, however, that the framers of the Constitution regarded the election of members of Congress in every State and in every district as in a very important sense justly a matter of political interest and concern to the whole country. The original provision of the Constitution on this subject is as follows (sec. 4, Art. I):

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

A further provision has been since added, which is embraced in the fifteenth amendment. It is as follows:

SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Under the general provision of the Constitution (sec. 4, Art. I) Congress in 1866 passed a comprehensive law which prescribed full and detailed regulations for the election of Senators by the legislatures of the several States. This law has been in force almost thirteen years. In pursuance of it all the members of the present Senate of the United States hold their seats. Its constitutionality is not called in question. It is confidently believed that no sound argument ~~can~~ be made in support of the constitutionality of national regulation of Senatorial elections which will not show that the elections of members of the House of Representatives may also be constitutionally regulated by the national authority.

The bill before me itself recognizes the principle that the Congressional elections are not State elections, but national elections. It leaves in full force the existing statute under which supervisors are still to be appointed by national authority to "observe and witness" the Congressional elections whenever due application is made by citizens who desire said elections to be "guarded and scrutinized." If the power to supervise in any respect whatever the Congressional elections exists under section 4, Article I, of the Constitution, it is a power which, like every other power belonging to the Government of the United States, is paramount and supreme, and includes the right to employ the necessary means to carry it into effect.

The statutes of the United States which regulate the election of members of the House of Representatives, an essential part of which it is proposed to repeal by this bill, have been in force about eight years. Four Congressional elections have been held under them, two of which were at the Presidential elections of 1872 and 1876. Numerous prosecutions, trials, and convictions have been had in the courts of the United States in all parts of the Union for violations of these laws. In no



reported case has their constitutionality been called in question by any judge of the courts of the United States. The validity of these laws is sustained by the uniform course of judicial action and opinion.

If it is urged that the United States election laws are not necessary, an ample reply is furnished by the history of their origin and of their results. They were especially prompted by the investigation and exposure of the frauds committed in the city and State of New York at the elections of 1868. Committees representing both of the leading political parties of the country have submitted reports to the House of Representatives on the extent of those frauds. A committee of the Fortieth Congress, after a full investigation, reached the conclusion that the number of fraudulent votes cast in the city of New York alone in 1868 was not less than 25,000. A committee of the Forty-fourth Congress in their report, submitted in 1877, adopted the opinion that for every 100 actual voters of the city of New York in 1868 108 votes were cast, when in fact the number of lawful votes cast could not have exceeded 88 per cent of the actual voters of the city. By this statement the number of fraudulent votes at that election in the city of New York alone was between thirty and forty thousand. These frauds completely reversed the result of the election in the State of New York, both as to the choice of governor and State officers and as to the choice of electors of President and Vice-President of the United States. They attracted the attention of the whole country. It was plain that if they could be continued and repeated with impunity free government was impossible. A distinguished Senator, in opposing the passage of the election laws, declared that he had "for a long time believed that our form of government was a comparative failure in the larger cities." To meet these evils and to prevent these crimes the United States laws regulating Congressional elections were enacted.

The framers of these laws have not been disappointed in their results. In the large cities, under their provisions, the elections have been comparatively peaceable, orderly, and honest. Even the opponents of these laws have borne testimony to their value and efficiency and to the necessity for their enactment. The committee of the Forty-fourth Congress, composed of members a majority of whom were opposed to these laws, in their report on the New York election of 1876, said:

The committee would commend to other portions of the country and to other cities this remarkable system, developed through the agency of both local and Federal authorities acting in harmony for an honest purpose. In no portion of the world and in no era of time where there has been an expression of the popular will through the forms of law has there been a more complete and thorough illustration of republican institutions. Whatever may have been the previous habit or conduct of elections in those cities, or howsoever they may conduct themselves in the future, this election of 1876 will stand as a monument of what good faith, honest endeavor, legal forms, and just authority may do for the protection of the electoral franchise.

This bill recognizes the authority and duty of the United States to

appoint supervisors to guard and scrutinize the Congressional elections, but it denies to the Government of the United States all power to make its supervision effectual. The great body of the people of all parties want free and fair elections. They do not think that a free election means freedom from the wholesome restraints of law or that the place of election should be a sanctuary for lawlessness and crime. On the day of an election peace and good order are more necessary than on any other day of the year. On that day the humblest and feeblest citizens, the aged and the infirm, should be, and should have reason to feel that they are, safe in the exercise of their most responsible duty and their most sacred right as members of society—their duty and their right to vote. The constitutional authority to regulate the Congressional elections which belongs to the Government of the United States, and which it is necessary to exert to secure the right to vote to every citizen possessing the requisite qualifications, ought to be enforced by appropriate legislation. So far from public opinion in any part of the country favoring any relaxation of the authority of the Government in the protection of elections from violence and corruption, I believe it demands greater vigor both in the enactment and in the execution of the laws framed for that purpose. Any oppression, any partisan partiality, which experience may have shown in the working of existing laws may well engage the careful attention both of Congress and of the Executive, in their respective spheres of duty, for the correction of these mischiefs.—As no Congressional elections occur until after the regular session of Congress will have been held, there seems to be no public exigency that would preclude a seasonable consideration at that session of any administrative details that might improve the present methods designed for the protection of all citizens in the complete and equal exercise of the right and power of the suffrage at such elections. But with my views, both of the constitutionality and of the value of the existing laws, I can not approve any measure for their repeal except in connection with the enactment of other legislation which may reasonably be expected to afford wiser and more efficient safeguards for free and honest Congressional elections.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, *June 23, 1879.*

*To the House of Representatives:*

After careful examination of the bill entitled "An act making appropriations for certain judicial expenses," I return it herewith to the House of Representatives, in which it originated, with the following objections to its approval:

The general purpose of the bill is to provide for certain judicial expenses of the Government for the fiscal year ending June 30, 1880, for which the sum of \$2,690,000 is appropriated. These appropriations are

required to keep in operation the general functions of the judicial department of the Government, and if this part of the bill stood alone there would be no objection to its approval. It contains, however, other provisions, to which I desire respectfully to ask your attention.

At the present session of Congress a majority of both Houses, favoring a repeal of the Congressional election laws embraced in title 26 of the Revised Statutes, passed a measure for that purpose, as part of a bill entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes." Unable to concur with Congress in that measure, on the 29th of May last I returned the bill to the House of Representatives, in which it originated, without my approval, for that further consideration for which the Constitution provides. On reconsideration the bill was approved by less than two-thirds of the House, and failed to become a law. The election laws therefore remain valid enactments, and the supreme law of the land, binding not only upon all private citizens, but also alike and equally binding upon all who are charged with the duties and responsibilities of the legislative, the executive, and the judicial departments of the Government.

It is not sought by the bill before me to repeal the election laws. Its object is to defeat their enforcement. The last clause of the first section is as follows:

And no part of the money hereby appropriated is appropriated to pay any salaries, compensation, fees, or expenses under or in virtue of title 26 of the Revised Statutes, or of any provision of said title.

Title 26 of the Revised Statutes, referred to in the foregoing clause, relates to the elective franchise, and contains the laws now in force regulating the Congressional elections.

The second section of the bill reaches much further. It is as follows:

SEC. 2. That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880; and no Department or officer of the Government shall during said fiscal year make any contract or incur any liability for the future payment of money under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment or payment of general or special deputy marshals for service in connection with elections or on election day until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

This section of the bill is intended to make an extensive and essential change in the existing laws. The following are the provisions of the statutes on the same subject which are now in force:

SEC. 3679. No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

SEC. 3732. No contract or purchase on behalf of the United States shall be made unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

The object of these sections of the Revised Statutes is plain. It is, first, to prevent any money from being expended unless appropriations have been made therefor, and, second, to prevent the Government from being bound by any contract not previously authorized by law, except for certain necessary purposes in the War and Navy Departments.

Under the existing laws the failure of Congress to make the appropriations required for the execution of the provisions of the election laws would not prevent their enforcement. The right and duty to appoint the general and special deputy marshals which they provide for would still remain, and the executive department of the Government would also be empowered to incur the requisite liability for their compensation. But the second section of this bill contains a prohibition not found in any previous legislation. Its design is to render the election laws inoperative and a dead letter during the next fiscal year. It is sought to accomplish this by omitting to appropriate money for their enforcement and by expressly prohibiting any Department or officer of the Government from incurring any liability under any of the provisions of title 26 of the Revised Statutes authorizing the appointment or payment of general or special deputy marshals for service on election days until an appropriation sufficient to pay such liability shall have first been made.

The President is called upon to give his affirmative approval to positive enactments which in effect deprive him of the ordinary and necessary means of executing laws still left in the statute book and embraced within his constitutional duty to see that the laws are executed.—If he approves the bill, and thus gives to such positive enactments the authority of law, he participates in the curtailment of his means of seeing that the law is faithfully executed, while the obligation of the law and of his constitutional duty remains unimpaired.

The appointment of special deputy marshals is not made by the statute a spontaneous act of authority on the part of any executive or judicial officer of the Government, but is accorded as a popular right of the citizens to call into operation this agency for securing the purity and freedom of elections in any city or town having 20,000 inhabitants or upward. Section 2021 of the Revised Statutes puts it in the power of any two citizens of such city or town to require of the marshal of the district the appointment of these special deputy marshals. Thereupon the duty of the marshal becomes imperative, and its nonperformance would expose him to judicial mandate or punishment or to removal from office by the President, as the circumstances of his conduct might require. The bill now before me neither revokes this popular right of the citizens, nor relieves the marshal of the duty imposed by law, nor the President of his duty to see that this law is faithfully executed.

I forbear to enter again upon any general discussion of the wisdom and necessity of the election laws or of the dangerous and unconstitutional principle of this bill—that the power vested in Congress to originate appropriations involves the right to compel the Executive to approve any legislation which Congress may see fit to attach to such bills, under

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the penalty of refusing the means needed to carry on essential functions of the Government. My views on these subjects have been sufficiently presented in the special messages sent by me to the House of Representatives during their present session. What was said in those messages I regard as conclusive as to my duty in respect to the bill before me. The arguments urged in those communications against the repeal of the election laws and against the right of Congress to deprive the Executive of that separate and independent discretion and judgment which the Constitution confers and requires are equally cogent in opposition to this bill. This measure leaves the powers and duties of the supervisors of elections untouched. The compensation of those officers is provided for under permanent laws, and no liability for which an appropriation is now required would therefore be incurred by their appointment. But the power of the National Government to protect them in the discharge of their duty at the polls would be taken away. The States may employ both civil and military power at the elections, but by this bill even the civil authority to protect Congressional elections is denied to the United States. The object is to prevent any adequate control by the United States over the national elections by forbidding the payment of deputy marshals, the officers who are clothed with authority to enforce the election laws.

The fact that these laws are deemed objectionable by a majority of both Houses of Congress is urged as a sufficient warrant for this legislation.

There are two lawful ways to overturn legislative enactments. One is their repeal; the other is the decision of a competent tribunal against their validity. The effect of this bill is to deprive the executive department of the Government of the means to execute laws which are not repealed, which have not been declared invalid, and which it is therefore the duty of the executive and of every other department of Government to obey and to enforce.

I have in my former message on this subject expressed a willingness to concur in suitable amendments for the improvement of the election laws; but I can not consent to their absolute and entire repeal, and I can not approve legislation which seeks to prevent their enforcement.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, *June 27, 1879.*

*To the Senate of the United States:*

I return without approval Senate bill No. 595,\* with the following objection to its becoming a law:

Doubts have arisen upon consideration of the bill as to whether Major Collins will be required under it to refund to the United States the pay and allowances received by him at the time he was mustered out of the

\* "An act to amend 'An act for the relief of Joseph B. Collins, approved March 3, 1879.'"

service. Believing that it was not the intention of Congress to require such repayment, the bill is returned without my signature to the House in which it originated.

R. B. HAYES.

EXECUTIVE MANSION, *June 30, 1879.*

*To the House of Representatives:*

I return to the House of Representatives, in which it originated, the bill entitled "An act making appropriations to pay fees of United States marshals and their general deputies," with the following objections to its becoming a law:

The bill appropriates the sum of \$600,000 for the payment during the fiscal year ending June 30, 1880, of United States marshals and their general deputies. The offices thus provided for are essential to the faithful execution of the laws. They were created and their powers and duties defined by Congress at its first session after the adoption of the Constitution in the judiciary act which was approved September 24, 1789. Their general duties, as defined in the act which originally established them, were substantially the same as those prescribed in the statutes now in force.

The principal provision on the subject in the Revised Statutes is as follows:

SEC. 787. It shall be the duty of the marshal of each district to attend the district and circuit courts when sitting therein, and to execute throughout the district all lawful precepts directed to him and issued under the authority of the United States; and he shall have power to command all necessary assistance in the execution of his duty.

The original act was amended February 28, 1795, and the amendment is now found in the Revised Statutes in the following form:

SEC. 788. The marshals and their deputies shall have in each State the same powers in executing the laws of the United States as the sheriffs and their deputies in such State may have by law in executing the laws thereof.

By subsequent statutes additional duties have been from time to time imposed upon the marshals and their deputies, the due and regular performance of which are required for the efficiency of almost every branch of the public service. Without these officers there would be no means of executing the warrants, decrees, or other process of the courts, and the judicial system of the country would be fatally defective. The criminal jurisdiction of the courts of the United States is very extensive. The crimes committed within the maritime jurisdiction of the United States are all cognizable only in the courts of the United States. Crimes against public justice; crimes against the operations of the Government, such as forging or counterfeiting the money or securities of the United States; crimes against the postal laws; offenses against the elective franchise, against the civil rights of citizens, against the existence of the

Government; crimes against the internal-revenue laws, the customs laws, the neutrality laws; crimes against laws for the protection of Indians and of the public lands—all of these crimes and many others can be punished only under United States laws, laws which, taken together, constitute a body of jurisprudence which is vital to the welfare of the whole country, and which can be enforced only by means of the marshals and deputy marshals of the United States. In the District of Columbia all of the process of the courts is executed by the officers in question. In short, the execution of the criminal laws of the United States, the service of all civil process in cases in which the United States is a party, and the execution of the revenue laws, the neutrality laws, and many other laws of large importance depend on the maintenance of the marshals and their deputies. They are in effect the only police of the United States Government. Officers with corresponding powers and duties are found in every State of the Union and in every country which has a jurisprudence which is worthy of the name. To deprive the National Government of these officers would be as disastrous to society as to abolish the sheriffs, constables, and police officers in the several States. It would be a denial to the United States of the right to execute its laws—a denial of all authority which requires the use of civil force. The law entitles these officers to be paid. The funds needed for the purpose have been collected from the people and are now in the Treasury. No objection is, therefore, made to that part of the bill before me which appropriates money for the support of the marshals and deputy marshals of the United States.

The bill contains, however, other provisions which are identical in tenor and effect with the second section of the bill entitled "An act making appropriations for certain judicial expenses," which on the 23d of the present month was returned to the House of Representatives with my objections to its approval. The provisions referred to are as follows:

SEC. 2. That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880; and no Department or officer of the Government shall during said fiscal year make any contract or incur any liability for the future payment of money under any of the provisions of title 26 mentioned in section 1 of this act until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

Upon a reconsideration in the House of Representatives of the bill which contained these provisions it lacked a constitutional majority, and therefore failed to become a law. In order to secure its enactment, the same measure is again presented for my approval, coupled in the bill before me with appropriations for the support of marshals and their deputies during the next fiscal year. The object, manifestly, is to place before the Executive this alternative: Either to allow necessary functions of the public service to be crippled or suspended for want of the

appropriations required to keep them in operation, or to approve legislation which in official communications to Congress he has declared would be a violation of his constitutional duty. Thus in this bill the principle is clearly embodied that by virtue of the provision of the Constitution which requires that "all bills for raising revenue shall originate in the House of Representatives" a bare majority of the House of Representatives has the right to withhold appropriations for the support of the Government unless the Executive consents to approve any legislation which may be attached to appropriation bills. I respectfully refer to the communications on this subject which I have sent to Congress during its present session for a statement of the grounds of my conclusions, and desire here merely to repeat that in my judgment to establish the principle of this bill is to make a radical, dangerous, and unconstitutional change in the character of our institutions.

RUTHERFORD B. HAYES.

## PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Whereas it has become known to me that certain evil-disposed persons have within the territory and jurisdiction of the United States begun and set on foot preparations for an organized and forcible possession of and settlement upon the lands of what is known as the Indian Territory, west of the State of Arkansas, which Territory is designated, recognized, and described by the treaties and laws of the United States and by the executive authorities as Indian country, and as such is only subject to occupation by Indian tribes, officers of the Indian Department, military posts, and such persons as may be privileged to reside and trade therein under the intercourse laws of the United States; and

Whereas those laws provide for the removal of all persons residing and trading therein without express permission of the Indian Department and agents, and also of all persons whom such agents may deem to be improper persons to reside in the Indian country:

Now, therefore, for the purpose of properly protecting the interests of the Indian nations and tribes, as well as of the United States, in said Indian Territory, and of duly enforcing the laws governing the same, I, Rutherford B. Hayes, President of the United States, do admonish and warn all such persons so intending or preparing to remove upon said lands or into said Territory without permission of the proper agent of the Indian Department against any attempt to so remove or settle upon



any of the lands of said Territory; and I do further warn and notify any and all such persons who may so offend that they will be speedily and immediately removed therefrom by the agent, according to the laws made and provided; and if necessary the aid and assistance of the military forces of the United States will be invoked to carry into proper execution the laws of the United States herein referred to.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 26th day of April, A. D. 1879, and of the Independence of the United States the one hundred and third.

RUTHERFORD B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State*.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

At no recurrence of the season which the devout habit of a religious people has made the occasion for giving thanks to Almighty God and humbly invoking His continued favor has the material prosperity enjoyed by our whole country been more conspicuous, more manifold, or more universal.

During the past year, also, unbroken peace with all foreign nations, the general prevalence of domestic tranquillity, the supremacy and security of the great institutions of civil and religious freedom, have gladdened the hearts of our people and confirmed their attachment to their Government, which the wisdom and courage of our ancestors so fitly framed and the wisdom and courage of their descendants have so firmly maintained to be the habitation of liberty and justice to successive generations.

Now, therefore, I, Rutherford B. Hayes, President of the United States, do appoint Thursday, the 27th day of November instant, as a day of national thanksgiving and prayer; and I earnestly recommend that, withdrawing themselves from secular cares and labors, the people of the United States do meet together on that day in their respective places of worship, there to give thanks and praise to Almighty God for His mercies and to devoutly beseech their continuance.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 3d day of November, A. D. 1879, and of the Independence of the United States the one hundred and fourth.

RUTHERFORD B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State*.

## EXECUTIVE ORDERS.

[From the New-York Tribune, February 14, 1879.]

EXECUTIVE MANSION,  
*Washington, February 4, 1879.*

General E. A. MERRITT.

MY DEAR GENERAL: I congratulate you on your confirmation. It is a great gratification to me, very honorable to you, and will prove, I believe, of signal service to the country. My desire is that the office be conducted on strictly business principles, and according to the rules for the civil service which were recommended by the Civil Service Commission in the Administration of General Grant. I want you to be perfectly independent of mere influence from any quarter. Neither my recommendation, nor that of Secretary Sherman, nor of any member of Congress or other influential person must be specially regarded. Let appointments and removals be made on business principles and according to rules. There must be, I assume, a few places filled by those you personally know to be trustworthy, but restrict the area of patronage to the narrowest limits. Let no man be put out merely because he is a friend to Mr. Arthur, and no man put in merely because he is our friend. The good of the service should be the sole end in view. The best means yet presented, it seems to me, are the rules recommended by the Civil Service Commission. I shall issue no new order on the subject at present. I am glad you approve of the message, and I ~~wish~~ you to see that all that is expressed or implied in it is faithfully carried out.

Again congratulating you, and assuring you of my entire confidence, I remain, sincerely,

R. B. HAYES.

REGULATIONS TO PREVENT THE INTRODUCTION OF THE "PLAGUE" INTO THE  
UNITED STATES.

TREASURY DEPARTMENT,  
OFFICE OF THE SURGEON-GENERAL  
UNITED STATES MARINE-HOSPITAL SERVICE,  
*Washington, D. C., March 3, 1879.*

*To Officers of the Customs Revenue, Medical Officers of the Marine-Hospital Service,  
and others whom it may concern:*

The act approved April 29, 1878, entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," provides that no vessel coming from any foreign port or country where any contagious or infectious disease exists, nor any vessel conveying infected merchandise, shall enter any port of the United States or pass the boundary line between the United States and any foreign country except in such manner as may be prescribed under said act.

Attention has been called to the prevalence of a dangerous epidemic disease in southern Russia known as the "plague," and its extremely virulent and contagious character, as manifested in the late outbreak, leaves no doubt that it is similar to, if not identical with, the "plague" which devastated the Old World in past centuries.

Because, therefore, of the danger which attaches to rags, furs, etc., as carriers of infection, the following regulations are framed, under the direction of the Secretary of the Treasury, and subject to the approval of the President, for the protection of the health of the people of the United States against the danger referred to:

Until further orders no vessel from any port of the Black Sea or the Sea of Azof, conveying any rags, furs, skins, hair, feathers, boxed or baled clothing or bedding, or any similar articles liable to convey infection, nor any vessel from any port of the Mediterranean or Red seas having on board such articles coming from southern Russia, shall enter any port of the United States until such articles shall have been removed from the vessel to open lighters or to some isolated locality and the vessel disinfected and thoroughly ventilated; and the suspected articles shall be disinfected, either by chemical agents and exposure to free currents of air or by burning, as shall be determined in each case by the Surgeon-General of the Marine-Hospital Service.

The certificate of the State or municipal quarantine officer of health may be accepted as satisfactory evidence of compliance with these regulations on the part of the vessel.

JNO. M. WOODWORTH,  
*Surgeon-General United States Marine-Hospital Service.*

Approved:

R. B. HAYES.

HON. JOHN SHERMAN,  
*Secretary of the Treasury.*

CUSTOM-HOUSE, NEW YORK CITY,  
*Collector's Office, February 26, 1879.*

SIR: The President, by letter of 4th instant, having requested that appointments and promotions in this office should be made in accordance with the civil-service rules of 1872, and having also made a similar request of the naval officer, it has been deemed best to make, if practicable, the same rules applicable to all the offices in this city included in the order of the Treasury Department dated August 7, 1872.

With that view, and after several conferences, it has been agreed by the assistant treasurer, naval officer, appraiser, surveyor, and myself to submit the inclosed modifications of the rules of 1872, and should they meet approval to put in operation forthwith the rules so modified.

I am, very respectfully,

E. A. MERRITT, *Collector.*

[The modifications submitted with the above letter are omitted, and instead are inserted the following regulations, based upon said modifications, approved by the President March 6, 1879, and amended with his approval in January, 1880.]

#### REGULATIONS GOVERNING APPOINTMENTS AND PROMOTIONS IN THE CUSTOMS SERVICE AND SUBTREASURY IN THE CITY OF NEW YORK.

I. Every application for appointment to a vacancy in the lowest grade of any group in the offices of the collector and the surveyor of customs, the naval officer, the appraiser, and the assistant treasurer of the United States in the city of New York must be made in the handwriting of the applicant to the head of the office in which employment is desired. It must state: (1) The position to which the applicant desires to be appointed;\* (2) place and date of birth; (3) legal residence, and how long it has been such; (4) education; (5) occupation, past and present; (6) whether ever employed in the civil service, and, if so, when, how long, in what branch and capacity, and reasons for leaving the service; (7) whether ever in the Regular or

\*The positions for which applications may be made in the several offices are:

Collector's and surveyor's office: (1) Inspector, at salary of \$4 per day; (2) clerk, at annual salary of \$1,200; (3) weigher's clerk, at annual salary of \$1,200; (4) gauger's clerk, at annual salary

Volunteer Army or Navy, and, if so, when and in what organization and capacity; (8) applicant's name in full.

II. The applicant must certify to having composed and written the application without assistance; to the truth of the statements which it contains; to being a citizen of the United States, and faithful to the Union and the Constitution; and, if ever in the Regular or Volunteer Army or Navy, to having been honorably discharged.

III. Every application must be accompanied by a certificate, signed by two trustworthy and responsible persons, well known in the community in which they reside, that the applicant is personally well known to them to be of good moral character and of temperate and industrious habits, and to be faithful to the Union and the Constitution of the United States.

IV. Every application must also be accompanied by the certificate of a practicing physician as to the applicant's general health and physical capacity to perform the duties of the position to which he desires to be appointed: *Provided, however*, That no appointment will be made to any position in active outdoor service unless a surgeon of the United States Marine-Hospital Service shall certify that he has made a physical examination of the applicant and found him fit for such position. Such surgeon's examination may be postponed until required by the nominating officer.

V. Applications filed previously to the adoption of these regulations must be renewed or perfected in accordance therewith to entitle them to consideration. No applications for appointment as day or night inspectors in the custom-house from persons under 21 years of age, or for other positions under these regulations from persons under ~~18~~ years of age, will be considered. In compliance with section 1031 of the Treasury Regulations now in force, persons over 45 years of age are not eligible to any group the lowest grade of which is confined to persons receiving an annual salary of less than \$1,800. This prohibition, however, shall not be applied to those who have been honorably discharged from the service and are otherwise qualified.

VI. All applications upon their receipt will be carefully examined by the board of examiners, and those which do not conform in every particular to the foregoing requirements, and such as show that the applicants are manifestly not qualified for the duties of the position desired, will be rejected and the applicants so notified. All other applicants will be designated as eligible for examination, and will be so notified. Inasmuch as applications are to be made in writing and each case is to be decided upon its merits, personal importunity will have no weight.

VII. Not less than five days prior to each examination a notification to appear at a time and place to be stated will be mailed to the eligible candidates, unless it shall be found impracticable to examine all of them, in which case a practicable number will be selected under the second regulation\* for the civil service promulgated April 16, 1872, and notified to appear for examination. Those not selected for examination will remain on the eligible list. If any person notified to appear shall be unable to do so on account of sickness or other causes, he must promptly advise the board of examiners, in person or by mail, of his inability to attend, and his name will remain upon the eligible list; but any person attending an examination will not be allowed to subsequently plead sickness or other disabling causes as an excuse for defects in examination.

of \$1,200; (5) night inspector, at a salary of \$2.50 per day, and clerk, at an annual salary of less than \$1,200.

Naval office: (1) Clerk, at an annual salary of \$1,200; (2) clerk, at an annual salary of less than \$1,200.

Assistant treasurer's office: (1) Clerk, at an annual salary of \$2,000; (2) clerk, at an annual salary of \$1,200; (3) clerk, at an annual salary of less than \$1,200.

Appraiser's office: (1) Examiner, at an annual salary of \$1,800; (2) clerk, verifier, or sampler, at an annual salary of \$1,200; (3) clerk, verifier, or sampler, at an annual salary of less than \$1,200; (4) openers and packers, at a salary of \$3 per day.

\* See p. 181.

VIII. All candidates for appointment to positions the annual salary of which is \$1,200 or more, who shall appear in accordance with such notification, will be subjected to a competitive written examination upon the following subjects: (1) Copying from dictation; (2) arithmetic—fundamental rules, fractions, proportion, percentage and interest, reduction; (3) elements of accounts and bookkeeping; (4) geography, history, and government—general questions, principally such as relate to the United States; (5) elements of English grammar, chiefly orthography and syntax; (6) writing and briefing letters; and (7) penmanship.

Candidates for appointment to positions the salary of which is less than \$1,200 will be examined in like manner upon the following subjects: (1) Penmanship; (2) copying; (3) elements of English grammar, chiefly orthography and syntax; and (4) fundamental rules of arithmetic.

Proficiency in penmanship, orthography, and punctuation will be determined principally by a review of the examination papers, and as far as possible the examination in all the branches will be confined to practical exercises.

In examinations for appointments to positions requiring special or technical knowledge such additions may be made by the board of examiners to the list of subjects as the nature of the case may require.

For temporary employment to meet casual exigencies in the public business, or for special services as experts, appointments may be made without examination; but no such appointment shall be made for a term exceeding three months, which may be specially extended for a similar term only; and no such appointment shall be made to any regular or permanent position.

IX. The various subjects of the examination may be subdivided, if though desirable, into classes, and to each subject or class a relative weight, according to its importance ~~in the examination~~, will be assigned by each board of examiners. The mode of ascertaining the result of the examination will be as follows: The degree of accuracy with which each question shall be answered will first be marked by the board on a scale of 100. The average of the marks given to the answers to the questions in each subject or class will next be ascertained. Each average will then be multiplied by the number indicating the relative weight of the subject or class, and the sum of the products will be divided by the sum of the relative weights. The quotient will determine the candidate's standing in the examination. Relative weight will be assigned not merely to the special qualifications of the candidates, but to their general aptitude, as shown in the course of examination. Candidates will be examined during office hours, and in no case will their examination be continued more than one day.

X. The board of examiners will prepare a list of the persons examined in the order of their excellence, as proved by such examination, beginning with the highest, and will then certify to the head of the office the names standing at the head of such list, not exceeding three. When more than one appointment is to be made, the vacancies will be numbered, and the first three names will be certified for the first vacancy, the remaining two and the fourth for the second vacancy, the remaining two and the fifth for the third vacancy, and so on for the whole number of vacancies; but if, after selecting one of any three certified for appointment, the head of the office shall object to another presentation of either of the remaining names, it shall not be again certified.

XI. The examination papers of any candidate who shall have passed a minimum standard of 75 per cent, but who shall fail to be appointed, will, if requested by the candidate, be brought into competition with those candidates who shall compete for vacancies of the same class and nature occurring within one year: *Provided, however*, That the candidate shall not have been specially objected to by the head of the office under the last preceding regulation. No candidate who upon examination has been marked below the minimum will be allowed to again compete within one year from the date of such examination, unless for admission to a lower group.

XII. All examination papers will be filed, and will at all times be open to the inspection of those interested, under such restrictions as may be imposed by the head of the office.

XIII. There shall be one examining board for all appointments and promotions under these rules in the offices of the collector, surveyor, and naval officer, which shall consist of the surveyor and one representative to be nominated each by the collector and the naval officer, and three alternates, to be nominated one each by the collector, the naval officer, and the surveyor: *Provided, however,* That in examinations for positions in the surveyor's office the surveyor's alternate shall act on such board. The examining boards in the offices of the assistant treasurer and the appraiser shall consist of three persons, with three alternates, to be nominated by the assistant treasurer and the appraiser, respectively. All nominations as members and alternates on the examining boards shall be submitted to the Secretary of the Treasury for his approval. The heads of the several offices shall constitute a board of revision and appeal, which, upon appeal from any person examined or from any member of an examining board, shall revise the decision of said board.

XIV. Whenever the head of an office shall notify the board of examiners for such office that a vacancy which he desires to fill exists in any grade above the lowest not excepted from the rules and regulations for the civil service, the board will fix a time for holding an examination for the purpose, and at least five days before the same is to take place will cause a notice to be posted in a conspicuous place in the office, stating the grade and group of the vacancy, the date of the examination, and that the vacancy is to be filled by a competitive examination of applicants from the next lower grade, unless none in such lower grade be found qualified, when those in the next lower grade may compete, or, if there be none in any of the lower grades qualified, competition will be open to applicants. In any examination for promotion, if the competitors from the next lower grade shall not exceed three in number, the board may, at its discretion, open the competition to the next lower grade or below, as they may deem best; and furthermore, if such promotion would probably occasion vacancies requiring other promotions, the board may combine in one the necessary examinations for such promotions. No person who has been examined in any grade for promotion and failed to receive such promotion shall again be admitted to examination within six months, but in the meantime his general average, as ascertained by such examination, may be brought into competition, as provided in Regulation XI.

XV. The examination will be held upon the general subjects fixed for examinations for admission to the lowest grade of the group and upon such other subjects as the general nature of the business of the office and the special nature of the position to be filled may seem to the board of examiners to require. Due weight will be given to the efficiency with which the several candidates shall have previously performed their duties in the office; but no one who shall fail to pass a minimum standard of 75 per cent in the written examination will be certified for appointment.

XVI. If no applicants from within the group shall be found competent, an examination will be held of all who shall make application in accordance with the regulations governing applications for admission to the office, after due public notice by the head of the office. The examination will be conducted in accordance with the provisions for admission to the office, as required by the fourth rule\* for the civil service promulgated December 19, 1871, but the nature of the examination will be the same as in any previous examination for the same vacancy.

XVII. The list of names from which the appointment is to be made will be prepared and certified in the manner provided for admission to the lowest grade.

XVIII. Persons employed in any of the offices to which these rules are applicable may be transferred without examination from one office to a grade no higher

\* See p. 158.

in another office, with the consent of the heads of the respective offices and the approval of the Secretary of the Treasury.

XIX. Under the provisions of rule 2\* of August 5, 1873, and the operation of these regulations, the power of suspension and of recommendation for discharge from the service shall remain with the nominating officer unrestricted. If, however, in his judgment it be deemed advisable, he may direct any person in his department to be cited before the regular examining board, and such board shall examine into and report upon the qualifications, efficiency, and general fitness for the position held, or for any position in the same or a lower grade, of the person so cited to appear; and furthermore, any person in the service engaged in active outdoor duties may be cited to appear before a surgeon of the United States Marine-Hospital Service and be examined by such surgeon as to the physical abilities of such person to perform the duties of the position occupied or of a position of less exposure, if otherwise qualified.

XX. The sessions of the examining boards shall not be open to the public, but the board of revision and appeal may select such number of prominent citizens as may be deemed advisable, who shall have free access to the examining rooms, and who shall take no part in the conduct of the examination, but may, by inspection and inquiry, assure themselves regarding its thoroughness and impartiality, and may publicly certify the results of their inspection.

[Seventh rule for the civil service under the Executive order of April 16, 1872.†]

The appointment of all persons entering the civil service in accordance with these regulations, excepting persons appointed by the President by and with the advice and consent of the Senate, postmasters, and persons appointed to any position in a foreign country, shall be made for a probationary term of six months, during which the conduct and capacity of such persons shall be tested; and if at the end of said probationary term satisfactory proofs of their fitness shall have been furnished by the board of examiners to the head of the Department in which they shall have been employed during said term, they shall be reappointed.

[Fourth regulation for the civil service under the Executive order of April 16, 1872.‡]

The appointment of persons to be employed exclusively in the secret service of the Government, also of persons to be employed as translators, stenographers, or private secretaries, \* \* \* may be excepted from the operation of the rules.

[Ninth rule for the civil service under the Executive order of April 16, 1872.§]

Any person who, after long and faithful service in a Department, shall be incapacitated by mental or bodily infirmity for the efficient discharge of the duties of his position may be appointed by the head of the Department, at his discretion, to a position of less responsibility in the same Department.

[Seventh rule for the civil service under the Executive order of August 5, 1873.¶]

Applicants for appointment as cashiers of collectors of customs, cashiers of assistant treasurers, cashiers of postmasters, superintendents of money-order divisions in post-offices, and other custodians of large sums of public money for whose fidelity another officer has given official bonds may be appointed at discretion; but this rule shall not apply to any appointment to a position grouped below the grade of assistant teller.

The amendments of the New York custom-house rules seem proper.

R. B. H.

\* See p. 231.

† See rule 7, promulgated December 19, 1871, p. 158.

‡ See p. 181.

§ See rule 9, promulgated December 19, 1871, p. 158.

¶ See p. 232.



MARCH 6, 1879.

General E. A. MERRITT,  
*Collector of Customs, New York.*

SIR: Your letter of the 26th ultimo, inclosing a draft of modification of the civil-service rules, was duly received, and the rules have been considered and approved by the President. You may therefore act upon them.

Very respectfully,

JOHN SHERMAN,  
*Secretary.*

RULES GOVERNING APPOINTMENT AND PROMOTION IN THE NEW YORK POST-OFFICE.

For the purpose of making it more certain that only persons of good character and adequate capacity shall be selected from among applicants too numerous for the postmaster to become informed of their individual merits by personal investigation, the following rules are established:

1. Hereafter all applications for clerical appointment at this post-office must be made in accordance with a prescribed form, a copy of which will be furnished to each applicant.

2. All appointments to clerical positions will be made to the lowest grade, and no applications from persons under 16 or over 25 years of age will be entertained.

3. On receipt of an application for appointment, and before further action is taken in regard to it, the applicant will be referred to the medical officer for examination as to his physical condition, as being adequate for the service; and if the report is unfavorable the application will be rejected. Should the report be favorable, the application will be filed and registered in its regular order.

4. Every application must be accompanied by a certificate, signed by not less than three nor more than five reputable citizens, stating the time for which each has been acquainted with the applicant, and testifying to his good character and reputation for integrity, sobriety, and industry, and to the willingness of the signers to furnish personally any further information they may possess concerning the applicant, if so requested by the postmaster or the board of examiners.

5. Applications not properly filled out as herein required, or which are found to contain false statements, or which in any other manner show the unfitness of the applicant for employment in the post-office, will be rejected and the applicant notified of such rejection.

6. All examination papers, with the markings showing the relative proficiency of the candidates, will be carefully preserved and filed.

7. The names of candidates which have been on the register for one year without being reached for examination will be regarded as removed, and will not be selected for examination unless again placed on the register by a new application, after which they will be selected when reached in order.

8. All applications duly received and filed shall, when reached in order, be referred to a board of examiners, which is hereby appointed, and which shall consist of the assistant postmaster, auditor, the general superintendents of the fourth, fifth, and sixth divisions, and the assistant general superintendent of the third division. The postmaster's private secretary shall also act as secretary of said board.

9. When vacancies occur in the lowest grade, the board of examiners shall notify such number of applicants, not less than twenty, of those first on the register of applicants to appear for a competitive examination.

10. The questions to be asked and answered at such examinations shall be such as



will show the relative proficiency of the candidates, first, in penmanship; second, in arithmetic; third, in geography; fourth, in English grammar; fifth, in the history of the United States and in matters of a public nature, to the extent that may be required adequately to test general capacity or special fitness for the postal service.

11. The board shall present to the postmaster a list of the names of the successful candidates in the order of their excellence, as shown by the examination, beginning with the highest; and the appointments will be made from the three highest names on the list.

12. All further details in methods of examination will be left to the discretion of the board, but subject to the instructions of the postmaster, in conformity herewith.

13. All vacancies that may occur in the higher grades of any department shall be filled by promotion from the lower grades by means of competitive examinations, to which shall be admitted as competitors such persons only as are already employed in the division in which the vacancy exists or in divisions having analogous duties. The questions in these examinations shall be restricted mainly to matters pertaining to the ordinary business of that department. The examinations shall be conducted by the general superintendent of the division to which the department is attached, assisted by such one or more other officers of the same as the postmaster may select; and they shall report the result to the postmaster in the manner provided in rule 11, and the vacancy will be filled by the promotion of some one of the three standing highest in the competition. But whenever the vacancy to be filled by promotion is that of a position requiring the exercise of administrative authority the board may add such questions as will test the degree to which the candidates possess special qualifications for such position.

14. For positions as porters the examination will be confined to questions intended to test the physical ability of the candidates and their proficiency in reading, penmanship, and elementary arithmetic only.

15. The postmaster reserves from the operation of the above rules for original appointment and promotion positions of especial pecuniary trust, as well as those involving confidential relations, as private secretary, etc.

THOMAS L. JAMES, *Postmaster*.

Approved. Let these rules go into effect May 1, 1879.

D. M. KEY, *Postmaster-General*.

APRIL 3, 1879.

The foregoing rules are approved.

R. B. HAYES.

[From the Evening Star, Washington, D. C., May 28, 1879.]

EXECUTIVE MANSION,

*Washington, May 28, 1879.*

SIR:\* I am directed by the President to say that the several Departments of the Government will be closed on Friday, the 30th instant, in remembrance of those who fell in defense of the nation, and to enable the employees to participate in the commemorative ceremonies of the day.

Very respectfully, your obedient servant,

W. K. ROGERS, *Private Secretary*.

\* Addressed to the heads of the Executive Departments, etc.

TREASURY DEPARTMENT,  
OFFICE OF THE SURGEON-GENERAL,  
UNITED STATES MARINE-HOSPITAL SERVICE,  
*Washington, D. C., May 31, 1879.*

*To Medical Officers of the Marine-Hospital Service and others whom it may concern:*

Official information having been received to the effect that the "plague" which existed in southern Russia is now almost extinct, the regulations issued March 3, 1879,\* imposing certain restrictions upon the importation of rags, etc., into the United States, are hereby revoked.

By order of the Secretary of the Treasury:

J. B. HAMILTON,  
*Surgeon-General United States Marine-Hospital Service.*

Approved:

R. B. HAYES.

EXECUTIVE MANSION,  
*Washington, November 1, 1879.*

The sad intelligence of the death of Zachariah Chandler, late Secretary of the Interior, and during so many years a Senator from the State of Michigan, has been communicated to the Government and to the country, and in proper respect to his memory I hereby order that the several Executive Departments be closed to public business and their flags and those of their dependencies throughout the country be displayed at half-mast on the day of his funeral.

R. B. HAYES.

EXECUTIVE MANSION,  
*Washington, November 17, 1879.*

DEAR SIR:† I am directed by the President to say that the several Departments of the Government will be closed on Wednesday, the 19th instant, to enable the employees to participate in the ceremonies attending the unveiling of the statue of the late General George H. Thomas.

Very truly, yours,

W. K. ROGERS, *Private Secretary.*

### THIRD ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 1, 1879.*

*Fellow-Citizens of the Senate and House of Representatives:*

The members of the Forty-sixth Congress have assembled in their first regular session under circumstances calling for mutual congratulation and grateful acknowledgment to the Giver of All Good for the large and unusual measure of national prosperity which we now enjoy.

The most interesting events which have occurred in our public affairs

\* See pp. 549-550.

† Addressed to the heads of the Executive Departments, etc.

since my last annual message to Congress are connected with the financial operations of the Government, directly affecting the business interests of the country. I congratulate Congress on the successful execution of the resumption act. At the time fixed, and in the manner contemplated by law, United States notes began to be redeemed in coin. Since the 1st of January last they have been promptly redeemed on presentation, and in all business transactions, public and private, in all parts of the country, they are received and paid out as the equivalent of coin. The demand upon the Treasury for gold and silver in exchange for United States notes has been comparatively small, and the voluntary deposit of coin and bullion in exchange for notes has been very large. The excess of the precious metals deposited or exchanged for United States notes over the amount of United States notes redeemed is about \$40,000,000.

The resumption of specie payments has been followed by a very great revival of business. With a currency equivalent in value to the money of the commercial world, we are enabled to enter upon an equal competition with other nations in trade and production. The increasing foreign demand for our manufactures and agricultural products has caused a large balance of trade in our favor, which has been paid in gold, from the 1st of July last to November 15, to the amount of about \$59,000,000. Since the resumption of specie payments there has also been a marked and gratifying improvement of the public credit. The bonds of the Government bearing only 4 per cent interest have been sold at or above par, sufficient in amount to pay off all of the national debt which was redeemable under present laws. The amount of interest saved annually by the process of refunding the debt since March 1, 1877, is \$14,297,177. The bonds sold were largely in small sums, and the number of our citizens now holding the public securities is much greater than ever before. The amount of the national debt which matures within less than two years is \$792,121,700, of which \$500,000,000 bear interest at the rate of 5 per cent, and the balance is in bonds bearing 6 per cent interest. It is believed that this part of the public debt can be refunded by the issue of 4 per cent bonds, and, by the reduction of interest which will thus be effected, about \$11,000,000 can be annually saved to the Treasury. To secure this important reduction of interest to be paid by the United States further legislation is required, which it is hoped will be provided by Congress during its present session.

The coinage of gold by the mints of the United States during the last fiscal year was \$40,986,912. The coinage of silver dollars since the passage of the act for that purpose up to November 1, 1879, was \$45,000,850, of which \$12,700,344 have been issued from the Treasury and are now in circulation, and \$32,300,506 are still in the possession of the Government.

The pendency of the proposition for unity of action between the United States and the principal commercial nations of Europe to effect a permanent system for the equality of gold and silver in the recognized money

of the world leads me to recommend that Congress refrain from new legislation on the general subject. The great revival of trade, internal and foreign, will supply during the coming year its own instructions, which may well be awaited before attempting further experimental measures with the coinage. I would, however, strongly urge upon Congress the importance of authorizing the Secretary of the Treasury to suspend the coinage of silver dollars upon the present legal ratio. The market value of the silver dollar being uniformly and largely less than the market value of the gold dollar, it is obviously impracticable to maintain them at par with each other if both are coined without limit. If the cheaper coin is forced into circulation, it will, if coined without limit, soon become the sole standard of value, and thus defeat the desired object, which is a currency of both gold and silver which shall be of equivalent value, dollar for dollar, with the universally recognized money of the world.

The retirement from circulation of United States notes with the capacity of legal tender in private contracts is a step to be taken in our progress toward a safe and stable currency which should be accepted as the policy and duty of the Government and the interest and security of the people. It is my firm conviction that the issue of legal-tender paper money based wholly upon the authority and credit of the Government, except in extreme emergency, is without warrant in the Constitution and a violation of sound financial principles. The issue of United States notes during the late civil war with the capacity of legal tender between private individuals was not authorized except as a means of rescuing the country from imminent peril. The circulation of these notes as paper money for any protracted period of time after the accomplishment of this purpose was not contemplated by the framers of the law under which they were issued. They anticipated the redemption and withdrawal of these notes at the earliest practicable period consistent with the attainment of the object for which they were provided.

The policy of the United States, steadily adhered to from the adoption of the Constitution, has been to avoid the creation of a national debt; and when, from necessity in time of war, debts have been created, they have been paid off, on the return of peace, as rapidly as possible. With this view, and for this purpose, it is recommended that the existing laws for the accumulation of a sinking fund sufficient to extinguish the public debt within a limited period be maintained. If any change of the objects or rates of taxation is deemed necessary by Congress, it is suggested that experience has shown that a duty can be placed on tea and coffee which will not enhance the price of those articles to the consumer, and which will add several millions of dollars annually to the Treasury.

The continued deliberate violation by a large number of the prominent and influential citizens of the Territory of Utah of the laws of the United

States for the prosecution and punishment of polygamy demands the attention of every department of the Government. This Territory has a population sufficient to entitle it to admission as a State, and the general interests of the nation, as well as the welfare of the citizens of the Territory, require its advance from the Territorial form of government to the responsibilities and privileges of a State. This important change will not, however, be approved by the country while the citizens of Utah in very considerable number uphold a practice which is condemned as a crime by the laws of all civilized communities throughout the world.

The law for the suppression of this offense was enacted with great unanimity by Congress more than seventeen years ago, but has remained until recently a dead letter in the Territory of Utah, because of the peculiar difficulties attending its enforcement. The opinion widely prevailed among the citizens of Utah that the law was in contravention of the constitutional guaranty of religious freedom. This objection is now removed. The Supreme Court of the United States has decided the law to be within the legislative power of Congress and binding as a rule of action for all who reside within the Territories. There is no longer any reason for delay or hesitation in its enforcement. It should be firmly and effectively executed. If not sufficiently stringent in its provisions, it should be amended; and in aid of the purpose in view I recommend that more comprehensive and more searching methods for preventing as well as punishing this crime be provided. If necessary to secure obedience to the law, the enjoyment and exercise of the rights and privileges of citizenship in the Territories of the United States may be withheld or withdrawn from those who violate or oppose the enforcement of the law on this subject.

The elections of the past year, though occupied only with State officers, have not failed to elicit in the political discussions which attended them all over the country new and decisive evidence of the deep interest which the great body of citizens take in the progress of the country toward a more general and complete establishment, at whatever cost, of universal security and freedom in the exercise of the elective franchise. While many topics of political concern demand great attention from our people, both in the sphere of national and State authority, I find no reason to qualify the opinion I expressed in my last annual message, that no temporary or administrative interests of government, however urgent or weighty, will ever displace the zeal of our people in defense of the primary rights of citizenship, and that the power of public opinion will override all political prejudices, and all sectional and State attachments in demanding that all over our wide territory the name and character of citizen of the United States shall mean one and the same thing and carry with them unchallenged security and respect. I earnestly appeal to the intelligence and patriotism of all good citizens of every part of the country, however much they may be divided in opinions on other political

subjects, to unite in compelling obedience to existing laws aimed at the protection of the right of suffrage. I respectfully urge upon Congress to supply any defects in these laws which experience has shown and which it is within its power to remedy. I again invoke the cooperation of the executive and legislative authorities of the States in this great purpose. I am fully convinced that if the public mind can be set at rest on this paramount question of popular rights no serious obstacle will thwart or delay the complete pacification of the country or retard the general diffusion of prosperity.

In a former message I invited the attention of Congress to the subject of the reformation of the civil service of the Government, and expressed the intention of transmitting to Congress as early as practicable a report upon this subject by the chairman of the Civil Service Commission.

In view of the facts that during a considerable period the Government of Great Britain has been dealing with administrative problems and abuses in various particulars analogous to those presented in this country, and that in recent years the measures adopted were understood to have been effective and in every respect highly satisfactory, I thought it desirable to have fuller information upon the subject, and accordingly requested the chairman of the Civil Service Commission to make a thorough investigation for this purpose. The result has been an elaborate and comprehensive report.

The report sets forth the history of the partisan spoils system in Great Britain, and of the rise and fall of the parliamentary patronage, and of official interference with the freedom of elections. It shows that after long trials of various kinds of examinations those which are competitive and open on equal terms to all, and which are carried on under the superintendence of a single commission, have, with great advantage, been established as conditions of admission to almost every official place in the subordinate administration of that country and of British India. The completion of the report, owing to the extent of the labor involved in its preparation and the omission of Congress to make any provision either for the compensation or the expenses of the Commission, has been postponed until the present time. It is herewith transmitted to Congress.

While the reform measures of another government are of no authority for us, they are entitled to influence to the extent to which their intrinsic wisdom and their adaptation to our institutions and social life may commend them to our consideration. The views I have heretofore expressed concerning the defects and abuses in our civil administration remain unchanged, except in so far as an enlarged experience has deepened my sense of the duty both of officers and of the people themselves to cooperate for their removal. The grave evils and perils of a partisan spoils system of appointment to office and of office tenure are now generally recognized. In the resolutions of the great parties, in the reports of Departments, in the debates and proceedings of Congress, in the messages

of Executives, the gravity of these evils has been pointed out and the need of their reform has been admitted.

To command the necessary support, every measure of reform must be based on common right and justice, and must be compatible with the healthy existence of great parties, which are inevitable and essential in a free state.

When the people have approved a policy at a national election, confidence on the part of the officers they have selected and of the advisers who, in accordance with our political institutions, should be consulted in the policy which it is their duty to carry into effect is indispensable. It is eminently proper that they should explain it before the people, as well as illustrate its spirit in the performance of their official duties.

Very different considerations apply to the greater number of those who fill the subordinate places in the civil service. Their responsibility is to their superiors in official position. It is their duty to obey the legal instructions of those upon whom that authority is devolved, and their best public service consists in the discharge of their functions irrespective of partisan politics. Their duties are the same whatever party is in power and whatever policy prevails. As a consequence it follows that their tenure of office should not depend on the prevalence of any policy or the supremacy of any party, but should be determined by their capacity to serve the people most usefully quite irrespective of partisan interests. The same considerations that should govern the tenure should also prevail in the appointment, discipline, and removal of these subordinates. The authority of appointment and removal is not a perquisite, which may be used to aid a friend or reward a partisan, but is a trust, to be exercised in the public interest under all the sanctions which attend the obligation to apply the public funds only for public purposes.

Every citizen has an equal right to the honor and profit of entering the public service of his country. The only just ground of discrimination is the measure of character and capacity he has to make that service most useful to the people. Except in cases where, upon just and recognized principles—as upon the theory of pensions—offices and promotions are bestowed as rewards for past services, their bestowal upon any theory which disregards personal merit is an act of injustice to the citizen, as well as a breach of that trust subject to which the appointing power is held.

In the light of these principles it becomes of great importance to provide just and adequate means, especially for every Department and large administrative office, where personal discrimination on the part of its head is not practicable, for ascertaining those qualifications to which appointments and removals should have reference. To fail to provide such means is not only to deny the opportunity of ascertaining the facts upon which the most righteous claim to office depends, but of necessity to discourage all worthy aspirants by handing over appointments and removals to mere

influence and favoritism. If it is the right of the worthiest claimant to gain the appointment and the interest of the people to bestow it upon him, it would seem clear that a wise and just method of ascertaining personal fitness for office must be an important and permanent function of every just and wise government. It has long since become impossible in the great offices for those having the duty of nomination and appointment to personally examine into the individual qualifications of more than a small proportion of those seeking office, and with the enlargement of the civil service that proportion must continue to become less.

In the earlier years of the Government the subordinate offices were so few in number that it was quite easy for those making appointments and promotions to personally ascertain the merits of candidates. Party managers and methods had not then become powerful agencies of coercion, hostile to the free and just exercise of the appointing power.

A large and responsible part of the duty of restoring the civil service to the desired purity and efficiency rests upon the President, and it is my purpose to do what is within my power to advance such prudent and gradual measures of reform as will most surely and rapidly bring about that radical change of system essential to make our administrative methods satisfactory to a free and intelligent people. By a proper exercise of authority it is in the power of the Executive to do much to promote such a reform. But it can not be too clearly understood ~~that nothing~~ adequate can be accomplished without cooperation on the part of Congress and considerate and intelligent support among the people. Reforms which challenge the generally accepted theories of parties and demand changes in the methods of Departments are not the work of a day. Their permanent foundations must be laid in sound principles and in an experience which demonstrates their wisdom and exposes the errors of their adversaries. Every worthy officer desires to make his official action a gain and an honor to his country; but the people themselves, far more than their officers in public station, are interested in a pure, economical, and vigorous administration.

By laws enacted in 1853 and 1855, and now in substance incorporated in the Revised Statutes, the practice of arbitrary appointments to the several subordinate grades in the great Departments was condemned, and examinations as to capacity, to be conducted by departmental boards of examiners, were provided for and made conditions of admission to the public service. These statutes are a decision by Congress that examinations of some sort as to attainments and capacity are essential to the well-being of the public service. The important questions since the enactment of these laws have been as to the character of these examinations, and whether official favor and partisan influence or common right and merit were to control the access to the examinations. In practice these examinations have not always been open to worthy persons generally who might wish to be examined. Official favoritism and partisan influence,



as a rule, appear to have designated those who alone were permitted to go before the examining boards, subjecting even the examiners to a pressure from the friends of the candidates very difficult to resist. As a consequence the standard of admission fell below that which the public interest demanded. It was also almost inevitable that a system which provided for various separate boards of examiners, with no common supervision or uniform method of procedure, should result in confusion, inconsistency, and inadequate tests of capacity, highly detrimental to the public interest. A further and more radical change was obviously required.

In the annual message of December, 1870, my predecessor declared that—

There is no duty which so much embarrasses the Executive and heads of Departments as that of appointments, nor is there any such arduous and thankless labor imposed on Senators and Representatives as that of finding places for constituents. The present system does not secure the best men, and often not even fit men, for public place. The elevation and purification of the civil service of the Government will be hailed with approval by the whole people of the United States. .

Congress accordingly passed the act approved March 3, 1871, "to regulate the civil service of the United States and promote the efficiency thereof," giving the necessary authority to the Executive to inaugurate a civil-service reform.

Acting under this statute, which was interpreted as intended to secure a system of just and effectual examinations under uniform supervision, a number of eminently competent persons were selected for the purpose, who entered with zeal upon the discharge of their duties, prepared with an intelligent appreciation of the requirements of the service the regulations contemplated, and took charge of the examinations, and who in their capacity as a board have been known as the "Civil Service Commission." Congress for two years appropriated the money needed for the compensation and for the expense of carrying on the work of the Commission.

It appears from the report of the Commission submitted to the President in April, 1874, that examinations had been held in various sections of the country, and that an appropriation of about \$25,000 would be required to meet the annual expenses, including salaries, involved in discharging the duties of the Commission. The report was transmitted to Congress by special message of April 18, 1874, with the following favorable comment upon the labors of the Commission:

If sustained by Congress, I have no doubt the rules can, after the experience gained, be so improved and enforced as to still more materially benefit the public service and relieve the Executive, members of Congress, and the heads of Departments from influences prejudicial to good administration. The rules, as they have hitherto been enforced, have resulted beneficially, as is shown by the opinions of the members of the Cabinet and their subordinates in the Departments, and in that opinion I concur.

And in the annual message of December of the same year similar views

are expressed and an appropriation for continuing the work of the Commission again advised.

The appropriation was not made, and as a consequence the active work of the Commission was suspended, leaving the Commission itself still in existence. Without the means, therefore, of causing qualifications to be tested in any systematic manner or of securing for the public service the advantages of competition upon any extensive plan, I recommended in my annual message of December, 1877, the making of an appropriation for the resumption of the work of the Commission.

In the meantime, however, competitive examinations, under many embarrassments, have been conducted within limited spheres in the Executive Departments in Washington and in a number of the custom-houses and post-offices of the principal cities of the country, with a view to further test their effects, and in every instance they have been found to be as salutary as they are stated to have been under the Administration of my predecessor. I think the economy, purity, and efficiency of the public service would be greatly promoted by their systematic introduction, wherever practicable, throughout the entire civil service of the Government, together with ample provision for their general supervision in order to secure consistency and uniform justice.

Reports from the Secretary of the Interior, from the Postmaster-General, from the postmaster in the city of New York, where such examinations have been some time on trial, and also from the collector of the port, ~~the~~ naval officer, and the surveyor in that city, and from the postmasters and collectors in several of the other large cities, show that the competitive system, where applied, has in various ways contributed to improve the public service.

The reports show that the results have been salutary in a marked degree, and that the general application of similar rules can not fail to be of decided benefit to the service.

The reports of the Government officers, in the city of New York especially, bear decided testimony to the utility of open competitive examinations in their respective offices, showing that—

These examinations and the excellent qualifications of those admitted to the service through them have had a marked incidental effect upon the persons previously in the service, and particularly upon those aspiring to promotion. There has been on the part of these latter an increased interest in the work and a desire to extend acquaintance with it beyond the particular desk occupied, and thus the morale of the entire force has been raised. \* \* \* The examinations have been attended by many citizens, who have had an opportunity to thoroughly investigate the scope and character of the tests and the method of determining the results, and those visitors have without exception approved the methods employed, and several of them have publicly attested their favorable opinion.

Upon such considerations I deem it my duty to renew the recommendation contained in my annual message of December, 1877, requesting Congress to make the necessary appropriation for the resumption of the

work of the Civil Service Commission. Economy will be promoted by authorizing a moderate compensation to persons in the public service who may perform extra labor upon or under the Commission, as the Executive may direct.

I am convinced that if a just and adequate test of merit is enforced for admission to the public service and in making promotions such abuses as removals without good cause and partisan and official interference with the proper exercise of the appointing power will in large measure disappear.

There are other administrative abuses to which the attention of Congress should be asked in this connection. Mere partisan appointments and the constant peril of removal without cause very naturally lead to an absorbing and mischievous political activity on the part of those thus appointed, which not only interferes with the due discharge of official duty, but is incompatible with the freedom of elections. Not without warrant in the views of several of my predecessors in the Presidential office, and directly within the law of 1871, already cited, I endeavored, by regulation made on the 22d day of June, 1877, to put some reasonable limits to such abuses. It may not be easy, and it may never perhaps be necessary, to define with precision the proper limit of political action on the part of Federal officers. But while their right to hold and freely express their opinions can not be questioned, it is very plain that they should neither be allowed to devote to other subjects the time needed for the proper discharge of their official duties nor to use the authority of their office to enforce their own opinions or to coerce the political action of those who hold different opinions.

Reasons of justice and public policy quite analogous to those which forbid the use of official power for the oppression of the private citizen impose upon the Government the duty of protecting its officers and agents from arbitrary exactions. In whatever aspect considered, the practice of making levies for party purposes upon the salaries of officers is highly demoralizing to the public service and discreditable to the country. Though an officer should be as free as any other citizen to give his own money in aid of his opinions or his party, he should also be as free as any other citizen to refuse to make such gifts. If salaries are but a fair compensation for the time and labor of the officer, it is gross injustice to levy a tax upon them. If they are made excessive in order that they may bear the tax, the excess is an indirect robbery of the public funds.

I recommend, therefore, such a revision and extension of present statutes as shall secure to those in every grade of official life or public employment the protection with which a great and enlightened nation should guard those who are faithful in its service.

Our relations with foreign countries have continued peaceful.

With Great Britain there are still unsettled questions, growing out of

the local laws of the maritime provinces and the action of provincial authorities deemed to be in derogation of rights secured by treaty to American fishermen. The United States minister in London has been instructed to present a demand for \$105,305.02 in view of the damages received by American citizens at Fortune Bay on the 6th day of January, 1878. The subject has been taken into consideration by the British Government, and an early reply is anticipated.

Upon the completion of the necessary preliminary examinations the subject of our participation in the provincial fisheries, as regulated by treaty, will at once be brought to the attention of the British Government, with a view to an early and permanent settlement of the whole question, which was only temporarily adjusted by the treaty of Washington.

Efforts have been made to obtain the removal of restrictions found injurious to the exportation of cattle to the United Kingdom.

Some correspondence has also occurred with regard to the rescue and saving of life and property upon the Lakes, which has resulted in important modifications of the previous regulations of the Dominion government on the subject in the interest of humanity and commerce.

In accordance with the joint resolution of the last session of Congress, commissioners were appointed to represent the United States at the two international exhibitions in Australia, one of which is now in progress at Sydney, and the other to be held next year at Melbourne. A desire has been expressed by our merchants and manufacturers interested in the important and growing trade with Australia that an increased provision should be made by Congress for the representation of our industries at the Melbourne exhibition of next year, and the subject is respectfully submitted to your favorable consideration.

The assent of the Government has been given to the landing on the coast of Massachusetts of a new and independent transatlantic cable between France, by way of the French island of St. Pierre, and this country, subject to any future legislation of Congress on the subject. The conditions imposed before allowing this connection with our shores to be established are such as to secure its competition with any existing or future lines of marine cable and preclude amalgamation therewith, to provide for entire equality of rights to our Government and people with those of France in the use of the cable, and prevent any exclusive possession of the privilege as accorded by France to the disadvantage of any future cable communication between France and the United States which may be projected and accomplished by our citizens. An important reduction of the present rates of cable communication with Europe, felt to be too burdensome to the interests of our commerce, must necessarily flow from the establishment of this competing line.

The attention of Congress was drawn to the propriety of some general regulation by Congress of the whole subject of transmarine cables by my predecessor in his message of December 7, 1875, and I respectfully

submit to your consideration the importance of Congressional action in the matter.

The questions of grave importance with Spain growing out of the incidents of the Cuban insurrection have been for the most part happily and honorably settled. It may reasonably be anticipated that the commission now sitting in Washington for the decision of private cases in this connection will soon be able to bring its labors to a conclusion.

The long-standing question of East Florida claims has lately been renewed as a subject of correspondence, and may possibly require Congressional action for its final disposition.

A treaty with the Netherlands with respect to consular rights and privileges similar to those with other powers has been signed and ratified, and the ratifications were exchanged on the 31st of July last. Negotiations for extradition treaties with the Netherlands and with Denmark are now in progress.

Some questions with Switzerland in regard to pauper and convict emigrants have arisen, but it is not doubted that they will be arranged upon a just and satisfactory basis. A question has also occurred with respect to an asserted claim by Swiss municipal authorities to exercise tutelage over persons and property of Swiss citizens naturalized in this country. It is possible this may require adjustment by treaty.

With the German Empire frequent questions arise in connection with the subjects of naturalization and expatriation, but the Imperial Government has constantly manifested a desire to strictly maintain and comply with all treaty stipulations in regard to them.

In consequence of the omission of Congress to provide for a diplomatic representative at Athens, the legation to Greece has been withdrawn. There is now no channel of diplomatic communication between the two countries, and the expediency of providing for one in some form is submitted to Congress.

Relations with Austria, Russia, Italy, Portugal, Turkey, and Belgium continue amicable, and marked by no incident of especial importance.

A change of the personal head of the Government of Egypt has taken place. No change, however, has occurred in the relations between Egypt and the United States. The action of the Egyptian Government in presenting to the city of New York one of the ancient obelisks, which possess such historic interest, is highly appreciated as a generous mark of international regard. If prosperity should attend the enterprise of its transportation across the Atlantic, its erection in a conspicuous position in the chief commercial city of the nation will soon be accomplished.

The treaty recently made between Japan and the United States in regard to the revision of former commercial treaties it is now believed will be followed by similar action on the part of other treaty powers. The attention of Congress is again invited to the subject of the indemnity funds received some years since from Japan and China, which, with—

their accumulated interest, now amount to considerable sums. If any part of these funds is justly due to American citizens, they should receive it promptly; and whatever may have been received by this Government in excess of strictly just demands should in some form be returned to the nations to whom it equitably belongs.

The Government of China has signified its willingness to consider the question of the emigration of its subjects to the United States with a dispassionate fairness and to cooperate in such measures as may tend to prevent injurious consequences to the United States. The negotiations are still proceeding, and will be pressed with diligence.

A question having arisen between China and Japan about the Lew Chew Islands, the United States Government has taken measures to inform those powers of its readiness to extend its good offices for the maintenance of peace if they shall mutually deem it desirable and find it practicable to avail themselves of the proffer.

It is a gratification to be able to announce that, through the judicious and energetic action of the military commanders of the two nations on each side of the Rio Grande, under the instructions of their respective Governments, raids and depredations have greatly decreased, and in the localities where formerly most destructive have now almost wholly ceased. In view of this result, I entertain a confident expectation that the prevalence of quiet on the border will soon become so assured as to justify a modification of the present orders to our military commanders as to crossing the border, without encouraging such disturbances as would endanger the peace of the two countries.

The third installment of the award against Mexico under the claims commission of July 4, 1868, was duly paid, and has been put in course of distribution in pursuance of the act of Congress providing for the same. This satisfactory situation between the two countries leads me to anticipate an expansion of our trade with Mexico and an increased contribution of capital and industry by our people to the development of the great resources of that country. I earnestly commend to the wisdom of Congress the provision of suitable legislation looking to this result.

Diplomatic intercourse with Colombia is again fully restored by the arrival of a minister from that country to the United States. This is especially fortunate in view of the fact that the question of an inter-oceanic canal has recently assumed a new and important aspect and is now under discussion with the Central American countries through whose territory the canal, by the Nicaragua route, would have to pass. It is trusted that enlightened statesmanship on their part will see that the early prosecution of such a work will largely inure to the benefit, not only of their own citizens and those of the United States, but of the commerce of the civilized world. It is not doubted that should the work be undertaken under the protective auspices of the United States, and upon satisfactory concessions for the right of way and its security by the

Central American Governments, the capital for its completion would be readily furnished from this country and Europe, which might, failing such guaranties, prove inaccessible.

Diplomatic relations with Chile have also been strengthened by the reception of a minister from that country.

The war between Peru, Bolivia, and Chile still continues. The United States have not deemed it proper to interpose in the matter further than to convey to all the Governments concerned the assurance that the friendly offices of the Government of the United States for the restoration of peace upon an honorable basis will be extended in case the belligerents shall exhibit a readiness to accept them.

Cordial relations continue with Brazil and the Argentine Republic, and trade with those countries is improving. A provision for regular and more frequent mail communication, in our own ships, between the ports of this country and the nations of South America seems to me to deserve the attention of Congress as an essential precursor of an enlargement of our commerce with them and an extension of our carrying trade.

A recent revolution in Venezuela has been followed by the establishment of a provisional government. This government has not yet been formally recognized, and it is deemed desirable to await the proposed action of the people which is expected to give it the sanction of constitutional forms.

A naval vessel has been sent to the Samoan Islands to make surveys and take possession of the privileges ceded to the United States by Samoa in the harbor of Pago-Pago. A coaling station is to be established there, which will be convenient and useful to United States vessels.

The subject of opening diplomatic relations with Roumania and Servia, now become independent sovereignties, is at present under consideration, and is the subject of diplomatic correspondence.

There is a gratifying increase of trade with nearly all European and American countries, and it is believed that with judicious action in regard to its development it can and will be still more enhanced and that American products and manufactures will find new and expanding markets. The reports of diplomatic and consular officers upon this subject, under the system now adopted, have resulted in obtaining much valuable information, which has been and will continue to be laid before Congress and the public from time to time.

The third article of the treaty with Russia of March 30, 1867, by which Alaska was ceded to the United States, provides that the inhabitants of the ceded territory, with the exception of the uncivilized native tribes, shall be admitted to the enjoyment of all the rights of citizens of the United States and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes are subject to such laws and regulations as the United States may from time to time adopt in regard to the aboriginal tribes of that country.

Both the obligations of this treaty and the necessities of the people require that some organized form of government over the Territory of Alaska be adopted.

There appears to be no law for the arrest of persons charged with common-law offenses, such as assault, robbery, and murder, and no magistrate authorized to issue or execute process in such cases. Serious difficulties have already arisen from offenses of this character, not only among the original inhabitants, but among citizens of the United States and other countries who have engaged in mining, fishing, and other business operations within the territory. A bill authorizing the appointment of justices of the peace and constables and the arrest and detention of persons charged with criminal offenses, and providing for an appeal to United States courts for the district of Oregon in suitable cases, will at a proper time be submitted to Congress.

The attention of Congress is called to the annual report of the Secretary of the Treasury on the condition of the public finances.

The ordinary revenues from all sources for the fiscal year ended June 30, 1879, were \$273,827,184.46; the ordinary expenditures for the same period were \$266,947,883.53, leaving a surplus revenue for the year of \$6,879,300.93.

The receipts for the present fiscal year, ending June 30, 1880, actual and estimated, are as follows: Actual receipts for the first quarter, commencing July 1, 1879, \$79,843,663.61; estimated receipts for the remaining three quarters of the year, \$208,156,336.39; total receipts for the current fiscal year, actual and estimated, \$288,000,000.

The expenditures for the same period will be, actual and estimated, as follows: For the quarter commencing July 1, 1879, actual expenditures, \$91,683,385.10; and for the remaining three quarters of the year the expenditures are estimated at \$172,316,614.90, making the total expenditures \$264,000,000, and leaving an estimated surplus revenue for the year ending June 30, 1880, of \$24,000,000. The total receipts during the next fiscal year, ending June 30, 1881, estimated according to existing laws, will be \$288,000,000, and the estimated ordinary expenditures for the same period will be \$278,097,364.39, leaving a surplus of \$9,902,635.61 for that year.

The large amount expended for arrears of pensions during the last and the present fiscal year, amounting to \$21,747,249.60, has prevented the application of the full amount required by law to the sinking fund for the current year; but these arrears having been substantially paid, it is believed that the sinking fund can hereafter be maintained without any change of existing law.

The Secretary of War reports that the War Department estimates for the fiscal year ending June 30, 1881, are \$40,380,428.93, the same being for a less sum of money than any annual estimate rendered to Congress from that Department during a period of at least twelve years.

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He concurs with the General of the Army in recommending such legislation as will authorize the enlistment of the full number of 25,000 men for the line of the Army, exclusive of the 3,463 men required for detached duty, and therefore not available for service in the field.

He also recommends that Congress be asked to provide by law for the disposition of a large number of abandoned military posts and reservations, which, though very valuable in themselves, have been rendered useless for military purposes by the advance of civilization and settlement.

He unites with the Quartermaster-General in recommending that an appropriation be made for the construction of a cheap and perfectly fire-proof building for the safe storage of a vast amount of money accounts, vouchers, claims, and other valuable records now in the Quartermaster-General's Office, and exposed to great risk of total destruction by fire.

He also recommends, in conformity with the views of the Judge-Advocate-General, some declaratory legislation in reference to the military statute of limitations as applied to the crime of desertion.

In these several recommendations I concur.

The Secretary of War further reports that the work for the improvement of the South ~~Pass~~ of the Mississippi River, under contract with Mr. James B. Eads, made in pursuance of an act of Congress, has been prosecuted during the past year with a greater measure of success in the attainment of results than during any previous year. The channel through the South Pass, which at the beginning of operations in June, 1875, had a depth of only 7½ feet of water, had on the 8th of July, 1879, a minimum depth of 26 feet, having a width of not less than 200 feet and a central depth of 30 feet. Payments have been made in accordance with the statute, as the work progressed, amounting in the aggregate to \$4,250,000; and further payments will become due, as provided by the statute, in the event of success in maintaining the channel now secured.

The reports of the General of the Army and of his subordinates present a full and detailed account of the military operations for the suppression of hostilities among the Indians of the Ute and Apache tribes, and praise is justly awarded to the officers and troops engaged for promptness, skill, and courage displayed.

The past year has been one of almost unbroken peace and quiet on the Mexican frontier, and there is reason to believe that the efforts of this Government and of Mexico to maintain order in that region will prove permanently successful.

This Department was enabled during the past year to find temporary, though crowded, accommodations and a safe depository for a portion of its records in the completed east wing of the building designed for the State, War, and Navy Departments. The construction of the north wing of the building, a part of the structure intended for the use of the War Department, is being carried forward with all possible dispatch, and the

work should receive from Congress such liberal appropriations as will secure its speedy completion.

The report of the Secretary of the Navy shows continued improvement in that branch of the service during the last fiscal year. Extensive repairs have been made upon vessels, and two new ships have been completed and made ready for sea.

The total expenditures of the year ended June 30, 1879, including specific appropriations not estimated for by the Department, were \$13,555,710.09. The expenses chargeable to the year, after deducting the amount of these specific appropriations, were \$13,343,317.79; but this is subject to a reduction of \$283,725.99, that amount having been drawn upon warrants, but not paid out during the year. The amount of appropriations applicable to the last fiscal year was \$14,538,646.17. There was, therefore, a balance of \$1,479,054.37 remaining unexpended and to the credit of the Department on June 30, 1879. The estimates for the fiscal year ending June 30, 1881, are \$14,864,147.95, which exceeds the appropriations for the present fiscal year \$361,897.28. The reason for this increase is explained in the Secretary's report. The appropriations available for the present fiscal year are \$14,502,250.67, which will, in the opinion of the Secretary, answer all the ordinary demands of the service. The amount drawn from the Treasury from July 1 to November 1, 1879 was \$5,770,404.12, of which \$1,095,440.33 has been refunded, leaving as the expenditure for that period \$4,674,963.79. If the expenditures of the remaining two-thirds of the year do ~~not~~ exceed the proportion for these four months, there will remain unexpended at the end of the year \$477,359.30 of the current appropriations. The report of the Secretary shows the gratifying fact that among all the disbursing officers of the Pay Corps of the Navy there is not one who is a defaulter to the extent of a single dollar. I unite with him in recommending the removal of the observatory to a more healthful location. That institution reflects credit upon the nation, and has obtained the approbation of scientific men in all parts of the world. Its removal from its present location would not only be conducive to the health of its officers and professors, but would greatly increase its usefulness.

The appropriation for judicial expenses, which has heretofore been made for the Department of Justice in gross, was subdivided at the last session of Congress, and no appropriation whatever was made for the payment of the fees of marshals and their deputies, either in the service of process or for the discharge of other duties; and since June 30 these officers have continued the performance of their duties without compensation from the Government, taking upon themselves the necessary incidental outlays, as well as rendering their own services. In only a few unavoidable instances has the proper execution of the process of the United States failed by reason of the absence of the requisite appropriation. This course of official conduct on the part of these officers, highly

creditable to their fidelity, was advised by the Attorney-General, who informed them, however, that they would necessarily have to rely for their compensation upon the prospect of future legislation by Congress. I therefore especially recommend that immediate appropriation be made by Congress for this purpose.

The act making the principal appropriation for the Department of Justice at previous sessions has uniformly contained the following clause:

And for defraying the expenses which may be incurred in the enforcement of the act approved February 28, 1871, entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes,'" or any acts amendatory thereof or supplementary thereto.

No appropriation was made for this purpose for the current year. As no general election for Members of Congress occurred, the omission was a matter of little practical importance. Such election will, however, take place during the ensuing year, and the appropriation made for the pay of marshals and deputies should be sufficient to embrace compensation for the services they may be required to perform at such elections.

The business of the Supreme Court is at present largely in arrears. It can not be expected that more causes can be decided than are now disposed of in its annual session, or that by any assiduity the distinguished magistrates who compose the court can accomplish more than is now done. In the courts of many of the circuits also the business has increased to such an extent that the delay of justice will call the attention of Congress to an appropriate remedy. It is believed that all is done in each circuit which can fairly be expected from its judicial force. The evils arising from delay are less heavily felt by the United States than by private suitors, as its causes are advanced by the courts when it is seen that they involve the discussion of questions of a public character.

The remedy suggested by the Attorney-General is the appointment of additional circuit judges and the creation of an intermediate court of errors and appeals, which shall relieve the Supreme Court of a part of its jurisdiction, while a larger force is also obtained for the performance of circuit duties.

I commend this suggestion to the consideration of Congress. It would seem to afford a complete remedy, and would involve, if ten additional circuit judges are appointed, an expenditure, at the present rate of salaries, of not more than \$60,000 a year, which would certainly be small in comparison with the objects to be attained.

The report of the Postmaster-General bears testimony to the general revival of business throughout the country. The receipts of the Post-Office Department for the fiscal year ended June 30, 1879, were \$30,041,982.86, being \$764,465.91 more than the revenues of the preceding year. The amount realized from the sale of postage stamps, stamped envelopes, and postal cards was \$764,465.91 more than in the preceding year, and

\$2,387,559.23 more than in 1877. The expenditures of the Department were \$33,449,899.45, of which the sum of \$376,461.63 was paid on liabilities incurred in preceding years.

The expenditures during the year were \$801,209.77 less than in the preceding year. This reduction is to be attributed mainly to the operation of the law passed June 17, 1878, changing the compensation of postmasters from a commission on the value of stamps sold to a commission on stamps canceled.

The amount drawn from the Treasury on appropriations, in addition to the revenues of the Department, was \$3,031,454.96, being \$2,276,197.86 less than in the preceding year.

The expenditures for the fiscal year ending June 30, 1881, are estimated at \$39,920,900 and the receipts from all sources at \$32,210,000, leaving a deficiency to be appropriated for out of the Treasury of \$7,710,900.

The relations of the Department with railroad companies have been harmonized, notwithstanding the general reduction by Congress of their compensation by the appropriation for special facilities, and the railway post-office lines have been greatly extended, especially in the Southern States. The interests of the Railway Mail Service and of the public would be greatly promoted and the expenditures could be more readily controlled by the classification of the employees of the Railway Mail Service as recommended by the Postmaster-General, the appropriation for salaries, with respect to which the maximum limit is already fixed by law, to be made in gross.

The Postmaster-General recommends an amendment of the law regulating the increase of compensation for increased service and increased speed on star routes, so as to enable him to advertise for proposals for such increased service and speed. He also suggests the advantages to accrue to the commerce of the country from the enactment of a general law authorizing contracts with American-built steamers, carrying the American flag, for transporting the mail between ports of the United States and ports of the West Indies and South America, at a fixed maximum price per mile, the amount to be expended being regulated by annual appropriations, in like manner with the amount paid for the domestic star service.

The arrangement made by the Postmaster-General and the Secretary of the Treasury for the collection of duty upon books received in the mail from foreign countries has proved so satisfactory in its practical operation that the recommendation is now made that Congress shall extend the provisions of the act of March 3, 1879, under which this arrangement was made, so as to apply to all other dutiable articles received in the mails from foreign countries.

The reports of the Secretary of the Interior and of the Commissioner of Indian Affairs, setting forth the present state of our relations with the Indian tribes on our territory, the measures taken to advance their

civilization and prosperity, and the progress already achieved by them, will be found of more than ordinary interest. The general conduct of our Indian population has been so satisfactory that the occurrence of two disturbances, which resulted in bloodshed and destruction of property, is all the more to be lamented.

The history of the outbreak on the White River Ute Reservation, in western Colorado, has become so familiar by elaborate reports in the public press that its remarkable incidents need not be stated here in detail. It is expected that the settlement of this difficulty will lead to such arrangements as will prevent further hostile contact between the Indians and the border settlements in western Colorado.

The other disturbance occurred at the Mescalero Agency, in New Mexico, where Victoria, at the head of a small band of marauders, after committing many atrocities, being vigorously chased by a military force, made his way across the Mexican border and is now on foreign soil.

While these occurrences, in which a comparatively small number of Indians were engaged, are most deplorable, a vast majority of our Indian population have fully justified the expectations of those who believe that by humane and peaceful influences the Indian can be led to abandon the habits of savage life and to develop a capacity for useful and civilized occupations. What they have already accomplished in the pursuit of agricultural and mechanical work, the remarkable success which has attended ~~the~~ experiment of employing as freighters a class of Indians hitherto counted among the wildest and most intractable, and the general and urgent desire expressed by them for the education of their children may be taken as sufficient proof that they will be found capable of accomplishing much more if they continue to be wisely and fairly guided. The "Indian policy" sketched in the report of the Secretary of the Interior, the object of which is to make liberal provision for the education of Indian youth, to settle the Indians upon farm lots in severalty, to give them title in fee to their farms, inalienable for a certain number of years, and when their wants are thus provided for to dispose by sale of the lands on their reservations not occupied and used by them, a fund to be formed out of the proceeds for the benefit of the Indians, which will gradually relieve the Government of the expenses now provided for by annual appropriations, must commend itself as just and beneficial to the Indians, and as also calculated to remove those obstructions which the existence of large reservations presents to the settlement and development of the country. I therefore earnestly recommend the enactment of a law enabling the Government to give Indians a title in fee, inalienable for twenty-five years, to the farm lands assigned to them by allotment. I also repeat the recommendation made in my first annual message, that a law be passed admitting Indians who can give satisfactory proof of having by their own labor supported their families for a number of years, and who are willing to detach themselves from their

tribal relations, to the benefit of the homestead act, and to grant them patents containing the same provision of inalienability for a certain period.

The experiment of sending a number of Indian children of both sexes to the Hampton Normal and Agricultural Institute, in Virginia, to receive an elementary English education and practical instruction in farming and other useful industries, has led to results so promising that it was thought expedient to turn over the cavalry barracks at Carlisle, in Pennsylvania, to the Interior Department for the establishment of an Indian school on a larger scale. This school has now 158 pupils, selected from various tribes, and is in full operation. Arrangements are also made for the education of a number of Indian boys and girls belonging to tribes on the Pacific Slope in a similar manner, at Forest Grove, in Oregon. These institutions will commend themselves to the liberality of Congress and to the philanthropic munificence of the American people.

Last spring information was received of the organization of an extensive movement in the Western States, the object of which was the occupation by unauthorized persons of certain lands in the Indian Territory ceded by the Cherokees to the Government for the purpose of settlement by other Indian tribes.

On the 26th of April I issued a proclamation\* warning all persons against participation in such an attempt, and by the cooperation of a military force the invasion was promptly checked. It is my purpose to protect the rights of the Indian inhabitants of that Territory to the full extent of the executive power; but it would be unwise to ignore the fact that a territory so large and so fertile, with a population so sparse and with so great a wealth of unused resources, will be found more exposed to the repetition of such attempts as happened this year when the surrounding States are more densely settled and the westward movement of our population looks still more eagerly for fresh lands to occupy. Under such circumstances the difficulty of maintaining the Indian Territory in its present state will greatly increase, and the Indian tribes inhabiting it would do well to prepare for such a contingency. I therefore fully approve of the advice given to them by the Secretary of the Interior on a recent occasion, to divide among themselves in severalty as large a quantity of their lands as they can cultivate; to acquire individual title in fee instead of their present tribal ownership in common, and to consider in what manner the balance of their lands may be disposed of by the Government for their benefit. By adopting such a policy they would more certainly secure for themselves the value of their possessions, and at the same time promote their progress in civilization and prosperity, than by endeavoring to perpetuate the present state of things in the Territory.

The question whether a change in the control of the Indian service should be made was in the Forty-fifth Congress referred to a joint committee of both Houses for inquiry and report. In my last annual message

\* See pp. 547-548.

I expressed the hope that the decision of that question, then in prospect, would "arrest further agitation of this subject, such agitation being apt to produce a disturbing effect upon the service as well as on the Indians themselves." Since then, the committee having reported, the question has been decided in the negative by a vote in the House of Representatives.

For the reasons here stated, and in view of the fact that further uncertainty on this point will be calculated to obstruct other much-needed legislation, to weaken the discipline of the service, and to unsettle salutary measures now in progress for the government and improvement of the Indians, I respectfully recommend that the decision arrived at by Congress at its last session be permitted to stand.

The efforts made by the Department of the Interior to arrest the depredations on the timber lands of the United States have been continued, and have met with considerable success. A large number of cases of trespass have been prosecuted in the courts of the United States; others have been settled, the trespassers offering to make payment to the Government for the value of the timber taken by them. The proceeds of these prosecutions and settlements turned into the Treasury far exceed in amount the sums appropriated by Congress for this purpose. A more important result, however, consists in the fact that the destruction of our public forests by depredation, although such cases still occur, has been greatly reduced in extent, and it is probable that if the present policy is vigorously pursued ~~and~~ sufficient provision to that end is made by Congress such trespasses, at least those on a large scale, can be entirely suppressed, except in the Territories, where timber for the daily requirements of the population can not, under the present state of the law, be otherwise obtained. I therefore earnestly invite the attention of Congress to the recommendation made by the Secretary of the Interior, that a law be enacted enabling the Government to sell timber from the public lands without conveying the fee, where such lands are principally valuable for the timber thereon, such sales to be so regulated as to conform to domestic wants and business requirements, while at the same time guarding against a sweeping destruction of the forests. The enactment of such a law appears to become a more pressing necessity every day.

My recommendations in former messages are renewed in favor of enlarging the facilities of the Department of Agriculture. Agriculture is the leading interest and the permanent industry of our people. It is to the abundance of agricultural production, as compared with our home consumption, and the largely increased and highly profitable market abroad which we have enjoyed in recent years, that we are mainly indebted for our present prosperity as a people. We must look for its continued maintenance to the same substantial resource. There is no branch of industry in which labor, directed by scientific knowledge, yields such increased production in comparison with unskilled labor, and no branch of the public service to which the encouragement of liberal

appropriations can be more appropriately extended. The omission to render such aid is not a wise economy, but, on the contrary, undoubtedly results in losses of immense sums annually that might be saved through well-directed efforts by the Government to promote this vital interest.

The results already accomplished with the very limited means heretofore placed at the command of the Department of Agriculture is an earnest of what may be expected with increased appropriations for the several purposes indicated in the report of the Commissioner, with a view to placing the Department upon a footing which will enable it to prosecute more effectively the objects for which it is established.

Appropriations are needed for a more complete laboratory, for the establishment of a veterinary division and a division of forestry, and for an increase of force.

The requirements for these and other purposes, indicated in the report of the Commissioner under the head of the immediate necessities of the Department, will not involve any expenditure of money that the country can not with propriety now undertake in the interests of agriculture.

It is gratifying to learn from the Bureau of Education the extent to which educational privileges throughout the United States have been advanced during the year. No more fundamental responsibility rests upon Congress than that of devising appropriate measures of financial aid to education, supplemental to local action in the States and Territories and in the District of Columbia. The wise forethought of the founders of our Government has not only furnished the basis for the support of the common-school systems of the newer States, but laid the foundations for the maintenance of their universities and colleges of agriculture and the mechanic arts. Measures in accordance with this traditional policy, for the further benefit of all these interests and the extension of the same advantages to every portion of the country, it is hoped will receive your favorable consideration.

To preserve and perpetuate the national literature should be among the foremost cares of the National Legislature. The library gathered at the Capitol still remains unprovided with any suitable accommodations for its rapidly increasing stores. The magnitude and importance of the collection, increased as it is by the deposits made under the law of copyright, by domestic and foreign exchanges, and by the scientific library of the Smithsonian Institution, call for building accommodations which shall be at once adequate and fireproof. The location of such a public building, which should provide for the pressing necessities of the present and for the vast increase of the nation's books in the future, is a matter which addresses itself to the discretion of Congress. It is earnestly recommended as a measure which should unite all suffrages and which should no longer be delayed.

The joint commission created by the act of Congress of August 2, 1876, for the purpose of supervising and directing the completion of the



Washington National Monument, of which commission the President is a member, has given careful attention to this subject, and already the strengthening of the foundation has so far progressed as to insure the entire success of this part of the work. A massive layer of masonry has been introduced below the original foundation, widening the base, increasing the stability of the structure, and rendering it possible to carry the shaft to completion. It is earnestly recommended that such further appropriations be made for the continued prosecution of the work as may be necessary for the completion of this national monument at an early day.

In former messages, impressed with the importance of the subject, I have taken occasion to commend to Congress the adoption of a generous policy toward the District of Columbia. The report of the Commissioners of the District, herewith transmitted, contains suggestions and recommendations, to all of which I earnestly invite your careful attention. I ask your early and favorable consideration of the views which they express as to the urgent need of legislation for the reclamation of the marshes of the Potomac and its Eastern Branch within the limits of the city, and for the repair of the streets of the capital, heretofore laid with wooden blocks and now by decay rendered almost impassable and a source of imminent danger to the health of its citizens. The means at the disposal of the Commissioners are wholly inadequate for the accomplishment of ~~these~~ important works, and should be supplemented by timely appropriations from the Federal Treasury.

The filling of the flats in front of the city will add to the adjacent lands and parks now owned by the United States a large and valuable domain, sufficient, it is thought, to reimburse its entire cost, and will also, as an incidental result, secure the permanent improvement of the river for the purposes of navigation.

The Constitution having invested Congress with supreme and exclusive jurisdiction over the District of Columbia, its citizens must of necessity look to Congress alone for all needful legislation affecting their interests; and as the territory of this District is the common property of the people of the United States, who equally with its resident citizens are interested in the prosperity of their capital, I can not doubt that you will be amply sustained by the general voice of the country in any measures you may adopt for this purpose.

I also invite the favorable consideration of Congress to the wants of the public schools of this District, as exhibited in the report of the Commissioners. While the number of pupils is rapidly increasing, no adequate provision exists for a corresponding increase of school accommodation, and the Commissioners are without the means to meet this urgent need. A number of the buildings now used for school purposes are rented, and are in important particulars unsuited for the purpose. The cause of popular education in the District of Columbia is surely

entitled to the same consideration at the hands of the National Government as in the several States and Territories, to which munificent grants of the public lands have been made for the endowment of schools and universities.

RUTHERFORD B. HAYES.

## SPECIAL MESSAGES.

EXECUTIVE MANSION, *December 19, 1879.*

*To the Senate and House of Representatives:*

I have the honor to transmit herewith a draft of a bill submitted by the Board of Commissioners of the District of Columbia, entitled "A bill to provide for the reclamation of the marshes in the harbors of the cities of Washington and Georgetown, and for other purposes," together with the accompanying letter of the president of the board requesting its transmission to Congress.

The bill embraces a plan for the reclamation of the marshes of the Potomac River and its Eastern Branch within the limits of the city of Washington, and is carefully framed with a view to economy in the prosecution of the work. The attention of Congress is again invited to the urgent need of legislation for this important work, which has been so long delayed.

The improvement contemplated is essential to the health of those who reside, whether permanently or temporarily, at the capital, and to the safe and convenient navigation of the waters in its vicinity by vessels employed in the service of the Government and for the purposes of commerce. It is a measure of more than local benefit. The capital of the nation should be relieved from every disadvantage which it is practicable to remove, and should possess every attraction with which it can be invested by the intelligent and fostering care of those who are intrusted with its immediate supervision. The people of the country will sustain and approve the efforts of their representatives in the discharge of this responsibility.

R. B. HAYES.

EXECUTIVE MANSION, *January 7, 1880.*

*To the Senate of the United States:*

In reply to a resolution of the Senate of December 3, 1879, requesting the President of the United States to inform the Senate whether payments have been made to the Ute Indians in accordance with the fourth article of an agreement made with said Indians September 3, 1873, I transmit herewith a letter from the Secretary of the Interior and accompanying papers.

R. B. HAYES.

WASHINGTON, *January 12, 1880.**To the House of Representatives:*

In answer to resolution of the House of Representatives of the 3d of December, 1879, relative to the consulate at Hongkong, I transmit herewith a report from the Secretary of State, with its accompanying papers.

R. B. HAYES.

EXECUTIVE MANSION, *January 14, 1880.**To the House of Representatives:*

I have the honor herewith to transmit the final report of the board for testing iron, steel, and other metals, with the accompanying papers. These papers constitute the remainder of the reports made by the board, which were transmitted by me to the House of Representatives on the 15th of June, 1878 (House Ex. Doc. No. 98, Forty-fifth Congress, second session).

The United States testing machine at Watertown Arsenal, constructed for the board, is reported as being of great value in the determination of data and the solution of problems of interest to the people of the whole country, and the special attention of Congress is called to the necessity of an appropriation to enable the War Department to make use of it. An estimate of \$20,000 for the purpose was submitted to Congress in the last Book of Estimates (see p. 82), and an appropriation of that sum is respectfully recommended.

The act of July 31, 1876 (19 U. S. Statutes at Large, ch. 246, p. 119), made an appropriation for completing the experiments in testing iron, steel, and other metals, and provided that the board should be discontinued from and after the expenditure of the amount appropriated. In accordance with this legislation, the board ceased to exist on the 30th of June, 1879.

R. B. HAYES.

EXECUTIVE MANSION,  
*Washington, January 21, 1880.**To the Senate of the United States:*

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States of America and the French Republic for the settlement of certain claims of the citizens of either country against the other.

R. B. HAYES.

EXECUTIVE MANSION, *January 26, 1880.**To the House of Representatives:*

In reply to the resolution of the House of Representatives of the 21st instant, requesting the Commissioner of Agriculture to furnish all information which he may have in his possession bearing upon the culture

of the sugar beet, etc., the accompanying letter and report, received from the Acting Commissioner of Agriculture for this purpose, are herewith transmitted.

R. B. HAYES.

EXECUTIVE MANSION, *February 5, 1880.*

*To the House of Representatives:*

In reply to a resolution of the House of Representatives of the 3d instant, requesting the Commissioner of Agriculture to forward any facts or statistics in his office on the subject of forestry not heretofore published from his Department, the following report, received from the Commissioner, upon this subject is hereby transmitted.

R. B. HAYES.

WASHINGTON, *February 16, 1880.*

*To the House of Representatives of the United States:*

In compliance with the resolution of the House of Representatives of the 5th instant, calling for any information which I may have received of the proceedings of the International Polar Congress convened in Hamburg, Germany, October 1, 1879, I transmit herewith a report from the Secretary of State on the subject.

R. B. HAYES.

WASHINGTON, *February 16, 1880.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 19th of January, 1880, calling for information in relation to claims before the American-Spanish Claims Commission and the proceedings of the commission, I transmit herewith a report from the Secretary of State upon the subject.

R. B. HAYES.

EXECUTIVE MANSION, *February 24, 1880.*

*To the House of Representatives:*

I herewith transmit a communication from the Attorney-General, with reference to the requisite appropriation for the current fiscal year for the compensation of the marshals of the United States, including their reimbursement for necessary expenditures in the discharge of their official duties.

R. B. HAYES.

EXECUTIVE MANSION, *February 25, 1880.*

*To the Senate and House of Representatives:*

I have the honor to transmit herewith a preliminary report and a draft of a bill submitted by the Public Lands Commission authorized by the act of Congress approved March 3, 1879.

The object of the report and of the bill accompanying it is of such importance that I respectfully commend it to the prompt and earnest consideration of Congress.

R. B. HAYES.

WASHINGTON, *February 27, 1880.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 27th ultimo, I transmit herewith a report from the Secretary of State, with its papers, relating to the claim of Max. Bromberger against the Government of Mexico.

R. B. HAYES.

WASHINGTON, *February 27, 1880.*

*To the Senate of the United States:*

I transmit herewith to the Senate, for its consideration with a view to ratification, a treaty between the Government of the United States and His Highness Sultan Abdallah, King of Johanna, concerning commercial intercourse with that independent East African island, concluded at Johanna Town on the 4th day of October, 1879.

For your better understanding of the subject, I transmit also the correspondence of Commodore Shufeldt with the Navy Department, which accompanied the treaty, describing the condition ~~and resources~~ of the island of Johanna and narrating the progress of the ~~negotiation~~, which was undertaken under the general instructions of the Department of State.

R. B. HAYES.

WASHINGTON, *March 1, 1880.*

*To the Senate and House of Representatives:*

I deem it proper to invite the attention of Congress to the subject of the unsettled claims of Spanish inhabitants of East Florida during the years of 1812 and 1813, generally known as the "East Florida claims," the settlement of which is provided for by a stipulation found in Article IX of the treaty of February, 1819, between the United States and Spain. The provision of the treaty in question which relates to the subject is the following:

The United States will cause satisfaction to be made for the injuries, if any, which by process of law shall be established to have been suffered by the Spanish officers and individual Spanish inhabitants by the late operations of the American army in Florida.

The act of Congress of the 3d of March, 1823 (3 U. S. Statutes at Large, p. 768), to carry into effect the ninth article of the treaty in question, provided for the examination and judicial ascertainment of the claims by the judges of the superior courts established at St. Augustine and Pensacola, and also made provision for the payment by the

Secretary of the Treasury of such claims as might be reported to him by the said judges, upon his being satisfied that such claims were just and equitable; and a subsequent act, approved the 26th of June, 1834 (6 U. S. Statutes at Large, p. 569), gave further directions for the payment, and also provided for the hearing and determination by the judge of the superior court of St. Augustine of such claims as had not then been already heard and determined. Under these acts of Congress I understand that all claims presented to the judges in Florida were passed upon and the result of the proceedings thus had reported to the Secretary of the Treasury. It also appears that in the computation of damages the judges adopted a rule of 5 per cent per annum on the ascertained actual loss from the date of that loss to the time of the rendition of their finding, and that the Secretary of the Treasury in 1836, when the first reports were presented to him, not deeming this portion of the claims covered by the 5 per cent rule just and equitable within the meaning of the treaty and the acts of Congress, refused to pay it, but did continue to pay the ascertained amounts of actual loss. The demand for payment of this rejected item has been pressed at various times and in various ways up to the present time, but Mr. Woodbury's successors in the Treasury Department have not felt at liberty to review that ruling.

Under these circumstances I have thought it proper to lay the subject before Congress for its consideration and such action as may be deemed necessary. The history of the proceedings already had in regard to the matter is of record in the Treasury Department, and will be furnished by the Secretary of the Treasury should Congress desire it.

R. B. HAYES.

*To the Senate:*

EXECUTIVE MANSION, *March 8, 1880.*

I transmit herewith the report of the Secretary of State and the accompanying papers, in response to the resolution adopted by the Senate on the 11th day of February last, requesting copies of all correspondence between this Government and any foreign government since February, 1869, respecting a ship canal across the isthmus between North America and South America, together with copies of any *projet* of treaties respecting the same which the Department of State may have proposed or submitted since that date to any foreign power or its diplomatic representative.

In further compliance with the resolution of the Senate, I deem it proper to state briefly my opinion as to the policy of the United States with respect to the construction of an interoceanic canal by any route across the American Isthmus.

The policy of this country is a canal under American control. The United States can not consent to the surrender of this control to any

European power or to any combination of European powers. If existing treaties between the United States and other nations or if the rights of sovereignty or property of other nations stand in the way of this policy—a contingency which is not apprehended—suitable steps should be taken by just and liberal negotiations to promote and establish the American policy on this subject consistently with the rights of the nations to be affected by it.

The capital invested by corporations or citizens of other countries in such an enterprise must in a great degree look for protection to one or more of the great powers of the world. No European power can intervene for such protection without adopting measures on this continent which the United States would deem wholly inadmissible. If the protection of the United States is relied upon, the United States must exercise such control as will enable this country to protect its national interests and maintain the rights of those whose private capital is embarked in the work.

An interoceanic canal across the American Isthmus will essentially change the geographical relations between the Atlantic and Pacific coasts of the United States and between the United States and the rest of the world. It would be the great ocean thoroughfare between our Atlantic and our Pacific shores, and virtually a part of the coast line of the United States. Our merely commercial interest in it is greater than that of all other countries, while its relations to our power and prosperity—as a nation, to our means of defense, our unity, peace, and safety, are matters of paramount concern to the people of the United States. No other great power would under similar circumstances fail to assert a rightful control over a work so closely and vitally affecting its interest and welfare.

Without urging further the grounds of my opinion, I repeat, in conclusion, that it is the right and the duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the isthmus that connects North and South America as will protect our national interests. This, I am quite sure, will be found not only compatible with but promotive of the widest and most permanent advantage to commerce and civilization.

RUTHERFORD B. HAYES.

[A similar message was sent to the House of Representatives, in answer to a resolution of that body of February 10.]

EXECUTIVE MANSION, *March 9, 1880.*

*To the Senate and House of Representatives:*

I have the honor to transmit herewith a report from the Secretary of the Interior, containing an agreement signed by the chiefs and headmen

of the Ute Indians now present at the seat of Government. The stipulations of this agreement appear to me so reasonable and just and the object to be accomplished by its execution so eminently desirable to both the white people of the United States and the Indians that it has my cordial approval, and I earnestly commend it to Congress for favorable consideration and appropriate legislative action.

RUTHERFORD B. HAYES.

WASHINGTON, *March 9, 1880.*

*To the Senate of the United States:*

I transmit herewith to the Senate, for its consideration with a view to ratification, a convention between the United States and His Majesty the King of the Belgians, defining the rights, immunities, and privileges of consular officers, concluded this day at Washington.

R. B. HAYES.

EXECUTIVE MANSION, *March 11, 1880.*

*To the House of Representatives:*

I transmit herewith a report, dated on the 9th instant, from the Secretary of State, with the accompanying papers, in answer to a resolution of the House of Representatives of the 25th ultimo, requesting the President to transmit to that body, if not deemed incompatible with the public interest, copies of such dispatches as have recently been received by the Secretary of State from the consul-general at Shanghai upon the subject of slavery in China and those portions of the penal code of China which forbid expatriation.

R. B. HAYES.

WASHINGTON, *March 12, 1880.*

*To the House of Representatives:*

In answer to a resolution of the House of Representatives of March 2, 1880, requesting the Secretary of State to communicate to the House certain information in relation to the publication and circulation of commercial reports, I transmit herewith a report from the Secretary of State, with its accompanying papers.

R. B. HAYES.

WASHINGTON, *March 29, 1880.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of the 29th of January, 1880, calling for information in relation to the awards of the mixed commission organized under the provisions of the treaty of April 25, 1866, between the United States and Venezuela, I transmit herewith a report from the Secretary of State upon the subject.

R. B. HAYES.



WASHINGTON, *April 12, 1880.**To the House of Representatives:*

In response to the resolution of the House of Representatives of the 12th of February last, on the subject of negotiations concerning the immigration of Chinese to the United States, I transmit a report of the Secretary of State, to whom the matter was referred.

R. B. HAYES.

WASHINGTON, *April 15, 1880.**To the Senate of the United States:*

In response to the resolution of the Senate of the 27th of February last, concerning the action had by the Executive with respect to the investigation of certain cases in which awards were made by the late United States and Mexican Commission, I transmit herewith a report of the Secretary of State, to whom the matter was referred.

R. B. HAYES.

EXECUTIVE MANSION,  
*Washington, D. C., April 16, 1880.**To the House of Representatives:*

The board for testing iron, steel, and other metals, appointed under the authority of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," contracted with Mr. A. H. Emery, of New York, for a testing machine, to be paid out of the appropriation made for the purpose. That machine has been completed and accepted, and is now in position at the Watertown Arsenal, Mass. It is spoken of by the members composing the late board as the most perfect and reliable machine in the world, embodying new mechanical principles and combinations not heretofore used in any other constructions.

In designing, perfecting, and making this machine the contractor has expended large sums of money over and above the contract price, besides giving years of labor, for which he has received no compensation. He now appeals to Congress for relief, and the papers herewith exhibit a case that calls for Congressional action. It is respectfully submitted to the House of Representatives, recommending speedy and favorable consideration.

R. B. HAYES.

EXECUTIVE MANSION, *April 22, 1880.**To the Senate and House of Representatives:*

I have the honor to inform Congress that Mr. J. Randolph Coolidge, Dr. Algernon Coolidge, Mr. Thomas Jefferson Coolidge, and Mrs. Ellen Dwight, of Massachusetts, the heirs of the late Joseph Coolidge, jr.,

desire to present to the United States the desk on which the Declaration of Independence was written. It bears the following inscription in the handwriting of Thomas Jefferson:

Thomas Jefferson gives this writing desk to Joseph Coolidge, jr., as a memorial of his affection. It was made from a drawing of his own, by Ben. Randall, cabinet-maker of Philadelphia, with whom he first lodged on his arrival in that city in May, 1776, and is the identical one on which he wrote the Declaration of Independence.

Politics, as well as religion, has its superstitions. These, gaining strength with time, may one day give imaginary value to this relic for its association with the birth of the great charter of our independence.

MONTICELLO, *November 18, 1825.*

The desk was placed in my possession by Hon. Robert C. Winthrop, and is herewith transmitted to Congress with the letter of Mr. Winthrop expressing the wish of the donors "to offer it to the United States, so that it may henceforth have a place in the Department of State in connection with the immortal instrument which was written upon it in 1776."

I respectfully recommend that such action be taken by Congress as may be deemed appropriate with reference to a gift to the nation so precious in its history and for the memorable associations which belong to it.

RUTHERFORD B. HAYES.

WASHINGTON, D. C., *April 14, 1880.*

His Excellency RUTHERFORD B. HAYES,

*President of the United States.*

MY DEAR SIR: I have been privileged to bring with me from Boston, as a present to the United States, a very precious historical relic. It is the little desk on which Mr. Jefferson wrote the original draft of the Declaration of Independence.

This desk was given by Mr. Jefferson himself to my friend, the late Joseph Coolidge, of Boston, at the time of his marriage to Jefferson's granddaughter, Miss Randolph, and it bears an autograph inscription of singular interest, written by the illustrious author of the Declaration in the very last year of his life.

On the recent death of Mr. Coolidge, whose wife had died a year or two previously, the desk became the property of their children, Mr. J. Randolph Coolidge, Dr. Alger non Coolidge, Mr. Thomas Jefferson Coolidge, and Mrs. Ellen Dwight, who now desire to offer it to the United States, so that it may henceforth have a place in the Department of State in connection with the immortal instrument which was written upon it in 1776.

They have done me the honor to make me the medium of this distinguished gift, and I ask permission to place it in the hands of the Chief Magistrate of the nation in their name and at their request.

Believe me, dear Mr. President, with the highest respect, very faithfully, your obedient servant,

ROBT. C. WINTHROP.

WASHINGTON, *May 13, 1880.*

*To the Senate of the United States:*

I transmit herewith to the Senate, in response to their resolution of the 24th of March last, in relation to the fulfillment of the ninth article of the treaty of 1819 between the United States and Spain, a report of

the Secretary of State on the correspondence asked for by the resolution, with its accompanying documents, and in connection therewith a previous report from the Secretary of State and an opinion of the Attorney-General on the subject of the East Florida claims.

R. B. HAYES.

WASHINGTON, *May 17, 1880.*

*To the House of Representatives:*

In compliance with the resolution of the House of Representatives of the 27th ultimo, calling for copies of the correspondence with the Government of Great Britain in regard to the alleged outrage upon American fishermen at Fortune Bay, in the Province of Newfoundland, I transmit herewith the correspondence called for and a report from the Secretary of State on the subject.

In transmitting this correspondence and the report I respectfully ask the immediate and careful attention of Congress to the failure of accord between the two Governments as to the interpretation and execution of the fishery articles of the treaty of Washington, as disclosed in this correspondence and elucidated by the exposition of the subject by the Secretary of State.

I concur in the opinions of this report as to the measures proper to be taken by this Government in maintenance of the rights accorded to our fishermen by the British concession of the treaty and in providing for suitable action toward securing an indemnity for the injury these interests have already suffered.

Accordingly, I recommend to Congress the adoption of these measures, with such attendant details of legislation as in the wisdom of Congress shall seem expedient.

R. B. HAYES.

[The same message was sent to the Senate, in answer to a resolution of that body of April 28.]

WASHINGTON, *May 24, 1880.*

*To the Senate of the United States:*

I submit to the Senate, for its consideration with a view to ratification, the accompanying convention for the extradition of criminals, concluded between the United States and the Government of His Majesty the King of the Netherlands on the 22d instant.

R. B. HAYES.

EXECUTIVE MANSION, *May 25, 1880.*

*To the Senate and House of Representatives:*

I have the honor to transmit herewith a communication from the Secretary of the Interior, with reference to the agreement made with the

chiefs of the Ute Indians recently in Washington, a copy of which was submitted to Congress on the 9th of March last.

The special and immediate attention of Congress to the imminent danger attending the postponement of appropriate legislation to carry into effect the stipulations of this agreement is earnestly solicited.

R. B. HAYES.

EXECUTIVE MANSION, *June 5, 1880.*

*To the Senate of the United States:*

In response to a resolution of the Senate of the 31st ultimo, requesting the President "to communicate to the Senate whether any supervisor or supervisors of the census appointed by and with the advice and consent of the Senate have been removed from office by him or with his consent," etc., I transmit herewith a report from the Secretary of the Interior.

R. B. HAYES.

## VETO MESSAGES.

EXECUTIVE MANSION, *May 4, 1880.*

*To the House of Representatives:*

After mature consideration of the bill entitled "An act making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes," I return it to the House of Representatives, in which it originated, with my objections to its passage.

The bill appropriates about \$8,000,000, of which over \$600,000 is for the payment of the fees of United States marshals and of the general and special deputy marshals earned during the current fiscal year, and their incidental expenses. The appropriations made in the bill are needed to carry on the operations of the Government and to fulfill its obligations for the payment of money long since due to its officers for services and expenses essential to the execution of their duties under the laws of the United States. The necessity for these appropriations is so urgent and they have been already so long delayed that if the bill before me contained no permanent or general legislation unconnected with these appropriations it would receive my prompt approval. It contains, however, provisions which materially change, and by implication repeal, important parts of the laws for the regulation of the United States elections. These laws have for several years past been the subject of vehement political controversy, and have been denounced as unnecessary, oppressive, and unconstitutional. On the other hand, it has been maintained with equal zeal and earnestness that the election laws are indispensable to fair and lawful elections, and are clearly warranted by the

Constitution. Under these circumstances, to attempt in an appropriation bill the modification or repeal of these laws is to annex a condition to the passage of needed and proper appropriations, which tends to deprive the Executive of that equal and independent exercise of discretion and judgment which the Constitution contemplates.

The objection to the bill, therefore, to which I respectfully ask your attention is that it gives a marked and deliberate sanction, attended by no circumstances of pressing necessity, to the questionable and, as I am clearly of opinion, the dangerous practice of tacking upon appropriation bills general and permanent legislation. This practice opens a wide door to hasty, inconsiderate, and sinister legislation. It invites attacks upon the independence and constitutional powers of the Executive by providing an easy and effective way of constraining Executive discretion. Although of late this practice has been resorted to by all political parties when clothed with power, it did not prevail until forty years after the adoption of the Constitution, and it is confidently believed that it is condemned by the enlightened judgment of the country. The States which have adopted new constitutions during the last quarter of a century have generally provided remedies for the evil. Many of them have enacted that no law shall contain more than one subject, which shall be plainly expressed in its title. The constitutions of more than half of the States contain substantially this provision, or some other of like intent and meaning. The public welfare will be promoted in many ways by a return to the early practice of the Government ~~and to the~~ true rule of legislation, which is that every measure should stand upon its own merits.

I am firmly convinced that appropriation bills ought not to contain any legislation not relevant to the application or expenditure of the money thereby appropriated, and that by a strict adherence to this principle an important and much needed reform will be accomplished.

Placing my objection to the bill on this feature of its frame, I forbear any comment upon the important general and permanent legislation which it contains, as matter for specific and independent consideration.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, June 15, 1880.

*To the Senate of the United States:*

After mature consideration of the bill entitled "An act regulating the pay and appointment of deputy marshals," I am constrained to withhold from it my approval, and to return it to the Senate, in which it originated, with my objections to its passage.

The laws now in force on the subject of the bill before me are contained in the following sections of the Revised Statutes:

SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of 20,000 inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application

in writing of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times or places when and where the registration may by law be scrutinized and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them; and for the purposes of arrest or the preservation of the peace the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration.

SEC. 2023. Whenever any arrest is made under any provision of this title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title, or shall by violence, threats, or menaces be prevented from executing such duties or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or *posse comitatus* of his district.

SEC. 2028. No person shall be appointed a supervisor of election or a deputy marshal under the preceding provisions who is not at the time of his appointment a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed.

SEC. 5521. If any person be appointed a supervisor of election or a special deputy marshal under the provisions of title "The elective franchise," and has taken the oath of office as such supervisor of election or such special deputy marshal, and thereafter neglects or refuses, without good and lawful excuse, to perform and discharge fully the duties, obligations, and requirements of such office until the expiration of the term for which he was appointed, he shall not only be subject to removal from office with loss of all pay or emoluments, but shall be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than \$200 and not more than \$500, or by both fine and imprisonment, and shall pay the costs of prosecution.

SEC. 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise interferes

with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or prevents the free attendance and presence at such places of registration, or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof. any supervisor of election, the marshal or his general or special deputies, or either of them, or who threatens, or attempts or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than \$3,000, or by both such fine and imprisonment, and shall pay the cost of the prosecution.

The Supreme Court of the United States, in the recent case of *Ex parte Siebold* and others, decided at the October term, 1879, on the question raised in the case as to the constitutionality of the sections of the Revised Statutes above quoted, uses the following language:

These portions of the Revised Statutes are taken from the act commonly known as the enforcement act, approved May 31, 1870, and entitled "An act to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes," and from the supplement to that act, approved February 28, 1871. They relate to elections of members of the House of Representatives, and were an assertion on the part of Congress of a power to pass laws for regulating and superintending said elections and for securing the purity thereof and the rights of citizens to vote thereat peaceably and without molestation.

It must be conceded to be a most important power, and of a fundamental character. In the light of recent history and of the violence, fraud, corruption, and irregularity which have frequently prevailed at such elections, it may easily be conceived that the exertion of the power, if it exists, may be necessary to the stability of our form of government.

The greatest difficulty in coming to a just conclusion arises from mistaken notions with regard to the relations which subsist between the State and National Governments. \* \* \*

It seems to be often overlooked that a national constitution has been adopted in this country, establishing a real government therein, operating upon persons and territory and things, and which, moreover, is, or should be, as dear to every American citizen as his State government is. Whenever the true conception of the nature of this Government is once conceded, no real difficulty will arise in the just interpretation of its powers; but if we allow ourselves to regard it as a hostile organization, opposed to the proper sovereignty and dignity of the State governments, we shall continue to be vexed with difficulties as to its jurisdiction and authority. No greater jealousy is required to be exercised toward this Government in reference to the preservation of our liberties than is proper to be exercised toward the State governments. Its powers are limited in number and clearly defined, and its action within the scope of those powers is restrained by a sufficiently rigid bill of rights for the protection of

its citizens from oppression. The true interests of the people of this country require that both the National and State Governments should be allowed, without jealous interference on either side, to exercise all the powers which respectively belong to them according to a fair and practical construction of the Constitution. State rights and the rights of the United States should be equally respected. Both are essential to the preservation of our liberties and the perpetuity of our institutions. But in endeavoring to vindicate the one we should not allow our zeal to nullify or impair the other. \* \* \*

The true doctrine, as we conceive, is this, that while the States are really sovereign as to all matters which have not been granted to the jurisdiction and control of the United States, the Constitution and constitutional laws of the latter are, as we have already said, the supreme law of the land, and when they conflict with the laws of the States they are of paramount authority and obligation. This is the fundamental principle on which the authority of the Constitution is based, and unless it be conceded in practice as well as theory the fabric of our institutions, as it was contemplated by its founders, can not stand. The questions involved have respect not more to the autonomy and existence of the States than to the continued existence of the United States as a government to which every American citizen may look for security and protection in every part of the land. \* \* \*

Why do we have marshals at all if they can not physically lay their hands on persons and things in the performance of their proper duties? What functions can they perform if they can not use force? In executing the process of the courts must they call on the nearest constable for protection? Must they rely on him to use the requisite compulsion and to keep the peace while they are soliciting and entreating the parties and bystanders to allow the law to take its course? This is the necessary consequence of the positions that are assumed. If we indulge in such impracticable views as these, and keep on refining and re-refining, we shall drive the National Government out of the United States and relegate it to the District of Columbia, or perhaps to some foreign soil. We shall bring it back to a condition of greater helplessness than that of the old Confederation.

The argument is based on a strained and impracticable view of the nature and powers of the National Government. It must execute its powers or it is no government. It must execute them on the land as well as on the sea, on things as well as on persons. And to do this it must necessarily have power to command obedience, preserve order, and keep the peace; and no person or power in this land has the right to resist or question its authority so long as it keeps within the bounds of its jurisdiction.

I have deemed it fitting and proper to quote thus largely from an important and elaborate opinion of the Supreme Court because the bill before me proceeds upon a construction of the Constitution as to the powers of the National Government which is in direct conflict with the judgment of the highest judicial tribunal of our country.

Under the sections of the present law above quoted officers of the United States are authorized, and it is their duty in the case of Congressional elections, to keep the peace at the polls and at the places of registration; to arrest immediately any person who is guilty of crimes against the United States election laws; to protect all officers of elections in the performance of their duties; and whenever an arrest is made to bring the person so arrested before a commissioner, judge, or court of the United States for examination of the offenses alleged against him. "Such special deputy marshals as are specially empowered thereto



by the marshal in writing," if forcibly resisted, may call to their aid the bystanders or *posse comitatus*. It is made a crime punishable with fine or imprisonment to hinder, assault, or otherwise interfere with the marshal or "his special deputies," or to threaten or to attempt so to do. If any person appointed such special deputy marshal has taken the oath of office and thereafter neglects or refuses to fully discharge the duties of such office, he is punishable not only by removal from office, but by fine and imprisonment. The functions of the special deputy marshals now provided for by law being executive, they are placed under the authority of the well-known chief executive officer of the courts of the United States. They are in fact, and not merely in name, the deputies of the marshal, and he and his bondsmen are responsible for them. A civil force for the execution of the law is thus instituted in accordance with long-established and familiar usage, which is simple, effective, and under a responsible head. The necessity for the possession of these powers by appropriate officers will not be called in question by intelligent citizens who appreciate the importance of peaceable, orderly, and lawful elections. Similar powers are conferred and exercised under State laws with respect to State elections. The executive officers of the United States under the existing laws have no other or greater power to supervise and control the conduct of the Congressional elections than the State executive officers exercise in regard to State elections.

The bill before me changes completely the present law by substituting for the special deputy marshals of the existing statutes new officers hitherto unknown to the law, and who lack the power, responsibility, and protection which are essential to enable them to act efficiently as executive officers.

The bill under consideration is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passage of this act the pay of all deputy marshals for services in reference to any election shall be \$5 for each day of actual service, and no more.

SEC. 2. That all deputy marshals to serve in reference to any election shall be appointed by the circuit court of the United States for the district in which such marshals are to perform their duties in each year; and the judges of the several circuit courts of the United States are hereby authorized to open their respective courts at any time for that purpose; and in case the circuit courts shall not be open for that purpose at least ten days prior to a registration, if there be one, or, if no registration be required, then at least ten days before such election, the judges of the district courts of the United States are hereby respectively authorized to cause their courts to be opened for the purpose of appointing such deputy marshals, who shall be appointed by the said district courts; and the officers so appointed shall be in equal numbers from the different political parties, and shall be well-known citizens, of good moral character, and actual residents of the voting precincts in which their duties are to be performed, and shall not be candidates for any office at such election; and all laws and parts of laws inconsistent with this act are hereby repealed: *Provided*, That the marshals of the United States for whom deputies shall be appointed by the court under this act shall not be liable for any of the acts of such deputies.

It will be observed that the deputy marshals proposed by the bill before me are distinctly different officers from the special deputies of the marshal, as such officers are now provided for in the statutes. This bill does not connect the new officers with the existing laws relating to special deputy marshals so as to invest the proposed deputy marshals with the same powers, to impose upon them the same duties, and to give them the same protection by means of the criminal laws. When new officers are created, distinct in character and appointed by different authority, although similar in name to officers already provided for, such officers are not held by similar responsibilities to the criminal law, do not possess the same powers, and are not similarly protected unless it is expressly so provided by legislation.

The so-called deputy marshals provided for in this bill will have no executive head. The marshal can neither appoint nor remove them. He can not control them, and he is not responsible for them. They will have no authority to call to their aid, if resisted, the *posse comitatus*. They are protected by no criminal statutes in the performance of their duties. An assault upon one of these deputies with the intent to prevent a lawful election will be no more than an ordinary assault upon any other citizen. They can not keep the peace. They can not make arrests when crimes are committed in their presence. Whatever powers they have are confined to the precincts in which they reside. Outside of the precincts for which they are appointed the deputy marshals of this bill can not keep the peace, make arrests, hold prisoners, take prisoners before a proper tribunal for hearing, nor perform any other duty. No oaths of office are required of them, and they give no bond. They have no superior who is responsible for them, and they are not punishable for neglect of duty or misconduct in office. In all these respects this bill makes a radical change between the powers of the United States officers at national elections and the powers uniformly possessed and exercised by State officers at State elections. This discrimination against the authority of the United States is a departure from the usage of the Government established by precedents beginning with the earliest statutes on the subject, and violates the true principles of the Constitution. The Supreme Court, in the decision already referred to, says:

It is argued that the preservation of peace and good order in society is not within the powers confided to the Government of the United States, but belongs exclusively to the States. Here again we are met with the theory that the Government of the United States does not rest upon the soil and territory of the country. We think that this theory is founded on an entire misconception of the nature and powers of that Government. We hold it to be an incontrovertible principle that the Government of the United States may, by means of physical force, exercised through its official agents, execute on every foot of American soil the powers and functions that belong to it. This necessarily involves the power to command obedience to its laws, and hence the power to keep the peace to that extent.

This power to enforce its laws and to execute its functions in all places does not derogate from the power of the State to execute its laws at the same time and in the

same places. The one does not exclude the other, except where both can not be executed at the same time. In that case the words of the Constitution itself show which is to yield. "This Constitution and all laws which shall be made in pursuance thereof \* \* \* shall be the supreme law of the land."

In conclusion it is proper to say that no objection would be made to the appointment of officers to act with reference to the elections by the courts of the United States, and that I am in favor of appointing officers to supervise and protect the elections without regard to party; but the bill before me, while it recognizes the power and duty of the United States to provide officers to guard and scrutinize the Congressional elections, fails to adapt its provisions to the existing laws so as to secure efficient supervision and protection. It is therefore returned to the Senate, in which it originated, for that further consideration which is contemplated by the Constitution.

RUTHERFORD B. HAYES.

## PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Whereas it has become known to me that certain evil-disposed persons have within the territory and jurisdiction of the United States begun and set on foot preparations for an organized and forcible possession of and settlement upon the lands of what is known as the Indian Territory, west of the State of Arkansas, which Territory is designated, recognized, and described by the treaties and laws of the United States and by the executive authorities as Indian country, and as such is only subject to occupation by Indian tribes, officers of the Indian Department, military posts, and such persons as may be privileged to reside and trade therein under the intercourse laws of the United States; and

Whereas those laws provide for the removal of all persons residing and trading therein without express permission of the Indian Department and agents, and also of all persons whom such agents may deem to be improper persons to reside in the Indian country; and

Whereas, in aid and support of such organized movement, it has been represented that no further action will be taken by the Government to prevent persons from going into said territory and settling therein, but such representations are wholly without authority:

Now, therefore, for the purpose of properly protecting the interests of the Indian nations and tribes, as well as of the United States, in said Indian Territory, and of duly enforcing the laws governing the same, I, Rutherford B. Hayes, President of the United States, do admonish and warn all such persons so intending or preparing to remove upon said

lands or into said Territory without permission of the proper agent of the Indian Department against any attempt to so remove or settle upon any of the lands of said Territory; and I do further warn and notify any and all such persons who may so offend that they will be speedily and immediately removed therefrom by the agent, according to the laws made and provided, and that no efforts will be spared to prevent the invasion of said Territory, rumors spread by evil-disposed persons to the contrary notwithstanding; and if necessary the aid and assistance of the military forces of the United States will be invoked to carry into proper execution the laws of the United States herein referred to.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of February, A. D. 1880, and of the Independence of the United States the one hundred and fourth.

R. B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State*.

BY ~~THE~~ PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

At no period in their history since the United States became a nation has this people had so abundant and so universal reasons for joy and gratitude at the favor of Almighty God or been subject to so profound an obligation to give thanks for His loving kindness and humbly to implore His continued care and protection.

Health, wealth, and prosperity throughout all our borders; peace, honor, and friendship with all the world; firm and faithful adherence by the great body of our population to the principles of liberty and justice which have made our greatness as a nation, and to the wise institutions and strong frame of government and society which will perpetuate it—for all these let the thanks of a happy and united people, as with one voice, ascend in devout homage to the Giver of All Good.

I therefore recommend that on Thursday, the 25th day of November next, the people meet in their respective places of worship to make their acknowledgments to Almighty God for His bounties and His protection and to offer to Him prayers for their continuance.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of November, A. D. 1880, and of the Independence of the United States the one hundred and fifth.

R. B. HAYES

By the President:

WM. M. EVARTS, *Secretary of State*.

## BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Whereas satisfactory evidence has been given to me by the Government of His Majesty the Emperor of China that no discriminating duties of tonnage or imposts are imposed or levied in the ports of that nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same:

Therefore, I, Rutherford B. Hayes, President of the United States of America, by virtue of the authority in me vested by law, do hereby declare and proclaim that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of China and the produce, manufactures, and merchandise imported therein into the United States from China, or from any other foreign country, so long as the exemption aforesaid on the part of China of vessels belonging to citizens of the United States and their cargoes shall be continued and no longer.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 23d day of November, A. D. 1880, and of the Independence of the United States of America the one hundred and fifth.

R. B. HAYES.

By the President:

WM. M. EVARTS,  
*Secretary of State.*

## EXECUTIVE ORDER.

[From the Evening Star, Washington, D. C., May 27, 1880.]

EXECUTIVE MANSION,  
*Washington, D. C., May 27, 1880.*

DEAR SIR:\* I am directed by the President to say that the several Departments of the Government will be closed on Saturday, the 29th instant, in remembrance of those who fell in defense of the nation, and to enable the employees to participate in the commemorative ceremonies of the day.

Very respectfully, your obedient servant, .

W. K. ROGERS,  
*Private Secretary.*

\* Addressed to the heads of the Executive Departments, etc.

## FOURTH ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 6, 1880.**Fellow-Citizens of the Senate and House of Representatives:*

I congratulate you on the continued and increasing prosperity of our country. By the favor of Divine Providence we have been blessed during the past year with health, with abundant harvests, with profitable employment for all our people, and with contentment at home, and with peace and friendship with other nations. The occurrence of the twenty-fourth election of Chief Magistrate has afforded another opportunity to the people of the United States to exhibit to the world a significant example of the peaceful and safe transmission of the power and authority of government from the public servants whose terms of office are about to expire to their newly chosen successors. This example can not fail to impress profoundly thoughtful people of other countries with the advantages which republican institutions afford. The immediate, general, and cheerful acquiescence of all good citizens in the result of the election gives gratifying assurance to our country and to its friends throughout the world that a government based on the free consent of an intelligent and patriotic people possesses elements of strength, stability, and permanency not found in any other form of government.

Continued opposition to the full and free enjoyment of the rights of citizenship conferred upon the colored people by the recent amendments to the Constitution still prevails in several of the late slaveholding States. It has, perhaps, not been manifested in the recent election to any large extent in acts of violence or intimidation. It has, however, by fraudulent practices in connection with the ballots, with the regulations as to the places and manner of voting, and with counting, returning, and canvassing the votes cast, been successful in defeating the exercise of the right preservative of all rights—the right of suffrage—which the Constitution expressly confers upon our enfranchised citizens.

It is the desire of the good people of the whole country that sectionalism as a factor in our politics should disappear. They prefer that no section of the country should be united in solid opposition to any other section. The disposition to refuse a prompt and hearty obedience to the equal-rights amendments to the Constitution is all that now stands in the way of a complete obliteration of sectional lines in our political contests. As long as either of these amendments is flagrantly violated or disregarded, it is safe to assume that the people who placed them in the Constitution, as embodying the legitimate results of the war for the Union, and who believe them to be wise and necessary, will continue to act together and to insist that they shall be obeyed. The paramount question still is as to the enjoyment of the right by every American

citizen who has the requisite qualifications to freely cast his vote and to have it honestly counted. With this question rightly settled, the country will be relieved of the contentions of the past; bygones will indeed be bygones, and political and party issues, with respect to economy and efficiency of administration, internal improvements, the tariff, domestic taxation, education, finance, and other important subjects, will then receive their full share of attention; but resistance to and nullification of the results of the war will unite together in resolute purpose for their support all who maintain the authority of the Government and the perpetuity of the Union, and who adequately appreciate the value of the victory achieved. This determination proceeds from no hostile sentiment or feeling to any part of the people of our country or to any of their interests. The inviolability of the amendments rests upon the fundamental principle of our Government. They are the solemn expression of the will of the people of the United States.

The sentiment that the constitutional rights of all our citizens must be maintained does not grow weaker. It will continue to control the Government of the country. Happily, the history of the late election shows that in many parts of the country where opposition to the fifteenth amendment has heretofore prevailed it is diminishing, and is likely to cease altogether if firm and well-considered action is taken by Congress. I trust the House of Representatives and the Senate, which have the right to judge of the elections, returns, and qualifications of their own members, will see to it that every case of violation of the letter or spirit of the fifteenth amendment is thoroughly investigated, and that no benefit from such violation shall accrue to any person or party. It will be the duty of the Executive, with sufficient appropriations for the purpose, to prosecute unsparingly all who have been engaged in depriving citizens of the rights guaranteed to them by the Constitution.

It is not, however, to be forgotten that the best and surest guaranty of the primary rights of citizenship is to be found in that capacity for self-protection which can belong only to a people whose right to universal suffrage is supported by universal education. The means at the command of the local and State authorities are in many cases wholly inadequate to furnish free instruction to all who need it. This is especially true where before emancipation the education of the people was neglected or prevented, in the interest of slavery. Firmly convinced that the subject of popular education deserves the earnest attention of the people of the whole country, with a view to wise and comprehensive action by the Government of the United States, I respectfully recommend that Congress, by suitable legislation and with proper safeguards, supplement the local educational funds in the several States where the grave duties and responsibilities of citizenship have been devolved on uneducated people by devoting to the purpose grants of the public lands and, if necessary, by appropriations from the Treasury of the United States. Whatever

Government can fairly do to promote free popular education ought to be done. Wherever general education is found, peace, virtue, and social order prevail and civil and religious liberty are secure.

In my former annual messages I have asked the attention of Congress to the urgent necessity of a reformation of the civil-service system of the Government. My views concerning the dangers of patronage, or appointments for personal or partisan considerations, have been strengthened by my observation and experience in the Executive office, and I believe these dangers threaten the stability of the Government. Abuses so serious in their nature can not be permanently tolerated. They tend to become more alarming with the enlargement of administrative service, as the growth of the country in population increases the number of officers and placemen employed.

The reasons are imperative for the adoption of fixed rules for the regulation of appointments, promotions, and removals, establishing a uniform method having exclusively in view in every instance the attainment of the best qualifications for the position in question. Such a method alone is consistent with the equal rights of all citizens and the most economical and efficient administration of the public business.

Competitive examinations in aid of impartial appointments and promotions have been conducted for some years past in several of the Executive Departments, and by my direction this system has been adopted in the custom-houses and post-offices of the larger cities of the country. In the city of New York over 2,000 positions in the civil service have been subject in their appointments and tenure of place to the operation of published rules for this purpose during the past two years. The results of these practical trials have been very satisfactory, and have confirmed my opinion in favor of this system of selection. All are subjected to the same tests, and the result is free from prejudice by personal favor or partisan influence. It secures for the position applied for the best qualifications attainable among the competing applicants. It is an effectual protection from the pressure of importunity, which under any other course pursued largely exacts the time and attention of appointing officers, to their great detriment in the discharge of other official duties, preventing the abuse of the service for the mere furtherance of private or party purposes, and leaving the employee of the Government, freed from the obligations imposed by patronage, to depend solely upon merit for retention and advancement, and with this constant incentive to exertion and improvement.

These invaluable results have been attained in a high degree in the offices where the rules for appointment by competitive examination have been applied.

A method which has so approved itself by experimental tests at points where such tests may be fairly considered conclusive should be extended to all subordinate positions under the Government. I believe that a



strong and growing public sentiment demands immediate measures for securing and enforcing the highest possible efficiency in the civil service and its protection from recognized abuses, and that the experience referred to has demonstrated the feasibility of such measures.

The examinations in the custom-houses and post-offices have been held under many embarrassments and without provision for compensation for the extra labor performed by the officers who have conducted them, and whose commendable interest in the improvement of the public service has induced this devotion of time and labor without pecuniary reward. A continuance of these labors gratuitously ought not to be expected, and without an appropriation by Congress for compensation it is not practicable to extend the system of examinations generally throughout the civil service. It is also highly important that all such examinations should be conducted upon a uniform system and under general supervision. Section 1753 of the Revised Statutes authorizes the President to prescribe the regulations for admission to the civil service of the United States, and for this purpose to employ suitable persons to conduct the requisite inquiries with reference to "the fitness of each candidate, in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter;" but the law is practically inoperative for want of the requisite appropriation.

I therefore recommend an appropriation of \$25,000 per annum to meet the expenses of a commission, to be appointed by the President in accordance with the terms of this section, whose duty it shall be to devise a just, uniform, and efficient system of competitive examinations and to supervise the application of the same throughout the entire civil service of the Government. I am persuaded that the facilities which such a commission will afford for testing the fitness of those who apply for office will not only be as welcome a relief to members of Congress as it will be to the President and heads of Departments, but that it will also greatly tend to remove the causes of embarrassment which now inevitably and constantly attend the conflicting claims of patronage between the legislative and executive departments. The most effectual check upon the pernicious competition of influence and official favoritism in the bestowal of office will be the substitution of an open competition of merit between the applicants, in which everyone can make his own record with the assurance that his success will depend upon this alone.

I also recommend such legislation as, while leaving every officer as free as any other citizen to express his political opinions and to use his means for their advancement, shall also enable him to feel as safe as any private citizen in refusing all demands upon his salary for political purposes. A law which should thus guarantee true liberty and justice to all who are engaged in the public service, and likewise contain stringent provisions against the use of official authority to coerce the

political action of private citizens or of official subordinates, is greatly to be desired.

The most serious obstacle, however, to an improvement of the civil service, and especially to a reform in the method of appointment and removal, has been found to be the practice, under what is known as the spoils system, by which the appointing power has been so largely encroached upon by members of Congress. The first step in the reform of the civil service must be a complete divorce between Congress and the Executive in the matter of appointments. The corrupting doctrine that "to the victors belong the spoils" is inseparable from Congressional patronage as the established rule and practice of parties in power. It comes to be understood by applicants for office and by the people generally that Representatives and Senators are entitled to disburse the patronage of their respective districts and States. It is not necessary to recite at length the evils resulting from this invasion of the Executive functions. The true principles of Government on the subject of appointments to office, as stated in the national conventions of the leading parties of the country, have again and again been approved by the American people, and have not been called in question in any quarter. These authentic expressions of public opinion upon this all-important subject are the statement of principles that belong to the constitutional structure of the Government.

Under the Constitution the President and heads of Departments are to make nominations for office. The Senate is to advise and consent to appointments, and the House of Representatives is to accuse and prosecute faithless officers. The best interest of the public service demands that these distinctions be respected; that Senators and Representatives, who may be judges and accusers, should not dictate appointments to office.

To this end the cooperation of the legislative department of the Government is required alike by the necessities of the case and by public opinion. Members of Congress will not be relieved from the demands made upon them with reference to appointments to office until by legislative enactment the pernicious practice is condemned and forbidden.

It is therefore recommended that an act be passed defining the relations of members of Congress with respect to appointment to office by the President; and I also recommend that the provisions of section 1767 and of the sections following of the Revised Statutes, comprising the tenure-of-office act of March 2, 1867, be repealed.

Believing that to reform the system and methods of the civil service in our country is one of the highest and most imperative duties of statesmanship, and that it can be permanently done only by the cooperation of the legislative and executive departments of the Government, I again commend the whole subject to your considerate attention.

It is the recognized duty and purpose of the people of the United States to suppress polygamy where it now exists in our Territories and

to prevent its extension. Faithful and zealous efforts have been made by the United States authorities in Utah to enforce the laws against it. Experience has shown that the legislation upon this subject, to be effective, requires extensive modification and amendment. The longer action is delayed the more difficult it will be to accomplish what is desired. Prompt and decided measures are necessary. The Mormon sectarian organization which upholds polygamy has the whole power of making and executing the local legislation of the Territory. By its control of the grand and petit juries it possesses large influence over the administration of justice. Exercising, as the heads of this sect do, the local political power of the Territory, they are able to make effective their hostility to the law of Congress on the subject of polygamy, and, in fact, do prevent its enforcement. Polygamy will not be abolished if the enforcement of the law depends on those who practice and uphold the crime. It can only be suppressed by taking away the political power of the sect which encourages and sustains it.

The power of Congress to enact suitable laws to protect the Territories is ample. It is not a case for halfway measures. The political power of the Mormon sect is increasing. It controls now one of our wealthiest and most populous Territories. It is extending steadily into other Territories. Wherever it goes it establishes polygamy and sectarian political power. The sanctity of marriage and ~~the family relation~~ are the corner stone of our American society and civilization. Religious liberty and the separation of church and state are among the elementary ideas of free institutions. To reestablish the interests and principles which polygamy and Mormonism have imperiled, and to fully reopen to intelligent and virtuous immigrants of all creeds that part of our domain which has been in a great degree closed to general immigration by intolerant and immoral institutions, it is recommended that the government of the Territory of Utah be reorganized.

I recommend that Congress provide for the government of Utah by a governor and judges, or commissioners, appointed by the President and confirmed by the Senate—a government analogous to the provisional government established for the territory northwest of the Ohio by the ordinance of 1787. If, however, it is deemed best to continue the existing form of local government, I recommend that the right to vote, hold office, and sit on juries in the Territory of Utah be confined to those who neither practice nor uphold polygamy. If thorough measures are adopted, it is believed that within a few years the evils which now afflict Utah will be eradicated, and that this Territory will in good time become one of the most prosperous and attractive of the new States of the Union.

Our relations with all foreign countries have been those of undisturbed peace, and have presented no occasion for concern as to their continued maintenance.

—My anticipation of an early reply from the British Government to the

demand of indemnity to our fishermen for the injuries suffered by that industry at Fortune Bay in January, 1878, which I expressed in my last annual message, was disappointed. This answer was received only in the latter part of April in the present year, and when received exhibited a failure of accord between the two Governments as to the measure of the inshore fishing privilege secured to our fishermen by the treaty of Washington of so serious a character that I made it the subject of a communication to Congress, in which I recommended the adoption of the measures which seemed to me proper to be taken by this Government in maintenance of the rights accorded to our fishermen under the treaty and toward securing an indemnity for the injury these interests had suffered. A bill to carry out these recommendations was under consideration by the House of Representatives at the time of the adjournment of Congress in June last.

Within a few weeks I have received a communication from Her Majesty's Government renewing the consideration of the subject, both of the indemnity for the injuries at Fortune Bay and of the interpretation of the treaty in which the previous correspondence had shown the two Governments to be at variance. Upon both these topics the disposition toward a friendly agreement is manifested by a recognition of our right to an indemnity for the transaction at Fortune Bay, leaving the measure of such indemnity to further conference, and by an assent to the view of this Government, ~~presented~~ in the previous correspondence, that the regulation of conflicting interests of the shore fishery of the provincial sea-coasts and the vessel fishery of our fishermen should be made the subject of conference and concurrent arrangement between the two Governments.

I sincerely hope that the basis may be found for a speedy adjustment of the very serious divergence of views in the interpretation of the fishery clauses of the treaty of Washington, which, as the correspondence between the two Governments stood at the close of the last session of Congress, seemed to be irreconcilable.

In the important exhibition of arts and industries which was held last year at Sydney, New South Wales, as well as in that now in progress at Melbourne, the United States have been efficiently and honorably represented. The exhibitors from this country at the former place received a large number of awards in some of the most considerable departments, and the participation of the United States was recognized by a special mark of distinction. In the exhibition at Melbourne the share taken by our country is no less notable, and an equal degree of success is confidently expected.

The state of peace and tranquillity now enjoyed by all the nations of the continent of Europe has its favorable influence upon our diplomatic and commercial relations with them. We have concluded and ratified a convention with the French Republic for the settlement of claims of the citizens of either country against the other. Under this convention a

commission, presided over by a distinguished publicist, appointed in pursuance of the request of both nations by His Majesty the Emperor of Brazil, has been organized and has begun its sessions in this city. A congress to consider means for the protection of industrial property has recently been in session in Paris, to which I have appointed the ministers of the United States in France and in Belgium as delegates. The International Commission upon Weights and Measures also continues its work in Paris. I invite your attention to the necessity of an appropriation to be made in time to enable this Government to comply with its obligations under the metrical convention.

Our friendly relations with the German Empire continue without interruption. At the recent International Exhibition of Fish and Fisheries at Berlin the participation of the United States, notwithstanding the haste with which the commission was forced to make its preparations, was extremely successful and meritorious, winning for private exhibitors numerous awards of a high class and for the country at large the principal prize of honor offered by His Majesty the Emperor. The results of this great success can not but be advantageous to this important and growing industry. There have been some questions raised between the two Governments as to the proper effect and interpretation of our treaties of naturalization, but recent dispatches from our minister at Berlin show that favorable progress is making toward an understanding in accordance with the views of this Government, ~~which makes~~ and admits no distinction whatever between the rights of a native and a naturalized citizen of the United States. In practice the complaints of molestation suffered by naturalized citizens abroad have never been fewer than at present.

There is nothing of importance to note in our unbroken friendly relations with the Governments of Austria-Hungary, Russia, Portugal, Sweden and Norway, Switzerland, Turkey, and Greece.

During the last summer several vessels belonging to the merchant marine of this country, sailing in neutral waters of the West Indies, were fired at, boarded, and searched by an armed cruiser of the Spanish Government. The circumstances as reported involve not only a private injury to the persons concerned, but also seemed too little observant of the friendly relations existing for a century between this country and Spain. The wrong was brought to the attention of the Spanish Government in a serious protest and remonstrance, and the matter is undergoing investigation by the royal authorities with a view to such explanation or reparation as may be called for by the facts.

The commission sitting in this city for the adjudication of claims of our citizens against the Government of Spain is, I hope, approaching the termination of its labors.

The claims against the United States under the Florida treaty with Spain were submitted to Congress for its action at the late session, and

I again invite your attention to this long-standing question, with a view to a final disposition of the matter.

At the invitation of the Spanish Government, a conference has recently been held at the city of Madrid to consider the subject of protection by foreign powers of native Moors in the Empire of Morocco. The minister of the United States in Spain was directed to take part in the deliberations of this conference, the result of which is a convention signed on behalf of all the powers represented. The instrument will be laid before the Senate for its consideration. The Government of the United States has also lost no opportunity to urge upon that of the Emperor of Morocco the necessity, in accordance with the humane and enlightened spirit of the age, of putting an end to the persecutions, which have been so prevalent in that country, of persons of a faith other than the Moslem, and especially of the Hebrew residents of Morocco.

The consular treaty concluded with Belgium has not yet been officially promulgated, owing to the alteration of a word in the text by the Senate of the United States, which occasioned a delay, during which the time allowed for ratification expired. The Senate will be asked to extend the period for ratification.

The attempt to negotiate a treaty of extradition with Denmark failed on account of the objection of the Danish Government to the usual clause providing that each nation should pay the expense of the arrest of the persons whose extradition it asks.

The provision made by Congress at its last session for the expense of the commission which had been appointed to enter upon negotiations with the Imperial Government of China on subjects of great interest to the relations of the two countries enabled the commissioners to proceed at once upon their mission. The Imperial Government was prepared to give prompt and respectful attention to the matters brought under negotiation, and the conferences proceeded with such rapidity and success that on the 17th of November last two treaties were signed at Peking, one relating to the introduction of Chinese into this country and one relating to commerce. Mr. Trescot, one of the commissioners, is now on his way home bringing the treaties, and it is expected that they will be received in season to be laid before the Senate early in January.

Our minister in Japan has negotiated a convention for the reciprocal relief of shipwrecked seamen. I take occasion to urge once more upon Congress the propriety of making provision for the erection of suitable fireproof buildings at the Japanese capital for the use of the American legation and the court-house and jail connected with it. The Japanese Government, with great generosity and courtesy, has offered for this purpose an eligible piece of land.

In my last annual message I invited the attention of Congress to the subject of the indemnity funds received some years ago from China and Japan. I renew the recommendation then made that whatever portions

of these runs are due to American citizens should be promptly paid and the residue returned to the nations, respectively, to which they justly and equitably belong.

The extradition treaty with the Kingdom of the Netherlands, which has been for some time in course of negotiation, has during the past year been concluded and duly ratified.

Relations of friendship and amity have been established between the Government of the United States and that of Roumania. We have sent a diplomatic representative to Bucharest, and have received at this capital the special envoy who has been charged by His Royal Highness Prince Charles to announce the independent sovereignty of Roumania. We hope for a speedy development of commercial relations between the two countries.

In my last annual message I expressed the hope that the prevalence of quiet on the border between this country and Mexico would soon become so assured as to justify the modification of the orders then in force to our military commanders in regard to crossing the frontier, without encouraging such disturbances as would endanger the peace of the two countries. Events moved in accordance with these expectations, and the orders were accordingly withdrawn, to the entire satisfaction of our own citizens and the Mexican Government. Subsequently the peace of the border was again disturbed by a savage foray under the command of the Chief Victoria, but by the combined and harmonious action of the military forces of both countries his band has been broken up and substantially destroyed.

There is reason to believe that the obstacles which have so long prevented rapid and convenient communication between the United States and Mexico by railways are on the point of disappearing, and that several important enterprises of this character will soon be set on foot, which can not fail to contribute largely to the prosperity of both countries.

New envoys from Guatemala, Colombia, Bolivia, Venezuela, and Nicaragua have recently arrived at this capital, whose distinction and enlightenment afford the best guaranty of the continuance of friendly relations between ourselves and these sister Republics.

The relations between this Government and that of the United States of Colombia have engaged public attention during the past year, mainly by reason of the project of an interoceanic canal across the Isthmus of Panama, to be built by private capital under a concession from the Colombian Government for that purpose. The treaty obligations subsisting between the United States and Colombia, by which we guarantee the neutrality of the transit and the sovereignty and property of Colombia in the Isthmus, make it necessary that the conditions under which so stupendous a change in the region embraced in this guaranty should be effected—transforming, as it would, this Isthmus from a barrier between the Atlantic and Pacific oceans into a gateway and thoroughfare between them

for the navies and the merchant ships of the world—should receive the approval of this Government, as being compatible with the discharge of these obligations on our part and consistent with our interests as the principal commercial power of the Western Hemisphere. The views which I expressed in a special message to Congress in March last in relation to this project I deem it my duty again to press upon your attention. Subsequent consideration has but confirmed the opinion “that it is the right and duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the isthmus that connects North and South America as will protect our national interest.”

The war between the Republic of Chile on the one hand and the allied Republics of Peru and Bolivia on the other still continues. This Government has not felt called upon to interfere in a contest that is within the belligerent rights of the parties as independent states. We have, however, always held ourselves in readiness to aid in accommodating their difference, and have at different times reminded both belligerents of our willingness to render such service.

Our good offices in this direction were recently accepted by all the belligerents, and it was hoped they would prove efficacious; but I regret to announce that the measures which the ministers of the United States at Santiago and Lima were authorized to take with the view to bring about a peace were not successful. In the course of the war some questions have arisen affecting neutral rights. In all of these the ministers of the United States have, under their instructions, acted with promptness and energy in protection of American interests.

The relations of the United States with the Empire of Brazil continue to be most cordial, and their commercial intercourse steadily increases, to their mutual advantage.

The internal disorders with which the Argentine Republic has for some time past been afflicted, and which have more or less influenced its external trade, are understood to have been brought to a close. This happy result may be expected to redound to the benefit of the foreign commerce of that Republic, as well as to the development of its vast interior resources.

In Samoa the Government of King Malietoa, under the support and recognition of the consular representatives of the United States, Great Britain, and Germany, seems to have given peace and tranquillity to the islands. While it does not appear desirable to adopt as a whole the scheme of tripartite local government which has been proposed, the common interests of the three great treaty powers require harmony in their relations to the native frame of government, and this may be best secured by a simple diplomatic agreement between them. It would be well if the consular jurisdiction of our representative at Apia were increased in extent and importance so as to guard American interests in the surrounding and outlying islands of Oceanica.



The obelisk generously presented by the Khedive of Egypt to the city of New York has safely arrived in this country, and will soon be erected in that metropolis. A commission for the liquidation of the Egyptian debt has lately concluded its work, and this Government, at the earnest solicitation of the Khedive, has acceded to the provisions adopted by it, which will be laid before Congress for its information. A commission for the revision of the judicial code of the reform tribunal of Egypt is now in session in Cairo. Mr. Farman, consul-general, and J. M. Batchelder, esq., have been appointed as commissioners to participate in this work. The organization of the reform tribunals will probably be continued for another period of five years.

In pursuance of the act passed at the last session of Congress, invitations have been extended to foreign maritime states to join in a sanitary conference in Washington, beginning the 1st of January. The acceptance of this invitation by many prominent powers gives promise of success in this important measure, designed to establish a system of international notification by which the spread of infectious or epidemic diseases may be more effectively checked or prevented. The attention of Congress is invited to the necessary appropriations for carrying into effect the provisions of the act referred to.

The efforts of the Department of State to enlarge the trade and commerce of the United States, through the active agency of consular officers and through the dissemination of information obtained from them, have been unrelaxed. The interest in these efforts, as developed in our commercial communities, and the value of the information secured by this means to the trade and manufactures of the country were recognized by Congress at its last session, and provision was made for the more frequent publication of consular and other reports by the Department of State. The first issue of this publication has now been prepared, and subsequent issues may regularly be expected. The importance and interest attached to the reports of consular officers are witnessed by the general demand for them by all classes of merchants and manufacturers engaged in our foreign trade. It is believed that the system of such publications is deserving of the approval of Congress, and that the necessary appropriations for its continuance and enlargement will commend itself to your consideration.

The prosperous energies of our domestic industries and their immense production of the subjects of foreign commerce invite, and even require, an active development of the wishes and interests of our people in that direction. Especially important is it that our commercial relations with the Atlantic and Pacific coasts of South America, with the West Indies and the Gulf of Mexico, should be direct, and not through the circuit of European systems, and should be carried on in our own bottoms. The full appreciation of the opportunities which our front on the Pacific Ocean gives to commerce with Japan, China, and the East Indies, with Australia and the island groups which lie along these routes of navigation, should inspire equal efforts to appropriate to our own shipping and

to administer by our own capital a due proportion of this trade. Whatever modifications of our regulations of trade and navigation may be necessary or useful to meet and direct these impulses to the enlargement of our exchanges and of our carrying trade I am sure the wisdom of Congress will be ready to supply. One initial measure, however, seems to me so clearly useful and efficient that I venture to press it upon your earnest attention. It seems to be very evident that the provision of regular steam postal communication by aid from government has been the forerunner of the commercial predominance of Great Britain on all these coasts and seas, a greater share in whose trade is now the desire and the intent of our people. It is also manifest that the efforts of other European nations to contend with Great Britain for a share of this commerce have been successful in proportion with their adoption of regular steam postal communication with the markets whose trade they sought. Mexico and the States of South America are anxious to receive such postal communication with this country and to aid in their development. Similar cooperation may be looked for in due time from the Eastern nations and from Australia. It is difficult to see how the lead in this movement can be expected from private interests. In respect of foreign commerce quite as much as in internal trade postal communication seems necessarily a matter of common and public administration, and thus pertaining to Government. I respectfully recommend to your prompt attention such just and efficient measures as may conduce to the development of our foreign commercial exchanges and ~~the~~ building up of our carrying trade.

In this connection I desire also to suggest the very great service which might be expected in enlarging and facilitating our commerce on the Pacific Ocean were a transmarine cable laid from San Francisco to the Sandwich Islands, and thence to Japan at the north and Australia at the south. The great influence of such means of communication on these routes of navigation in developing and securing the due share of our Pacific Coast in the commerce of the world needs no illustration or enforcement. It may be that such an enterprise, useful, and in the end profitable, as it would prove to private investment, may need to be accelerated by prudent legislation by Congress in its aid, and I submit the matter to your careful consideration.

An additional and not unimportant, although secondary, reason for fostering and enlarging the Navy may be found in the unquestionable service to the expansion of our commerce which would be rendered by the frequent circulation of naval ships in the seas and ports of all quarters of the globe. Ships of the proper construction and equipment to be of the greatest efficiency in case of maritime war might be made constant and active agents in time of peace in the advancement and protection of our foreign trade and in the nurture and discipline of young seamen, who would naturally in some numbers mix with and improve the crews of our merchant ships. Our merchants at home and abroad recognize the value to foreign commerce of an active movement of our naval vessels,

and the intelligence and patriotic zeal of our naval officers in promoting every interest of their countrymen is a just subject of national pride.

The condition of the financial affairs of the Government, as shown by the report of the Secretary of the Treasury, is very satisfactory. It is believed that the present financial situation of the United States, whether considered with respect to trade, currency, credit, growing wealth, or the extent and variety of our resources, is more favorable than that of any other country of our time, and has never been surpassed by that of any country at any period of its history. All our industries are thriving; the rate of interest is low; new railroads are being constructed; a vast immigration is increasing our population, capital, and labor; new enterprises in great number are in progress, and our commercial relations with other countries are improving.

The ordinary revenues from all sources for the fiscal year ended June 30, 1880, were—

From customs.....	\$186,522,064.60
From internal revenue.....	124,009,373.92
From sales of public lands.....	1,016,506.60
From tax on circulation and deposits of national banks.....	7,014,971.44
From repayment of interest by Pacific Railway companies.....	1,707,367.18
From sinking fund for Pacific Railway companies.....	786,621.22
From customs fees, fines, penalties, etc.....	1,148,800.16
From fees—consular, letters patent, and lands.....	2,337,029.00
From proceeds of sales of Government property.....	282,616.50
From profits on coinage, etc.....	2,792,186.78
From revenues of the District of Columbia.....	1,809,469.70
From miscellaneous sources.....	4,099,603.88
Total ordinary receipts.....	333,526,610.98

The ordinary expenditures for the same period were—

For civil expenses.....	\$15,693,963.55
For foreign intercourse.....	1,211,490.58
For Indians.....	5,945,457.09
For pensions (including \$19,341,025.20 arrears of pensions).....	56,777,174.44
For the military establishment, including river and harbor improvements and arsenals.....	38,116,916.22
For the naval establishment, including vessels, machinery, and improvements at navy-yards.....	13,536,984.74
For miscellaneous expenditures, including public buildings, light-houses, and collecting the revenue.....	34,535,691.00
For expenditures on account of the District of Columbia.....	3,272,384.63
For interest on the public debt.....	95,757,575.11
For premium on bonds purchased.....	2,795,320.42

leaving a surplus revenue of \$65,883,653.20, which, with an amount drawn from the cash balance in Treasury of \$8,084,434.21, making \$73,968,087.41, was applied to the redemption—

Of bonds for the sinking fund.....	\$73,652,900.00
Of fractional currency.....	251,717.41
Of the loan of 1858.....	40,000.00
Of temporary loan.....	100.00
Of bounty-land scrip.....	25.00
Of compound-interest notes.....	16,500.00
Of 7.30 notes of 1864-65.....	2,650.00
Of one and two year notes.....	3,700.00
Of old demand notes.....	495.00
Total.....	73,968,087.41

The amount due the sinking fund for this year was \$37,931,643.55. There was applied thereto the sum of \$73,904,617.41, being \$35,972,973.86 in excess of the actual requirements for the year.

The aggregate of the revenues from all sources during the fiscal year ended June 30, 1880, was \$333,526,610.98, an increase over the preceding year of \$59,699,426.52. The receipts thus far of the current year, together with the estimated receipts for the remainder of the year, amount to \$350,000,000, which will be sufficient to meet the estimated expenditures of the year and leave a surplus of \$90,000,000.

It is fortunate that this large surplus revenue occurs at a period when it may be directly applied to the payment of the public debt soon to be redeemable. No public duty has been more constantly cherished in the United States than the policy of paying the nation's debt as rapidly as possible.

The debt of the United States, less cash in the Treasury and exclusive of accruing interest, attained its maximum of \$2,756,431,571.43 in August, 1865, and has since that time been reduced to \$1,886,019,504.65. Of the principal of the debt, \$108,758,100 has been paid since March 1, 1877, effecting an annual saving of interest of \$6,107,593. The burden of interest has also been diminished by the sale of bonds bearing a low rate of interest and the application of the proceeds to the redemption of bonds bearing a higher rate. The annual saving thus secured since March 1, 1877, is \$14,290,453.50. Within a short period over six hundred millions of 5 and 6 per cent bonds will become redeemable. This presents a very favorable opportunity not only to further reduce the principal of the debt, but also to reduce the rate of interest on that which will remain unpaid. I call the attention of Congress to the views expressed on this subject by the Secretary of the Treasury in his annual report, and recommend prompt legislation to enable the Treasury Department to complete the refunding of the debt which is about to mature.

The continuance of specie payments has not been interrupted or endangered since the date of resumption. It has contributed greatly to the revival of business and to our remarkable prosperity. The fears that preceded and accompanied resumption have proved groundless. No considerable amount of United States notes have been presented for redemption, while very large sums of gold bullion, both domestic and imported, are taken to the mints and exchanged for coin or notes. The increase of coin and bullion in the United States since January 1, 1879, is estimated at \$227,399,428.

There are still in existence, uncanceled, \$346,681,016 of United States legal-tender notes. These notes were authorized as a war measure, made necessary by the exigencies of the conflict in which the United States was then engaged. The preservation of the nation's existence required, in the judgment of Congress, an issue of legal-tender paper money. That

it served well the purpose for which it was created is not questioned, but the employment of the notes as paper money indefinitely, after the accomplishment of the object for which they were provided, was not contemplated by the framers of the law under which they were issued. These notes long since became, like any other pecuniary obligation of the Government, a debt to be paid, and when paid to be canceled as mere evidence of an indebtedness no longer existing. I therefore repeat what was said in the annual message of last year, that the retirement from circulation of United States notes with the capacity of legal tender in private contracts is a step to be taken in our progress toward a safe and stable currency which should be accepted as the policy and duty of the Government and the interest and security of the people.

At the time of the passage of the act now in force requiring the coinage of silver dollars, fixing their value, and giving them legal-tender character it was believed by many of the supporters of the measure that the silver dollar which it authorized would speedily become, under the operations of the law, of equivalent value to the gold dollar. There were other supporters of the bill, who, while they doubted as to the probability of this result, nevertheless were willing to give the proposed experiment a fair trial, with a view to stop the coinage if experience should prove that the silver dollar authorized by the bill continued to be of less commercial value than the standard gold dollar. —

The coinage of silver dollars under the act referred to began in March, 1878, and has been continued as required by the act. The average rate per month to the present time has been \$2,276,492. The total amount coined prior to the 1st of November last was \$72,847,750. Of this amount \$47,084,450 remain in the Treasury, and only \$25,763,291 are in the hands of the people. A constant effort has been made to keep this currency in circulation, and considerable expense has been necessarily incurred for this purpose; but its return to the Treasury is prompt and sure. Contrary to the confident anticipation of the friends of the measure at the time of its adoption, the value of the silver dollar containing 412½ grains of silver has not increased. During the year prior to the passage of the bill authorizing its coinage the market value of the silver which it contained was from 90 to 92 cents as compared with the standard gold dollar. During the last year the average market value of the silver dollar has been 88½ cents.

It is obvious that the legislation of the last Congress in regard to silver, so far as it was based on an anticipated rise in the value of silver as a result of that legislation, has failed to produce the effect then predicted. The longer the law remains in force, requiring, as it does, the coinage of a nominal dollar which in reality is not a dollar, the greater becomes the danger that this country will be forced to accept a single metal as the sole legal standard of value in circulation, and this a standard of less value than it purports to be worth in the recognized money of the world.—

The Constitution of the United States, sound financial principles, and our best interests all require that the country should have as its legal-tender money both gold and silver coin of an intrinsic value, as bullion, equivalent to that which upon its face it purports to possess. The Constitution in express terms recognizes both gold and silver as the only true legal-tender money. To banish either of these metals from our currency is to narrow and limit the circulating medium of exchange to the disparagement of important interests. The United States produces more silver than any other country, and is directly interested in maintaining it as one of the two precious metals which furnish the coinage of the world. It will, in my judgment, contribute to this result if Congress will repeal so much of existing legislation as requires the coinage of silver dollars containing only  $412\frac{1}{2}$  grains of silver, and in its stead will authorize the Secretary of the Treasury to coin silver dollars of equivalent value, as bullion, with gold dollars. This will defraud no man, and will be in accordance with familiar precedents. Congress on several occasions has altered the ratio of value between gold and silver, in order to establish it more nearly in accordance with the actual ratio of value between the two metals.

In financial legislation every measure in the direction of greater fidelity in the discharge of pecuniary obligations has been found by experience to diminish the rates of interest which debtors are required to pay and to increase the facility with which money can be obtained for every legitimate purpose. Our own recent financial history shows how surely money becomes abundant whenever confidence in the exact performance of moneyed obligations is established.

The Secretary of War reports that the expenditures of the War Department for the fiscal year ended June 30, 1880, were \$39,924,773.03. The appropriations for this Department for the current fiscal year amount to \$41,993,630.40.

With respect to the Army, the Secretary invites attention to the fact that its strength is limited by statute (U. S. Revised Statutes, sec. 1115) to not more than 30,000 enlisted men, but that provisos contained in appropriation bills have limited expenditures to the enlistment of but 25,000. It is believed the full legal strength is the least possible force at which the present organization can be maintained, having in view efficiency, discipline, and economy. While the enlistment of this force would add somewhat to the appropriation for pay of the Army, the saving made in other respects would be more than an equivalent for this additional outlay, and the efficiency of the Army would be largely increased.

The rapid extension of the railroad system west of the Mississippi River and the great tide of settlers which has flowed in upon new territory impose on the military an entire change of policy. The maintenance of small posts along wagon and stage routes of travel is no longer

necessary. Permanent quarters at points selected, of a more substantial character than those heretofore constructed, will be required. Under existing laws permanent buildings can not be erected without the sanction of Congress, and when sales of military sites and buildings have been authorized the moneys received have reverted to the Treasury and could only become available through a new appropriation. It is recommended that provision be made by a general statute for the sale of such abandoned military posts and buildings as are found to be unnecessary and for the application of the proceeds to the construction of other posts. While many of the present posts are of but slight value for military purposes, owing to the changed condition of the country, their occupation is continued at great expense and inconvenience, because they afford the only available shelter for troops.

The absence of a large number of officers of the line, in active duty, from their regiments is a serious detriment to the maintenance of the service. The constant demand for small detachments, each of which should be commanded by a commissioned officer, and the various details of officers for necessary service away from their commands occasion a ~~scarcity~~ scarcity in the number required for company duties. With a view to lessening this drain to some extent, it is recommended that the law authorizing the detail of officers from the active list as professors of tactics and military science at certain colleges and universities be so amended as to provide that all such details be made from the retired list of the Army.

Attention is asked to the necessity of providing by legislation for organizing, arming, and disciplining the *active* militia of the country, and liberal appropriations are recommended in this behalf. The reports of the Adjutant-General of the Army and the Chief of Ordnance touching this subject fully set forth its importance.

The report of the officer in charge of education in the Army shows that there are 78 schools now in operation in the Army, with an aggregate attendance of 2,305 enlisted men and children. The Secretary recommends the enlistment of 150 schoolmasters, with the rank and pay of commissary-sergeants. An appropriation is needed to supply the judge-advocates of the Army with suitable libraries, and the Secretary recommends that the Corps of Judge-Advocates be placed upon the same footing as to promotion with the other staff corps of the Army. Under existing laws the Bureau of Military Justice consists of one officer (the Judge-Advocate-General), and the Corps of Judge-Advocates of eight officers of equal rank (majors), with a provision that the limit of the corps shall remain at four when reduced by casualty or resignation to that number. The consolidation of the Bureau of Military Justice and the Corps of Judge-Advocates upon the same basis with the other staff corps of the Army would remove an unjust discrimination against deserving officers and subserve the best interests of the service.

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Especial attention is asked to the report of the Chief of Engineers upon the condition of our national defenses. From a personal inspection of many of the fortifications referred to, the Secretary is able to emphasize the recommendations made and to state that their incomplete and defenseless condition is discreditable to the country. While other nations have been increasing their means for carrying on offensive warfare and attacking maritime cities, we have been dormant in preparation for defense. Nothing of importance has been done toward strengthening and finishing our casemated works since our late civil war, during which the great guns of modern warfare and the heavy armor of modern fortifications and ships came into use among the nations; and our earthworks, left by a sudden failure of appropriations some years since in all stages of incompleteness, are now being rapidly destroyed by the elements.

The two great rivers of the North American continent, the Mississippi and the Columbia, have their navigable waters wholly within the limits of the United States, and are of vast importance to our internal and foreign commerce. The permanency of the important work on the South Pass of the Mississippi River seems now to be assured. There has been no failure whatever in the maintenance of the maximum channel during the six months ended August 9 last. This experiment has opened a broad, deep highway to the ocean, and is an improvement upon the permanent success of which congratulations may be exchanged among people abroad and at home, and especially among the communities of the Mississippi Valley, whose commercial exchanges float in an unobstructed channel safely to and from the sea.

A comprehensive improvement of the Mississippi and its tributaries is a matter of transcendent importance. These great waterways comprise a system of inland transportation spread like network over a large portion of the United States, and navigable to the extent of many thousands of miles. Producers and consumers alike have a common interest in such unequalled facilities for cheap transportation. Geographically, commercially, and politically, they are the strongest tie between the various sections of the country. These channels of communication and interchange are the property of the nation. Its jurisdiction is paramount over their waters, and the plainest principles of public interest require their intelligent and careful supervision, with a view to their protection, improvement, and the enhancement of their usefulness.

The channel of the Columbia River for a distance of about 100 miles from its mouth is obstructed by a succession of bars, which occasion serious delays in navigation and heavy expense for lighterage and towage. A depth of at least 20 feet at low tide should be secured and maintained to meet the requirements of the extensive and growing inland and ocean commerce it subserves. The most urgent need, however, for this great waterway is a permanent improvement of the channel at the mouth of the river.



From Columbia River to San Francisco, a distance of over 600 miles, there is no harbor on our Pacific coast which can be approached during stormy weather. An appropriation of \$150,000 was made by the Forty-fifth Congress for the commencement of a breakwater and harbor of refuge, to be located at some point between the Straits of Fuca and San Francisco at which the necessities of commerce, local and general, will be best accommodated. The amount appropriated is thought to be quite inadequate for the purpose intended. The cost of the work, when finished, will be very great, owing to the want of natural advantages for a site at any point on the coast between the designated limits, and it has not been thought to be advisable to undertake the work without a larger appropriation. I commend the matter to the attention of Congress.

The completion of the new building for the War Department is urgently needed, and the estimates for continuing its construction are especially recommended.

The collections of books, specimens, and records constituting the Army Medical Museum and Library are of national importance. The library now contains about 51,500 volumes and 57,000 pamphlets relating to medicine, surgery, and allied topics. The contents of the Army Medical Museum consist of 22,000 specimens, and are unique in the completeness with which both military surgery and the diseases of armies are illustrated. Their destruction would be an irreparable loss, not only to the United States, but to the world. There are filed in the Record and Pension Division over 16,000 bound volumes of hospital records, together with a great quantity of papers, embracing the original records of the hospitals of our armies during the civil war. Aside from their historical value, these records are daily searched for evidence needed in the settlement of large numbers of pension and other claims, for the protection of the Government against attempted frauds, as well as for the benefit of honest claimants. These valuable collections are now in a building which is peculiarly exposed to the danger of destruction by fire. It is therefore earnestly recommended that an appropriation be made for a new fireproof building, adequate for the present needs and reasonable future expansion of these valuable collections. Such a building should be absolutely fireproof; no expenditure for mere architectural display is required. It is believed that a suitable structure can be erected at a cost not to exceed \$250,000.

I commend to the attention of Congress the great services of the Commander in Chief of our armies during the war for the Union, whose wise, firm, and patriotic conduct did so much to bring that momentous conflict to a close. The legislation of the United States contains many precedents for the recognition of distinguished military merit, authorizing rank and emoluments to be conferred for eminent services to the country. An act of Congress authorizing the appointment of a Captain-General of the Army, with suitable provisions relating to compensation,

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retirement, and other details, would, in my judgment, be altogether fitting and proper, and would be warmly approved by the country.

The report of the Secretary of the Navy exhibits the successful and satisfactory management of that Department during the last fiscal year. The total expenditures for the year were \$12,916,639.45, leaving unexpended at the close of the year \$2,141,682.23 of the amount of available appropriations. The appropriations for the present fiscal year, ending June 30, 1881, are \$15,095,061.45, and the total estimates for the next fiscal year, ending June 30, 1882, are \$15,953,751.61. The amount drawn by warrant from July 1, 1880, to November 1, 1880, is \$5,041,570.45.

The recommendation of the Secretary of the Navy that provision be made for the establishment of some form of civil government for the people of Alaska is approved. At present there is no protection of persons or property in that Territory except such as is afforded by the officers of the United States ship *Jamestown*. This vessel was dispatched to Sitka because of the fear that without the immediate presence of the national authority there was impending danger of anarchy. The steps taken to restore order have been accepted in good faith by both white and Indian inhabitants, and the necessity for this method of restraint does not, in my opinion, now exist. If, however, the *Jamestown* should be withdrawn, leaving the people, as at present, without the ordinary judicial and administrative authority of organized local government, serious consequences might ensue.

The laws provide only for the collection of revenue, the protection of public property, and the transmission of the mails. The problem is to supply a local rule for a population so scattered and so peculiar in its origin and condition. The natives are reported to be teachable and self-supporting, and if properly instructed doubtless would advance rapidly in civilization, and a new factor of prosperity would be added to the national life. I therefore recommend the requisite legislation upon this subject.

The Secretary of the Navy has taken steps toward the establishment of naval coaling stations at the Isthmus of Panama, to meet the requirements of our commercial relations with Central and South America, which are rapidly growing in importance. Locations eminently suitable, both as regards our naval purposes and the uses of commerce, have been selected, one on the east side of the Isthmus, at Chiriqui Lagoon, in the Caribbean Sea, and the other on the Pacific coast, at the Bay of Golfito. The only safe harbors, sufficiently commodious, on the Isthmus are at these points, and the distance between them is less than 100 miles. The report of the Secretary of the Navy concludes with valuable suggestions with respect to the building up of our merchant marine service, which deserve the favorable consideration of Congress.

The report of the Postmaster-General exhibits the continual growth and the high state of efficiency of the postal service. The operations of no Department of the Government, perhaps, represent with greater

exactness the increase in the population and the business of the country. In 1860 the postal receipts were \$8,518,067.40; in 1880 the receipts were \$33,315,479.34. All the inhabitants of the country are directly and personally interested in having proper mail facilities, and naturally watch the Post-Office very closely. This careful oversight on the part of the people has proved a constant stimulus to improvement. During the past year there was an increase of 2,134 post-offices, and the mail routes were extended 27,177 miles, making an additional annual transportation of 10,804,191 miles. The revenues of the postal service for the ensuing year are estimated at \$38,845,174.10, and the expenditures at \$42,475,932, leaving a deficiency to be appropriated out of the Treasury of \$3,630,757.90.

The Universal Postal Union has received the accession of almost all the countries and colonies of the world maintaining organized postal services, and it is confidently expected that all the other countries and colonies now outside the union will soon unite therewith, thus realizing the grand idea and aim of the founders of the union of forming, for purposes of international mail communication, a single postal territory, embracing the world, ~~with~~ complete uniformity of postal charges and conditions of international exchange for all descriptions of correspondence. To enable the United States to do its full share of this great work, additional legislation is asked by the Postmaster-General, to whose recommendations especial attention is called.

The suggestion of the Postmaster-General that it would be wise to encourage, by appropriate legislation, the establishment of American lines of steamers by our own citizens to carry the mails between our own ports and those of Mexico, Central America, South America, and of transpacific countries is commended to the serious consideration of Congress.

The attention of Congress is also invited to the suggestions of the Postmaster-General in regard to postal savings.

The necessity for additional provision to aid in the transaction of the business of the Federal courts becomes each year more apparent. The dockets of the Supreme Court and of the circuit courts in the greater number of the circuits are encumbered with the constant accession of cases. In the former court, and in many instances in the circuit courts, years intervene before it is practicable to bring cases to hearing.

The Attorney-General recommends the establishment of an intermediate court of errors and appeals. It is recommended that the number of judges of the circuit court in each circuit, with the exception of the second circuit, should be increased by the addition of another judge; in the second circuit, that two should be added; and that an intermediate appellate court should be formed in each circuit, to consist of the circuit judges and the circuit justice, and that in the event of the absence of either of these judges the place of the absent judge should be supplied by the judge of one of the district courts in the circuit. Such an appel-

late court could be safely invested with large jurisdiction, and its decisions would satisfy suitors in many cases where appeals would still be allowed to the Supreme Court. The expense incurred for this intermediate court will require a very moderate increase of the appropriations for the expenses of the Department of Justice. This recommendation is commended to the careful consideration of Congress.

It is evident that a delay of justice, in many instances oppressive and disastrous to suitors, now necessarily occurs in the Federal courts, which will in this way be remedied.

The report of the Secretary of the Interior presents an elaborate account of the operations of that Department during the past year. It gives me great pleasure to say that our Indian affairs appear to be in a more hopeful condition now than ever before. The Indians have made gratifying progress in agriculture, herding, and mechanical pursuits. Many who were a few years ago in hostile conflict with the Government are quietly settling down on farms where they hope to make their permanent homes, building houses and engaging in the occupations of civilized life. The introduction of the freighting business among them has been remarkably fruitful of good results, in giving many of them congenial and remunerative employment and in stimulating their ambition to earn their own support. Their honesty, fidelity, and efficiency as carriers are highly praised. The organization of a police force of Indians has been equally successful in maintaining law and order upon the reservations and in exercising a wholesome-moral influence among the Indians themselves. I concur with the Secretary of the Interior in the recommendation that the pay of this force be increased, as an inducement to the best class of young men to enter it.

Much care and attention has been devoted to the enlargement of educational facilities for the Indians. The means available for this important object have been very inadequate. A few additional boarding schools at Indian agencies have been established and the erection of buildings has been begun for several more; but an increase of the appropriations for this interesting undertaking is greatly needed to accommodate the large number of Indian children of school age. The number offered by their parents from all parts of the country for education in the Government schools is much larger than can be accommodated with the means at present available for that purpose. The number of Indian pupils at the normal school at Hampton, Va., under the direction of General Armstrong, has been considerably increased, and their progress is highly encouraging. The Indian school established by the Interior Department in 1879 at Carlisle, Pa., under the direction of Captain Pratt, has been equally successful. It has now nearly 200 pupils of both sexes, representing a great variety of the tribes east of the Rocky Mountains. The pupils in both these institutions receive not only an elementary English education, but are also instructed in housework, agriculture, and useful

mechanical pursuits. A similar school was established this year at Forest Grove, Oreg., for the education of Indian youth on the Pacific Coast. In addition to this, thirty-six Indian boys and girls were selected from the Eastern Cherokees and placed in boarding schools in North Carolina, where they are to receive an elementary English education and training in industrial pursuits. The interest shown by Indian parents, even among the so-called wild tribes, in the education of their children is very gratifying, and gives promise that the results accomplished by the efforts now making will be of lasting benefit.

The expenses of Indian education have so far been drawn from the permanent civilization fund at the disposal of the Department of the Interior, but the fund is now so much reduced that the continuance of this beneficial work will in the future depend on specific appropriations by Congress for the purpose; and I venture to express the hope that Congress will not permit institutions so fruitful of good results to perish for want of means for their support. On the contrary, an increase of the number of such schools appears to me highly advisable.

The past year has been unusually free from disturbances among the Indian tribes. An agreement has been made with the Utes by which they surrender their large reservation in Colorado in consideration of an annuity to be paid to them, and agree to settle in severalty on certain lands designated for that purpose, as farmers, holding individual title to their land in fee simple, inalienable for a certain period. In this way a costly Indian war has been avoided, which at one time seemed imminent, and for the first time in the history of the country an Indian nation has given up its tribal existence to be settled in severalty and to live as individuals under the common protection of the laws of the country.

The conduct of the Indians throughout the country during the past year, with but few noteworthy exceptions, has been orderly and peaceful. The guerrilla warfare carried on for two years by Victoria and his band of Southern Apaches has virtually come to an end by the death of that chief and most of his followers on Mexican soil. The disturbances caused on our northern frontier by Sitting Bull and his men, who had taken refuge in the British dominions, are also likely to cease. A large majority of his followers have surrendered to our military forces, and the remainder are apparently in progress of disintegration.

I concur with the Secretary of the Interior in expressing the earnest hope that Congress will at this session take favorable action on the bill providing for the allotment of lands on the different reservations in severalty to the Indians, with patents conferring fee-simple title inalienable for a certain period, and the eventual disposition of the residue of the reservations for general settlement, with the consent and for the benefit of the Indians, placing the latter under the equal protection of the laws of the country. This measure, together with a vigorous prosecution of our educational efforts, will work the most important and effective advance

toward the solution of the Indian problem, in preparing for the gradual merging of our Indian population in the great body of American citizenship.

A large increase is reported in the disposal of public lands for settlement during the past year, which marks the prosperous growth of our agricultural industry and a vigorous movement of population toward our unoccupied lands. As this movement proceeds, the codification of our land laws, as well as proper legislation to regulate the disposition of public lands, become of more pressing necessity, and I therefore invite the consideration of Congress to the report and the accompanying draft of a bill made by the Public Lands Commission, which were communicated by me to Congress at the last session. Early action upon this important subject is highly desirable.

The attention of Congress is again asked to the wasteful depredations committed on our public timber lands and the rapid and indiscriminate destruction of our forests. The urgent necessity for legislation to this end is now generally recognized. In view of the lawless character of the depredations committed and the disastrous consequences which will inevitably follow their continuance, legislation has again and again been recommended to arrest the evil and to preserve for the people of our Western States and Territories the timber needed for domestic and other essential uses.

The report of the Director of the Geological Survey is a document of unusual interest. The consolidation of the various geological and geographical surveys and exploring enterprises, each of which has heretofore operated upon an independent plan, without concert, can not fail to be of great benefit to all those industries of the country which depend upon the development of our mineral resources. The labors of the scientific men, of recognized merit, who compose the corps of the Geological Survey, during the first season of their field operations and inquiries, appear to have been very comprehensive, and will soon be communicated to Congress in a number of volumes. The Director of the Survey recommends that the investigations carried on by his bureau, which so far have been confined to the so-called public-land States and Territories, be extended over the entire country, and that the necessary appropriation be made for this purpose. This would be particularly beneficial to the iron, coal, and other mining interests of the Mississippi Valley and of the Eastern and Southern States. The subject is commended to the careful consideration of Congress.

The Secretary of the Interior asks attention to the want of room in the public buildings of the capital, now existing and in progress of construction, for the accommodation of the clerical force employed and of the public records. Necessity has compelled the renting of private buildings in different parts of the city for the location of public offices, for which a large amount of rent is annually paid, while the separation

of offices belonging to the same Department impedes the transaction of current business. The Secretary suggests that the blocks surrounding Lafayette Square on the east, north, and west be purchased as the sites for new edifices for the accommodation of the Government offices, leaving the square itself intact, and that if such buildings were constructed upon a harmonious plan of architecture they would add much to the beauty of the national capital, and would, together with the Treasury and the new State, Navy, and War Department building, form one of the most imposing groups of public edifices in the world.

The Commissioner of Agriculture expresses the confident belief that his efforts in behalf of the production of our own sugar and tea have been encouragingly rewarded. The importance of the results attained have attracted marked attention at home and have received the special consideration of foreign nations. The successful cultivation of our own tea and the manufacture of our own sugar would make a difference of many millions of dollars annually in the wealth of the nation.

The report of the Commissioner asks attention particularly to the continued prevalence of an infectious and contagious cattle disease known and dreaded in Europe and Asia as cattle plague, or pleuro-pneumonia. A mild type of this disease in certain sections of our country is the occasion of great loss to our farmers and of serious disturbance to our trade with Great Britain, which furnishes a market for most of our live stock and dressed meats. The value of neat cattle exported from the United States for the eight months ended August 31, 1880, was more than \$12,000,000, and nearly double the value for the same period in 1879—an unexampled increase of export trade. Your early attention is solicited to this important matter.

The Commissioner of Education reports a continued increase of public interest in educational affairs, and that the public schools generally throughout the country are well sustained. Industrial training is attracting deserved attention, and colleges for instruction, theoretical and practical, in agriculture and mechanic arts, including the Government schools recently established for the instruction of Indian youth, are gaining steadily in public estimation. The Commissioner asks special attention to the depredations committed on the lands reserved for the future support of public instruction, and to the very great need of help from the nation for schools in the Territories and in the Southern States. The recommendation heretofore made is repeated and urged, that an educational fund be set apart from the net proceeds of the sales of the public lands annually, the income of which and the remainder of the net annual proceeds to be distributed on some satisfactory plan to the States and the Territories and the District of Columbia.

The success of the public schools of the District of Columbia, and the progress made, under the intelligent direction of the board of education and the superintendent, in supplying the educational requirements of the

District with thoroughly trained and efficient teachers, is very gratifying. The acts of Congress, from time to time, donating public lands to the several States and Territories in aid of educational interests have proved to be wise measures of public policy, resulting in great and lasting benefit. It would seem to be a matter of simple justice to extend the benefits of this legislation, the wisdom of which has been so fully vindicated by experience, to the District of Columbia.

I again commend the general interests of the District of Columbia to the favorable consideration of Congress. The affairs of the District, as shown by the report of the Commissioners, are in a very satisfactory condition.

In my annual messages heretofore and in my special message of December 19, 1879, I have urged upon the attention of Congress the necessity of reclaiming the marshes of the Potomac adjacent to the capital, and I am constrained by its importance to advert again to the subject. These flats embrace an area of several hundred acres. They are an impediment to the drainage of the city and seriously impair its health. It is believed that with this substantial improvement of its river front the capital would be in all respects one of the most attractive cities in the world. Aside from its permanent population, this city is necessarily the place of residence of persons from every section of the country engaged in the public service. Many others reside here temporarily for the transaction of business with the Government.

It should not be forgotten that the land acquired will probably be worth the cost of reclaiming it and that the navigation of the river will be greatly improved. I therefore again invite the attention of Congress to the importance of prompt provision for this much needed and too long delayed improvement.

The water supply of the city is inadequate. In addition to the ordinary use throughout the city, the consumption by Government is necessarily very great in the navy-yard, arsenal, and the various Departments, and a large quantity is required for the proper preservation of the numerous parks and the cleansing of sewers. I recommend that this subject receive the early attention of Congress, and that in making provision for an increased supply such means be adopted as will have in view the future growth of the city. Temporary expedients for such a purpose can not but be wasteful of money, and therefore unwise. A more ample reservoir, with corresponding facilities for keeping it filled, should, in my judgment, be constructed. I commend again to the attention of Congress the subject of the removal from their present location of the depots of the several railroads entering the city; and I renew the recommendations of my former messages in behalf of the erection of a building for the Congressional Library, the completion of the Washington Monument, and of liberal appropriations in support of the benevolent, reformatory, and penal institutions of the District.

RUTHERFORD B. HAYES.



## SPECIAL MESSAGES.

WASHINGTON, *December 9, 1880.**To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention for the establishment, on fixed and uniform bases, of the exercise of the right of protection in Morocco, and for the settlement of certain questions connected therewith, between His Excellency the President of the United States of America; His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain; His Excellency the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; His Majesty the King of Italy; His Majesty the Sultan of Morocco; His Majesty the King of the Netherlands; His Majesty the King of Portugal and the Algarves, and His Majesty the King of Sweden and Norway, signed at Madrid on the 3d day of July last.

R. B. HAYES.

EXECUTIVE MANSION, *December 13, 1880.**To the Senate of the United States:*

The accompanying documents, received from the Commissioner of Agriculture, are transmitted to the Senate in reply to the resolution of the 7th instant, relating to contagious diseases of cattle.

R. B. HAYES.

EXECUTIVE MANSION,  
*Washington, January 5, 1881.**To the Senate of the United States:*

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States of America and the Empire of Japan, providing for the reimbursement of certain specified expenses which may be incurred by either country in consequence of the shipwreck on its coasts of the vessels of the other.

R. B. HAYES.

EXECUTIVE MANSION, *January 5, 1881.**To the Senate of the United States:*

In response to the resolution of the Senate of June 21, 1879, I herewith transmit reports\* received from the Secretary of the Interior and the Secretary of War.

R. B. HAYES.

\*Transmitting statements of the number of soldiers and civilians killed and wounded, number of Indians killed, value of property destroyed, and expenses incurred by the United States in certain Indian wars from 1865 to 1879.

EXECUTIVE MANSION,  
Washington, January 10, 1881.

*To the Senate of the United States:*

I transmit herewith, for the consideration of the Senate, two treaties\* signed at Peking on the 17th of November, 1880, by the commissioners plenipotentiary of the United States and China, respectively, together with a letter of the Secretary of State in relation thereto, and accompanying papers.

R. B. HAYES.

EXECUTIVE MANSION,  
Washington, January 10, 1881.

*To the House of Representatives:*

I submit herewith, for the information of the House of Representatives, copies of correspondence with the Department of State relating to an invitation extended by the French Republic to this Government to send one or more delegates to represent it at an international congress of electricians to be held at Paris on the 15th day of September, 1881. It appears from the same correspondence that an international exhibition of electricity is to be held at the palace of the Champs Élysées, in Paris, from August 15, 1881, to the 15th of November following, and it ~~is~~ therefore suggested by the French authorities that it might be well to invest the delegates selected to take part in the international congress with the additional character of commissioners to the international exhibition of electricity.

In view of the important scientific, industrial, and commercial interests designed to be promoted by the proposed international congress of electricians and exhibition of electricity, I submit the subject to your favorable consideration and recommend that a suitable appropriation be made to enable this Government to accept the foregoing invitation by appointing one or more delegates to attend the congress in question.

R. B. HAYES.

EXECUTIVE MANSION,  
Washington, January 18, 1881.

*To the Senate and House of Representatives:*

I have the honor to submit herewith the report of the Public Lands Commission, embracing the history and a codification of the public-land laws; and I desire earnestly to invite the attention of Congress to this important subject.

R. B. HAYES.

\* (1) Regulation of Chinese immigration into the United States; (2) commercial intercourse and judicial procedure.

EXECUTIVE MANSION,  
*Washington, January 20, 1881.*

*To the Senate of the United States:*

I transmit herewith to the Senate a letter from the Secretary of State, with accompanying papers, in relation to the recent effort of the Government of the United States to bring about peace between Chile and Peru and Bolivia.

R. B. HAYES.

EXECUTIVE MANSION, *February 1, 1881.*

*To the Senate and House of Representatives:*

In compliance with the request of a large number of intelligent and benevolent citizens, and believing that it was warranted by the extraordinary circumstances of the case, on the 18th day of December, 1880, I appointed a commission consisting of George Crook and Nelson A. Miles, brigadier-generals in the Army; William Stickney, of the District of Columbia, and Walter Allen, of Massachusetts, and requested them to confer with the Ponca Indians in the Indian Territory, and, if in their judgment it was advisable, also with that part of the tribe which remained in Dakota, and "to ascertain the facts in regard to their removal and present condition so far as was necessary to determine the question as to what justice and humanity required should be done by the Government of the United States, and to report their conclusions and recommendations in the premises."

The commission, in pursuance of these instructions, having visited the Ponca Indians at their homes in the Indian Territory and in Dakota and made a careful investigation of the subject referred to them, have reported their conclusions and recommendations, and I now submit their report, together with the testimony taken, for the consideration of Congress. A minority report by Mr. Allen is also herewith submitted.

On the 27th of December, 1880, a delegation of Ponca chiefs from the Indian Territory presented to the Executive a declaration of their wishes, in which they stated that it was their desire "to remain on the lands now occupied by the Poncas in the Indian Territory" and "to relinquish all their right and interest in the lands formerly owned and occupied by the Ponca tribe in the State of Nebraska and the Territory of Dakota;" and the declaration sets forth the compensation which they will accept for the lands to be surrendered and for the injuries done to the tribe by their removal to the Indian Territory. This declaration, agreeably to the request of the chiefs making it, is herewith transmitted to Congress.

The public attention has frequently been called to the injustice and wrong which the Ponca tribe of Indians has suffered at the hands of the Government of the United States. This subject was first brought before

Congress and the country by the Secretary of the Interior in his annual report for the year 1877, in which he said:

The case of the Poncas seems entitled to especial consideration at the hands of Congress. They have always been friendly to the whites. It is said, and, as far as I have been able to learn, truthfully, that no Ponca ever killed a white man. The orders of the Government have always met with obedient compliance at their hands. Their removal from their old homes on the Missouri River was to them a great hardship. They had been born and raised there. They had houses there in which they lived according to their ideas of comfort. Many of them had engaged in agriculture and possessed cattle and agricultural implements. They were very reluctant to leave all this, but when Congress had resolved upon their removal they finally overcame that reluctance and obeyed. Considering their constant good conduct, their obedient spirit, and the sacrifices they have made, they are certainly entitled to more than ordinary care at the hands of the Government, and I urgently recommend that liberal provision be made to aid them in their new settlement.

In the same volume the report of E. A. Howard, the agent of the Poncas, is published, which contains the following:

\* \* \* \* \*

I am of the opinion that the removal of the Poncas from the northern climate of Dakota to the southern climate of the Indian Territory at the season of the year it was done will prove a mistake, and that a great mortality will surely follow among the people when they shall have been here for a time and become poisoned with the malaria of the climate. Already the effects of the climate may be seen upon them in the *ennui* that seems to have settled upon each and in the large number now sick.

It is a matter of astonishment to me that the Government should have ordered the removal of the Ponca Indians from Dakota to the Indian Territory without having first made some provision for their settlement and comfort. Before their removal was carried into effect an appropriation should have been made by Congress sufficient to have located them in their new home, by building a comfortable house for the occupancy of every family of the tribe. As the case now is, no appropriation has been made by Congress, except for a sum but little more than sufficient to remove them; no houses have been built for their use, and the result is that these people have been placed on an uncultivated reservation to live in their tents as best they may, and await further legislative action.

\* \* \* \* \*

These Indians claim that the Government had no right to move them from their reservation without first obtaining from them by purchase or treaty the title which they had acquired from the Government, and for which they rendered a valuable consideration. They claim that the date of the settlement of their tribe upon the land composing their old reservation is prehistoric; that they were all born there, and that their ancestors from generations back beyond their knowledge were born and lived upon its soil, and that they finally acquired a complete and perfect title from the Government by a treaty made with the "Great Father" at Washington, which they claim made it as legitimately theirs as is the home of the white man acquired by gift or purchase.

\* \* \* \* \*

The subject was again referred to in similar terms in the annual report of the Interior Department for 1878, in the reports of the Commissioner of Indian Affairs and of the agent for the Poncas, and in 1879 the Secretary of the Interior said:

That the Poncas were grievously wronged by their removal from their location on the Missouri River to the Indian Territory, their old reservation having, by a mistake

in making the Sioux treaty, been transferred to the Sioux, has been at length and repeatedly set forth in my reports, as well as those of the Commissioner of Indian Affairs. All that could be subsequently done by this Department in the absence of new legislation to repair that wrong and to indemnify them for their losses has been done with more than ordinary solicitude. They were permitted to select a new location for themselves in the Indian Territory, the Quapaw Reserve, to which they had first been taken, being objectionable to them. They chose a tract of country on the Arkansas River and the Salt Fork northwest of the Pawnee Reserve. I visited their new reservation personally to satisfy myself of their condition. The lands they now occupy are among the very best in the Indian Territory in point of fertility, well watered and well timbered, and admirably adapted for agriculture as well as stock raising. In this respect their new reservation is unquestionably superior to that which they left behind them on the Missouri River. Seventy houses have been built by and for them, of far better quality than the miserable huts they formerly occupied in Dakota, and the construction of a larger number is now in progress, so that, as the agent reports, every Ponca family will be comfortably housed before January. A very liberal allowance of agricultural implements and stock cattle has been given them, and if they apply themselves to agricultural work there is no doubt that their condition will soon be far more prosperous than it has ever been before. During the first year after their removal to the Indian Territory they lost a comparatively large number of their people by death, in consequence of the change of climate, which is greatly to be deplored; but their sanitary condition is now very much improved. The death rate among them during the present year has been very low, and the number of cases of sickness is constantly decreasing. It is thought that they are now sufficiently acclimated to be out of danger.

\* \* \* \* \*

A committee of the Senate, after a very full investigation of the subject, on the 31st of May, 1880, reported their conclusions to the Senate, and both the majority and minority of the committee agreed that "a great wrong had been done to the Ponca Indians." The majority of the committee say:

\* \* \* \* \*

Nothing can strengthen the Government in a just policy to the Indians so much as a demonstration of its willingness to do ample and complete justice whenever it can be shown that it has inflicted a wrong upon a weak and trusting tribe. It is impossible for the United States to hope for any confidence to be reposed in them by the Indians until there shall be shown on their part a readiness to do justice.

The minority report is equally explicit as to the duty of the Government to repair the wrong done the Poncas. It says:

\* \* \* \* \*

We should be more prompt and anxious because they are weak and we are strong. In my judgment we should be liberal to the verge of lavishness in the expenditure of our money to improve their condition, so that they and all others may know that, although, like all nations and all men, we may do wrong, we are willing to make ample reparation.

The report of the commission appointed by me, of which General Crook was chairman, and the testimony taken by them and their investigations, add very little to what was already contained in the official reports of the Secretary of the Interior and the report of the Senate

committee touching the injustice done to the Poncas by their removal to the Indian Territory. Happily, however, the evidence reported by the commission and their recommendations point out conclusively the true measures of redress which the Government of the United States ought now to adopt.

The commission in their conclusions omit to state the important facts as to the present condition of the Poncas in the Indian Territory, but the evidence they have reported shows clearly and conclusively that the Poncas now residing in that Territory, 521 in number, are satisfied with their new homes; that they are healthy, comfortable, and contented, and that they have freely and firmly decided to adhere to the choice announced in their letter of October 25, 1880, and in the declaration of December 27, 1880, to remain in the Indian Territory and not to return to Dakota.

The evidence reported also shows that the fragment of the Ponca tribe—perhaps 150 in number—which is still in Dakota and Nebraska prefer to remain on their old reservation.

In view of these facts I am convinced that the recommendations of the commission, together with the declaration of the chiefs of December last, if substantially followed, will afford a solution of the Ponca question which is consistent with the wishes and interests of both branches of the tribe, with the settled Indian policy of the Government, and, as nearly as is now practicable, with the demands of justice.

Our general Indian policy for the ~~future~~ should embrace the following leading ideas:

1. The Indians should be prepared for citizenship by giving to their young of both sexes that industrial and general education which is required to enable them to be self-supporting and capable of self-protection in a civilized community.
2. Lands should be allotted to the Indians in severalty, inalienable for a certain period.
3. The Indians should have a fair compensation for their lands not required for individual allotments, the amount to be invested, with suitable safeguards, for their benefit.
4. With these prerequisites secured, the Indians should be made citizens and invested with the rights and charged with the responsibilities of citizenship.

It is therefore recommended that legislation be adopted in relation to the Ponca Indians, authorizing the Secretary of the Interior to secure to the individual members of the Ponca tribe, in severalty, sufficient land for their support, inalienable for a term of years and until the restriction upon alienation may be removed by the President. Ample time and opportunity should be given to the members of the tribe freely to choose their allotments either on their old or their new reservation.

Full compensation should be made for the lands to be relinquished, for their losses by the Sioux depredations and by reason of their removal to

the Indian Territory, the amount not to be less than the sums named in the declaration of the chiefs made December 27, 1880.

In short, nothing should be left undone to show to the Indians that the Government of the United States regards their rights as equally sacred with those of its citizens.

The time has come when the policy should be to place the Indians as rapidly as practicable on the same footing with the other permanent inhabitants of our country.

I do not undertake to apportion the blame for the injustice done to the Poncas. Whether the Executive or Congress or the public is chiefly in fault is not now a question of practical importance. As the Chief Executive at the time when the wrong was consummated, I am deeply sensible that enough of the responsibility for that wrong justly attaches to me to make it my particular duty and earnest desire to do all I can to give to these injured people that measure of redress which is required alike by justice and by humanity.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION,  
*Washington, February 2, 1881.*

*To the House of Representatives:*

I transmit herewith, for consideration and appropriate action by Congress, a letter from the Secretary of the Navy, in relation to the proposed establishment of naval stations of the United States on the American Isthmus. In this paper the current testimony of prominent officers of this Government for a long series of years, as to the feasibility and necessity of establishing such stations and the great advantage to flow therefrom to the naval and commercial interests of the United States, is clearly set forth, and the considerations adduced can not but commend themselves, I am confident, to the careful attention of Congress. Convinced of the wisdom and propriety of the suggestions thus presented, I recommend to Congress the appropriation of the sum named by the Secretary of the Navy, to be at his disposal at once, for expenditure as soon as suitable arrangements can be made to the proposed end.

R. B. HAYES.

EXECUTIVE MANSION, *February 4, 1881.*

*To the Senate and House of Representatives:*

I herewith transmit a communication from the Secretary of the Navy, with reference to the dispatch of a vessel for the relief of the *Jeannette* polar expedition, and commend the recommendations of the Secretary to the prompt and favorable action of Congress.

R. B. HAYES.

EXECUTIVE MANSION, *February 14, 1881.*

*To the Senate and House of Representatives:*

I herewith transmit the final report addressed to me by the commissioners appointed under the act of Congress approved July 19, 1876, authorizing the repavement of that part of Pennsylvania avenue lying between the Treasury Department and the Capitol Grounds.

R. B. HAYES.

WASHINGTON, *February 17, 1881.*

*To the House of Representatives:*

I transmit herewith a report of the Secretary of State, in response to the resolution addressed to him by the House of Representatives of the 31st of January ultimo, on the subject of international action for the restoration of silver to full use as money.

The prospect of an early international conference, promising valuable results in accordance with the interests of this country, is such that I recommend to the immediate attention of Congress an appropriation providing for the proper representation of this Government at such conference.

R. B. HAYES.

WASHINGTON, *February 21, 1881.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate of 15th of June, 1880, requesting the Secretary of State to report to that body at its next regular session what changes, if any, of the laws regulating the management of the Department of State, or of the divisions and the bureaus thereof, are necessary or would be beneficial in promoting the efficiency or economy of its administration or management, and also to make report concerning the mode of keeping the departmental accounts, the checks and safeguards upon expenditures, and the administrative or clerical changes for the better which may suggest themselves as expedient, I transmit herewith a report from the Secretary of State upon the subjects embraced in that resolution so far as they touch the Department of State.

R. B. HAYES.

EXECUTIVE MANSION, *February 25, 1881.*

*To the Senate of the United States:*

I transmit herewith, for the consideration of the Senate with a view to advising and consenting to the ratification thereof, a convention for the extradition of criminals, between the United States of America and the United States of Colombia, signed at Bogotá on the 3d of January, 1881. I also transmit certain correspondence touching the negotiation of said convention.

R. B. HAYES.



EXECUTIVE MANSION,  
Washington, February 25, 1881.

*To the Senate of the United States:*

I transmit herewith to the Senate, for its consideration with a view to ratification in due course, a convention supplementary to the consular convention of May 8, 1878, between the United States of America and His Majesty the King of Italy, concluded in the city of Washington on the 24th of February, 1881.

R. B. HAYES.

EXECUTIVE MANSION, February 28, 1881.

*To the Senate of the United States:*

I transmit herewith a copy of proclamation\* for the convening of an extra session of the Senate of the United States at the Capitol, in the city of Washington, on the 4th day of March next, at noon.

R. B. HAYES.

EXECUTIVE MANSION, February 28, 1881.

*To the Senate and House of Representatives:*

I transmit herewith a copy of a letter addressed to the chairman of the Civil Service Commission on the 3d of December last, requesting to be furnished with a report upon the result in the post-office and custom-house in the city of New York of the application of the civil-service rules requiring open competitive examinations for appointments and promotions, together with the report of Hon. Dorman B. Eaton, the chairman of the Commission, in response.

The report presents a very gratifying statement of the results of the application of the rules referred to in the two largest and most important local offices in the civil service of the Government. The subject is one of great importance to the people of the whole country. I would commend the suggestions and recommendation of the chairman of the Commission to the careful consideration of Congress.

R. B. HAYES.

EXECUTIVE MANSION,  
Washington, February 28, 1881.

*To the Senate of the United States:*

I transmit herewith, in answer to the resolution of the Senate of the 20th ultimo, a report from the Secretary of State, with accompanying papers.†

R. B. HAYES.

\* See pp. 639-640.

† Correspondence relative to the sending to the United States by foreign governments of criminals, paupers, and insane persons.

EXECUTIVE MANSION, *March 3, 1881.*

*To the Senate of the United States:*

I have the honor to inform the Senate that Hon. Benjamin Harrison, Senator elect from the State of Indiana, has resigned his office as a member of the Commission for the Improvement of the Mississippi River, and the same has been accepted to take effect March 3, 1881.

R. B. HAYES.

EXECUTIVE MANSION, *March 3, 1881.*

*To the Senate of the United States:*

I have the honor to inform the Senate that Hon. John Sherman, Senator elect from the State of Ohio, has resigned the position of Secretary of the Treasury, and that said resignation has been accepted to take effect at the close of the present day.

R. B. HAYES.

## VETO MESSAGE.

EXECUTIVE MANSION, *March 3, 1881.*

*To the House of Representatives:*

Having considered the bill entitled "An act to facilitate ~~the~~ refunding of the national debt," I am constrained to return it to the House of Representatives, in which it originated, with the following statement of my objections to its passage:

The imperative necessity for prompt action and the pressure of public duties in this closing week of my term of office compel me to refrain from any attempt to make a full and satisfactory presentation of the objections to the bill.

The importance of the passage at the present session of Congress of a suitable measure for the refunding of the national debt which is about to mature is generally recognized. It has been urged upon the attention of Congress by the Secretary of the Treasury and in my last annual message. If successfully accomplished, it will secure a large decrease in the annual interest payment of the nation, and I earnestly recommend, if the bill before me shall fail, that another measure for this purpose be adopted before the present Congress adjourns.

While, in my opinion, it would be unwise to authorize the Secretary of the Treasury, in his discretion, to offer to the public bonds bearing 3½ per cent interest in aid of refunding, I should not deem it my duty to interpose my constitutional objection to the passage of the present bill if it did not contain, in its fifth section, provisions which, in my judgment, seriously impair the value and tend to the destruction of the present national banking system of the country. This system has now been in

operation almost twenty years. No safer or more beneficial banking system was ever established. Its advantages as a business are free to all who have the necessary capital. It furnishes a currency to the public which for convenience and security of the bill holder has probably never been equaled by that of any other banking system. Its notes are secured by the deposit with the Government of the interest-bearing bonds of the United States.

The section of the bill before me which relates to the national banking system, and to which objection is made, is not an essential part of a refunding measure. It is as follows:

SEC. 5. From and after the 1st day of July, 1881, the 3 per cent bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation or as security for the safe-keeping and prompt payment of the public money deposited with such banks; but when any such bonds deposited for the purposes aforesaid shall be designated for purchase or redemption by the Secretary of the Treasury, the banking association depositing the same shall have the right to substitute other issues of the bonds of the United States in lieu thereof: *Provided*, That no bond upon which interest has ceased shall be accepted or shall be continued on deposit as security for circulation or for the safe-keeping of the public money; and in case bonds so deposited shall not be withdrawn, as provided by law, within thirty days after ~~the~~ interest has ceased thereon, the banking association depositing the same shall be subject to the liabilities and proceedings on the part of the Comptroller provided for in section 5234 of the Revised Statutes of the United States: *And provided further*, That section 4 of the act of June 20, 1874, entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," be, and the same is hereby, repealed, and sections 5159 and 5160 of the Revised Statutes of the United States be, and the ~~same~~ are hereby, reenacted.

Under this section it is obvious that no additional banks will hereafter be organized, except possibly in a few cities or localities where the prevailing rates of interest in ordinary business are extremely low. No new banks can be organized and no increase of the capital of existing banks can be obtained except by the purchase and deposit of 3 per cent bonds. No other bonds of the United States can be used for the purpose. The one thousand millions of other bonds recently issued by the United States, and bearing a higher rate of interest than 3 per cent, and therefore a better security for the bill holder, can not after the 1st of July next be received as security for bank circulation. This is a radical change in the banking law. It takes from the banks the right they have heretofore had under the law to purchase and deposit as security for their circulation any of the bonds issued by the United States, and deprives the bill holder of the best security which the banks are able to give by requiring them to deposit bonds having the least value of any bonds issued by the Government.

The average rate of taxation of capital employed in banking is more than double the rate of taxation upon capital employed in other legitimate business. Under these circumstances, to amend the banking law so as to deprive the banks of the privilege of securing their notes by the most valuable bonds issued by the Government will, it is believed, in a

large part of the country, be a practical prohibition of the organization of new banks and prevent the existing banks from enlarging their capital. The national banking system, if continued at all, will be a monopoly in the hands of those already engaged in it, who may purchase the Government bonds bearing a more favorable rate of interest than the 3 per cent bonds prior to next July.

To prevent the further organization of banks is to put in jeopardy the whole system, by taking from it that feature which makes it, as it now is, a banking system free upon the same terms to all who wish to engage in it. Even the existing banks will be in danger of being driven from business by the additional disadvantages to which they will be subjected by this bill. In short, I can not but regard the fifth section of the bill as a step in the direction of the destruction of the national banking system.

Our country, after a long period of business depression, has just entered upon a career of unexampled prosperity.

The withdrawal of the currency from circulation of the national banks, and the enforced winding up of the banks in consequence, would inevitably bring serious embarrassment and disaster to the business of the country. Banks of issue are essential instruments of modern commerce. If the present efficient and admirable system of banking is broken down, it will inevitably be followed by a recurrence to other and inferior methods of banking. Any measure looking to such a result will be a disturbing element in our financial system. It will destroy confidence and surely check the growing prosperity of the country.

Believing that a measure for refunding the national debt is not necessarily connected with the national banking law, and that any refunding act would defeat its own object if it imperiled the national banking system or seriously impaired its usefulness, and convinced that section 5 of the bill before me would, if it should become a law, work great harm, I herewith return the bill to the House of Representatives for that further consideration which is provided for in the Constitution.

RUTHERFORD B. HAYES.

## PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at 12 o'clock on the 4th of March next to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Rutherford B. Hayes, President of the United States,

have considered it to be my duty to issue this my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on the 4th day of March next, at 12 o'clock at noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the 28th day of February, A. D. 1881, and of the Independence of the United States of America the one hundred and fifth.

R. B. HAYES.

By the President:

WM. M. EVARTS,  
*Secretary of State.*

## EXECUTIVE ORDER.

EXECUTIVE MANSION,

*Washington, February 22, 1881.*

The SECRETARY OF WAR:

In view of the well-known fact that the sale of intoxicating liquors in the Army of the United States is the cause of much demoralization among both officers and men, and that it gives rise to a large proportion of the cases before general and garrison courts-martial, involving great expense and serious injury to the service—

*It is therefore directed,* That the Secretary of War take suitable steps, as far as practicable consistently with vested rights, to prevent the sale of intoxicating liquors as a beverage at the camps, forts, and other posts of the Army.

R. B. HAYES.